



Planning Commission Agenda

Meeting of July 18, 2016
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Dela Paz

Approval of Minutes

1. Approval of Minutes from the Meeting of May 16, 2016

Approval of Agenda

2. Approval of Agenda for the Meeting on July 18, 2016

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

PRESENTATIONS

PUBLIC HEARINGS

3. Conditional Use Permit for a craft beer tasting room at 27 & 41 East 8th Street (Case File No. 2016-12 CUP)

4. Resolution 2016-12 taking action on a Conditional Use Permit for a craft beer tasting room at 27 & 41 East 8th Street (Case File No. 2016-12 CUP)

OTHER BUSINESS

STAFF REPORTS

Senior Assistant City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on August 1, 2016.



Planning Commission Minutes

Meeting of May 16, 2016
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 Baca at 6:02 p.m.

Roll Call

Commissioners Present: Baca, Garcia, Sendt, Dela Paz, Flores, Bush, Yamane

Note: Commissioner Flores entered chambers at 6:03 pm.

Staff Also Present: Nicole Pedone, Senior Assistant City Attorney; Martin Reeder, Principal Planner; Raymond Pe, Principal Planner; Brad Raulston, Executive Director; Miguel Diaz, Park Superintendent;

Pledge of Allegiance Presented by Commissioner Baca

1. Approval of Minutes for the Meeting on May 2, 2016.

Motion by Dela Paz, 2nd by Garcia to approve the Minutes for the meeting of May 2, 2016, with amendments.

Motion carried by the following vote:
Ayes: Garcia, Flores, Baca, Dela Paz, Sendt
Abstain: Yamane, Bush

Note: Commissioner Bush entered chambers at 6:05 pm

Planning Commission Meeting Minutes May 2, 2016
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2. Approval of the Agenda for the Meeting on May 18, 2016.

Motion by Yamane, 2nd by Flores to approve the Agenda for the Meeting on May 18, 2016.

Motion carried by the following vote:

Ayes: Garcia, Flores, Baca, Dela Paz, Sendt, Yamane, Bush

ORAL COMMUNICATION: None

PRESENTATIONS:

3. Presentation and Discussion of Land Use in areas of the General Plan, Abuse of Discretion and Substantial Evidence.

Presented by Brad Raulston, Executive Director; Martin Reeder, Principal Planner, Ray Pe, Principal Planner and Nicole Pedone, Senior Assistant City Attorney

4. Update on activities related to street trees in the City and overview of Planning Commission functions related to street trees.

Presented by Martin Reeder, Principal Planner
Comments by Miguel Diaz, Park Superintendent, Public Works/Engineering Department

Motion by Bush, 2nd by Garcia to revisit item at the next scheduled Planning Commission meeting to form an Ad Hoc Committee to be appointed by the Chair to review and follow the process for the Urban Forestry Grant Program.

Motion not carried by the following vote:

Noes: Dela Paz, Flores, Sendt, Baca

Ayes: Garcia, Yamane, Bush

PUBLIC HEARINGS: None

OTHER BUSINESS: None

5. Resolution 2016-08 denying a Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Case File No.: 2015-28 CUP)

Motion by Garcia, 2nd by Sendt to deny Resolution 2016-08 for Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Case File No.: 2015-28 CUP).

Motion carried by the following vote:

Ayes: Garcia, Baca, Sendt

Noes: Flores, Dela Paz
Abstain: Yamane, Bush

6. Motion by Dela Paz and 2nd by Garcia to amend the minutes of the Planning Commission meeting held on May 2, 2016 and bring back to the next meeting for approval. Correct misspelled title: "Continued Public Hearing"; Item 2: Delete duplicate wording "to approve resolution 2016-28"; Item 5: Add additional "motion to approve by Flores", which did not move forward for lack of a second.

STAFF REPORTS: None

COMMISSIONER REPORTS:

Bush: There will be a spaghetti dinner fundraiser hosted by the American Legion on Friday, May 20th.

Flores: Thank staff for tabling lengthy presentations from last meeting. Asked when Port will return to provide an update on projects. Mr. Raulston will follow up with the Port.

Garcia: Thank staff for this educational meeting

ADJOURNMENT by Chair Baca at 8:23 p.m. to next meeting scheduled for June 6, 2016 at 6:00 pm.

CHAIRPERSON



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

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR A CRAFT BEER TASTING ROOM AT 27 & 41 EAST 8TH STREET.

Case File No.: 2016-12 CUP

Property Location: Northwest corner of East 8th Street and "A" Avenue

Assessor's Parcel No.: 556-331-20 & 21

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Joshua Renner

Property owner: Tubao Germiniano & Angeles Family Trust

Zoning designation: Development Zone 4 (Downtown Specific Plan)

Adjacent land use/zoning:

 North: Neiderfrank's Ice Cream / Development Zone 4

 East: McDini's / I Development Zone 9

 South: Union Bank across E. 8th St. / Development Zone 4

 West: Integrity Charter School across alley / Development Zone 4

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

Staff Recommendation: Approve

BACKGROUND

The project applicant has applied for a Conditional Use Permit (CUP) to sell beer for on-site consumption at a tasting room to be located within a new indoor public market to be located at 27 and 41 East 8th Street. Requested hours of operation of the tasting room are 12 p.m. to 10 p.m. Sunday through Thursday, and 12 p.m. to 12 a.m. Friday and Saturday. The tasting room would operate under an existing Type 23 (Small Beer Manufacturer) license with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project site is a former furniture store and warehouse that is currently being converted to a public market. The property is developed with two buildings that mostly appear as one. The main building, which is located at the northwest corner of East 8th Street and "A" Avenue, is approximately 8,700 square feet in size. There is also a 3,000 square-foot building immediately adjacent to the west of the main building. This building is proposed to be demolished. Although there are two parcel numbers and addresses on the title sheet of this report, the applicant has since merged the two parcels into one. Staff is waiting for the new Assessor's Parcel Number from the San Diego County Assessor.

The market will have approximately 14 retail suites, 2 food vendors, a public food court, sidewalk café (on "A" Avenue), craft beer tasting room, and an exterior beer garden/outdoor seating area (on the west side of building adjacent to the alley). The long narrow building located adjacent to the west (27 East 8th Street) is being demolished in order to construct the beer garden/seating area, food truck/delivery area, and trash enclosure. The sale of beer is the subject of this CUP application.

Proposed Use

The applicant wishes to operate a craft beer tasting room and beer garden as part of the public market. The beer garden would be an outside seating area open to everyone. The tasting room serving area would be in one corner of the market building, including a small bar. It is intended that alcoholic beverages would be consumed anywhere within the building and outside seating area. No alcohol is proposed, nor would be permitted, in the sidewalk café area along "A" Avenue. Signs could be posted at all entrances/exits to the building (except to the beer garden) prohibiting alcohol from being taken beyond that point. Staff of the tasting room and public market would be accountable for the monitoring and enforcement of responsible alcohol consumption. This model is somewhat similar to Liberty Public Market at Liberty Station (Point Loma) and Grand Central Market in Los Angeles. These markets close at 7 p.m. and 10 p.m. respectively.

The tasting room and bar area is approximately 880 square feet in size, including a nine-seat bar area, and located in the southwest corner of the market building. The beer garden would be approximately 2,100 square feet in size and would also function as an outside seating area for market clientele. The applicant is requesting tasting room hours of operation of 12 p.m. to 10 p.m. Sunday through Thursday, and from 12 p.m. to 12 a.m. Friday through Saturday.

The tasting room would operate under an existing Type 23 (Small Beer Manufacturer) license with the California Department of Alcoholic Beverage Control (ABC). The existing licensed business under which the applicant proposes to operate is Novo Brazil, a micro-brewery located in the Eastlake neighborhood of Chula Vista. A Type 23 license allows for tasting rooms at a different location than the master license and may serve their own beer only. ABC does not consider a Type 23 license as a retail license; therefore, high crime rate or over concentration of licenses in the census would not apply. As a non-retail license, the purveyor would also be allowed to sell to-go beer (sold in sealed containers often referred to as growlers). Again, only the purveyor's beer would be permitted to be sold in this fashion.

Analysis

Section 18.30.050 of the National City Land Use Code allows for on and off-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications, as was done in this case. 571 notices were mailed for this public hearing.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, June 29, 2016 at 5:00 p.m. at the project site. Fifteen community members were in attendance, as well as one City staff member. A copy of the advertisement, sign-in sheet, and minutes are attached. The community meeting presentation included a discussion about the proposed public market (not a part of this application), and the role that the beer tasting and sales operations would play. Several community members were supportive of the project, with two members expressing concerns over noise and parking. Noise would be covered by Title 12 (Noise) of the Municipal Code and has been included as a Condition of Approval. Parking, although discussed as a broader downtown issue at the community meeting, is discussed below.

Prior to the meeting, three letters were received from a neighboring business owner in response to the community meeting advertisement. The letters had concerns with

parking in the area and to distance from schools. The letters also refer to live entertainment events at the site, which are not part of this request. The parking concerns were related to people potentially using the parking lot belonging to the respondent without permission, which would be a private property matter. The applicant stated that their customers would be educated on where and where not to park. The letter also makes assumptions about the legality of the business location, due to its proximity to a school. Distance requirements are discussed below.

Distance Requirements – Chapter 18.030.050 (D) requires that businesses that sell alcohol as a principal use maintain a 660-foot distance from schools. However, sales of alcohol in this case would be accessory to the public market, and would thus not be subject to this requirement; therefore, no distance requirements are required. In addition, ABC has stated that a Type 23 is not a retail license; therefore, not subject to ABC distance requirements. However, the Municipal Code would still apply, as there is no distinction between retail and non-retail alcohol sales in Chapter 18.030.050. The nearest state-certified public school is Central Elementary School, which is located approximately a quarter-mile away to the east.

Parking

The Downtown Specific Plan has a flat non-residential parking ratio of 2.5 spaces per 1,000 square feet of floor area. In this case the building has no on-site parking. As no additional floor area is being added, no new parking would generally be required. Additionally, with the demolition of the 3,000 square-foot building, there would be less of an impact. Although there is no on-site parking, there are three parking spaces along the East 8th Street frontage and seven along the “A” Avenue frontage. Furthermore, there are multiple on-street parking spaces throughout the area.

Food Truck

As part of the public market, the applicant is providing an area adjacent to the outside seating area for food trucks to operate. The space for the food truck is immediately north of the outdoor seating area and would only be accessible from within the area. No walk-up service (from customers outside of the business) would be available. Per Chapter 9.06.030 (C) of the Municipal Code, a food vending vehicle may park on private property, but may only sell, display or offer food or beverage product to the owner of such property or their agents, customers or employees. The proposed use is consistent with this code section. In addition, a Condition of Approval (No. 12) has been added to require compliance with NCMC §9.06 (Food Vending Vehicles).

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within Development Zone 4 of the Downtown Specific Plan as a retail use, pursuant to a Conditional Use Permit, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

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

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A public market with accessory beer sales is also a use that is consistent with Development Zone 4 of the Downtown Specific Plan, which allows retail uses.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves the interior construction of a public market space, which is consistent with other commercial businesses in the area. Development of the area was analyzed for traffic impacts as part of the Downtown Specific Plan, which envisioned significant density in this area. The sale of alcohol would be accessory to the sale of other products in the market, which would not create traffic issues above and beyond what was expected as part of the development of downtown. Access to and from the site is provided by East 8th Street, an arterial street operating at a Level of Service (LOS) of C. East 8th Street in this location is operating at half of its capacity. In addition, the sale of alcohol is not expected to result in an increase in Average Daily Trips (ADT) such that the LOS would be affected, particularly as the area devoted to alcohol sales is only a small part of the overall public market.

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

The proposed use would be accessory to the public market, which will be located in an existing commercial area. The building is existing and has ten on-street parking spaces adjacent to the property, as well as access to several nearby parking areas.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The sale and consumption of beer would be a small part of the overall public market use, with the beer serving area only 8% of the total floor area of the whole property. Alcohol consumption would be monitored by staff of the tasting room and public market. Any violations related to alcohol sales at the tasting room location would reflect on the main licensed brewery located in Chula Vista. In addition, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. 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 reason for the exemption is that no expansion of the building is proposed and uses would basically be the same as non-conditionally allowed uses (commercial and retail enterprises).

7. That the proposed use is deemed essential and desirable to the public convenience or necessity.

In this case the alcohol sales will contribute to the viability of a public market, an allowed use in Development Zone 4 of the Downtown Specific Plan. The tasting room, as part of the market, would be a draw for area and non-area residents alike. The market would also help to further activate the downtown core, consistent with the spirit and intent of the Downtown Specific Plan.

Department and Agency Comments

Alcohol Sales Concentration/Location – Per ABC, there are currently three on-sale permits issued in the subject census tract (118.01). These permits are:

Name	Address	License Type*	CUP
Oriental Café	39 East 7 th Street	41	-
McDini's	105 East 8 th Street	47	-
Napoleone's Pizza House	619 National City Blvd.	41	Y

* Type 41 – On-Sale Beer and Wine
Type 47 - On-Sale General

Of the three licenses, two are restaurants and one a bar that also offers food. The subject use is consistent with other on-sale businesses, all of which are consistent with the Downtown Specific Plan.

Census tract 118.01 includes the area between Division Street and East 8th Street, and between National City Blvd. and Highland Avenue. The attached census tract map shows the location of the subject tract. ABC recommends a total of four off-sale alcohol permits be issued in this census tract, where three exist.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 20) had a current (January to June 2016) crime rate of 395.1%, above the 120% considered to be a high crime area. Crimes are categorized as either Part I or Part II crimes. Part I crimes are serious crimes such as homicide, robbery, assault, burglary, vehicle theft, etc. Part II crimes are less serious in nature and less commonly reported. Part II crimes include simple assault, embezzlement, narcotics, and weapons charges (among others). There is generally no specific crime reporting for alcohol-related occurrences. Alcohol is typically just referenced as a contributing factor to a particular crime (robbery, assault, etc.).

Institute for Public Strategies (IPS)

The Institute for Public Strategies provided comments on the proposed CUP application. They recommend that if the CUP is approved that training be provided for all owners, management, and staff (covered under condition no. 7), evening security in the beer garden, and business hours no later than 10 p.m. Comments are attached for your review.

Hours of Operation

The most recent CUP's for on-site alcohol consumption have had varying hours of operation (see following table). The Grill House at Big Ben, which received a CUP for on-site alcohol consumption and live entertainment in 2015, is located at the opposite corner of the same intersection and would be a good example of operating hours for similar businesses in the area. Alcohol consumption is limited until 10 p.m. daily. Having an earlier cut-off time than midnight (as the applicant is proposing on the weekends), would alleviate potential noise issues on Friday and Saturday nights.

<i>Business name</i>	<i>Business address</i>	<i>CUP type</i>	<i>End time</i>
Grill House at Big Ben	108 E 8 th St	Beer & Wine	10 p.m.
Denny's	1904 Sweetwater Rd	Beer & Wine	11 p.m.
Royal Mandarin	1132 E Plaza Blvd	Beer & Wine	10 p.m.
Chipotle	404 Mile of Cars Way	Beer	11 p.m.
Hooters	Westfield Plaza Bonita	Beer/Wine/Spirits	12 a.m.
Yi Sushi	1430 E Plaza Blvd	Beer & Wine	11 p.m.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per Council policy 707 (hours of operation, employee training, accessory sales, etc.). A condition has also been added prohibiting consumption of alcohol outside of the building.

All conditions contained in Council policy 707 are required for new alcohol CUP's. Only the City Council may waive a policy condition, although it would be pertinent for the Planning Commission to make a recommendation one way or the other in the case of a waiver request. In order for the Council to waive or modify a condition, they would need to hold another public hearing after the Planning Commission makes its decision.

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

8. The sale of alcohol shall not exceed 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.
9. Alcohol shall be available only in conjunction with the purchase of food.

The reason for the request is because although alcohol sales would be accessory to the public market, it would be a separately-licensed business. Therefore, there would be no sales of "other items", as stated in the condition, other than potentially snacks or business merchandise – not enough to exceed the alcohol sales. Additionally, no food (other than snacks potentially) would be served at the business, although there will most certainly be food vendors in the market (two are proposed). If the Planning Commission is amenable to the waiver of the specific Conditions of Approval (No. 8 and 9), said recommendation should be part of the motion to approve (see "Options").

Staff Recommendation

Staff is recommending approval of this CUP request with an end time of 10 p.m. daily. Staff is also supportive of the condition waiver request in that only a Type 23 licensee would be permitted at this location under this CUP. If a retail license (restaurant, bar, etc.) request was received, a modification of this CUP would be required. Staff is of the opinion that craft beer sales would contribute to the success of the public market, which would in turn contribute to the viability of the downtown area. The building has been vacant for some time and, after being upgraded, would further improve the area.

Summary

The proposed use is consistent with the General Plan, because alcohol sales for on and off-site consumption are a conditionally-allowed use in Development Zone 4 of the Downtown Specific Plan. The proposed use would be accessory to a proposed public market use in an existing commercial area, which is consistent with other commercial businesses in the area. The sale of alcohol would be accessory to the sale of other products in the market, although the business itself will not be selling any food in conjunction with the beer. Therefore, the business will be subject to standard conditions of approval along with those in Council policy 707 related to alcohol sales. The applicant is requesting the waiver of two of the conditions in the Policy (No's. 8 and 9). The proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available, and would be a draw for area and non-area residents alike. It would also help to further activate the downtown core, consistent with the spirit and intent of the Downtown Specific Plan.

OPTIONS

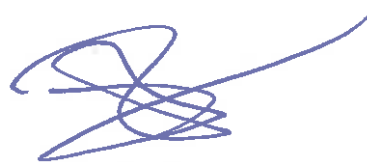
1. Approve 2016-12 CUP subject to conditions listed below, based on attached findings, with a recommendation to the City Council that Conditions of Approval No. 8 and 9 be waived; or
2. Approve 2016-12 CUP subject to the conditions listed below, based on attached findings; or
3. Deny 2016-12 CUP based on attached findings/findings to be determined by the Planning Commission; or
4. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site photos
5. Applicant's Plans (Exhibit A, Case File No. 2016-12 CUP, dated 6/7/2016)
6. Community meeting advertisement, sign-in sheet, and minutes
7. Public Correspondence
8. Institute For Public Strategies comments
9. Census Tract Map and Police Beat Map
10. City Council Policy 707
11. Public Hearing Notice (Sent to 571 property owners and occupants)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2016-12 CUP – 27 & 41 East 8th Street

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within Development Zone 4 of the Downtown Specific Plan as a retail use, pursuant to a Conditional Use Permit, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A public market with accessory beer sales is a use that is consistent with Development Zone 4 of the Downtown Specific Plan, which allows retail uses.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves the interior construction of a public market space, which is consistent with other commercial businesses in the area. Development of the area was analyzed for traffic impacts as part of the Downtown Specific Plan, which envisioned significant density in this area. The sale of alcohol would be accessory to the sale of other products in the market, which would not create traffic issues above and beyond what was expected as part of the development of downtown. Access to and from the site is provided by East 8th Street, an arterial street operating at a Level of Service (LOS) of C. East 8th Street in this location is operating at half of its capacity. In addition, the sale of alcohol is not expected to result in an increase in Average Daily Trips (ADT) such that the LOS would be affected, particularly as the area devoted to alcohol sales is only a small part of the overall public market.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to the public market, which will be located in an existing commercial area. The building is existing and has ten on-street parking spaces adjacent to the property, as well as access to several nearby parking areas.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which

the property is located, because the sale and consumption of beer would be a small part of the overall public market use, alcohol consumption would be monitored by staff of the tasting room and public market, and the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be 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 reason for the exemption is that no expansion of the building is proposed and uses would basically be the same as non-conditionally allowed uses (commercial and retail enterprises).
7. That the proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of a public market, an allowed use in Development Zone 4 of the Downtown Specific Plan. The tasting room as part of the market would be a draw for area and non-area residents alike. It would also help to further activate the downtown core, consistent with the spirit and intent of the Downtown Specific Plan.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2016-12 CUP – 27 & 41 East 8th Street

General

1. This *Conditional Use Permit* authorizes a beer tasting room at a proposed market to be located at 27 and/or 41 East 8th Street, including sales of sealed containers (commonly known as growlers) for off-site consumption (per ABC Type 23 license regulations). Only beer produced by the master licensee under a Type 23 (small beer manufacturer) license may be sold and/or consumed at this location. The serving and consumption of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2016-12 CUP, dated 6/7/2016.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. Alcohol sales shall be limited to the hours of 12 p.m. to 10 p.m. daily.
7. 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.

8. The sale of alcohol shall not exceed 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 (applicant requesting removal of this condition).
9. Alcohol shall be available only in conjunction with the purchase of food (applicant requesting removal of this condition).
10. The consumption of alcoholic beverages is prohibited outside of the building, with the exception of the beer garden area. The permittee shall post signs, to be approved by the Planning Department, at the entrances and exits to the building prohibiting consumption of alcohol beyond those points. 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 consumption of alcohol is allowed beyond this point."
 - b. "No open alcoholic beverage containers are allowed beyond this point."
11. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
12. All activities involving the sale of food from a food truck or similar apparatus shall be consistent with Chapter 9.06 (Food Vending Vehicles) of the National City Municipal Code.
13. The proposed alcohol sales, service, and consumption shall abide by all applicable rules and regulations as stated by the California Department of Alcoholic Beverage Control (ABC). In the case that any of these conditions violate any laws, rules, or regulations administered by ABC, the laws, rules, or regulations shall govern.

Police

14. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

2016-12 CUP – Novo Brazil (tasting room) – Overhead



2016-12 CUP – Novo Brazil (tasting room) – Site Photos



Looking northwest from East 8th Street and "A" Avenue



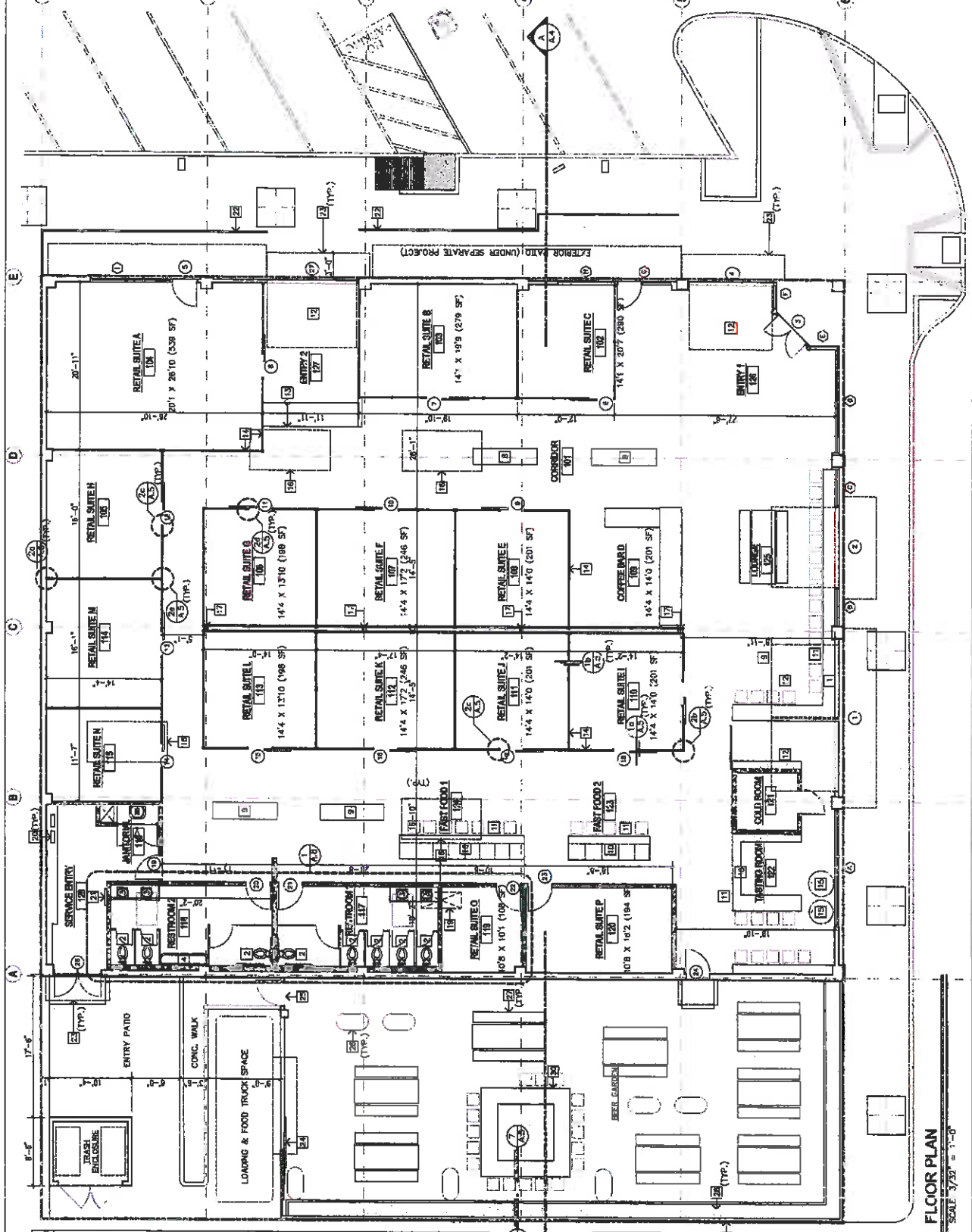
Same view from above

6065 LA JOLLA BLVD., LA JOLLA, CA 92037
 TEL. (858) 738 5370
 FAX (858) 738 5370
PAREDES RENNER
 ARCHITECTURE
 pades@pades.com



8TH ST PUBLIC MARKET
 41 E 8TH STREET, NATIONAL CITY, CA

DATE: 08/26/10
 PROJECT NO.:
 SHEET NO.:
A-4
 SHEET 4 OF 28
 8TH ST FLOOR PLAN



- FLOOR PLAN NOTES**
- 1 FRIED DRINKING BAR
 - 2 TOILET
 - 3 LAVATORY
 - 4 URINAL
 - 5 SINK
 - 6 SERVICE SINK
 - 7 WATER FOUNTAIN
 - 8 SEAT
 - 9 COUNTER
 - 10 STOOLS
 - 11 OVERHEAD DOOR
 - 12 RAMP
 - 13 ST/SLASS/WD PARTITION
 - 14 BEER WAY
 - 15 SKYLIGHT
 - 16 STEEL COLUMN
 - 17 ATTIC ABOVE
 - 18 SPACE HEATER @ ATTIC
 - 19 ELECTRICAL PANELS
 - 20 LADDER TO ATTIC W/ 360S HATCH
 - 21 6" CHAIRRAIL
 - 22 AWNING ABOVE
 - 23 (N) GRATE ROLLING GATE
 - 24 (N) GRATE GATE
 - 25 PLASTER THROUGH N.C.
 - 26 (N) FARM TABLE N.C.
 - 27 (N) GRATE FENCE
 - 28 (N) PLANTER BAR

- LEGEND**
- CHANGING WALL
 - NEW WALL
 - BASE INTERIOR



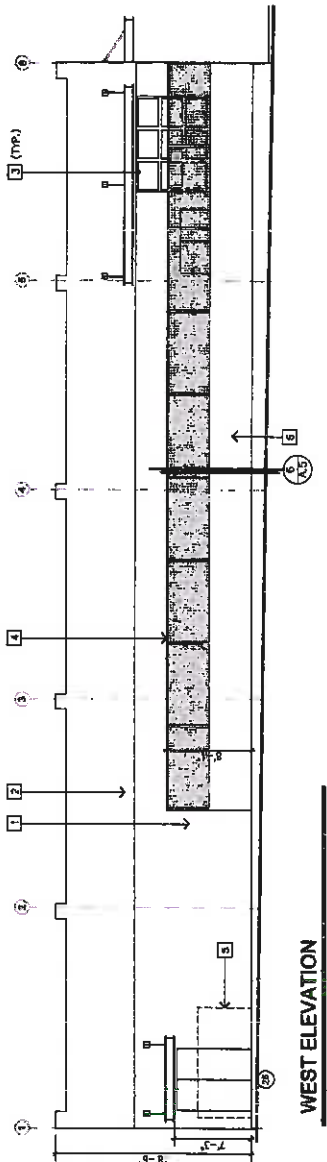
FLOOR PLAN
 SCALE: 3/32" = 1'-0"

PARDES RENNERT
ARCHITECTURE
TEL: (868) 758-9370
FAX: (858) 728-0281
6605 LA JOLLA BLVD., LA JOLLA, CA 92037
pdr@cparades.com

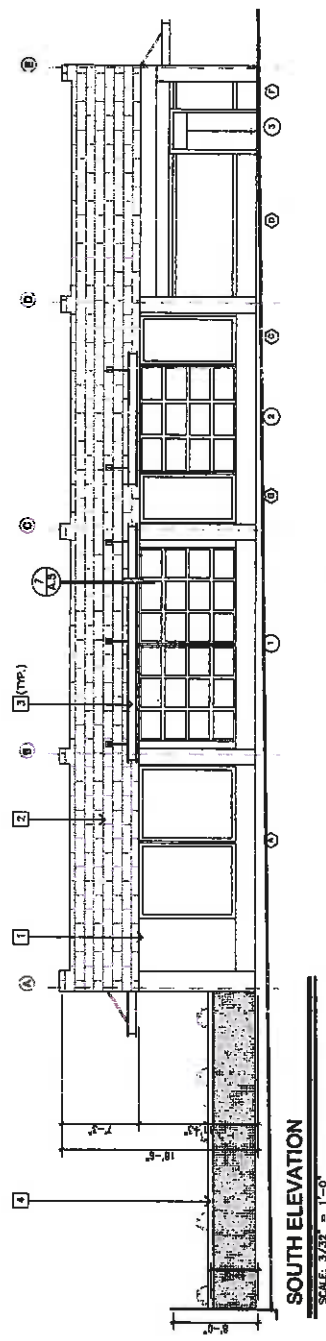


8TH ST PUBLIC MARKET
41 E 8TH STREET, NATIONAL CITY, CA

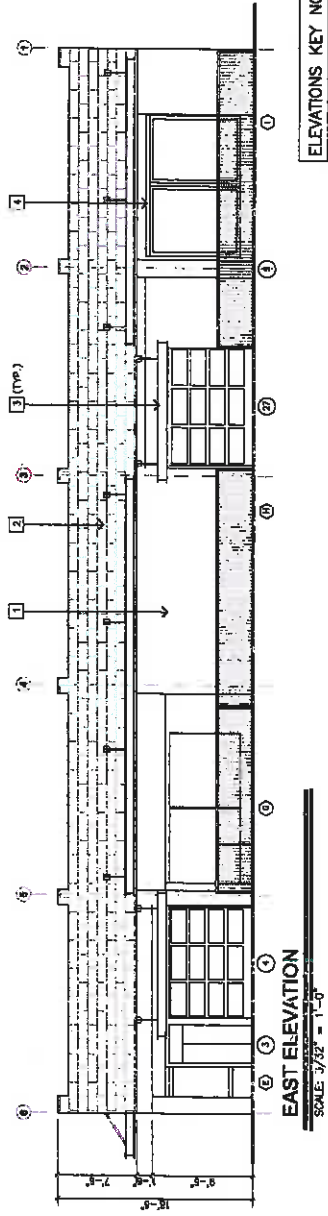
REVISIONS	NO.	DATE	BY	CHK
PROJECT NO.	PP1802			
DATE	08/08/16			
SHEET TITLE	ELEVATIONS			
A-6				
SHEET 6 OF 28				



WEST ELEVATION
SCALE: 3/32" = 1'-0"



SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



EAST ELEVATION
SCALE: 3/32" = 1'-0"

ELEVATIONS KEY NOTES

1	(C) STUDIO
2	(C) MASONRY PARAPET
3	(C) STEEL AWNING
4	GRATE FENCE
5	TRASH ENCLOSURE
6	CMU WALL



Attention Neighbors

You're invited to a community meeting to discuss the development of a new remodel of a vintage building, located at the corner of 8th & A, 41 East 8th Street.

The owners and development team are excited about the enhancement of this property.

Planned as a Public Market, it is set to revitalize and enhance the neighborhood and bring new life to an otherwise empty building.

8th Street Public Market is planned as a 7-day a week Public Market and event venue offering the best of what the National City region has to offer. Showcased in an urban and rustic setting, our artisans include an ethnic variety of prepared foods, a designer coffee bar, various retail shops and local vendors, and an award winning craft beer tasting room and outdoor garden space.

Stop by and join us at our Community Meeting, where we plan to exhibit what our Market is set to look like, discuss and answer questions about what's coming and share with our neighbors, what will be National City's newest hot spot.

Date: June 29

Time: 5 pm

Location: 41 East 8th Street, National City

(on the corner of East 8th Street and A Avenue, next to our neighbor, Niederfrank's)

We hope you can join us for this informative event about the space

NEIGHBOR COMMUNITY MEETING SIGN IN SHEET

NEIGHBORS IN ATTENDANCE FOR THE COMMUNITY MEETING
REGARDING THE

NAME	8TH STREET PUBLIC MARKET LOCATION ADDRESS	PHONE
1 Frolen Sorigo		
2 Juana Medina	619 259-8019	
3 Roberto Camora	SAME ↑	
4 ^{619 259-4134} Gordon Macmillan	Representing 23 RESIDENTS and Historical Society	
5 Neli Solis	nsolis@rosano-partners.com	
6 Mary Ellen Fought	(619) 477-0828 Niederfrank's	
7 Jeff Cooper	3528 Footmill Ave #70018-36 Palm Springs CA 92262	
8 JOSHUA KENNER	PO BOX 600455 SD CA 52160	
9 MARTIN REEDER	CITY STAFF 619-290-8946	
10 PAOLO FAREDEI	6605 La Jolla Blvd, La Jolla CA 92037	
11 Ellen Nobles	1419 E. 8th St. NC 91950	
12 Luis Castro	127 E. 8th St. N.C. 91950	
13 Armando Aguilar	1032 9th St NC 91950	
14 Ligia Toledo	700 West EST. S.D. 92101	
15 NANCY ESTOLANO	Nancy@leathers.com 619 829-2517	

NEIGHBOR COMMUNITY MEETING SIGN IN SHEET

NEIGHBORS IN ATTENDANCE FOR THE COMMUNITY MEETING
REGARDING THE
8TH STREET PUBLIC MARKET LOCATION

#	NAME	ADDRESS	PHONE
1	MIKE OSBORN	3528 FOOTHILL AVE	209 952 9111
2	MIKE.OSBORN@	PALM SPRINGS	92262
3	LYCOS.COM		
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

WILLING TO WRITE LETTER OF SUPPORT



Martin Reeder

From: Joshua Renner <joshuarenner@att.net>
Sent: Monday, July 11, 2016 10:00 AM
To: Martin Reeder; Joshua Renner
Subject: Community Group meeting notes

Hi Martin

Here are the minutes to our meeting and the sign-in sheets attached on a separate email following this one:

July 9, 2016

To: City of National City Planning Department
Fr: Joshua Renner, Paredes-Renner Architecture

Re: 8th Street and A Ave Public Market
Community Meeting Minutes:

On June 29, the Tubao Family and their design team, Paredes-Renner Architecture, held a community meeting inviting the neighbors of this property to chat about the venture.

I started the meeting a little late, at 5:20pm, allowing some other members of the community to arrive.

It was immediately questioned by Janice Martinelli, President of the Historical Society, why we are having the meeting at 5pm, when hardly anyone could attend.

I replied, stating that it was an agreed upon time by the owner and City Staff.

As the meeting progressed, I gave a bit of history about the two spaces at 41 East 8th.

I then moved into what our proposal is going to entail, touching on describing what the work would look like, how the project would improve the neighborhood, raise property values and create a better walk-score to this small portion of the community.

There was a late-comer, Armando A. that spoke up and voiced his strong opposition to ANY re-development in these two properties, as "anything" that goes in there will worsen the neighborhood's current lack of parking situation and create a gentrification issue. He went on again to mention that he'd rather see completely empty commercial buildings, than "any" growth and re-development in the area and added that NO one but National City residents should be allowed to have businesses here in the City.

We ping-ponged our opinions and I managed to throw in what the Municipal Code sets forth and told him that as a non-residential use to a non-residential use, there is no requirement for us to add further

parking. And I added also, that anyone (including businesses not living in National City) can have a business within the City as long as they met Code requirements.

This seemed to upset him even more. As Armando went on to speak, he got off on tangents about the tower condos, the historic Brick Row, and everyone around his dwelling at E. 9th Street, voicing that there's never any parking. (After the meeting, I went by his location and noticed that the row homes come with their own dedicated parking, within their rear yard spaces).

Martin Reeder stood up and asked that we stay on point and that our meeting not get hijacked, pulling other project's into this meeting, as that's not what's being discussed.

I went on to do a walk through of our space's floor plan that we had mounted along with concept photos of a similar space in Little Italy.

I invited the neighbor's to please feel free to come up and look at them, so they get a well rounded view of what the proposition entails.

There was much chatter and opposition about the Tasting Room going into the Public Market, as the neighbors were very concerned that we'd become like McDinni's Bar, located across the street, very noisy and boisterous.

We assured the neighbors that it was our intent to evoke a light, airy/open, family friendly atmosphere, where people can gather and have a beer, converse and shop, the complete opposite of McDinni's Bar, for our space.

I asked if there was any other questions and Mike Osborn, an owner of two units in the condo tower, stood up and asked what he needed to do for the City Council, to offer his full support of our project. I stated that I'd speak to him after the meeting. He mentioned that it would really help turn the area around.

I ended the meeting after asking again if there were any other comments or questions. There were none.

Respectfully Submitted,

Joshua Renner
Paredes-Renner Architecture
joshuarenner@att.net
[619.990.8942](tel:619.990.8942)

Joshua Renner
Design Consultant
Josh Renner Design
joshuarenner@att.net

JUNE 28, 2016

41 EAST 8TH STREET DEVELOPERS

RECEIVED
JUN 29 2016
CITY OF NATIONAL CITY
PLANNING

**WE ARE NOT IN FAVOR OF YOUR INTENTIONS TO OPERATE
A BEER BAR OR BEER-TASTING ROOMS AT THE 41 EAST 8TH
LOCATION.**

**YOUR BUSINESS STRUCTURE CANNOT SUPPORT SUCH AN
OPERATION AS YOU HAVE NO PARKING.**

**MCDINI'S HAS EXPERIENCED PROBLEMS WITH UNRULY PATRONS
FROM SURROUNDING BUSINESSES ILLEGALLY USING OUR PARKING
LOT LOCATED ACROSS THE STREET FROM YOUR PROPOSED
LOCATION THAT HAS CAUSED OVER 50 DOCUMENTED POLICE
CALLS FOR SERVICE, NOT OF OUR CAUSE.**

**WE COULD SUPPORT YOUR PLANS FOR BEER-TASTINGS IF AND
WHEN YOU PROVIDE SUFFICIENT PARKING & SECURITY, SOMETHING
THAT DOES NOT APPEAR TO HAVE BEEN ADDRESSED IN YOUR
JUNE 24, 2016 GENERIC FLYER.**

SINCERELY;

MCDINI'S RESTAURANT CORP

P.O.Box 2885

NATIONAL CITY, CA 91951-2885

JUN 8 2016

RECEIVED

June 27, 2016

Development team & Property Owner

41 East 8th Street

National City, CA 91950

To whom it concerns;

I am opposed to your plans to sell or offer any on-premise

Consumption of beer , beer products, or beer tastings.

It appears you plan to open a tasting room that would

Offer alcohol (beer) in a quasi-bar setting.

You are not fooling anyone with the mention of "event

Venue" and "beer tastings" combined in one.

You should be aware that you cannot legally operate a

Bar or "quasi-bar" within 600' of a school or church.

Your "tasting room" (on site bar) would be located 18'

From a charter school operating daily.

Your property does not currently have any parking,

Any patron parking overflow would serve to damage

The surrounding parking flow and possibly necessitate

Calls for police service in an area that already contains

A market-liquor store and a full service bar on the

Opposite corners.

I would support your plans for a Public Market as

Long as there is no on site beer tastings, on site beer

Sales, and no public events based upon the non-existence

Of any parking for your patrons.

By the way, if you were truly upfront about your "exciting"

Intentions to operate in National City, you would list actual

Names, profiles and contact information as opposed to complete

Anonymity, solely limited to a building address.

Howard Adler Trust

A handwritten signature in cursive script that reads "Howard Adler".

P.O.Box 15352

San Diego, CA 92175

Cc: Martin Reeder

JL 27, 2016

TO:

Developer of site owner,

from: 706 "A" Avenue

RECEIVED

JUN 29 2016

CITY OF NATIONAL CITY
PLANNING

We are opposed to your plans to open or
operate an "Event Center" or "Beer-Tasting"
(brewery) Beer Bar at 41 ~~East 8th Street~~ Street.

Our business is located adjacent to your
site with a small parking lot for our trucks
& patrons.

It is foreseeable that due to your lack of parking,
your potential customers would encourage an lot,
causing a myriad of unnecessary problems and
calls for police service due to reactions of
Angry visitors, that would be attributed to your
negligence.
We don't want this potential headache!

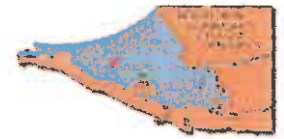
Build a parking lot & then we can revert
your "Beer Selling" Bar plans down the road.



706 "A" Avenue
National City, OH 44195

SOUTH BAY COMMUNITY CHANGE PROJECT

A Project of the Institute for Public Strategies



Environmental Scan for Alcohol License C.U.P.

Craft Beer Tasting and Beer Garden

27 & 41 East 8th Street, National City, CA 91950

July 6, 2016



Photo of empty building for Beer Tasting and a Beer Garden in National City



Google Earth View of 27 & 41 East 8th Street and Surrounding Area

This environmental scan is for an amendment on the existing Conditional Use Permit for the Beer Tasting and Beer Garden to be located at 27 & 41 East 8th Street in National City. The applicant is applying for a Conditional Use Permit to expand the amount of area within the business for sales of Beer. The business is located east of the 5 Freeway and National City Blvd. in National City. An environmental scan was conducted on Wednesday, July 6, 2016.

The business is the Beer Tasting and Beer Garden which will be located in a public food court. The location will have approximately 14 retail suites, 2 food vendors and a public food court with a sidewalk café on "A" Avenue. During a scan of the business and property the following was noted:

There are currently 3 on-sale alcohol retail business within a block and ½ of the proposed site.

The business is located in an area with other local businesses, single-family residences, multi-housing units and a hotel in the immediate area.

Youth Sensitive Areas

The business is not located near any youth sensitive areas.

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

www.publicstrategies.org

Churches

The business is not located near any youth sensitive areas.

Outlet Density

According to the ABC, five (5) on-site licenses are authorized for Census Tract 0118.01, the census track within the area of which 27 & 41 East 8th Street is located. Currently there are three (3) on-sale licenses issued for the Census Tract is 0118.01. There are currently 3 on-sale business within a block and ½ of the proposed site.



Census Tracts

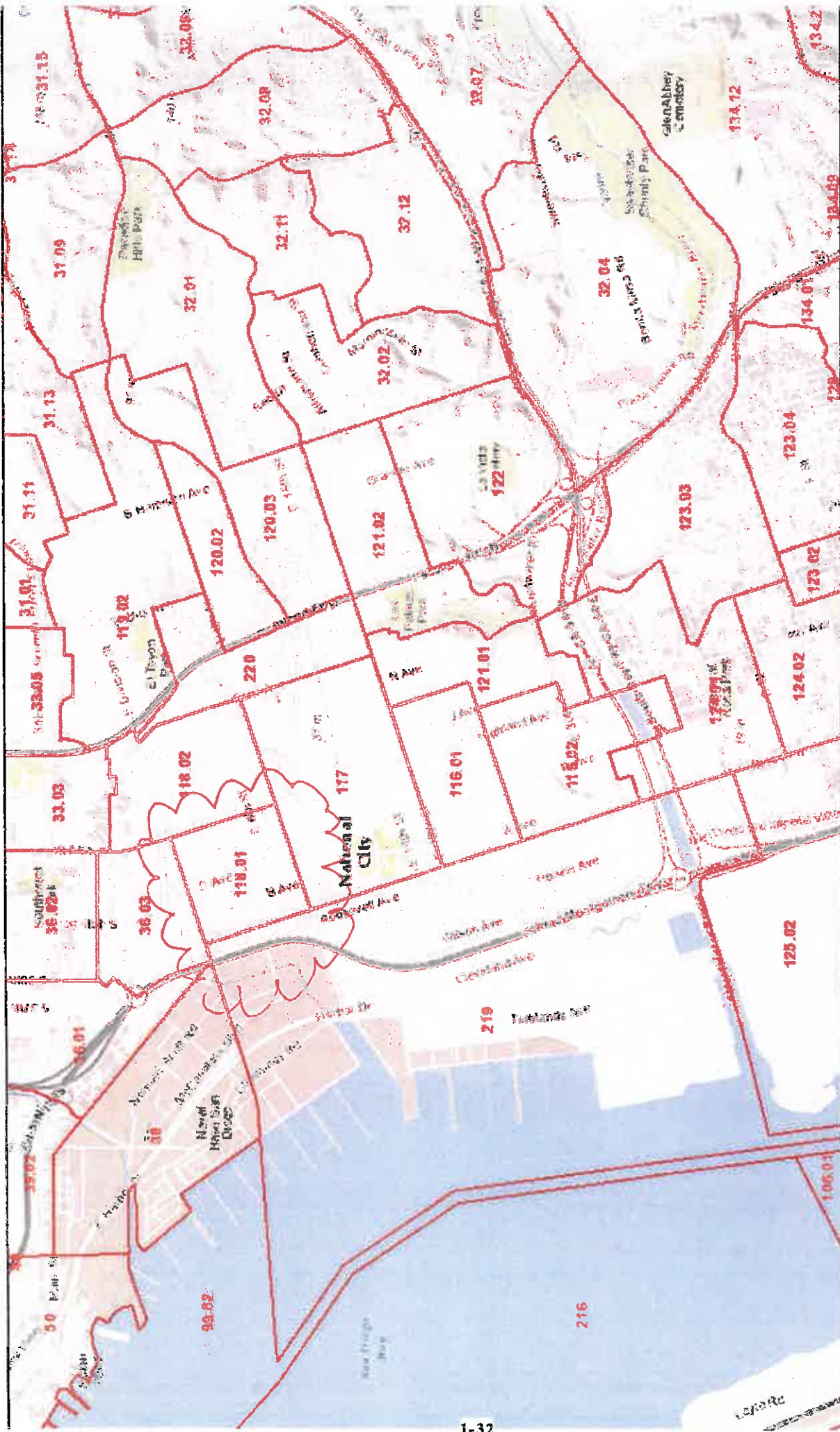
	Off-Sale	On-Sale
Tract 0118.01 <i>Establishment is within this tract</i>	Allowed: 2 Actual: 2 Number Above/Below Allowable: -	Allowed: 5 Actual: 3 Above/Below: -2
Neighboring Census Tracts		
Tract 117	Allowed: 8 Actual: 14 Number Above/Below Allowable: +6	Allowed: 4 Actual: 8 Above/Below: +4
Tract 219	Allowed: 8 Actual: 10 Number Above/Below Allowable: +2	Allowed: 4 Actual: 6 Above/Below: +2

Crime Rate

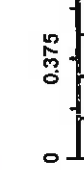
Refer to National City Police Department for crime data.

Considerations

Should a CUP be issued we would recommend that:
Staff, management, and owner be required to attend the Responsible Beverage Sales and Service training.
Security be required for evening hour for the outside beer garden area.
Business hour should not exceed 10:00 PM.



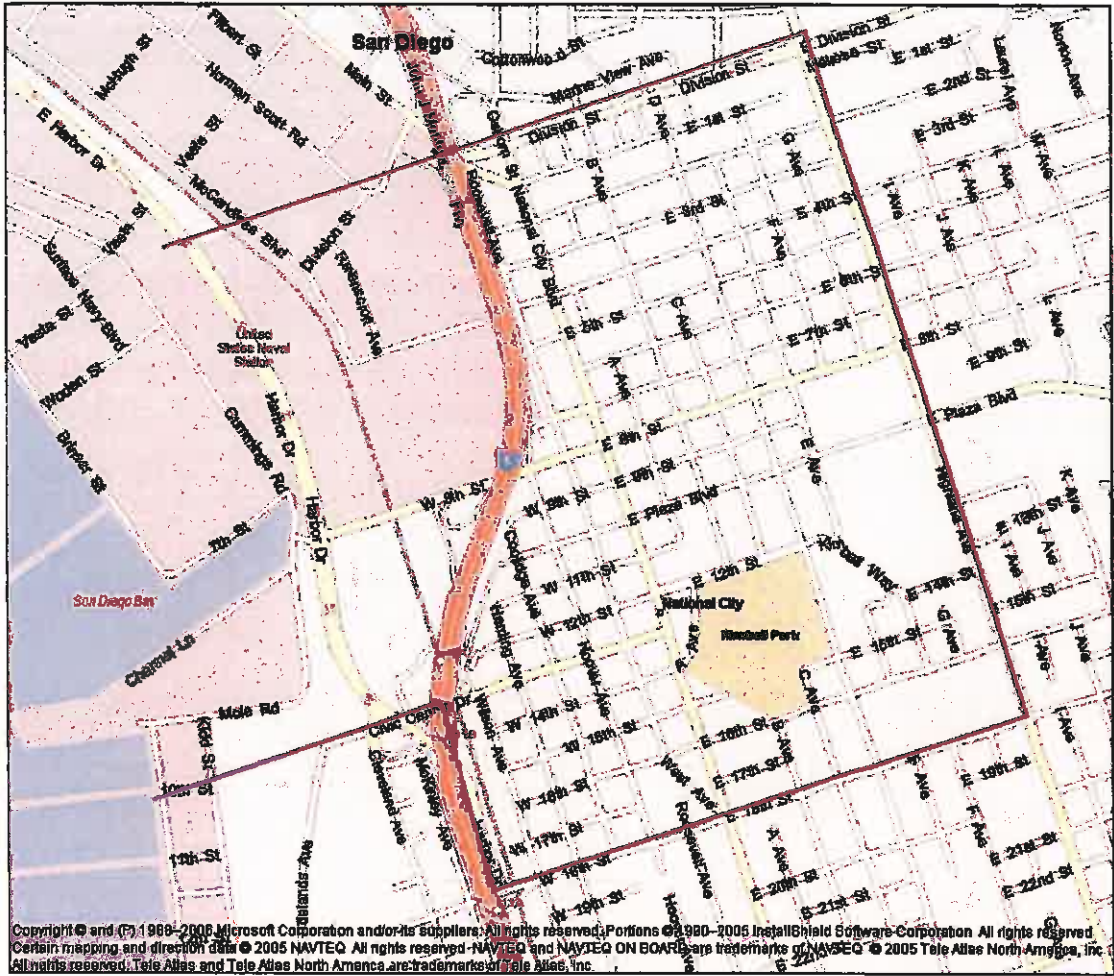
1:45,467



August 25, 2014

□ CensusTracts 2010

Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P. Co.
 GEBCO, USGS, FAO, NPS, NRCAN, GeBCoast, IGN, Kadaster NL, Ordn
 Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia
 OpenStreetMap contributors, and the GIS User Community



City of National City Beat 20

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

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.



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

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR A CRAFT BEER TASTING ROOM
AT 27 & 41 EAST 8TH STREET.
CASE FILE NO.: 2016-12 CUP
APN: 556-331-20 & 21

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, July 18, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Joshua Renner)

The applicant wishes to operate a craft beer tasting room and beer garden as part of a new public market. A counter area inside the building would serve beer, as well as a bar in a proposed beer garden behind the building. Hours of operation of the tasting room and beer garden would be from 12 p.m. to 10 p.m. Sunday through Thursday, and from 12 p.m. to 12 a.m. Friday through Saturday.

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 on or before 12:00 p.m., **July 18, 2016** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

RESOLUTION NO. 2016-12

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR A CRAFT BEER TASTING ROOM AT 27 & 41
EAST 8TH STREET.
CASE FILE NO. 2016-12 CUP
APN: 556-331-20 & 21**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a craft beer tasting room at 27 & 41 East 8th Street at a duly advertised public hearing held on July 18, 2016, 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. 2016-12 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 July 18, 2016, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within Development Zone 4 of the Downtown Specific Plan as a retail use, pursuant to a Conditional Use Permit, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A public market with accessory beer sales is a use that is consistent with Development Zone 4 of the Downtown Specific Plan, which allows retail uses.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity,

because no expansion of the building is proposed. The proposal involves the interior construction of a public market space, which is consistent with other commercial businesses in the area. Development of the area was analyzed for traffic impacts as part of the Downtown Specific Plan, which envisioned significant density in this area. The sale of alcohol would be accessory to the sale of other products in the market, which would not create traffic issues above and beyond what was expected as part of the development of downtown. Access to and from the site is provided by East 8th Street, an arterial street operating at a Level of Service (LOS) of C. East 8th Street in this location is operating at half of its capacity. In addition, the sale of alcohol is not expected to result in an increase in Average Daily Trips (ADT) such that the LOS would be affected, particularly as the area devoted to alcohol sales is only a small part of the overall public market.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to the public market, which will be located in an existing commercial area. The building is existing and has ten on-street parking spaces adjacent to the property, as well as access to several nearby parking areas.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the sale and consumption of beer would be a small part of the overall public market use, alcohol consumption would be monitored by staff of the tasting room and public market, and the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be 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 reason for the exemption is that no expansion of the building is proposed and uses would basically be the same as non-conditionally allowed uses (commercial and retail enterprises).
7. That the proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of a public market, an allowed use in Development Zone 4 of the Downtown Specific Plan. The tasting room as part of the market would be a draw for area and non-

area residents alike. It would also help to further activate the downtown core, consistent with the spirit and intent of the Downtown Specific Plan.

8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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

General

1. This *Conditional Use Permit* authorizes a beer tasting room at a proposed market to be located at 27 and/or 41 East 8th Street, including sales of sealed containers (commonly known as growlers) for off-site consumption (per ABC Type 23 license regulations). Only beer produced by the master licensee under a Type 23 (small beer manufacturer) license may be sold and/or consumed at this location. The serving and consumption of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2016-12 CUP, dated 6/7/2016.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. Alcohol sales shall be limited to the hours of 12 p.m. to 10 p.m. daily.

7. 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.
8. The sale of alcohol shall not exceed 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 (applicant requesting removal of this condition).
9. Alcohol shall be available only in conjunction with the purchase of food (applicant requesting removal of this condition).
10. The consumption of alcoholic beverages is prohibited outside of the building, with the exception of the beer garden area. The permittee shall post signs, to be approved by the Planning Department, at the entrances and exits to the building prohibiting consumption of alcohol beyond those points. 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 consumption of alcohol is allowed beyond this point."
 - b. "No open alcoholic beverage containers are allowed beyond this point."
11. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
12. All activities involving the sale of food from a food truck or similar apparatus shall be consistent with Chapter 9.06 (Food Vending Vehicles) of the National City Municipal Code.
13. The proposed alcohol sales, service, and consumption shall abide by all applicable rules and regulations as stated by the California Department of Alcoholic Beverage Control (ABC). In the case that any of these conditions violate any laws, rules, or regulations administered by ABC, the laws, rules, or regulations shall govern.

Police

14. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of Jul 18, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON