



Planning Commission Agenda

Meeting of March 2, 2020 – 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 Yamane

Approval of Minutes

1. Approval of Minutes from the Meeting of February 3, 2020

Approval of Agenda

2. Approval of the Agenda for the Meeting on March 2, 2020

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 and live entertainment at a new bar (Paradise VYBZ) located at 309 Highland Avenue (Case File No. 2020-02 CUP)

OTHER BUSINESS

STAFF REPORTS

Senior Assistant City Attorney

Director of Community Development

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on March 16, 2020 at 6:00 p.m.



Planning Commission Minutes

Planning Commission
Meeting of February 3, 2020
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 Flores at 6:00 p.m.

Roll Call

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

Commissioners Absent: Baca

Staff Also Present: Director of Community Development Armando Vergara, Senior Assistant City Attorney Nicole Pedone, Assistant City Manager Tony Winney, Principal Planner Martin Reeder, Assistant Planner Chris Stanley

Pledge of Allegiance Presented by Commissioner Natividad.

1. Approval of Minutes from the Meeting of December 16, 2019.

Motion by Natividad, second by Yamane to approve the Minutes for the Meeting of December 16, 2019.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: Baca

2. Approval of the Agenda for the Meeting of February 3, 2020.

Motion by Yamane, second by Garcia to approve the Agenda for the Meeting of February 3, 2020.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: Baca

ORAL COMMUNICATION: Public Speaker Linda Pardy commented on the City's plant selection in Butterfly Park. Joan Rincon spoke to housing opportunities in National City.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS

3. Resolution Taking Action on a Tentative Parcel Map for the subdivision of one lot into four at the 3100 block of East 2nd Street and an exception for the required street frontage.

Presented by Assistant Planner Chris Stanley.

Applicant Jonathan Bender confirmed that he has read, understands, and accepts the conditions.

Public Speakers in Opposition:

Trish Dawson

JoElle Donahoo

Rick Holly

Anne Tamashin

Public Speaker in Support:

Sonya Flores

Motion by Yamane, second by Garcia to close the Public Hearing and approve a Resolution Taking Action on a Tentative Parcel Map for the subdivision of one lot into four at the 3100 block of East 2nd Street and an exception for the required street frontage.

Motion carried by the following vote:

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

Abstain: None.

Noes: None.

Absent: Baca

OTHER BUSINESS: None.

STAFF REPORTS:

Senior Assistant City Attorney: None.

Armando Vergara, Director of Community Development: Informed the Commissioners that the deadline for registration to attend the League of California Cities Planning Commissioners Academy was February 11, 2020. Mr. Vergara introduced Assistant City Manager Tony Winney.

Tony Winney, Assistant City Manager: Introduced himself and spoke to his professional background.

Principal Planners: None.

COMMISSIONER REPORTS:

Dela Paz: Welcomed Mr. Winney to the City of National City. Stated that she would pass on attending this year's Planning Commissioners Academy. Informed staff that a car with Mexican license plates had been parked and unmoved on Manchester Street for an extended period of time. Mr. Vergara advised that he would refer it to vehicle abatement staff.

Flores: Welcomed everyone to a new year.

Sendt: Advised that residents on Rachel Avenue between 8th and 6th streets were inquiring about how to slow traffic on Rachel Ave. and suggested a possible speed bump. Principal Planner Martin Reeder advised that he would refer it to Engineering & Public Works staff and the Traffic Safety Committee as well as provide information to Commissioner

Sendt at the next meeting about how residents could formalize their complaint.

There were no other reports from the Commissioners.

ADJOURNMENT by Chair Flores at 7:00 p.m. to the meeting of March 2, 2020.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of March 2, 2020.



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE AND LIVE ENTERTAINMENT AT A NEW BAR (PARADISE VYBZ) LOCATED AT 309 HIGHLAND AVE.

Case File No.: 2020-02 CUP

Location: 309 Highland Ave.

Assessor's Parcel Nos.: 556-180-18

Staff report by: Chris Stanley, Assistant Planner

Applicant: Jean Dumont

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

Adjacent use and zoning:

North: Single-Family Residential and Commercial (Foodland) / MXC-1 and RS-2 (Small Lot Residential)

East: Single-Family Residential, Commercial, and Multifamily Residential (Villa Real) / MXC-1, RS-2, and RM-2 (High Density Multi-Unit Residential)

South: Single-Family Residential and Commercial / MXC-1 and RS-2

West: Single-Family Residential and Commercial across Highland Ave. / MXC-1 and RS-2

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

Staff recommendation: Approval

Staff Recommendation

Staff recommends approval of the on-site sale of beer and wine and live entertainment at a new bar "Paradise VYBZ", subject to the attached recommended conditions and the operation hours of 2 p.m. to 12 a.m. daily. The sale of alcohol and live entertainment is conditionally allowed in the Minor Mixed-Use Corridor zone.

Executive Summary

The business has applied for a Conditional Use Permit (CUP) to operate a bar (Paradise VYBZ) for the on-site sale of beer and wine and, Alcoholic Beverage Control (ABC) Type 42 license. The proposed hours of operation by the applicant, are 2 p.m. to 2 a.m. daily. The applicant is also proposing live entertainment in the form of a DJ, which also requires a CUP.

Site Characteristics

The project location is an existing 1,600 square-foot retail space on the ground floor of a two story mixed-use building. The second story consists of two residential units. Commercial businesses are located north and south of the subject property and west across Highland Ave.; farther west, northeast, and southeast is single family residential; farther east is multi-family residential.

Proposed Use

The applicant is proposing to operate a bar for the on-site sale of beer and wine (Type 42). The floor plan provided with this application shows seven tables and a counter with 20 chairs. The proposed operation hours are from 2 p.m. to 2 a.m. daily. The applicant is proposing live entertainment in the form of a DJ that will perform on a raised platform in the rear, southeastern corner of the suite.

Analysis

Alcohol and live entertainment section 18.30.050 of the Land Use Code (LUC) allows for the sale of alcoholic beverages and live entertainment with an approved CUP. A single entertainer performing musical work is permitted, but additional entertainers, dancing, audience participation, karaoke, or other live entertainment requires 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 525 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Saturday, January 18, 2020 at 12 p.m. at the subject site. The meeting advertisement is attached (Attachment 7). There were no community members in attendance. According to the applicant, the same 525 occupants and owners that were notified of the Planning Commission meeting were notified of the community meeting.

Distance Requirements

The LUC states that a business shall not be located within 660 feet of any public school. The closest public school is Central Elementary School, approximately 1,800 feet away.

Alcohol Sales Concentration/Location - Per ABC, there are currently two on-sale licenses in this census tract (118.02) where a maximum of eight are recommended. For reference, the alcohol outlets in the census tract are:

Name	Address	License Type*	CUP
Cabo Wabo Grill	831 E. 8 th St.	40	N
Mariscos El Tiburon	543 Highland Ave.	41	Y

* Type 40 – On-Sale Beer

* Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place

General Plan

With the property being a mixed-use structure, with commercial on the ground level and residential on the second story, the potential impacts of amplified live entertainment must be addressed. Policy LU 3.7 limits the impacts from industrial or mixed-uses by establishing performance standards to regulate noise, glare, vibrations, odor, lighting, air pollution, and other potential disturbances. A condition regarding compliance with noise standards is attached.

Police Department

Based on a Risk Assessment provided by the Police Department, Paradise VYBZ has a risk factor of 16 points, which is a medium risk (13-18 points) out of 24. Each

category has a maximum of three points possible. Paradise VYBZ received three points for type of business (bar/night club), three points for hours of operation (closing after 11 pm), three points for entertainment (dancing/live music), and three points for crime rate (high).

Institute for Public Strategies (IPS)

IPS provided comments from nearby businesses; while no specific number of businesses were mentioned, or named, the ones interviewed by IPS were in opposition to the bar. IPS also provided considerations for if the CUP is approved: "high risk businesses", such as hookah lounges and bars can increase crime activity (Attachment 9); they also provide secondhand smoke health concerns.

Required 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 Minor Mixed-Use Corridor zone pursuant to a CUP, and the proposed use meets the required guidelines in the LUC for the sale of alcoholic beverages and live entertainment, as discussed in the staff report.

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

A condition that addresses concerns with noise will ensure conformance with Land Use Policy 3.7 and further in Table III of Title 12 (Noise) of the National City Municipal Code.

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. Parking was recently added to the site to bring it into conformance.

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

The site recently completed tenant improvements that brought the structure up to code, an example being additional parking on the property and an enclosed trash enclosure.

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.

There are conditions limiting the hours of operation, noise, and requiring security for the establishment.

6. The proposed project has been reviewed in compliance with the CEQA.

Per Section 15378, the project is not considered a project under CEQA, as no development is proposed; there is no physical impact as a result of the project.

Findings for Denial

1. The proposed use has the potential to cause noise impacts at late hours, which is inconsistent with General Plan Policy LU 3.7 in relation to noise standards in mixed-use zones.
2. The design, location, and operating characteristics of the proposed activity are incompatible with the existing and future land uses in the vicinity because the proposed hours of operation being until 2 a.m. daily and live amplified music could create a noise concern for existing and future residents of the second story residential units.
3. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located due to potential noise impacts to the residential uses on the second floor of the property as well as the potential increase in crime.

Conditions of Approval

The Planning Division is requiring that the doors remain closed at all times due to potential noise impacts. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code. In addition, standard Conditions of Approval have been included with this permit, as well as conditions specific to on-site alcohol sales per Council Policy 707 (hours of operation, employee training, accessory sales, etc.). All conditions contained in Council Policy 707 are typically required for new alcohol CUPs. However, the policy is geared towards retail food establishments that serve alcohol rather than bars. This is due to the City focusing on alcohol as an accessory use, rather than a primary use, due to historic problems associated with bars in the City in previous years. Therefore, certain policy conditions would need to be waived in order to approve this CUP.

Only the City Council may waive a policy condition, although it would be pertinent for the Planning Commission to make a recommendation in the case of a waiver request. In order for the Council to waive or modify a condition another public hearing would have to be held after the Planning Commission makes its decision.

The applicant is requesting the waiver of the following two conditions:

14. 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. Alcohol shall be available only in conjunction with the purchase of food.

The reason for the request is because alcohol sales and consumption would be the only function of the business. Therefore, there would be no sales of food, as stated in the condition. Novo Brazil, Embarcadero Brewing, and Over the Tap were granted waivers of the same two conditions.

Discussion at the Planning Commission and City Council hearings for Novo Brazil, Embarcadero Brewing, and Over the Tap included concerns related to alcohol-related impacts (over-consumption, public nuisance, etc.). However, it was understood that the nature of craft beer tasting rooms was counter to traditional bars or clubs, that they catered to a different clientele (e.g. craft beer connoisseurs), and were generally more expensive, thus offsetting any potential issues.

The business in question is not intended to cater to the craft beer market, which has been supported by the City through recent policies involving brewery tasting rooms. However, as stated above, Novo Brazil, Embarcadero Brewing, and Over the Tap were not limited to any type of alcoholic beverage other than “beer and wine”, nor would it be appropriate to limit as such; therefore, there is no guarantee that they will not become a standard bar in the future.

Summary

The proposed beer and wine bar meets all of the requirements of the Zoning Ordinance due to alcohol sales for on-site consumption being a conditionally-allowed use in the Minor Mixed-Use Corridor zone. Further, the bar is consistent with the General Plan as there is a policy (LU 3.7), that sets standards to regulate noise; the Zoning Ordinance also regulates noise per Table III of Title 12 (Noise). 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. Conditions of approval are intended to offset potential impacts which may result from operation of the business. The proposed hours of operation are from 2 p.m. to 2 a.m. daily. Live entertainment is proposed with this CUP in the form of a DJ. Staff is recommending approval based on the findings of this report.

Options

1. Approve 2020-02 CUP subject to conditions based on findings to be determined by the Planning Commission; or
2. Deny 2020-02 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
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2020-02 CUP, dated 9/24/2019)
5. Public Hearing Notice (Sent to 525 property owners & occupants)
6. Census Tract & Police Beat Maps
7. Community Meeting Advertisement
8. City Council Policy 707
9. Police Department Comments
10. IPS Comments
11. Resolutions



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2020-02 CUP – 309 Highland Ave.

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 Minor Mixed-Use Corridor zone pursuant to a CUP, and the proposed use meets the required guidelines in the LUC for the sale of alcoholic beverages and live entertainment, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because a condition that addresses concerns with noise will ensure conformance with Land Use Policy 3.7 and further in Table III of Title 12 (Noise) of the National City Municipal Code.
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. Parking was recently added to the site to bring it into conformance.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints because the site recently completed tenant improvements that brought the structure up to code, an example being additional parking on the property and an enclosed trash enclosure.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because there are conditions limiting the hours of operation, noise, and requiring security for the establishment.
6. The proposed project has been reviewed in compliance with the CEQA because per Section 15378, the project is not considered a project under CEQA, as no development is proposed; there is no physical impact as a result of the project.

RECOMMENDED FINDINGS FOR DENIAL

2020-02 CUP – 309 Highland Ave.

1. The proposed use has the potential to cause noise impacts at late hours, which is inconsistent with General Plan Policy LU 3.7 in relation to noise standards in mixed-use zones.
2. The design, location, and operating characteristics of the proposed activity are incompatible with the existing and future land uses in the vicinity because the proposed hours of operation being until 2 a.m. daily and live amplified music could create a noise concern for existing and future residents of the second story residential units.
3. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located due to potential noise impacts to the residential uses on the second floor of the property as well as the potential increase in crime.

RECOMMENDED CONDITIONS OF APPROVAL

2020-02 CUP – 309 Highland Ave.

General

1. This Conditional Use Permit authorizes a bar for the on-site sale of beer and wine at 309 Highland Ave. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2020-02 CUP, dated 9/24/2019.
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. The bar, including live entertainment, shall be permitted only between the hours of 2 p.m. to 12 a.m. daily.
7. The project shall have all necessary federal, state, or county permits prior to the opening of the business.
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 (waiver request).

9. Alcohol shall be available only in conjunction with the purchase of food (waiver request).
10. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies
11. All doors shall remain closed at all times due to the potential noise impacts.
12. No person under the age of twenty-one years of age may enter the premises.
13. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
14. Security shall be provided by the establishment during live entertainment performances to assure that there are no disturbances.
15. The bar will need an approved business license and any issues from the Building and Neighborhood Services Divisions addressed before it can operate.

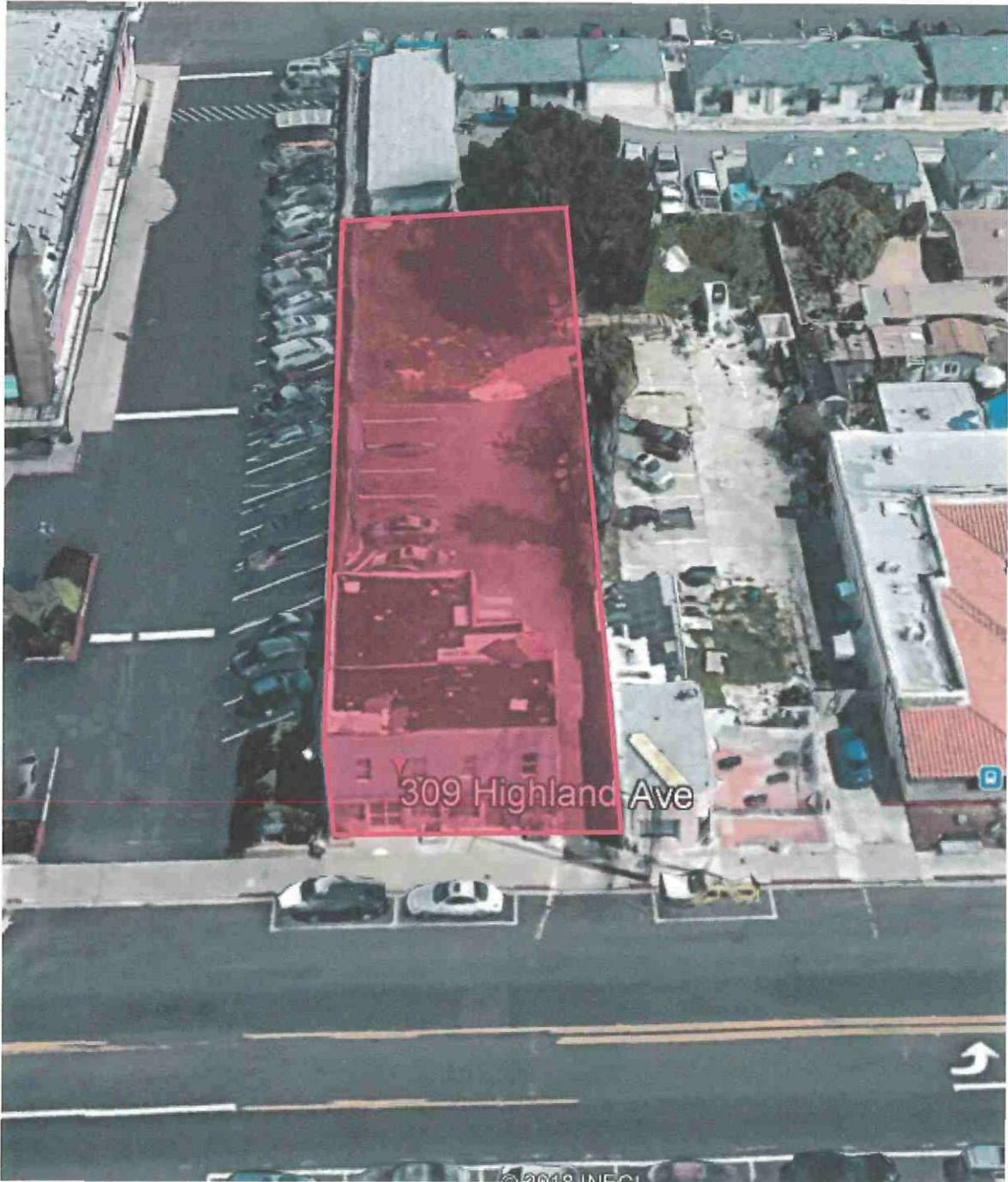
Fire

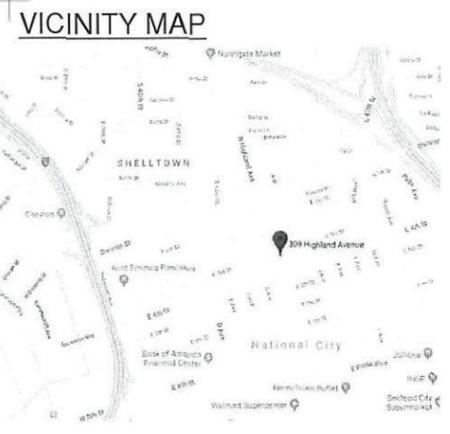
16. Project shall be designed to the current editions of NFPA, CFC and CCR.

Building

17. Any non-permitted work will need an approved building permit and need to be finalized by all departments before the bar can operate.

2020-02 CUP – 309 Highland Ave. – Overhead





PROJECT DATA

PROPERTY OWNER: Altadena Properties LLC c/o Mike Dallo
OWNER ADDRESS: 5075 Federal Blvd, San Diego, California 92102
TENANT NAME: Jean Dumont | Hookah Paradise LLC
PROJECT ADDRESS: 309 Highland Ave, National City, CA 91950

A.P.N.: 556-180-18-00
LEGAL DESCRIPTION: 000098 BLK 8 LOTS 3&4 POR IN ALLEY CLSD ADJ IN LOTS 17&18 ALL OF

ARCHITECT: ARTURO OUJO, AIA
 Investigations & Development of Experimental Architecture (I.D.E.A.)
 2404 Broadway, third floor, San Diego, CA 91950
C/T: (858)220-6964 / email: arturo@id3a.design

PROPERTY SUMMARY REPORT

APN: 556-180-18-00
ADDRESS: 309 HIGHLAND AVE 11 NATIONAL CITY CA 91950-1519
ZONE DESIGNATION: Zone MXC-1 "Minor Mixed Use Corridor" (in accordance with Section 18.30.230)
DISCRETIONARY PERMIT REQUIRED: 18.30.230 - Tobacco specialty businesses. Tobacco specialty businesses, where permitted pursuant to the Land Use Code, shall comply with the following standards:

1. A conditional use permit is required.
2. The business shall not be located within one thousand feet of any school, playground, recreation center or facility, childcare center, or library in the City of National City.
3. No alcohol or food may be sold or consumed on the premises.
4. No person under the age of twenty-one years of age may enter the premises unless that person is accompanied by his or her parent or legal guardian.

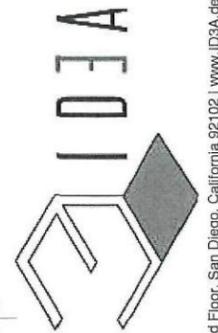
LOT SIZE: 10,533 SF
BUILDING TYPE: 2 Story Wood Framed

EXHIBIT: A
CASE FILE NO.: 2020-03 CUP
DATE: 9-24-19

SCOPE OF WORK
 CONDITIONAL USE PERMIT APPLICATION & TENANT IMPROVEMENT OF (E) BUSINESS USE SPACE FOR TOBACCO SPECIALTY PRODUCTS SALES AND CONSUMPTION - 1,604 SF

SHEET INDEX

Sheet Number	Sheet Name	Sheet Issue Date	Revision
TS	TITLE SHEET	09/08/19	
A1.1	FLOOR PLAN & ELEVATION	09/08/19	



HOOKAH PARADISE LLC
CONDITIONAL USE PERMIT @

309 Highland Ave, National City, CA 91950

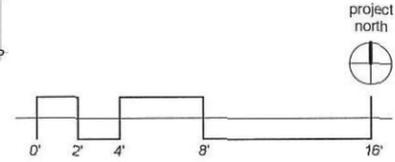
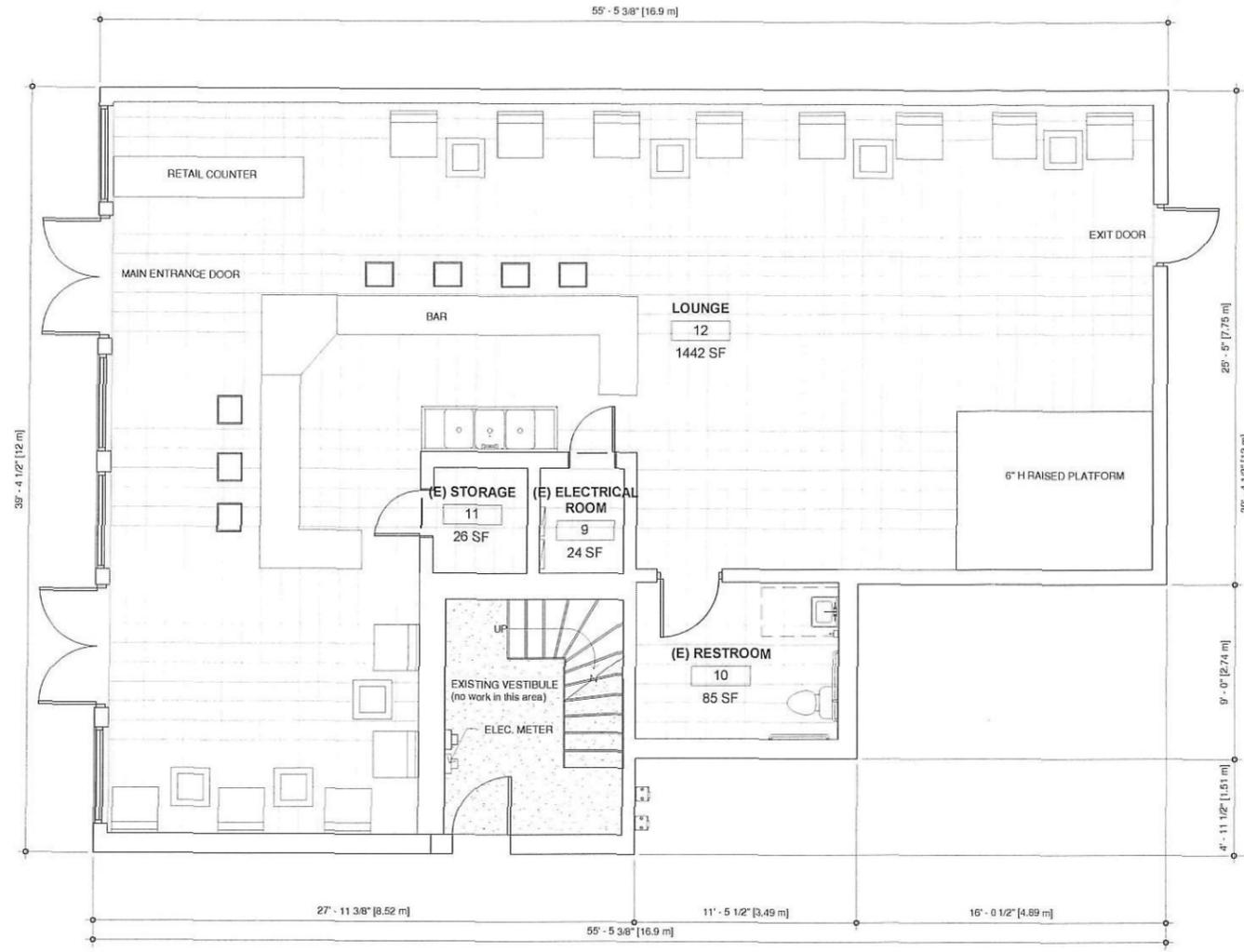


No.	Description	Date

TITLE SHEET

Project number	19-0524
Date	09/08/19
Drawn by	CT
Checked by	AO

TS
 Scale As indicated



1 GROUND FLOOR CONSTRUCTION PLAN
 1/4" = 1'-0"



2 West Elevation
 1/4" = 1'-0"

18.47.070 LARGE PERMANENT SIGNS IN COMMERCIAL, INDUSTRIAL, MIXED-USE AND INSTITUTIONAL ZONES
A. Specifications and Restrictions
 Except in shopping centers, large permanent signs (those exceeding 25 square feet in area) may be installed on or along the face of a building in commercial, and commercial uses in a mixed-use zone, industrial or institutional zones, subject to the following specifications and restrictions:
 Chapter Division 4
 National City Municipal Code • Title 18 General Design and Development Regulations
 Land Use Code • General Design and Development Regulations January/May, 2011
 4-61
 1. Signs shall be limited to one sign per business premise per frontage along a street, freeway, or parking lot.
 2. Sign area on the primary frontage shall not exceed 30 percent of the area of the building face or four square feet of sign for each linear foot of building face along that frontage, whichever is greater.
 3. Sign area on a secondary frontage shall not exceed 15 percent of the area of the building face or two square feet per linear foot of secondary frontage, whichever is greater.
 4. The sign face shall not be located, such as by a cabinet, deep lettering, or architectural feature, more than 18 inches from a building face unless an exception is approved pursuant to site plan review.



No.	Description	Date

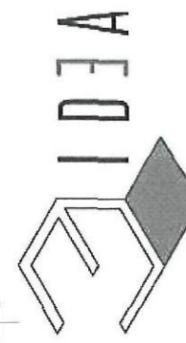
FLOOR PLAN & ELEVATION
 Project number: 19-0524
 Date: 09/08/19
 Drawn by: CT
 Checked by: AO

A1.1

Scale: 1/4" = 1'-0"

HOOKAH PARADISE LLC
CONDITIONAL USE PERMIT @

309 Highland Ave, National City, CA 91960





COMMUNITY DEVELOPMENT DEPARTMENT - 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 BAR (PARADISE VYBZ) LOCATED AT 309 HIGHLAND AVE.
CASE FILE NO.: 2020-02 CUP
APN: 556-180-18

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, March 2, 2020**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jean Dumont)

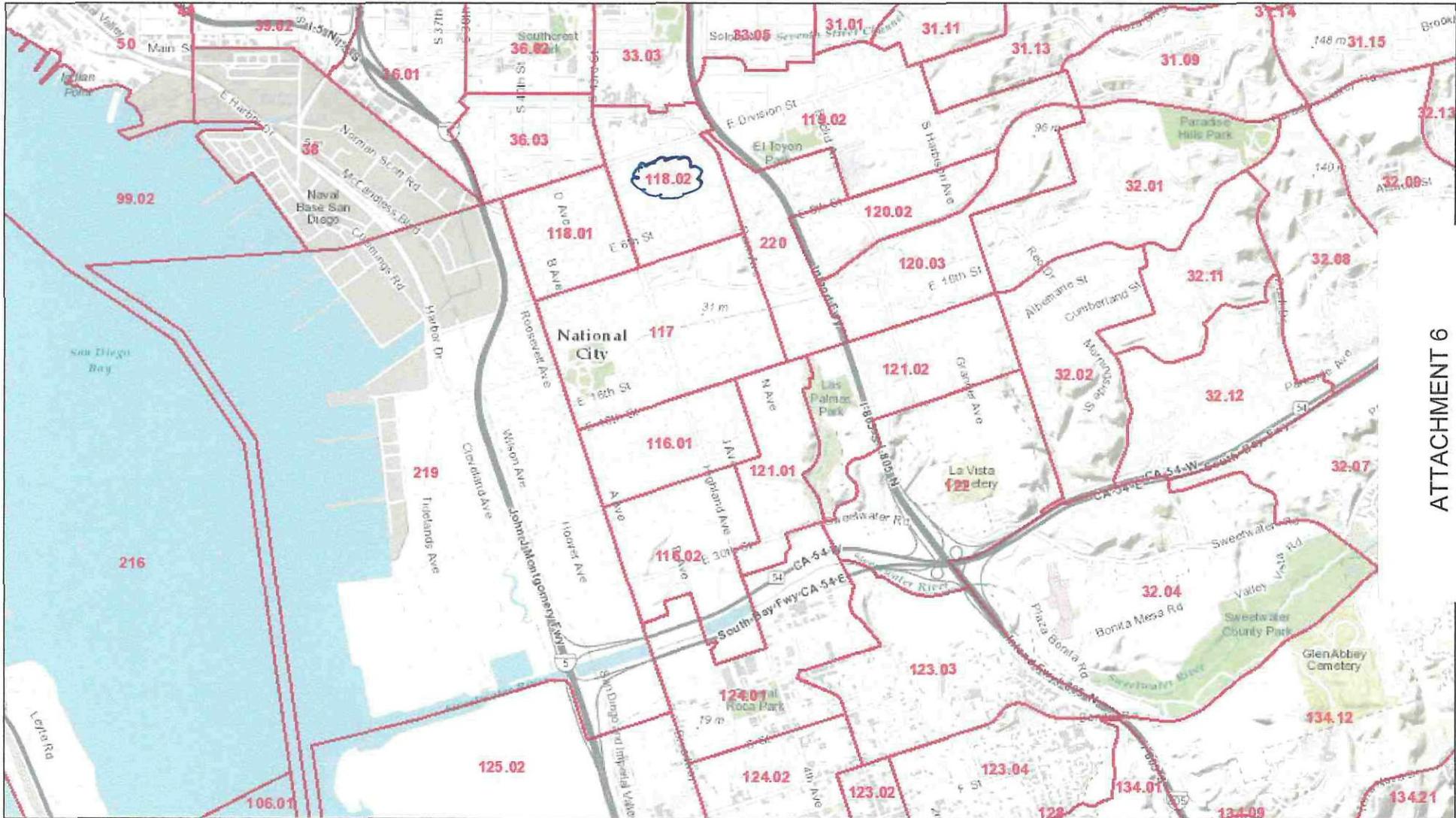
The project site is a bar proposing to serve beer and wine for on-site sale and consumption in an existing 1,600 square-foot commercial space in the Minor Mixed-Use Corridor (MXC-1) zone. The proposed operation hours are 2 p.m. to 2 a.m. daily. The applicant is also proposing live entertainment in the form of a DJ.

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., **March 2, 2020** 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

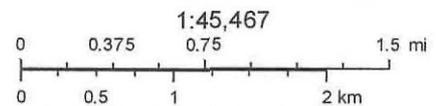
ARMANDO VERGARA
Director of Community Development



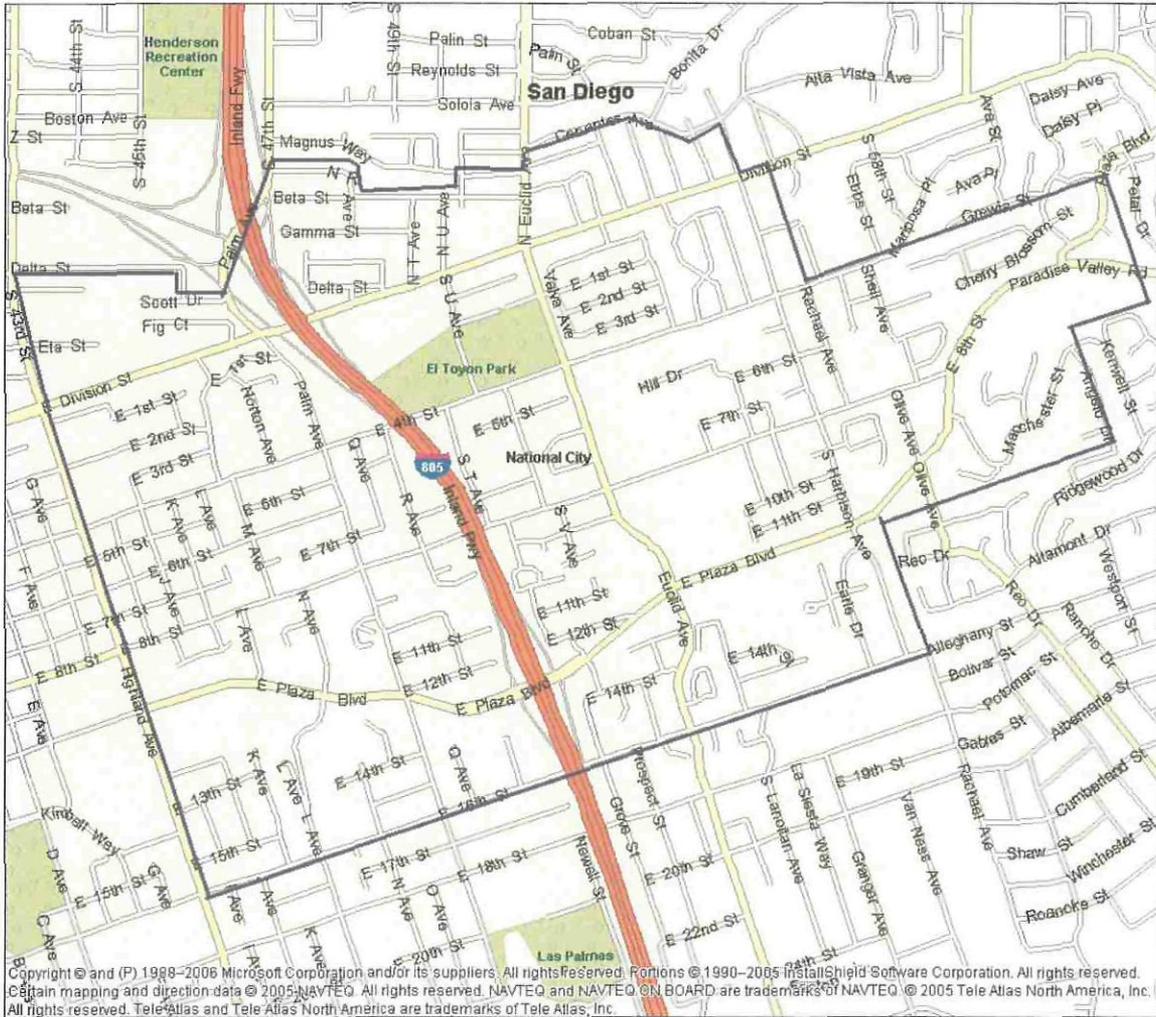
ATTACHMENT 6

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



City of National City Beat 21

Source: Microsoft Mappoint
NCPD CAU, 4/18/07

RECEIVED
CITY CLERK

2020 JAN 16 A 10:30

CITY OF NATIONAL CITY

Hookah Paradise LLC

309 Highland Ave

National City CA 91950-1519

To Our Neighbors,

This notification is to make you aware that we intend to open a bar at the following location, 309 Highland Ave, National City CA 91950-1519.

A community meeting will be held on Saturday January 18th, 2020 at 12pm for our surrounding neighbors at the location listed above. A brief presentation will be made about this project and your presence would be greatly appreciated.

Thank you for your time and attention,

Hookah Paradise LLC

Jean Andre Dumont

Natalie Dumont

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
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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

TITLE: Alcohol Beverage License Application Review Process
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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.

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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.

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

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

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

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

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>16</u>
--

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: Sgt. W. Walters Badge ID: 398

Environmental Scan for a National City CUP for Beer and Wine

Paradise VYBZ

309 Highland Avenue, National City, CA 91950

February 3, 2020



Photo of the proposed location for the Paradise VYBZ

An environmental scan was conducted on Monday, February 3, 2020 because Paradise VYBZ is applying for CUP for beer and wine to be sold at a bar for purchase and consumption on premises (Paradise VYBZ) located at 309 Highland Avenue, National City 91950.

The applicant is proposing a bar in a 1,600 square-foot commercial space in a minor mixed corridor zone. The proposed hours for the sale of operation hours are 2:00 p.m. to 2:00 a.m. daily with live entertainment. Their application does not specify whether food or beverages will be sold. There will be an estimated 3 employees per day.

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

- The business is located in a minor mixed-use corridor zone in close proximity to other local businesses, single-family residence and multi-housing units.

Funded by the San Diego County Health and Human Services Agency
2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

Youth Sensitive Areas

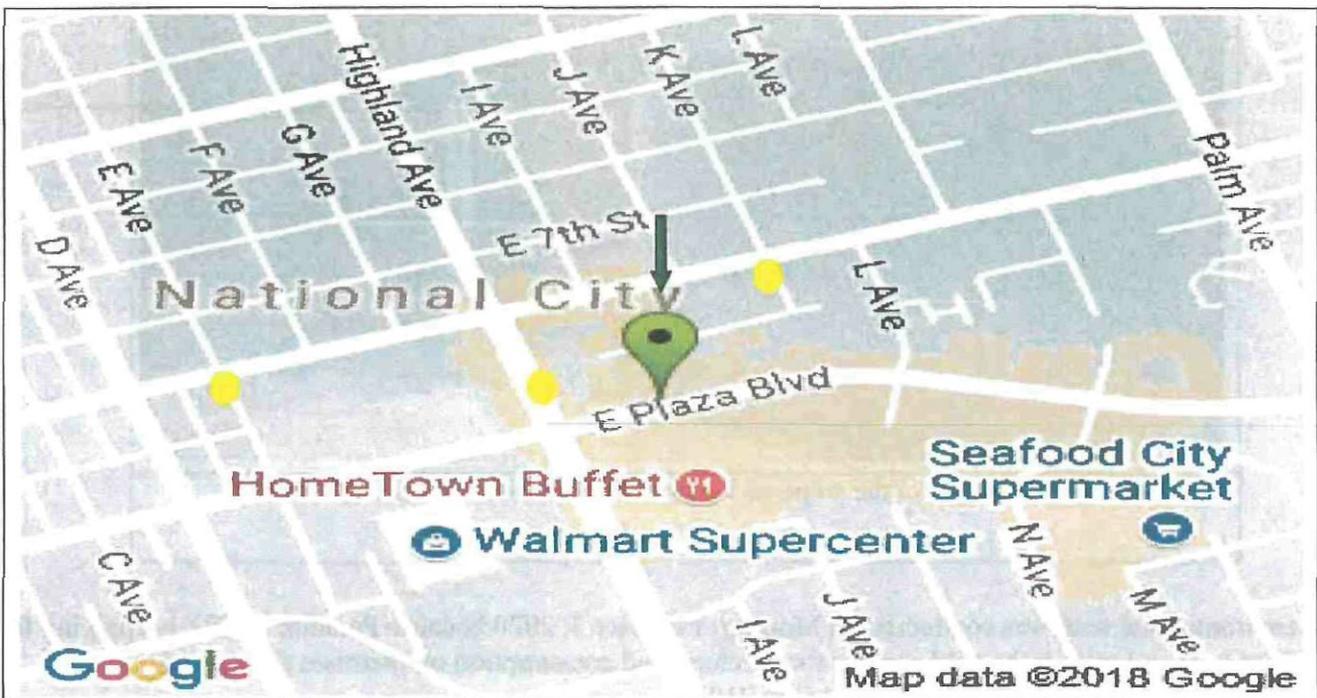
La Maestra Health Clinic

Churches

No nearby churches in the area.

Outlet Density

According to the ABC, three (3) on-sale licenses are authorized for Census Tract **0118.02**, which is the census track where 309 Highland Ave., National City is located.



Green Arrow and Green Pin depict the applicant's location: 309 Highland Avenue in National City. **Yellow Circles** depict existing alcohol outlets in the applicant's census tract as well as other nearby census tracts.

Map from ABC.CA.Gov Website Showing Alcohol Outlets in National City

Census Tracts

	Off-Sale	On-Sale
Census Tract 0118.02	Allowed: (8)	Allowed: (4)
<i>Establishment is within this tract</i>	Actual: (5)	Actual: (2)
	Number Above/Below Allowable: -3	Above/Below: -2

Community Input

- I spoke with a business owner approximately 20 feet away and their concerns were:
 - Having the bar near their business and residence means they would be promoting poison.
 - Has the same concerns when this location was interested in having a Hookah bar.
 - The operating hours of that potential business will be very harmful
 - Business owner lives in the building, this would affect their family.
 - Feels that with the Birthday and special celebration parties they would have would bring loud music and would be very disturbing to their community.
- I also spoke with several other business owners and residents within 300 feet of the proposed bar. They are highly opposed to Paradise VBYZ getting a permit to conduct a bar at 309 Highland Avenue, National City 91950.

Crime Rate

The crime rate is unknown for this location. A follow up request for this information from personnel within the City of National City Police Department, may result in obtaining the crime rate for this location.

Considerations

The following are considerations if a CUP is issued:

1. Require that staff, management, and owner attend the In-Person LEAD Responsible Beverage Sales and Service training. Below is the Alcohol Beverage Control website for future trainings.
<https://www.tracelead.abc.ca.gov/traceleadpublic/register/screens/AvailableClasses.aspx>
2. To prevent the establishment from transforming into a night club, which could increase crime and nuisance problems, require that the restaurant always provide lunch and dinner and have hours of operation only between 2 p.m. and 12 a.m., daily.

RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER
AND WINE AT A BAR (PARADISE VYBZ) LOCATED AT 309 HIGHLAND AVE.
CASE FILE NO. 2020-02 CUP
APN: 556-180-18

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 bar located at 309 Highland Ave. at a duly advertised public hearing held on March 2, 2020, 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. 2020-02 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 March 2, 2020, 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 Minor Mixed-Use Corridor zone pursuant to a CUP, and the proposed use meets the required guidelines in the LUC for the sale of alcoholic beverages and live entertainment, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because a condition that addresses concerns with noise will ensure conformance with Land Use Policy 3.7 and further in Table III of Title 12 (Noise) of the National City Municipal Code.
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. Parking was recently added to the site to bring it into conformance.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints because the site recently completed tenant improvements that brought the structure up to code, an example being additional parking on the property and an enclosed trash enclosure.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because there are conditions limiting the hours of operation, noise, and requiring security for the establishment.
6. The proposed project has been reviewed in compliance with the CEQA because per Section 15378, the project is not considered a project under CEQA, as no development is proposed; there is no physical impact as a result of the project.

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

General

1. This Conditional Use Permit authorizes a bar for the on-site sale of beer and wine at 309 Highland Ave. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2020-02 CUP, dated 9/24/2019.
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. The bar, including live entertainment, shall be permitted only between the hours of 2 p.m. to 12 a.m. daily.
7. The project shall have all necessary federal, state, or county permits prior to the opening of the business.
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 (waiver request).
9. Alcohol shall be available only in conjunction with the purchase of food (waiver request).
10. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies
11. All doors shall remain closed at all times due to the potential noise impacts.
12. No person under the age of twenty-one years of age may enter the premises.
13. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.

14. Security shall be provided by the establishment during live entertainment performances to assure that there are no disturbances.

15. The bar will need an approved business license and any issues from the Building and Neighborhood Services Divisions addressed before it can operate.

Fire

16. Project shall be designed to the current editions of NFPA, CFC and CCR.

Building

17. Any non-permitted work will need an approved building permit and need to be finalized by all departments before the bar can operate.

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 March 2, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND
WINE AT A BAR (PARADISE VYBZ) LOCATED AT 309 HIGHLAND AVE.
CASE FILE NO. 2020-02 CUP
APN: 556-180-18

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 bar located at 309 Highland Ave. at a duly advertised public hearing held on March 2, 2020, 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. 2020-02 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 March 2, 2020, support the following findings:

1. The proposed use has the potential to cause noise impacts at late hours, which is inconsistent with General Plan Policy LU 3.7 in relation to noise standards in mixed-use zones.
2. The design, location, and operating characteristics of the proposed activity are incompatible with the existing and future land uses in the vicinity because the proposed hours of operation being until 2 a.m. daily and live amplified music could create a noise concern for existing and future residents of the second story residential units.
3. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located due to potential noise impacts to the residential uses on the second floor of the property as well as the potential increase in crime.

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.

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