



Planning Commission Agenda

Meeting of March 16, 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 February 9, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting on March 16, 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. Regional Parking Management Toolbox (SANDAG – Marisa Mangan & Antoinette Meier)

PUBLIC HEARINGS

4. Conditional Use Permit for expansion of a nonconforming use and a reduction in off-street parking requirements at 1106 Hoover Avenue/210 West 11th Street (Case File No. 2014-22 CUP).
5. Resolution 2015-05 taking action on a Conditional Use Permit for expansion of a nonconforming use and a reduction in off-street parking requirements at 1106 Hoover Avenue/210 West 11th Street (Case File No. 2014-22 CUP).

OTHER BUSINESS

6. Interpretation of allowed uses for a business located at 540 National City Blvd. (Case File No. 2015-04 I).
7. Resolution 2015-06 taking action on an Interpretation of allowed uses for a business located at 540 National City Blvd. (Case File No. 2015-04 I).
8. Report on alcohol licensing.

STAFF REPORTS

Deputy City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on April 6, 2015



Planning Commission Minutes

Meeting of February 9, 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 6:01 p.m.

Roll Call

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

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

Pledge of Allegiance Presented by Commissioner Flores

Approval of Minutes

1. Approval of Minutes for the Regular Meeting held on January 12, 2015.

Motion by Pruitt, 2nd by Alvarado for approval of the Minutes for the Regular Meeting held on January 12, 2014.

Motion carried by the following vote:

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

Abstain: Baca

Absent: Dela Paz

Approval of Agenda

2. Approval of Agenda for the Meeting of February 9, 2015.

Motion by Baca, 2nd by Garcia for approval of the Agenda for the meeting of February 9, 2015.

Motion carried by the following vote:

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

Absent: Dela Paz

ORAL COMMUNICATION

None

PRESENTATIONS

3. Rosenberg's Rules of Order by Deputy City Attorney Jennifer Knight

Note: Commissioner Dela Paz arrived at 6:04 pm took her seat at the dais.

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)

Presented by Principal Planner Martin Reeder

Applicant: Michael Manos, Franchise Operator acknowledges he has read, understands and accepts the Conditions of Approval of the CUP.

Motion by Garcia, 2nd by Alvarado to close the Public Hearing for a Conditional Use Permit for beer and wine sales at Denny's restaurant located at 1904 Sweetwater Road (Case File No. 2014-24 CUP)

Motion carried by the following vote:

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

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

Motion by Dela Paz, 2nd by Alvarado to approve Resolution 2015-04 approving a Conditional Use Permit for beer and wine sales at Denny's restaurant located at 1904 Sweetwater Road (Case File No. 2014-24 CUP)

Motion carried by the following vote:

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

OTHER BUSINESS

6. Discussion: Vehicle Miles Traveled (VMT) trends

Motion by Dela Paz, 2nd by Garcia to table the Discussion on Vehicle Miles Traveled (VMT) trends to the meeting scheduled for March 16, 2015.

Motion carried by the following vote:

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

STAFF REPORTS

Deputy City Attorney – No report.

Executive Director – Currently reviewing the process for items being requested to be placed on the agenda. Staff is working on the Downtown Specific Plan Update.

Will invite SANDAG to the meeting on March 16, 2015 to conduct a workshop and give update.

Exploring other quarterly workshops to provide thorough background on various topics/projects.

City Council will hold a workshop on homelessness on April 21, 2015 at 4:30 pm.

Members of the public and commission are invited to attend.

Principal Planner – No report.

Commissioners:

Garcia – No report. Agree with Executive Director regarding quarterly reports. Chair Bush requests item on next agenda regarding what the Police Department is working on regarding crime and best practices. Thanked Deputy City Attorney for presentation on Rosenberg's Rules of Order.

Pruitt – No report. Commented on availability of liquor licenses. If the commissioners feel there are too many they can lobby the City Council to establish moratoriums.

Executive Director stated that many stores have been grandfathered in and are considered legal non-conforming. Additional research is needed.

Baca: No report. Thank Deputy City Attorney for her presentation and agrees with Commissioner Pruitt's comments.

Alvarado: No report. Thank Deputy City Attorney for her presentation.

Flores – No Report

Bush – No Report. Regarding saturation, if they decide the community is over saturated can they suggest taxing alcohol rather than banning? Wants take a 'think outside the box' approach.

There is a K-9 Fundraiser on February 22, 2015 at the American Legion between 8:00 – 11:00.

Dela Paz – No Report

Adjournment at 7:38 p.m. to next meeting scheduled for March 16, 2015 at 6:00 pm.

CHAIRPERSON

Planning Commission Meeting Minutes February 9, 2015

Page 3 of 3



Regional Parking Management Toolbox for Local Jurisdictions

National City Planning Commission

March 16, 2015



- Interactive, web-based document
- 22 case study participants
- Customized for the San Diego region
- Step by step guidance





REGIONAL PARKING MANAGEMENT TOOLBOX

The San Diego Association of Governments (SANDAG) created the *Regional Parking Management Toolbox* as a means of providing the communities, jurisdictions, and destinations within the San Diego region a framework for evaluating, implementing, managing, and maintaining parking management strategies to support community growth and stakeholder desires. This document represents the culmination of that work, providing a blueprint for community leaders to better understand the potential solutions that can best serve their parking needs and the needs of their businesses, residents, and visitors alike.

This document provides a broad set of tools to help shape the implementation of successful parking management strategies now and into the future. This document should be used to identify issues and corresponding overarching management strategies, and, to some extent, can aid communities with identifying goals, objectives, and directives of a larger parking program.

The toolbox is presented in a manner that leads the reader from defining existing problems, through choosing potential solutions, and finally providing support for the management, communication, and ongoing maintenance of program strategies and policies. The document is intended to be interactive—the **HOW TO USE DECISION** to the right will lead the reader through the proper utilization of this document.

Finally, the **RESOURCES** guide at the end of this document provides literature to support identification of parking and program issues, a constantly evolving practice and the reader should remain in tune with the program's effectiveness and applicability. These resources will provide the reader a good start for understanding the changing business of parking management, as well as resources for the discussion of ideas and practices going forward.

HOW TO USE THIS DOCUMENT

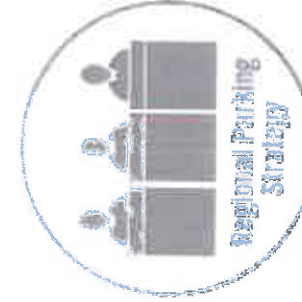
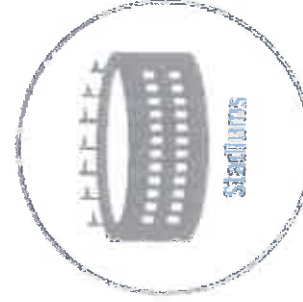
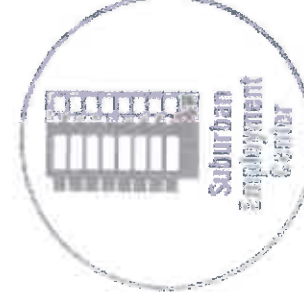
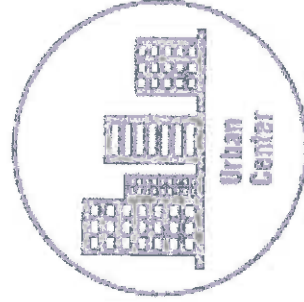
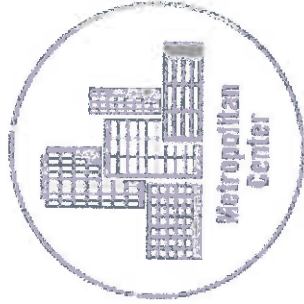
The *Regional Parking Management Toolbox* is interactive in nature and is intended to provide the reader with a number of definitions, resources, and tools to implement parking management strategies within their local jurisdiction or service area. Areas in the document that are interactive are indicated by . The reader simply needs to click on the to activate the interactive materials, which will provide more depth related to the subject matter. Two examples are shown below.

Roaming over the graphics to the right reveals more information related to that concept. The document provides a large number of icons, strategy, and programmatic concepts. These separate graphics will provide the reader with more information related to definitions, impacts, and opportunities.

This document is also organized chronologically, allowing the reader to work through a series of deliberate steps on the way to identifying context-sensitive parking management strategies. The steps include:

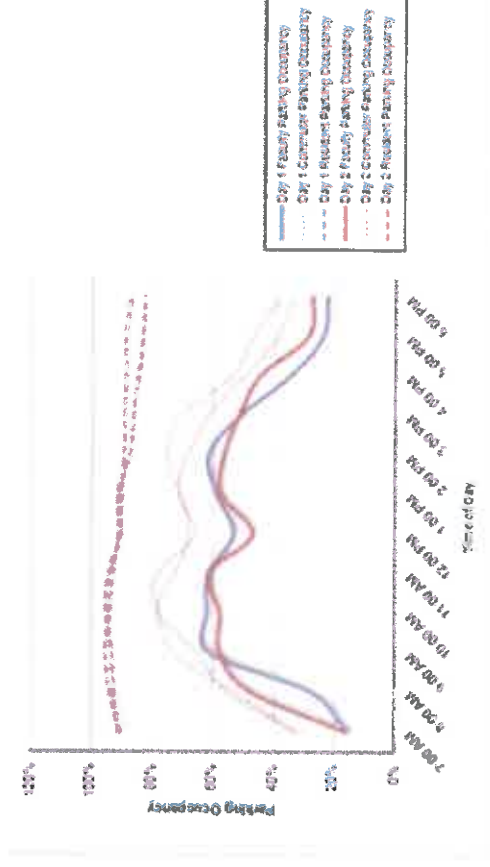


Community and Special Use Typologies



Understand the Issues

- Data collection and analysis
 - Parking inventory
 - Parking occupancy
 - Parking turnover
 - Community characteristics
 - Citations and trends



Explore Parking Strategies



Parking Program Management

- Program structure
- Staffing considerations
- System operations
- Technology
- Budgeting considerations
- Financing



Communications and Marketing

Green P Parking's For You!

FIND PARKING

Map showing various parking locations with icons and labels.

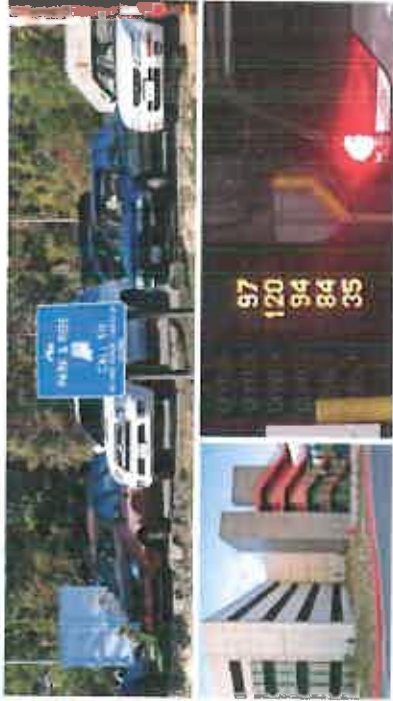


Here's How it Works...

- 1 For Attended Lots**
 You buy a license plate to use at the lot. Available in all lots.
- 2 For Auto Express Lots**
 You buy a license plate to use at the lot. Available in all lots.
- 3 For Unattended Lots or On-Street Pay and Display Meters**
 You buy a license plate to use at the lot. Available in all lots.

Get in touch with us!

Case Study Resource Library



The following case studies are presented to demonstrate how the parking management strategies are being implemented in various ways throughout the country



BALANCING COMPETING USERS CASE STUDY – CHARLOTTE, NC

PRIMARY ISSUES

The City was receiving many complaints from courtyards, offices, and general neighbors regarding the lack of consistent signage and striped regulations, which led to a great deal of confusion on why, where, and how to park.

STRATEGIES USED

- Improved signage
- Comprehensive Curb Lane Management Policy

SUMMARY

In 2011, the City of Charlotte completed the Downtown Curb Lane Management Program, which was developed in response to public feedback related to signage and confusing messaging about customer parking requirements. The goal of the program was to provide a clear and consistent curb lane structure that ensure that the curb lane users (such as those in relation to the adjacent residential, retail, or business) were prioritized and that the curb lane users were able to park in a safe and secure manner. The program was designed to address the following issues:

- Provide a clear and consistent curb lane structure that ensure that the curb lane users (such as those in relation to the adjacent residential, retail, or business) were prioritized and that the curb lane users were able to park in a safe and secure manner.
- Provide a clear and consistent curb lane structure that ensure that the curb lane users (such as those in relation to the adjacent residential, retail, or business) were prioritized and that the curb lane users were able to park in a safe and secure manner.

The results of the study were implemented in 2012 as part of a pilot project, which included consolidating curb lane rules to clarify minor parking spaces and improve the use of these spaces. Additionally, improved signage with clear communications on how, when and where to park was added.

Case Study



CASE STUDIES

BALANCING COMPETING USERS

- Charlotte, NC
- Tampa, AZ
- Austin, TX
- Seattle, WA
- Minneapolis, MN

ENFORCEMENT AND REGULATION

- Tampa, AZ
- Fort Collins, CO
- Toronto, Ontario, Canada
- Lincoln, NE

PARKING DEMAND MANAGEMENT

- Dallas Cowboys Stadium/Knightin Eiteljorg Center
- Fort Collins, CO
- Austin, TX
- King County Metro Transit, WA

MANAGING PARKING SUPPLY EFFECTIVELY

- Lincoln, NE
- Norfolk, VA
- Santa Monica, CA
- San Jose, CA
- Minneapolis, MN

CREATING NEW PARKING SUPPLY

- Long Beach, CA
- King County Metro Transit, WA

IMPLEMENTING AND MANAGING PAID PARKING

- Seattle, WA
- Houston, TX
- Santa Monica, CA
- Washington, DC

TRANSFORMATION OF DEMAND MANAGEMENT STRATEGIES

- University of Washington, Seattle, WA
- Santa Monica, CA
- Minneapolis, MN

SUSTAINABLE PUBLISHING STRATEGIES

- San Jose, CA

COMMUNICATION STRATEGIES

- Fort Collins, CO
- Toronto, Ontario, Canada



National City Parking Challenges and Opportunities

- Lack of turnover
- Port parking spill-over
 - Trucks
 - Employees
- High demand in multi-family residential communities
- Redevelopment
- Inconsistent parking management

Parking Management Solutions from Peer Cities

- Shared Parking
- Pricing and Time Restrictions
 - Smart meters/Pay-by-phone
 - License plate recognition technology
- Business District Partnerships:
 - First hour free program
 - Validation
- Parking Permit Zones
- Freight Management
- Right-Size Parking





Questions?

Antoinette Meier, AICP

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Marisa Mangan

marisa.mangan@sandag.org



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 EXPANSION OF A NONCONFORMING USE AND A REDUCTION IN OFF-STREET PARKING REQUIREMENTS AT 1106 HOOVER AVENUE/210 WEST 11TH STREET.

Case File No.: 2014-22 CUP

Location: Southwest Corner Hoover Avenue and West 11th Street

Assessor's Parcel No: 555-116-11

Staff report by: Michael Fellows – Planning Technician

Applicant/Owner: Captain B. LTD Partnership

Zoning designation: Residential Single Family (RS-4)

Adjacent land use/zoning:

- North: Residential across W. 11th Street / RS-4
- East: Residential across Hoover Ave. / RS-4
- South: Industrial / RS-4
- West: Residential across alley / RS-4

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

Staff recommendation: Approve

BACKGROUND

Site Characteristics

The subject property is identified by two addresses. Past building permit records identify the property as 210 W. 11th Street, whereas County Assessor records identify the property as 1106 Hoover Avenue. The property is developed with a 5,662 square-foot parcel that is zoned for single-family uses. The property is developed with an existing 4,000 square-foot, rectangular industrial building that was substantially damaged by fire approximately one year ago.

The industrial building and the past use (auto body shop) are both lawful non-conforming because they were lawfully established but are no longer permitted by the residential zone. The auto body shop is also non-conforming because it did not have the minimum 7,500 square feet of lot area required for auto repair businesses. There is a four-space parking lot that is accessed from an alley at the rear of the property.

Proposed Use

This Conditional Use Permit Application is for the expansion of office area within the existing non-conforming industrial building and for a reduction in the off-street parking requirement by two parking spaces. The applicant will also be requesting City Council approval of an encroachment permit for wheel chair ramps that are proposed to encroach in the public right-of-way.

Analysis

The applicant is currently permitted to continue the use of the building as an auto body shop by right. Alternatively, the applicant may convert this use to any use which is specifically allowed by any zone in the Westside Specific Plan. The property owner has expressed a preference to substitute the non-conforming auto body shop with a use that is less impactful to the community. The current proposal is to substitute a Navy contracting service for the previous use. The continuation and conversion of use are currently permitted, despite the extensive fire damage to the building and nearly year-long vacancy, for reasons detailed in the nonconforming section below.

The Navy contracting service will likely be less impactful to the neighborhood than an auto body shop. The owner of the contracting business explained in a phone conversation that nearly all services would be conducted off-site on the Navy base. He explained that the property would primarily be used for administrative offices, tool storage, and vehicle storage. These uses would be conducted indoors, except vehicle storage is permitted in the parking lot behind the industrial building.

Auto body shops generally have higher demands for lot area than most other uses. This is one reason the Land Use Code requires new auto repair service establishments to provide 7,500 square feet of lot area. In this case the subject property is undersized for auto repair by 1,838 square feet or approximately 25%. Not only is the lot an adequate size for a contractor service, it is also a more conforming use than an auto repair shop because contractor services are allowed in certain zones within the Westside Specific Plan, whereas auto body shops are not allowable in any zone within the Plan.

Therefore, the proposed substitution of non-conforming uses is consistent with Westside Specific Plan Community Character Goal 3.8 that encourages the conversion of non-conforming businesses to non-impactive uses that are consistent with the environment and community goals.

To accommodate the proposed contracting business, the property owner has requested to expand the office area in the existing building by 486 square feet, or 12 percent of the building square footage. This request includes two small additions to two existing offices and the construction of a third office above one of the existing offices. The total proposed office area would be approximately 1,000 square feet. All construction would be within the existing building.

Typically the proposed increase in office floor area would not be allowed since lawful non-conforming buildings that are damaged by fire are only permitted to be restored to an equal or lesser degree of the non-conformity; however, the Westside Specific Plan allows non-conforming uses to expand by up to 20 percent subject to first obtaining a Conditional Use Permit, hence this application.

The Westside Specific Plan requires that the applicant provide two additional off-street parking spaces to serve the new office area. The existing site is built out, so the applicant worked with Planning staff to identify ways to provide additional parking. There were two options considered but both proved infeasible. The first was an off-site parking agreement on another lot but no feasible lot was identified. The second option considered providing parking spaces in the industrial building. This option was infeasible due to the reduced useable area in the building, and the substantial alteration required by the Building Code to use part of the building for parking.

Due to the constraints described above, the applicant is requesting that the Planning Commission approve a reduction in the off-street parking requirement by two parking spaces. The Land Use Code allows for this reduction when there is on-street parking adjacent to the property. The applicant must demonstrate that the parking spaces are unnecessary and will not adversely affect the adjacent area. This request would not eliminate any existing parking spaces on the property or the adjacent streets.

As required above, the subject property has two on-street parking spaces adjacent to the property. The business owner anticipates that parking demands for the contracting service would not adversely affect the adjacent area, as the business anticipates having two or three employees on site most of the time and currently has three vehicles being used for business activities. Furthermore the contracting service would likely have reduced impacts on the neighborhood than an auto body shop for reasons discussed earlier in the report.

Lawful nonconforming uses

A Lawful non-conforming use is one that was lawfully established before the current Land Use Code was adopted but would be prohibited today. Land Use Code Chapter 18.11, which regulates non-conforming uses, allows for lawfully established non-conforming uses located in the Westside Specific Plan to convert to any use that is

permitted by any zone within the Plan. This chapter also provides for a variety of circumstances/processes that terminate the right to operate a nonconforming use. The most frequent method of termination is by discontinuance of the use for 12 or more consecutive calendar months. Nonconforming uses may also be terminated by destruction of the building.

Code Section 18.11.050 regulates lawful non-conforming structures partially damaged or destroyed by fire. This section allows for the occupancy or use of such structures to be restored provided that specific criteria are met. This criteria requires that: 1) The restoration result in an equal or lesser degree of the non-conformity 2) The total cost of restoration of the damaged structure does not exceed one-half its replacement cost 3) Such restoration is started within a period of one year and is carried out diligently to completion, and 4) Such damage was not intentionally set by the owner.

In this case the property owner has met all the requirements described above to restore the building and its occupancy. Building permit plans were submitted in April 2014 and a permit subsequently issued for reconstruction of the roof, well within the required one year period to reconstruct the building. Plans were also submitted for restoration of the building interior in July, 2014. Prior to issuing these permits, the Building Division confirmed that the replacement cost did not exceed one-half the replacement cost of the building.

The substitution of the auto body shop by a contracting service would eliminate future use of the property for automotive repair businesses because the Westside Specific Plan does not allow on-site auto repair in any zone and the site does not meet minimum lot area requirements.

Traffic & Parking

The property currently has four parking spaces that are accessed from an alley behind the property. It is anticipated that the existing parking spaces would be sufficient to support the proposed navy contracting business. The contracting service states that no customers would be served at the subject property, and it anticipates that three mid-size vehicles would be used for business activities. According to SANDAG trip generation data, a 4,000 square-foot auto repair center would generate approximately 80 average daily trips (ADT). The same sized area devoted to a manufacturing/assembly use could be expected to generate approximately 20 ADT. Access to and from the area is provided by Hoover Avenue and West 11th Street. Therefore, no traffic issues are anticipated; the existing road network is more than capable of handling the additional traffic generated by the proposed contracting business.

Department Comments

The Engineering Department had no comments regarding the application, provided that the on-street parking spaces remain publicly accessible. If the applicant is directed to restrict the on-street parking spaces (e.g. painted curb, timed parking, etc.) additional approvals by Engineering and the Traffic Review Committee would be necessary. The

Building and Fire Departments provided Standard Code requirement conditions, which are included as conditions.

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 would be conducted within an existing building and would generate less traffic and parking demand than the same space devoted to an auto body use, which was previously approved and found in compliance with CEQA.**

Summary

The proposed office expansion and two parking space reduction is consistent with the Land Use Code with the approval of a Conditional Use Permit. The proposed minor office expansion will help eliminate an auto body shop that is considered one of the more impactive uses in the Westside Specific Plan Area. Conditions of Approval have been added stating that the contracting business may be substituted, consistent with Land Use Code Chapter 18.11; however, automotive repair would no longer be permitted unless permitted by future Code amendments.

OPTIONS

1. Approve 2014-22 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2014-22 CUP 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. Recommended Conditions of Approval
3. Location Map
4. Public Hearing Notice (Sent to 63 property owners)
5. Site Photos
6. Notice of Exemption
7. Exhibit A, Case File No. 2014-22 CUP, dated 1/27/15



MICHAEL FELLOWS
Planning Technician



FRK

BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2014-22 CUP, 1106 Hoover 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 Land Use Code allows a non-conforming use that substitutes another non-conforming use to expand by a maximum of 20 percent subject to a CUP, and allows for a parking reduction with Planning Commission approval.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, expansion of a non-conforming use is permitted - subject to a Conditional Use Permit - by the Land Use Code, which is consistent with the General Plan, and since the proposed substitution of non-conforming uses is consistent with Westside Specific Plan Community Character Goal 3.8 that encourages the conversion of non-conforming businesses to non-impactive uses that are consistent with the environment and community goals.
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 office expansion and parking reduction encourages the substitution of a contractor service that conforms to minimum lot size requirements, for an auto body shop that had inadequate lot area for an automotive repair business.
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 industrial building, since no expansion of the building is proposed, and since sufficient access to streets and highways with adequate capacity and pavement type to carry the volume and type of traffic generated by the proposed use is provided by both Hoover Avenue and West 11th Street.
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 proposed contractor service will be more compatible with neighboring uses than an auto body shop.
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.

RECOMMENDED FINDINGS CONDITIONS FOR APPROVAL

2014-22 CUP, 1106 Hoover Avenue

General

1. This Conditional Use Permit authorizes the expansion of a non-conforming use and a parking reduction at 1106 Hoover 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. 2014-22 CUP, dated 1/27/15.
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. The proposed project shall be constructed as per the 2013 California Building, Electrical, Plumbing, Mechanical, Energy and Fire Codes. This would include all accessibility upgrades within the building as well as the path of travel to the public right-of-way. A request for change of occupancy would also be required.

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. Standard Land Use Code requirements for non-conforming uses will be applicable to the contractor service and industrial building. This permit terminates all future use



of the property for automotive repair unless there are subsequent amendments to the Westside Specific Plan permitting auto repair.

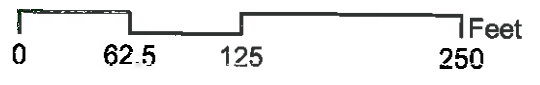
8. Restoration of the fire damaged building shall be carried out diligently to completion.
9. All work must be conducted within the building. No outdoor storage is permitted, except for overnight service vehicle storage.

Engineering

10. If the developer proposes or is directed to have the street parking marked for limited time or use, additional Engineering and Traffic Safety Committee reviews and/or approvals will be necessary.



 Project Location
 Zone Boundary



APN:
 555-116-11

Planning Commission
 Location Map

2014-22 CUP



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR EXPANSION OF A NONCONFORMING USE AND
A REDUCTION IN OFF-STREET PARKING REQUIREMENTS AT
1106 HOOVER AVENUE/210 WEST 11TH ST.
CASE FILE NO.: 2014-22 CUP
APN: 555-116-11

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, March 16, 2015**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Captain B Limited Partnership)

The applicant is requesting to expand the office area within an existing industrial building at the southwest corner of Hoover Avenue and West 11th Street. The request includes a 500 square-foot interior office addition with a request for a reduction in off-street parking requirements.

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., **March 16, 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

fm BRAD RAULSTON
Executive Director

2014-22 CUP – 1106 Hoover Avenue – Site Photos



Looking southwest from Hoover Avenue and 11th Street intersection



Looking southeast from 11th 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: 2014-22 CUP

Project Location: 1106 Hoover Avenue, National City, CA 91950

Contact Person: Michael Fellows

Telephone Number: (619) 336-4315

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit for the expansion of a nonconforming use (interior office) and a reduction in off-street parking requirements.

Applicant:

Captain B LTD Partnership
327 W. 11th Street
National City, CA 91950

Telephone Number:

(619) 477-8773

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 approximately 500 square foot office expansion is within an existing building and the existing off-street and on-street parking is adequate to support parking demands for users of the building.

Date:

MICHAEL FELLOWS
Planning Technician

RECEIVED
 JAN 27
 National City Planning Division
 National City, CA 91959

OFFICE ADDITION 1106 HOOVER AVE. NATIONAL CITY, CA.

Exhibit A
 Case File No. 2014-2210P
 Dated: 1/27/15



GENERAL NOTES

- The Applicant and Applicant's Architectural Firm shall comply with all applicable laws, codes, ordinances, rules, regulations, and standards of the City of National City, California. The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.
- All construction and installation shall be in accordance with the approved plans and specifications. The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.
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GENERAL NOTES (continued)

- The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.
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SCOPE OF WORK

The project shall consist of the addition of a second story to the existing building at 1106 Hoover Ave. The project shall include the construction of the second story, including the foundation, framing, exterior walls, roof, and interior finishes. The project shall also include the construction of the exterior stairs and the installation of the exterior lighting. The project shall be completed in accordance with the approved plans and specifications.

PROJECT DATA

PROJECT NAME	1106 HOOVER AVE. OFFICE ADDITION
PROJECT LOCATION	1106 HOOVER AVE., NATIONAL CITY, CA 91959
PROJECT OWNER	1106 HOOVER AVE. OFFICE ADDITION
ARCHITECT	FPM/ATCA
ENGINEER	FPM/ATCA
DATE	1/27/15

NOTES

1. The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.

GENERAL NOTES

The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.

PROJECT DATA

PROJECT NAME	1106 HOOVER AVE. OFFICE ADDITION
PROJECT LOCATION	1106 HOOVER AVE., NATIONAL CITY, CA 91959
PROJECT OWNER	1106 HOOVER AVE. OFFICE ADDITION
ARCHITECT	FPM/ATCA
ENGINEER	FPM/ATCA
DATE	1/27/15

NOTES

The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.

GENERAL NOTES

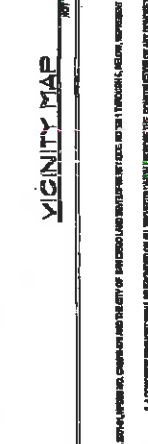
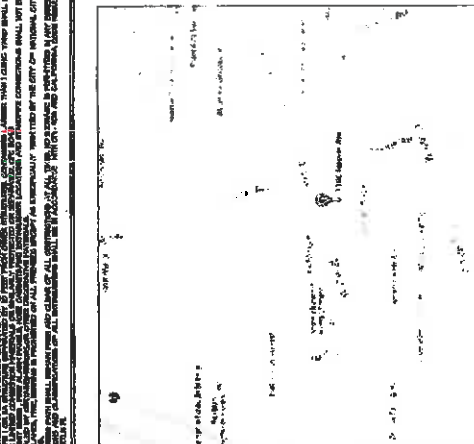
The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.

PROJECT DATA

PROJECT NAME	1106 HOOVER AVE. OFFICE ADDITION
PROJECT LOCATION	1106 HOOVER AVE., NATIONAL CITY, CA 91959
PROJECT OWNER	1106 HOOVER AVE. OFFICE ADDITION
ARCHITECT	FPM/ATCA
ENGINEER	FPM/ATCA
DATE	1/27/15

NOTES

The Applicant shall be responsible for obtaining all necessary permits, approvals, and clearances from the appropriate agencies and departments of the City of National City, California.



VICINITY MAP

The map shows the location of the project at 1106 Hoover Ave. The map includes the following streets: Hoover Ave., National City Blvd., and other local streets. The project location is marked with a red dot and labeled '1106 HOOVER AVE.'.

DATE: 1/27/15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]

1106 HOOVER AVE
 NATIONAL CITY, CA

A1



PRIMA/TICA
 201 West 11th Street
 San Diego, CA 92101
 (619) 587-7020

DATE: 01/20/2010
 SCALE: 1/8" = 1'-0"
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SHEET NO. A2

CONTRACTOR: [Name]

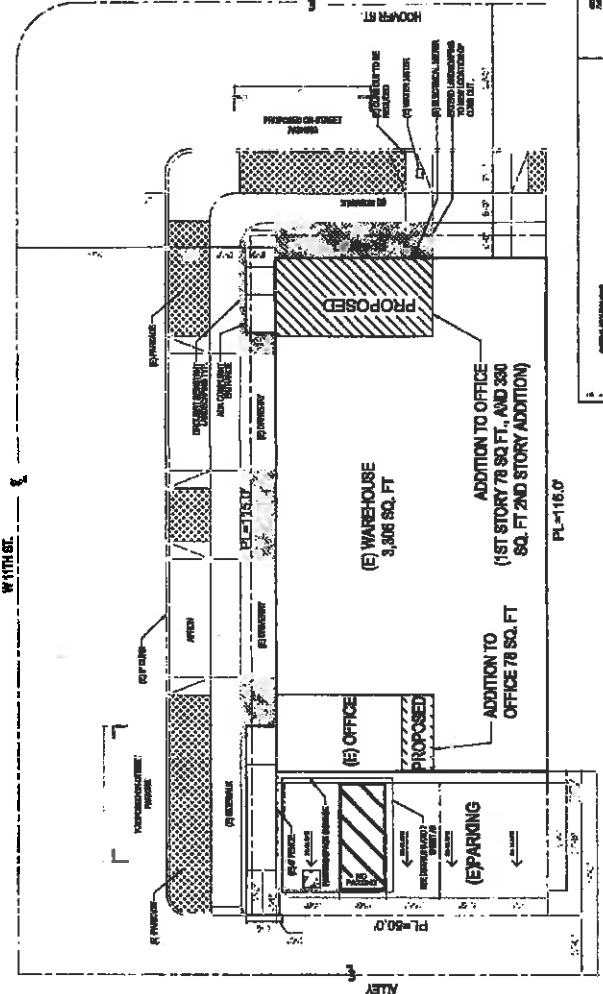
LEGEND



OCUPANCY LOAD
 Warehouse
 Office
 Parking

CONSTRUCTION
 Proposed
 Existing

PL-116.0
 PL-SO.0



SITE PLAN

6. VAN ACCESSIBLE PARKING SPACE

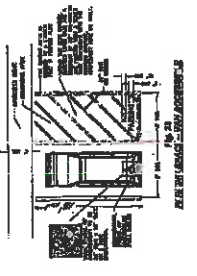
1. The proposed parking space is located adjacent to the proposed addition to the existing building.

2. The proposed parking space is 8' wide and 12' deep.

3. The proposed parking space is paved with asphalt.

4. The proposed parking space is accessible to the proposed addition to the existing building.

5. The proposed parking space is accessible to the proposed addition to the existing building.



7. EXISTING OFFICE BUILDING

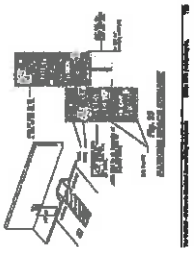
1. The existing office building is located on the north side of the site.

2. The existing office building is 2 stories high.

3. The existing office building is 100' wide and 100' deep.

4. The existing office building is currently vacant.

5. The existing office building is currently vacant.





PREMATICA
 1106 HOOVER AVE
 NATIONAL CITY, CA 92061
 (619) 594-2000

DATE: 01/15/2010
 DRAWN BY: [blank]
 JOB NO.: [blank]
 SHEET NO.: [blank]

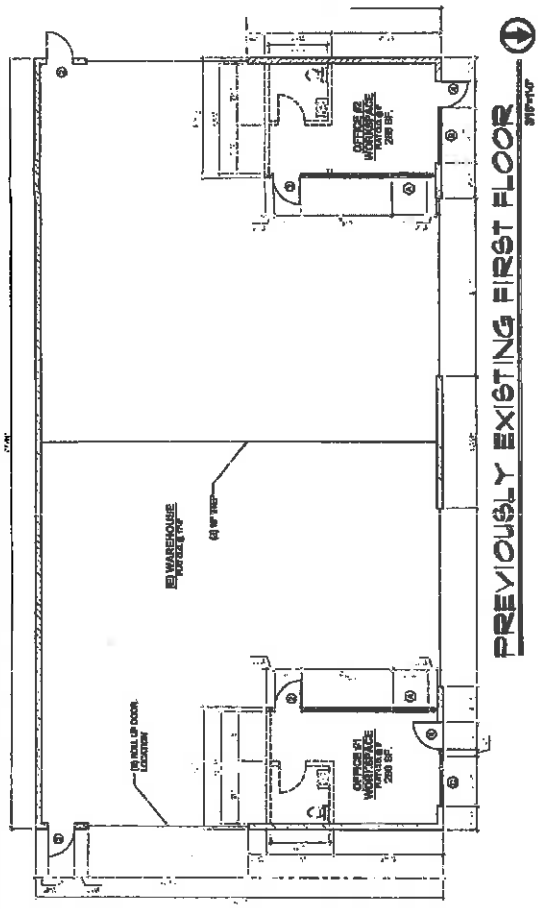
PROJECT: [blank]
 CLIENT: [blank]
 CONSULTANT: [blank]

1106 HOOVER AVE
 NATIONAL CITY, CA

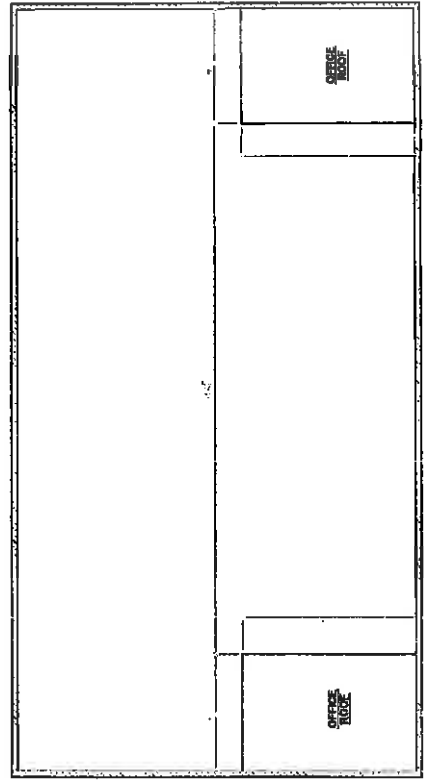
A3

LEGEND	
[Symbol]	PROPOSED
[Symbol]	EXISTING
[Symbol]	REMOVE
[Symbol]	REFERENCED
[Symbol]	AS NOTED

NOTE:
 EXISTING PLANS SHOW LOCATION OF
 WALLS BEFORE THE FIRE DAMAGE



PREVIOUSLY EXISTING FIRST FLOOR



PREVIOUSLY EXISTING SECOND FLOOR



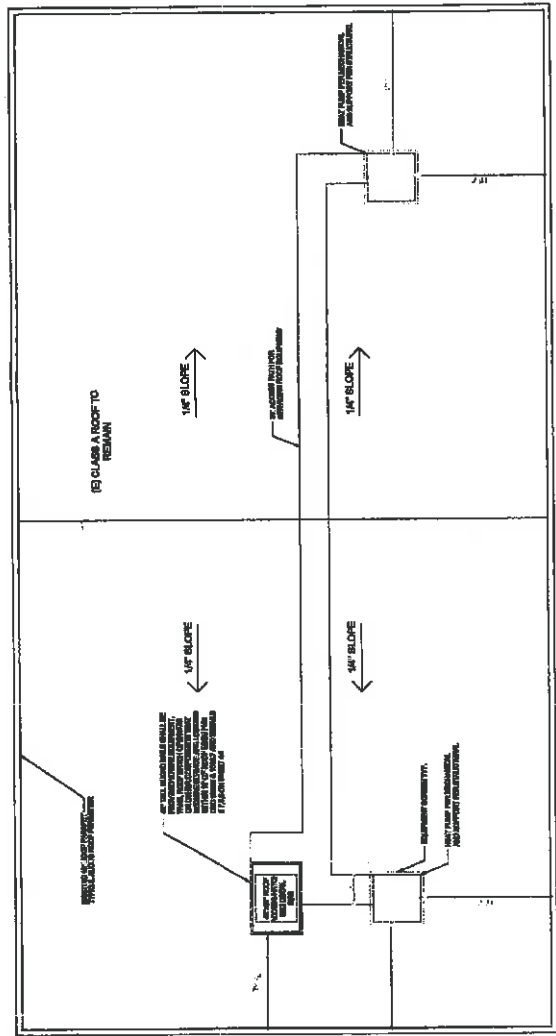
RESISTACIA
 2221 Laurel Avenue
 San Mateo, CA 94403
 650-571-1188

DATE: 01/15/2015
 SCALE: 1/8" = 1'-0"
 DRAWN BY: JLD/BJC
 CHECKED BY: JLD/BJC

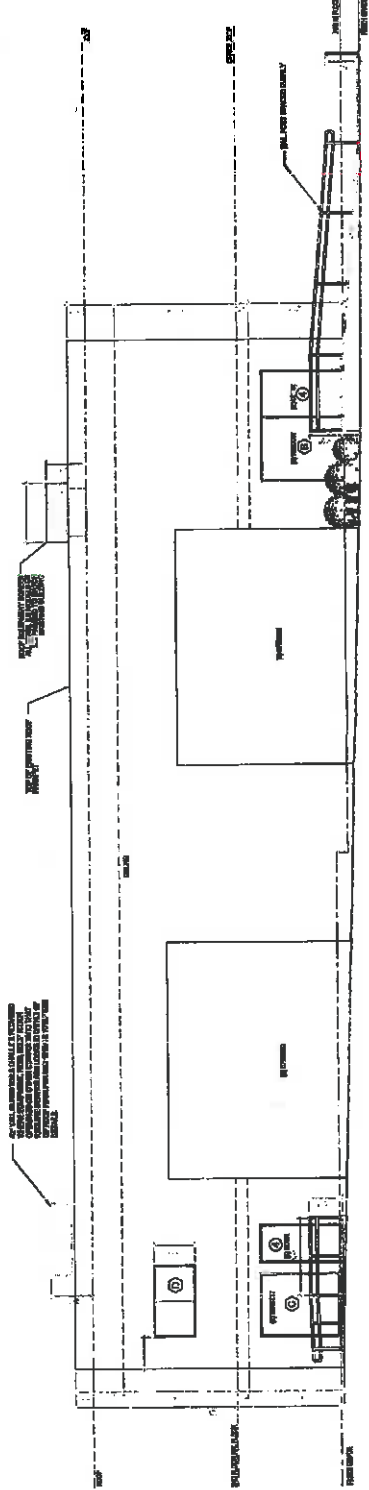
PROJECT: 1106 HOOVER AVE
 NATIONAL CITY, CA
 COMB. UNIT

1106 HOOVER AVE
 NATIONAL CITY, CA

A6



ROOF PLAN



NORTH ELEVATION

1/8" = 1'-0"



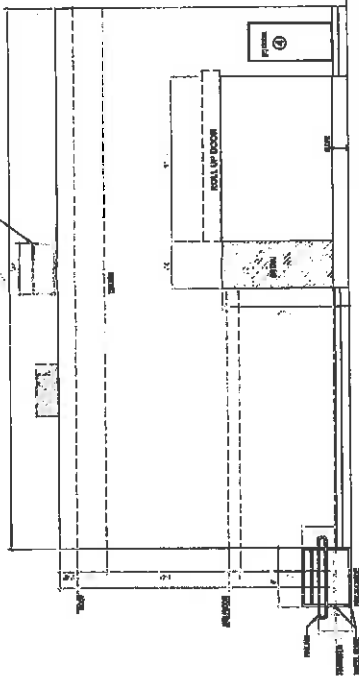
PRISMATICA
 1108 HOOVER AVE
 NATIONAL CITY, CA 94115
 (415) 754-1108

DATE: 11/11/11
 SCALE: 1/8" = 1'-0"
 DRAWN BY: JRM
 JOB NO.: 1108H
 PROJECT NO.: 1108H

1108 HOOVER AVE
 NATIONAL CITY, CA

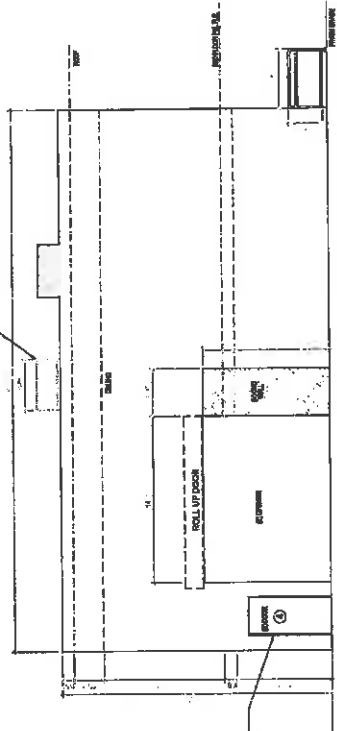
A7

ALL WALLS SHALL BE CONCRETE
 WITH 2" MIN. THICKNESS UNLESS NOTED
 OTHERWISE. ALL WALLS SHALL BE FINISHED
 WITH 1/2" GYPSUM BOARD OVER
 1/2" POLYSTYRENE INSULATION.



WEST ELEVATION

ALL WALLS SHALL BE CONCRETE
 WITH 2" MIN. THICKNESS UNLESS NOTED
 OTHERWISE. ALL WALLS SHALL BE FINISHED
 WITH 1/2" GYPSUM BOARD OVER
 1/2" POLYSTYRENE INSULATION.



EAST ELEVATION

RESOLUTION NO. 2015-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT EXPANSION OF A NONCONFORMING USE AND A REDUCTION IN OFF-STREET PARKING REQUIREMENTS AT 1106 HOOVER AVENUE/210 WEST 11TH ST.
CASE FILE NO. 2014-22 CUP
APN: 555-116-11**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the expansion of a nonconforming use at the southwest corner of Hoover Avenue and West 11th Street at a duly advertised public hearing held on March 16, 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. 2014-22 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 March 16, 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 Land Use Code allows a non-conforming use that substitutes another non-conforming use to expand by a maximum of 20 percent subject to a CUP, and allows for a parking reduction with Planning Commission approval.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, expansion of a non-conforming use is permitted - subject to a Conditional Use Permit - by the Land Use Code, which is consistent with the General Plan, and since the proposed substitution of non-conforming uses is consistent with Westside Specific Plan Community Character Goal 3.8 that encourages the conversion of non-conforming businesses to non-impactive uses that are consistent with the environment and community goals.

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 office expansion and parking reduction encourages the substitution of a contractor service that conforms to minimum lot size requirements, for an auto body shop that had inadequate lot area for an automotive repair business.
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 industrial building, since no expansion of the building is proposed, and since sufficient access to streets and highways with adequate capacity and pavement type to carry the volume and type of traffic generated by the proposed use is provided by both Hoover Avenue and West 11th Street.
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 proposed contractor service will be more compatible with neighboring uses than an auto body shop.
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.

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 expansion of a non-conforming use and a parking reduction at 1106 Hoover 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. 2014-22 CUP, dated 1/27/15.
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. The proposed project shall be constructed as per the 2013 California Building, Electrical, Plumbing, Mechanical, Energy and Fire Codes. This would include all accessibility upgrades within the building as well as the path of travel to the public right-of-way. A request for change of occupancy would also be required.

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. Standard Land Use Code requirements for non-conforming uses will be applicable to the contractor service and industrial building. This permit terminates all future use of the property for automotive repair unless there are subsequent amendments to the Westside Specific Plan permitting auto repair.
8. Restoration of the fire damaged building shall be carried out diligently to completion.
9. All work must be conducted within the building. No outdoor storage is permitted, except for overnight service vehicle storage.

Engineering

10. If the developer proposes or is directed to have the street parking marked for limited time or use, additional Engineering and Traffic Safety Committee reviews and/or approvals will be necessary.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 16, 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: INTERPRETATION OF ALLOWED USES FOR A BUSINESS LOCATED AT 540 NATIONAL CITY BLVD.

Case File No.: 2015-04 I

Location: East side of National City Blvd. south of West 5th St.

Staff report by: Martin Reeder – Principal Planner

Applicant: Nationwide Enterprises, Inc., DBA Highlander ADHC

Property owner: DNSA, Inc.

Zoning designation: Development Zone 1B

Adjacent land use/zoning:

- North:** National City Motel / DZ-1B
- East:** Commercial across National City Blvd. / DZ-3
- South:** Rodeway Inn / DZ-1B
- West:** Howard Johnson Express Inn / DZ-1B

Staff Opinion: Applicant's requested interpretation is not consistent with resident or visitor serving commercial uses.

BACKGROUND

The subject property is a 13,068 square-foot lot developed with an 8,625 square-foot, single-story building and a 20-plus space parking lot. The property is bordered on three sides by hotel/motel uses. A commercial building is located across National City Blvd. to the east.

History

The property was approved for an Adult Day Health Care Center in 2001. A Conditional Use Permit (CUP) was approved for the use at that time. In 2012, the zoning changed and the adult day care became a nonconforming use (no longer permitted under current codes, but legally established). As of February 28, 2014, the previous Adult Day Health Care Center (Open Arms) closed their business license and vacated the premises.

In 2007, the property owner applied for another CUP, this time for a banquet facility. This permit was approved but was never considered exercised, although the business was in operation. In 2012, after the zoning change, a banquet facility became a use allowed by right in the zone (no CUP requirement). The property owner obtained building permits for the building and opened a banquet facility (Roman Palace) in December 2014. The banquet business operates mostly in the evenings or on weekends. The property owner has been looking for a weekday tenant to make better use of the property.

Based on chapter 18.11.100 of the Land Use Code, a nonconforming use is considered to be terminated if it is succeeded by a conforming use. When the adult day care closed and was replaced by a banquet facility, the nonconforming use was discontinued and the nonconforming status terminated.

Request

The applicant, Highlander ADHC, wishes to operate a new adult day care facility at 540 National City Blvd. Highlander ADHC has been in business in National City for many years. It was previously located at 2525 Highland Avenue, but is seeking to relocate because the building was sold to a new owner. The previous Land Use Code allowed Adult Day Health Care facilities as a conditionally-allowed use in the former General Commercial (CG) zone. In 1987, the business was approved for a Conditional Use Permit to operate at 2525 Highland Avenue, which was in the CG zone prior to the last Land Use Update, but is now in a mixed-use zone. The subject property (540 National City Blvd.) was also zoned CG zone previously, but is now in the Downtown Specific Plan Area.

The subject property is within Development Zone 1B of the Downtown Specific Plan area. Permitted uses include mid-to-high-rise multi-family residential; commercial; residential and visitor serving commercial (hotel, motel, restaurants); entertainment uses (theaters, clubs); light industrial manufacturing; auto-oriented retail; professional offices; public parking. Conversely, residential uses in this area are discouraged due to

proximity to freeway noise. Used car lots or auto repair facilities are prohibited in this area.

Based on these allowed uses, staff informed the applicant that the use of the property as an Adult Day Health Care facility was not permitted. The applicant disagreed with staff, feeling that the use was commercial in nature, and opted to request an interpretation of the Land Use Code/Downtown Specific Plan.

Analysis

Section 18.10.050 of the Land Use Code sets forth requirements and allows for interpretations of the Code that can be made by the Planning Commission or staff. Staff was not comfortable making the requested interpretation at the Department level and recommended that a determination would be better considered by the Commission. In addition, the applicant is seeking a Planning Commission interpretation.

The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan, and any applicable specific plan.

The applicant states in the attached request letter that the use could qualify as a visitor serving commercial use. Their justification is based on the services that would be offered to clients of the center, which include:

- Recreation activities/programs: concerts, birthday celebrations, art/music classes;
- Transportation services: door to door service;
- Meals: breakfast and lunch;
- Personal services: skilled nursing, physical/occupational therapy, social workers.
- Profit-based business: private and insurance payments.

Staff is not of the opinion that an adult day health care is a resident or visitor serving commercial use. Although there is no definition in the Downtown Specific Plan for "commercial use", staff generally refers to the Land Use Code definition of "goods and services, retail" (18.50.010). The Land Use Code is frequently used to determine appropriate uses in the downtown area because the Specific Plan, although specific with regard to design regulation, is not specific with regard to land use. Rather, the Specific Plan uses broad descriptors (e.g. multi-family residential, commercial, etc.).

The Code definition of goods and services, retail is as follows:

Retail goods include commercial establishments that provide physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Typical uses include, but are not limited

to, apparel, household appliances, computers and electronics, books and stationary, gifts and souvenirs, paint and wallpaper, pets, plants, groceries and baked goods, hardware, hobby and crafts, sports equipment or similar products. Services include establishments or places of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, nail salons, animal grooming establishments, shoe, jewelry, or watch repair, coin-operated laundromats, dry cleaners and tailors, travel agencies, insurance agencies, banks and credit unions, printing and copy businesses, photographic studios, or similar businesses.

Staff reviewed this definition prior to providing an answer to the applicant's original inquiry and determined that an adult day health care business is not consistent with these uses; there are no similar uses defined. Some of the activities quoted by the applicant are more medical in general (skilled nursing, therapy). The remainder might be considered more commercial or entertainment-related in nature if they were the primary use (concerts, art/music classes, parties, etc.); however, these uses would be accessory to the primary use, which is not commercial. As it stands, adult day health care centers are not specified in the Land Use Code. Although it is anticipated that this use will be placed back in the Code at some point, it would likely only be effective in the Institutional zone and subject to a CUP.

Downtown Specific Plan consistency

The Downtown Specific Plan was adopted in 2005. National City's downtown is a compact and intense district featuring City Hall, a library, social agencies, a college campus, and numerous churches. The Specific Plan represents a major effort to revitalize National City's historic downtown area. It establishes a central core of high rise residential and mixed use buildings with ground floor shops, offices, and cafes lining the streets surrounded by mid-rise and townhouse residential uses. An adult day care center is not consistent with the character of the downtown area, which was envisioned to be more intense and mixed-use.

The Planning Commission has the option to interpret the Code as proposed by the applicant or as previously interpreted by staff. If the Commission interprets that the requested use is consistent with the intent of visitor or resident serving commercial uses, the determination can include a recommendation on whether or not to require a Conditional Use Permit for the use. This option would be consistent with the need for a CUP required by the previous Code. If the Commission interprets that the requested use is not consistent with the intent of visitor or resident serving commercial uses, the applicant would need to find another location for their business. Another option would be to amend the Downtown Specific Plan to allow adult day health care facilities in Development Zone 1B.

Summary

Staff is of the opinion that adult day care is not similar to any resident or visitor serving commercial use permitted in the Downtown Specific Plan area. Although the City encourages multiple uses on underutilized properties, especially in order to promote higher activity levels in the downtown area, non-retail/service uses are not encouraged or permitted in this area. If the Commission interprets that the use is similar to other resident or visitor serving commercial uses, language would be added to the Land Use Code during the next amendment process. If the Commission interprets that the use is not similar to resident or visitor serving commercial uses, the applicant would need to find another property with appropriate zoning in which to lease space.

OPTIONS

1. Determine, based on attached findings that an adult day health care facility is not consistent with the intent of visitor or resident serving commercial uses and is not consistent with the Downtown Specific Plan because it is not an allowable use in Development Zone 1B of the Downtown Specific Plan.
2. Determine, based on findings to be determined by the Planning Commission, that an adult day health care facility is consistent with the intent of visitor or resident serving commercial uses, and is consistent with the Downtown Specific Plan as a conditionally-allowable use in Development Zone 1B of the Downtown Specific Plan (subject to the issuance of a Conditional Use Permit).
3. Determine, based on findings to be determined by the Planning Commission, that an adult day health care facility is consistent with the intent of visitor or resident serving commercial uses, and is consistent with the Downtown Specific Plan as an allowable use in Development Zone 1B of the Downtown Specific Plan.

ATTACHMENTS

1. Recommended Findings
3. Location Map
4. Development Zone #1A & #1B regulations and standards
5. Applicant's letter of request



MARTIN REEDER, AICP
Principal Planner

RECOMMENDED FINDINGS – BASIS FOR INTERPRETATION

1. That an adult day health care facility is not consistent with the intent of visitor or resident serving commercial uses, and is not consistent with the Downtown Specific Plan because it is not an allowable use in Development Zone 1B of the Downtown Specific Plan, since the use is not similar to other permitted or encouraged uses defined in the Plan; and since it is more medical in nature than commercial.
2. That the use is not consistent with the Downtown Specific Plan, since the Plan encourages a compact and intense district, which establishes a central core of mixed use buildings with ground floor shops, offices, and cafes lining the streets surrounded by mid-rise and townhouse residential uses; and that an adult day care center is not consistent with this intended character.



Project Location



Zone Boundary



0 75 150 300 Feet

540 National City Blvd.

Planning Commission
Location Map

2015-04 |

DEVELOPMENT ZONE #1A & #1B

1A Development Intensity

Floor Area Ratio: 6:1 maximum / 3:1 minimum
Maximum Height: None

1B Development Intensity

Floor Area Ratio: 6:1 maximum / 3:1 minimum
Maximum Height: None

Unless otherwise stated, the development standards of the Major Mixed Use Corridor (MXC-2) zone shall apply. Specific height limits are not applied to these Development Zones. The ultimate height will be governed by Floor Area Ratio and the pragmatics of market capacity and the floor plate requirements of a chosen building use.

General Guidelines:

This area, adjacent to the Downtown core, is proposed for retail, entertainment, or employment uses. These uses may be mixed either horizontally or vertically or developed on a parcel-by-parcel or block-by-block basis. Development may be "auto-oriented" but National City Boulevard is to have a pedestrian orientation.

Since this development zone is part of the "gateway" to Downtown, and National City Boulevard is intended to be its primary "ceremonial" artery, every effort should be made to strengthen the definition, streetscape and pedestrian character of National City Boulevard's pedestrian streetscape.

The 1st Street diagonal connection between Roosevelt and National City Boulevard is proposed for closure. This will afford more consolidated and regular development sites and will better redirect through traffic (see circulation section).

Permitted Land Uses:

Mid-high rise multi-family residential; commercial; residential and visitor serving commercial (hotel, motel, restaurants); entertainment uses (theaters, clubs); light industrial manufacturing; auto-oriented retail; professional offices; public parking.

Restricted or Prohibited Land Uses:

Due to proximity to freeway noise, residential use may not be ideal, but could be allowed if noise attenuation is achieved. Used car lots or auto repair facilities are prohibited in this area.

Design Guidelines:

- Driveways are not permitted on National City Boulevard.
- Surface parking areas or garages should not front on National City Boulevard and should be screened from view.
- Landscaped courtyards, if provided, should front on National City Boulevard.
- Arcades and pedestrian entrances should be provided on National City Boulevard to promote pedestrian accessibility, even if access to buildings is provided from off-street parking areas elsewhere.
- Design of landscaped plazas and courtyards fronting on National City Boulevard must respect and reinforce build-to-lines.

NATIONWIDE ENTERPRISES INC., DBA
HIGHLANDER ADHC
2525 Highland Avenue, National City, CA, 91950

To Whom It May Concern:

This letter is a request that the Planning Commission make an interpretation on the use of the retail space located at 540 National City Blvd. National City for the operation of an adult day health care center business.

We believe the business we would like to conduct at the referenced above facility could be qualified as visitor-serving commercial use under current zoning rules and regulations.

The Highlander Adult Day Health Care Center provides the following services: recreation/activities programs including concerts, variety of national and personal holiday's celebration, community college classes for art and music. The Highlander ADHC also provides transportation services with door to door service, breakfast and lunch meals, personal services of skilled nursing, physical therapy and occupational therapy and social work services.

The Highlander ADHC is operated under a for-profit corporation with fee for service charges to enrolled participants. The activities provided by the Highlander ADHC would enhance this business area which is devoted to the provision of recreational and tourist services, as it would provide desirable associated services designed for promoting wellness and health to the consumers utilizing the services.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Macpherson".

03-11-2015

RESOLUTION NO. 2015-06

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
INTERPRETING ALLOWED USES FOR A
BUSINESS LOCATED AT 540 NATIONAL CITY BLVD.
CASE FILE NO. 2015-04 I

WHEREAS, the Planning Commission of the City of National City considered an interpretation of allowed uses for a business located at 540 National City Blvd. at duly advertised public hearing held on March 16, 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. 2015-04 I 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 March 16, 2015, support the following findings:

1. That an adult day health care facility is not consistent with the intent of visitor or resident serving commercial uses, and is not consistent with the Downtown Specific Plan because it is not an allowable use in Development Zone 1B of the Downtown Specific Plan, since the use is not similar to other permitted or encouraged uses defined in the Plan; and since it is more medical in nature than commercial.
2. That the use is not consistent with the Downtown Specific Plan, since the Plan encourages a compact and intense district, which establishes a central core of mixed use buildings with ground floor shops, offices, and cafes lining the streets surrounded by mid-rise and townhouse residential uses; and that an adult day care center is not consistent with this intended character.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the Planning Commission resolution is adopted, unless a written appeal to the City Council is filed with the City Clerk. The City Council may, at the subsequent meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 16, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRMAN



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

PLANNING COMMISSION STAFF REPORT

Title: REPORT ON ALCOHOL LICENSING.

Background

At the meeting of February 9, 2015, the Commission requested that staff provide a report on existing alcohol licenses in the City and any related information on crime rates.

Existing Licenses

The State Department of California Alcoholic Beverage Control (ABC) currently shows **99** approved alcohol licenses in National City. **47** of these licenses are off-sale licenses (market, liquor store, etc.), while **52** are on-sale (bar, restaurant, etc.). The majority are restaurants that sell beer and wine. A list of the outlets is attached.

The licenses are broken down as follows:

License Type	Description	Number
20	Off-Sale Beer and Wine	24
21	Off-Sale General	23
40	On-Sale Beer	4
41	On-Sale Beer and Wine for Bona Fide Public Eating Place	28
42	On-Sale Beer and Wine for Public Premises	1
47	On-Sale General for Bona Fide Public Eating Place	12
48	On-Sale General for Public Premises	4
51	Club	1
52	Veteran's Club	2

City regulations

Of these **99** licenses, over half (**56**) have an approved Conditional Use Permit (CUP). The **43** outlets without a CUP would not be required to obtain additional permits with the City unless they expanded their premises or wished to change their license with ABC.

Alcohol Sales are permitted with the issuance of a CUP. Chapter 18.30.050 (attached) has requirements for noticing, community meetings, distance between outlets, and other standards. All of these requirements are in addition to normal CUP requirements.

This chapter is also applicable for CUP's for live entertainment, with or without alcohol sales.

In addition to compliance with 18.30.050, new CUP's for alcohol sales must comply with City Council Policy 707 (attached), which has additional standards related to the volume and number of products sold, locational requirements, signage, server training, and sales incidental to food (for restaurants). Policy requirements are included as conditions of approval with all alcohol CUP's.

ABC process

All requests to sell alcohol start with the Department of California Alcoholic Beverage Control. In order to obtain an alcohol license, an applicant must purchase one from a private seller. ABC has previously issued new licenses through a lottery system; it is unknown if that system is currently available. When a license is purchased, ABC has to transfer the license to the new owner. This process includes getting zoning approval from the local jurisdiction. Some cities or jurisdictions require a CUP or other use permit, others defer to ABC for issuance. As discussed above, National City requires a CUP.

City application process

All discretionary permits, including CUP's, are routed to other City Departments and affected agencies (Coastal Commission, Fish & Wildlife Service, SDG&E, etc.) after submittal. Alcohol CUP's are routed specifically to the Police Department and the Institute for Public Strategies. Both agencies provide a report on existing licenses and issues that may affect the operation of a new license.

The Police Department (PD) provides a Risk Assessment report (sample attached), 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). Low Risk is 0-12 points; Medium Risk 13-18 points; and High Risk 19-24 points.

The Institute for Public Strategies (IPS) provides an Environment Scan, which looks at nearby sensitive uses (churches, youth-oriented uses, etc.), existing licenses, and community input (if available).

One of the main indicators that both PD and IPS take into account is license concentration. The level of concentration is based on the number of licenses in each census tract¹, of which there are 14 in National City. ABC has a suggested number of licenses in each tract. If the number of licenses exceeds the suggested number, that census tract is considered to be over-concentrated. In cases of the city or county

¹ **Census Tracts** are small, relatively permanent statistical subdivisions of a county or equivalent entity that are updated by local participants prior to each decennial **census** as part of the **Census** Bureau's Participant Statistical Areas Program.

granting local approval (as with the City's CUP requirement), ABC will generally defer to that jurisdiction for approval, even if the census tract is over-concentrated. Although generally not preferred, over-concentration cannot always be helped. A prime example is where commercial land uses are concentrated in a limited area with several outlets within close proximity to each other. Highland Avenue and Plaza Boulevard fall into this category, as does the Gaslamp District in Downtown San Diego. Generally, staff will look at the request on a case-by-case basis. In most cases, although a census tract may be over-concentrated, outlets are not necessarily very close to one another.

Outlet concentration is calculated separately for on-sale and off-sale licenses. 4 of 14 (29%) of on-sale census tracts are considered over-concentrated, whereas 7 of 14 (50%) of off-sale census tracts are considered over-concentrated. The breakdown of the census tracts in National City is as follows:

	On-Sale	Off-Sale
Under-concentrated	6	3
At recommended level	4	4
Over-concentrated	4	7
Total	14	14

The other main indicator for PD assessment is crime rate. There are four police beats in the City (see attached maps), which divide the community into four quadrants. Crime data is expressed as a percentage and is calculated per beat based on the agency-wide total. Anything over 120% is considered to be a "high crime area". All four of the City's Beats are considered to be high crime (based on 2014 statistics ~ attached), with percentages as follows:

Beat	Beat Total as % of Beat Average	Number of Outlets
20	369.6%	25
21	416.2%	36
23	333.1%	28
24	253.2%	10

Crimes are divided into Type I and Type II crimes. Type I are felony crimes, whereas Type II are generally misdemeanors. Crimes associated with alcohol consumption (with the exception of drunk-driving) would generally fall into the misdemeanor category. There is a minor association between crime rate and number of outlets in the table above; however, there is not enough information to make a direct correlation.

To that end, PD ran a search on all of the "Drunk in Public" arrests for 2014 (see attached "Hot Spot Map). There were 274 arrests in total. It is difficult to determine "over-serving" or if theft is attributed to alcohol. A report of all thefts would not state which thefts were completed by intoxicated individuals, unless there were arrested. However, in that case, the top charge would be the theft, not drunk in public. Running only thefts would skew the numbers and provide a misrepresentation.

Deemed approved ordinance

When compared to the other cities in the County, National City is typically ranked in the middle with regard to the population to alcohol license ratio. In 2010 (the date of the last census), National City was ranked 8th with 560 people per license, although it should be noted that the City's population is almost double during the day because of the large workforce. The most saturated was Del Mar with 98 people per license. The least saturated was Poway, which had 2,218 people per license. In jurisdictions with extreme concentration levels, some administrations have enacted "Deemed Approved" ordinances. Cities such as Oakland and Rohnert Park (both in Northern California), which have tested ordinances (challenged in court and prevailed), enacted the regulations to reduce the cost of monitoring alcohol establishments that disproportionately contribute to alcohol-related harm. This was primarily due to the large numbers of non-conforming liquor stores in these cities (no CUP or equivalent permit).

With a Deemed Approved Ordinance, existing non-conforming alcohol licenses are subsequently considered approved, provided that they comply with stated performance standards. If they violate the standards, the business can have its selling privileges revoked. The key part of this type of ordinance is that a fee is collected that is used to regulate and inspect businesses. Such an ordinance holds all outlets accountable to the same standard and levels the playing field. The cities of El Cajon and Encinitas both pursued Deemed Approved ordinances in recent years. El Cajon adopted their ordinance in 2013, but has since been challenged in court. The Encinitas City Council rejected a proposed ordinance.

Future trends

One of the biggest upcoming trends is related to the burgeoning craft beer industry. San Diego County is a leader in the industry and staff has fielded multiple calls related to zoning for microbreweries and tasting rooms. Interest has also been stoked by the availability of a Professional Certificate in the Business of Craft Beer at San Diego State University, which has paired students with City staff as part of the Sage program. Although current zoning regulations are not yet geared to the craft beer industry, the City Council has expressed interest in moving to accommodate such businesses in the future. This will likely be based on a network or cluster of tasting, potentially in the downtown area however, brewers have also shown interest in locating manufacturing businesses in the City. The Industrial zones typically allow for such use already, although the Code will likely require changes to accommodate smaller facilities often found in commercial, rather than industrial, areas.

RECOMMENDATION

1. File the report

ATTACHMENTS

1. Existing ABC-licensed outlets
2. NCMC Chapter 18.30.050
3. City Council Policy 707
4. PD Risk Assessment Form
5. Police Beat Maps
6. 2014 Crime statistics



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

	License Type	Business Name	Primary Owner and Premises Address	Census Tract
1	20	NATIONAL CITY MARKET	220-240 E 18TH ST	116.01
2	41	SEÑOR PANCHO FRESH MEXICAN GRILL	2030 HIGHLAND AVE	116.01
3	47	EL JUAN CAFE	2316 HIGHLAND AVE	116.01
4	20	HIGHLAND ARCO	2336 HIGHLAND AVE	116.01
5	48	TROPHY LOUNGE	999 NATIONAL CITY BLVD	117.00
6	21	BIG BEN MARKET	108 E 8TH ST	117.00
7	41	WINGSTOP	932 HIGHLAND AVE	117.00
8	20	WAL MART STORE 5023	1200 HIGHLAND AVE	117.00
9	52	AMERICAN LEGION KENNETH L BLANCHARD POST 255	35 E 18TH ST	117.00
10	47	CAFE LA MAZE	1441 HIGHLAND AVE	117.00
11	21	LA CASA LIQUOR	228 HIGHLAND AVE	118.01
12	41	RINCON DEL MAR	314 HIGHLAND AVE	118.01
13	20	RODEOS MEAT MARKET	422 HIGHLAND AVE	118.01
14	41	NAPOLEONE PIZZA	619 NATIONAL CITY BLVD	118.01
15	41	ORIENTAL CAFE	39 E 7TH ST	118.01
16	47	MCDINIS IRISH CANTINA	105 E 8TH ST	118.01
17	21	ONE TEN LIQUOR & MARKET	110 NATIONAL CITY BLVD	219.00
18	20	NATIONAL CITY VALERO	10 OSBORN ST	219.00
19	47	HOLIDAY INN	700 NATIONAL CITY BLVD	219.00
20	20	NATL CITY COMPLEX INC	133 W 8TH ST	219.00
21	51	EAGLES AERIE 2712	1131 ROOSEVELT AVE	219.00
22	40	CLUB 13	640 CIVIC CENTER DR	219.00
23	21	COZINES LIQUOR & MARKET	402 CIVIC CENTER DR	219.00

24	20	BIG B MARKET & DELI	1540 COOLIDGE AVE	219.00
25	20	ARIDO MARKET	1643 WILSON AVE	219.00
26	20	DON JOHN MARKET	431 N HIGHLAND AVE	116.01
27	21	WILSON LIQUOR	916 E 8TH ST, BLDG A STE 9	117.00
28	41	ROYAL MANDARIN RESTAURANT	1132 E PLAZA BLVD, STES 205 & 206	117.00
29	41	CHUCK E CHEESES 439	1143 HIGHLAND AVE	117.00
30	41	PANDA PALACE CHINESE RESTAURANT	1105 E PLAZA BLVD , STES D & E	117.00
31	41	GINZA SUSHI	925 E PLAZA BLVD, #G	117.00
32	21	CVS PHARMACY 9138	1201 E PLAZA BLVD	117.00
33	21	SMART & FINAL 347	1220 E PLAZA BLVD, STE 510	117.00
34	41	LAI THAI RESTAURANT	1430 E PLAZA BLVD, # E10 11	117.00
35	41	GOLDEN CHOPSTICKS CHINESE RESTAURANT	1430 E PLAZA BLVD, E22-23A	117.00
36	21	SEAFOOD CITY SUPERMARKET	1420 E PLAZA BLVD, STE C	117.00
37	20	BIG LOTS 4126	1410 E PLAZA BLVD	117.00
38	52	THOMAS H COSBY JR POST 4630	1401 HIGHLAND AVE	117.00
39	41	KARINAS MEXICAN STYLE SEAFOOD EXPRESS	1705 HIGHLAND AVE	117.00
40	21	FARMERS DISCOUNT MARKET	1535 E 18TH ST	117.00
41	20	7 ELEVEN 2131-34902	151 N HIGHLAND AVE	118.02
42	20	FOODLAND 2	303 HIGHLAND AVE	118.02
43	41	JBS GRILL	543 HIGHLAND AVE	118.02
44	20	7 ELEVEN STORE 18218D 2121	807 E 8TH ST	118.02
45	40	DAKOTA INN	831 E 8TH ST	118.02
46	21	RANCH HOUSE LIQUOR	404 PALM AVE	118.02
47	21	WRIGLEYS SUPERMARKET	34 N EUCLID AVE	119.02

48	20	7 ELEVEN STORE 2131 13564F	15 N EUCLID AVE	119.02
49	21	VALLARTA SUPERMARKET # 36	901 EUCLID AVE	120.02
50	21	TEXAS LIQUOR	1039 S HARBISON AVE	120.02
51	41	GAPO RESTO AND KARAOKE	933 S HARBISON AVE	120.02
52	41	TITAS KITCHENETTE II	3421 E PLAZA BLVD	120.02
53	21	7 ELEVEN 2131 18978	3100 E PLAZA BLVD	120.03
54	21	GEORGES LIQUOR	2805 E 18TH ST	120.03
55	21	IMPERIAL LIQUOR	3106 E 16TH ST	120.03
56	48	ALOTTAS	419 PALM AVE	220.00
57	21	CARNIVAL SUPERMARKET	1750 E 8TH ST	220.00
58	21	KINGS LIQUOR	1626 E 8TH ST	220.00
59	41	FAMILY HOUSE OF PANCAKES	1900 E PLAZA BLVD	220.00
60	41	BISTRO CITY	1819 E PLAZA BLVD	220.00
61	20	7 ELEVEN 2131 17265	1601 E 18TH ST	220.00
62	20	TARGET T2232	3060 PLAZA BONITA RD	32.04
63	47	OUTBACK STEAKHOUSE	2980 PLAZA BONITA RD	32.04
64	41	JOHNS INCREDIBLE PIZZA COMPANY	3030 PLAZA BONITA RD, STE 1025	32.04
65	47	RED ROBIN BURGER & SPIRITS EMPORIUM	3030 PLAZA BONITA RD, SPC 2520	32.04
66	47	EL TORITO	3030 PLAZA BONITA RD, SPC 2510	32.04
67	47	APPLEBEES NEIGHBORHOOD GRILL & BAR	3030 PLAZA BONITA RD, STE 1298	32.04
68	20	HIGHLAND SERVICE STATION	1803 HIGHLAND AVE	116.01
69	20	RED BIRD MARKET	2035 HIGHLAND AVE	116.01
70	21	HI BEV LIQUOR	2111 HIGHLAND AVE	116.01
71	42	MERMAID HOUSE THE	2325-29 HIGHLAND AVE	116.01

72	48	PLAYBALL	2305 HIGHLAND AVE	116.01
73	21	HIGHLAND GROCERY AND LIQUOR	2335 HIGHLAND AVE	116.01
74	41	BIRRIAS CHIVOS & CHEVES	2401 HIGHLAND AVE, STE 104	116.02
75	41	GUANATOS MEXICAN GRILL	1526 E 18TH ST	121.01
76	21	EL SUPER	3007 HIGHLAND AVE	121.01
77	41	PETER PIPER PIZZA	3007 HIGHLAND AVE, STE 11	121.01
78	41	CHINA SUPER BUFFET	3007 HIGHLAND AVE, STE 9	121.01
79	20	GEORGES MARKET	2540 E 18TH ST	121.02
80	47	BENS 1615 RESTAURANT BAR CAFE	1615 SWEETWATER RD, STE A	121.02
81	41	CASA DEL TACO	1635 SWEETWATER RD, STES A & B	121.02
82	41	NATIONAL CITY GOLF COURSE	1439 SWEETWATER RD	121.02
83	20	KYOTO GIFT & FOOD	1727 SWEETWATER RD, STE A	122.00
84	20	7 ELEVEN STORE 2131 39199	1999 SWEETWATER RD	122.00
85	21	CVS PHARMACY STORE 9783	1730 SWEETWATER RD	122.00
86	41	CASA DE ORO	1510 SWEETWATER RD, STE A	122.00
87	41	HANAOKA JAPANESE RESTAURANT	1528 SWEETWATER RD, STE C	122.00
88	48	N CITY SPORTS LOUNGE	2511 SWEETWATER RD	122.00
89	20	7 ELEVEN 2131 13583	2425 SWEETWATER RD	122.00
90	21	NATIONAL CITY LIQUOR	2421 NATIONAL CITY BLVD	116.02
91	20	7 ELEVEN 2131 20785	2400 HIGHLAND AVE	116.02
92	20	GROCERY OUTLET	3446 HIGHLAND AVE	116.02
93	40	CAFE ESTELA	1524 MCKINLEY AVE	219.00
94	41	PAPA GALLO CAFE	1930 CLEVELAND AVE	219.00
95	47	BUSTERS BEACH HOUSE AND LONG BOARD BAR	740 BAY MARINA DR	219.00

96	41	GOODYS SUSHI & GRILL	2424 HOOVER AVE, BLDG 5A STES F & P	219.00
97	47	STONEYS BAR & GRILL	108 W 25TH ST, UNITS D-G	219.00
98	40	AMERICAN ATHLETIC CLUB LLC	2539 HOOVER AVE	219.00
99	47	WATERFRONT GRILL THE	3201 MARINA WAY, STE 102	219.00

18.30.050 - Sale of alcoholic beverages and live entertainment.

- A. **Conditional Use Permit—Required.** A conditional use permit is required for the sale of alcoholic beverages, whether for on-site or off-site consumption.

- B. **Conditional Use Permit—Additional Notice Required.** In addition to notices required pursuant to Section 18.12.050(Noticing and Public Hearings), written notice for a public hearing on a conditional use permit for the sale of alcoholic beverages shall be provided to owners and occupants of property within a radius of six hundred sixty feet of the exterior boundaries of the property where the sale of alcoholic beverages is proposed.

- C. **Community Meeting—Required.** Prior to the public hearing, the applicant shall hold a community meeting to inform residents of a proposal for the sale of alcoholic beverages. The applicant shall provide to the planning division documentation of the meeting and input received.

- D. **Distance Requirements.** Establishments where alcoholic beverages are sold for on or off-site consumption shall be located as follows:
 - 1. **Liquor stores, or other businesses where the principal use involves the sale of alcohol for off-site consumption, shall be:**
 - a. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
 - b. A minimum of five hundred feet apart.
 - 2. **Bars and cocktail lounges or other establishments where the sale of alcoholic beverages for on-site consumption is the principal use, shall be:**
 - a. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
 - b. No less than one thousand feet apart.
 - 3. **Restaurants where the sale of alcoholic beverages for on-site consumption is accessory or incidental to the principal use shall be a minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; except that this distance requirement shall not apply to restaurants (other than fast-food restaurants with drive-through service) where at least thirty percent of the floor area of the building is comprised of seating area.**

4. Private clubs or lodges, bowling alleys, theaters and other establishments where the sale of alcoholic beverages is accessory or incidental to the principal use shall be:
 - a. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
 - b. No closer than five hundred feet apart. This limitation shall not apply to restaurants.
 5. No minimum distances from schools or other uses are required for grocery stores, convenience stores or other retail establishments involving the sale of alcohol for off-site consumption as an accessory use.
- E. Measure of Distance. For the purposes of Section 18.30.050(D) (Distance Requirements):
1. The distance between any two establishments that sell alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural walls of the establishments.
 2. The distance between any establishment selling alcohol and a school shall be measured in a straight line, disregarding intervening structures, from the closest exterior structural walls of the establishment to the closest property line of the school.
- F. Additional Standards for the Sale of Alcohol at Restaurants or Public Eating Places. Restaurants or public eating places shall conform to the following, additional standards:
1. Alcoholic beverage sales shall be incidental to food service.
 2. There shall be no sale of alcoholic beverages after midnight unless otherwise specified by the conditional use permit. The conditional use permit may further restrict the times when alcoholic beverages may be sold.
- G. Live Entertainment.
1. Live entertainment shall be limited to a single entertainer performing musical work (piano bars, etc.) except as provided below.
 2. Additional entertainers, dancing, audience participation, karaoke, or other live entertainment may be authorized by a conditional use permit in zones where live entertainment is permitted.
 3. Live entertainment specified in subsection (B) of this section may be permitted by a resolution of approval for a conditional use permit for the sale of alcohol in zones where live entertainment is permitted.

(Ord. No. 2012-2372, Exh. B-1, 2-7-2012)

CITY COUNCIL POLICY

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

POLICY NUMBER: 707

ADOPTED: November 12, 1991 **AMENDED OR REVISED:** August 16, 2011

PURPOSE/BACKGROUND:

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

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

POLICY:

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

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

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's

Planning Department and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

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

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

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

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit __, Case File No. __, dated __.

9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
- a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
14. **(on-sale alcohol)** The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.

16. (on-sale alcohol with patio) Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.

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

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

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

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

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

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

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points _____
--

VIII. Owner(s) records check

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

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

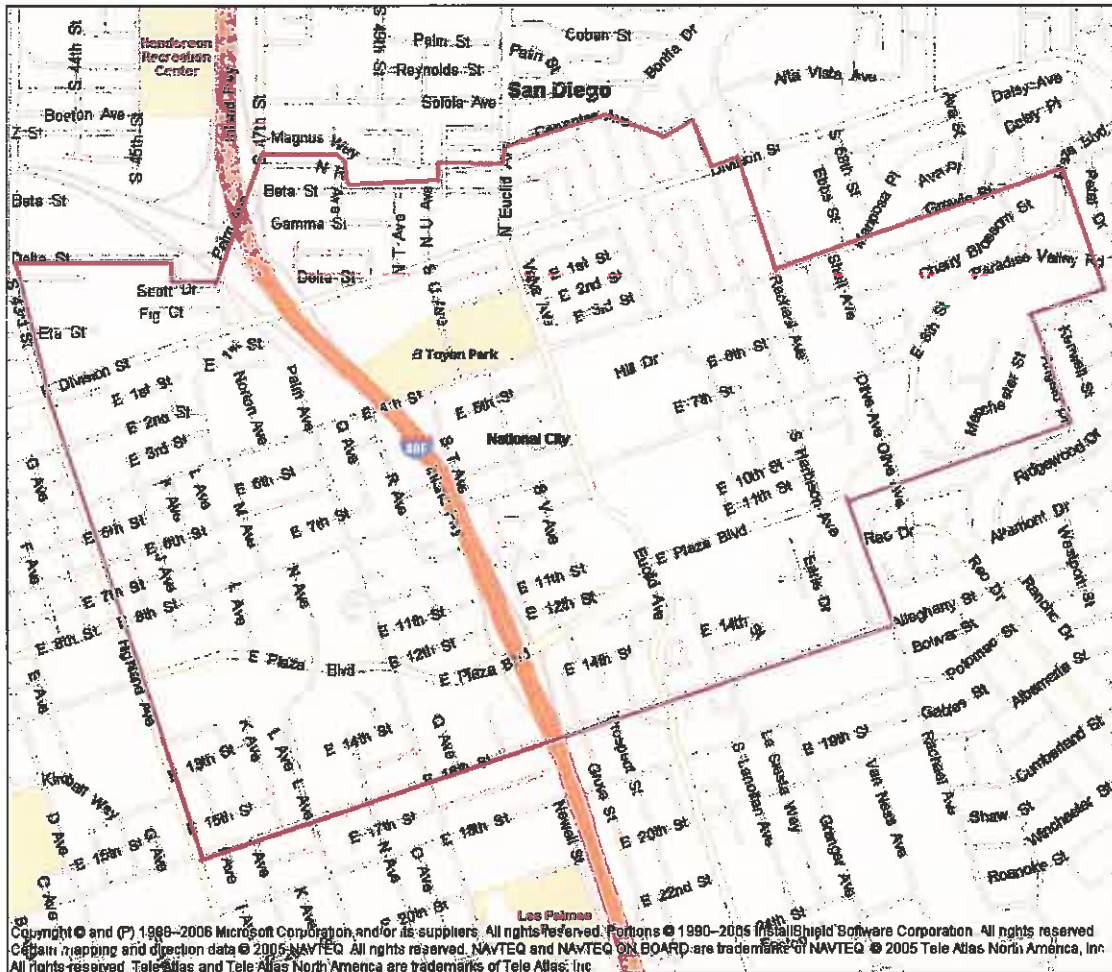
Recommendation:

Completed by: _____ Badge ID: _____



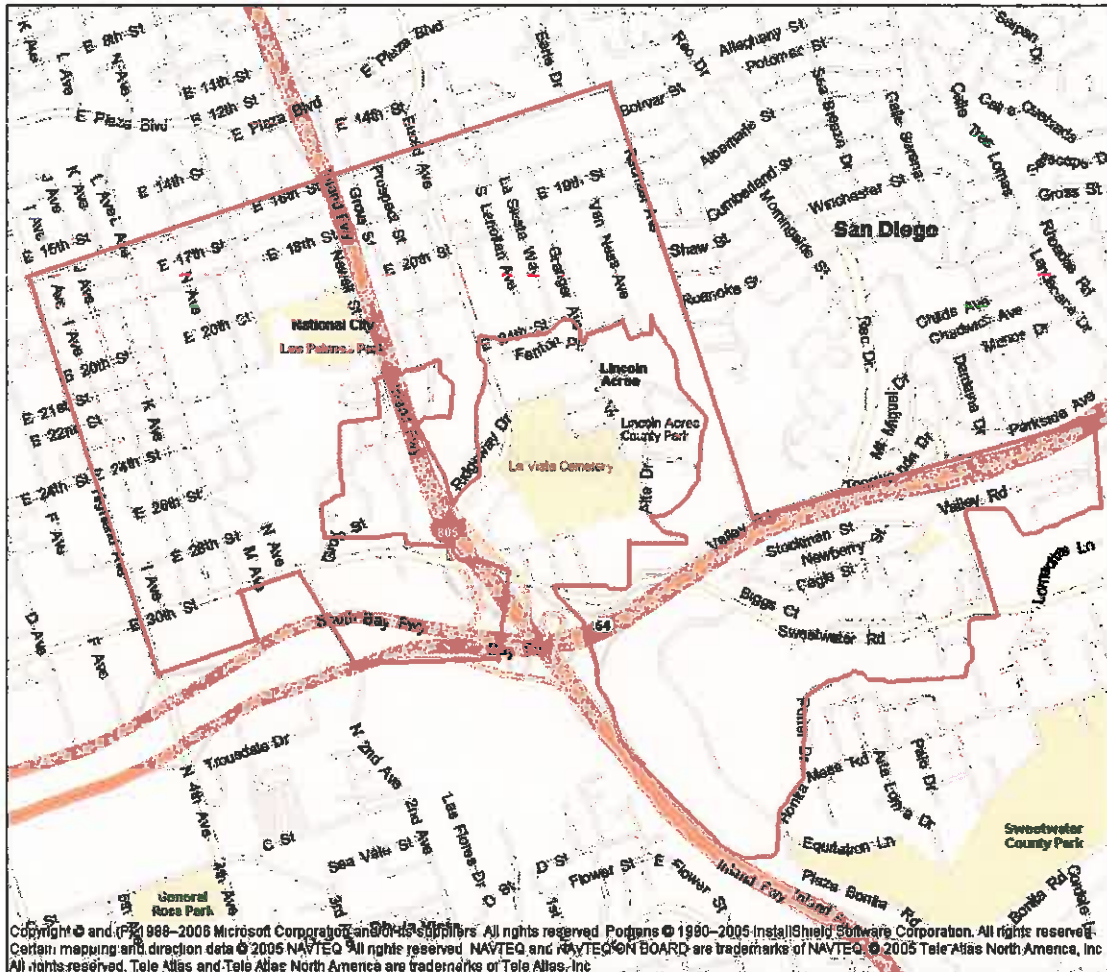
City of National City Beat 20

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



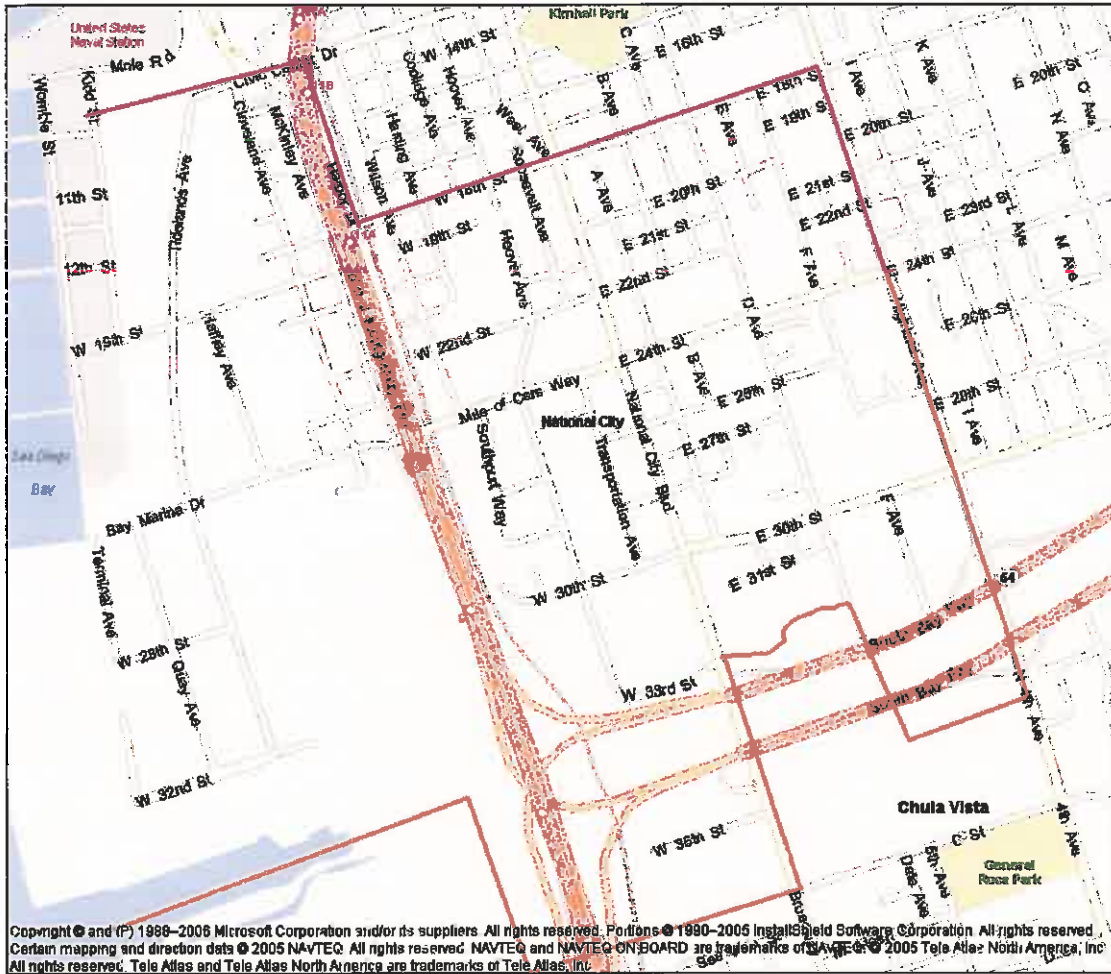
City of National City Beat 21

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



City of National City Beat 23

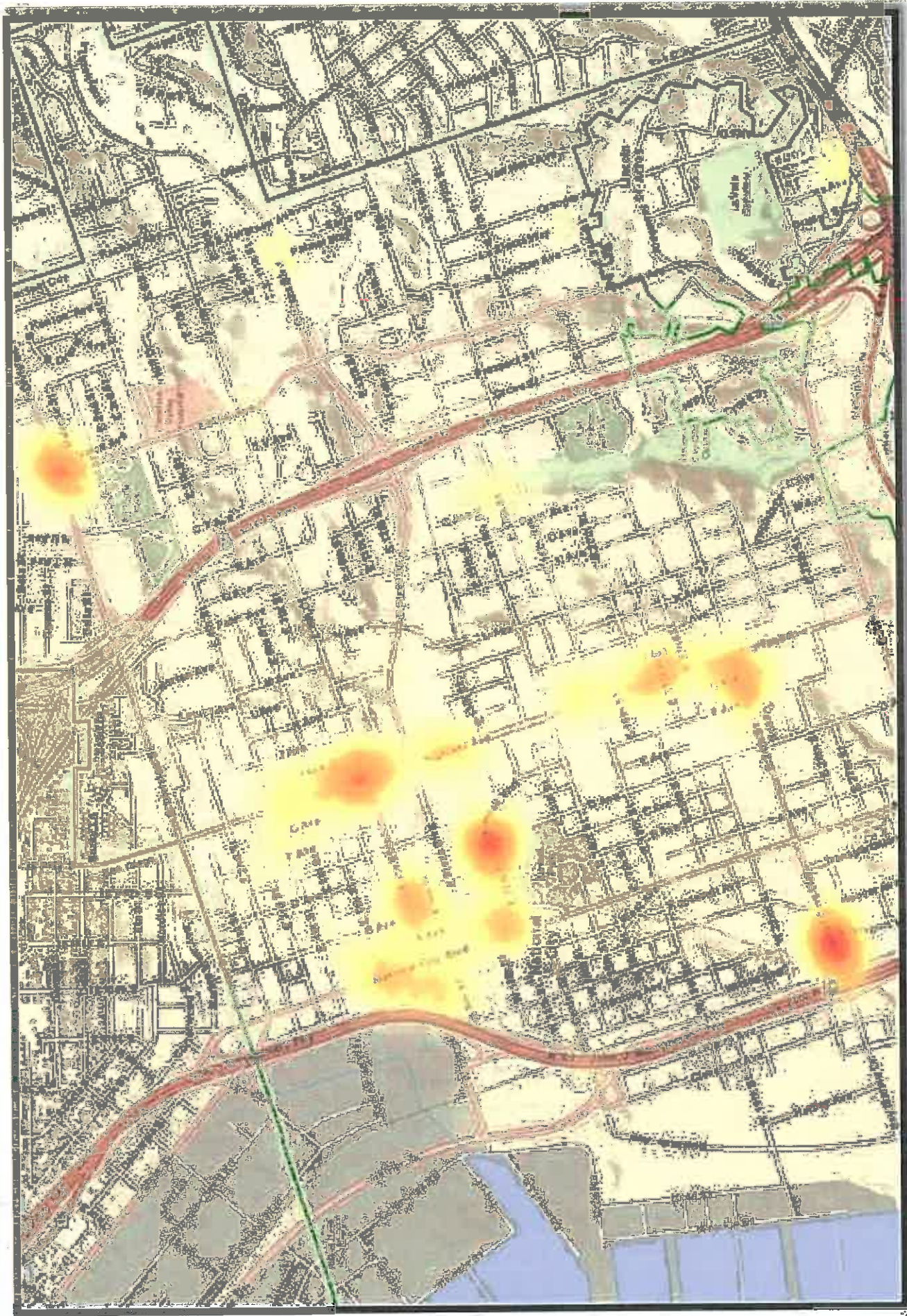
Source: Microsoft Mappoint
NCPD CAU, 4/18/07



City of National City Beat 24

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

HOT SPOT MAP of DRUNK IN PUBLIC ARRESTS in 2014





**ABC Report
2014 ABC Stats**

Required Parameters

Reporting Period: 01/2014 to 12/2014
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 020

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	1
FORCIBLE RAPE	2
ROBBERY	34
AGGRAVATED ASSAULT	40
BURGLARY	61
LARCENY	237
MOTOR VEHICLE THEFT	78
Total Part I Crime:	453

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	25
OTHER PART II CRIMES	544
CHILD AND FAMILY	12
DEADLY WEAPONS	9
EMBEZZLEMENT	2
FRAUD	3
GAMBLING	0
MALICIOUS MISCHIEF	13
NARCOTICS	92
SEX CRIMES	13
FORGERY	3
OTHER NON-CRIMINAL	71
Total Part II Arrest:	787

Beat Total = Part I Crime + Part II Arrest: 1,240
 BeatAve. (Agency / Beat): 312.9
 Agency Wide Total = Part I Crime + Part II Arrest: 4,380
 Beat Total as % of Beat Average: 396.3%
 (120% is considered high crime area)



**ABC Report
2014 ABC Stats**

Required Parameters

Reporting Period: 01/2014 to 12/2014
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 021

Prior Report Number: B98S328R

<u>CRIME TYPES</u>	<u>CRIME TOTALS</u>
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	6
ROBBERY	31
AGGRAVATED ASSAULT	49
BURGLARY	92
LARCENY	234
MOTOR VEHICLE THEFT	114
Total Part I Crime:	526

<u>ARREST TYPES</u>	<u>ARREST TOTALS</u>
SIMPLE ASSAULT	18
OTHER PART II CRIMES	561
CHILD AND FAMILY	23
DEADLY WEAPONS	3
EMBEZZLEMENT	1
FRAUD	1
GAMBLING	0
MALICIOUS MISCHIEF	3
NARCOTICS	92
SEX CRIMES	6
FORGERY	0
OTHER NON-CRIMINAL	65
Total Part II Arrest:	776

Beat Total = Part I Crime + Part II Arrest: 1,302
BeatAve. (Agency / Beat): 312.9
Agency Wide Total = Part I Crime + Part II Arrest: 4,380
Beat Total as % of Beat Average: 416.2%
(120% is considered high crime area)



**ABC Report
2014 ABC Stats**

Required Parameters

Reporting Period: 01/2014 to 12/2014
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 023

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	1
FORCIBLE RAPE	5
ROBBERY	24
AGGRAVATED ASSAULT	36
BURGLARY	57
LARCENY	347
MOTOR VEHICLE THEFT	121
Total Part I Crime:	591

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	15
OTHER PART II CRIMES	306
CHILD AND FAMILY	15
DEADLY WEAPONS	4
EMBEZZLEMENT	7
FRAUD	1
GAMBLING	0
MALICIOUS MISCHIEF	1
NARCOTICS	62
SEX CRIMES	2
FORGERY	0
OTHER NON-CRIMINAL	38
Total Part II Arrest:	451

Beat Total = Part I Crime + Part II Arrest: 1,042
BeatAve. (Agency / Beat): 312.9
Agency Wide Total = Part I Crime + Part II Arrest: 4,380
Beat Total as % of Beat Average: 333.1%
(120% is considered high crime area)



**ABC Report
2014 ABC Stats**

Required Parameters

Reporting Period: 01/2014 to 12/2014
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 024

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	2
ROBBERY	7
AGGRAVATED ASSAULT	26
BURGLARY	21
LARCENY	95
MOTOR VEHICLE THEFT	91
Total Part I Crime:	262

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	22
OTHER PART II CRIMES	434
CHILD AND FAMILY	7
DEADLY WEAPONS	9
EMBEZZLEMENT	0
FRAUD	4
GAMBLING	0
MALICIOUS MISCHIEF	7
NARCOTICS	40
SEX CRIMES	3
FORGERY	0
OTHER NON-CRIMINAL	24
Total Part II Arrest:	550

Beat Total = Part I Crime + Part II Arrest: 792
BeatAve. (Agency / Beat): 312.9
Agency Wide Total = Part 1 Crime + Part II Arrest: 4,380
Beat Total as % of Beat Average: 253.2%
(120% is considered high crime area)



**ABC Report
2014 ABC Stats**

Required Parameters

Reporting Period: 01/2014 to 12/2014
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 4,380
Total Beat: 14
Average Total per Beat: 312.9

(120% or above is High Crime Area indicated by *)

	Beat	Totals	% Average by Beat
1	011	0	0.0%
2	014	0	0.0%
3	020	1,240	396.3%*
4	021	1,302	416.2%*
5	023	1,042	333.1%*
6	024	792	253.2%*
7	434	0	0.0%
8	441	0	0.0%
9	514	1	0.3%
10	521	0	0.0%
11	722	0	0.0%
12	999	3	1.0%