



Planning Commission Agenda

Meeting of January 12, 2015
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

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 Bush

Approval of Minutes

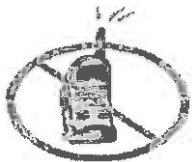
1. Approval of Minutes of the Meeting held on December 15, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting on January 12, 2015.

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.



The Planning Commission requests that all Cell Phones and Pagers 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.

PRESENTATIONS

3. Five-Year Economic Development Strategy (South County Economic Development Council)

PUBLIC HEARINGS

4. Code Amendment amending Section 18.42.020 (A)(2) related to projections into required setbacks (Case File No. 2014-13 A).
5. Resolution 2015-01 taking action on a Code Amendment amending Section 18.42.020 (A)(2) related to projections into required setbacks (Case File No. 2014-13 A).
6. Conditional Use Permit for a charter school in National City Plaza at the northwest corner of Euclid and Division Avenues. (Case File No. 2014-21 CUP).
7. Resolution 2015-02 taking action on a Conditional Use Permit for a charter school in National City Plaza at the northwest corner of Euclid and Division Avenues. (Case File No. 2014-21 CUP).
8. Conditional Use Permit for alcohol sales at American Multi-Cinema (AMC) located at Westfield Plaza Bonita. (Case File No. 2014-19 CUP).
9. Resolution 2015-03 taking action on a Conditional Use Permit for alcohol sales at American Multi-Cinema (AMC) located at Westfield Plaza Bonita.. (Case File No. 2014-19 CUP).

OTHER BUSINESS

STAFF REPORTS

Deputy City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on February 9, 2015



Planning Commission Minutes

Meeting of December 15, 2014

Planning Commission Meeting
City 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 Pruitt at 6:01 p.m.

Roll Call

Commissioners Present: Garcia, Baca, Bush, Pruitt, Alvarado, Flores
Commissioners Absent: Dela Paz

Staff Also Present: Jennifer Knight, Deputy City Attorney; Brad Raulston, Executive Director; Martin Reeder, Principal Planner; Raymond Pe, Principal Planner; Robert Hernandez, Fire Marshall; Stephen Manganiello, Director of Engineering

Pledge of Allegiance Presented by Commissioner Bush

Note: Commissioner entered took his seat on dais at 6:01 pm

Approval of Minutes

1. Approval of Minutes for the Regular Meeting held on December 1, 2014.

Motion by Baca, 2nd by Alvarado for approval of the Minutes for the Regular Meeting held on December 1, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Flores, Alvarado, Baca

Abstain: Pruitt

Absent: Dela Paz

Approval of Agenda

2. Approval of Agenda for the Meeting of December 15, 2014.

Motion by Alvarado, 2nd by Flores for approval of the Agenda for the meeting of December 15, 2014.

Motion carried by the following vote:
Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores
Absent: Dela Paz

ORAL COMMUNICATION

None

PRESENTATIONS

None

CONTINUED PUBLIC HEARINGS

3. Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).

Presented by Principal Planner, Martin Reeder
Applicant: Alex Ahmadian acknowledges he has read, understands and accepts the conditions of approval.

Motion by Baca, 2nd by Alvarado to close the Public Hearing and approve the Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage subject to conditions. (Case File No. 2014-17 LS)

Motion carried by the following vote:
Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores
Absent: Dela Paz

4. Resolution 28-2014 taking action on a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).

Motion by Bush, 2nd by Baca to approve Resolution 28-2014 Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).

Motion carried by the following vote:
Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores
Absent: Dela Paz

PUBLIC HEARINGS

None

OTHER BUSINESS

5. Time Extension for Planned Development Permit modifications, Conditional Use Permit, and Coastal Development Permit for a professional college in a retail commercial building located at 700 Bay Marina Drive in the Coastal Zone. Case File No.: 2013-07 PD, CUP, CDP.

Presented by Principal Planner, Martin Reeder
Applicant: Mike Rookus

Applicant answered questions as asked by the Commissioners regarding past delays and looking for additional educational tenants.

Motion by Baca, 2nd by Bush to extend the expiration date of 2013-07 PD, CUP, CDP by one year to December 12, 2015.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores

Absent: Dela Paz

6. Election of Officers for 2014

Motion by Pruitt, 2nd by Flores to elect Commissioner Marcus Bush as the Chairman for 2015.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores

Absent: Dela Paz

Motion by Alvarado, 2nd by Flores to elect Commissioner George Baca as the Vice Chairman for 2015.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores

Absent: Dela Paz

7. Adoption of 2015 Planning Commission Calendar

Motion by Flores, 2nd by Baca to adopt the 2015 Planning Commission Calendar

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores

Absent: Dela Paz

STAFF REPORTS

City Attorney – No report. Merry Christmas, be safe, pleasure serving the commission

Executive Director – No report. This is a Strategic Planning year which kicks off in January 2015. Will hold Budget Workshops and open to suggestions from the commission.

Principal Planner – Upcoming items to for the commission to consider next year include AMC CUP/Alcohol license, a Charter School at Euclid and Division, construction projects- Sheryl Lane, and various updates to the Code Amendment. Pleasure to serve. Merry Christmas and congratulations to Commissioner Bush as chair for 2015.

Commissioners:

Garcia – No report. Happy Holidays. Looking forward to an exciting year.

Bush – No report. Merry Christmas and Happy New Year. Thanks for the opportunity to serve as Chair next year. Looking forward to unique opportunity to become proactive with the Strategic Plan.

Approached by a resident at 30th and “A” who expressed his concerns that he was not informed of the street vacation. Commissioner Bush inquired to staff regarding how to reach out to renters about changes/street vacations. The Deputy City Attorney responded referring to the noticing code that Property Owners and Business Owners we required to be noticed. Mr. Reeder confirmed that noticing was sent out per procedure.

Baca- No Report. Happy Holidays. Congrats to Commissioner Bush

Alvarado: No report. Inquired on what’s happening at the old Blockbuster Building at Euclid and Plaza. The building is being split into two units for future tenants.

Flores – No Report. Thanked Chair Pruitt for her leadership as chair. Expressed support for Commissioner Bush in the coming year.

Pruitt – No report. Welcomed Commissioner Bush as the succeeding chairman. Thanked Commissioner Baca for his support. Happy Holidays

Adjournment at 6:55 p.m. to next Meeting scheduled for January 12, 2015 at 6:00 pm.

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING -- CODE AMENDMENT
AMENDING SECTION 18.42.020 (A)(2) RELATED TO
PROJECTIONS INTO REQUIRED SETBACKS.

Case File No.: 2014-13 A

Assessor's Parcel No.: 558-270-20

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Gary L. Line

Land use designation: Low-Medium Density Residential

Zoning designation: Small Lot Residential (RS-2)

Project size: 0.14 acres

Adjacent land use/zoning:

North: Single-family residential across 19th St. / MXC-1

East: Single-family residential across Rachael Ave. / City of San Diego

South: Single-family residential / RS-2

West: Duplex residential / RS-2

Environmental review: Not project per CEQA

Staff recommendation: Approve

BACKGROUND

Site Characteristics

The applicant owns an approximately 6,100 square-foot residential property developed with a single-family residence. The property is on the west side of Rachael Avenue and south of East 19th Street in the Small Lot Residential (RS-2) Zone. The applicant recently remodeled the residence, constructing a 73 square-foot eave, 10 square-foot porch roof, and a 20 square-foot bay window. The construction was completed without building permits and a code case was opened. The eave and porch roof have since been approved. However, the Land Use Code does not allow for bay windows to project into a required setback. The bay window in this case projects approximately two feet into the front yard setback.

History

The Planning Commission voted to initiate the Code Amendment at their meeting of October 20, 2014.

Proposal

The applicant wishes to amend Land Use Code Section 18.42.020 (A)(2), which currently reads as follows:

18.42.020 Projections into setbacks and courts.

- A. **Requirements—General.** Every required front, side, and rear setback shall be open and unobstructed from the ground to the sky, unless otherwise provided. In addition to permitted accessory buildings and structures, the following structures may be erected or projected into any required setback:
 2. **Cornices, belt courses, sills, eaves, or other similar architectural features (other than bay windows or vertical projections) may project into a required interior side setback not more than two inches for each one foot of width of such side setback, and may project into any other required setback, passageway or other open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than three feet.**

The applicant wishes to include bay windows as “architectural features” that may project into “any other required setback”, or the front yard in this case.

Analysis

The code allows for most architectural features to project into a required setback. In the front yard setback this projection may not be more than thirty inches. In this case the requested projection is approximately 24 inches.

Generally, the reason for specifically excluding bay windows and vertical projections from the allowance to project into the setback is related to floor area. One definition of bay window is "A projecting form containing windows that forms an extension to the interior floor space". Most projections that are allowed are architectural in nature and do not add floor area. A bay window that does not add to floor area – a projection that does not start at ground level for example or that has a built-in storage or seating area – would likely not be as much of an issue.

Staff is of the opinion, provided no floor area is constructed in any required setback, that a bay window or other vertical projection would be a benefit to existing design guidelines. Specifically, the projections would provide additional architectural relief and wall-plane variation, both required by existing design guidelines. However, no additional floor area would be permitted in these areas. In order to accomplish such a projection, the bay window or projection would either have to begin above the level of the adjacent floor, or would need to have some form of built-in cabinetry or obstruction to prevent it being occupied. The limits to how far a projection may protrude into a required setback are already stated in the existing Code section – thirty inches into a front or rear setback and two inches for each foot of other setback.

In order to prevent a prominent projection that takes up a significant portion of a particular elevation, it would be appropriate to limit the percentage of the width it protrudes. Staff suggests that no more than 30% of any one elevation be occupied by a bay window or vertical projection. This is below half the distance of an elevation (thus not being a primary focus) and is also consistent with most bay windows. This would be consistent with design guidelines related to limiting overall bulk of projects.

As such, staff is recommending that Section 18.42.020 be modified as follows:

18.42.020 Projections into setbacks and courts.

- A. Requirements—General. Every required front, side, and rear setback shall be open and unobstructed from the ground to the sky, unless otherwise provided. In addition to permitted accessory buildings and structures, the following structures may be erected or projected into any required setback:
 2. Cornices, belt courses, sills, eaves, or other similar architectural features ~~(other than bay windows or vertical projections)~~ may project into a required interior side setback not more than two

inches for each one foot of width of such side setback, and may project into any other required setback, passageway or other open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than three feet.

- a. Bay windows or other vertical projections may be permitted, subject to the limitations stated in 18.42.020 (A)(2), provided that no floor area is added. This may be accomplished through a minimum 36-inch gap between ground level and the lower limit of the projection, or some form of permanent interior physical limitation (cabinetry, counter, etc.). The projection may not be greater than 30% of the width of the elevation that it projects from.

California Environmental Quality Act (CEQA) compliance

The request is not considered a project under CEQA, as any construction permitted as a result of this Code Amendment would be within existing building envelope limitations. Furthermore, any additional construction would not add any floor area and would also be subject to a building permit. Ministerial permits such as building permits are not subject to CEQA.

If the Planning Commission elects to recommend approval of the Code Amendment, the next step would be a public hearing at the City Council level. If ultimately approved, the amendment would affect all residential zones.

Summary

The applicant's property was remodeled without permits. Although the construction is attractive and adds to the architectural quality of the home, the bay window adds 20 square feet of floor area that is located outside of the buildable area and within the front yard setback. In order to legalize the addition, the Land Use Code would need to be changed to accommodate bay windows as permitted projections into required setbacks. While there are benefits to allowing additional wall plane variation and architectural relief through bay windows, additional research would have to be done to ensure that the intent of the Land Use Code was still being met.

OPTIONS

1. Recommend approval of the Amendment to Section 18.42.020 (A)(2) of the Land Use Code based on the attached findings; or
2. Recommend denial of the Amendment to Section 18.42.020 (A)(2) of the Land Use Code based on findings to be determined by the Planning Commission; or
3. Continue the item to a specific date.

ATTACHMENTS

1. Recommended Findings for Approval
2. Existing Land Use Code Section 18.42.020 – Projections into setbacks and courts and proposed changes
3. Location Map
4. Public Hearing Notice
5. Site Photos
6. Applicants Plans



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

**RECOMMENDED FINDINGS FOR APPROVAL OF
AN AMENDMENT TO SECTION 18.42.020 (A)(2)
RELATED TO PROJECTIONS INTO REQUIRED SETBACKS.**

2014-13 A

1. That the proposed amendment is consistent with General Plan policy, since allowing bay windows and other vertical projections would provide additional architectural relief and wall-plane variation, both required by existing design guidelines, and since no additional floor area would be permitted.

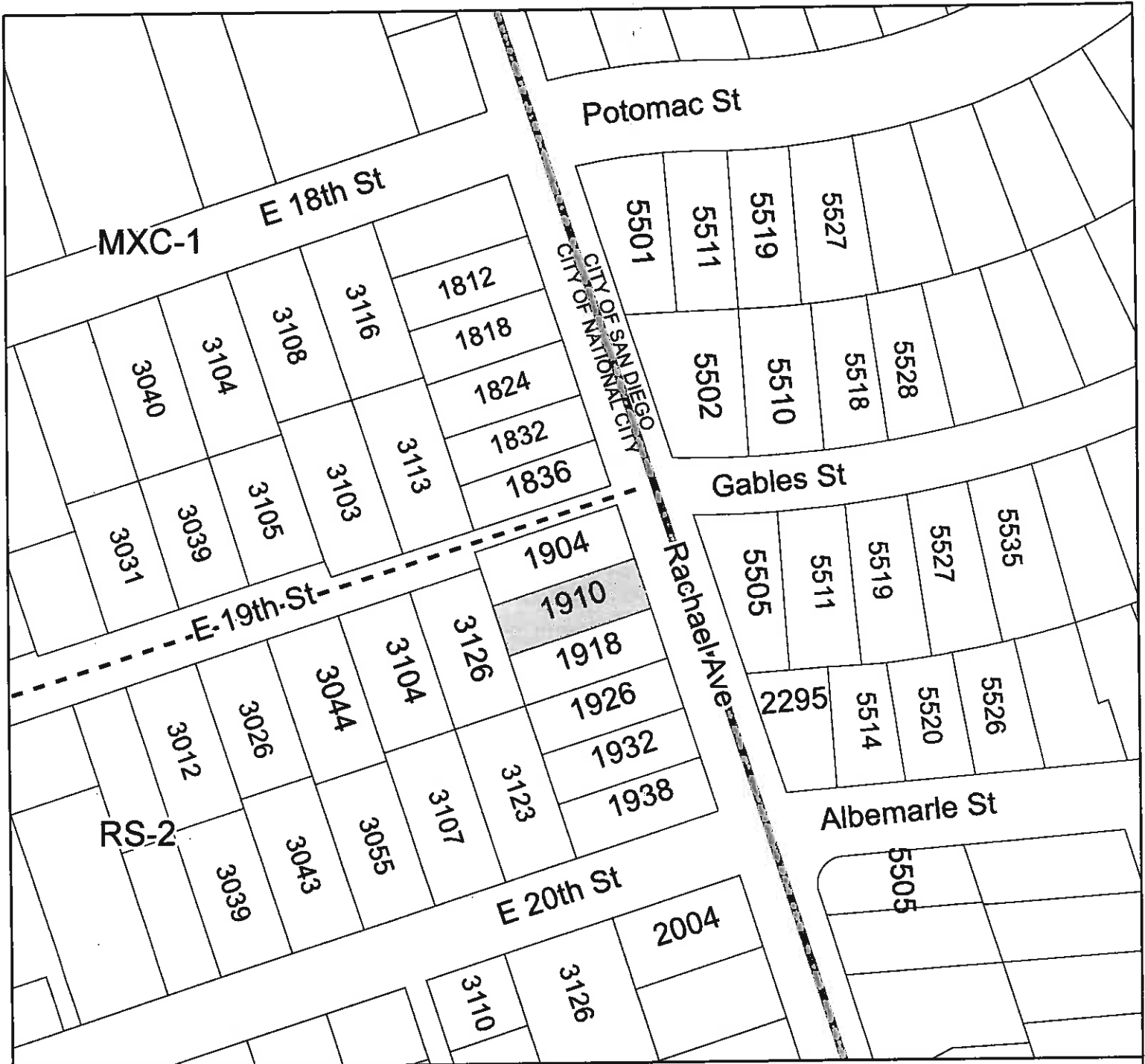
2. That the proposed amendment has been reviewed to be in compliance with the California Environmental Quality Act (CEQA), as the project is not considered a project under CEQA.

18.42.020 Projections into setbacks and courts. (Existing Language)

- A. Requirements—General. Every required front, side, and rear setback shall be open and unobstructed from the ground to the sky, unless otherwise provided. In addition to permitted accessory buildings and structures, the following structures may be erected or projected into any required setback:**
- 2. Cornices, belt courses, sills, eaves, or other similar architectural features (other than bay windows or vertical projections) may project into a required interior side setback not more than two inches for each one foot of width of such side setback, and may project into any other required setback, passageway or other open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than three feet.**

18.42.020 Projections into setbacks and courts. (Proposed changes)

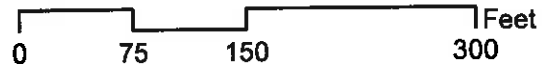
- A. Requirements—General. Every required front, side, and rear setback shall be open and unobstructed from the ground to the sky, unless otherwise provided. In addition to permitted accessory buildings and structures, the following structures may be erected or projected into any required setback:**
- 2. Cornices, belt courses, sills, eaves, or other similar architectural features may project into a required interior side setback not more than two inches for each one foot of width of such side setback, and may project into any other required setback, passageway or other open space not more than thirty inches, provided the width of an exterior side setback is not reduced to less than three feet.**
 - a. Bay windows or other vertical projections may be permitted, subject to the limitations stated in 18.42.020 (A)(2), provided that no floor area is added. This may be accomplished through a minimum 36-inch gap between ground level and the lower limit of the projection, or some form of permanent interior physical limitation (cabinetry, counter, etc.). The projection may not be greater than 30% of the width of the elevation that it projects from.**



Subject Parcel



Zone Boundary



APN:
558-270-20

Planning Commission
Location Map

2014-13 A



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

NOTICE OF PUBLIC HEARING

**CODE AMENDMENT AMENDING SECTION 18.42.020 (A)(2) RELATED TO
PROJECTIONS INTO REQUIRED SETBACKS.**

CASE FILE NO.: 2014-13 A

APN: 558-270-20

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, January 12, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Gary L. Line)

The Land Use Code currently prohibits bay windows from projecting into required setbacks, although other architectural projections are permitted to do so. The applicant is requesting to allow projection of bay windows into required setbacks in order to permit such a projection at a residence located at 1910 Rachael Avenue. If approved, the amendment would affect all residential zones.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **January 12, 2015**, 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 DEPARTMENT

BRAD RAULSTON
Executive Director

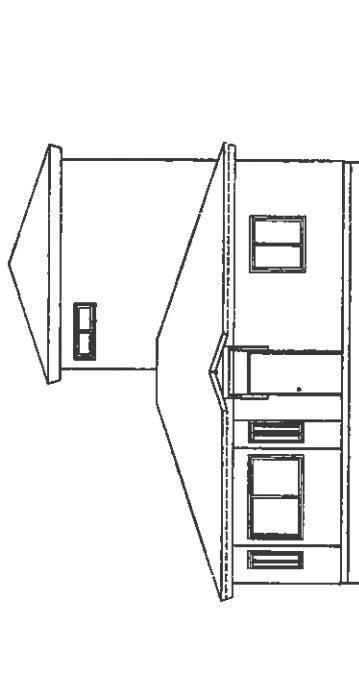
2014-13 A – 1910 Rachael Ave. – Code Amendment – Site Photos



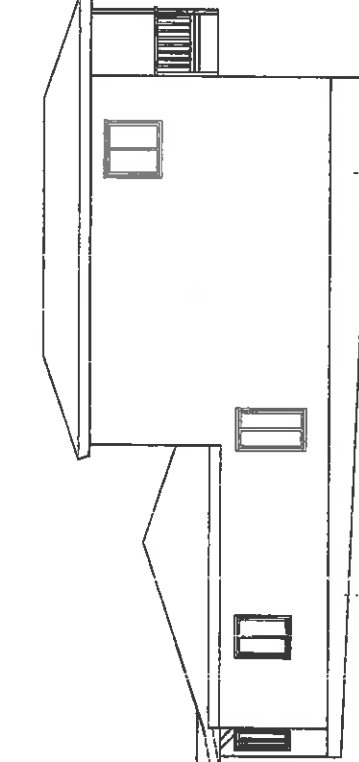
Overhead



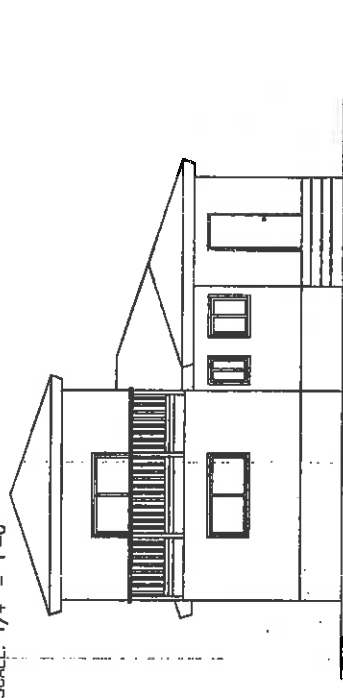
Looking West from Rachael Avenue



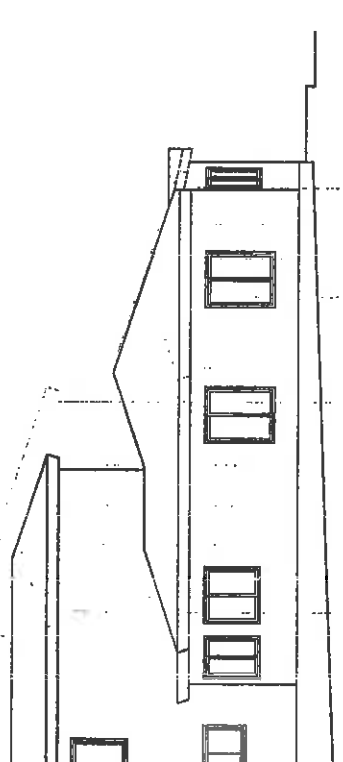
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



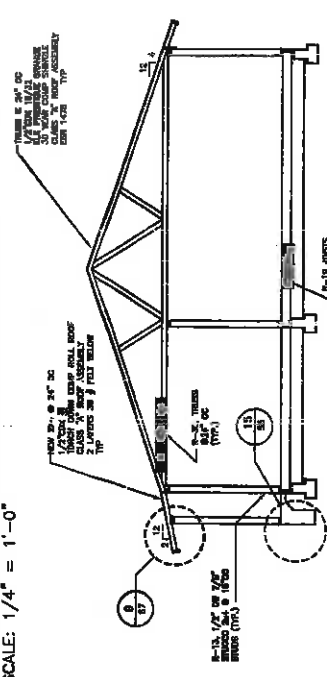
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



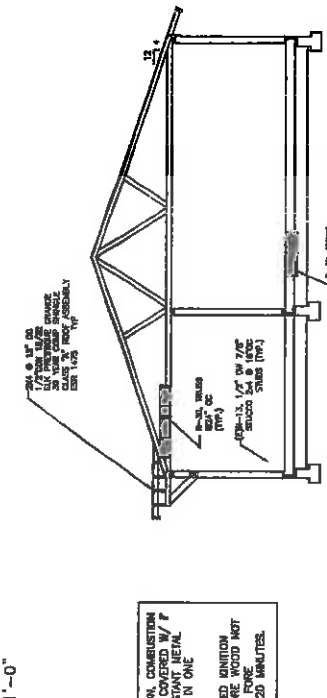
EAST ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"



SECTION 1
SCALE: 1/4" = 1'-0"



SECTION 2
SCALE: 1/4" = 1'-0"

NOTE: ALL VENTS (ROOF, FOUNDATION, COMBUSTION AIR, ETC) MUST BE LOUVERED AND COVERED W/ P/ NONCOMBUSTIBLE CORROSION-RESISTANT METAL IN ONE DIRECTION ONLY.
EXISTING ROOFS SHALL BE APPROVED GUTTER PROTECTION SHALL BE INSTALLED AND NOT LESS THAN 1/2" THICK OR HAVE A FIRE PROTECTION RATING OF LESS THAN 20 MINUTES.

<p>GARY LINE 1910 RACHEL AVE NATIONAL CITY, CA</p>	<p>SECTIONS & ELEVATIONS</p>	<p>DATE: 11/15/14 PROJECT: 1910 RACHEL AVE DRAWN BY: GARY LINE CHECKED BY: GARY LINE SCALE: 1/4" = 1'-0"</p>	<p>THE ARCHITECT A ASSOCIATED DESIGN MEMBERSHIP OF SAN DIEGO 2300 CALIFORNIA AVE SAN DIEGO, CA 92101 TEL: 619.444.1111 WWW.GARYLINEARCHITECTS.COM</p>	<p>OWNER'S NAME AND ADDRESS</p>	<p>ARCHITECT'S NAME AND ADDRESS</p>
---	---	--	---	---------------------------------	-------------------------------------

RESOLUTION NO. 2015-01

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A MUNICIPAL CODE AMENDMENT AMENDING
SECTION 18.42.020 (A)(2) RELATED TO PROJECTIONS
INTO REQUIRED SETBACKS.
APPLICANT: GARY L. LINE.
CASE FILE NO. 2014-13 A**

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, Chapter 18.42.020(A)(2); and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at a duly advertised public hearing held on January 12, 2015, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2014-13 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

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

WHEREAS, this action is taken in an effort to be compliant with applicable State and Federal law; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on January 12, 2015, support the following findings:

1. That the proposed amendment is consistent with General Plan policy, since allowing bay windows and other vertical projections would provide additional architectural relief and wall-plane variation, both required by existing design guidelines, and since no additional floor area would be permitted.
2. That the proposed amendment has been reviewed to be in compliance with the California Environmental Quality Act (CEQA), as the project is not considered a project under CEQA.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of January 12, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A CHARTER SCHOOL IN NATIONAL CITY PLAZA AT THE NORTHWEST CORNER OF EUCLID AND DIVISION AVENUES.

Case File No.: 2014-21 CUP

Location: 2 North Euclid Avenue, suites A, B, C, & E.

Assessor's Parcel No: 552-283-12

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Diego Valley Public Charter, Inc.

Property owner: National City Plaza, LLC

Zoning designation: Minor Mixed-Use District (MXD-1)

Adjacent land use/zoning:

- North:** Shopping center / MXD-1
- East:** Residential across Euclid Ave. / Small-Lot Residential (RS-2)
- South:** Residential across Division St. / Small-Lot Residential (RS-2)
- West:** Shopping center / MXD-1

Environmental review: Categorically Exempt pursuant to Class 1 Section 15301 (Existing Facilities)

Staff recommendation: Approve

BACKGROUND

Site Characteristics

The approximately half-acre parcel is located at the northwest corner of Division Street and Euclid Avenue. The parcel is part of the larger National City Plaza Shopping Center, which is an approximately 6-acre property. The lot is developed with an 8,005 square-foot building currently comprised of five suites. There is a 250-space parking lot with landscaping along the street frontages.

Proposed Use

The applicant is proposing to operate a charter school in four existing suites in National City Plaza. The area to be used would be 6,570 square feet in size. The school would operate from Monday to Friday, between the hours of 8:00 a.m. and 5:00 p.m. Peak enrollment would potentially be 200 students. However, classes are on a one-on-one and hourly basis; therefore, only 24 people would be in the building at any one time (based on peak enrollment). The students will range from ages 14 to 19 years old. Typical students are those that are at risk of not graduating due to a variety of issues that include social/emotional issues, bullying/fear of safety, health challenges, behavior problems, credit deficiencies, low performance, or special scheduling needs.

Analysis

A school is permitted in the MXD-1 zone with the issuance of a Conditional Use Permit (CUP). Concerns with educational uses usually focus around traffic and parking issues. Given that this would be a small-scale and atypical school setting that would not cater to as many students as a traditional school campus, these concerns would not be as prevalent.

The charter school concept in this case provides students with a non-traditional setting, which includes teachers accredited by the State of California, curriculum mandated by the State of California, appropriate material to accompany curriculum, and a facility referred to as a "Resource Center". Students typically attend for one to two hours a week to fulfill their educational responsibilities. The student base is on average at-risk or low income adolescents between the ages of 14 and 19, of which 80% are expected to use public transportation. All school activities will occur within the enclosed building and no recreation activities or facilities are needed. Therefore, the use of the property will be similar to the activity of an office or light commercial use, and will not compromise the pedestrian retail corridor. The program offers an opportunity for youths, who otherwise would not attend a traditional high school due to economic or medical hardship, the opportunity to achieve a general education and diploma recognized by the state of California.

Proposed hours of operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m. Students will see their teacher/tutor on a scheduled appointment time. There will

be two shifts of instructors at the site; shift one from 8:00 a.m. to 12:00 p.m. and shift two from 12:00 p.m. to 5:00 p.m. Each teacher is scheduled to see one student per hour. In addition to teaching staff, there would also be a support staff of approximately 3 employees for every 150 students enrolled. Once peak projected enrollment is reached, approximately 8 teachers, 12 students, and 4 support staff (24 in total) can be expected to be at the Resource Center (school) at any one time. With expected overlap of students coming, going, and those potentially involved in independent study, there may be as many as 30 people in the building at a time. However, peak enrollment is not expected immediately. The majority of the program is free to students. Funding is received from the State of California.

Although not traditionally found in shopping centers, charter schools have been locating in other commercial developments more in recent times. A recent CUP in 2012 approved a charter school in Westfield Plaza Bonita. Several other area malls also have charter schools.

Traffic & Parking

The center has adequate parking and access to arterial streets and freeway. According to SANDAG trip generation data, a 6,570 square-foot school would generate approximately 100 average daily trips (ADT). The same sized area devoted to a commercial use could be expected to generate approximately 525 ADT. Access to and from the area is provided by Euclid Avenue and Division Street, both arterial streets. Therefore, no traffic issues are anticipated; the existing road network is more than capable of handling the additional traffic generated by the school. In addition, information provided by the applicant suggests that the majority of students would arrive via public transit; therefore, little impact is anticipated over what a comparably-sized commercial business would generate.

Department Comments

Comments were received from the Police Department with concerns over potential loitering at the site. They recommend "No Loitering" signs and compliance with the California Education Code, which holds schools accountable for student behavior when traveling to and from school. The applicant has also iterated that this accountability is standard operating procedure, as well as being mandated by the property management. The Police comments have been included as Conditions of Approval.

Standard Building and Fire Code conditions are also included, as well as a condition requiring proof of all local, state and/or federal permits necessary for operation of the charter school be provided prior to operation.

CEQA compliance

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

generate less traffic and parking demand than the same space devoted to a commercial use, which was previously approved and found in compliance with CEQA.

Summary

The proposed educational use is consistent with the Land Use Code with the approval of a Conditional Use Permit. Although not a typical commercial use associated with a shopping center, Conditions of Approval will help to ensure that the business operates in harmony with existing uses in the area. Potential parking impacts are minimal since the site is within an existing shopping center and that adequate parking is available on site. Police Department concerns have been addressed through Conditions of Approval.

OPTIONS

1. Approve 2014-21 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2014-21 CUP based on the attached finding; findings to be determined by the Planning Commission; or
3. Continue the item to a specific date.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Location Map
4. Public Hearing Notice (Sent to 74 property owners)
5. Police Department comments
6. Site Photos
7. Notice of Exemption
8. Business description
9. Exhibit A, Case File No. 2014-21 CUP, dated 11/4/2014



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
2014-21 CUP, 2 North Euclid Avenue

1. That 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, since the site is zoned Minor Mixed-Use District (MXD-1), which allows educational uses subject to a CUP.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since educational uses are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and since educational uses are a conditionally-allowed use in the Minor Mixed-Use District zone.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since the proposed use will be within an existing commercial suite within a shopping center and since no expansion of the building is proposed.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since the proposed use will be within an existing commercial suite within a shopping center, since no expansion of the building is proposed, and since sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use is provided by both Euclid Avenue and Division Street, which are arterial streets.
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, since the use is contained wholly within an existing building, and since the use is consistent with other uses within other commercial centers in the City and in San Diego County.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.
7. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will provide a service in need in the area among members of the community seeking to gain a high school education.

RECOMMENDED CONDITIONS OF APPROVAL
2014-21 CUP, 2 North Euclid Avenue

General

1. This Conditional Use Permit authorizes a charter school within suites A, B, C, and E at 2 North Euclid 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. 2014-21 CUP, dated 11/4/2014.
2. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, 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 Department 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 Executive Director prior to recordation.
3. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.

Building

5. Any plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Fire

6. Any plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.



Planning

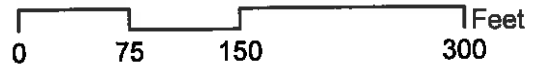
7. The applicant shall provide proof of all local, state and/or federal permits necessary for operation of the Charter School. Proof of said permits shall be provided at time of business license issuance.

Police

8. "No Loitering" signs shall be posted and maintained at highly visible areas around the entrances and exits to the school, including the parking area located to the west of the building.
9. Permittee shall comply with all regulatory provisions of the California Education Code Section 44807 related to student conduct on the way to and from school.



 Subject Parcel
 Zone Boundary



APN:
 552-283-12

Planning Commission
 Location Map

2014-21 CUP



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A CHARTER SCHOOL
IN NATIONAL CITY PLAZA AT THE NORTHWEST CORNER
OF EUCLID AND DIVISION AVENUES.
CASE FILE NO.: 2014-21 CUP
APN: 552-283-12

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, January 12, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Diego Valley Public Charter, Inc.)

The applicant is requesting to operate a charter school for students between the ages of 14 and 17. The school would be in operation from 8 a.m. to 6 p.m. Monday to Friday within four suites of the building at 2 North Euclid Avenue, part of National City Plaza.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **January 12, 2015**, 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 DEPARTMENT

BRAD RAULSTON
Executive Director

NATIONAL CITY POLICE DEPARTMENT

MEMORANDUM

DATE: November 20, 2014

TO: Manuel Rodriguez, Chief of Police
Martin Reeder, Principal Planner

FROM: Robert A. Rounds, Lieutenant
Neighborhood Policing Team - I

SUBJECT: Police Department response to Conditional Use Permit application #2014-21 for charter school at 2 North Euclid Avenue

On November 4, 2014, Diego Valley Public Charter, Inc. applied for a Conditional Use Permit to open a charter school at the National City Plaza shopping center at 2 North Euclid Ave, Suites A, B, C, and E. According to the application, the school will operate Monday through Friday from 8:00am to 6:00pm. The peak enrollment is anticipated to be about 200 students who will meet with a staff of 16 teachers on a one on one basis at various times throughout the day. However, Diego Valley Public Charter estimates there will only be approximately 16 people in the building at any given time.

Students attending the charter school will range in ages from 14-19 years old. The students attending the school will be those at risk of not graduating from a traditional high school format. The students are expected to have a variety of issues, such as social/emotional issues, bullying/fear of safety, health challenges, behavior problems, credit deficiencies, low performance, and/or special scheduling needs.

The National City Plaza shopping center is located at the northwest corner of East Division Street and North Euclid Avenue. Wrigley's grocery store is the shopping center's largest tenant. There is also a drive-thru Mexican food restaurant, a Dollar Tree store, a men's clothing store, and other miscellaneous stores in the shopping center. It appears from the maps submitted with the C.U.P. application (attached) that the charter school would move into the majority of the spaces along the west side of the shopping center.

It appears the parking lot is large enough to accommodate the extra vehicles that would be visiting the school. In addition, Diego Valley Public Charter estimates 80% of the students will arrive to the location by public transit. There is a bus stop located along the north side of the 2300 block of East Division Street, which is adjacent to the shopping center.

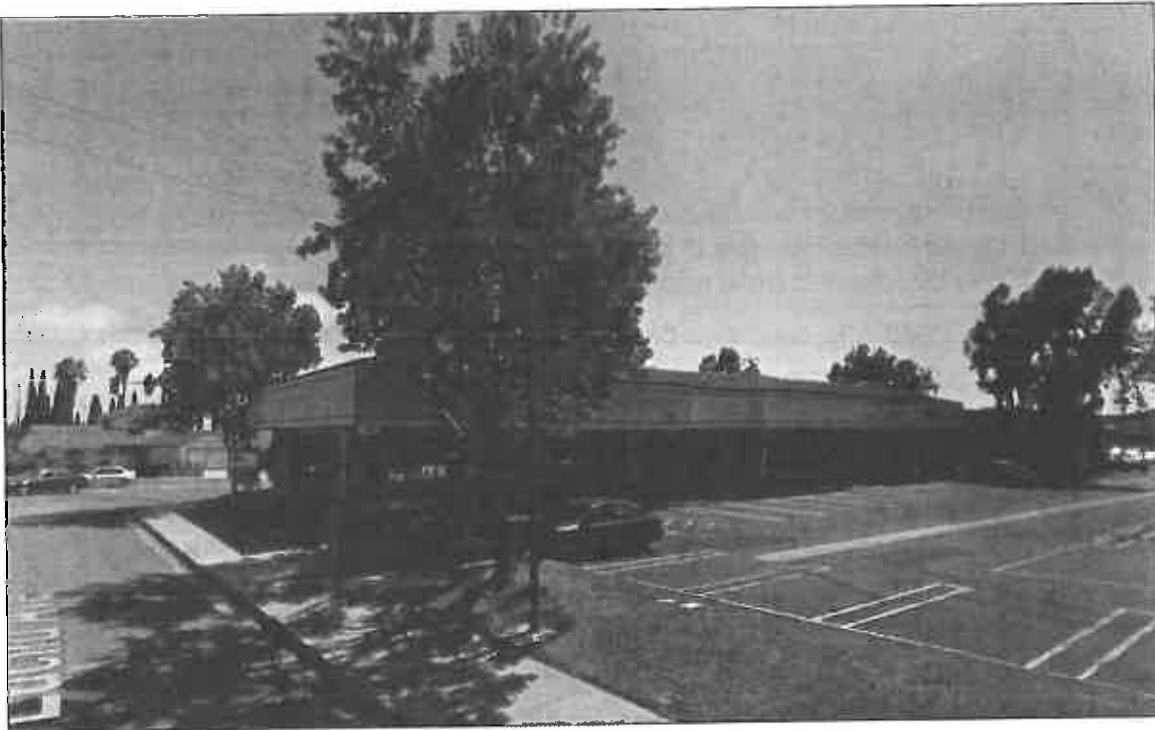
The impact on police services in the area may result in an increase in calls for service to the area from 8:00am to 6:00pm, due to students loitering in the area. Typically, loitering activity is often associated with an increase in thefts, vandalisms, and disturbances. It should be noted that the education plan for the charter school is to offer one on one instruction. Therefore, the students would be directly supervised while inside the school. They would be unsupervised

while arriving and leaving the school. Based on the education plan, it appears students will arrive and leave the school in small numbers at various times throughout the day.

I recommend the following conditions be placed on Diego Valley Public Charter if this C.U.P. is granted:

1. Diego Valley Public Charter to ensure "No Loitering" signs are posted and maintained at several highly visible areas around the entrances and exits to the school, including the rear parking area located to the west of the buildings.
2. California Education Code Section 44807 states that every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school. Therefore, Diego Valley Public Charter teachers are responsible for monitoring the conduct of the students arriving the leaving the area of the shopping center.

2014-21 CUP – 2 N. Euclid Ave. – Charter School – Site Photos



Looking southwest from Euclid Avenue



Looking northeast from Division Street



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

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2014-21 CUP

Project Location: 2 North Euclid Avenue, National City, CA 91950

Contact Person: Martin Reeder, AICP **Telephone Number:** (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit for a charter school within 6,570 square feet of an existing commercial building in a community shopping center.

Applicant:

Diego Valley Public Charter, Inc.
42455 10th Street West, Suite #105
Lancaster, CA 93534

Telephone Number:

(661-272-1225)

Exempt Status:

Categorical Exemption. Class 1 Section 15301 (Existing Facilities)

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since the facility will not result in the expansion of an existing use. The school will operate within an existing building without the need for expansion or intensification of use.

Date:

MARTIN REEDER, AICP
Principal Planner



To Whom It May Concern,

Our unique charter concept is a not for profit organization that offers a personalized education program for students who need an independent studies approach in meeting their academic needs. Our program offers the flexibility demanded by students who are seeking an alternative to the traditional school structure. We provide students with a non-traditional setting which includes teachers accredited by the State of California, curriculum mandated by the State of California, appropriate material to accompany curriculum, and a facility referred to as a "Resource Center" which students attend to fulfill their educational responsibilities. Because the Resource Center does not provide classroom instruction for 80% or more of the student's instructional time, it cannot be classified as a school site as per Educational Code 47612.5.3e. We are chartered through Julian Union School District.

The student base is on average at-risk or low income adolescents between the ages of 14-19, of which 80% are expected to use public transportation. All school activities will occur within the enclosed building and no recreation activities or facilities are needed. Therefore, the use of the property will be similar to the activity of an office or light commercial use. Our independent study program is in the best interest of public convenience and necessity because it offers an opportunity for youths who otherwise would not attend a traditional high school due to economic or medical hardship, the opportunity to achieve a general education and diploma recognized by the state of California.

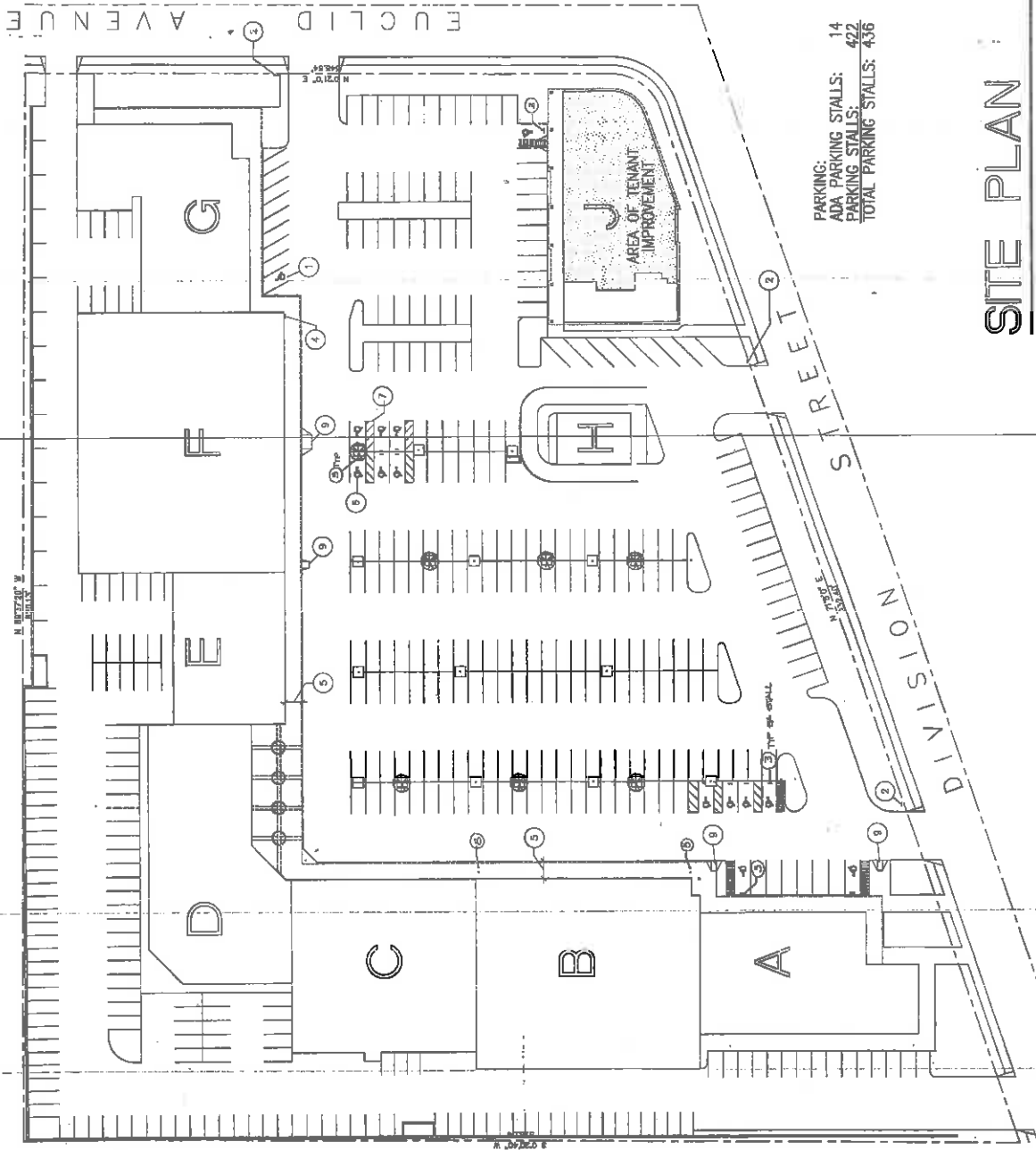
Our program takes great pride in providing students a Resource Center that has the look and feel of a friendly business office. Students are treated with the same professionalism they notice in the appearance of the facility they attend. It is in the Resource Center that students have a predetermined appointment, every week, with their designated teacher to submit and discuss previous assignment, have assignments evaluated, receive new assignments and participate in assessments. These weekly meetings between teacher and student are designed to last approximately one hour. The assignments themselves (and therefore a large majority of the student's work) are completed at the student's home.

We design our Resource Centers with a 25 to 1 student/teacher ratio and we have two separate shifts of teachers each day.

If we were to have a student enrollment of 200 we would then have 8 teachers broken up into two shifts, (8am – 1pm and 1pm– 6pm), of 4 teachers per shift. Each teacher is scheduled to see one student per hour, as explained above. 8 teachers: 4 per shift, 4 students per hour (operating 10 hours a day would equal 40 students a day, 200 per week *if* every teacher saw a student every hour).

We also employ a support staff of approximately 3 employees for every 150 students enrolled.

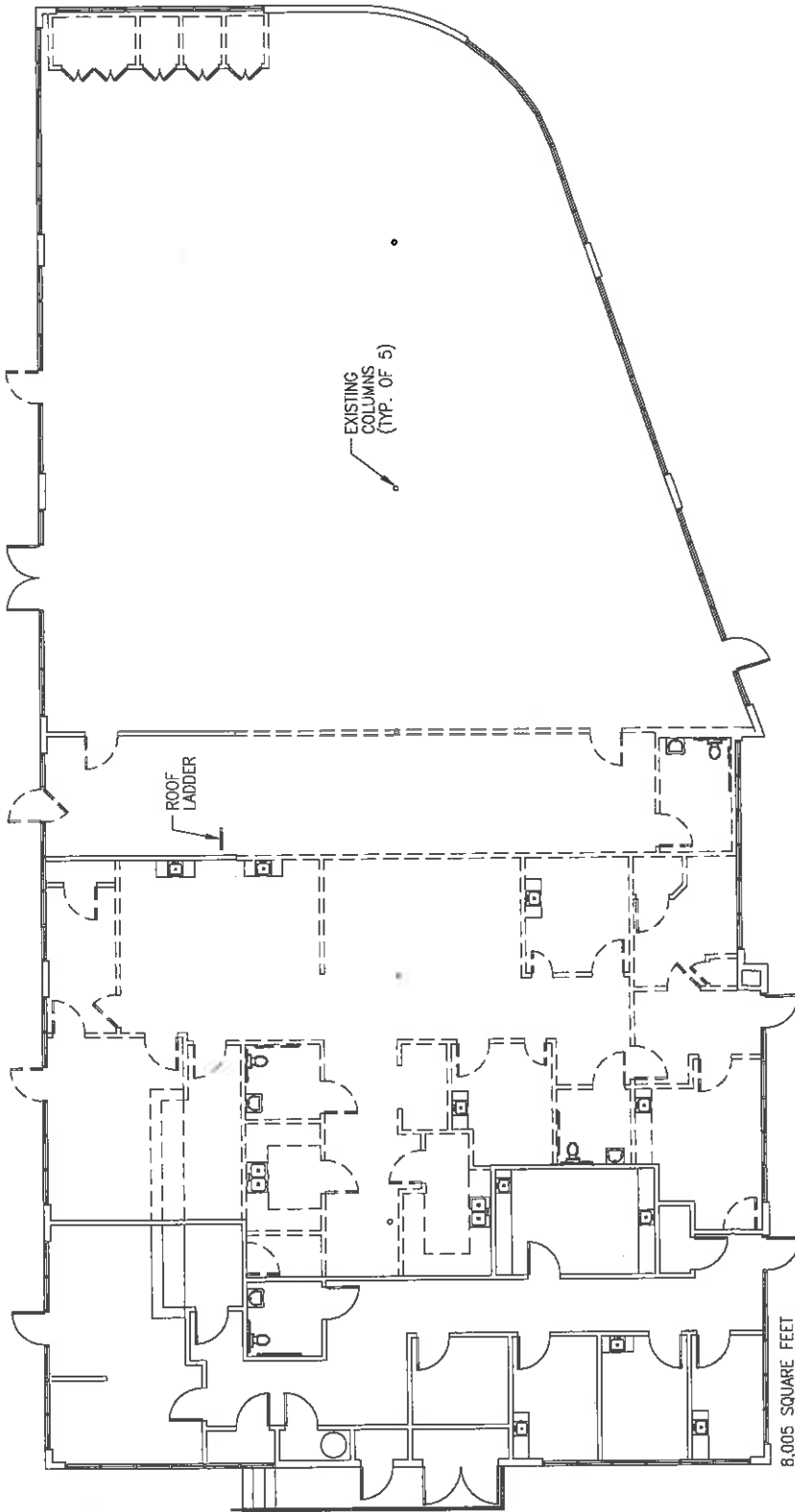
At any given time, you could therefore expect to see 4 teachers, 6 students, and 4 support staff inside the Resource Center once our peak projected enrollment is reached.



PARKING:
 ADA PARKING STALLS: 14
 PARKING STALLS: 422
 TOTAL PARKING STALLS: 436

SITE PLAN

SCALE: 1" = 30'



PRINT ON 11x17 PAPER

DATE	06-02-14	DRAWING	D
SCALE	3/32"=1'-0"	2014098	

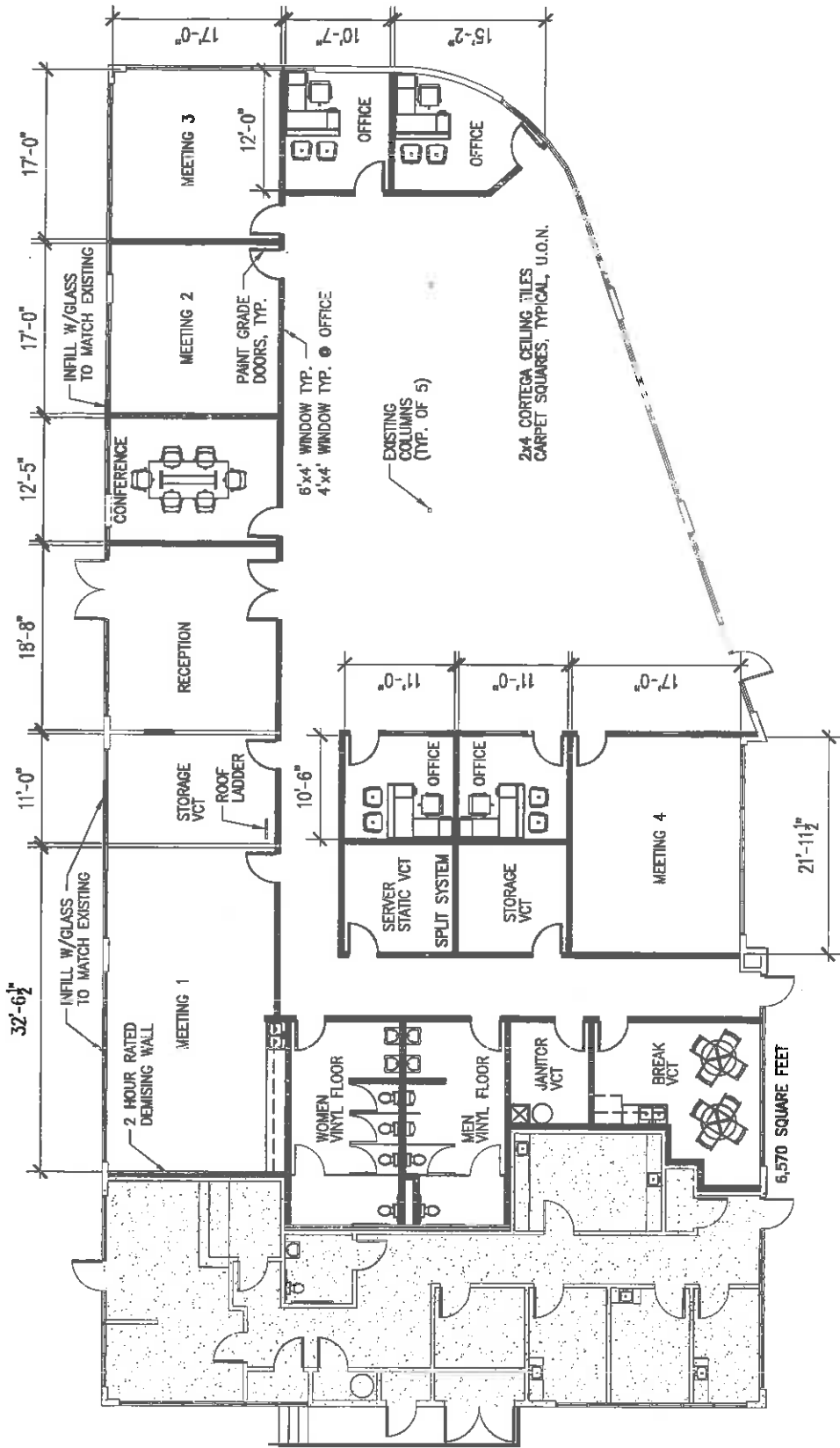


Trevin M. Schall
Architect
Professional Corporation
10000 Wilshire Blvd, Suite 200
Beverly Hills, CA 90210
Tel: 310.274.1111
www.trevinschall.com

2 NORTH EUCLID AVENUE NATIONAL CITY, CALIFORNIA

THIS CONCEPTUAL DESIGN IS BASED UPON A PRELIMINARY SITE ANALYSIS AND POSSIBLY INCOMPLETE SITE AND/OR BUILDING INFORMATION AND IS INTENDED MERELY TO ASSIST IN EXPLORING HOW THE PROJECT MIGHT BE DEVELOPED.

ALL IDEAS, DESIGNS, PLANS & SPECIFICATIONS & OTHER PROJECT DOCUMENTS, INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA ARE THE PROPERTY OF TREVIN SCHALL ARCHITECT INC. & MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION FROM TREVIN SCHALL ARCHITECT INC. © COPYRIGHT TREVIN SCHALL ARCHITECT INC. ALL RIGHTS RESERVED



PRINT ON 11x17 PAPER

DATE:	06-17-14
SCALE:	3/32"=1'-0"
DRAWING:	A
	2014098



TREVA SCHALL ARCHITECT INC.
 2000 BROADWAY
 SUITE 200
 NATIONAL CITY, CA 92041
 TEL: 619.441.1111
 WWW.TREVASCHALL.COM

2 NORTH EUCLID AVENUE NATIONAL CITY, CALIFORNIA

THIS CONCEPTUAL DESIGN IS BASED UPON A PRELIMINARY REVIEW OF ENTIREMENT REQUIREMENTS AND ON UNRECORDED AND POSSIBLY INCOMPLETE SITE AND/OR BUILDING INFORMATION, AND IS INTENDED MERELY TO ASSIST IN EXPLORING HOW THE PROJECT MIGHT BE DEVELOPED.

ALL IDEAS, DESIGNS, PLANS & SPECIFICATIONS & OTHER PROJECT DOCUMENTS, INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA ARE THE PROPERTY OF TREVA SCHALL ARCHITECT INC. & MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION FROM TREVA SCHALL ARCHITECT INC. © COPYRIGHT TREVA SCHALL ARCHITECT INC., ALL RIGHTS RESERVED.

RESOLUTION NO. 2015-02

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR A
CHARTER SCHOOL IN NATIONAL CITY PLAZA AT THE
NORTHWEST CORNER OF EUCLID AND DIVISION AVENUES.
CASE FILE NO. 2014-21 CUP
APN: 552-283-12**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a Charter School in National City Plaza at the northwest corner of Euclid and Division Avenues at a duly advertised public hearing held on January 12, 2015, 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. 2014-21 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; 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 January 12, 2015, support the following findings:

- 1. That 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, since the site is zoned Minor Mixed-Use District (MXD-1), which allows educational uses subject to a CUP.**
- 2. That the proposed use is consistent with the General Plan and any applicable specific plans, since educational uses are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and since educational uses are a conditionally-allowed use in the Minor Mixed-Use District zone.**

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since the proposed use will be within an existing commercial suite within a shopping center and since no expansion of the building is proposed.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since the proposed use will be within an existing commercial suite within a shopping center, since no expansion of the building is proposed, and since sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use is provided by both Euclid Avenue and Division Street, which are arterial streets.
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, since the use is contained wholly within an existing building, and since the use is consistent with other uses within other commercial centers in the City and in San Diego County.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.
7. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will provide a service in need in the area among members of the community seeking to gain a high school education.

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

General

1. This Conditional Use Permit authorizes a charter school within suites A, B, C, and E at 2 North Euclid 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. 2014-21 CUP, dated 11/4/2014.
2. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, 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 Department 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 Executive Director prior to recordation.

3. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.

Building

5. Any plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Fire

6. Any plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.

Planning

7. The applicant shall provide proof of all local, state and/or federal permits necessary for operation of the Charter School. Proof of said permits shall be provided at time of business license issuance.

Police

8. "No Loitering" signs shall be posted and maintained at highly visible areas around the entrances and exits to the school, including the parking area located to the west of the building.
9. Permittee shall comply with all regulatory provisions of the California Education Code Section 44807 related to student conduct on the way to and from school.

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 January 12, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



**CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950**

PLANNING COMMISSION STAFF REPORT

Title: **CONDITIONAL USE PERMIT FOR ALCOHOL SALES AT AMERICAN MULTI-CINEMA (AMC) LOCATED AT WESTFIELD PLAZA BONITA.**

Case File No.: **2014-19 CUP**

Location: **3050 Plaza Bonita Road**

Assessor's Parcel No.: **564-472-09**

Staff report by: **Martin Reeder – Principal Planner**

Applicant: **American Multi-Cinema, Inc.**

Owner: **Plaza Bonita, LLC**

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

Adjacent land use/zoning:

- North:** **Residential across Sweetwater Rd. / RS-2**
- East:** **Residential / County of San Diego**
- South:** **Open Space & I-805 / OS**
- West:** **Open Space across Plaza Bonita Rd. / OS**

Environmental review: **Categorically Exempt pursuant to Class 1, Section 15301 (Existing Facilities)**

Staff Recommendation: **Approve**

BACKGROUND

Site Characteristics

The project location is the AMC Plaza Bonita 14 Theater located at the Westfield Plaza Bonita. The movie theater is approximately 60,736 square feet in size and has 14 separate auditoriums. The movie theater was constructed in the late 2000's as part of a major renovation and expansion of the mall.

Proposed Use

The applicant is requesting to sell beer, wine, and cocktails for on-site consumption in conjunction with expanded food menus/offerings at the existing AMC Plaza Bonita 14 Theatre. Proposed hours of alcohol sales are 10:30 a.m. to 10:30 p.m. Monday to Thursday, and 9:00 a.m. to 11:00 p.m. Friday to Sunday. Alcohol is intended to be incidental to the sale of food. The type of ABC (California Dept. of Alcoholic Beverage Control) permit being applied for is a Type 47 – On-Sale General Eating Place. This is the same type of license a restaurant would require. The applicant has stated that AMC theatres have been recognized as eating places by the Department of Alcoholic Beverage Control because they make actual and substantial sales of meals for consumption on the premises.

The format that AMC employs to sell alcoholic beverages is called MacGuffins, which is typically a small bar and/or sales counter that is separate from other uses in the theater. In this case, the applicant is proposing a seven-seat bar area in the main lobby of the AMC Plaza Bonita 14 Theatre, near to the concession area. The area is currently a video arcade. Purchasers of alcohol would make their alcohol transaction in this area separate from other sales (concessions and food items) and then take their items into the theater. The sales area is accessible only to adults aged 21 and up. Cups used for alcohol are of a standard size (for beer, wine, or cocktails) and are an opaque plastic, making identification easier. The cups are smaller than the normal soda cup provided in theaters (see attached comparison photo).

Specific measures employed by AMC to encourage responsible alcohol sales include the following:

- Card Everyone
- Identification Required for Possession
- Zero Tolerance Policy
- Distinctive Glassware
- Certified Server Training (TIPS – Training for Intervention Procedures)
- Mystery Shopper Program
- Continuous Theatre Monitoring
- Age Restrictive Signage
- Lockable Storage Areas

AMC policy allows for only one drink per ID, with a maximum of two drinks per purchase. Once an ID is checked, the consumer(s) receives a brightly-colored wrist

band that must be worn at all times. In addition, there is one dedicated staff member (alcohol compliance monitor) who monitors all of the theaters. All theaters are checked at least every 30 minutes.

Analysis

The General Plan designation for the site is Major Mixed-Use, which is characterized by higher density and intensity development with an urbanized, community center-type character. The site is likewise zoned Major Mixed-Use District (MXD-2), which supports the creation of mixed-use districts that serve as primary activity centers within National City. MXD-2 districts are contemplated to function as twenty-four hour neighborhoods for residents, workers, and visitors, with housing, employment, retail, and recreational uses located in close proximity to one another.

The MXD-2 district permits, with a Conditional Use Permit (CUP), alcohol sales for on-site consumption as an accessory use to eating places. Although movie theaters are not specifically mentioned in this chapter (18.30.050), they do typically offer food for purchase. Most AMC theaters, including the Westfield Plaza Bonita location, have a varied food menu.

There are eighty-five (85) AMC theaters country-wide that feature MacGuffins, seven (7) of which are California. There are two (2) AMC locations in San Diego with a MacGuffins, Chula Vista (Chula Vista Center) and La Jolla (La Jolla Village Square). AMC Chula Vista 10 employs the standard serving model as outlined above, which is the only method currently utilized by AMC. AMC La Jolla 12 has a portioned layout, with approximately half of the theaters restricted to 21 and over only. Alcohol is only available for purchase in this part of the theater. This is an outdated model that is no longer used and is in the process of changing at the La Jolla location.

Hours of Operation/Alcohol Sales

The hours of operation of the theater are as follows:

- Monday – Thursday: 10:30 a.m. to 2:00 a.m.
- Friday – Sunday: 9:00 a.m. to 2:00 a.m.

The hours of alcohol sales are tailored to theater operating hours, although sales are cut off three to three-and-a-half hours prior to closing – roughly after the last movie screening starts:

- Monday – Thursday: 10:30 a.m. to 10:30 p.m.
- Friday – Sunday: 9:00 a.m. to 11:00 p.m.

Alcohol Conditional Use Permits require additional information above and beyond a normal CUP. This includes additional noticing (660-foot radius including both property owners and tenants), a community meeting, distance requirements from schools, and additional conditions related to sales and times. Conditions require that alcohol sales be incidental to food service. The City's standard alcohol conditions (as mandated by

Council Policy 707) require that no alcohol purchase be permitted without the sale of food. In this case, the alcohol and food concession areas are separate, thus this requirement would be difficult to meet. The applicant is requesting that this requirement be waived. Only the City Council may waive a policy condition, although it would be pertinent for the Planning Commission to make a recommendation one way or the other. In order for the Council to waive or modify the condition, they would need to hold another public hearing after the Planning Commission makes its decision.

Staff is in favor of removal/modification of the condition, given that the sale of alcohol would be tertiary to the primary and secondary uses of movie watching and food sales. The fact that a typical movie theater experience – including a movie and concessions – is significantly more money than a typical meal alone, it is not expected that a significant amount of alcohol will be purchased by any one individual. Furthermore, the limits and standards that AMC has in place regarding alcohol sales will further protect patrons from any impacts associated with such sales. Also, as previously mentioned, the applicant is applying for a Type 47 ABC license. Therefore, the sale of alcohol may not exceed the sale of food. This is also a standard City condition.

The required community meeting was held on Thursday, October 12, 2014. One community was in attendance, as well as the applicant's representative and Planning staff. The person in attendance was not in favor of the application, stating concerns related to existing vehicular activities (racing, etc.) occurring late at night. 597 property owners and tenants were notified of the meeting. The same list was used as for this public hearing. No schools are located within 660 feet of the site.

Alcohol Sales Concentration/Location

Per the California State Department of Alcoholic Beverage Control (ABC), there are currently six other on-sale permits issued in this census tract (32.04):

Name	Address	License Type*
Outback Steakhouse	2980 Plaza Bonita Rd.	47
Applebees	3030 Plaza Bonita Rd.	47
Red Robin	3030 Plaza Bonita Rd.	47
John's Incredible Pizza	3030 Plaza Bonita Rd.	41
Memela's Thai Bistro (CV)	3001 Bonita Rd.	41
El Torito	3030 Plaza Bonita Rd.	47

- * Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place
- Type 47 - On-Sale General for Bona Fide Public Eating Place

All of the five licenses in National City are located at Westfield Plaza Bonita (Memela's Thai Bistro is in the City of Chula Vista).

Census tract 32.04 is comprised of the area east of Interstate 805 and south of State Route 54, including part of Bonita. The attached census tract map shows the location of the subject tract. ABC recommends a total of four on-sale alcohol permits be issued in

this census tract, where six exist. Therefore, the census tract is considered to be over-concentrated.

Police Department comments

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 23) has a current crime rate of 355.4%, well above the 120% considered to be a high crime area. PD also provided a Risk Assessment report, which assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, AMC received a score of 16, which would indicate a medium risk. Low Risk is 0-12 points; Medium Risk 13-18 points; and High Risk 19-24 points.

Institute for Public Strategies (IPS) comments

IPS also provided comment on this project. The same concerns with over-concentration were noted, as well as access to alcohol by minors. IPS stated that a plan needed to be in place so that AMC can ensure that alcohol sharing does not occur, in order to reduce the risk of youth access to alcohol. AMC's standard operating procedures, as outline above, would address these concerns. These standards are included as Conditions of Approval.

Traffic

Because the sale of alcohol would be accessory to the sale of food and combined with a movie showing, no measurable increase in traffic is expected. Alcohol sales are intended to add to the service offered to existing customers. Sweetwater Road in this location has a varied Level of Service (LOS). The segment between I-805 and Valley Road has an LOS of C (A is best, F is worst), between Valley Road and Calmoor Street an LOS of A, and an LOS of E (failing) between Calmoor Street and Plaza Bonita Center Way. The site is also close to two freeways (I-805 and SR 54). 2030 numbers, as stated in the General Plan, show a general decrease in LOS (B to D), although the failing segment is showing as improved (LOS D).

Public Comment

One letter of concern was received in answer to the public hearing notice. The writer had concerns related to operation of the mall to the socio-economic status of the patrons. They felt that the addition of alcohol sales would be detrimental to the area.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per Council policy (alcohol incidental to food, hours of operation, RBSS training, etc.). The conditions are intended to reduce any potential impacts on the adjacent community. As previously mentioned, the applicant wishes to remove the condition related to the purchase of alcohol with food (same transaction).

CEQA compliance

The proposed project has been reviewed in compliance with the California Environmental Quality Act. Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The use will be conducted within an existing building and will be accessory to an existing and permitted use. No environmental impacts are anticipated as a result of expanding food and beverage options.

Summary

With the Project, AMC seeks to create an entertainment environment attractive to adult patrons. The movie theatre industry is currently undergoing a noteworthy transition period. Because of the advent and proliferation of Netflix, Redbox, and other new sources of entertainment, traditional movie theatres are facing significant challenges and must work to reinvent themselves. The applicant feels that the key to winning back those patrons that have opted for other entertainment options – especially adults – is the creation of a more up-scale movie experience through the provision of services and amenities beyond those customarily associated with most existing theatres. The sale of alcoholic beverages and expanded food options at the AMC 14 Theatre would increase the attractiveness of the theatre, and in turn, the Plaza Bonita shopping center.

OPTIONS

1. Approve 2014-19 CUP subject to the conditions listed below, based on attached findings.
2. Continue 2014-19 CUP to a specific date.
3. Deny 2014-19 CUP based on attached findings/findings to be made by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Approval/Denial
2. Recommended Conditions
3. Location Map
4. Census Tract Map and Police Beat Map
5. Police Department and Institute for Public Strategies comments
6. Public Hearing Notice (Sent to 597 property owners and occupants)
7. Public Correspondence
8. Notice of Exemption
9. Project Description
10. Applicant's Plans (Exhibit A, case file no. 2014-19 CUP, dated 10/23/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

~~2014-19 CUP, 3050 Plaza Bonita Road~~

1. That 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, since the site is zoned Major Mixed-Use District (MXD-2), which allows the sale of alcoholic beverage for on-site consumption as an accessory use to eating places subject to a CUP.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and since alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District zone.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since there are five other restaurants at the Westfield Plaza Bonita that sell alcohol, and since no increase in square-footage would occur.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since although there would be limited internal renovations to provide space for MacGuffins, the renovation would be minor and would not result in any increase in square footage and no expansion of the building is proposed.
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; since the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available. Furthermore, the business will have multiple alcohol control policies in place.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.
7. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will contribute to the continued viability of a movie theater, an established and allowed use in the Major Mixed-Use District zone.

8. That public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL
2014-19 CUP, 3050 Plaza Bonita Road

1. That the proposed use is not deemed essential and desirable to the public convenience and welfare, since there is already an over-concentration of on-sale alcohol licenses in census tract 32.04 in which the subject property is located.
2. That public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2014-19 CUP, 3050 Plaza Bonita Road

General

1. This *Conditional Use Permit* authorizes the sale of beer, wine, and distilled spirits at AMC Plaza Bonita 14 Theater located at Westfield Plaza Bonita at 3050 Plaza Bonita Road. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2014-19 CUP, dated 10/23/2014.
2. 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.
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.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, 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 Executive Director 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 Executive Director prior to recordation.

Planning

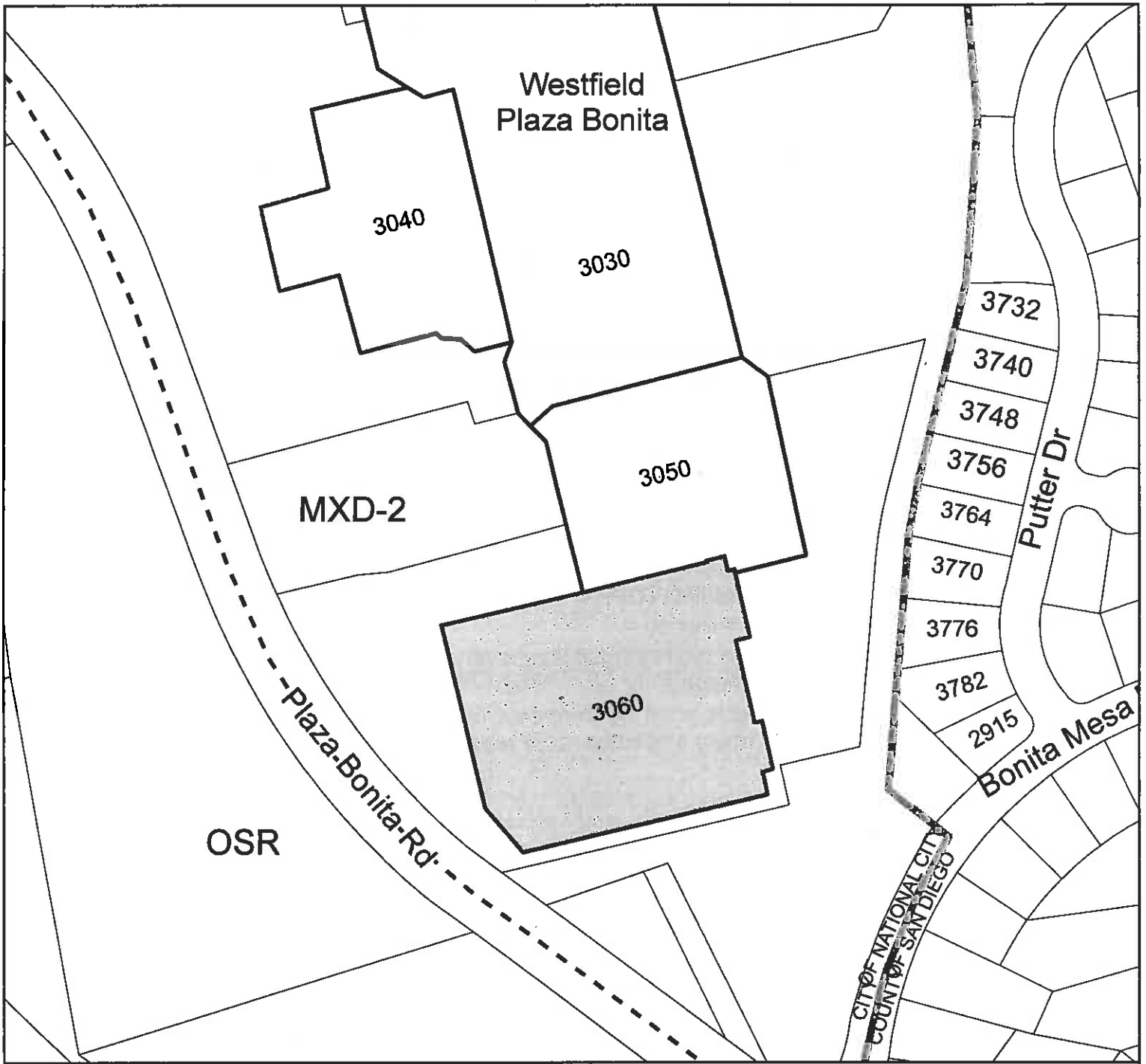
7. The sale of alcoholic beverages shall be limited to between the hours of 10:30 a.m. to 10:30 p.m. Monday through Thursday, and 9:00 a.m. to 11:00 p.m. Friday through Sunday.
8. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, 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.
9. 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.

10. Alcohol shall be available only in conjunction with the purchase of food.
11. 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. All practices as specified in the application materials for Case File No. 2014-19 CUP shall be implemented and maintained prior to and during alcohol sales. Said practices shall include, but not be limited to:
 - Valid identification check prior to alcohol purchase, regardless of age.
 - Valid identification required for possession of alcoholic beverages.
 - Zero Tolerance Policy.
 - Distinctive glassware for alcoholic beverages.
 - Certified Server Training (TIPS – Training for Intervention Procedures).
 - Mystery Shopper Program.
 - Continuous theatre monitoring at least every 30 minutes per theatre.
 - Age restrictive signage.
 - All alcohol products shall be contained in locked storage areas outside of approved sales hours and when sales area not staffed.

Police

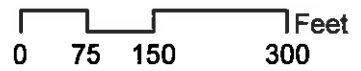
13. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.



Subject Parcel



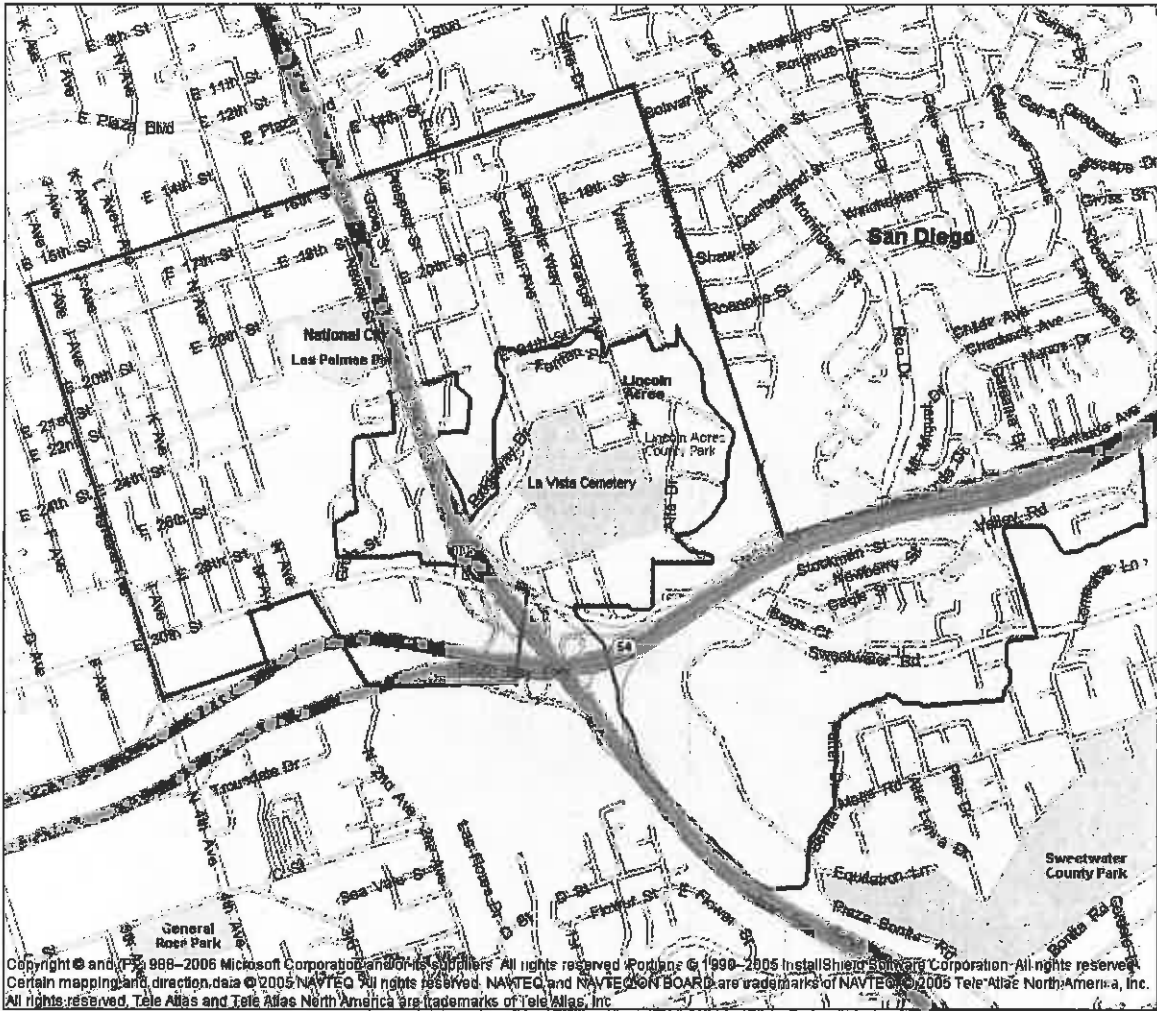
Zone Boundary



APN:
564-472-09

Planning Commission
Location Map

2014-19 CUP



City of National City Beat 23

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



**NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT**

DATE: 12/12/14

BUSINESS NAME: American Multi-Cinema, Inc. (AMC Theater)

ADDRESS: 3050 Plaza Bonita Road, National City, CA 91950

OWNER NAME: American Multi-Cinema, Inc. DOB: N/A

OWNER ADDRESS: 11500 Ash Street, Leakwood, KS 66211-7804

(add additional owners on page 2)

I. Type of Business

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

II. Hours of Operation

- Daytime hours (1 pt)
- Close by 10pm (2 pts)
- Close after 10pm (3 pts)

III. Entertainment

- Music (1 pt)
- Live Music (2 pts)
- Dancing/Live Music (3 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>Notes:</p> <p>Crime Rate - over 120% (355.4%)</p> <hr/> <p>Census Tract - 32.04</p> <hr/> <p>Allowed Type 47 - (4) currently have ()</p> <p>Mixed times of operation</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
--

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)

VIII. Owner(s) records check

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

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

OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

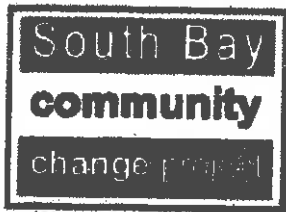
OWNER NAME: Unknown DOB: _____

OWNER ADDRESS: _____

Recommendation:

- NCPD does not have a proactive enforcement unit for ABC outlets.
- Within 100' of residences.
- (4) on-sale licenses are allowed, census tract 32.04 currently has (6) and (1) Off-Sale..
- High crime area - crime rate in the area is 355.4%, well above the 120% average ABC a high crime rate

Completed by: Graham Young, Lt Badge ID: 365



Environmental Scan For Alcohol License C.U.P.

AMC Theatre

3030 Plaza Bonita Road, Ste 2075, National City, CA 91950

January 6, 2015

<p>Photo of AMC Plaza Bonita 14</p>	<p>Google Earth View of 3030 Plaza Bonita Road and Surrounding Area</p>

This environmental scan is for a Conditional Use Permit for AMC Plaza Bonita 14, located at 3030 Bonita Road, in National City. The business is located between Plaza Bonita Road and Sweetwater Road in National City. Currently there are six (6) active licenses issued for the Census Tract is 0032.04. This number exceeds the census tract allocation. The applicant is applying for a type 47 Conditional Use Permit to sell Beer, Wine and Cocktails for on-site consumption. The proposed sale of alcohol will be incidental to existing food sales at the AMC 14 theatre and will allow for the consumption of alcoholic beverages in conjunction with expanded food options. An environmental scan was conducted on Tuesday, January 6, 2015.

The business is an AMC Theatre with sales of food from a menu and beverages. During a scan of the business and property the following was noted:

*Funded by the San Diego County Health and Human Services Agency
2815 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104*

www.publicstrategies.org

Youth Sensitive Areas

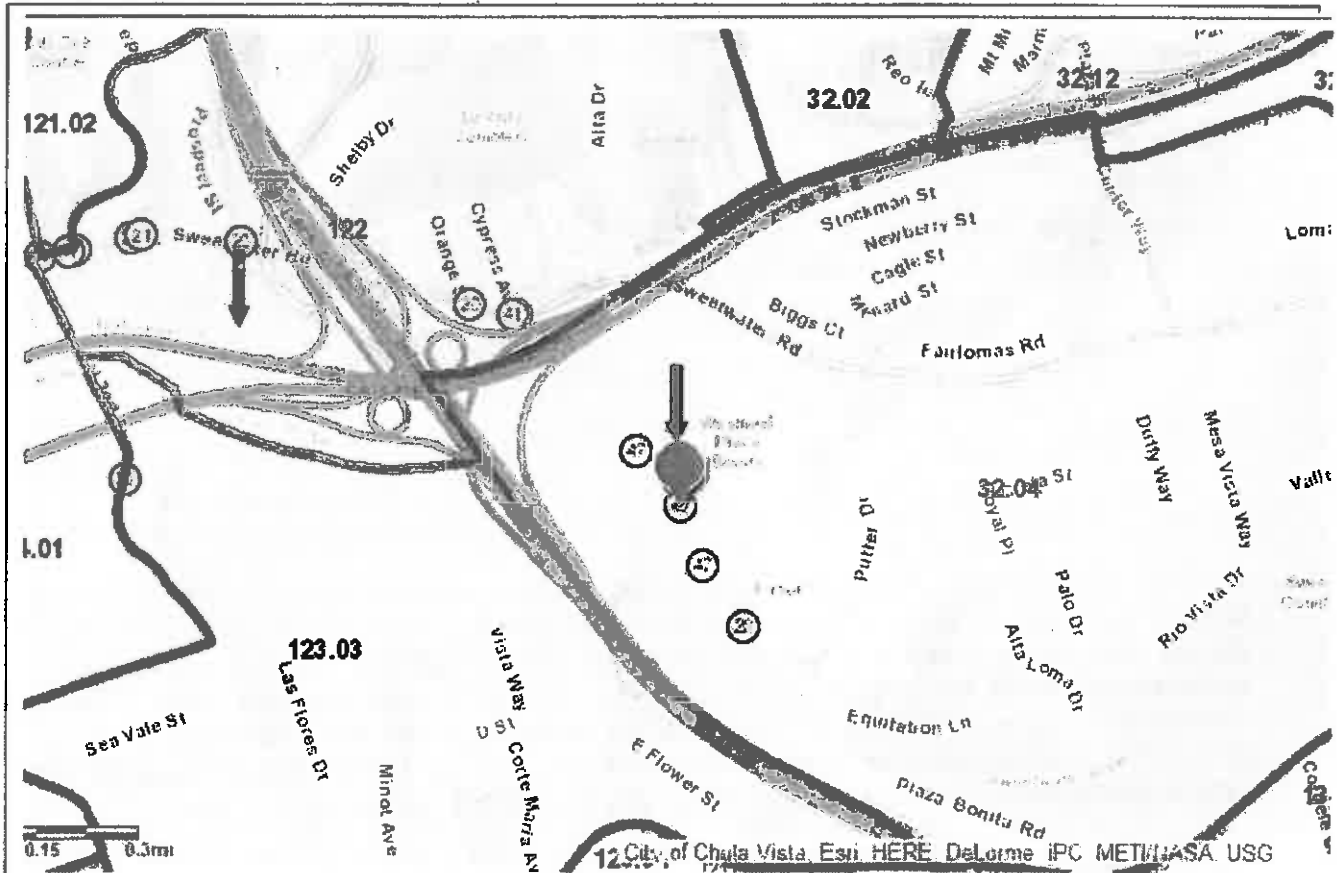
The business is not located near any youth sensitive areas.

Churches

A Google search showed the closest church to the applicant's location is the Bonita Baptist Church, located at 4744 Bonita Road, Bonita and approximately 7 miles East of the applicant's business.

Outlet Density

According to the ABC, four (4) on-site licenses are authorized for Census Tract 0032.04, the census tract within which the Westfield Plaza Bonita is located. Currently there are six (6) active licenses issued for the Census Tract is 0032.04. This number exceeds the census track allocation.



**Green Arrow and Red Pin Depict Applicant's Location for "AMC THEATRE" at 3030 Bonita Road, National City.
Yellow Circles Depict Existing Alcohol Outlets in Applicant's Census Tract and Other Nearby Census Tracts
Map from ABC.CA.Gov Website Showing Alcohol Outlets in National City**

The South Bay Community Change Project is a project of the Institute for Public Strategies and is funded by the San Diego County Health and Human Services Agency

Page 2 of 3

Mailing Address: 2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104
www.publicstrategies.org

Census Tracts

	Off-Sale	On-Sale
Census Tract 0032.04 <i>Establishment is within this tract</i>	Allowed: 1 Actual: 1 Number Above/Below Allowable: -	Allowed: 4 Actual: 6 Above/Below: +2
Neighboring Census Tracts		
Tract 0122.00	Allowed: 4 Actual: 4 Number Above/Below Allowable:	Allowed: 4 Actual: 6 Above/Below: +2

Community Input

In speaking with Mr. Dan McBride, the General Manager of the AMC Theatre in Plaza Bonita, he let us know that the following could be the precautions taken to prevent underage drinking; 1) Theatre Monitoring – security personnel or theatre staff will monitor individual theatres a minimum of once every 30 minutes, 2) Certified Server Training – Each staff member of the theatre will undergo Training for Intervention Procedures (TIPS), a nationally recognized program for alcohol servers, 3) Mystery Shopper Program – a mystery shopper program conducted by an outside firm is utilized to ensure all AMC employees are following company alcohol control policies., 4) Hours of Operation – AMC proposes to sell alcohol during the following hours; Monday - Thursday: 10:30 a.m. – 10:30 p.m. and Friday – Sunday: 9:00 a.m. – 11:00 p.m.

Considerations

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

As alcohol beverages will be allowed to be taken into the theatres where minors will be present, a plan by AMC 14 Plaza Bonita needs to be in place to ensure that alcohol sharing doesn't occur in order to reduce the risk of youth access to alcohol.



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT AMERICAN MULTI-CINEMA (AMC)
LOCATED AT WESTFIELD PLAZA BONITA.
CASE FILE NO.: 2014-19 CUP
APN: 564-472-09

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, January 12, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: American Multi-Cinema)

The applicant is requesting to sell beer, wine, and cocktails for on-site consumption. Proposed hours of alcohol sales are 10:30 a.m. to 10:30 p.m. Monday to Thursday, and 9:00 a.m. to 11:00 p.m. Friday to Sunday.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **January 12, 2015**, 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 DEPARTMENT

BRAD RAULSTON
Executive Director

December 30, 2014

Mr. Brad Raulston
Executive Director
National City Planning Department
1243 National City Blvd.
National City, CA 91950

Dear Mr. Raulston:

This is just to state my disapproval of allowing American Multi-Cinema to sell beer, wine, and cocktails for on-site consumption at the Westfield Plaza Bonita Mall. I am assuming you are considering this as a means to collect more revenue for the City of National City for I can't imagine why you would consider this. Any family person would not want to take their children or themselves or allow their teenagers to a movies or a mall where people are drinking alcohol or drunk. The restaurants are outside the mall and that is a different situation.

This mall has been going downhill for the past several years and is attracting the poorest people in the area. They come there because they have no money to shop with but to have their children play on the little children's play park in the mall, while their parents use the shops as a free museum to look at what is in style etc. 50% or more of these people do not have money. They are poor and depressed and angry. If they can buy a ticket and drink to overcome their depression they will.

The mall has been poorly managed for some time now. The big Westfield Sign hasn't worked for months. During Christmas there were three robberies in one night and this was all over the news for days about a jewelry store that was robbed, the train station was robbed and another robbery. Many of the outdoor lights were not working for the holidays. The history of this mall is that at one time it was considered so unsafe because of gangs, that people were afraid to come there. If you go on-line, you can read about how bad it was years ago and there are many reviews telling how unsafe it was. This is not Del Mar Plaza where they have the new theater where you can purchase cocktails and have dinner. The residents of Del Mar have plenty of money and can afford an expensive meal and enjoy wine and cocktails. The people at this mall would drink to escape and the guys over 21 that haunt these malls because they have nothing else to do, and can't get jobs would drink to escape.

So no, I think it is a very bad idea and the City should look at a way to make jobs for the people and raise the wages so people could have a better lifestyle than to go to the movies to drink. In Japan, they call them the lost generation because they can't get jobs and all they do is go to the theatres in the mall and drink all day.

Cordially,

Destiny Carlson
Destiny Carlson

RECEIVED
JAN 6 5 2015



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

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2014-19 CUP

Project Location: 3050 Plaza Bonita Road, National City, CA 91950

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit application for the sale of beer, wine, and distilled spirits in conjunction with concessions at an existing movie theater.

Applicant:

America Multi-Cinema, Inc.
11500 Ash Street,
Leawood, KS 66211-7804

Telephone Number:

(913) 213-2461

Exempt Status:

Categorical Exemption. Class 1 Section 15301 (Existing Facilities)

Reasons why project is exempt:

The project will result in no changes to the physical environment, since the proposal is located completely within a movie theater, which is within a regional shopping mall.

Date:

MARTIN REEDER, AICP
Principal Planner

**AMC 14 Plaza Bonita
Project Description – CUP Application for the On-Site Sale of Alcohol**

Request

American Multi-Cinema, Inc. (“AMC” or the “Applicant”) requests a Conditional Use Permit pursuant to National City Municipal Code Sections 18.12.110 and 18.30.050 to permit the sale of alcoholic beverages for on-site consumption at the existing AMC Plaza Bonita 14 (“AMC 14 Theatre”) in the Westfield Plaza Bonita shopping center. The AMC 14 Theatre is located at 3050 Plaza Bonita Road, National City, California 91950 (the “Site”). The proposed sale of alcohol will be incidental to existing food sales at the AMC 14 Theatre, and will allow for the consumption of alcoholic beverages in conjunction with expanded food options.

Project Description



**American Multi-Cinema, Inc.
Conditional Use Permit Application
October 2014**

AMC proposes to allow on-site alcohol sales at the existing AMC 14 Theatre (the "Project"). Pursuant to National City Municipal Code ("NCMC") Sections 18.12.110 and 18.30.050, a conditional use permit ("CUP") is required for the Project. The Project also requires a Type 47 On-Sale General Eating Place alcohol license ("Type 47 License") from the California Department of Alcohol Beverage Control ("ABC"), which authorizes the sale of alcohol at eating places which make actual and substantial sales of meals for consumption on the premises (a "bona fide eating place"). All AMC movie theatres in California that currently sell alcoholic beverages have been issued a Type 47 License. The Project does not propose any external modifications, increases in square footage, or changes that would otherwise increase parking requirements.

The General Plan designation for the Site is Major Mixed-Use, which is characterized by higher density and intensity development with an urbanized, community center-type character. (General Plan, Land Use Element at 3-21.) The Site is likewise zoned Major Mixed-Use District (MXD-2), which supports the creation of mixed-use districts that serve as primary activity centers within National City. MXD-2 districts are contemplated to function as twenty-four hour neighborhoods for residents, workers, and visitors, with housing, employment, retail, and recreational uses located in close proximity to one another. (NCMC § 18.24.020(D).) The MXD-2 district permits, with a CUP, alcohol sales for on-site consumption as an accessory use to eating places. (NCMC § 18.24.050.)

The Westfield Plaza Bonita is currently 981,511 square feet, with the AMC 14 Theatre occupying approximately 60,736 square feet. The Westfield Plaza Bonita currently has approximately 4,400 parking spaces. The Project proposes the sale of alcohol at the AMC 14 Theatre. It does not propose any increases in square footage, external renovations, or other changes that would increase parking requirements. The Project would expand food offerings at the AMC 14 Theatre, and incorporate the sale of alcoholic beverages to adult patrons in a separate area, MacGuffins. All alcohol sales will take place at MacGuffins, AMC's designated alcohol sales concession area, and alcohol sales will be incidental and complementary to concessions sales. MacGuffins will provide adult moviegoers with proper identification the ability to order alcoholic beverages (beer, wine, or spirits) which they may then take to their auditorium seats.

With the Project, AMC seeks to create an entertainment environment attractive to adult patrons. The movie theatre industry is currently undergoing a noteworthy transition period. Because of the advent and proliferation of Netflix, Redbox, and other new sources of entertainment, traditional movie theatres are facing significant challenges and must work to reinvent themselves. Key to winning back those patrons that have opted for other entertainment options – especially adults – is the creation of a more up-scale movie experience through the provision of services and amenities beyond those customarily associated with most existing theatres. The sale of alcoholic beverages and expanded food options at the AMC 14 Theatre would increase the attractiveness of the theatre, and in turn, the Plaza Bonita shopping center.

Hours of Operation

The hours of operations are as follows:

- Monday – Thursday: 10:30 a.m. to 2:00 a.m.
- Friday – Sunday: 9:00 a.m. to 2:00 a.m.

AMC proposes to sell alcohol during the following hours, subject to any regulations which limit the sale of alcohol to certain times:

- Monday – Thursday: 10:30 a.m. to 10:30 p.m.
- Friday – Sunday: 9:00 a.m. to 11:00 p.m.

Number of Employees

The AMC 14 Theatre will employ approximately 44 part-time employees and 10 full-time managers and supervisors.

Neighboring Uses

The AMC 14 Theatre is at the southern end of the Westfield Plaza Bonita. The Site is bordered to the south by the Westfield Plaza Bonita parking lot and then open space, Interstate 805, and residences; to the west by open space and Interstate 805; to the north by much of the mall, open space, State Route 54, and residences; and to the east by the mall parking lot and residences in National City and the City of Chula Vista. The National City Zoning Map designates the surrounding uses as Open Space, Small Lot Residential, and Medium-Low Density Multi-Unit Residential. A substantial parking lot, which rings the Westfield Plaza Bonita, separates the shopping center from the neighboring uses and structures. There are no schools within 660 feet, or other establishments with alcohol sales within 500 feet (excluding restaurants).

Findings as Required by NCMC § 18.12.110

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 Site is zoned Major Mixed-Use District (MXD-2). Pursuant to NCMC § 18.24.050, the MXD-2 zone permits, with a conditional use permit, the sale of alcoholic beverage for on-site consumption as an accessory to eating places. The AMC 14 Theatre is an eating place, and similar AMC theatres have been recognized as such by the Department of Alcoholic Beverage Control because they make actual and substantial sales of meals for consumption on the premises. Thus, as discussed above, the ABC licenses theatres pursuant to a Type 47 License.

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

The Site is designated Major Mixed-Use in the National City General Plan. The Major Mixed-Use designation provides for a broad variety of uses, including low to mid-rise multiple-family dwellings, retail, restaurants, personal services, professional and administrative offices, public and quasi-public uses, and similar compatible uses. It promotes urbanized, community center-type character by emphasizing community-serving commercial and retail development and multi-family uses.

The expansion of food services and the sale of alcohol at the AMC 14 Theatre is in accord with the General Plan, as described below, and will provide a service beneficial to the community by enhancing the entertainment experience at the Westfield Plaza Bonita. The Westfield Plaza Bonita offers individuals an array of shopping and entertainment, but does not provide a theatre that serves alcoholic beverages, a trait attractive to adults seeking a more expansive movie-going experience. As more people patronize the AMC 14 Theatre, it is expected that moviegoers will also enjoy the other opportunities present at the Westfield Plaza Bonita and throughout the City, thus promoting community-serving commercial and retail development which the Major Mixed-Use designation intends to foster.

The Project would also be consistent with numerous policies and goals in the General Plan, including but not limited to the following:

- **Goal LU-2:** Goal LU-2 seeks to promote a mix of land uses, including residential and commercial uses, that accommodate the needs of persons from all income groups and age levels. This goal is particularly important because, as the General Plan notes, a “wide mix of land uses will allow residents to meet their needs without traveling long distances.” (General Plan at 3-26.) The provision of expanded food options and alcoholic beverage sales at the AMC 14 Theatre is a unique use that is attractive to an array of individuals, but is not currently offered in the City. Therefore, individuals hoping to partake in the experience must go to other theatres outside of the City.
- **Goal LU-3:** Goal LU-3 aims to establish a land use pattern that avoids the creation and continuance of incompatible land uses. The Westfield Plaza Bonita is located in a highly developed area containing a diverse mix of uses, including shopping, entertainment, and restaurants. The sale of alcohol at the AMC 14 Theatre would complement such uses by providing a holistic movie/entertainment experience with diverse food and beverage options. The Westfield Plaza Bonita serves both residents and visitors to the area, and a movie theatre serving alcoholic beverages would add to the viability of the Westfield Plaza Bonita, as well as the surrounding area.

There is no specific plan applicable to the Site.

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 overall design, location, and size of the AMC 14 Theatre would not change with the

American Multi-Cinema, Inc.
Conditional Use Permit Application
October 2014

proposed Project. While there would be limited internal renovations to provide space for MacGuffins, the renovation would be minor and would not result in any increase in square footage. There are no proposed changes to the exterior of the AMC 14 Theatre.

With respect to the operational characteristics of the proposed Project, alcoholic beverage sales at the AMC 14 Theatre would be compatible with the existing and future land uses in the vicinity. The Site is zoned MXD-2, which is intended to support the creation of mixed-use districts that serve as primary activity centers within the City. (NCMC § 18.24.020.) As an activity center, Westfield Plaza Bonita functions as a shopping and entertainment regional destination for residents, workers, and visitors. Other restaurants in the shopping mall serve alcohol, which is often viewed as an expected amenity in connection with the consumption of food. The sale of alcohol at the AMC 14 Theatre would complement such uses by providing a holistic movie/entertainment experience with diverse food and beverage options and contributing to the creation of an activity center environment. The CUP for the sale of alcoholic beverages for on-site consumption inside the existing AMC 14 Theatre will be consistent with the services currently available to area residents and visitors, and will also be a valuable addition by expanding the entertainment options at the Westfield Plaza Bonita. Therefore, the Project will be proper in relation to adjacent uses and will contribute to the development and vitality of the commercial district in which it is located.

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 sale of alcohol and expanded food options would enhance existing uses at the AMC 14 Theatre, namely movie-viewing and restaurant services, for which the Westfield Plaza Bonita is physically suitable. The AMC 14 Theatre currently exists at the Westfield Plaza Bonita, a shopping center that includes numerous entertainment and restaurant options, and has the infrastructure – extensive access and parking – available to accommodate such uses. As the Project does not propose any exterior renovations to the existing theatre, there are no physical constraints that would make the Site unsuitable for the Project. The City has determined that the Westfield Plaza Bonita is a location which is physically suitable to support the sale of alcohol at restaurants and entertainment establishments. For example, both Red Robin and John's Incredible Pizza Company are restaurants permitted to sell alcohol within the Westfield Plaza Bonita. Like both of those restaurants, alcohol sales at the AMC 14 Theatre will be ancillary to the existing food service and theatre uses, both of which are accommodated by the physical characteristics of the Westfield Plaza Bonita.

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.*

A CUP for the sale of alcohol at the AMC 14 Theatre would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to the community. As discussed above, the sale of alcoholic beverages at the AMC 14 Theatre will be non-disruptive to the character of existing development and is consistent with the Site's zoning (a

mixed-use district that serve as a primary activity center) and General Plan designation (an urbanized, community center-type character that emphasizes community-serving commercial, retail development and multi-family uses). In addition to providing additional entertainment options to area residents, the sale of alcohol and expanded food options at the AMC 14 Theatre would be beneficial to the community by enhancing the attractiveness of the Westfield Plaza Bonita and surrounding area as places for commercial investment.

The Site is physically suitable for the Project because it has the facilities necessary to accommodate the primary uses of the AMC 14 Theatre, which would not be changed by the Project. The Project does not propose any physical changes to the exterior of the existing movie theatre that could negatively impact adjacent properties or the surrounding neighborhood.

The Project will also not result in any health or safety impacts that would be injurious to persons or property. The Site is located in Crime Reporting District Beat No. 23, which is not designated as a "high crime reporting district"¹. AMC considers the safety and security of its patrons to be paramount and has adopted operational alcohol policies designed to ensure the overall safety of the movie-going experience and compliance with local, state, and federal regulations. AMC's alcohol control policies include the following mechanisms to safeguard the safety and security of all patrons:

- **Age Restriction/Identification Required for Purchases** – In connection with the sale of alcohol, associates must require positive proof of age from all guests regardless of age.
- **Identification Required for Possession** – Any patron in possession of an alcoholic beverage who appears to be under the age of 21 will be required to show valid identification.
- **Zero Tolerance for Minors in Possession** – If any minor is found to be in possession of an alcoholic beverage, the theatre's manager must be notified immediately and law enforcement will be called.
- **Distinctive Glassware** – Alcoholic beverages will be served in distinctive glassware to differentiate from glassware containing non-alcoholic beverages.
- **Glassware Size** – Glasses for beer and cocktails are a standard 16 ounce size, while glasses for wine are 10 ounces. Because a 16 ounce glass is used for cocktails, yet only one shot of alcohol is poured per glass, the amount of alcohol relative to the non-alcoholic cocktail mix significantly reduces the risk of intoxication compared to other establishments that sell alcoholic beverages.

¹ A "high crime reporting district" is a district which has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

- **Certified Server Training** – Each staff member of the theatre will undergo Training for Intervention Procedures (TIPS), a nationally recognized training program for alcohol servers. Upon hire, all sales employees are required to sign a form acknowledging that failure to follow AMC's rules, policies, and procedures provided in the alcohol control plan will lead to immediate disciplinary action, up to and including termination. Because they all receive training, all AMC staff members are charged with supervising the consumption of alcohol throughout the theatre and auditoriums.
- **Mystery Shopper Program** – A mystery shopper program conducted by an outside firm is utilized to ensure all AMC employees are following company alcohol control policies. The mystery shopper program is centered around a zero tolerance threshold. Any employee who is found to violate AMC's alcohol control policies is terminated.
- **Hours of Operation** – AMC will comply with all local and state regulations for the cutoff of alcohol sales.
- **Continual Theatre Monitoring** – AMC requires security personnel or theatre staff to monitor individual theatres a minimum of once every 30 minutes. All persons who monitor theatres are required to undergo TIPS training, which provides them with the skills necessary to identify and deal with underage drinking or inappropriate behavior.
- **Alcohol Compliance Monitoring** – Whenever MacGuffins is open, a manager must oversee operations and observe the flow of guests and bartender execution. No non-alcoholic beverages are sold at MacGuffins to facilitate the observation of guests purchasing alcohol.
- **Intoxicated Guests** – In the event a guest appears intoxicated, a manager must be notified immediately. The following steps must be taken to ensure the issue is appropriately addressed: (1) remove the guest from the auditorium, (2) ask the guest not to leave the building, (3) diffuse the situation by providing water and food, (4) make alternative arrangements for the guest to get home, (5) monitor the guest's location, and (6) notify law enforcement if the guest insists on leaving.

Likewise, ABC has standard licensing conditions which would strictly define the nature of alcohol sales at the AMC 14 Theatre. These conditions include limitations on the size of alcoholic beverages, limits on the number of alcoholic beverages that can be sold per transaction, and regular monitoring of activity within the theatres. Specifically, the ABC conditions include the following, among others:

- **Alcohol Service** – All sales and service of alcohol for consumption shall be made only from concession stands, portable stands or bars, or fixed bars, and shall not be sold, served, or delivered to customers.

- **Number of Drinks** – No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction.

Finally, AMC employs security guards to ensure the safety of patrons and to prevent the sale of alcohol to minors and intoxicated persons. AMC's uniformed security guards work at all theatre entrances and exits during peak hours, and AMC will adjust security schedules as necessary depending on volume and show schedules.

The sale of alcohol at theatres is no longer uncommon, and AMC has been successfully operating theatres that incorporate alcohol service for more than ten years. Currently, approximately 85 AMC locations include a MacGuffins. AMC's experience demonstrates that the sale of alcohol does not contribute to any behavior that may be detrimental to the public welfare. The AMC theatres which include a MacGuffins, for example, have not seen any increases in negative incidents after the introduction of alcoholic beverage service. AMC attributes this to a number of factors. First, as adult moviegoers increasingly attend the more up-scale movie theatres that sell alcohol, those individuals that would have patronized the theatre and caused trouble or other undesirable activity are deterred from attending. Second, the consumption of alcohol at theatres is not necessarily a "social" experience as it is in bars and the cost of alcoholic beverages at theatres is higher than at other alcohol serving establishments; thus, AMC's theatres do not attract people whose primary goal is to drink alcohol. Finally, moviegoers patronize theatres primarily for the movie viewing experience, not to purchase alcoholic beverages. AMC has discovered that individuals who purchase alcoholic beverages generally do not habitually return to purchase more after the showing begins because they, quite simply, do not want to miss any of the movie. In that vein, AMC's nationwide average for alcoholic beverages is just 1.1 drinks per person who purchases alcohol.

According to the ABC, four (4) on-site licenses are authorized for Census Tract No. 32.04, the census tract within which the Westfield Plaza Bonita is located. Currently, there are six (6) active licenses issued for Census Tract No. 32.04. While the number of licenses exceeds the Census Tract allocation, the actual number is consistent with (if not lower) than the number of licenses that are normally associated with regional shopping malls. Because of the retail offerings in the area, there is significant demand for quality dining establishments within the Census Tract. Because patrons to the area expect restaurants to serve alcohol, there are likewise a similarly larger number of alcoholic beverage licenses. Therefore, although the number of on-site licenses exceeds the amount authorized for the census tract, the sale of alcohol and expanded food options at the AMC 14 Theatre is compatible with the surrounding uses and will provide a highly desired service to area residents.

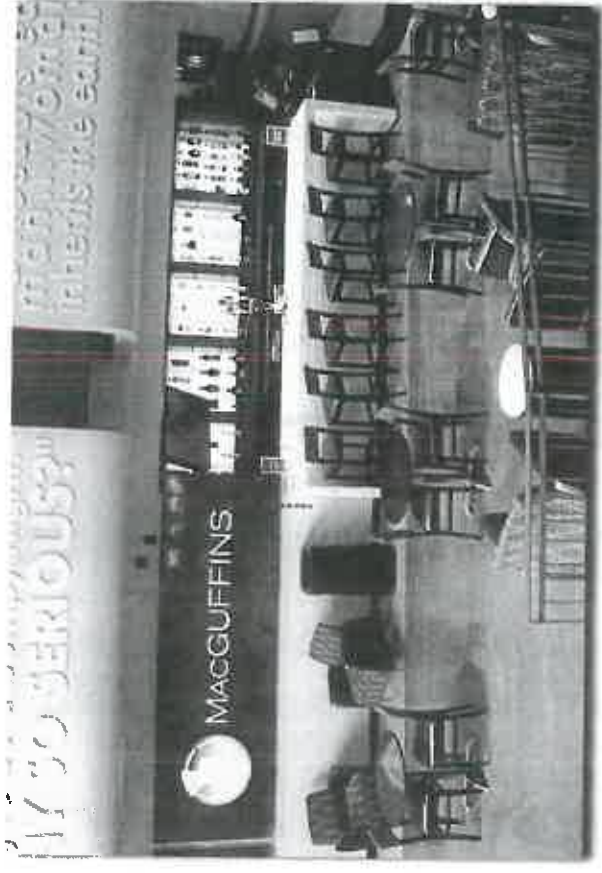
6. *The proposed project has been reviewed in compliance with the California Environmental Quality Act.*

The Project does not propose any modifications which could result in environmental impacts. As a result, the Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061 ("no possibility that the activity ... may have a significant effect") and/or 15301 ("existing facilities").

American Multi-Cinema, Inc.
Conditional Use Permit Application
October 2014

AMC's Alcohol Compliance

- Proven Measures Based Upon...
 - Experience
 - Best Practices
 - Established State Licensing Requirements
- MacGuffins
 - 74 MacGuffins locations nationwide (and counting...)



AMC's Alcohol Compliance

- Specific Measures
 - Card Everyone
 - Identification Required for Possession
 - Zero Tolerance Policy
 - Distinctive Glassware
 - Certified Server Training (TIPS - Training for Intervention Procedures)
 - Mystery Shopper Program
 - Continuous Theatre Monitoring
 - Age Restrictive Signage
 - Lockable Storage Areas



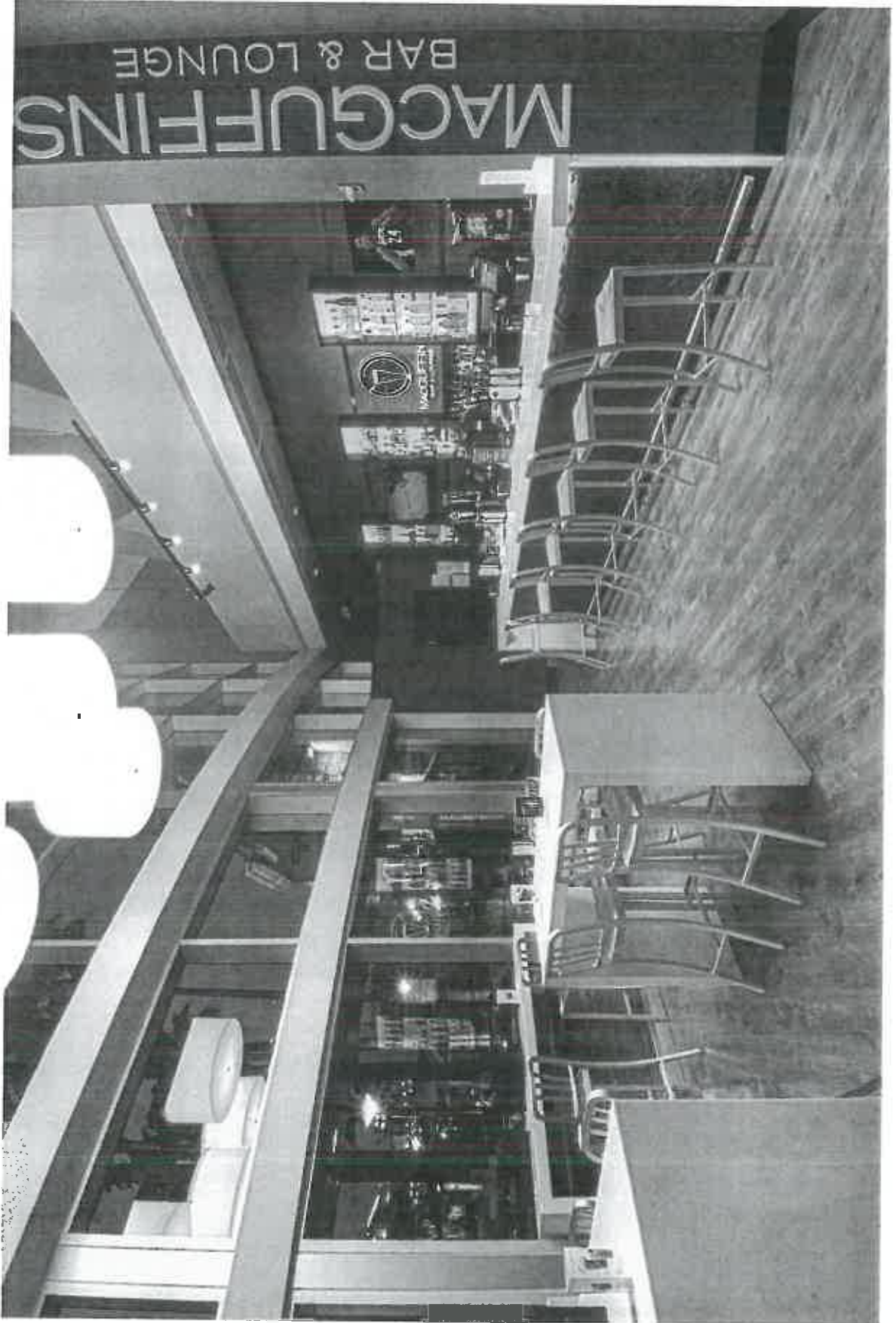
MacGuffins – Tustin 14 at the District



MacGuffins – Tustin 14 at the District



MacGuffins – Tustin 14 at the District



MacGuffins – Tustin 14 at the District







SITE PLAN DETAIL

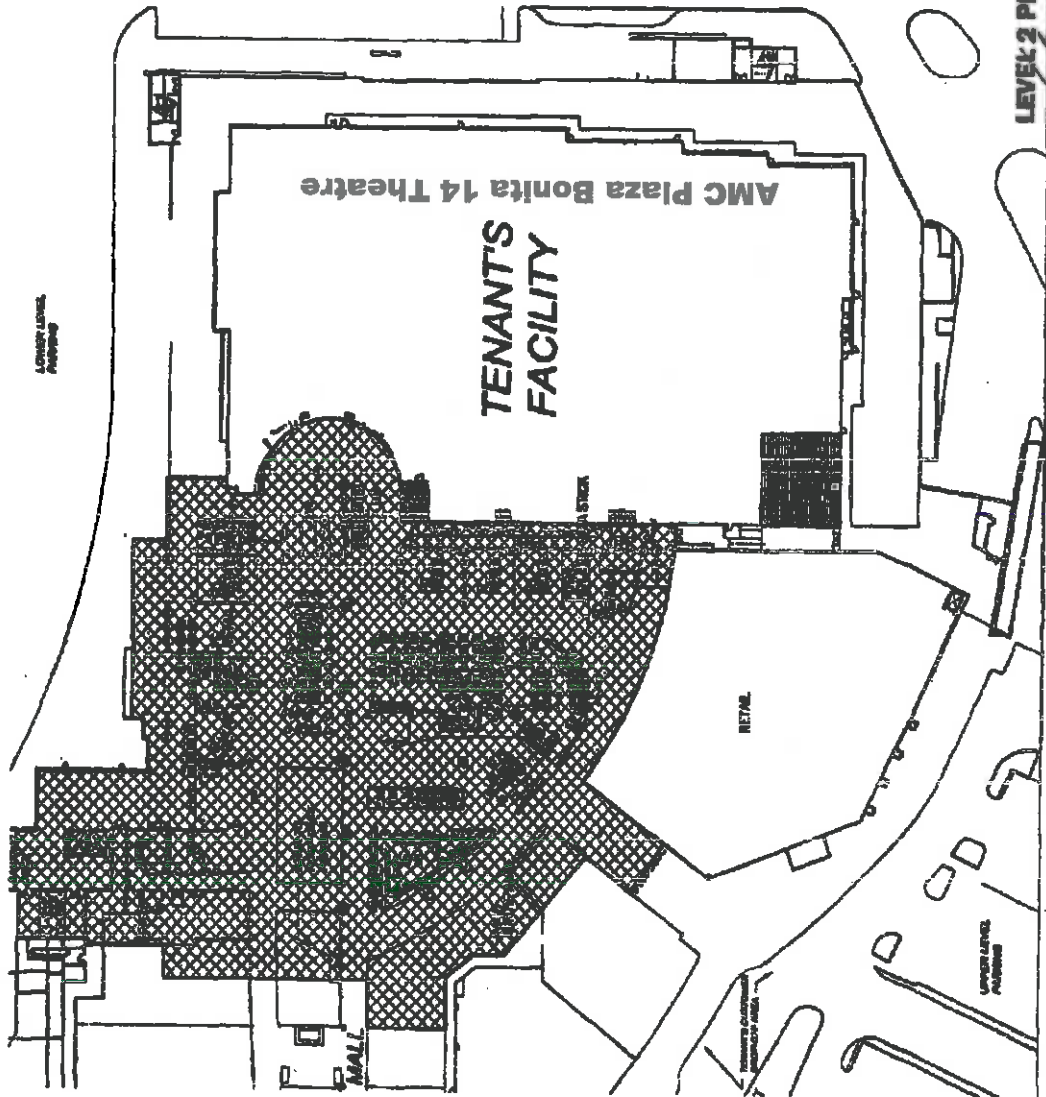
11254



Not to Scale

LEGEND

-  CONCESSION RESTRICTION AREA
-  LANDLORD CONTROLLED AREA



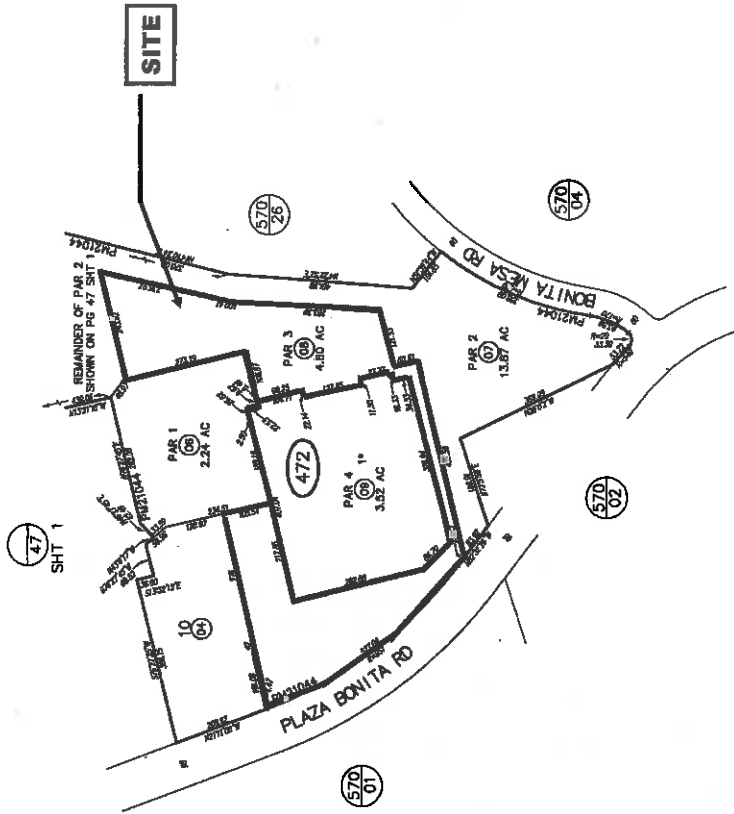
LEVEL 2 PLAN

AMC EXHIBIT BY
CONCESSION RESTRICTION LEVEL 2
DATE: 11/11/2011

EXHIBIT B

AND

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT CORRELATE WITH LOCAL, STATEMENT OR BUILDING ORDINANCES.



SAN DIEGO COUNTY ASSESSOR'S MAP
 564-47
 SHT 2 OF 2
 1" = 200'
 06/22/2013

CHANGES

NO.	DATE	BY	DESCRIPTION
1	06/22/2013
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

UPPER LIMIT ELEVATION OF PAR 4 EQUALS 574.88 SEE PARCEL 1044 FOR ISOMETRIC VIEW

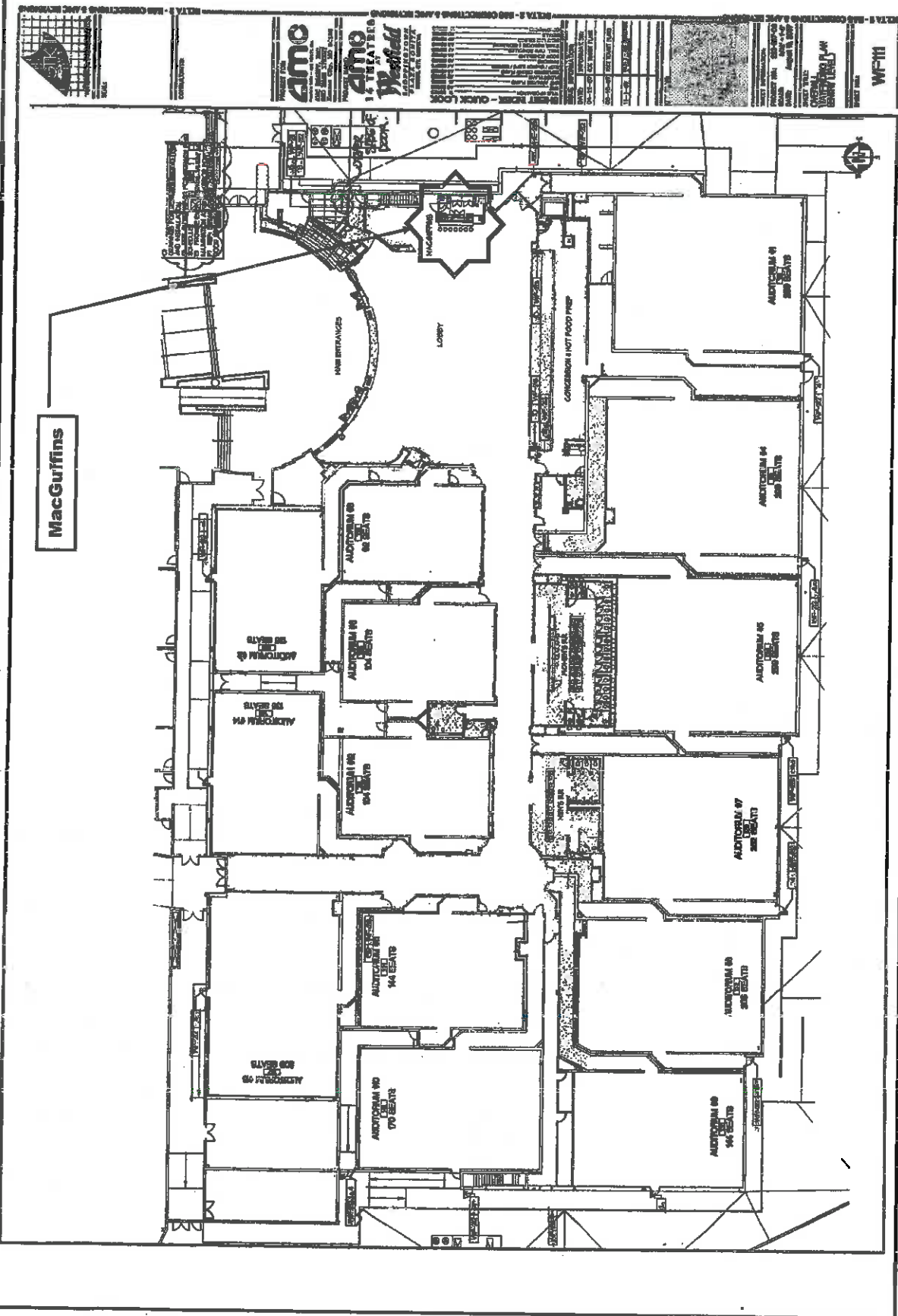
ASSESSOR PARCEL MAP - 564-427-08
 AMC Plaza Bonita 14
 3050 Plaza Bonita Road, National City, CA 91950

MAP 10337 - PLAZA BONITA SHOPPING CENTER

3050 Plaza Bonita Road, National City, CA 91950

AMC Plaza Bonita 14 Theatre

FLOOR PLAN



MacGuffins

WFTM
 PROJECT NO: 14-000-000
 DRAWING NO: 14-000-000
 DATE: August 14, 2014
 SHEET NO: 14-000-000

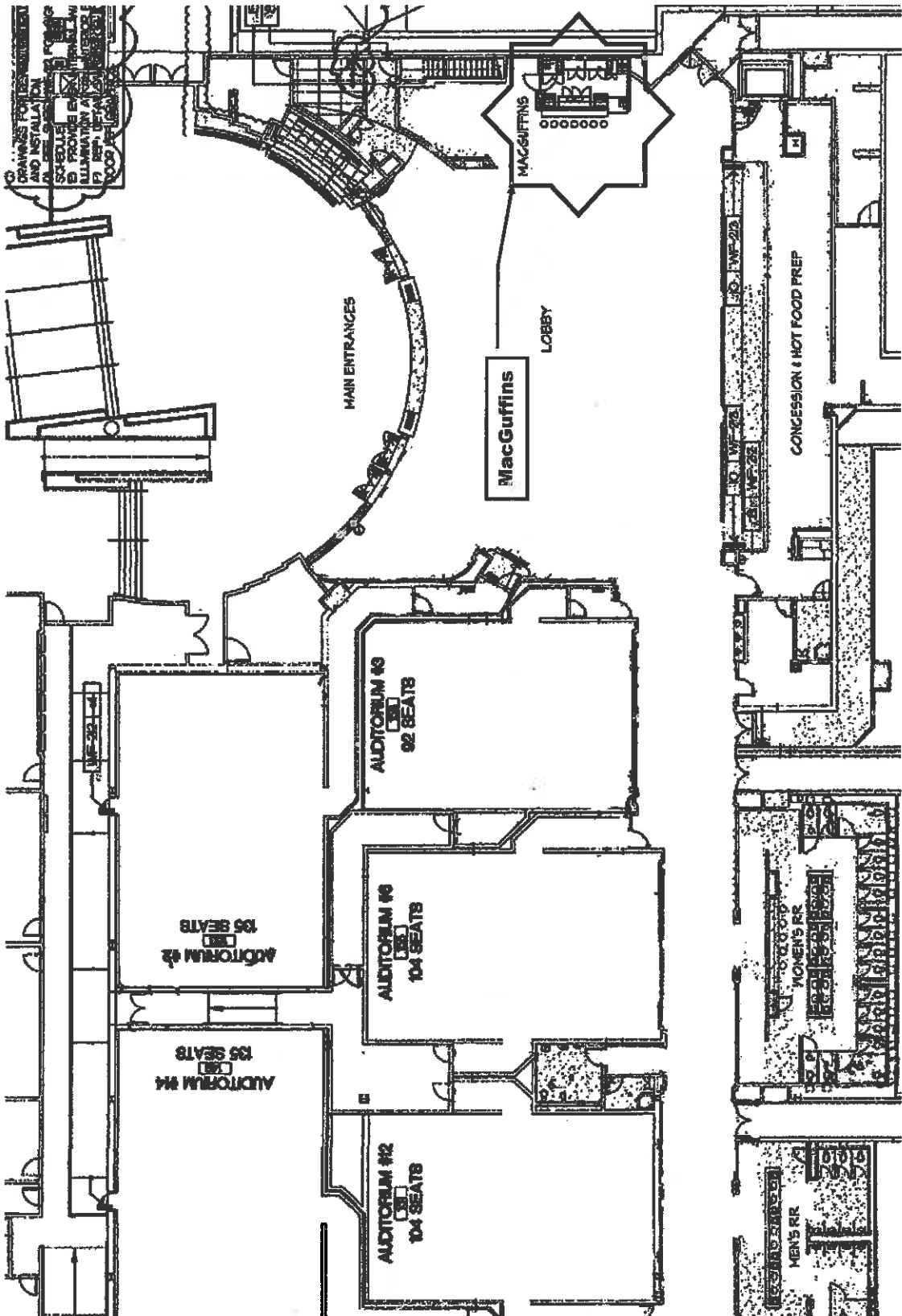
QUICK LOOK
 PROJECT NO: 14-000-000
 DRAWING NO: 14-000-000
 DATE: August 14, 2014
 SHEET NO: 14-000-000

QUICK LOOK
 PROJECT NO: 14-000-000
 DRAWING NO: 14-000-000
 DATE: August 14, 2014
 SHEET NO: 14-000-000

QUICK LOOK
 PROJECT NO: 14-000-000
 DRAWING NO: 14-000-000
 DATE: August 14, 2014
 SHEET NO: 14-000-000

QUICK LOOK
 PROJECT NO: 14-000-000
 DRAWING NO: 14-000-000
 DATE: August 14, 2014
 SHEET NO: 14-000-000

FLOOR PLAN DETAIL



RESOLUTION NO. 2015-03

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR ALCOHOL SALES AT AMERICAN MULTI-CINEMA
(AMC) LOCATED AT WESTFIELD PLAZA BONITA. CASE FILE NO. 2014-19 CUP
APN: 564-472-09**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at American Multi-Cinema (AMC) located at Westfield Plaza Bonita at a duly advertised public hearing held on January 12, 2015, 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. 2014-19 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; 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 January 12, 2015, support the following findings:

1. That 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, since the site is zoned Major Mixed-Use District (MXD-2), which allows the sale of alcoholic beverage for on-site consumption as an accessory use to eating places subject to a CUP.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, since alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; and since alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District zone.

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, since there are five other restaurants at the Westfield Plaza Bonita that sell alcohol, and since no increase in square-footage would occur.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, since although there would be limited internal renovations to provide space for MacGuffins, the renovation would be minor and would not result in any increase in square footage and no expansion of the building is proposed.
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, since the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available. Furthermore, the business will have multiple alcohol control policies in place.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, since staff has already determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.
7. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will contribute to the continued viability of a movie theater, an established and allowed use in the Major Mixed-Use District zone.
8. That public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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

General

1. This *Conditional Use Permit* authorizes the sale of beer, wine, and distilled spirits at AMC Plaza Bonita 14 Theater located at Westfield Plaza Bonita at 3050 Plaza Bonita Road. Plans submitted for permits associated with this project shall conform to Exhibit A, case file no. 2014-19 CUP, dated 10/23/2014.
2. 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.

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.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, 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 Executive Director 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 Executive Director prior to recordation.

Planning

7. The sale of alcoholic beverages shall be limited to between the hours of 10:30 a.m. to 10:30 p.m. Monday through Thursday, and 9:00 a.m. to 11:00 p.m. Friday through Sunday.
8. 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.
9. 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.
10. Alcohol shall be available only in conjunction with the purchase of food.
11. 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. All practices as specified in the application materials for Case File No. 2014-19 CUP shall be implemented and maintained prior to and during alcohol sales. Said practices shall include, but not be limited to:

- Valid identification check prior to alcohol purchase, regardless of age.
- Valid identification required for possession of alcoholic beverages.
- Zero Tolerance Policy.
- Distinctive glassware for alcoholic beverages.
- Certified Server Training (TIPS – Training for Intervention Procedures).
- Mystery Shopper Program.
- Continuous theatre monitoring at least every 30 minutes per theatre.
- Age restrictive signage.
- All alcohol products shall be contained in locked storage areas outside of approved sales hours and when sales area not staffed.

Police

13. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of January 12, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON