



Planning Commission Agenda

Meeting of February 9, 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 Flores

Approval of Minutes

1. Approval of Minutes of the Meeting held on January 12, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting on February 9, 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. Rosenberg's Rules of Order (City Attorney)

PUBLIC HEARINGS

4. Conditional Use Permit for beer and wine sales at Denny's restaurant located at 1904 Sweetwater Road (Case File No. 2014-24 CUP).
5. Resolution 2015-04 taking action on a Conditional Use Permit for beer and wine sales at Denny's restaurant located at 1904 Sweetwater Road (Case File No. 2014-24 CUP).

OTHER BUSINESS

6. Discussion: Vehicle Miles Traveled (VMT) trends.

STAFF REPORTS

Deputy City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on March 2, 2015



Planning Commission Minutes

Meeting of January 12, 2015

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 Bush at 6:00 p.m.

Roll Call

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

Staff Also Present: Jennifer Knight, Deputy City Attorney; Brad Raulston, Executive Director; Martin Reeder, Principal Planner; Raymond Pe, Lieutenant Graham Young, NCPD

Pledge of Allegiance Presented by Commissioner Bush

Approval of Minutes

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

Motion by Pruitt, 2nd by Alvarado for approval of the Minutes for the Regular Meeting held on December 15, 2014.

Motion carried by the following vote:

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

Abstain: Dela Paz

Absent: Baca

Approval of Agenda

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

Motion by Pruitt, 2nd by Alvarado for approval of the Agenda for the meeting of January 12, 2015.

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores, Dela Paz

Absent: Baca

ORAL COMMUNICATION

None

PRESENTATIONS

3. Five-year Economic Development Strategy (South County Economic Development Council) Presented by Cindy Gompper-Graves, CEO

PUBLIC HEARINGS

4. Code Amendment amending Section 18.42.020 (A)(2) related to projections into required setbacks (Case File No. 2014-13 A).

Presented by Principal Planner, Martin Reeder

Applicant: Garry L Line acknowledges he has read, understands and agrees with the conditions of approval. Applicant answered questions regarding the useable space.

Motion by Dela Paz, 2nd by Pruitt to close the Public Hearing and approve the Code Amendment with the addition of amended language and striking parenthetical to Section 18.42.020 (A)(2) related to projections into required setbacks (Case File No. 2014-13 A).

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores Dela Paz

Absent: Baca

5. Resolution 2015-01 approving a Code Amendment amending Section 18.42.020 (A)(2) related to projections into required setbacks (Case File No. 2014-13 A).

Motion by Dela Paz, 2nd by Flores to approve Resolution 2015-01 approving a Code Amendment amending Section 18.42.020 (A)(2) related to projections into required setbacks (Case File No. 2014-13A)

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores, Dela Paz

Absent: Baca

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).

Presented by Principal Planner, Martin Reeder

Applicant: Keven Ogden and Craig Best – answered questions regarding notification of the property and store owners in the area, ratios of success, safety of students.

Motion by Dela Paz, 2nd by Pruitt to close Public Hearing and approve 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).

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores, Dela Paz

Absent: Baca

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)

Motion to approve 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).

Motion carried by the following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores, Dela Paz

Absent: Baca

8. Conditional Use Permit for alcohol sales at American Multi-Cinema (AMC) located at Westfield Plaza Bonita. (Case File No. 2014-19 CUP)

Presented by Principal Planner Martin Reeder

Representative for Applicant: Victor DelaCruz – Land Use Representative for AMC – answered questions from Planning Commissioners

Motion by Garcia, 2nd by Bush to close the Public Hearing and approve Conditional Use Permit for alcohol sales at American Multi-Cinema (AMC) located at Westfield Plaza Bonita. (Case File No. 2014-19 CUP)

Motion carried by following vote:

Ayes: Garcia, Bush, Pruitt, Alvarado, Flores, Dela Paz

Absent: Baca

9. Resolution 2015-03 taking action on a Conditional Use Permit for alcohol sales at America Multi-Cinema (AMC) located at Westfield Plaza Bonita. (Case File No. 2014-19 CUP)

Motion by Bush, 2nd by Dela Paz to approve Resolution 2015-03 taking action on a Conditional Use Permit for alcohol sales at American Multi-Cinema (AMC) located at Westfield Plaza Bonita with the amendment to Condition No. 7 to read “the sale

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of alcoholic beverages shall be limited to the hours of 10:30 am – 12:30 am, seven days a week.” (Case File No. 2014-19 CUP)

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

OTHER BUSINESS

STAFF REPORTS

City Attorney – No report.

Executive Director – No report.

Principal Planner – No report. Happy New Year

Commissioners:

Garcia – No report. Commends City for traffic improvements on Euclid and 8th and improved infrastructure.

Pruitt – No report. Viewing how modern the City now looks. Appreciate work staff has done.

Alvarado: No report. Request a copy of 2015 calendar to be placed in binder.

Flores – No Report

Bush – No Report

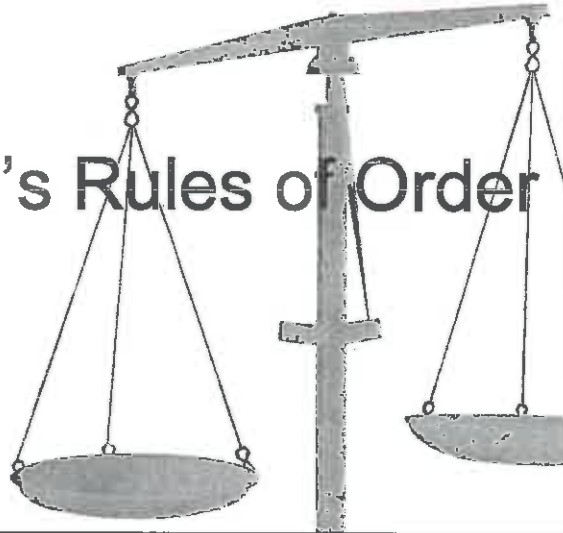
Dela Paz – No Report

Adjournment at 9:12 p.m. to next meeting scheduled for February 9, 2015 at 6:00 pm.

CHAIRPERSON

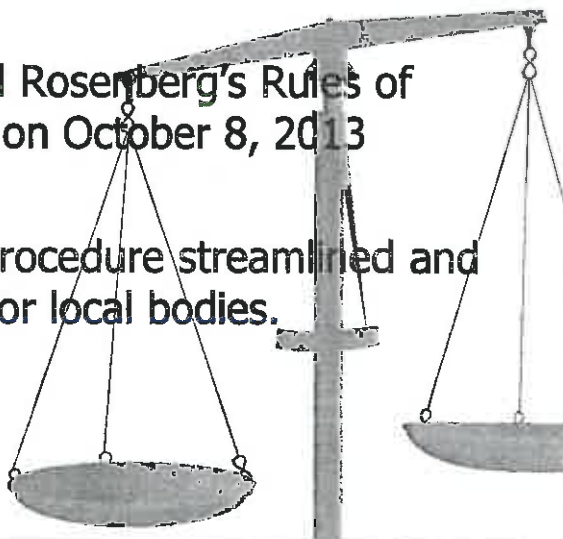


Rosenberg's Rules of Order



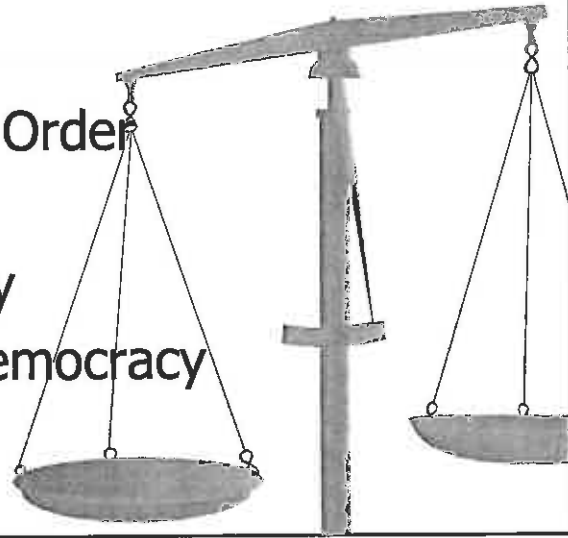
Why Rosenberg's Rules of Order?

- Council adopted Rosenberg's Rules of Order (CP 104) on October 8, 2013
- Parliamentary procedure streamlined and more practical for local bodies.

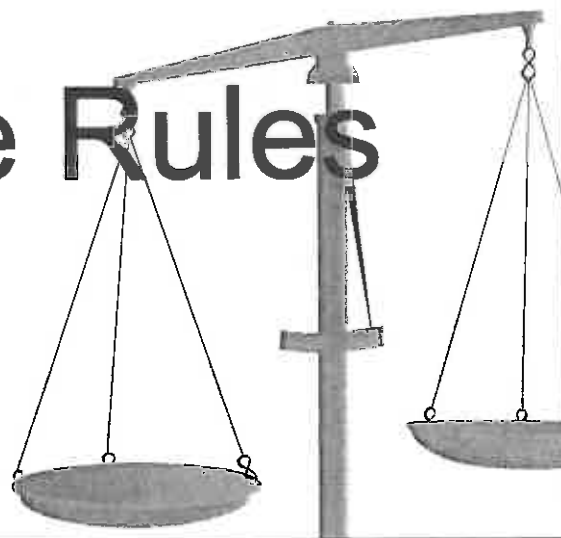


The Rules Are Premised Upon Four Pillars

- Establishing Order
- Clarity
- User Friendly
- Enforcing Democracy



The Rules



Establishing a Quorum

- **Quorum:** minimum number of members needed to act – usually a simple majority
- Generally, a quorum is needed to meet and transact business; a majority of a quorum is needed to take action
- **Exceptions:** majority of total body needed for certain actions:
 - adopting resolutions, pmt of money, ordinances
 - General & Specific plans
 - 2/3 of total needed for immediate action items
 - 4/5 of total needed for urgent moratoria ords

Role of the Chair

- Applies the rules of conduct during meetings
- Decisions by the chair are final unless overruled by the body itself
- Chair has the full right to participate in the debate, discussion & decision-making
- Chair should strive to be the last to speak at the discussion and debate stage
- Chair should not make or second a motion unless the chair is convinced no others will

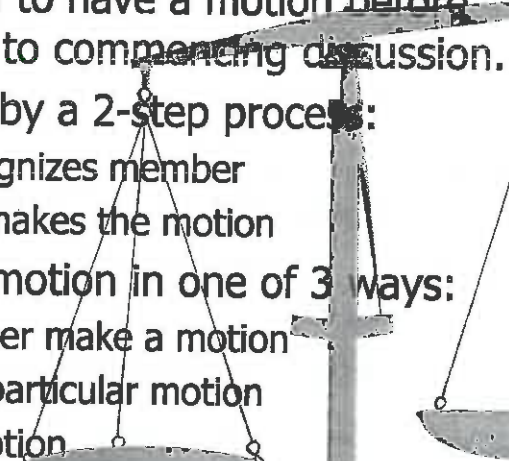
Basic Format for an Agenda Item Discussion

- Each agenda item has the following basic format:
 - 1st: clearly announce agenda item (chair)
 - 2nd: invite report on the item (chair)
 - 3rd: ask body if they have technical questions of clarification (chair)
 - 4th: invite public comment (chair) and then close public hearing
 - 5th: invite a motion (chair)

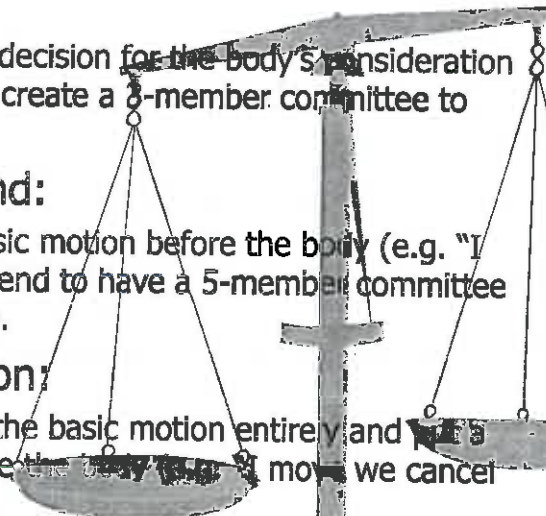
Format - continued

- 6th: determine if there is a second to the motion; announce member who makes the second (chair)
- 7th: if motion is made and seconded:
 - Ask maker of motion to repeat it; or
 - Chair repeats motion; or
 - Chair asks Clerk to repeat the motion.
- 8th: invite discussion of the motion and once completed, announce the body will vote (chair)
- 9th: vote taken.
- 10th: announce result, including names who voted in minority (chair)

Motions in General

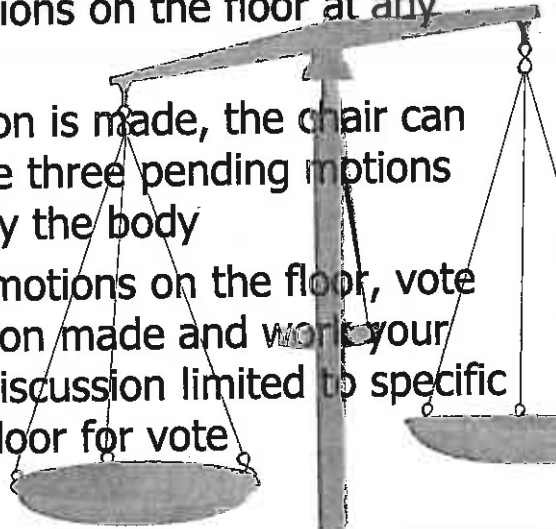
- Recommended to have a motion **before** the body prior to commencing discussion.
 - Motions made by a 2-step process:
 - 1st: Chair recognizes member
 - 2nd: Member makes the motion
 - Chair initiates motion in one of 3 ways:
 - Inviting member make a motion
 - Suggesting a particular motion
 - Making the motion
- 

Three Basic Motions

- **Basic Motion:**
 - Puts forward the decision for the body's consideration (e.g. "I move we create a 3-member committee to plan 'x' event").
 - **Motion to Amend:**
 - To amend the basic motion before the body (e.g. "I move that we amend to have a 5-member committee to plan 'x' event").
 - **Substitute Motion:**
 - To do away with the basic motion entirely and ~~put a~~ new motion before the ~~body (e.g. "I move we cancel~~ 'x' event").
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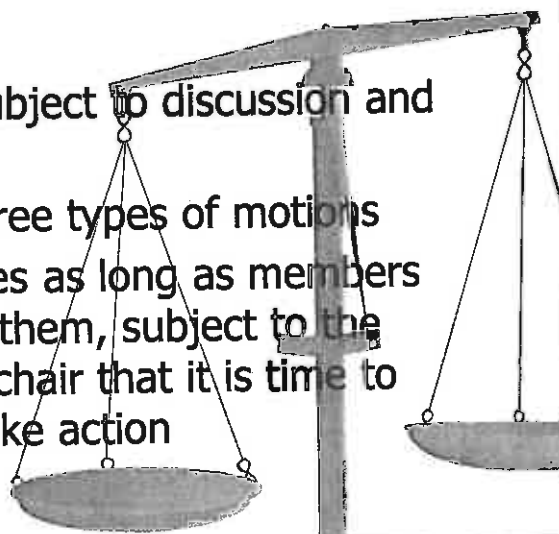
Multiple Motions

- Up to three motions on the floor at any given time
- If a fourth motion is made, the chair can reject it until the three pending motions are dealt with by the body
- When multiple motions on the floor, vote on the last motion made and work your way back and discussion limited to specific motion on the floor for vote



Discussion and Debate

- G/R: motions subject to discussion and debate
- Applies to all three types of motions
- Debate continues as long as members wish to discuss them, subject to the decision of the chair that it is time to move on and take action



Exceptions to Discussion and Debate

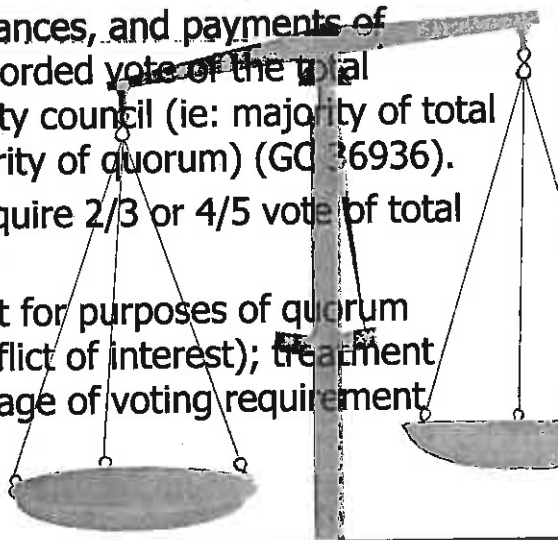
- Certain motions not debatable
 - Motion to recess (length of recess determined by chair)
 - Motion to fix the time to adjourn
 - Motion to table: can table to specific time (e.g. meeting in July). If no time is specified, then at a future meeting, need a motion to take the item off the table.
 - Motion to limit debate: requires 2/3 vote
 - If chair inquires if there is any further debate and there is none, then the motion can be treated as a request.
 - If further discussion is desired by at least one member, then the motion needs to be treated as a formal motion (2nd vote).
 - Motion to object to consideration of items: 2/3 vote
 - Motion to adjourn

Majority and Super Majority Votes

- Generally, simple majority vote decides the question
- Tie vote means the motion fails
- Extraordinary motions (motions to cut off action/discussion by minority): 2/3 vote
 - Motion to limit debate
 - Motion to close nominations
 - Motion to object to consideration of an item
 - Motion to suspend the rules (is debatable)

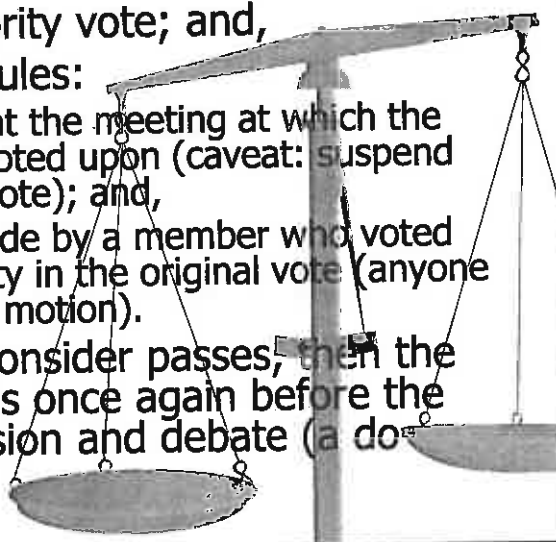
Counting Votes

- Resolutions, ordinances, and payments of money require recorded vote of the total members of the city council (ie: majority of total members vs majority of quorum) (GC 36936).
- Certain actions require 2/3 or 4/5 vote of total body
- Abstentions: count for purposes of quorum (unless its for conflict of interest); treatment depends on language of voting requirement

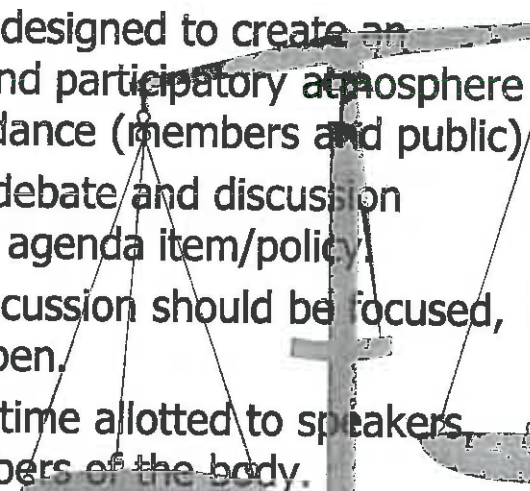


Motion to Reconsider

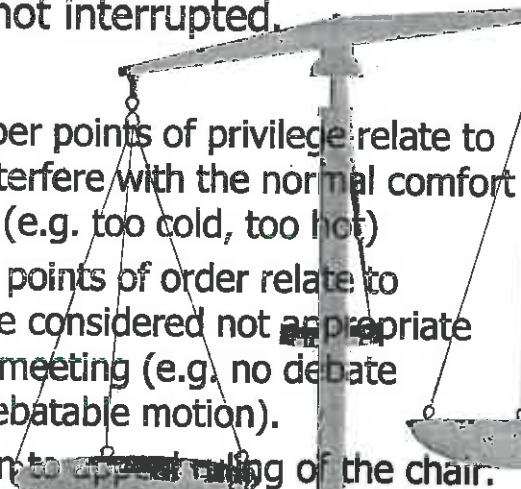
- Requires a majority vote; and,
- Two particular rules:
 - Must be made at the meeting at which the item was first voted upon (caveat: suspend rules with 2/3 vote); and,
 - Can only be made by a member who voted with the majority in the original vote (anyone can second the motion).
- If motion to reconsider passes, then the original matter is once again before the body for discussion and debate (a do-over).



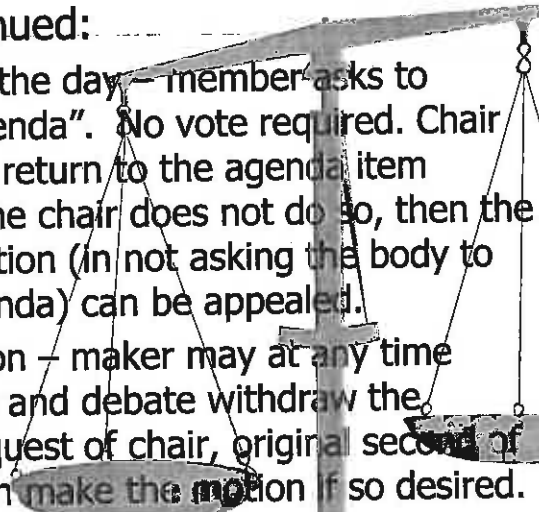
Courtesy and Decorum

- Rules of order designed to create an efficient, fair and participatory atmosphere for all in attendance (members and public)
 - Chair ensures debate and discussion focuses on the agenda item/policy.
 - Debate and discussion should be focused, but free and open.
 - Chair can limit time allotted to speakers, including members of the body.
- 

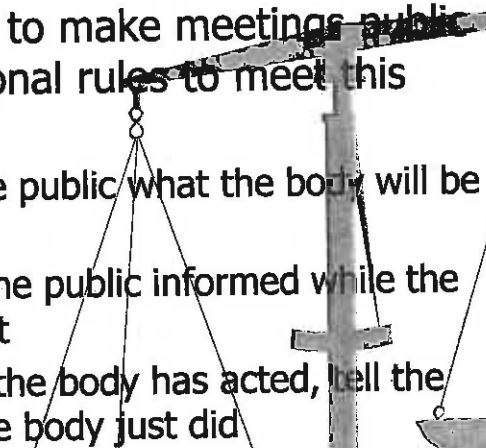
Courtesy and Decorum - Interruptions

- G/R: speakers not interrupted.
 - Exceptions:
 - Privilege – proper points of privilege relate to matters that interfere with the normal comfort of the meeting (e.g. too cold, too hot)
 - Order – proper points of order relate to matters that are considered not appropriate conduct of the meeting (e.g. no debate allowed on a debatable motion).
 - Appeal – motion to appeal ruling of the chair.
- 

Courtesy and Decorum – Interruption, cont'd

- Exceptions, continued:
 - Call for orders of the day – member asks to “return to the agenda”. No vote required. Chair reminds body to return to the agenda item before them. If the chair does not do so, then the chair’s determination (in not asking the body to return to the agenda) can be appealed.
 - Withdraw a motion – maker may at any time during discussion and debate withdraw the motion. Upon request of chair, original second of motion could then make the motion if so desired.
- 

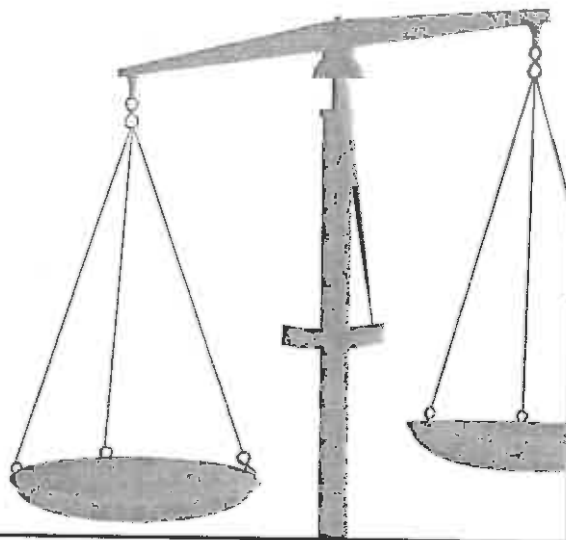
Public Input

- Rules designed to make meetings public friendly. Additional rules to meet this objective:
 - Rule 1: Tell the public what the body will be doing
 - Rule 2: Keep the public informed while the body is doing it
 - Rule 3: When the body has acted, tell the public what the body just did
- 

Closing

- Rosenberg's Rules of Order designed to streamline the myriad of rules and exceptions
- Consistent with City's Strategic Goal of expanding public access to City services and information
- This presentation will be made to all boards, commissions and committees over the course of the next few months.

Questions?





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

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT DENNY'S RESTAURANT LOCATED IN SWEETWATER CROSSING SHOPPING CENTER.

Case File No.: 2014-24 CUP

Location: 1904 Sweetwater Road

Assessor's Parcel No.: 563-231-36

Staff report by: Martin Reeder – Principal Planner

Applicant/Property owner: Denfran Systems, Inc. / Sweetwater Associates LP

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

Adjacent land use/zoning:

- North: Car Wash across Sweetwater Road / MXD-2
- East: Interstate 805 / OS
- South: Medical Office/Church / MXD-2
- West: Commercial center / MXD-2

Environmental review: Not a project per CEQA

Staff Recommendation: Approve

BACKGROUND

Site Characteristics

The project location is Denny's Restaurant located at 1904 Sweetwater Road in the Major Mixed-Use District Zone (MXD-2). The property is part of the Sweetwater Crossings Shopping Center, which also includes Cornerstone Church, LA Fitness, CVS, MOR Furniture, and Staples. The area is primarily comprised of commercial uses; however, the Interstate 805 and State Route 54 freeway rights-of-way are adjacent to the east and south of the center.

Proposed Use

The applicant is requesting to sell beer and wine for on-site consumption (Type 41 ABC license). The restaurant serves breakfast, lunch, and dinner, and is open 24 hours a day. Alcohol sales are proposed between the hours of 6:00 a.m. to 11:00 p.m. daily. Alcohol would be stored in a walk-in cooler in the kitchen area and served upon request. Beer and wine would be served upon request and would be available by the bottle (beer) and glass (wine) only.

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.

The proposed use is compatible with other nearby businesses, which include several other restaurants that sell alcohol. Three of these restaurants are nearby and are located in the same census tract as the subject business (Hanaoka, Case de Oro, and Mr Tacos). The alcohol sales are intended to cater to existing customers who wish to have an alcoholic drink with their meal. Although expected sales are minimal, the applicant has stated that adding alcohol sales will contribute to the viability of Denny's restaurant.

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 community meeting was held on Friday, January 9, 2015. No participants were noted other than the owners and two representatives from the Institute for Public Strategies. 67 property owners and tenants were notified of the meeting. The same list was used as for this public hearing. Because the restaurant has at least thirty percent of

the floor area devoted to seating, the distance from schools does not apply. In this case, the nearest school (National City Junior High) is over a half-mile away, greater than the normal minimum distance of 660 feet.

Alcohol Sales Concentration/Location

Per the California State Department of Alcoholic Beverage Control (ABC), there are currently four other on-sale permits issued in this census tract (122). These permits are:

Name	Address	License Type*
Casa de Oro	1510 Sweetwater Rd	41
Hanaoka Japanese Restaurant	1528 Sweetwater Rd	41
N City Sports Lounge	2511 Sweetwater Rd	48
Mr Tacos	2503 Sweetwater Rd	41

- * Type 41 - On-Sale Beer and Wine for Bona Fide Public Eating Place
- Type 48 - On-Sale General for Public Premises

Three of the other on-sale licenses are restaurants and one is a bar.

Census tract 122 is comprised of the area south and east of the golf course including Lincoln Acres and Sweetwater Road. The attached census tract map shows the location of the subject tract. ABC recommends a total of three on-sale alcohol permits be issued in this census tract, where four exist. Therefore, the census tract is considered to be over-concentrated. However, an additional license should not have any negative impacts given that the subject premises are a family restaurant and that alcohol will only be available with the sale of food.

Police Department comments

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 23) has a current crime rate above 100%, which is below the 120% considered to be a high crime area. The crime rates are based on the entire beat, which in this case is a substantial area. Rates for a more localized area around the business would usually be significantly less.

PD provided a Risk Assessment report, which assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Denny's received a score of 13, which would indicate a low risk. Low Risk is 0-12 points; Medium Risk 13-18 points; and High Risk 19-24 points. Concerns were noted due to lack of proactive enforcement, proximity to residences, and over-concentration of alcohol licenses in the census tract.

Traffic

Because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected. The applicant has stated that alcohol sales are intended to add to the service offered to existing customers. Sweetwater Road in this location has a level of service (LOS) of C on a scale of A to F. The arterial street has a capacity of

40,000 average daily trips (ADT). The current ADT is 26,300; therefore, it is not expected that alcohol sales would result in an increase in ADT such that the LOS would be affected. 2030 numbers, as stated in the General Plan, show an LOS of D and an ADT amount of 32,400. Furthermore, there is no stated trip generation rate for adding alcohol sales as an accessory use to a restaurant.

CEQA

The project is not considered a project under CEQA (California Environmental Quality Act); no development is proposed and the proposed use is identical to other commercial uses, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.

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.

Summary

Denny's has been in business at this location for many years. No concerns have been noted regarding business operations or associated crime with regard to the business. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, the subject premises are a family restaurant where alcohol will only be available with the sale of food

OPTIONS

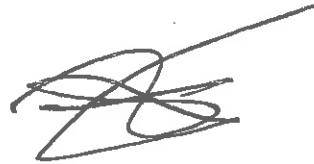
1. Approve 2014-24 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2014-24 CUP based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings for Approval/Denial
2. Recommended Conditions
3. Location Map
4. Census Tract Map and Police Beat Map
5. Institute for Public Strategies comments
6. Public Hearing Notice (Sent to 67 property owners and occupants)
7. Applicant's Plans (Exhibit A, case file no. 2014-24 CUP, dated 12/17/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
2014-24 CUP, 1904 Sweetwater 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 alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone.
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 the proposed use is an accessory use to a proposed restaurant use in an existing commercial area and the sale of beer and wine is not expected to appreciably increase traffic on National City Blvd. based on the current capacity and traffic numbers.
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 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.
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 not a project per the Act.
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 restaurant, an established and allowed use in the Major Mixed-Use District Zone.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2014-24 CUP, 1904 Sweetwater 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 122.00 in which the subject property is located.
2. The proposed use is not deemed essential and desirable to the public convenience and welfare since beer and wine are currently offered at three other restaurants within the same census tract.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2014-24 CUP, 1904 Sweetwater Road

General

1. This *Conditional Use Permit* authorizes the sale of beer and wine at an existing restaurant located at 1904 Sweetwater Road. Plans submitted for permits associated with this project shall conform with Exhibit A, case file no. 2014-24 CUP, dated 12/17/2014.
2. 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.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. 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.

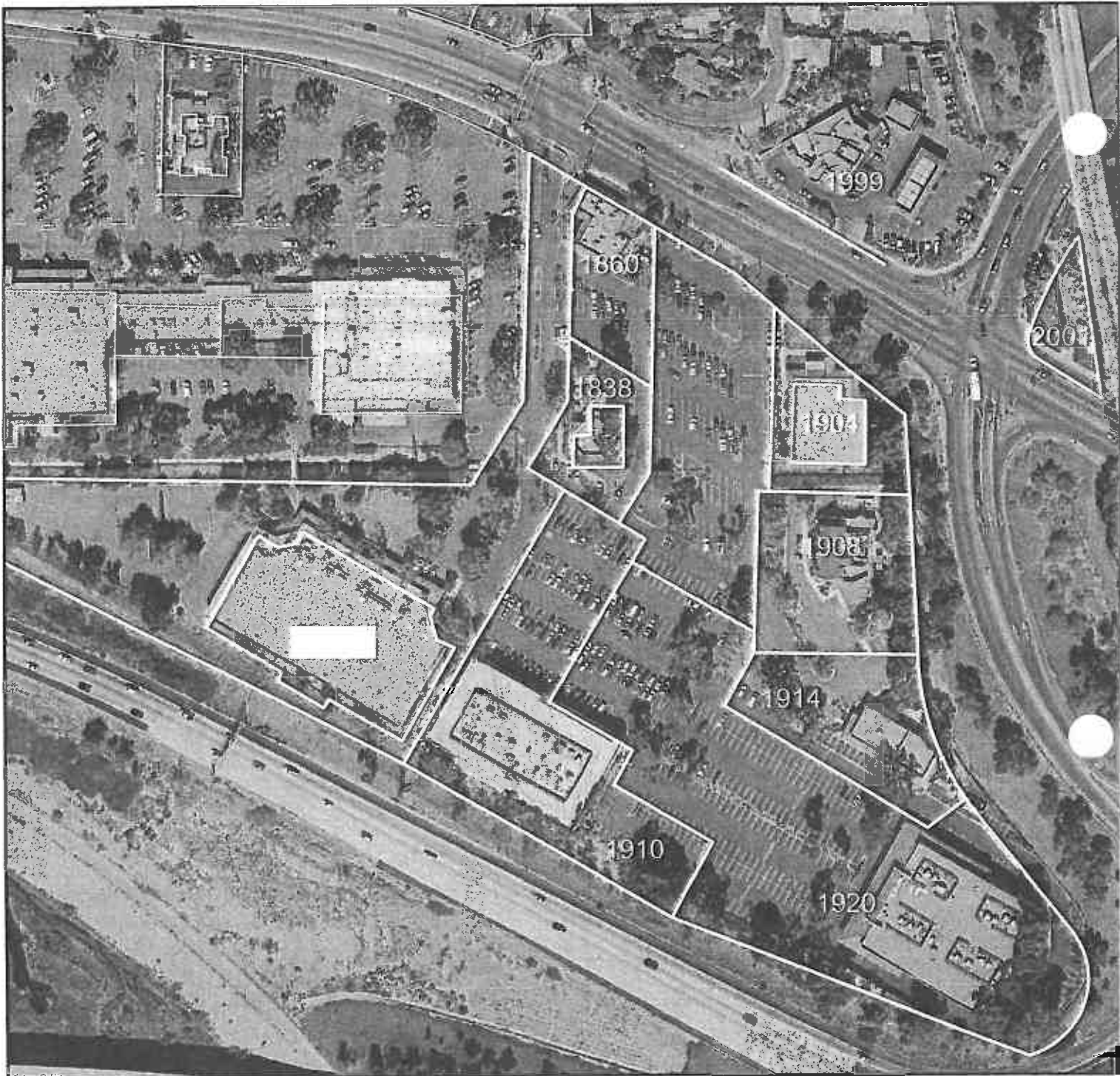
Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. seven days a week.
7. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training (or equivalent), 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.
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.


10. Beer shall only be available by the bottle and wine by the glass. No pitchers of beer or carafes of wine shall be available for purchase.
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.

Police

12. 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.



--- Zone Boundary

 Project Location

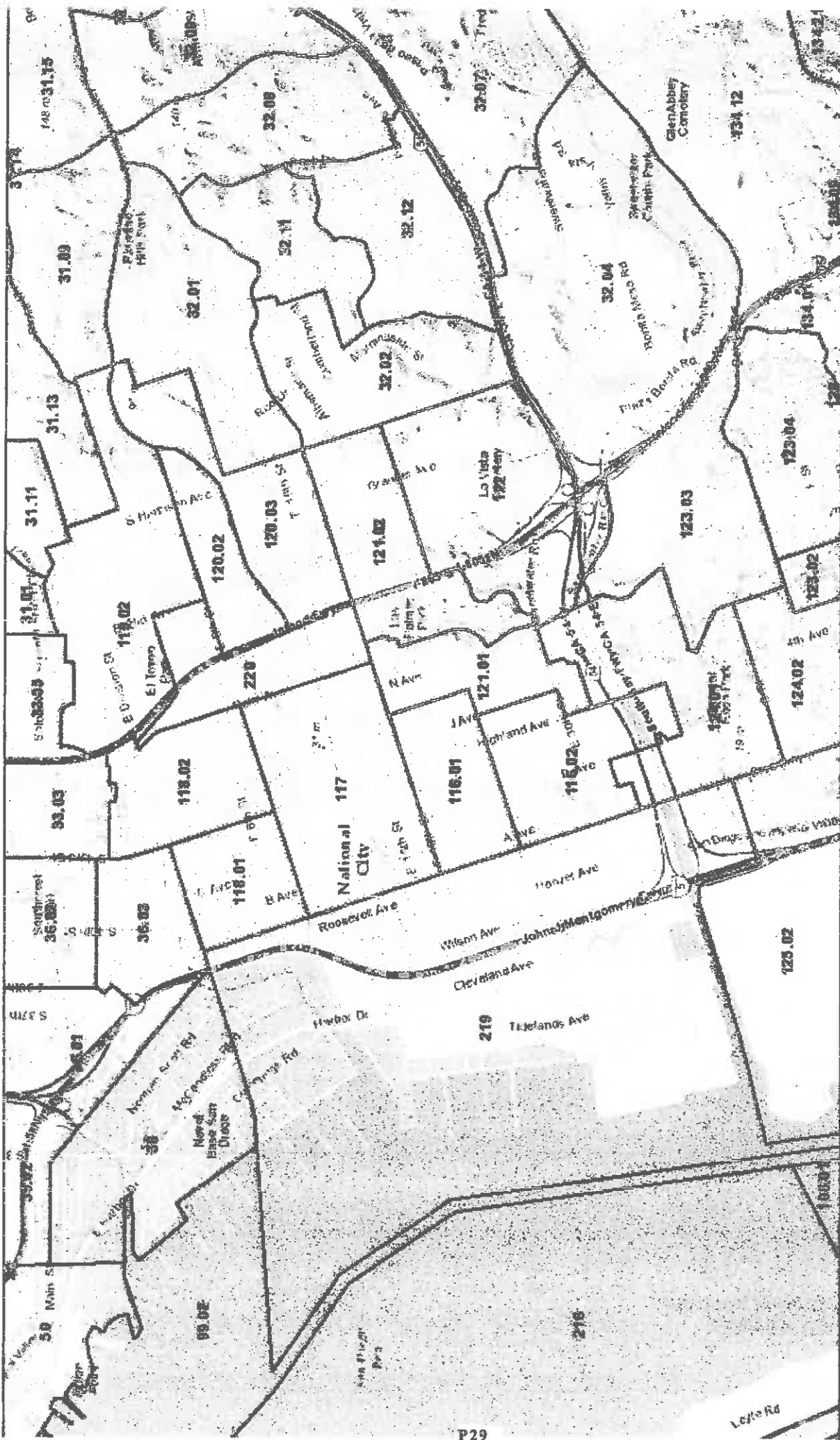


0 100 200 400 Feet

APN:
563-231-36

Planning Commission
Location Map

2014-24 CUP



August 25, 2014

 Census Tracts 2010

Sources: Esri, HERE, DeLorme, TomTom, Intermap, Increment P Co
 GEBCO, FAO, FRS, NRCAN, GeoBasis, IGN, Kadaster NL, Ordnance
 Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia
 OpenStreetMap contributors, and the GIS User Community



City of National City Beat 23

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

Environmental Scan For Alcohol License C.U.P.

Denny's Restaurant

1904 Sweetwater Road, National City, CA 91950

January 6, 2015



Photo of Denny's Restaurant in National City



Google Earth View of 1904 Sweetwater Road.
 and Surrounding Area

This environmental scan is for a Conditional Use Permit for Denny's Restaurant, located at 1904 Sweetwater Road, in National City. The business is located West of the 805 Freeway and Sweetwater Road in National City. Currently there are eight (8) active licenses issued for the Census Tract is 122. This number exceeds the census track allocation. The applicant is applying for a type 41 Liquor License to sell Beer and Wine for on-site consumption. An environmental scan was conducted on Tuesday, January 6, 2015.

The business is a Denny's Restaurant with sales of food from a menu and beverages. During a scan of the business and property the following was noted:

Youth Sensitive Areas

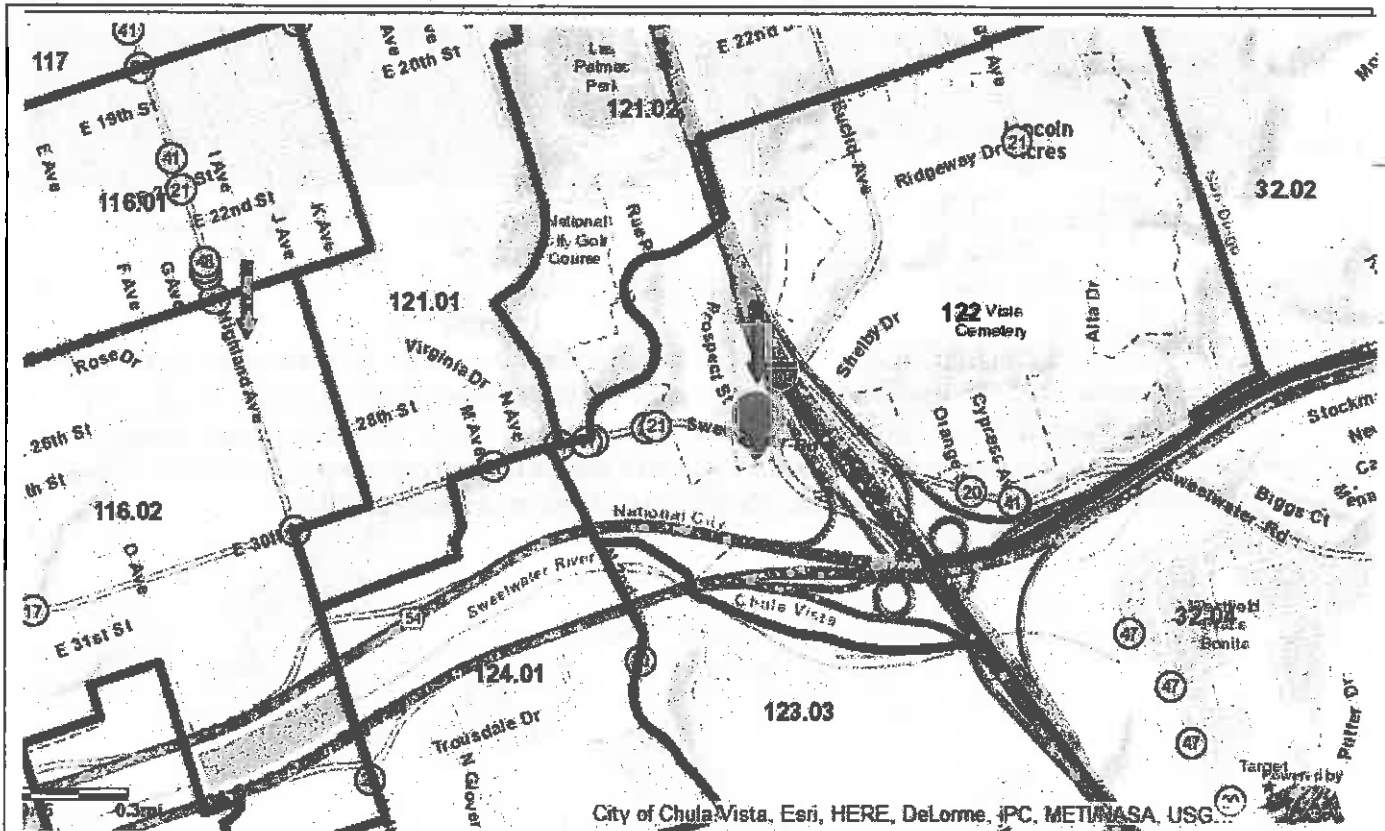
The business is not located near any youth sensitive areas.

Churches

A Google search showed the closest church to the applicant's location is Cornerstone Church – 1914 Sweetwater Road, National City 91950 and Bible Baptist Church- 2432 E 18th Street, National City, 91950

Outlet Density

According to the ABC, four (4) on-site licenses are authorized for Census Tract 122, the census track within the area of which the Denny's Restaurant is located. Currently there are four (4) off-sale licenses issued for the Census Tract is 122. This number exceeds the census track allocation.



on the map display the license type that is currently issued for it. In the event there is more than one license type issued, the code MU is displayed.

Green Arrow and Red Pin Depict Applicant's Location for "DENNY'S RESTAURANT"

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

at 1904 Sweetwater 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**

Census Tracts

	Off-Sale	On-Sale
Neighboring Census Tracts		
Tract 122	Allowed: 2 Actual: 4 Number Above/Below Allowable: +2	Allowed: 3 Actual: 6 Above/Below: +3

Considerations

South Bay Community Change staff attended the community meeting on Friday, January 9, 2015 and spoke with the owner, Michael W. Manos in regards to the alcohol license. Mr. Manos agreed to limit the hours of the alcohol sales by not selling after 11:00 p.m. Beer will only be sold in individual servings.



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR BEER AND WINE SALES
AT DENNY'S RESTAURANT LOCATED IN
SWEETWATER CROSSING SHOPPING CENTER.
CASE FILE NO.: 2014-24 CUP
APN: 563-231-36

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, February 9, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Denfran Systems, Inc.)

The applicant is requesting to sell beer and wine for on-site consumption. The restaurant serves breakfast, lunch, and dinner 24 hours a day. Proposed alcohol sales hours are from 6:00 a.m. to 11:00 p.m. daily.

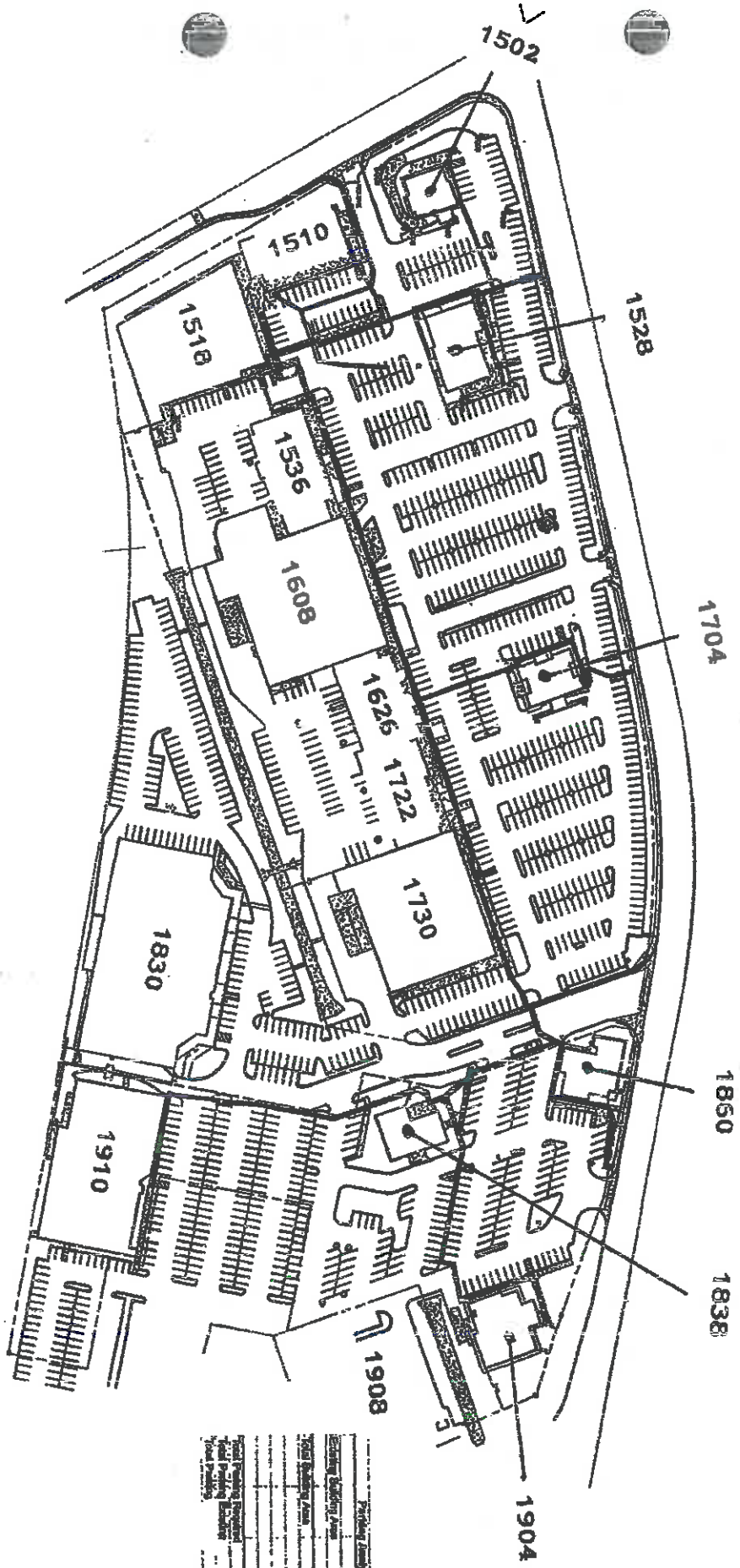
Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **February 9, 2015**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

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

SWEETWATER TOWN & COUNTRY SHOPPING CENTER



SITE PLAN

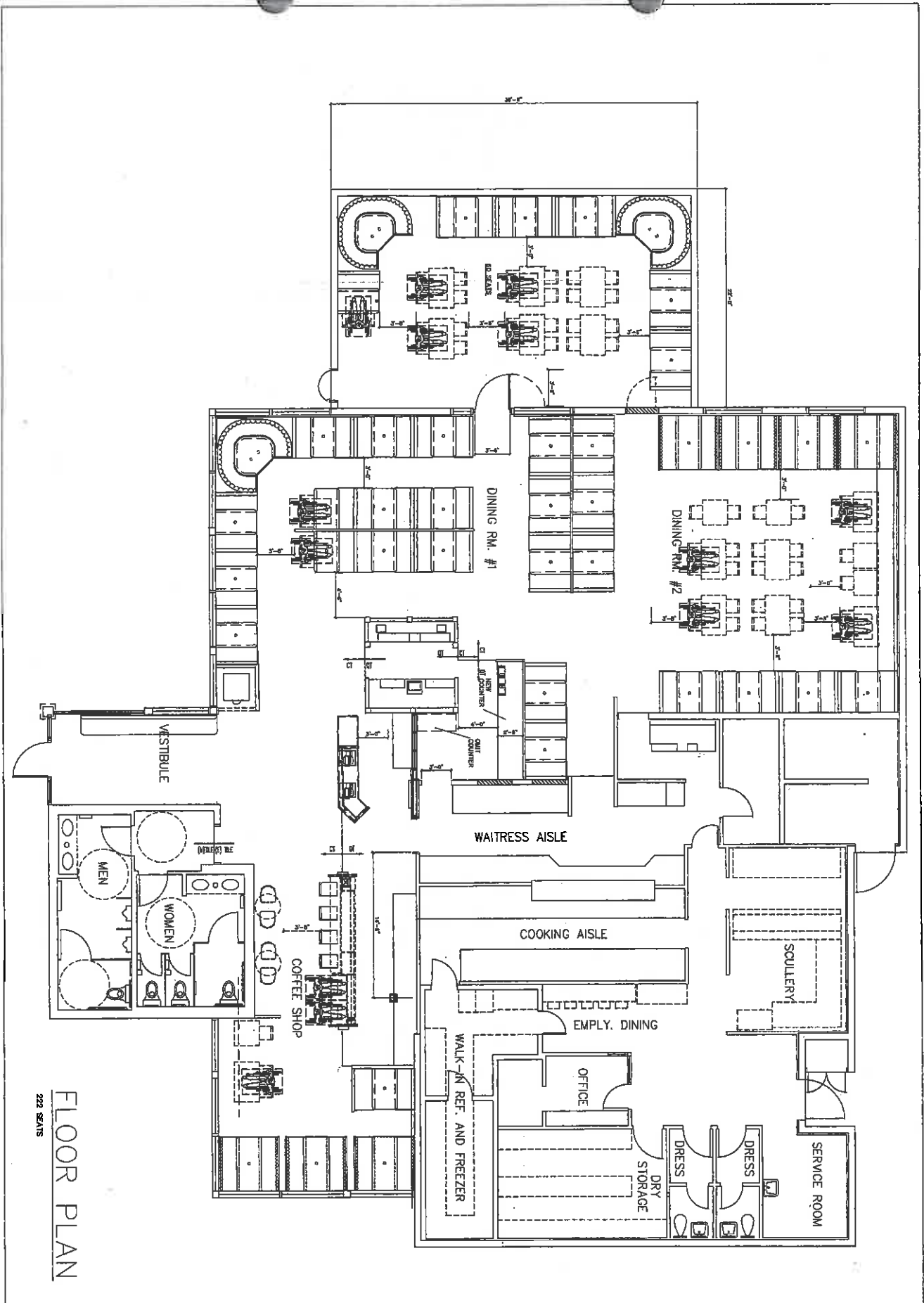
RENOVATED 2006

EXHIBIT "A"


CASE FILE NO: 2014-24 CAP

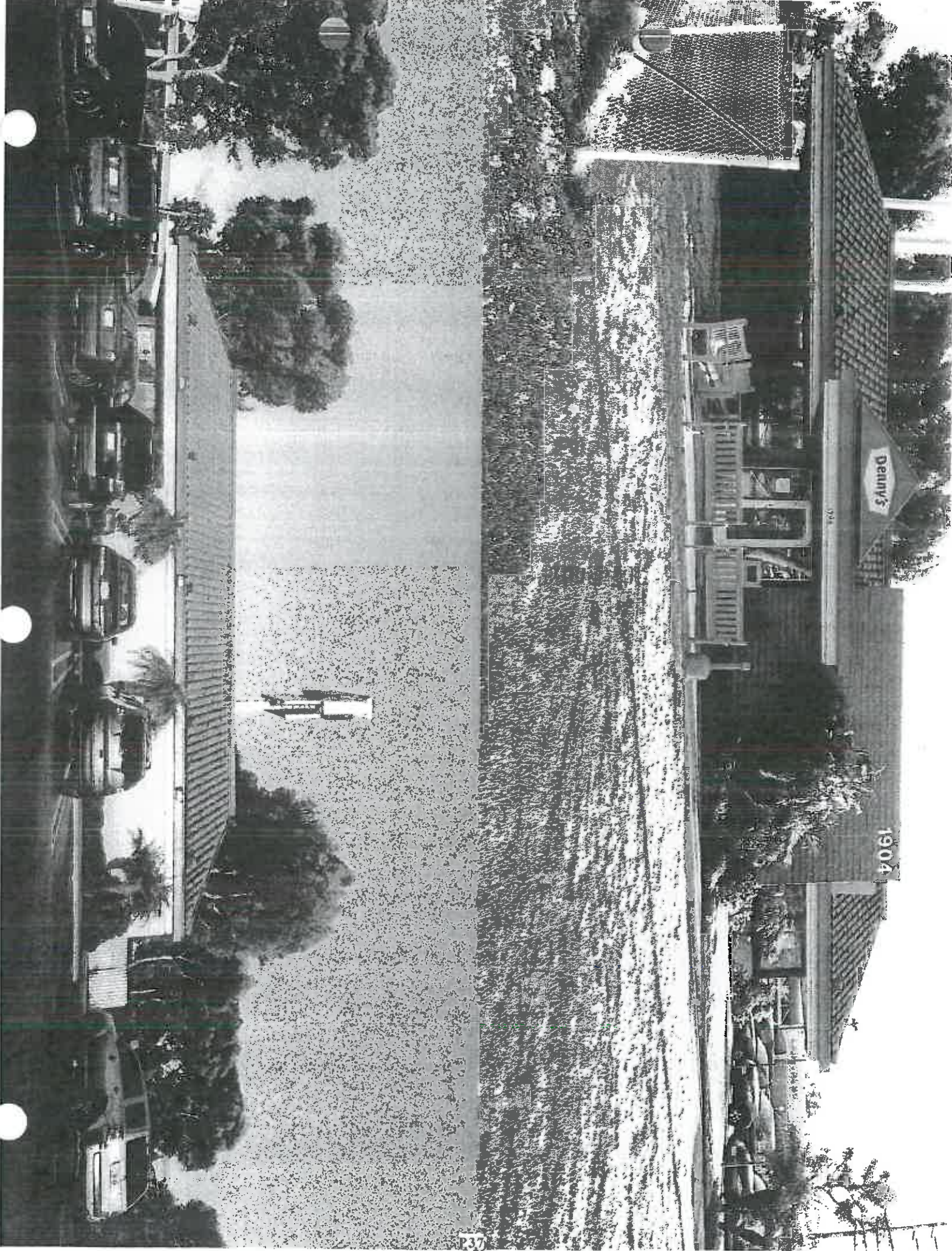
DATE: 12/17/15

Property Address	Lot Area	Building Area	Year Built	Year Renovated	Owner
1502	10,000	15,000	1980	2006	ABC Properties
1510	12,000	18,000	1985	2006	ABC Properties
1518	11,000	16,000	1982	2006	ABC Properties
1528	13,000	19,000	1988	2006	ABC Properties
1536	14,000	20,000	1990	2006	ABC Properties
1608	15,000	21,000	1992	2006	ABC Properties
1626	16,000	22,000	1995	2006	ABC Properties
1704	17,000	23,000	1998	2006	ABC Properties
1722	18,000	24,000	2000	2006	ABC Properties
1730	19,000	25,000	2002	2006	ABC Properties
1750	20,000	26,000	2004	2006	ABC Properties
1830	21,000	27,000	2006	2006	ABC Properties
1838	22,000	28,000	2008	2006	ABC Properties
1850	23,000	29,000	2010	2006	ABC Properties
1904	24,000	30,000	2012	2006	ABC Properties
1908	25,000	31,000	2014	2006	ABC Properties
1910	26,000	32,000	2015	2006	ABC Properties



FLOOR PLAN
222 SEATS

1/4	8744	NATIONAL CITY, CA	DATE: 12/05/14 FH	
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Denny's

924

1904

RESOLUTION NO. 2015-04

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR BEER AND WINE SALES
AT DENNY'S RESTAURANT LOCATED IN
SWEETWATER CROSSING SHOPPING CENTER.
CASE FILE NO. 2014-24 CUP
APN: 563-231-36**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at Denny's Restaurant located in Sweetwater Crossing Shopping Center. at a duly advertised public hearing held on February 9, 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. 2014-24 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 February 9, 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 alcohol sales for on-site consumption are a conditionally-allowed use in the Major Mixed-Use District Zone.
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 the proposed use is an accessory use to a proposed restaurant use in an existing commercial area and the sale of beer and wine is not expected to appreciably increase traffic on National City Blvd. based on the current capacity and traffic numbers.
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 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.
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 not a project per the Act.
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 restaurant, an established and allowed use in the Major Mixed-Use District Zone.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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 and wine at an existing restaurant located at 1904 Sweetwater Road. Plans submitted for permits associated with this project shall conform with Exhibit A, case file no. 2014-24 CUP, dated 12/17/2014.
2. 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.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer.

4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. 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

6. The sale of alcoholic beverages shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. seven days a week.
7. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training (or equivalent), 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.
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. Beer shall only be available by the bottle and wine by the glass. No pitchers of beer or carafes of wine shall be available for purchase.
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.

Police

12. 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 February 9, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON