



# Planning Commission Agenda

Meeting of December 2, 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 Garcia**

## **Approval of Minutes**

1. Approval of Minutes from the Meeting of November 18, 2019

## **Approval of Agenda**

2. Approval of the Agenda for the Meeting on December 2, 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 distilled spirits, extension of operating hours, and addition of a bar at an existing restaurant (Slappy's Burgers and Brews) located at 1105 E. Plaza Blvd., Ste. "D" (Case File No. 2019-28 CUP)

**OTHER BUSINESS**

4. Request for reduction in off-street commercial parking spaces for a proposed 16 unit mixed-use project to be located at 611 Highland Avenue (Case File No. 2019-32 SPR)

**STAFF REPORTS**

Senior Assistant City Attorney

Director of Community Development

Principal Planners

Commissioners

Chairperson

**ADJOURNMENT**

Adjournment to the next regularly scheduled meeting on December 16, 2019 at 6:00 p.m.



## Planning Commission Minutes

Planning Commission  
Meeting of November 18, 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 6:00 p.m.

### **Roll Call**

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

Commissioners Absent: Garcia

Staff Also Present: Director of Community Development Armando Vergara, Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Director of the Housing Authority Carlos Aguirre

**Pledge of Allegiance** Presented by Commissioner Sendt.

1. Approval of Minutes from the Meeting of November 4, 2019.

Motion by Yamane, second by Baca to approve the Minutes for the Meeting of November 4, 2019.

### **Motion carried by the following vote:**

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

**Abstain:** None.

**Noes:** None.

**Absent:** Garcia

2. Approval of the Agenda for the Meeting of November 18, 2019.

Motion by Natividad, second by Flores to approve the Agenda for the Meeting of November 18, 2019.

**Motion carried by the following vote:**

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

**Abstain:** None.

**Noes:** None.

**Absent:** Garcia

**ORAL COMMUNICATION:** None.

**PRESENTATIONS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**PUBLIC HEARINGS**

3. Resolution Taking Action on a Conditional Use Permit for a Tobacco Specialty Business (Hookah Paradise) located at 309 Highland Avenue (Case File No. 2019-26 CUP)

Principal Planner Martin Reeder advised that due to new information, the application for this Conditional Use Permit was deemed invalid. The item was pulled from the agenda.

**OTHER BUSINESS:**

4. Public Hearing and Introduction of an Ordinance of the City Council of the City of National City Amending Section 16.06.060 (Functions And Authority - Planning Commission to Function as Committee on Housing and Community Development - Ex Officio Members) of Title 16 (City Boards, Commissions, and Committees) of the National City Municipal Code on November 19, 2019.

Senior Assistant City Attorney Nicole Pedone advised that the item was incorrectly titled as a Public Hearing. She clarified that the Commissioners would not be approving an introduction of an ordinance and that the item would be heard as a discussion item.

Presented by the Director of the National City Housing Authority Carlos Aguirre.

Five out of the six Commissioners present commented that the two Ex-Officio Committee members should be financially compensated for their service.

In response to a question posed by Commissioner Dela Paz, Senior Assistant City Attorney Nicole Pedone advised that she would research the limitations placed on the Committee members as it relates to research and outreach for any projects brought forward for discussion. Ms. Pedone stated that she would report back to the Commissioners.

**STAFF REPORTS:**

**Senior Assistant City Attorney:** None.

**Armando Vergara, Director of Community Development:** None.

**Principal Planner:** None.

**COMMISSIONER REPORTS:**

With the exception of Commissioner Sendt, there were no reports by the Commissioners.

Commissioner Sendt requested that staff provide the dates of the upcoming League of California Cities Planning Commissioners Academy. He also requested that staff provide information for any housing-related training to assist Commissioners with their service on the Housing and Community Development Committee.

**ADJOURNMENT** by Chair Sendt at 6:38 p.m. to the meeting of December 2, 2019.

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CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of December 2, 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 DISTILLED SPIRITS, EXTENSION OF OPERATING HOURS, AND ADDITION OF A BAR AT AN EXISTING RESTAURANT (SLAPPY’S BURGERS AND BREWS) LOCATED AT 1105 E. PLAZA BLVD. STE. ‘D’

Case File No.: 2019-28 CUP

Location: Plaza Village Center

Assessor’s Parcel Nos.: 556-590-63

Staff report by: Chris Stanley, Assistant Planner

Applicant: Rafael Vasquez

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

Adjacent use and zoning:

- North: Commercial and Residential/ MXD-2 and MXC-2 (Major Mixed-Use Corridor)
- East: Commercial / MXD-2
- South: Commercial across Plaza Blvd. / MXD-2
- West: Commercial and Central Elementary / MXD-2, MXC-2, and I (Institutional)

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 distilled spirits, extension of operating hours, and addition of a bar at an existing restaurant, Slappy's Burgers and Brews, 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 distilled spirits at an existing restaurant (Slappy's Burgers and Fries). The restaurant currently has a Type 41 (On Sale Beer & Wine) license, but would like to sell distilled spirits in addition to beer and wine, convert an existing counter into a bar, and extend the hours of alcohol sales. The current beer and wine sales hours are 11 a.m. to 10 p.m. daily. The hours for the sale of alcohol, as proposed by the applicant, are 7 a.m. to 11 p.m. Sunday through Thursday and 7 a.m. to 12 a.m. Friday and Saturday. A Type 47 (On Sale General - Eating Place) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

### Site Characteristics

The project location is an existing 2,000 square-foot restaurant located at 1105 East Plaza Blvd. Ste. 'D'. The development is located on the north side of Plaza Blvd. in the middle of the block between 'L' Ave. and 'J' Ave. Commercial uses exist to the east and west of the commercial development, as well as south across Plaza Blvd.; north of the property is residential and farther west is Central Elementary. The suite was previously a Chinese food restaurant (Panda Palace).

### Proposed Use

The applicant is proposing to sell distilled spirits in addition to the current approved sale of beer and wine at the restaurant. The floor plan provided with this application shows 18 tables with 67 chairs and the proposed bar. Per City Council Policy 707, alcohol shall only be sold in conjunction with food. Proposed alcohol sales hours are from 7 a.m. to 11 p.m. Sunday through Thursday and 7 a.m. to 12 a.m. Friday and Saturday. The current CUP does not allow for a bar or counter from which beer and wine can be sold, therefore, these conditions need to be removed and/or modified. 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 377 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Monday, October 28th, 2019 at 5:00 p.m. at the subject restaurant. The meeting advertisement is attached (Attachment 7); there were no attendees. The applicant stated that the same 377 occupants and owners that were notified of the Planning Commission meeting were notified of the community meeting.

Distance Requirements - Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school; there are no schools within 660 feet of the site. In addition, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question has over 50% of its floor area devoted to seating.

Alcohol Sales Concentration/Location

Per ABC, there are currently 14 on-site sale licenses in this census tract (117) where a maximum of eight are recommended, meaning that the census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets however, one of the 14 outlets is the subject business. For reference, the on-site alcohol outlets in the census tract are:

<b>Name</b>	<b>Address</b>	<b>License Type*</b>	<b>CUP</b>
American Legion Post 255	35 E. 18 <sup>th</sup> St.	52	-
Chuck E. Cheese's	1143 Highland Ave.	41	Y
Royal Mandarin	1132 E. Plaza Blvd. Ste. 205 & 206	41	Y
VFW Post 4630	1401 Highland Ave.	52	Y
Golden Chopsticks	1430 E. Plaza Blvd. E22- 23A	41	Y
Ginza Sushi	925 E. Plaza Blvd. Ste. 'G'	41	Y
Lai Thai	1430 E. Plaza Blvd. E10-11	47	Y
Café La Maze	1441 Highland Ave.	47	-

Grill House at Big Ben	106 E. 8 <sup>th</sup> St.	41	Y
Yi Sushi #2	1430 E. Plaza Blvd. Ste. E-7B	41	Y
Crab Fever	1420 E. Plaza Blvd. D2	41	Y
Karina's	1705 Highland Ave.	41	Y
Sushi Galbi	1519 Highland Ave.	41	Y
Slappy's Burgers and Brews	1105 E. Plaza Blvd.	41	Y

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

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

Hours of Operation

There is an existing CUP for the property, which allows for the sale of beer and wine between the hours of 11 a.m. and 10 p.m. daily; the owner would like to extend the hours so that alcohol can be served from 7 a.m. to 11 p.m. Sunday through Thursday and 7 a.m. to 12 a.m. Friday and Saturday. The Institute for Public Strategies (IPS) usually 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 no comments for the proposed project, although they usually recommend that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training as well as the sale of alcohol 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 15 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 distilled spirits 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 sale of distilled spirits would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of distilled spirits 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 alcohol as well as the hours that it will be available; no alcohol 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, the sale of distilled spirits 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 sale of alcoholic beverages pursuant to law.

#### Findings for Denial

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

1. The proposed use is not deemed essential to the public necessity, as the restaurant already has a CUP to serve beer and wine.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-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 distilled spirits 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 the restaurant already has a CUP for the on-site sale of beer and wine.

Options

1. Approve 2019-28 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2019-28 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. 2019-28 CUP, dated 10/9/2019)
5. Public Hearing Notice (Sent to 377 property owners & occupants)
6. Census Tract & Police Beat Maps
7. Community Meeting Advertisement
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

2019-28 CUP – 1105 E. Plaza Blvd. Ste. 'D'

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 alcohol as well as the hours that it will be available; no alcohol 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 sale of alcoholic beverages pursuant to law.

**RECOMMENDED FINDINGS FOR DENIAL**

2019-28 CUP – 1105 E. Plaza Blvd. Ste. 'D'

1. The proposed use is not deemed essential to the public necessity, as the restaurant already has a CUP to serve beer and wine.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

## RECOMMENDED CONDITIONS OF APPROVAL

2019-28 CUP – 1105 E. Plaza Blvd. Ste. 'D'

### General

1. This Conditional Use Permit authorizes the sale of distilled spirits for on-site consumption, the extension of alcohol sales hours, and addition of a bar at an existing restaurant located at 1105 E. Plaza Blvd. Ste. 'D'. Unless specifically modified by this resolution, all conditions contained in Planning Commission Resolution No. 18-88 shall still apply. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-28 CUP, dated 10/9/2019.
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.

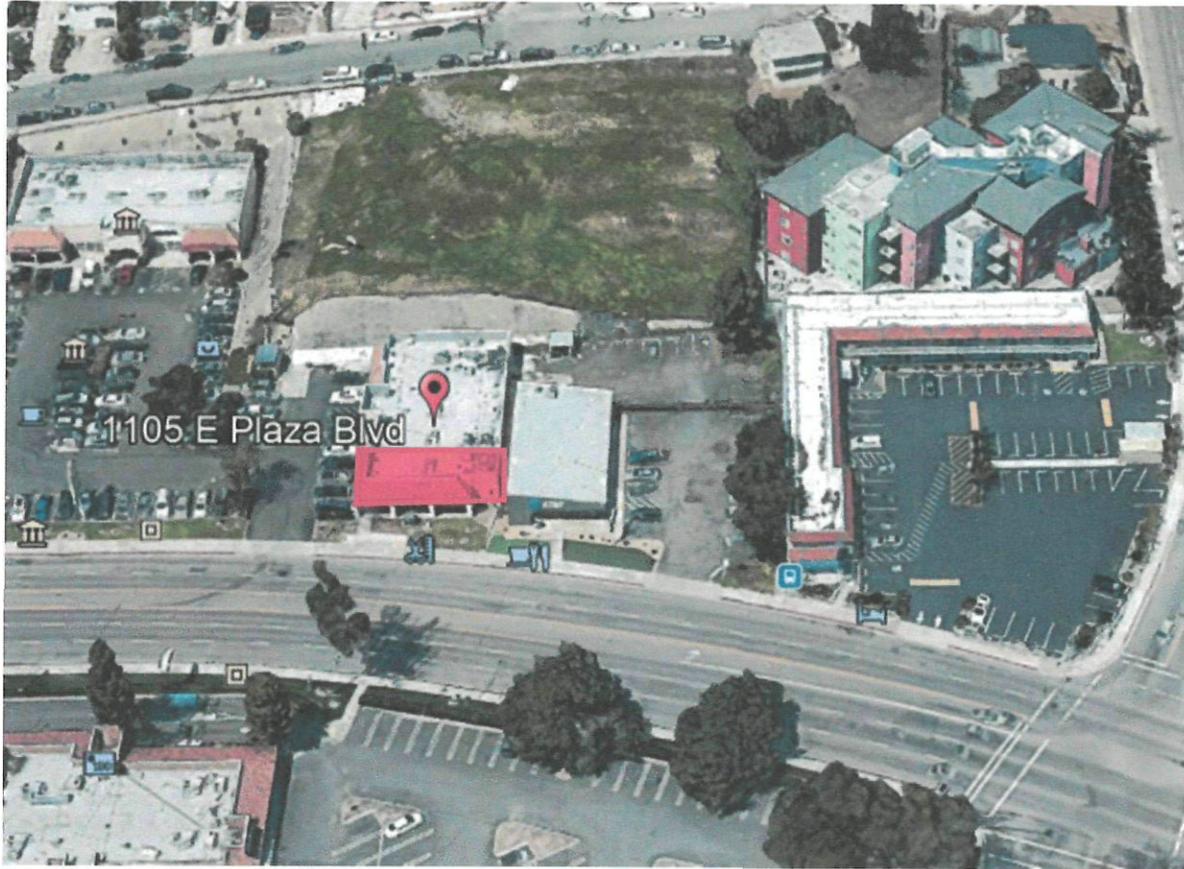
### Planning

6. All sellers of alcohol under this Conditional Use Permit 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 7 a.m. to 11 p.m. Sunday through Thursday and 7 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. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.

2019-28 CUP - 1105 E. Plaza Blvd. Ste. 'D' - Overhead





Address: 1105 E. Plaza Blvd., Ste D  
National City, CA

APN: 556-590-63-00

Zoning District: 6

Land Use: Commercial

Total Site Area: 1.66 acres/72,309 sf

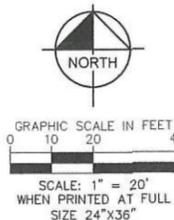
Building Area: 28,805

Applicant:  
Slappy's Burgers & Brews  
1105 E. Plaza Blvd.  
National City, CA

Applicant Representative:  
Steve Rawlings  
Rawlings Consulting  
26023 Jefferson Ave., Suite D  
Murrieta, CA 92562  
951-667-5152

Property Owner:  
Gung Poe LLC  
c/o Performa Property Management  
Attn: Eva Hum,  
P. O. Box 90793,  
San Diego, CA 92169

Proposed Use:  
Permit to sell beer, wine & distilled spirits for on-site consumption at an (ABC Type 47 License) at an existing restaurant that currently sells beer & wine and extend operating hours.

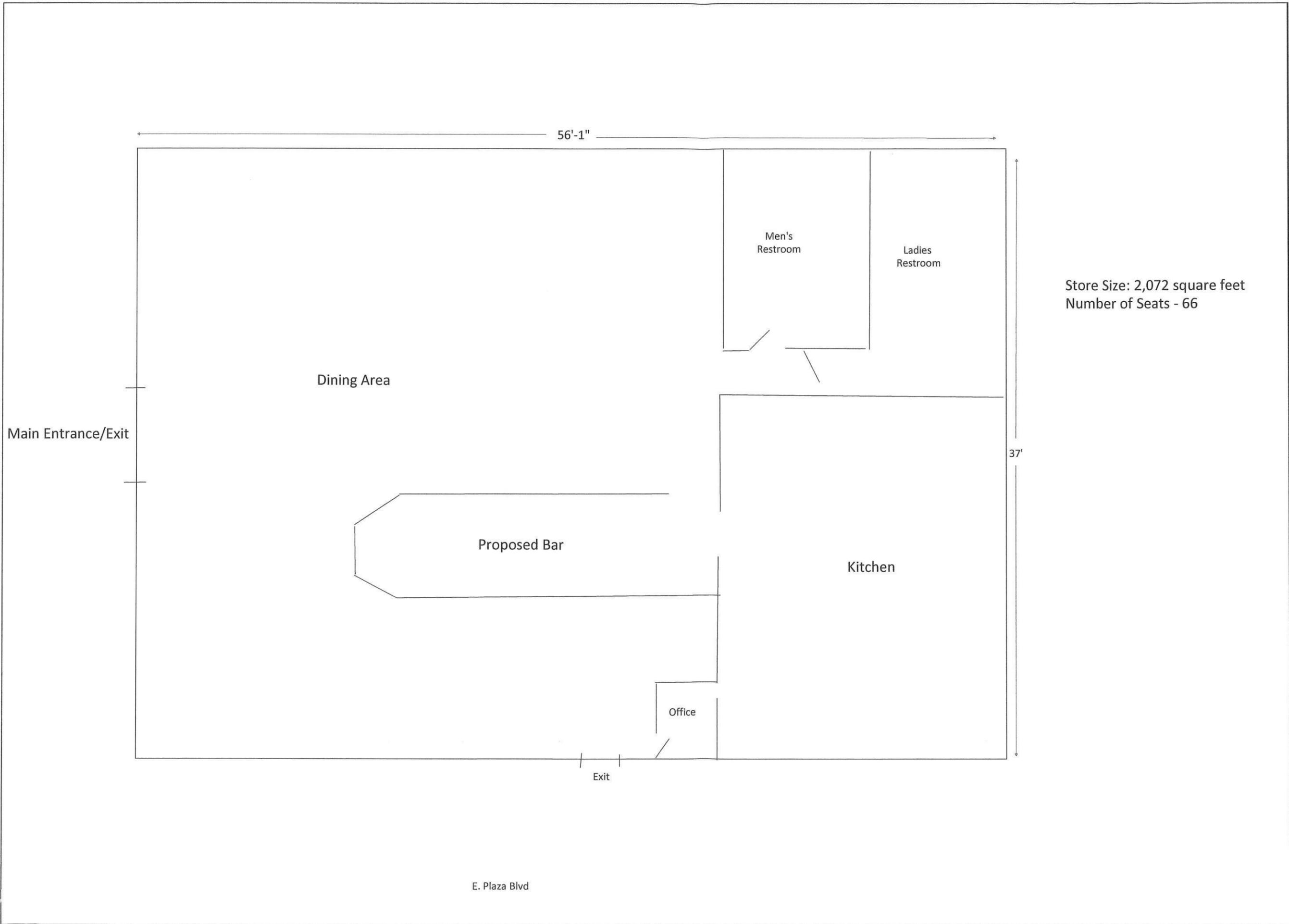


No.	REVISIONS	DATE	BY

SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

**SITE PLAN**  
1105 E. Plaza Drive  
National City, CA

**Slappy's Burgers & Brews**



**Slappy's Burgers and Brews**  
1105 E. Plaza Blvd., Suite D  
National City, CA

**JOB NO.**

**REVISION**

△-.

△-.

△-.

**DATE**

Sept. 15, 2019

**TITLE**

**FLOOR PLAN**

**SHEET**



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 DISTILLED SPIRITS,  
EXTENSION OF OPERATING HOURS, AND ADDITION OF A BAR  
AT AN EXISTING RESTAURANT (SLAPPY'S BURGERS AND BREWS)  
LOCATED AT 1105 E. PLAZA BLVD. STE. 'D'  
CASE FILE NO.: 2019-28 CUP  
APN: 556-590-63

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, December 2, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Rafael Vasquez)

The project site is an existing 2,000 square-foot restaurant in the Major Mixed-Use District (MXD-2) zone. The business is currently licensed for beer and wine sales, but is requesting to include distilled spirits for on-site consumption (ABC Type 47 License). The applicant is also requesting the removal of a condition of the original license prohibiting a bar and modifying the previously-approved operating hours. The proposed business operation hours are 7 a.m. to 11 p.m. Sunday through Thursday and 7 a.m. to 12 a.m. Friday and Saturday.

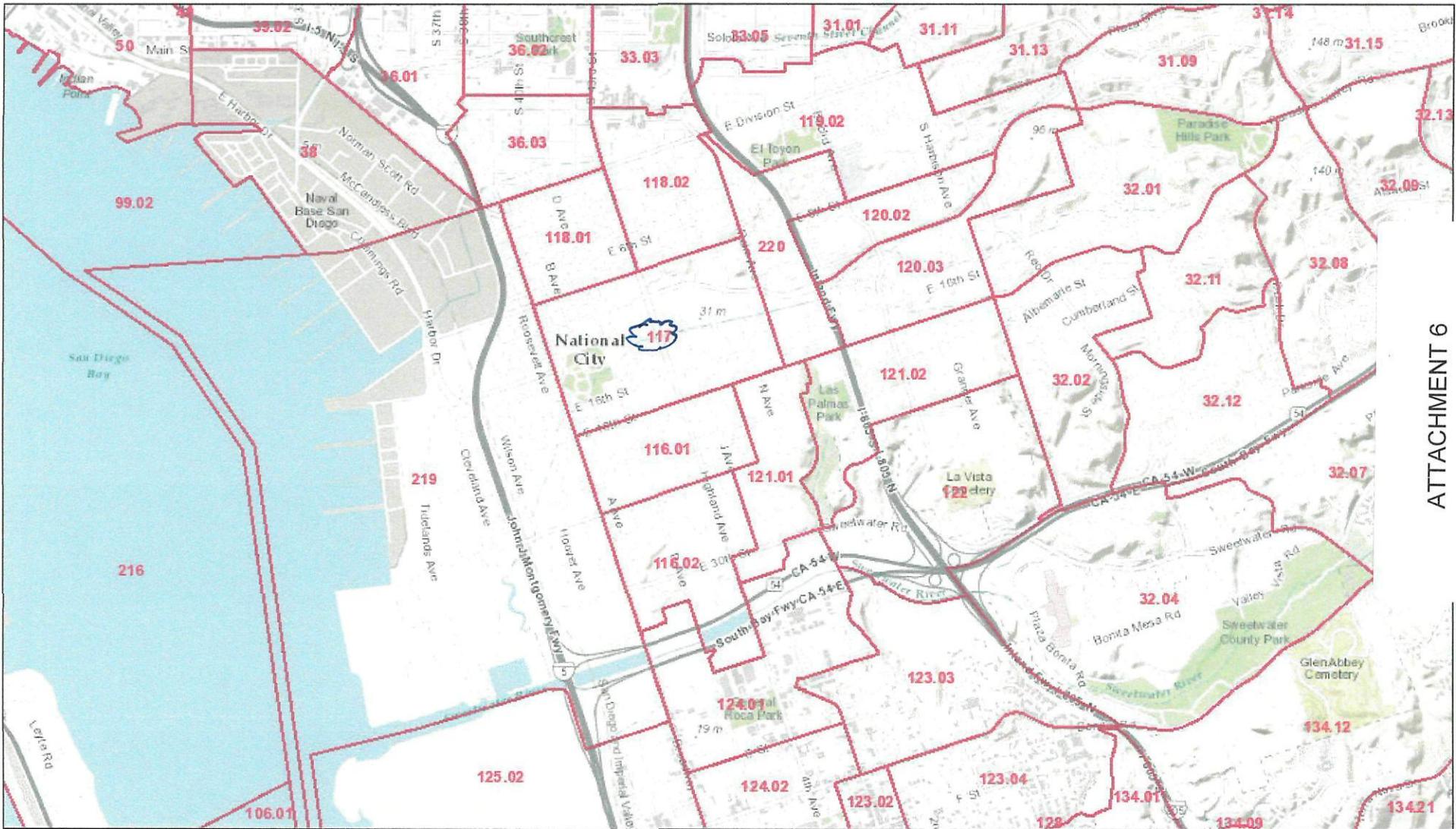
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **December 2, 2019** by the Planning Division, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

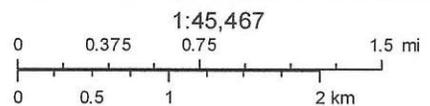
ARMANDO VERGARA  
Director of Community Development

ATTACHMENT 5



August 25, 2014

Census Tracts 2010



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



Rawlings Consulting  
PO Box 96  
Murrieta, CA 92562



You are invited to attend a:  
**COMMUNITY MEETING**  
**Date:** October 28th, 2019  
**Time:** 5:00 p.m.

**Meeting Address:** 1105 E. Plaza Blvd., Suite D, National City, CA

This meeting is to inform citizens of a use permit application that has been filed for the service of beer, wine and distilled spirits as well as later hours at Slappy's Burgers and Brews located at 1105 E. Plaza Blvd., Suite D, National City, CA.

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed restaurant operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Steve Rawlings, the Applicant's representative at 951-667-5152 or via email at [SER@Rawlingspm.com](mailto:SER@Rawlingspm.com).

*This notice is being sent to you in fulfillment of the City 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.*

# 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

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

POLICY  
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR

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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

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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

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- 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.

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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: 10/22/2019

BUSINESS NAME: Slappy's Burgers & Brews

ADDRESS: 1105 E. Plaza Blvd., Ste. D, National City, CA 91950

OWNER NAME: Rafael Vazquez DOB: 08/03/1982

OWNER ADDRESS: 3218 Main St. A, Chula Vista, CA 91911

(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)

<p><b>Notes:</b></p> <p><u>II. Will close after 11 PM on Fri-Sat</u></p> <p>_____</p> <p>_____</p> <p><u>V. Tract 117 allows for 8 on sale licenses.</u></p> <p><u>It currently has 14.</u></p> <p>_____</p>
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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)  <b>Total Points</b> <u>15</u>
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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:**

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Completed by: W.Walters Badge ID: 398

RESOLUTION NO. 2019-23

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE SALE OF DISTILLED  
SPIRITS, EXTENSION OF OPERATING HOURS, AND ADDITION OF A BAR AT  
AN EXISTING RESTAURANT LOCATED AT  
1105 EAST PLAZA BOULEVARD SUITE 'D'  
CASE FILE NO. 2019-28 CUP  
APN: 556-590-63

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of distilled spirits, the extension of alcohol sales hours, and addition of a bar at an existing restaurant for a property located at 1105 East plaza Boulevard Ste. 'D' at a duly advertised public hearing held on December 2, 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. 2019-28 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 December 2, 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 distilled spirits 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 sale of distilled spirits would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of distilled spirits 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 alcohol as well as the hours that it will be available; no alcohol 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 the sale of distilled spirits 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 sale 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 distilled spirits for on-site consumption, the extension of alcohol sales hours, and addition of a bar at an existing restaurant located at 1105 E. Plaza Blvd. Ste. 'D'. Unless specifically modified by this resolution, all conditions contained in Planning Commission Resolution No. 18-88 shall still apply. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-28 CUP, dated 10/9/2019.
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 under this Conditional Use Permit 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 7 a.m. to 11 p.m. Sunday through Thursday and 7 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. 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 December 2, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2019-23

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE ALCOHOL SALE OF  
DISTILLED SPIRITS, EXTENSION OF OPERATING HOURS, AND ADDITION OF A  
BAR AT AN EXISTING RESTAURANT LOCATED AT  
1105 EAST PLAZA BOULEVARD SUITE 'D'  
CASE FILE NO. 2019-28 CUP  
APN: 556-590-63

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of distilled spirits, the extension of alcohol sales hours, and addition of a bar at an existing restaurant for a property located at 1105 East plaza Boulevard Ste. 'D' at a duly advertised public hearing held on December 2, 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. 2019-28 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 December 2, 2019, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as the restaurant already has a CUP to serve beer and wine.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of December 2, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON



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

**PLANNING COMMISSION STAFF REPORT**

Title: REDUCTION IN OFF-STREET COMMERCIAL PARKING SPACES FOR A PROPOSED 16-UNIT MIXED-USE PROJECT TO BE LOCATED AT 611 HIGHLAND AVENUE.

Case File No.: 2019-32 SPR

Location: East side of Highland Avenue, south of East 6<sup>th</sup> Street

Assessor's Parcel No.: 556-411-03

Staff report by: Martin Reeder, AICP –Principal Planner

Applicant: Kire Builders

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

Adjacent land use/zoning:

North: Tax office / MXC-1

East: Single-family residential use / RS-2 (Small Lot Residential)

South: Apartments / MXC-1

West: Commercial use and residence across Highland Avenue / MXC-1

Environmental review: Comprehensive Land Use Update Environmental Impact Report, May 2011, SCH #2010051009

Staff recommendation: Approve reduction in off-street parking spaces

## **BACKGROUND**

### **Staff Recommendation**

Staff recommends approval of the reduction in required off-site commercial parking spaces in conjunction with a new 16-unit mixed-use development. There is ample street frontage in this location to accommodate the guest spaces, which includes the conversion of an existing driveway to parking area, providing space for six additional angled parking spaces over the present condition.

### **Executive Summary**

The applicant has applied for a Site Plan Review to reduce the required amount of on-site guest parking by three spaces. The 16-unit development in question requires 20 parking spaces, 16 for the residential units and four for the 1,716 square feet of proposed commercial space. The reduction is part of a development that is permitted by right. Only the parking reduction itself is covered in this request.

### **Site Characteristics**

The project site is an approximately 14,550 square-foot commercial site in the Minor Mixed-Use Corridor (MXC-1) zone. The site is comprised of two lots, one developed with a commercial building and one with the associated parking lot. The property has 125 feet of frontage on Highland Avenue and has an alley running the length of the block behind the property to the east. There are two existing driveways on Highland Avenue, which are proposed to be abandoned. The southerly driveway leads to the parking lot and the northern driveway to a storage area. The property is currently developed with a former funeral home (Howard Heath Chapel), which has since closed for business. There are two angled parking spaces adjacent to the building.

### **Request**

The applicant is looking to redevelop the property with a 16-unit mixed-use project, which includes 1,716 square feet of commercial space. The previous commercial building will be demolished and the two properties merged and developed as one. The general building design would be commercial floor area along the Highland Avenue frontage with units behind and above. Access to the residential parking area will be from the alley to the east. The proposed site plan provides 17 parking spaces, including one handicapped-accessible space. Nine spaces are garage spaces, with the remaining 10 being surface space. A 16-unit mixed-use project requires one space per unit, plus 2.5

spaces per 1,000 square feet of commercial floor area, which equates to 16 and 4 (3.4 rounded up) respectively. Of the required 20 on-site parking spaces, 17 are provided.

The applicant is requesting a three-space reduction in on-site parking for the commercial use, as only one space is provided on site. The applicant is requesting Planning Commission approval of a reduction in off-street parking for three additional spaces, which would be provided on Highland Avenue. With the existing driveways abandoned, at least 76 feet-6 inches is provided along Highland Avenue, which equates to approximately six additional angled parking spaces. The new spaces would fill in the area between the existing angled spaces in front of and south of the project site. In addition, there would be additional area to the north of the property that could be striped for parking as a result of abandoning the northerly driveway.

**Analysis**

The MXC-1 zone allows for up to 48 units per acre, which is what is proposed in this case. Parking for mixed-use projects is as follows:

- One space per studio, 1 or 2-bedroom unit
- 1.5 spaces per 3-bedroom or more unit
- Two spaces per 1,000 square feet of nonresidential use

The applicant is proposing the following mix:

<b>Residential parking</b>	<b>Spaces required</b>	<b>Spaces provided</b>
Studio/1/2 bed-room (16)	16	16
3+ bedrooms (0)	0	0
<b>Nonresidential parking</b>	4	1
<b>Total parking</b>	<b>20</b>	<b>17</b>

Land Use Code authorization of the parking reduction

The Land Use Code allows for reductions in required parking for six separate scenarios:

1. Transportation Demand Management Program – not applicable.
2. Proximity to Transit (transit center within a ¼ mile) – not applicable.
3. Shared parking – not applicable.
4. Adjacent on-street parking – on a one-for-one basis.
5. Car sharing – not applicable.
6. Motorcycle parking Spaces – not applicable.

With the exception of motorcycle parking spaces, all the stated scenarios require approval of the Planning Commission. The project qualifies for one of the six reductions (adjacent on-street parking), due to the space available for on-street angled parking adjacent to the project; there is 76-1/2 feet of additional frontage on Highland Avenue provided by abandonment of the existing driveway. This equates to six parking spaces (based on a standard nine-foot wide parking space).

Authority of the Planning Commission to approve the parking reduction

The Planning Commission, appealable to the City Council, may approve a reduction in off-street parking spaces otherwise required by the strict application of this section, subject to conditions it deems appropriate, when the applicant has demonstrated to the City's satisfaction that the spaces proposed to be eliminated for the subject development are unnecessary and that the reduction will not adversely affect the site or the adjacent area. A reduction in parking spaces will only be allowed for adjacent on-street parking when said spaces are located along the public street frontage shared with the building's façade. For example, if a building fronting a public street measures 100 linear feet and four parking spaces are located adjacent to the 100 linear feet of frontage, the parking reduction may be four spaces. Fractions of spaces will not be permitted to count towards the reduction allowance. The applicant is showing six additional spaces adjacent to the property, which exceed the three being requested for reduction. Therefore, the project would qualify for a reduction of three on-site parking spaces.

Additional justification for parking reduction

As well as the adjacent street parking availability analyzed above, the following justification is proffered based on proximity to transit and to goods and services. The justification points are as follows:

1. Proximity to Transit – the project is within one block of the MTS Route 955 and 968 bus stop (north of the 8<sup>th</sup> Street and Highland Avenue intersection), which provides service between the SDSU Transit Center and 8<sup>th</sup> Street Trolley (955), and between Westfield Plaza Bonita and 8<sup>th</sup> Street Trolley (968)). An MTS Route 967 bus stop is just over two blocks from the project site (4<sup>th</sup> and Highland), which provides service between the 24<sup>th</sup> Street Trolley Station and Paradise Hills. With these nearby transit opportunities, the need for a personal vehicle is less.
2. Proximity to Goods and Services – The property is in close proximity to several businesses on Highland Avenue, which provide a host of goods and service opportunities, including, restaurants, banks, and shopping. With the ability to walk to goods and services, a personal vehicle is not as necessary.

General Plan Conformance

There are two General Plan policies that reference parking reductions:

**Policy C-5.7:** Allow for shared parking and parking requirement reductions for mixed-use and transit-oriented development.

The project is a mixed-use development and is also within two blocks of transit.

**Policy C-5.10:** Require new development and redevelopment to provide sufficient parking. In determining what constitutes sufficient parking, the City may take into consideration: 1) the overall effectiveness of the circulation system as a whole (i.e., pedestrians, bicyclists, motorized vehicles, etc.); 2) the particular needs of a specific location and/or project; and, 3) the need for increased densities and mixed-use development intended to aid in the reduction of personal vehicle use and the corresponding reduction in air pollution, energy consumption, greenhouse gas emissions, and other environmental effects.

Again, the project is a mixed-use development, in compliance with General Plan Policy. Combined with the proximity to transit, proximity to goods and services, the design of the project is intended to reduce personal vehicle use, consistent with Policy C-5.10. To this end, a condition is included to require opportunities in the design to incorporate active transportation goals related to alternative modes of transportation (e.g. bicycle, walk, etc.).

California Environmental Quality Act

The potential impacts associated with this type of development, including those related to parking reductions, were analyzed in the Environmental Impact Report for the Comprehensive Land Use Update in May 2011. The finding is based on qualitative information provided in Appendix F of the General Plan (Circulation Element), which took into account available street parking and the likelihood of the reduction in vehicle use due to high density development (among other types of development). The street in this location did not exceed parking capacity during peak times, as noted in Appendix F.

**Summary**

With all factors taken into account, staff is satisfied that the spaces proposed to be eliminated for the subject development are unnecessary and that the reduction will not adversely affect the site or the adjacent area. In addition, three extra angled parking spaces are being provided, on top of those already available. A project of this size requires 20 parking spaces. The proposal provides 17 parking spaces, including the construction of six additional angled spaces on Highland Avenue. Therefore, the three-space on-site parking deficit can be accommodated on the adjacent right-of-way.

**OPTIONS**

1. Approve reduction of off-street parking spaces subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny reduction in off-street parking spaces, based on attached findings or findings to be determined by the Planning Commission; or,
3. Continue the item for additional information.

**ATTACHMENTS**

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Site photos
5. Project Description
6. Applicant's Plans (Exhibit A, Case File No. 2019-32 SPR, dated 11/18/2019)
7. Resolutions



MARTIN REEDER, AICP  
Principal Planner



ARMANDO VERGARA  
Director of Community Development

**RECOMMENDED FINDINGS FOR APPROVAL**  
**OF THE PARKING REDUCTION REQUEST**

2019-32 SPR – 611 Highland Avenue

1. That the on-site spaces proposed to be eliminated for the subject development are unnecessary, because the spaces are provided adjacent to the property on an adjacent street, the project is in close proximity to a transit stop, and within walking distance of goods and services, all of which will promote less reliance on vehicles.
2. That the reduction will not adversely affect the site or the adjacent area, because there is over 125 feet of on-street parking area available adjacent to the property and because there is no established parking district in this area.

**RECOMMENDED FINDING FOR DENIAL**  
**OF THE PARKING REDUCTION REQUEST**

2019-32 SPR – 611 Highland Avenue

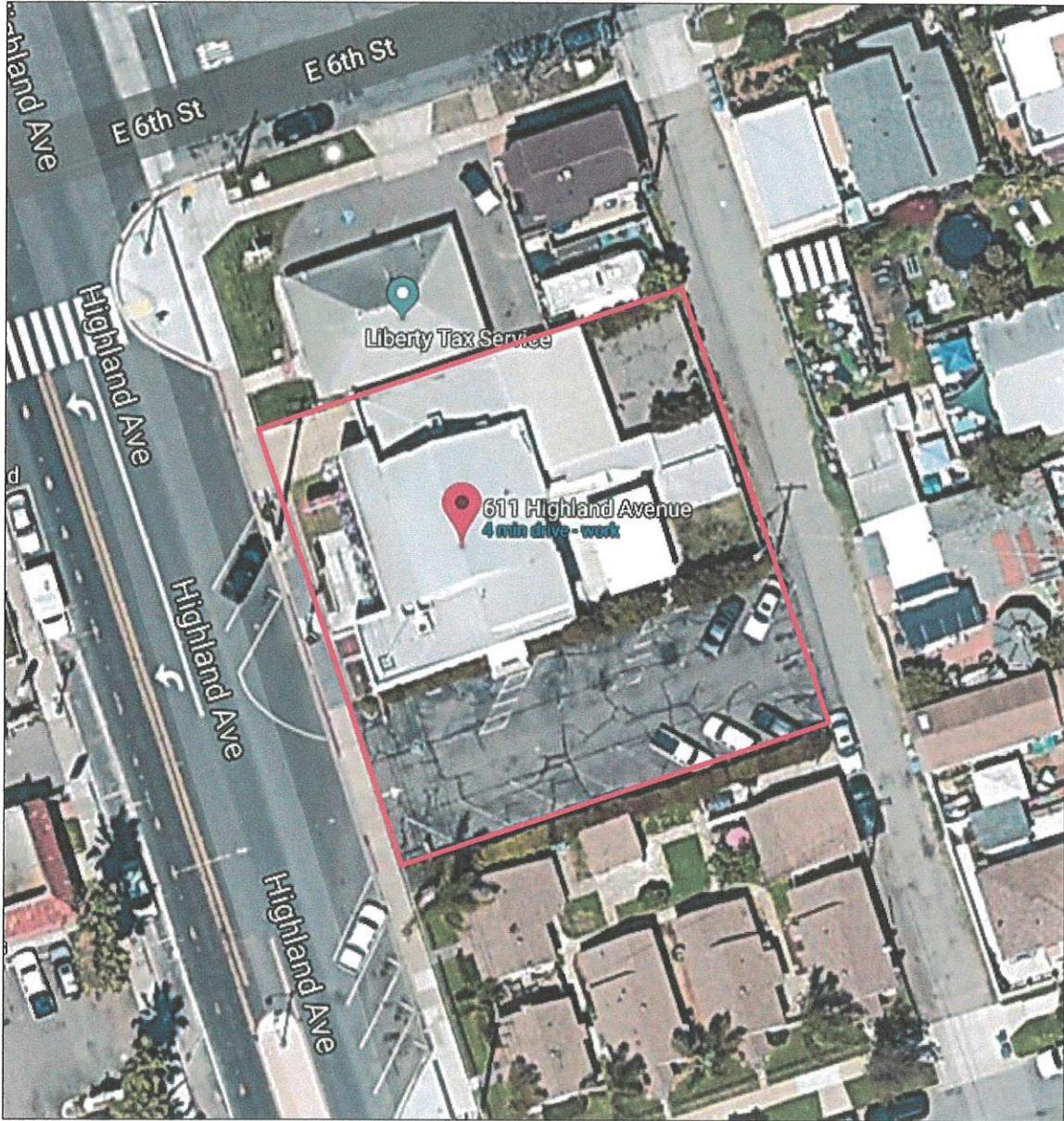
1. That the spaces proposed to be eliminated for the subject development are necessary, because there is a general shortage of on-street parking in the City.

## RECOMMENDED CONDITIONS OF APPROVAL

2019-32 SPR – 611 Highland Avenue

1. This Parking Reduction Request allows for the reduction of on-site parking by three parking spaces in relation to a 16-unit mixed-use project to be located at 611 Highland Avenue. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-32 SPR, dated 11/18/2019.
2. Plans submitted for development shall meet all Land Use Requirements with regard to density. A copy of the property survey shall be submitted with construction documents for building permits.
3. The applicant shall work with the Engineering and Public Works Department for all work in the right-of-way. New parking spaces shall be striped in accordance with City standards related to location, width, depth, visibility, etc. A minimum of three parking spaces shall be installed prior to final inspection of the redevelopment project.
4. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.

2019-32 SPR – 611 Highland Avenue – Overhead



2019-32 SPR – 611 Highland Avenue – Site Photos



Highland Avenue frontage looking east



Highland Avenue frontage looking east-northeast

## **Site Plan Review Application**

611 Highland Avenue

### Project Description:

KirE Homes IV, LLC (applicant) is currently working on a design for a new mixed use development project located at 611 Highland Avenue National City, CA 91950. The property is located in the MXC-1 zone and the lot area is 14,550 sf. The concept includes 16 residential units and 1,716 sf of ground floor commercial area which qualifies as "Mixed Use" per the Municipal Code. The on-site parking requirement for the concept would include 16 residential spaces and 3 non-residential spaces (Please refer to the supplemental parking table).

Currently, vehicle access to the site is provided by a curb cut on Highland Avenue and an alley on the eastern property line. The development concept would remove the curb cut on Highland Avenue and concentrate all vehicle access to the alley. As a result, 76'-6" of usable street frontage will be added. The applicant estimates that 6 new street parking spaces will be added as a result of the development (Please refer to the site plan exhibit).

Per Municipal Code Section 18.45.080(D), the applicant would like to request that City Staff and the Planning Commission consider allowing the mixed use development project to count the 3 required non-residential spaces within the 6 new spaces added off-site.

**611 HIGHLAND DEVELOPMENT CONCEPT  
PARKING TABLE**

*Prepared for Site Plan Review*

**Proposed Residential Unit Mix**

Type	#	%
1/1	2	13%
2/2	14	88%
<b>Total</b>	<b>16</b>	

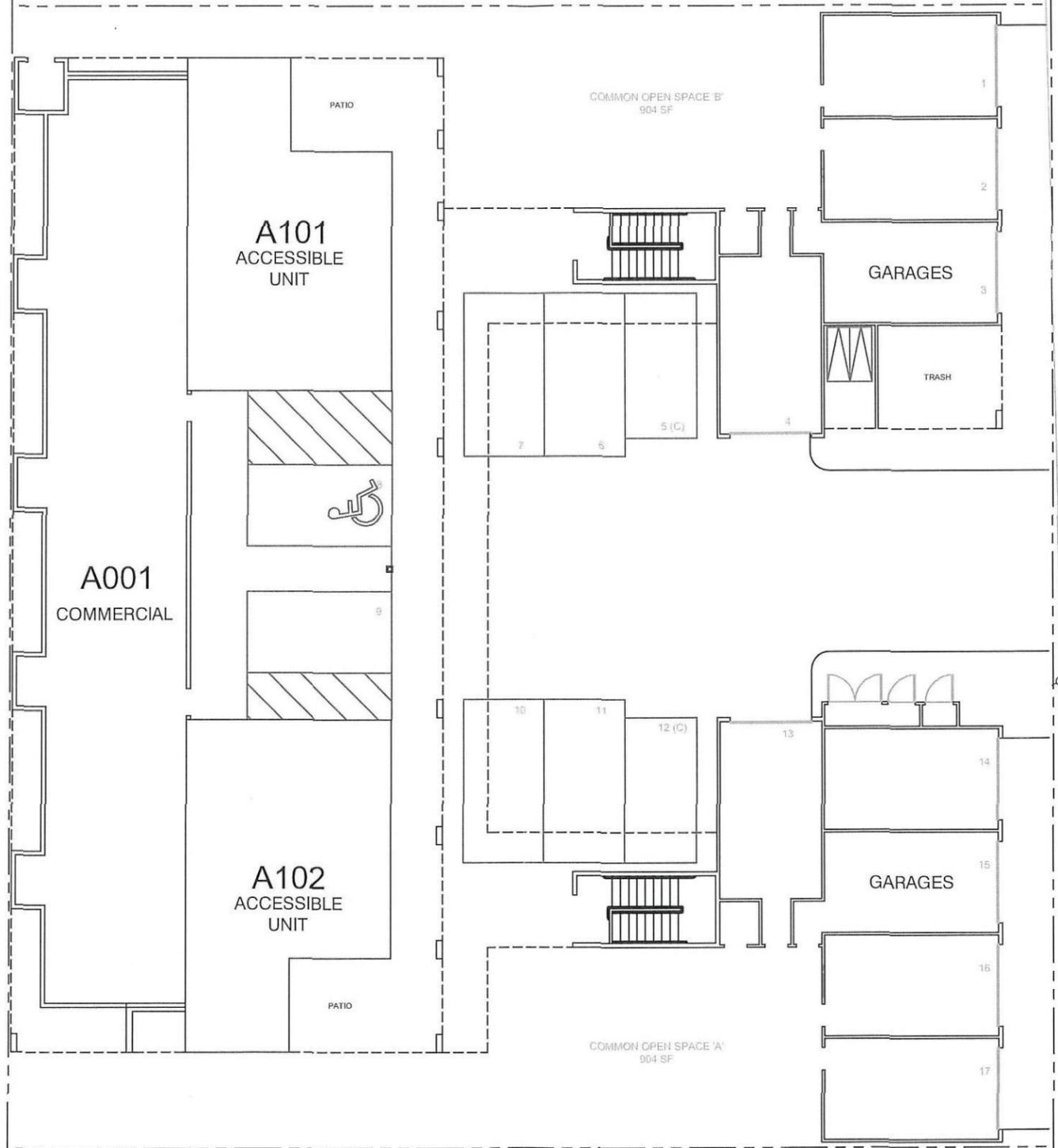
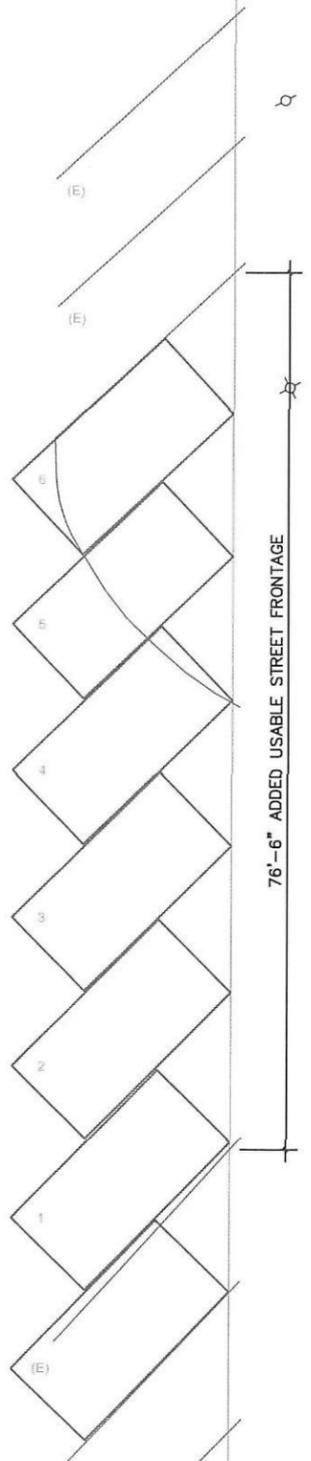
**Proposed Non-Residential Area:** 1,716 sf

**Parking Requirement**

Type	#	Spaces /du (or 1,000sf)	Required
1 Bed	2	1	2
2 Bed	14	1	14
Non-Residential	1,716	2	3.4
Total:			19.4
Rounded:			19

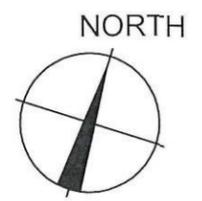
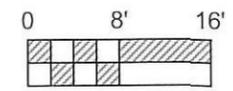
Number of street spaces added:	6
Street spaces requested for Non-Res Off-Site Req.:	3

HIGHLAND AVENUE



ALLEY

ATTACHMENT 6



RESOLUTION NO. 2019-24

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A PARKING REDUCTION REQUEST FOR A  
PROPOSED 16-UNIT MIXED-USE PROJECT  
TO BE LOCATED AT 611 HIGHLAND AVENUE.  
CASE FILE NO. 2019-32 SPR  
APN: 556-411-03

WHEREAS, the Planning Commission of the City of National City considered a parking reduction request for a proposed 16-unit mixed-use project at 611 Highland Avenue at a duly advertised public hearing held on December 2, 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. 2019-32 SPR 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; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

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 December 2, 2019, support the following findings:

1. That the on-site spaces proposed to be eliminated for the subject development are unnecessary, because the spaces are provided adjacent to the property on an adjacent street, the project is in close proximity to a transit stop, and within walking distance of goods and services, all of which will promote less reliance on vehicles.

2. That the reduction will not adversely affect the site or the adjacent area, because there is over 125 feet of on-street parking area available adjacent to the property and because there is no established parking district in this area.

BE IT FURTHER RESOLVED that the application for Site Plan Review is approved subject to the following conditions:

1. This Parking Reduction Request allows for the reduction of on-site parking by three parking spaces in relation to a 16-unit mixed-use project to be located at 611 Highland Avenue. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-32 SPR, dated 11/18/2019.
2. Plans submitted for development shall meet all Land Use Requirements with regard to density. A copy of the property survey shall be submitted with construction documents for building permits.
3. The applicant shall work with the Engineering and Public Works Department for all work in the right-of-way. New parking spaces shall be striped in accordance with City standards related to location, width, depth, visibility, etc. A minimum of three parking spaces shall be installed prior to final inspection of the redevelopment project.
4. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of December 2, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2019-24

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
DENYING A PARKING REDUCTION REQUEST FOR A  
PROPOSED 16-UNIT MIXED-USE PROJECT  
TO BE LOCATED AT 611 HIGHLAND AVENUE.  
CASE FILE NO. 2019-32 SPR  
APN: 556-411-03

WHEREAS, the Planning Commission of the City of National City considered a parking reduction request for a proposed 16-unit mixed-use project at 611 Highland Avenue at a duly advertised public hearing held on December 2, 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. 2019-32 SPR 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; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

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 December 2, 2019, support the following finding:

1. That the spaces proposed to be eliminated for the subject development are necessary, because there is a general shortage of on-street parking in the City.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of December 2, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON