

Agenda for the Regular Planning Commission Meeting

Meeting of January 2, 2023 – 6:00 p.m.

ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST

Council Chambers, Civic Center

1243 National City Boulevard

National City, CA 91950



NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the National City Planning Commission Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at <https://www.nationalcityca.gov/webcast>.

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our Planning Commission as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email PlcPubComment@nationalcityca.gov and provide the agenda item number and title of the item in the subject line of your email. **Public comments or testimony is limited to up to three (3) minutes.**

If the comment is not related to a specific agenda item, indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be posted on the City website and retained as part of the official record.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/government/community-development/planning/public-comment> by 4:00 p.m. on the day of the meeting to join the regular Planning Commission Meeting.

*****Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.**

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

*****Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon.**

Public microphones will be muted until it is your turn to comment. Each speaker is allowed up to three (3) minutes to address the Planning Commission. Please be aware that the Chair may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated. All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the Planning Commission as a whole and avoid personal attacks against members of the public, Planning Commissioners, and City staff.

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 regular Planning Commission meeting. The National City Planning Commission conduct their meetings in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

A. REGULAR PLANNING COMMISSION MEETING

Roll Call

Pledge of Allegiance by Chair Martin Miller

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

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

Approval of Agenda

1. Approval of the Agenda for the Meeting on January 2, 2023.

Approval of Minutes

2. Approval of Minutes from the Meeting of December 5, 2022.

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution Taking Action on a Conditional Use Permit for Alcohol Sales (ABC Type 47) at a proposed restaurant (Texas Roadhouse) to be constructed at 1908 Sweetwater Road (Case File No.: 2022-33 CUP).

OTHER BUSINESS

STAFF REPORTS

Consulting Legal Counsel

Director of Community Development

Planning Manager

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the regularly scheduled meeting on February 6, 2023 at 6:00 p.m.



Planning Commission Minutes

Planning Commission portion of the Housing Advisory
Committee/ Planning Commission Meeting
Meeting of December 5, 2022

ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST

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.

The meeting was called to order by Chair Yamane at 6:43 p.m.

Roll Call

Commissioners Present: Yamane, Valenzuela, Sendt, Sanchez, Miller, Natividad, Castle.

Staff Also Present: Director of Community Development Armando Vergara, Legal Counsel Elizabeth Mitchell, Planning Manager Martin Reeder, Executive Secretary Sarah Esendencia.

Approval of Agenda

1. Approval of Agenda for the Meeting on December 5, 2022.

Motion by Miller, second by Natividad to approve the Agenda for the Meeting of December 5, 2022.

Motion carried by the following vote:

Ayes: Yamane, Valenzuela, Sendt, Sanchez, Miller, Natividad, Castle.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Approval of Minutes

2. Approval of Minutes from the Meeting of October 17, 2022.

Motion by Sendt, second by Castle to approve the Minutes from the Meeting of October 17, 2022.

Motion carried by the following vote:

Ayes: Yamane, Valenzuela, Sendt, Sanchez, Miller, Castle.

Noes: None.

Abstain: Natividad.

Absent: None.

Motion approved.

Commissioner Natividad abstained due to being absent.

3. Approval of Minutes from the Meeting of November 7, 2022.

Motion by Sendt, second by Miller to approve the Minutes from the Meeting of November 7, 2022 with the correction on page 5 to be clarified to, "the new section of the ordinance would become null and void in 15 years."

Motion carried by the following vote:

Ayes: Yamane, Valenzuela, Sendt, Sanchez, Miller, Castle.

Noes: None.

Abstain: Natividad.

Absent: None.

Motion approved.

Commissioner Natividad abstained due to being absent.

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS: None.

OTHER BUSINESS:

4. Adoption of 2023 meeting dates.

Motion by Sendt, second by Valenzuela to approve the adoption of 2023 meeting dates.

Motion carried by the following vote:

Ayes: Yamane, Valenzuela, Sendt, Sanchez, Miller, Natividad, Castle.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

5. Election of Officers.

Motion by Valenzuela, second by Sendt to nominate Commissioner Miller as Chair and Commissioner Castle as Vice-Chair of the Planning Commission of 2023.

Motion carried by the following vote:

Ayes: Yamane, Valenzuela, Sendt, Sanchez, Miller, Natividad, Castle.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

STAFF REPORTS:

Legal Counsel: Wishes everyone happy holidays and states it was a pleasure serving everyone in 2022.

Director of Community Development: Congratulated Chair Yamane for her future in District 3 and thanks her for all of her service in Planning and Housing.

Mr. Vergara also wishes everyone a wonderful and safe holiday and looks forward to seeing everyone in 2023.

Planning Manager: Thanks Madame Chair for all her service on the Commission and Committee and wishes her the best. Mr. Reeder reminds Commissioners of the Volunteer Dinner that will be hosted by National City and reminds them to RSVP. Mr. Reeder states that the City Clerk's office will be opening the Planning Commission position for those interested. Wishes everyone a happy holidays and happy new year.

COMMISSIONER REPORTS:

Commissioner Castle: Congratulations Chair Yamane and thanks her for her time with Planning and Housing Advisory and looks forward to seeing everyone at the Volunteer Dinner.

Commissioner Miller: Congratulates Chair Yamane on her election. Also thanks everyone in the Planning Commission for their dedicated service to the City of National City. Also wishes everyone happy holidays and states that he will also be at the dinner.

Commissioner Natividad: Congratulates Chair Yamane on her election and congratulates Commissioner Miller and Commissioner Castle on their elections as Chair and Vice Chair. Mr. Natividad wishes everyone on a happy holiday and thanks the staff for all the work they do.

Commissioner Sanchez: Congratulates Chair Yamane on her election and thanks her for the time they have worked together. States that this year has been great and has learned a lot and looks forward to working with everyone next year.

Commissioner Sendt: Congratulates everyone and wishes everyone happy holidays.

Commissioner Valenzuela: Thanks Chair Yamane for all she has done. Thanks fellow commissioners for their patience and working together on difficult issues. And looks forward to working with Commissioner Miller and Commissioner Castle in 2023. Commissioner Valenzuela ends wishing everyone health and happies during the holidays.

Chair Yamane: Thanks staff for all the guidance and help. Gives advice to Commissioner Miller and Commissioner Castle. States that she is grateful to the commissioners for the love and support through the years. Thanks Madame Council for her guidance and kindness. Thanks the constituents who watch the Planning Commission and Housing Advisory.

ADJOURNMENT by Chair Yamane at 7:06 p.m. to the meeting of November 7, 2022.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of January 2, 2023.



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR ALCOHOL SALES (ABC TYPE 47) AT A PROPOSED RESTAURANT (TEXAS ROADHOUSE) TO BE CONSTRUCTED AT 1908 SWEETWATER ROAD.

Case File No.: 2022-33 CUP

Location: 1908 Sweetwater Rd. - Sweetwater Crossing

Assessor's Parcel Nos.: 563-231-41

Staff report by: David Welch – Associate Planner

Applicant: TXRH National City, LLC

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

Adjacent use and zoning:

North: Denny's restaurant / MXD-2

East: I-805 ramps / Caltrans R.O.W.

South: Home Coffee and Heart Revolution Church / MXD-2

West: Various commercial and retail / MXD-2

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 2, Section 15302 (Replacement or Reconstruction) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the sale of on-site beer, wine, and distilled spirits in conjunction with a restaurant, subject to the attached recommended conditions. The sale of alcohol is a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone and would be accessory to food sales at the restaurant.

Executive Summary

The proposed restaurant (Texas Roadhouse) is applying for a California Department of Alcoholic Beverage Control (ABC) Type 47 license to sell beer, wine, and distilled spirits with food at the subject restaurant. Requested hours of operation are from 11:00 a.m. to 11:00 p.m. daily.

Site Characteristics

Texas Roadhouse restaurant would replace an existing 8,200 square-foot two-story building located in the Sweetwater Crossing shopping center at 1908 Sweetwater Road. The building proposed for demolition was originally built as a Big Yellow House restaurant and has most recently been occupied with office uses. The site location is a 0.87-acre parcel within the larger shopping center. 29 parking spaces will be provided on the property with an additional 23 spaces reconfigured into 28 spaces within the adjacent shopping center. The overall center currently has 227 excess spaces. To the north of the proposed restaurant is a drainage channel and Denny's restaurant, to the east is I-805 right-of-way, to the south is Home Coffee and Heart Revolution Church, and to the west is the remainder of the shopping center comprised of a variety of commercial uses.

Proposed Use

The applicant is proposing to sell alcohol (ABC Type 47) in conjunction with on-site food sales in the 8,652 square-foot restaurant. Proposed hours of operation are 11:00 a.m. to 11:00 p.m. daily. The applicant will initially operate on more limited hours. The seating area will be comprised of 5,485 square feet that is all located indoors. No live entertainment is proposed and the dining area can support up to 359 occupants.

Analysis

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

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the MXD-2 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed below. It is incidental to the proposed restaurant use in a commercial area.
2. General Plan Consistency – The restaurant use is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan. There is no Specific Plan for the area. In addition, a restaurant use is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan.
3. Compatibility, LUC and Traffic – The proposed restaurant building is similar in size and use as the existing building on the site that will be demolished. The new restaurant will have to be built in compliance with the City's LUC and all applicable building and fire codes. Since the existing building was previously analyzed for traffic impacts when it was constructed, there will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
4. Suitability – 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 alcohol sales would be incidental to the primary use of food sales and the proposed restaurant replaces a similar existing building.
5. No Nuisance – 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 proposed use will be subject to conditions that limit the sale of beer, wine, and distilled spirits as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.
6. California Environmental Quality Act (CEQA) — The project has been determined to be exempt from environmental review under Class 2,

Section 15302 (Replacement or Reconstruction). The reason for the exemption is that the new restaurant building will replace a commercial building of a similar size. The use would essentially be the same as the original use of the existing structure and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.

7. Desirability - The proposed use is essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of the restaurant, an allowed use in the MXD-2 zone.

8. Public Convenience and Necessity – If the Commission makes 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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for a quality dining experience.

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 102 occupants and owners.

Community Meeting – A community meeting was held on Monday, November 14, 2022 from 5:00 p.m. to 6:00 p.m. at a commercial suite in the shopping center pursuant to Section 18.30.050 (C) of the National City Zoning Code. The meeting advertisement is attached (Attachment 9); there were no attendees. The applicant stated that the same owners and occupants that were notified of the Planning Commission meeting were notified of the community meeting.

Distance Requirements – In accordance with Chapter 18.030.050 (D) of the National City Zoning Code, restaurants must be 660 feet away from any public school. The proposed restaurant is not within 660 feet of a school and would be exempt from this requirement since more than 30% of the proposed floor space is dedicated to seating area.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there is currently one on-site license in census tract 122 where a maximum of four are recommended, meaning that the census tract is not considered by ABC to be

over-saturated with regard to alcohol sales outlets. The additional outlet can be deemed essential and desirable to the public convenience or necessity because the additional outlet will contribute to the viability of the restaurant. The area along Sweetwater Road east of N. 2nd Avenue, along with unincorporated Lincoln Acres, is included in Census Tract 122.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 8 points, which places it in the Low Risk category (Low Risk is considered 12 points or less). The risk assessment is included as Attachment 7.

Department Comments

Comments were provided by the Engineering Department related to standard requirements for new developments. All comments have been incorporated as conditions of approval for the CUP. Conditions of approval related to Building and Fire codes are also included.

Institute for Public Strategies (IPS)

An environmental scan and comments were received from IPS. They recommended in-person Responsible Beverage Sales and Service (RBSS) training for all staff, hours of operation no later than 12:00 a.m., and that the restaurant always provide food service during operation. The requirement for RBSS training is addressed through standard conditions of approval, consistent with City Council Policy 707, that are included with this report.

Findings and Conditions of Approval

The attached draft resolution contains the recommended findings and conditions of approval. The findings are discussed in items 1 through 8 in this report. Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site alcohol sales per Council Policy 707 (hours of operation, employee training, and accessory sales, etc.). The conditions are proposed to ensure the use will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for a quality dining experience.

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 MXD-2 zone. The proposed use would be incidental to the proposed restaurant use in a commercial

area. The addition of on-site beer, wine, and distilled spirits sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area. The census tract in which the restaurant is located is not over-concentrated with regard to on-sale alcohol licenses, alcohol will only be available with the sale of food, and the Police Department has ranked the business in the Low Risk category.

Options

1. Approve 2022-33 CUP subject to the conditions listed within, or other conditions, based on the attached findings, or findings to be determined by the Planning Commission; or,
2. Deny 2022-33 CUP based on 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. Overhead
2. Applicant's Plans (Exhibit A, Case File No. 2022-33 CUP, dated 10/20/2022)
3. Public Hearing Notice (Sent to 102 property owners & occupants)
4. Census Tract & Police Beat Maps
5. Police Department Comments
6. IPS Comments
7. Community Meeting Advertisement
8. Draft Resolution

David Welch

DAVID WELCH
Associate Planner



ARMANDO VERGARA
Director of Community Development

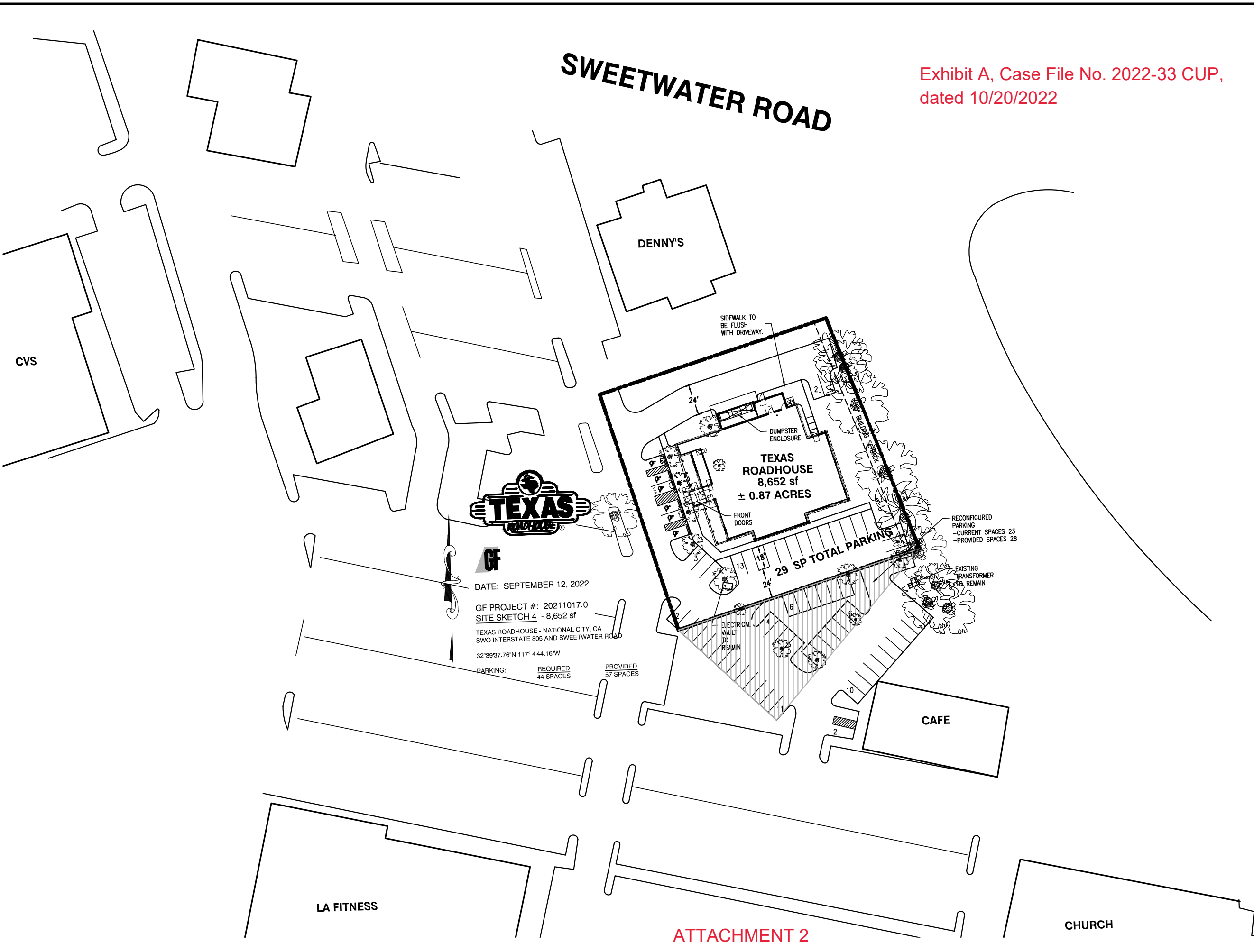
2022-33 CUP – 1908 Sweetwater Rd. – Overhead



Exhibit A, Case File No. 2022-33 CUP,
dated 10/20/2022

INTERSTATE 805

SWEETWATER ROAD



GF
 DATE: SEPTEMBER 12, 2022
 GF PROJECT #: 20211017.0
 SITE SKETCH 4 - 8,652 sf
 TEXAS ROADHOUSE - NATIONAL CITY, CA
 SWQ INTERSTATE 805 AND SWEETWATER ROAD
 32°39'37.76"N 117° 4'44.16"W
 PARKING: REQUIRED 44 SPACES PROVIDED 57 SPACES

SIDEWALK TO BE FLUSH WITH DRIVEWAY.
 24'
 24'
 18'
 24'
 13'
 6'
 10'
 2'
 2'
 29 SP TOTAL PARKING
 DUMPSTER ENCLOSURE
 FRONT DOORS
 RECONFIGURED PARKING
 -CURRENT SPACES 23
 -PROVIDED SPACES 28
 EXISTING TRANSFORMER TO REMAIN
 ELECTRICAL VAULT TO REMAIN

PROPERTY OWNER:
 TEAS IX LLC
 Attn: Tara Hurta
 235 W. Market St.
 San Diego, CA 92101

APPLICANT:
 TXRH National City, LLC
 c/o Rawlings Consulting
 Attn: Steve Rawlings
 26023 Jefferson Ave., Suite D
 Murrieta, CA 92562

SITE PLAN
 TEXAS ROADHOUSE
 1908 SWEETWATER ROAD
 NATIONAL CITY, CA

SWEETWATER ROAD

INTERSTATE 805

DENNY'S

CVS



SIDEWALK TO BE FLUSH WITH DRIVEWAY.

DUMPSTER ENCLOSURE
TEXAS ROADHOUSE
8,652 SF
± 0.87 ACRES

FRONT DOORS

EXISTING UTILITY SERVICES

RECONFIGURED PARKING
-CURRENT SPACES 23
-PROVIDED SPACES 28

EXISTING TRANSFORMER TO REMAIN

ELECTRICAL VAULT TO REMAIN

GF

DATE: SEPTEMBER 12, 2022

GF PROJECT #: 20211017.0
SITE SKETCH 4 - 8,652 SF

TEXAS ROADHOUSE - NATIONAL CITY, CA
SWO INTERSTATE 805 AND SWEETWATER ROAD
32° 39' 37.76" N 117° 44' 44.16" W

PARKING: REQUIRED 44 SPACES
PROVIDED 57 SPACES

29 SP TOTAL PARKING

CAFE

LA FITNESS

CHURCH

CODE ANALYSIS

BUILDING CODE INFORMATION

1. SUBMITTOR: GREENBERGFARROW
2. SUBMITTOR ADDRESS: 30 EXECUTIVE PARK, #100
IRVINE, CA 92614
T: 949.296.0450
3. PROJECT NAME: TEXAS ROADHOUSE
4. PROJECT ADDRESS: 1908 SWEETWATER ROAD
NATIONAL CITY, CA
5. BUILDING CODES: 2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA GREEN BUILDING CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ELECTRIC CODE
2019 TITLE 24 ENERGY CODE
2019 CALIFORNIA FIRE CODE
6. CONSTRUCTION TYPE: VB
7. USER GROUP: A2
8. NUMBER OF STORIES: ONE (1)
9. HEIGHT OF BUILDING: 28'-10" HIGH
10. GROSS FLOOR AREA PER FLOOR: 8652 S.F.
11. FULLY SPRINKLED: YES SPRINKLER CONTRACTOR TO
SUBMIT DRAWINGS TO
BUILDING DEPARTMENT FOR
REVIEW (DEFERRED SUBMITAL)
12. SCOPE OF WORK: NEW BUILDING FOR RESTAURANT
ARCHITECTURAL, MECHANICAL,
PLUMBING & ELECTRICAL
13. OCCUPANT LOAD: 375 PERSONS (AT INTERIOR BUILDING)
14. FIRE ALARM: SUBMIT PLANS TO AND OBTAIN PERMIT FROM
THE FIRE PREVENTION DIVISION FOR THE
INSTALLATION OR MODIFICATION OF FIRE ALARM
SYSTEM

OCCUPANCY LOAD (PER 2019 CALIFORNIA BUILDING CODE)

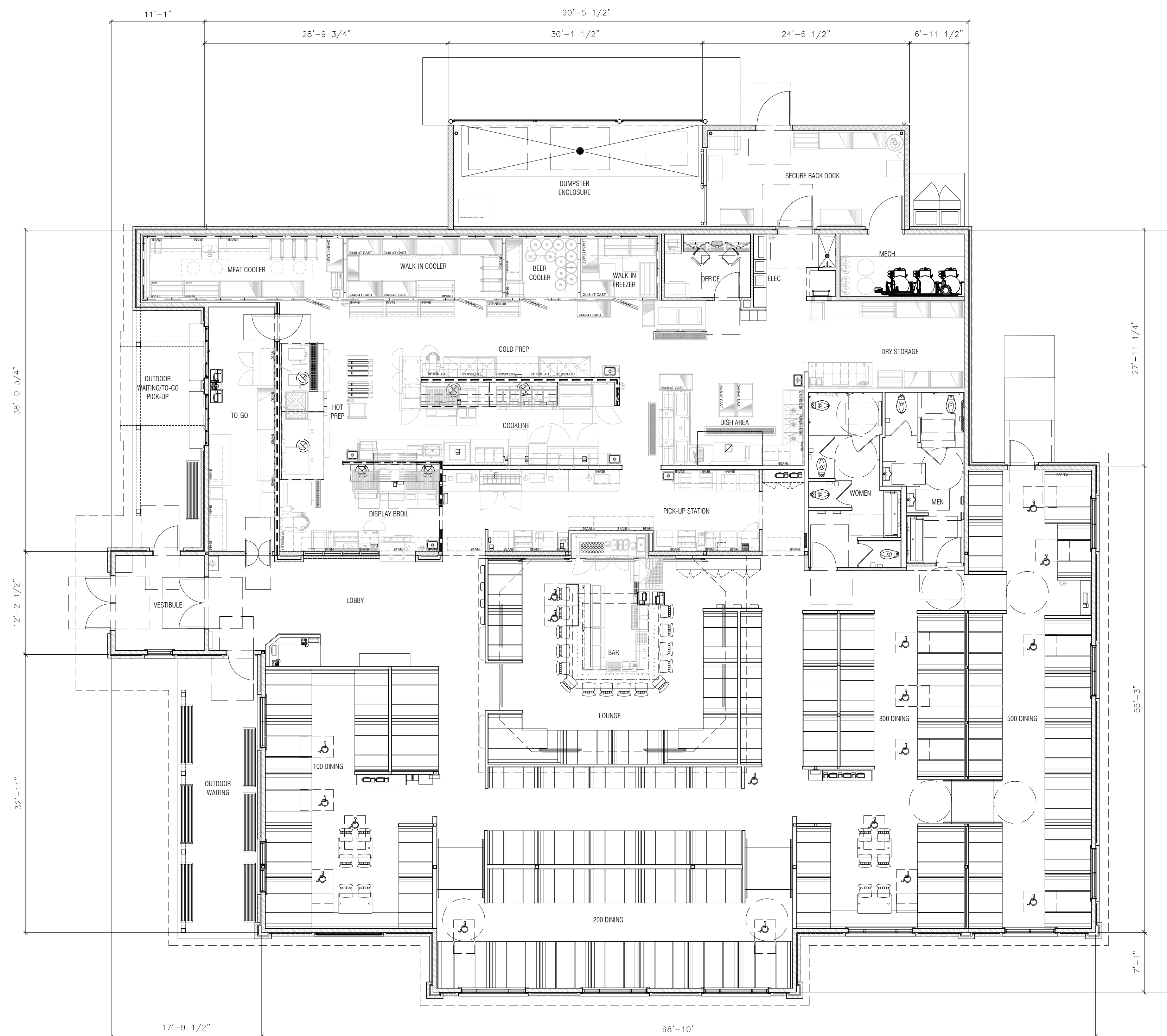
	AREA	OCCUPANTS PER AREA RATIO	ACCESSIBLE SEATING REQUIRED
DINING AREA (FIXED SEATS)	5485 S.F.	359 SEATS	5% = 18 SEATS
KITCHEN (1:200)	3167 S.F.	16 PERSONS	N/A
TOTAL INTERIOR	8652 S.F.	375 PERSONS TOTAL	19 SEATS TOTAL

EXIT & EGRESS WIDTHS (BUILDING) (PER 2019 CALIFORNIA BUILDING CODE, CHAPTER 10, SECTION 1005.3.2)

	REQUIRED	PROVIDED
EXITS REQUIRED: 0 < 375 < 500 OCCUPANTS	2	4 EXITS (3 FROM DINING AREA)
375 PERSON x .15" PER PERSON	56.25" OF EGRESS	194" OF EGRESS (148" FROM DINING AREA)
EGRESS REDUNDANCY: 1/2 REQUIRED EGRESS WIDTH WITHOUT WIDEST DOOR	56.25" / 2 = 28.13"	97" OF EGRESS (148" FROM DINING AREA)

PLUMBING FIXTURE COUNT (PER 2019 CALIFORNIA PLUMBING CODE, CHAPTER 4, TABLE 422.1)

	MALE/FEMALE REQUIREMENTS	MALE (PROVIDED)	FEMALE (PROVIDED)
(BUILDING SF - ACCESSORY AREAS PER TABLE A FOOTNOTE)/30 SF OCCUPANTS/2	8652 SF - 614 SF/30 SF = 268 OCCUPANTS 268/2 = 134 OCCUPANTS EACH		
MALE WATER CLOSETS (2:51-150)	2 REQUIRED	2 W.C.	N/A
URINALS (1:200)	1 REQUIRED	2 URINAL	
FEMALE WATER CLOSETS (4:101-200)	4 REQUIRED		4 W.C.
LAVATORIES (1:1-150)	1 REQUIRED	2 LAVS.	2 LAVS.
TOTAL WATER CLOSETS REQUIRED	6 W.C. 1 URINAL	2 W.C. 1 URINAL	4 W.C.



SEATING & EQUIPMENT PLAN





FRONT ELEVATION (SOUTH)



RIGHT ELEVATION (EAST)



REAR ELEVATION (NORTH)



LEFT ELEVATION (WEST)

EXTERIOR FINISH SCHEDULE

BUILDING ITEMS	DESCRIPTION
FIBER CEMENT BOARD SIDING	FOR HORIZONTAL INSTALLATION: ALLURA LAP SIDING, RUSTIC CEDAR, 8.25" (7" EXPOSURE) PREFINISHED "MAPLE"
FIBER CEMENT BOARD SIDING	FOR VERTICAL INSTALLATION: ALLURA PANEL, RUSTIC 8" O.C. GROOVE PREFINISHED "MAPLE"
FIBER CEMENT BOARD TRIM	ALLURA 5/4" TEXTURED WOODGRAIN PREFINISHED "MAPLE"
FIBER CEMENT BOARD TRIM	ALLURA 5/4" TEXTURED WOODGRAIN SHERWIN WILLIAMS (TO MATCH PAINT #1)
FRONT ENTRANCE DOORS	STEELCRAFT GRAIN-TECH METAL DOORS (FAUX WOOD) MAPLE FINISH
FASCIA, METAL CAP, FLASHING & GUTTERS	PAINT #1 SHERWIN WILLIAMS "DARK HUNTER GREEN"
DOWNSPOUTS & SPLIT-FACE CMU	PAINT #2: SHERWIN WILLIAMS PAINTS, #6117 "SMOKEY TOPAZ" FINISH COLOR TO MATCH FIBER CEMENT BOARD COLOR
METAL DOORS AND FRAMES, DUMPSTER GATES, BOLLARDS & STEEL COLUMNS	PAINT #3: SHERWIN WILLIAMS PAINTS, GLOSS BLACK
BRICK VENEER	COMMERCIAL BRICK CORPORATION "HOMESTEAD"
BRICK VENEER (ALTERNATE)	GENERAL SHALE PHOENIX C652
METAL ROOF	TAYLOR METAL PRODUCTS SV-CRIMP, GALVALUME

DISCLAIMER NOTE:
THE COLORS DEPICTED ON THESE ELEVATIONS ARE FOR GRAPHIC REPRESENTATION PURPOSES ONLY. PLEASE REFER TO MATERIAL BOARD FOR ACTUAL SAMPLE OF COLORS AND TEXTURES



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR ALCOHOL SALES (ABC TYPE 47) AT A
PROPOSED RESTAURANT (TEXAS ROADHOUSE) TO BE
CONSTRUCTED AT 1908 SWEETWATER ROAD
CASE FILE NO.: 2022-33 CUP
APN: 563-231-41

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, January 2, 2023**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: TXRH National City, LLC)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), City Council Chambers are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

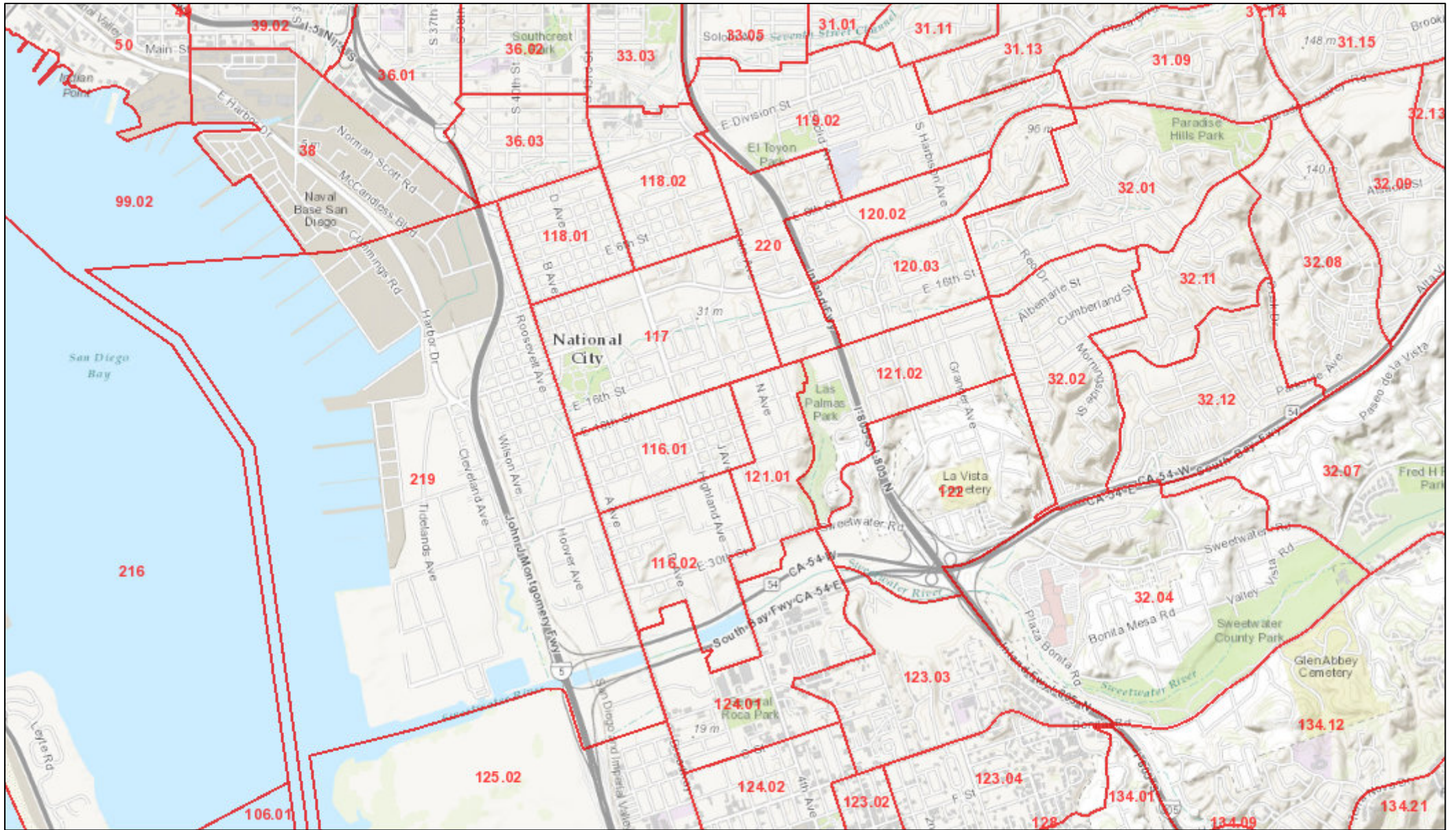
The applicant proposes to sell beer, wine, and distilled spirits (ABC Type 47) at a new 8,652 square-foot restaurant (Texas Roadhouse) replacing an existing two-story building. Proposed hours of operation are 11:00 a.m. to 11:00 p.m. daily. The restaurant will have indoor seating for approximately 260 persons. No live entertainment is requested with this permit.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **January 2, 2023** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff 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 DIVISION

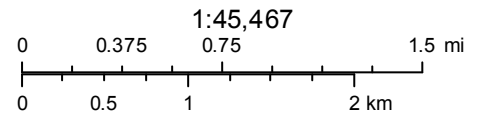
ARMANDO VERGARA
Director of Community Development



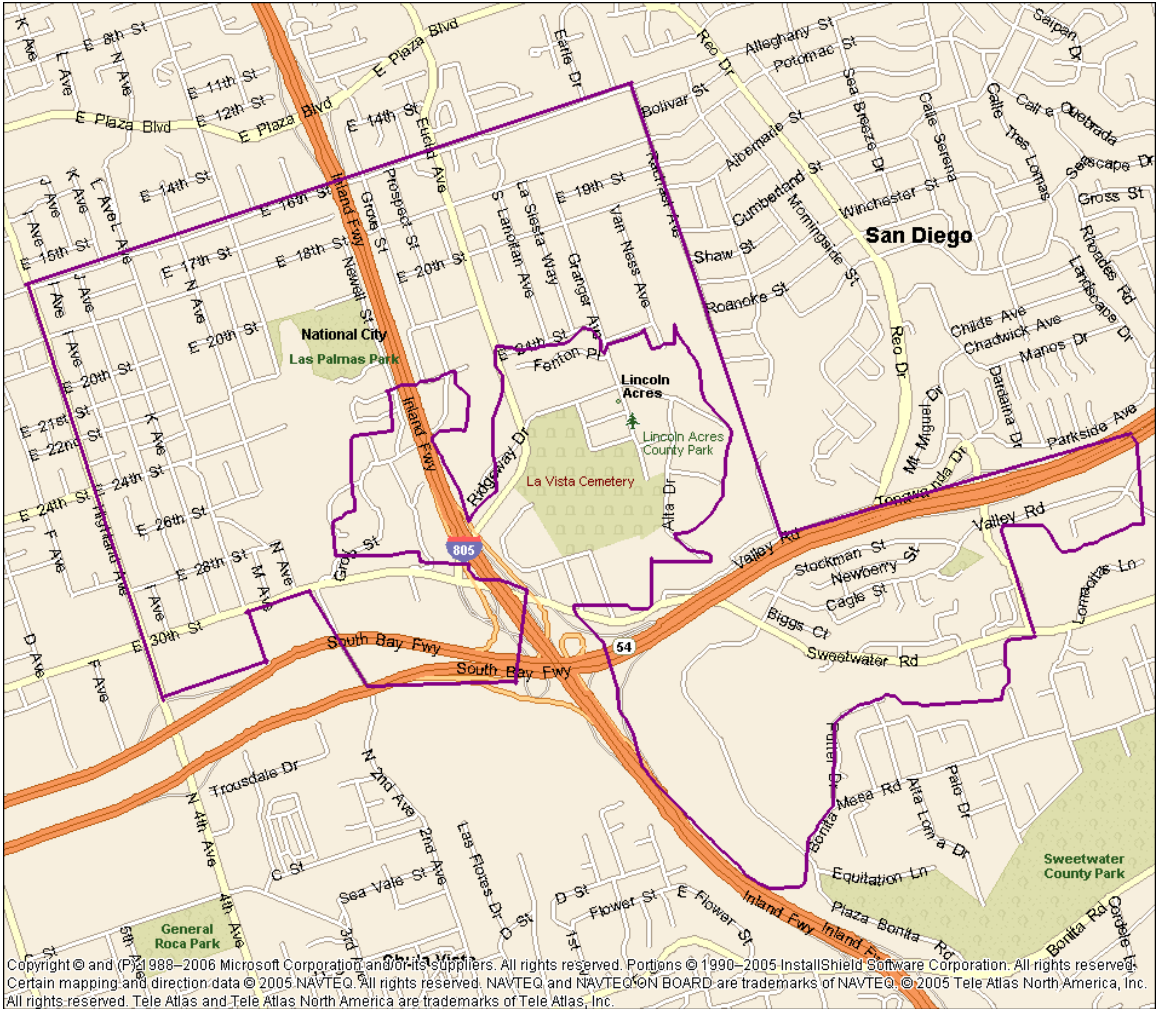
August 25, 2014

Census Tracts 2010

ATTACHMENT 4



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 23



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: _____

BUSINESS NAME: _____

ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

(add additional owners on page 2)

I. Type of Business

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

II. Hours of Operation

- Daytime hours (1 pt)
Close by 11pm (2 pts)
Close after 11pm (3 pts)

III. Entertainment

- Music (1 pt)
Live Music (2 pts)
Dancing/Live Music (3 pts)
No Entertainment (0 pts)

IV. Crime Rate

- Low (1 pt)
Medium (2 pts)
High (3 pts)

V. Alcohol Businesses per Census Tract

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

Notes:

Notes section with 15 horizontal lines for text entry.

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

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

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

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

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

VIII. Owner(s) records check

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

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Completed by: _____ Badge ID: _____

Environmental Scan for Proposed Type 47 Alcohol CUP

1908 Sweetwater Road, National City, CA 91950

Conducted: November 17, 2022



Photo of the proposed location and Heart Revolution Church.

An environmental scan was conducted on Thursday, November 17 for a proposed Type 47 on-sale alcohol license at 1908 Sweetwater Road in National City.

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

ATTACHMENT 6

According to ABC officials that were contacted on November 17, 2022, no application has been submitted to them to date or is active within their database that matches this address.

During a scan of the business and premises, the following was noted:

- The business is located in a predominantly commercial area.
- The business is in close proximity to Heart Revolution Church which is located immediately south of the proposed location and share the same parking lot.

Youth Sensitive Areas

La Vista Memorial Park (1,489 feet away)

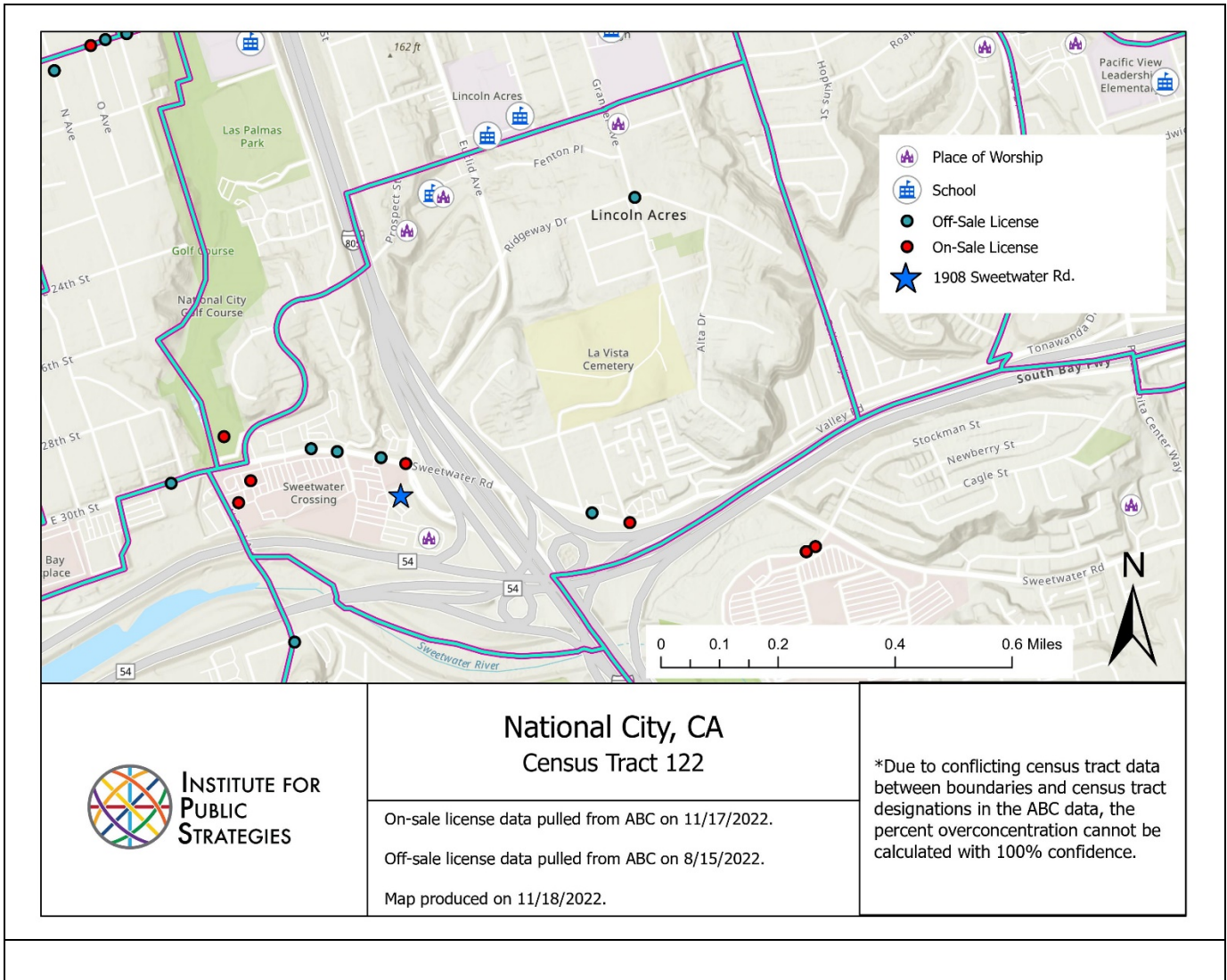
Kuyper Christian Prep School (2,715 feet away)

Churches

Heart Revolution Church (438 feet away) is the closest one to this location.

Outlet Density

According to the ABC, four (4) on-sale licenses are authorized for Census Tract **122**, which is the census track where 1908 Sweetwater Road, National City is located. **There are already four on-sale licenses for this census tract according to ABC records.**



Census Tracts

	Off-Sale	On-Sale
<p>Census Tract 112 <i>Establishment is within this tract</i></p>	<p>Allowed: (2) Currently there are: (5) The census tract is currently 250% overconcentrated</p>	<p>Allowed: (4) Currently there are: (4) This census tract is currently maxed out on allowable licenses per ABC guidelines</p>

Community Input

- The owner and staff at Home Coffee, which is located next to Heart Revolution Church offered input regarding the proposed restaurant during the site visit on November 17. No one expressed any concerns at this time.

Crime Rate

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

Considerations

The following are considerations if a CUP is issued:

1. Require that staff, management, and owner to attend an **in-person** Responsible Beverage Sales and Service training. Below is the Alcohol Beverage Control website for future trainings.
<https://www.abc.ca.gov/education/rbs/>
2. To prevent the establishment from transforming into a night club, which could increase crime and nuisance problems, require that the restaurant always provide lunch and dinner and have hours of operation end by 12:00 am daily.

You are invited to attend a:

COMMUNITY MEETING

Date: Monday, November 14, 2022

Time: 5 PM – 6 PM

Meeting Address: 1536-D Sweetwater Rd, National City, CA

Re: Proposed Texas Roadhouse Restaurant - 1908 Sweetwater Rd, National City, CA

This meeting is to inform citizens of a use permit application to sell beer, wine, and distilled spirits for on-site consumption (ABC Type 47 License) within a new 8,652 sq ft Texas Roadhouse restaurant. The proposed hours of operation are 11 am to 11 pm daily.

We are looking forward to meeting you and discussing any concerns or questions you may have regarding the proposed operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Steve Rawlings, the Applicant's representative, at 951-667-5152 or via email at SER@Rawlingspm.com.

This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.

RESOLUTION NO. 2023-01

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT
FOR ALCOHOL SALES (ABC TYPE 47) AT A
PROPOSED RESTAURANT (TEXAS ROADHOUSE) TO BE
LOCATED AT 1908 SWEETWATER ROAD
CASE FILE NO. 2022-33 CUP
APN: 563-231-41

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at a proposed restaurant (Texas Roadhouse) to be located at 1908 Sweetwater Road. At a duly advertised public hearing held on January 2, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2022-33 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.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on January 2, 2023, support the following findings, which the Planning Commission hereby finds and determines:

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 the MXD-2 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. It is incidental to the proposed restaurant use in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area. In addition, a restaurant use is consistent with the MXD-2 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, because the proposal involves the demolition of an existing commercial building, which was previously analyzed for traffic impacts when it was constructed, and the construction of a replacement structure similar in size and use.
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 alcohol sales would be incidental to the primary use of food sales and the proposed restaurant replaces a similar existing building. The new restaurant will have to be built in compliance with the City's Land Use Code and all applicable building and fire codes.
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 proposed use will be subject to conditions that limit the sale of beer, wine, and distilled spirits as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review under Class 2, Section 15302 (Replacement or Reconstruction) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the new restaurant building will replace a commercial building of a similar size. The use would essentially be the same as the original use of the existing structure and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of the restaurant, an allowed use in the MXD-2 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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding

uses, will not cause a nuisance, and will benefit the community looking for a quality dining experience.

BE IT FURTHER RESOLVED by the Planning Commission of the City of National City, California 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, wine, and distilled spirits for on-site consumption at a proposed restaurant (Texas Roadhouse) located at 1908 Sweetwater Road. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-33 CUP, dated 10/20/2022.
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 Division, 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 or owner shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant or owner 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 Director of Community Development prior to recordation.
3. This permit shall become null and void at such time as there is no longer a Type 47 California Department of Alcoholic Beverage Control license associated with the property.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. 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.
6. This Conditional Use Permit may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Engineering

7. The Property is in the Federal Flood Plain area. Flood hazard permit shall be obtained from the Engineering Department. All proposed structures shall have a minimum of one foot freeboard above the base flood elevation.
8. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.
9. The Storm Water BMP Requirements Applicability Form I-1 and if required I-2 checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Division web site at the link below *. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

*<http://www.nationalcityca.gov/city-government/engineering-public-works/engineering-division/online-services-forms-fees>.

10. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
11. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
12. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the

National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded against the property in a form acceptable to the City. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.

13. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
14. A sewer permit will be required if applicable. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6 inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
15. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
16. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.
17. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
18. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
19. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
20. The existing storm drain/drainage way located along the northerly property line and the sewer manhole near the northeasterly property corner are accessed through drive lane that allows access to the existing trash enclosure, continued access from this area for maintaining the culvert and sewer will be required.
21. All electrical, telephone and similar distribution service wires for the new structure(s) shall be placed underground.

22. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
23. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.

Fire

24. The project shall comply with all applicable standards of the California Fire Code. For more information, contact the Fire Department at 619-336-4550.

Planning

25. No alcohol sales are permitted until the applicant has been issued a Type 47 license from the California Department of Alcoholic Beverage Control.
26. 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.
27. The sale of alcoholic beverages shall only be permitted between the hours of 11:00 a.m. and 11:00 p.m. daily.
28. 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.
29. Alcohol shall be available only in conjunction with the purchase of food.
30. Building permit plans for this project shall conform to all applicable development standards in the Land Use Code (LUC).
31. Plans submitted for construction shall conform to LUC Chapter 18.46 (Outdoor Lighting) and Section 18.42.040 (Screening mechanical equipment and elevator housing).

32. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.
33. Applicant shall comply with all applicable standards required by service providers including, but not limited to, Sweetwater Authority, SDG&E, Cox Cable, and AT&T.
34. Permittee shall post signs at all exits to outdoor areas, indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken off-premises.
35. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. Installation of landscaping items required by the LUC, including adequate landscaped area, trees, and shrubs shall be maintained for the life of the project.
36. No live entertainment shall be permitted without modification of this CUP.
37. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
38. Permits shall be obtained for any new signage associated with the new restaurant.

Police

39. The permittee shall comply with all applicable law, including, but not limited to the 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 owner, applicant and to the City Council.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of January 2, 2023, by the following vote:

AYES:

NAYS:

ABSENT: None.

ABSTAIN: None.

CHAIRPERSON