



## Planning Commission Agenda

Meeting of September 17, 2018 – 6:00 p.m.  
Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950



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

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

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

### **Roll Call**

### **Pledge of Allegiance by Commissioner Flores**

### **Approval of Minutes**

1. Approval of Minutes from the Meeting of August 20, 2018

### **Approval of Agenda**

2. Approval of Agenda for the Meeting on September 17, 2018

### **ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).**

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

### **PRESENTATIONS**

### **CONTINUED PUBLIC HEARINGS**

**PUBLIC HEARINGS**

3. Resolution taking action on a Conditional Use Permit for on-site alcohol sales (Type 47) and live entertainment at a new restaurant located at 1524 McKinley Ave. (Case File No. 2018-01 CUP)

**OTHER BUSINESS**

**STAFF REPORTS**

Acting City Attorney

Deputy City Manager

Acting Planning Director

Principal Planner

Commissioners

Chairperson

**ADJOURNMENT**

Adjournment to the next regularly scheduled meeting on October 1, 2018.



## Planning Commission Minutes

Planning Commission  
Meeting of August 20, 2018  
City Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950

These minutes have been abbreviated. Due to renovations occurring in Council Chambers, these proceedings were not recorded.

### Agenda Items

The meeting was called to order by Chair Yamane at 6:14 p.m.

### **Roll Call**

Commissioners Present: Yamane, Sendt, Flores, Dela Paz, Quintero

Commissioners Absent: Garcia, Baca

Staff Also Present: Deputy City Manager Brad Raulston, City Attorney Angil Morris-Jones, Principal Planner Ray Pe, Acting Assistant Planner Chris Stanley

**Pledge of Allegiance** Presented by Commissioner Quintero.

1. Approval of Minutes from the Meeting of July 2, 2018.

Motion by Sendt, second by Dela Paz to approve the Minutes for the Meeting of July 2, 2018.

### **Motion carried by the following vote:**

**Ayes:** Yamane, Sendt, Flores, Dela Paz, Quintero

**Abstain:** None.

**Noes:** None.

**Absent:** Garcia, Baca

2. Approval of the Agenda for the Meeting of August 20, 2018.

Motion by Flores, second by Dela Paz to approve the Agenda for the Meeting of August 20, 2018.

**Ayes:** Yamane, Sendt, Flores, Dela Paz, Quintero  
**Abstain:** None.  
**Noes:** None.  
**Absent:** Garcia, Baca

**ORAL COMMUNICATION:** None.

**PRESENTATIONS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**PUBLIC HEARINGS:**

3. Resolution taking action on a Conditional Use Permit for off-site beer and wine sales at a new retail store to be located at 2424 Hoover Avenue, Suite 'E' (Case File No. 2018-12 CUP).

Presented by Acting Assistant Planner Chris Stanley.

Commissioner Yamane disclosed that she previously occupied an office adjacent to this suite, but no longer did so.

Commissioner Quintero commented that this business type was different from other nearby businesses noted on the Census Map.

Applicant Mali Ratsachak has read, understands, and accepts the conditions of the Conditional Use Permit.

Motion by Sendt, second by Dela Paz to approve a Conditional Use Permit for off-site beer and wine sales at a new retail store to be located at 2424 Hoover Avenue, Suite 'E' (Case File No. 2018-12 CUP) with the caveat that the sale of alcohol begin at 10:00 a.m. instead of 8:00 a.m.

**Ayes:** Yamane, Sendt, Flores, Dela Paz, Quintero  
**Abstain:** None.  
**Noes:** None  
**Absent:** Garcia, Baca

**OTHER BUSINESS:**

4. Resolution taking action on a Site Plan Review for the reduction in off-street guest parking spaces for a proposed 12-unit apartment project at 711 & 717 East 16<sup>th</sup> Street (Case File No. 2018-18 SPR).

Presented by Principal Planner Ray Pe and Acting Assistant Planner Chris Stanley. A hard-copy corrected resolution was provided to the Commissioners.

Commissioner Flores inquired about the reason for the red painted curb on 16<sup>th</sup> Street. In response, staff stated that they would look into it and report back.

In response to a question posed by Commissioner Quintero, Acting Assistant Planner Chris Stanley replied that he would find out when the construction for traffic calming would be completed and report back to the Commissioners.

Following various comments by the Commissioners, City Attorney Angil Morris-Jones reminded the Commissioners that notices were mailed to give the community an opportunity to voice any concerns with the item.

Applicant Stephan Gasper has read, understands, and accepts the conditions for the Parking Reduction Request.

Motion by Dela Paz, second by Sendt to approve a Conditional Use Permit for off-site beer and wine sales at a new retail store to be located at 2424 Hoover Avenue, Suite 'E' (Case File No. 2018-12 CUP) as corrected on the resolution.

**Ayes:** Yamane, Sendt, Flores, Dela Paz, Quintero

**Abstain:** None.

**Noes:** None.

**Absent:** Garcia, Baca

**STAFF REPORTS:**

**City Attorney:** None.

**Brad Raulston, Deputy City Manager:** None.

**Acting Planning Director:** Absent.

**Principal Planner:** None.

**COMMISSIONER REPORTS:**

**Dela Paz:** None.

**Quintero:** None.

**Flores:** In response to a question posed regarding Toys 'R Us, Deputy City Manager Brad Raulston advised that there is currently no permanent tenant for the space, but that a Halloween store would be occupying the space for the Halloween season.

**Yamane:** None.

**Sendt:** None.

**Baca:** Absent.

**Garcia:** Absent.

**ADJOURNMENT** by Chair Yamane at 6:48 p.m. to the meeting of September 17, 2018 at 6:00 pm.

\_\_\_\_\_  
CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of September 17, 2018.



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 ON-SITE ALCOHOL SALES (TYPE 47) AND LIVE ENTERTAINMENT AT A NEW RESTAURANT LOCATED AT 1524 MCKINLEY AVENUE

Case File No.: 2018-01 CUP

Location: 1524 McKinley Ave.

Assessor's Parcel No: 559-055-08

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: Nicholas E. Inzunza

Zoning designation: MM (Medium Manufacturing)

Adjacent zoning:

North: Industrial; Single Family Home / MM

East: Interstate 5 / OS (Open Space)

South: Industrial Use / MM

West: Industrial Use / MM

Environmental review: Not a project per California Environmental Quality Act (CEQA)

Staff recommendation: Approve

### Staff Recommendation

Staff recommends approval of the on-site sale of beer, wine, and distilled spirits at a new restaurant, "Westside Story" subject to the attached recommended conditions. The use is conditionally-allowed in the MM zone. The sale of alcohol would be accessory to the restaurant. The sale of alcohol and live entertainment is recommended to be permitted only between the hours of 10:00 a.m. and 10:00 p.m. due to single-family homes within the vicinity.

### Executive Summary

The business has applied for a Conditional Use Permit (CUP) to sell beer, wine, and distilled spirits at "Westside Story". The proposed hours for the sale of alcohol are the same as the proposed restaurant hours of 6:00 a.m. to 2:00 a.m. daily. A Type 47 (On-Sale General for Bona Fide Public Eating Place) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

### Site Characteristics

The property is an existing 1,300 square-foot building located at 1524 McKinley Avenue. It is in the Medium Manufacturing (MM) zone with an 854 square-foot enclosed patio on the rear of the building. The MM zone continues north, west, and south of the proposed restaurant with McKinley Ave. and the Interstate 5 Freeway directly east. A restaurant was previously in this location in 2014.

### Proposed Use

The applicant is proposing to sell alcohol for on-site consumption at a new restaurant located in an existing commercial building. The floor plan provided shows the location for the storage of alcohol noted with the number 24 (Attachment 4). The location is to the rear of the building after the service counter and before the bathrooms. The alcohol is proposed to be housed in a cage that would be accessed from the service area only. The cage will allow alcohol to be displayed for customers, while only employees will have access from the rear of the cage. The applicant is also proposing live amplified and non-amplified entertainment consisting of a disc jockey, live band, karaoke, and dancing. The proposed alcohol sales hours are the same as the proposed restaurant hours, 6:00 a.m. to 2:00 a.m. daily. The restaurant is proposed to have a full breakfast, lunch, and dinner menu. A lunch and dinner menu have been provided, but a breakfast menu was not. The applicant stated that one can be provided, but that they were waiting to see if the proposed alcohol sale hours will need to be



altered. The final request is that the kitchen area be approved as a commissary for a mobile food truck, which would not require a CUP.

Analysis

The sale of alcohol for on-site consumption is conditionally-allowed with the approval of a CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements.

Mailing - All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 65 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C), a community meeting was held Tuesday, July 3, 2018 from 11:30 a.m. to 2:00 p.m. at the subject restaurant. There were 16 community members in attendance. According to the applicant, the same 65 occupants and owners were notified; the meeting covered menu options, food operations, seating, security, social responsibility to the community, entertainment, local resources, and marketing. The community members in attendance were asked to fill out a survey with questions regarding thoughts on the proposal, food preference, music preference, transportation preference, and age.

Distance Requirements - Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools (kindergarten through 12<sup>th</sup> grade). There are no such schools within this distance.

Alcohol Sales Concentration/Location - Per ABC, there are currently 10 on-site sale licenses in this census tract (219.00) where a maximum of eight are recommended. Therefore, this census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets. For reference, the on-site alcohol outlets in the census tract are:

<b>Name</b>	<b>Address</b>	<b>License Type*</b>	<b>CUP</b>
Club 13	640 Civic Center Dr.	40	-
Stoney's Bar and Grill	108 W. 25 <sup>th</sup> St.	47	Y
The Waterfront Grill	3201 Marina Way	47	Y
Goodies Bar and Grill	740 Bay Marina Dr.	47	Y
Goody's Sushi & Grill	2424 Hoover Ave.	41	Y
Ramada	700 National City Blvd.	47	Y
Papa Gallo Cafe	1930 Cleveland Ave.	41	-
Aunt Emma's Pancakes	214 National City Blvd.	41	-
Chipotle	404 Mile of Cars Way	41	Y
Downtown Abbey	1302 National City Blvd.	47	Y

\* Type 40 - On-Sale of Beer

\* Type 41 - On-Sale of Beer and Wine

\* Type 47 - On-Sale of Beer, Wine, and Liquor

Census tract 219.00 includes the area south of East Division Street, north of 'C' Street (Chula Vista), and west of National City Boulevard. The attached census tract map shows the location of the subject tract (Attachment 6).

#### Hours of Operation

The hours of operation for the existing license holders range from 6:00 a.m. to 2:00 a.m. for the varying properties. Recent alcohol sales hours have been between 10:00 a.m. and 10:00 p.m. Institute for Public Strategies (IPS) recommends that the serving of alcohol not be permitted past 10:00 p.m. The Police Department also rates the sale of alcohol past 11:00 p.m. as a three on their rating system, which would be high risk. As such, staff is recommending alcohol and live entertainment hours of 10:00 a.m. to 10:00 p.m. daily. If later hours are for the sale of alcohol and live entertainment are approved a recommendation can be made to provide security for the establishment. Conditions reflect the hours recommended by staff.

#### Live Entertainment

Per 18.30.050, live entertainment may be permitted by a resolution of approval for a CUP for the sale of alcohol and shall be limited to a single entertainer performing musical work (piano bars, etc.), additional entertainers, dancing, audience participation, or karaoke are also possible with a CUP. Staff recommends the hours of 10:00 a.m. to 10:00 p.m. for live entertainment due to the close proximity to existing single-family residences.

Public Comments

An email was received on Tuesday September 11, 2018 from the owner of 1420 McKinley Ave. supporting the Conditional Use Permit application (Attachment 10).

Institute for Public Strategies

IPS provided comments recommending that owners, management, and staff be required to attend the Responsible Beverage Sales and Service (RBSS) training. This requirement is a standard condition of City Council Policy 707 and is included as a condition of approval (Attachment 8). As previously mentioned, IPS recommended the operation hours of 6:00 a.m. to 10:00 p.m. and voiced concern for possible "morphing", a term meaning when a restaurant transforms into a club, raising the possibility of violence, crime, and nuisances, especially in areas of high crime rates.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 20 points, which places it in the High Risk category (Attachment 9).

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

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

The use is allowable within the MM zone pursuant to a CUP 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 CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Medium Manufacturing land use designation contained in the Land Use and Community Character element of the General Plan.

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 an existing restaurant space, which was previously analyzed for traffic impacts when it was constructed.

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 alcohol sales would be accessory to the primary use of food sales. A restaurant existed on the site previously.

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 proposed use would be subject to conditions that limit the sale of beer and wine as well as the hours of availability; it is recommended that no alcohol products be sold or live entertainment be performed before 10:00 a.m. or after 10:00 p.m. In addition, all business staff is required to receive RBSS training.

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

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted in the MM zone.

The following two findings are also included with alcohol CUPs:

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

In this case, alcohol sales would contribute to the viability of the restaurant, an allowed use in the MM zone.

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

#### Findings for Denial

Due to the census tract being over-saturated, and being that there are other on-sale outlets in the area, there are also findings for denial as follows:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets. 10 on-sale outlets are permitted where eight are recommended by the ABC. In addition, the area has a high crime rate and was assessed by NCPD as a high risk.

2. The proposed use is not deemed essential to the public necessity.

There are 10 locations in census tract 219.00 that already sell alcohol for on-site consumption, nine of which are restaurants.

3. Based on findings 1 and 2 above, the public convenience and necessity will not be served by the proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

#### Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to on-site sale of alcohol per City Council Policy 707, more specifically, that the sale of alcohol shall not exceed the sale of food and that alcohol shall be available only in conjunction with the purchase of food, along with RBSS training.

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the MM zone. The proposed use would be accessory to the proposed restaurant. In order to address concerns of "morphing", it is recommended that the sale of alcohol be consistent with what has been approved at prior Planning Commission meetings, the sale of alcohol from 10:00 a.m. to 10:00 p.m. It is also recommended that live entertainment be permitted only between the hours of 10:00 a.m. and 10:00 p.m. due to single-family homes within the vicinity.

Options

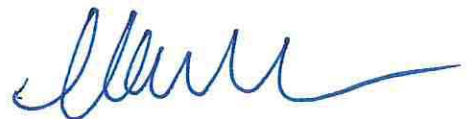
1. Approve 2018-01 CUP subject to the attached recommended conditions, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2018-01 CUP based on the attached findings or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2018-01 CUP, dated 7/9/2018)
5. Public Hearing Notice (Sent to 65 property owners & occupants)
6. Census Tract & Police Beat Map
7. Community Meeting Advertisement / Minutes / Surveys / Sign-in Sheet
8. City Council Policy 707
9. Police Departments Comments
10. Public Comments
11. Resolutions



CHRIS STANLEY  
Acting Assistant Planner



MARTIN REEDER, AICP  
Acting Planning Director

## RECOMMENDED FINDINGS FOR APPROVAL

2018-01 CUP – 1524 McKinley Avenue

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 alcohol sales for on-site consumption is a conditionally-allowed use in the MM zone and the proposed use meets the required guidelines in the Land Use Code for alcohol sales.
2. The proposed use is consistent with the General Plan because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Medium Manufacturing land use designation contained in the Land Use and Community Character (LU) element of the General Plan.
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, and the use would be accessory to an allowed commercial use.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints because the commercial suite is existing and the proposed alcohol sales would be accessory to the restaurant. The sale of beer and wine is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, 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 proposed use will be subject to conditions that limit the sale of alcohol and the hours that it will be available; no alcohol products will be sold or live entertainment be performed before 10:00 a.m. or after 10:00 p.m.; and all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.

7. The proposed use is deemed essential and desirable to the public convenience or necessity. Alcohol sales would contribute to the viability of the restaurant, an allowed use in the MM zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

**RECOMMENDED FINDINGS FOR DENIAL**

2018-01 CUP – 1524 McKinley Avenue

1. That granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets. Ten on-sale outlets are permitted where eight are recommended by the ABC. In addition, the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, because there are ten other sites in census tract 219.00 that sell alcohol for on-site consumption, nine of which are restaurants.
3. Based on the above findings, the public convenience and necessity will not be served by the proposed use of the property for the sales of alcoholic beverages pursuant to law.



## RECOMMENDED CONDITIONS OF APPROVAL

2018-01 CUP – 1524 McKinley Avenue

### General

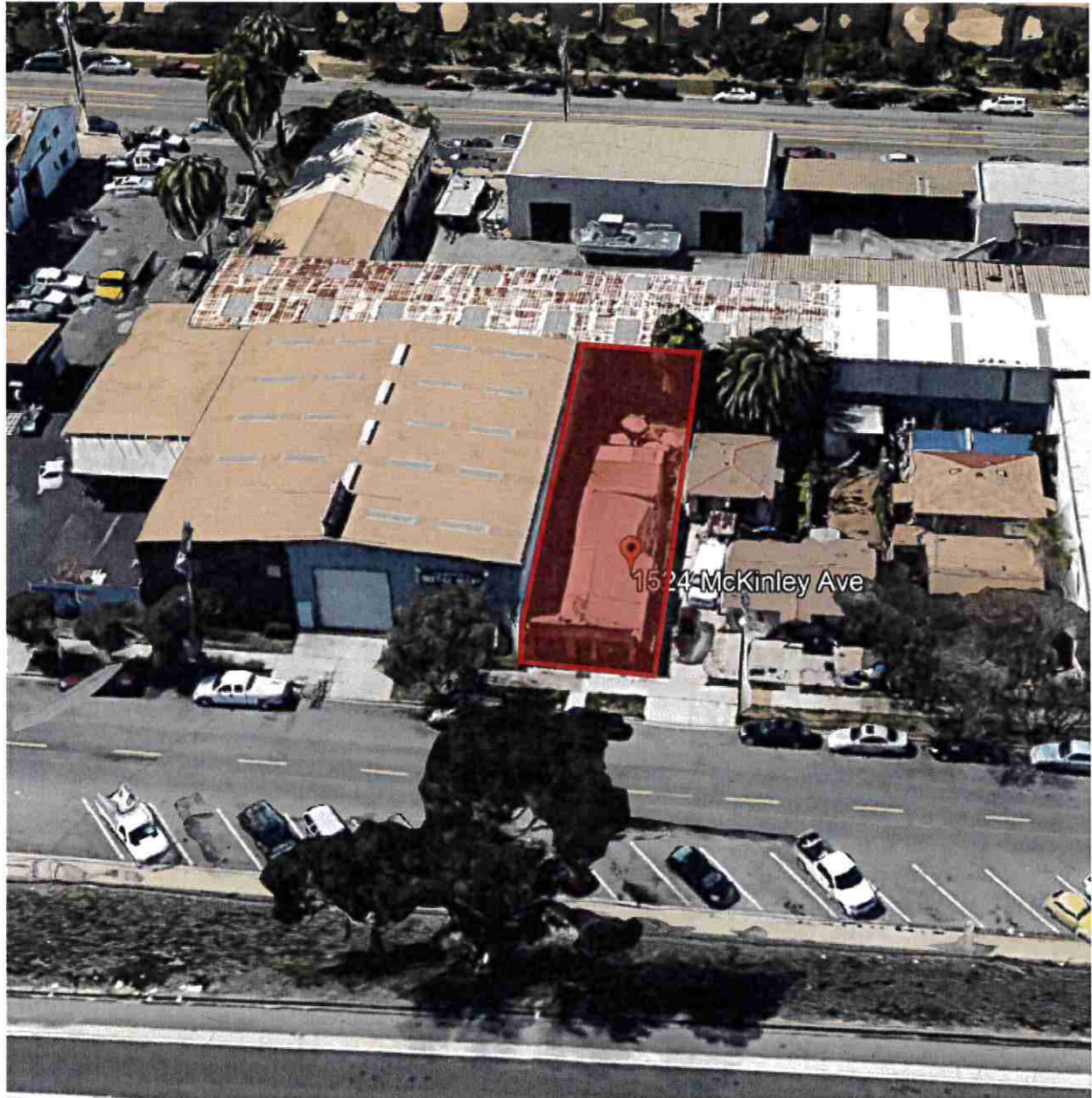
1. This Conditional Use Permit authorizes the sale of alcohol for on-site consumption at a new restaurant located at 1524 McKinley Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2018-01 CUP, dated 7/9/2018.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning 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 Deputy City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

### Planning

6. All sellers 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.

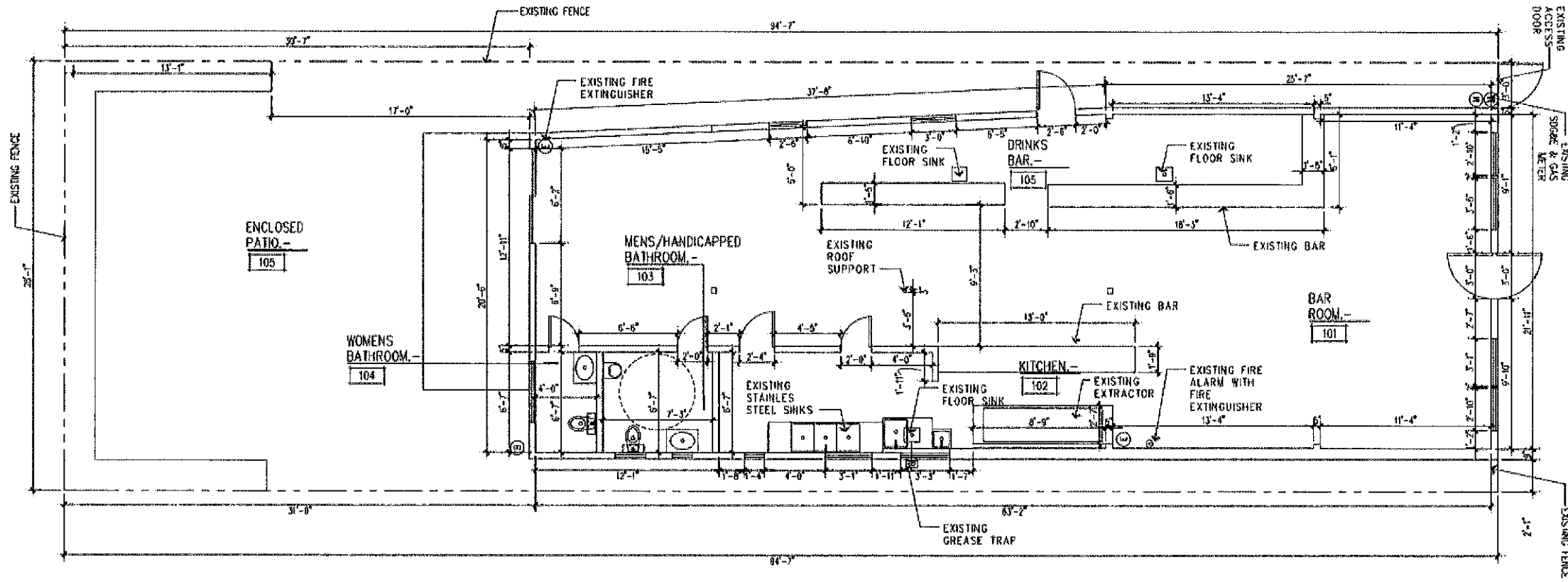
7. The sale of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. daily.
8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. Live Entertainment shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m.
11. 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.
12. All necessary permits for the food truck (e.g. health, operation, business license) shall be procured prior to operation of this part of the business.

2018-01 CUP – 1524 McKinley Ave. – Overhead

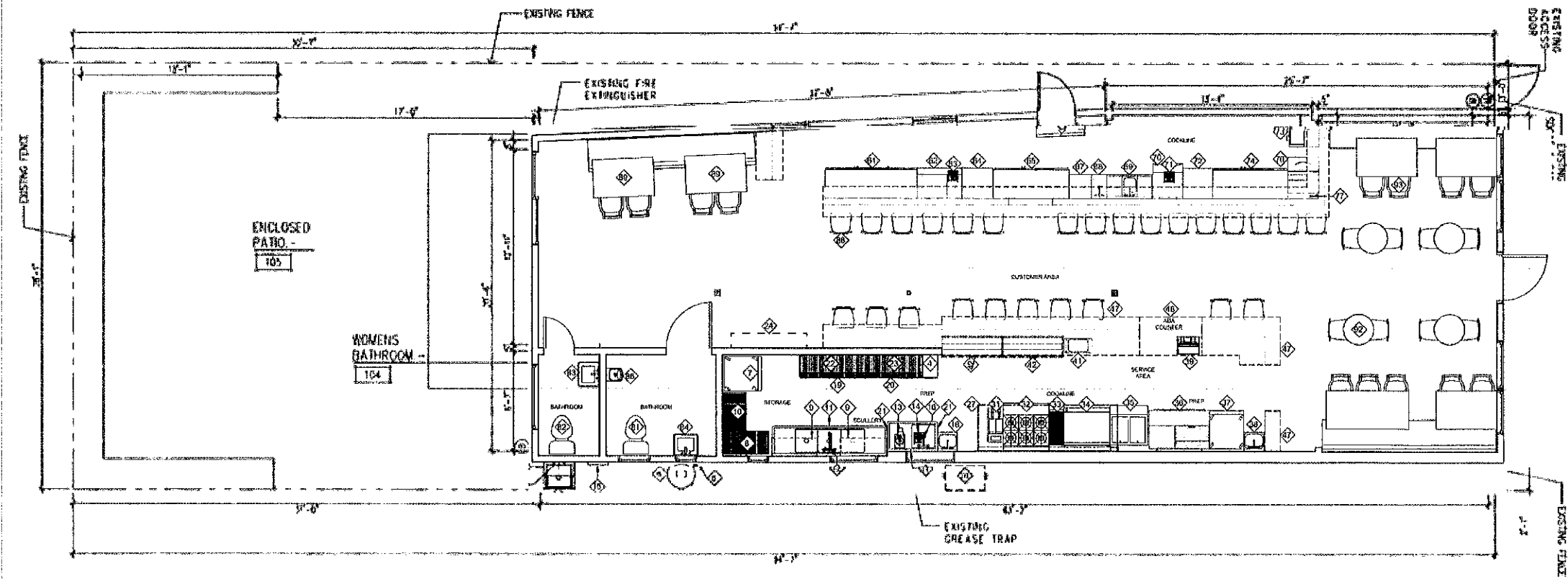




Existing Layout



Proposed Layout



**WESTSIDE STORY**

1524 McKinley Ave  
National City, CA 91950



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR ON-SITE ALCOHOL SALES AND LIVE  
ENTERTAINMENT AT A NEW RESTAURANT LOCATED AT 1524 MCKINLEY  
AVENUE

CASE FILE NO.: 2018-01 CUP  
APN: 559-055-08

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, September 17, 2018**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Nicholas E. Inzunza)

The application has been submitted for Planning Commission consideration. The project site is a new restaurant (Westside Story) located at 1524 McKinley Ave. in the Medium Manufacturing (MM) zone. The applicant is proposing to sell alcohol for on-site consumption (Type 47 License) in a 1,300 square-foot commercial space. The proposed hours of operation are 6:00 a.m. to 2:00 a.m. daily.

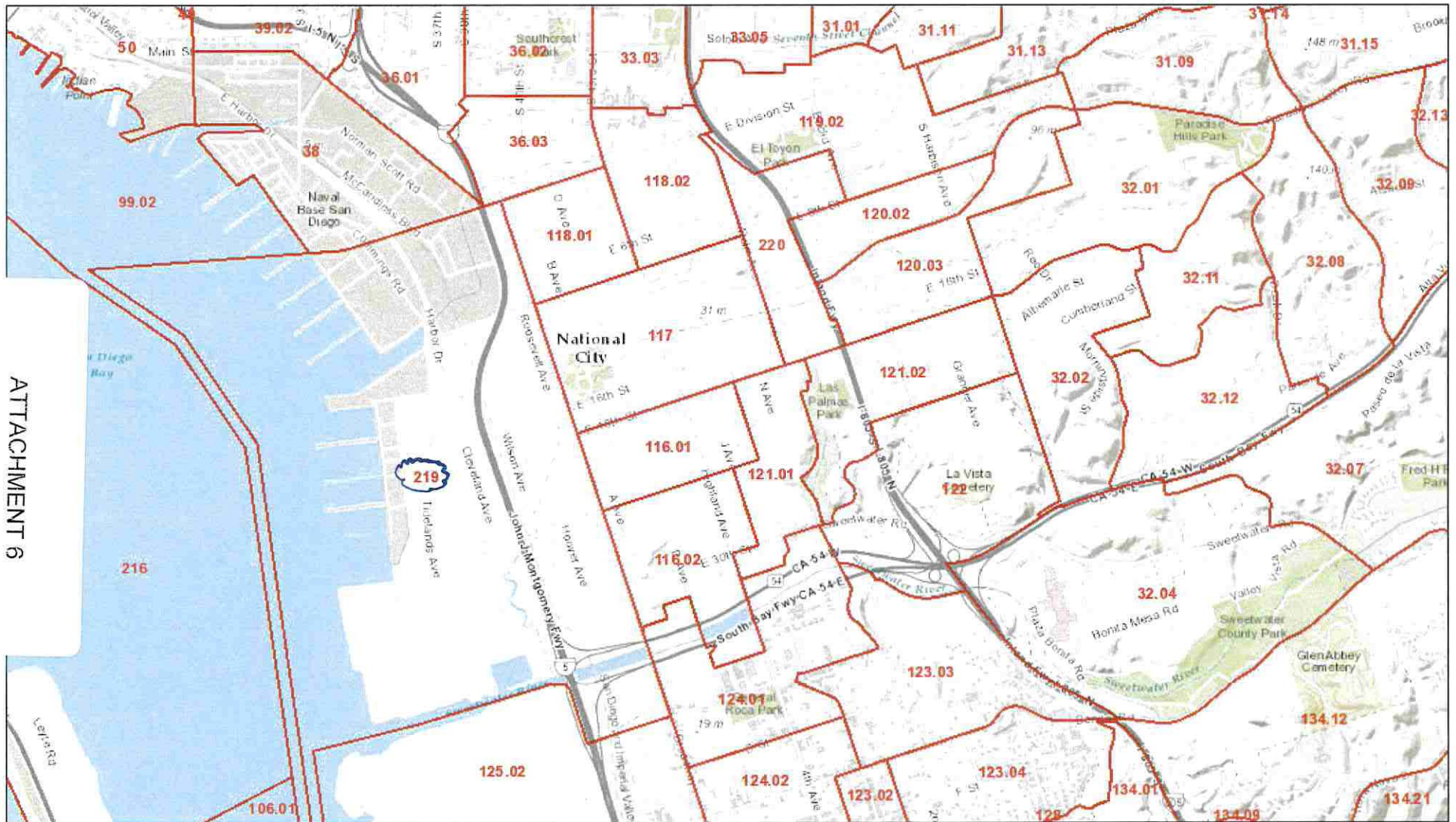
Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **September 17, 2018** by the Planning Department, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov)

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

MARTIN REEDER  
Acting Planning Director

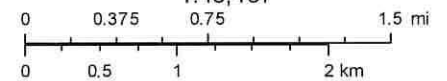
ATTACHMENT 5



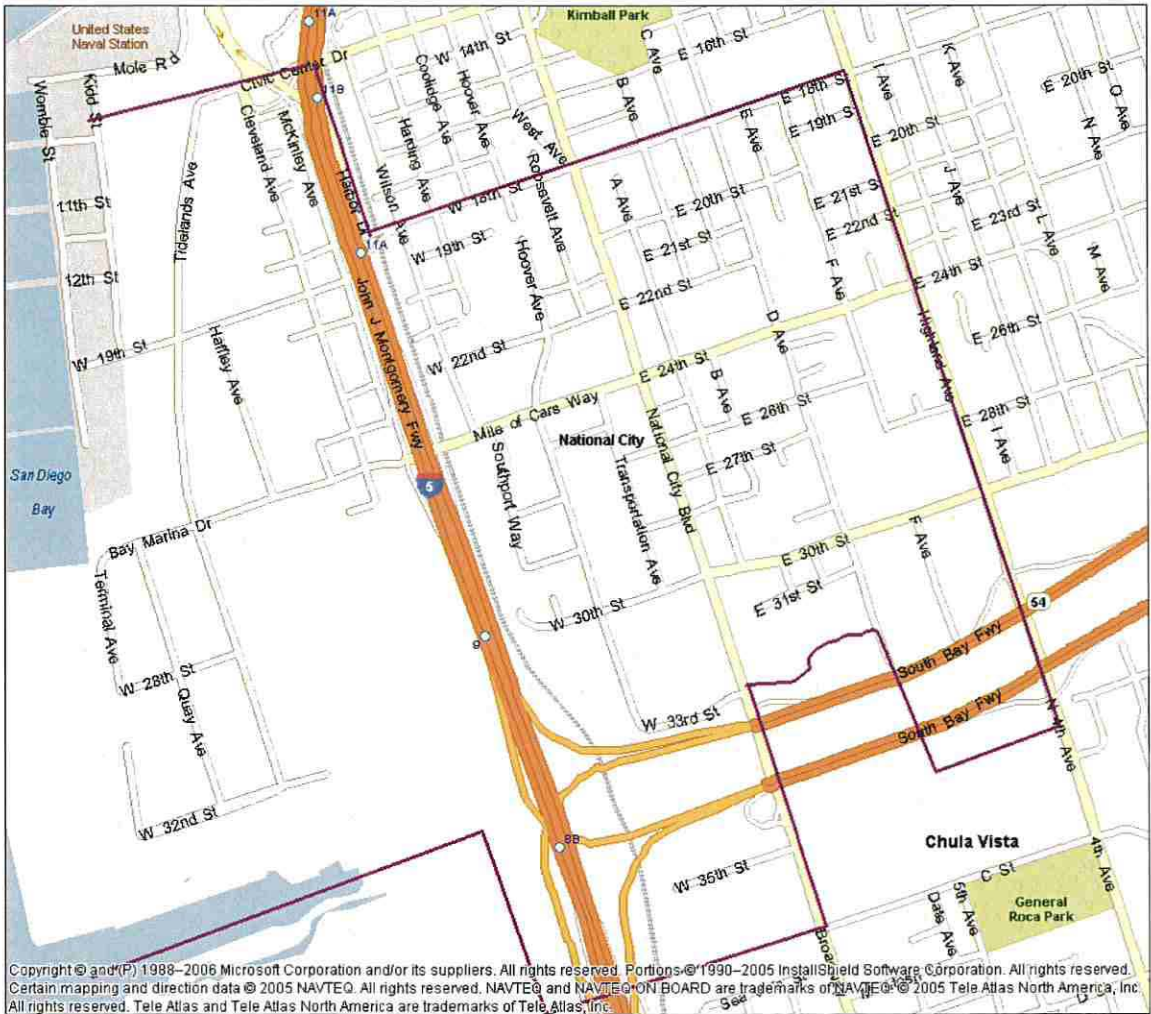
August 25, 2014

 Census Tracts 2010

1:45,467



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

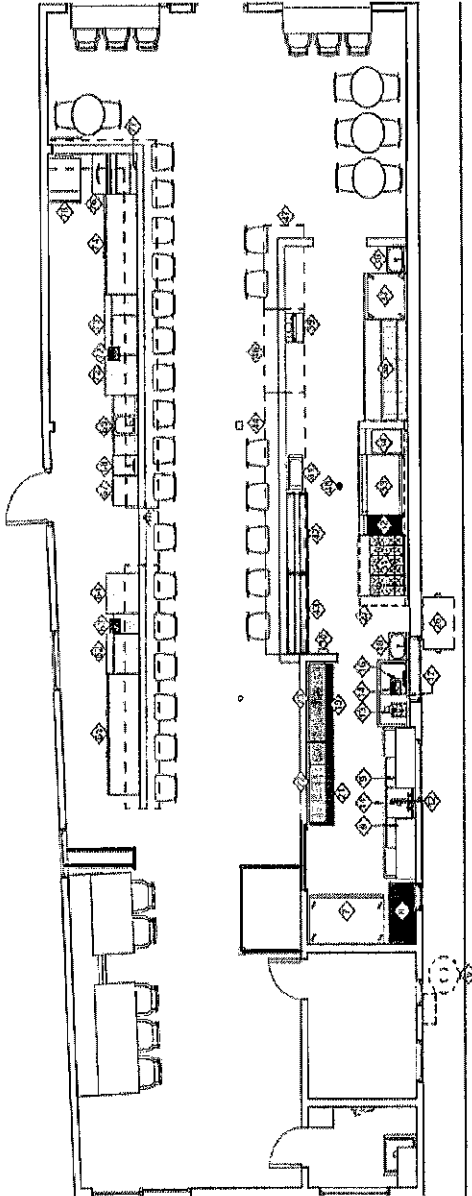


## City of National City Beat 24

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



# Community Meeting



## WESTSIDE STORY

1524 McKinley Ave  
National City, CA 91950

**SLAVITA** Inc.

## WESTSIDE STORY

*you know my name but not my story*

Westside Story will provide quality West Coast Barbecue, Music Entertainment and cold Crafted Beverages to you every day. Hosted by our professional staff, Westside Story is dedicated to the people industry and the main focus is always you. Viva la Cheers!



Westside Story is hosting a community meeting to allow our neighbors and city official to voice their input and give feedback on the Westside Story's proposal. We welcome anyone to express any comments or concerns they may have about the new development.

## WESTSIDE STORY

1524 McKinley Ave  
National City, CA 91950

TUESDAY, JULY 3, 2018

11:30am- 2:00pm

## Chris Stanley

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**From:** Jona Gonzalez <gonzalja71@gmail.com>  
**Sent:** Wednesday, September 05, 2018 9:33 AM  
**To:** Chris Stanley  
**Subject:** Re: Westside Story  
**Attachments:** Community Meet Srvy.pdf

Hello Chris,

I hope you are having a great week. Below, I attached the surveys that were taken at the community meeting and I provided a timeline of topics that were covered.

On July 3rd, 2018 at 1524 McKinley Ave, the location of Westside Story, we open the doors to allow people of the community and city officials to come experience the space as we discussed the proposal of the restaurant. At 11:30 am, we started with a small tour of where the kitchen, bathroom and other service stations were going to be developed.

At 11:45 am we opened up our presentation with a history overview of the Westside area and National City. At 12:00 pm, we went over the the layout of the Westside Story to give everyone an idea of what we wanted to do with the space and how we were going to get involved with the community.

Westside Story covered the following topics for development:

- Menu options and template style
- Breakfast, lunch and dinner operations
- Seating and services for dine in and to go orders
- Security for in and out of the establishment
- Social responsibility to our community
- Entertainment
- Local resources
- Marketing

At 1:00 pm, we open up the floor for Q&A to gain feedback and address any concerns that anyone had.

At 1:30 pm, we allowed everyone to freely walk the property and fill out a survey to express their opinions.

At 2:00 pm the meeting came to a conclusions.

Please let me know if you need anything else. Thank you and have a wonderful day.

Regards,  
Jona Gonzalez

On Wed, Aug 22, 2018 at 12:03 PM Chris Stanley <[cstanley@nationalcityca.gov](mailto:cstanley@nationalcityca.gov)> wrote:

Good Afternoon Jona,

Can you tell me where the alcohol will be housed for Westside Story? The plans show the two counters and cook areas, but not where the alcohol will be stored.

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: Africa (Togo)

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name Courteau Wazuita

Email: Courteau@gmail.com

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: Beyond Burger Patties

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: FLORIDA (MIAMI)

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name Shawn

Email: \_\_\_\_\_

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: \_\_\_\_\_

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

Yes

10. Name Mario Sandoval

Email: Mario.Sandoval.MS4@gmail.com

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: \_\_\_\_\_

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name Osman R Garcia

Email: Osman.R.Garcia

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: \_\_\_\_\_

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name Jesus P Lopez

Email: JesusP1231@HOTMAIL.COM

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, Louisiana
- East Coast, \_\_\_\_\_
- Other: \_\_\_\_\_

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name \_\_\_\_\_

Email: \_\_\_\_\_



# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: Depends on how I feel

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, City heights
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: \_\_\_\_\_

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name Amissa Cuthe

Email: \_\_\_\_\_

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: \_\_\_\_\_

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

Great Air flow.

10. Name Richard Rivera

Email: \_\_\_\_\_

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: All of the above

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: Chulo Town, TX

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

Let's make it happen!

10. Name Xach O.

Email: \_\_\_\_\_

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: TEXAS

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

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10. Name Roy M.

Email: \_\_\_\_\_

# Westside Story Proposal Survey

We would love to hear your thoughts on how we can make Westside Story the best in San Diego

\* Required

Mark only one oval per question.

1. Westside Story's Proposal... \*

- Love It
- Neutral Feelings
- Hate It
- Other: \_\_\_\_\_

2. What type of food would you like to see at Westside story? \*

- Smoked BBQ
- Fresh Catch Seafood
- Burgers and Grill Bits
- Mexican
- Other: \_\_\_\_\_

3. What Type of live music/ bands do you want to see at Westside Story? \*

- Modern Jazz
- Hip Hop
- Rock
- Reggae
- Other: \_\_\_\_\_

4. When traveling to entertainment, how do you arrive? \*

- Personal Vehicle
- Rideshare (Uber/ Lyft)
- Dropped Off By Someone You Know
- Public Transportation
- Other: \_\_\_\_\_

5. When at a music venue, you are more likely to... \*

- Dance
- Enjoy From Your Seat
- Have Conversations
- Meet New People
- Other: \_\_\_\_\_

6. With San Diego being so beautifully diverse, we would love to hear where you are from...

- San Diego, \_\_\_\_\_
- Southern California, \_\_\_\_\_
- Earth, \_\_\_\_\_
- East Coast, \_\_\_\_\_
- Other: OUT OF STATE

7. What age group do you fall under?

- 18 - 24
- 25 - 29
- 30 - 44
- 45 - 55
- 55+

8. When I go out for entertainment I show up...

- Solo
- Couple/ Date
- 3 - 5 people
- 6 - 9 people
- 10+ people

9. Do you have any Feedback from today's visit or Suggestions for Opening Day? \*

Cant wait until you're open!

10. Name \_\_\_\_\_

Email: ✉ \_\_\_\_\_

# MEETING SIGN-IN SHEET

**Project:** Westside Story

**Meeting Date:** July 3, 2018

**Facilitator:** Nick Inzunza / Jona Gonzalez

**Place/Room:** 1524 McKinley Ave National City, CA 91950

Name	Phone	E-Mail
ANISSA CUFFIE		
Richard Rivera		
Pat Carroll	619 477 9125	CMWSTEEL@AOL.COM
Trey DeRICK	619 477-9125	cmwsteel@aol.com
Xitlali Hernandez	619 477 9125	CMWSteel@Aol-Com
Oscar Flores	619 273 1550	CMW STEEL
Tim Lasev	619-4181-0279	cmw steel
Francisca	(619) 273 6038	Francisca@hotmail.com
Alejandro Gomez	(619) 273 6038	F/Lopezfome@hotmail.com
Jesus Lopez	619 898 5346	Jesusp1231@HOTMAIL.COM
Mario Sandoval	(619) 862-7585	mario.sandoval.nst@gmail.com
GARRY FLORES	805 607 3117	CMW Steel
JUAN-COLINDRAS	619 508 2959	juancolindras@gmail.com
Coastean Nozulia	513-223-2303	WCoastean@gmail.com
Shreen Sanders	(954) 205 4417	Shreenus.DIGITALCABS@GMAIL
JEFF MYER	619-252-5553	JEFFSHEENAC11950@GMAIL.COM

# CITY COUNCIL POLICY

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

POLICY  
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR  
REVISED: July 17, 2018

Page 1 of 5

## PURPOSE/BACKGROUND:

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

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

## POLICY:

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

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

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

# CITY COUNCIL POLICY

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

POLICY  
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR  
REVISED: July 17, 2018

Page 2 of 5

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

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

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

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.



# CITY COUNCIL POLICY

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

POLICY  
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR  
REVISED: July 17, 2018

Page 3 of 5

7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit \_\_\_\_, Case File No. \_\_\_\_, dated \_\_\_\_.
9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
  - a. "No open alcoholic beverage containers are allowed on these premises."
  - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part -

# CITY COUNCIL POLICY

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

POLICY  
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR  
REVISED: July 17, 2018

Page 4 of 5

- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(tasting rooms)** Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured by the master licensee may be sold and/or consumed at this location.
19. **(tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

# CITY COUNCIL POLICY

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

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



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

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

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

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

Low Risk ( 12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts)  <b>Total Points</b> <u>20</u>
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VIII. Owner(s) records check

- ✓ No violations (0 pts)
- Minor violations (2 pts)
- Multiple/Major violations (3 pts)

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

**Recommendation:**

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Completed by: Scott / Shephard Badge ID: 402

## Chris Stanley

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**From:** Planning  
**Sent:** Tuesday, September 11, 2018 9:45 AM  
**To:** Chris Stanley  
**Subject:** FW: case file 2018-01 CUP APN 559-055-08

For your project.

**From:** bsccor@gmail.com [mailto:bsccor@gmail.com]  
**Sent:** Tuesday, September 11, 2018 9:34 AM  
**To:** Planning <Planning@nationalcityca.gov>  
**Subject:** case file 2018-01 CUP APN 559-055-08

I would like to make the following endorsement for approval of above noted conditional use permit application.

1. I am the owner of 1420 McKinley Ave, which is one block north of subject property.
2. I fully support the approval of this business as described.
3. Adding a Type 47 licensed facility on our street will not only attract economic development for National City, it will enhance the desirability of our neighborhood by attracting additional development.
4. Having a new restaurant close by adds desirability and value to surrounding properties
5. The Westside area of National City is a unique part of San Diego County that has all the elements of being a community with its own signature. The proximity to downtown San Diego, mass transit and the upgraded zoning makes this establishment the perfect fit for our community.

Thanks for listening to my opinion on this proposal.

Bryan Scott  
1420 McKinley Ave. National City, CA 91950  
619 395-6500



Virus-free. [www.avast.com](http://www.avast.com)

RESOLUTION NO. 2018-14 (a)

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE ALCOHOL SALES AND  
LIVE ENTERTAINMENT AT A NEW RESTAURANT LOCATED AT 1524 MCKINLEY  
AVENUE  
CASE FILE NO. 2018-01 CUP  
APN: 559-055-08

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 1524 McKinley Avenue at a duly advertised public hearing held on September 17, 2018, 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. 2018-01 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 September 17, 2018, 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 alcohol sales for on-site consumption is a conditionally-allowed use in the MM zone and the proposed use meets the required guidelines in the Land Use Code for alcohol sales.

2. The proposed use is consistent with the General Plan because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Medium Manufacturing land use designation contained in the Land Use and Community Character (LU) element of the General Plan.
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 is proposed, and the use would be accessory to the commercial use.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints because the commercial suite is existing and the proposed alcohol sales would be accessory to the restaurant. The sale of beer and wine is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, 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 proposed use will be subject to conditions that limit the sale of alcohol and the hours that it will be available; no alcohol products will be sold or live entertainment be performed before 10:00 a.m. or after 10:00 p.m.; and all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.
7. The proposed use is deemed essential and desirable to the public convenience or necessity. Alcohol sales would contribute to the viability of the restaurant, an allowed use in the MM zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.



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

#### General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new market located at 1524 McKinley Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2018-01 CUP, dated 7/9/2018.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning 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 Deputy City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

#### Planning

6. All sellers 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.
7. The sale of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. daily.

8. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. Live Entertainment shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m.
11. 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.

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 September 17, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2018-14 (b)

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE ALCOHOL SALES AND  
LIVE ENTERTAINMENT AT A NEW RESTAURANT  
LOCATED AT 1524 MCKINLEY AVENUE  
CASE FILE NO. 2018-01 CUP  
APN: 559-055-08

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 1524 McKinley Avenue at a duly advertised public hearing held on September 17, 2018, 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. 2018-01 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 September 17, 2018, support the following findings:

1. That granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets. Ten on-sale outlets are permitted where eight are recommended by the ABC. In addition, the area has a high crime rate.

2. The proposed use is not deemed essential to the public necessity, because there are ten other sites in census tract 219.00 that sell alcohol for on-site consumption, nine of which are restaurants.
3. Based on the above findings, the public convenience and necessity will not be served by the proposed use of the property for the sales of alcoholic beverages pursuant to law.

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 September 17, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON