



## AGENDA

### Regular Planning Commission Meeting

Monday, April 17, 2023 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

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*Richard Martin Miller, Chair*

*Randi Marie Castle, Vice-Chair*

*Luis Natividad, Commissioner*

*Ricardo Sanchez, Commissioner*

*William J. Sendt, Commissioner*

*Claudia E. Valenzuela, Commissioner*

*Ashlin Y. Lutes, Deputy City Attorney*

*Martin Reeder, Planning Manager*

*David Welch, Associate Planner*

*Adan Pacheco, Planning Technician*

*Sarah Esendencia, Executive Secretary*

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Thank you for participating in local government and the City of National Planning Commission Meetings.

**Meetings:** Regular Planning Commission Meetings are held on the first and third Mondays of the month at 6:00 p.m. Special Closed Session Meeting and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

**Location:** Regular Planning Commission Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

**Agendas and Material:** [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the Planning Commission no less than 72 hours prior to the Planning Commission Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

**Public Participation:** Encouraged in a number of ways as described below. Members of the public may attend the Planning Commission Meeting in person, watch the Planning Commission Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

**Public Comment:** Persons wishing to address the Planning Commission on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the Executive Secretary prior to the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. *(City Council Policy 104)*

If you wish to submit written comment [email](#) to the Planning Commission Secretary at least 2 hours prior to the Planning Commission Meeting to allow time for distribution to the Planning Commission.

**American Disabilities Act Title II:** In compliance with the American Disabilities Act (ADA) of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Planning Department, Sarah Esendencia (619) 336-4227 at least 24 hours in advance of the meeting.



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Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

**Reuniones:** Las reuniones regulares del Comisión de Planificación se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

**Ubicación:** Las reuniones regulares del Comisión de Planificación se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

**Agendas y Material:** Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Comisión de Planificación no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

**Participación pública:** Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Comisión de Planificación en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

**Comentario Público:** Las personas que deseen dirigirse al Comisión de Planificación sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Comisión de Planificación para dar tiempo a la distribución al Consejo Municipal.

**Servicios de interpretación en español:** Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

**Título II de la Ley de Discapacidades Americanas:** En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



## **AGENDA**

### **Regular Planning Commission Meeting**

Monday, April 17, 2023 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

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#### **ROLL CALL**

1. Approval of Excused/Unexcused Absence of Member Sanchez.
2. Approval of Excused/Unexcused Absence of Member Sendt.
3. Approval of Excused/Unexcused Absence of Member Valenzuela.

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

4. Approval of the Agenda for the Meeting on April 17, 2023.

#### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

5. Approval of Minutes from the Meeting of March 20, 2023.
6. Approval of Minutes from the Meeting of April 3, 2023.

#### **PUBLIC COMMENT (Limited up to three (3) minutes)**

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the Planning Commissioners will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

#### **CONTINUED PUBLIC HEARINGS**

#### **PUBLIC HEARINGS**

7. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 32 of the CEQA Guidelines Section 15332 (In-Fill Development Projects) and Conditional Use Permit for a drive-through lane within a proposed commercial development to be located at 2305 Sweetwater Road.
8. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for beer and wine sales (ABC Type-41) and live entertainment at a new coffee shop (Public Square Coffee House). Located at 127 East 8<sup>th</sup> Street.

#### **OTHER BUSINESS**

#### **STAFF REPORTS**

#### **ADJOURNMENT**

Adjournment to the regularly scheduled meeting on May 1, 2023 at 6:00 p.m.



# AGENDA

## Regular Planning Commission Meeting

Monday, April 17, 2023 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

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### AFFIDAVIT OF POSTING MEETING AGENDA

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) SS  
CITY OF NATIONAL CITY)

I, Sarah Esendencia, Executive Secretary of the City of National City, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the Planning Commission of the City of National City, California, was delivered and/or notice by email no less than 72 hours, before the hour of 6:00 p.m. on April 13, 2023, to the members of the Planning Commission, and caused the agenda to be posted on the City's website at [www.nationalcityca.gov](http://www.nationalcityca.gov) and at National City Hall, 1243 National City Blvd., National City, California 91950.

/s/: Sarah Esendencia  
Sarah Esendencia, Executive Secretary



## Planning Commission Minutes

Planning Commission  
Meeting of March 20, 2023  
**IN PERSON AND ONLINE 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 Miller at 6:00 p.m.

### **Roll Call**

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

Commissioners Absent: Sanchez.

Staff Also Present: Planning Manager Martin Reeder, Legal Counsel Elizabeth Mitchell, Executive Secretary Sarah Esendencia.

### **Approval of Agenda**

1. Approval of Agenda for the Meeting on March 20, 2023.

Motion by Sendt, second by Natividad, to approve the Agenda for the Meeting of March 20, 2023.

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

**Ayes:** Valenzuela, Sendt, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** Sanchez.

**Motion approved.**

### **Approval of Minutes**

2. Approval of Minutes from the Meeting of March 6, 2022.

Motion by Natividad, second by Sendt, to approve the Minutes from the Meeting of March 6, 2022.

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

**Ayes:** Valenzuela, Sendt, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** Sanchez.

**Motion approved.**

### **ORAL COMMUNICATION**

Liliana Armenta spoke.

### **PRESENTATIONS:**

3. CEQA Training

Legal Counsel, Elizabeth Mitchell, presented a PowerPoint about CEQA Training.

**CONTINUED PUBLIC HEARINGS:** None.

### **PUBLIC HEARINGS:**

4. Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 3 of the CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Conditional Use Permit for a new wireless communications facility to be located at 1900 National City Blvd.

Planning Manager, Martin Reeder, presented a PowerPoint.

Representative of AT&T, Justin Causey was present and presented a PowerPoint.

Chair Miller disclosed that he drove by the site.

Motion by Natividad, second by Sendt, to close the Public Hearing.

**Motion carried by the following vote:**

**Ayes:** Valenzuela, Sendt, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** Sanchez.

**Motion approved.**

Motion by Valenzuela, second by Sendt, to adopt Resolution No. 2023-06, a Resolution of the Planning Commission of the City of National City, California Determining that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 3 of the CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Approving a Conditional Use Permit for a New Wireless Communications Facility to be located at 1900 National City Blvd. Case File No.: 2022-37 CUP; APN: 560-204-04.

**Motion carried by the following vote:**

**Ayes:** Valenzuela, Sendt, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** Sanchez.

**Motion approved.**

**OTHER BUSINESS:** None.

**STAFF REPORTS:**

**Legal Counsel:** Announced that Ashlin Lutes will take over as Legal Counsel and welcomed Ashlin.

**Director of Community Development:** Sends his regards.

**Planning Manager:** Thanks Legal Counsel, Elizabeth Mitchell and states that he looks forward to working with Ashlin. Martin Reeder also discloses that he will be going to the American Planning Association Conference in Philadelphia.

**COMMISSIONER REPORTS:**

**Vice-Chair Castle:** None.

**Commissioner Natividad:** Says thank you to everyone.

**Commissioner Sanchez:** Absent.

**Commissioner Sendt:** Go Aztec.

**Commissioner Valenzuela:** Announces the District 3 Clean-Up event on Saturday, March 25, 2023.

**Chair Miller:** States he will miss, Elizabeth Mitchell and thanks her for working with him. Wishes a happy spring.

## ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, April 3, 2023 at 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 6:52 p.m.

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Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of April 17, 2023.

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Martin Miller, Chair





## Planning Commission Minutes

Planning Commission  
Meeting of April 3, 2023  
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 Miller at 6:00 p.m.

### Roll Call

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

Staff Also Present: Director of Community Development Armando Vergara, Associate Planner David Welch, Deputy City Attorney Ashlin Lutes, Executive Secretary Sarah Esendencia.

### ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, April 17, 2023 at 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California due to lack of quorum.

The meeting adjourned at 6:10 p.m.

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Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of April 17, 2023.

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Martin Miller, Chair



Item no. **7**  
April 17, 2023

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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 32 OF THE CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS) AND CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH LANE WITHIN A PROPOSED COMMERCIAL DEVELOPMENT TO BE LOCATED AT 2305 SWEETWATER ROAD.

Case File No.: 2022-12 CUP

Location: 3320-3336 Orange Street and 2305 Sweetwater Road

Assessor's Parcel Nos.: 563-252-12, 563-252-13, 563-252-14, 563-252-23, & 563-252-28

Staff report by: David Welch, Associate Planner

Approved by: Armando Vergara, Community Development Director

Applicant: Muraoka Enterprises, Inc.

Zoning designation: MXD-2 – Major Mixed-Use District

Adjacent land use/zoning:

North: Single-family residential / County of San Diego

East: 7-Eleven & Super 8 Motel / MXD-2 (Major Mixed-Use District)

South: Freeway interchange and Park & Ride / OS (Open Space)

West: Interstate 805 / OS

Environmental review: The proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and staff is recommending that the project be determined categorically exempt from environmental review pursuant to Class 32, Section 15332 (In-fill Development Projects) for which a Notice of Exemption will be filed subsequent to the approval of this Conditional Use Permit.

Staff recommendation: Approve

### Staff Recommendation

Staff is recommending approval of the Conditional Use Permit (CUP) request for a drive-through lane within a proposed commercial development, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA.

### Executive Summary

The applicant is proposing to construct a 5,500 square-foot commercial center with a drive-through business. A commercial coffee business is intended to be the business utilizing the drive-through. However, the specific business has not been identified and this request could support a coffee shop or another type of fast food restaurant. A CUP is required for a drive-through business. Previously, the applicant applied for, and was granted approval, a CUP for a drive-through at the same location. However, the previous approval expired. A public hearing for this item was originally scheduled for the regular Planning Commission meeting on April 3, 2023. The meeting was adjourned due to a lack of quorum and no action was taken. New public notices were sent after the meeting.

### Site Characteristics

The project site is comprised of five separate parcels located at 3320, 3330, and 3336 Orange Street, along with 2311 and 2305 Sweetwater Road. The parcels are contiguous to one another and form the end of the block fronting on Sweetwater Road between Olive Street and Orange Street. The Sweetwater Road parcels were annexed into the City in 2020 as part of the previous application.

The properties are zoned Major Mixed-Use District (MXD-2) and have a Major Mixed Use General Plan designation. The whole project area is approximately 34,000 square feet in size, or roughly 0.8 acres, and is undeveloped with the exception of 2305 Sweetwater Road, which is developed with a single-family residence. The site, including the annexed properties, was rezoned in 2020 from RS-2 to allow was for commercial or mixed-use development.

### Proposal

The applicant proposes to construct a 5,500 square-foot retail commercial building with a drive-through lane serving one of the suites in the building. The lane is proposed for a coffee shop or other fast food establishment.

## Analysis

### General Plan

A coffee shop or other type of restaurant is a commercial use, which is consistent with the mixed-use land use designation established for this area of the City, and is permitted by right. However, some drive-through restaurants may be considered a “fast food” restaurant. A fast food eating place is defined as follows:

"Fast food eating place" means any retail food establishment that primarily provides short order food services for on-site dining or take-out service, where such food and beverage is served on paper, plastic, or other disposable containers, and including drive in and drive-through restaurants where ready-to-eat foods are served primarily to be consumed off the premises. This definition includes all self-service restaurants, except cafeterias, sit-down pizza parlors, and donut shops.

There are two General Plan policies that reference fast food restaurants:

**Policy HEJ-4.2:** Encourage the development of healthy food establishments in areas with a high concentration of fast food establishments, convenience stores, and liquor stores.

**Policy HEJ-5.4:** Discourage unhealthy fast food outlets from locating near schools.

This section of Sweetwater Road has two businesses that could be considered either a fast food establishment (664 TJ Birrieria) or convenience store (7-Eleven) as mentioned in Policy HEJ-4.2. There are no schools within the vicinity of the proposed development. The applicant’s intent is to pursue a coffee shop tenant, which would be consistent with these policies.

### Land Use Code

A coffee shop or restaurant is generally a permitted use within the MXD-2 zone. However, businesses with a drive-through require the issuance of a CUP. In addition, Chapter 18.41 – Site Planning Standards – has specific design requirements for drive-through businesses, including:

- Minimum queuing distances (established by CUP).
- Minimum 25-foot interior turning radius for drive-through aisles.

- Location of drive-through window and landscaping requirements.

As part of traffic analysis conducted by the applicant team, a queuing study was performed for three Starbucks locations in the City of El Cajon. The maximum queuing from the study was 10 vehicles. The driveway, as proposed, can accommodate approximately 11 vehicles. The design of the drive-through entrance is such that vehicles may only enter westbound from within the parking lot (via the eastern driveway, which is approximately 250 feet from Orange Street). Therefore, there would be room on site to accommodate vehicle queuing, which would ensure no impact to adjacent City streets. This routing design is required as a condition of approval.

The Land Use Code (LUC) states that a drive-through window may not be located between the right-of-way and the building without a minimum 10-foot wide landscape buffer. The buffer shall have a minimum three-foot high hedge with trees spaced at least every 20 feet. The site plan for the project is consistent with these requirements and is conditioned to be included with plans submitted for construction. The turning radius is within the parameters stated in the Code.

Design requirements for projects of this type in the MXD-2 zone are fairly limited, with emphasis placed on architectural variation (avoiding long blank walls and providing fenestration). All setbacks are met and the height of the development is well under the maximum allowed in the MXD-2 zone (65 feet). Because the project focus is on the drive-through design, architectural plans have not yet been provided. However, conditions include compliance with all necessary Code requirements, including architectural design, site development, and landscaping. The development, without a drive-through aisle, would be allowed by right.

Section 18.30.360 of the LUC has additional requirements for fast food eating places. However, the distance requirements do not apply in the MXD-2 zone.

### Traffic

As currently developed, the property only generates 10-12 Average Daily Trips (ADT). With a maximum yield of six single-family residences plus ADUs, this number could be expected to reach approximately 130 ADT.

A traffic impact analysis was previously conducted for this site in 2018 for the approved CUP that expired, which included the projected trip generation of approximately 960 ADT.

An updated traffic analysis was provided as part of the new application, along with an analysis of Vehicle Miles Traveled (VMT) consistent with state law. The analysis is summarized as follows:

*Per the applied substantial traffic effect thresholds and the analysis methodology presented in this report, the addition of project related traffic to the street system **would not result in the need for improvements at this time** at the study area intersections and street segments. The queue at the proposed project provides storage for 11 vehicles is expected to be exceeded at times. When it is exceeded, the 12th and 13th vehicles should be queued to the east within the parking lot and not to the west towards Sweetwater Road. The project should be conditioned to ensure the extra queue positions are oriented to the east.*

#### Noise

Noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is located close to Interstate 805 and State Route 54 and the ambient noise level is high. However, recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering window. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers.

#### Mailing

All property owners and occupants within 300 feet are required to be notified of a public hearing for a CUP application. Notice of this public hearing was sent to 73 occupants and owners.

#### Department Comments

Comments were provided by the Building Division and the Engineering and Fire Departments related to standard requirements for new developments. The Engineering Department also requested and provided review of the traffic impact analysis for the proposed use. All comments have been incorporated as conditions of approval for the CUP.

#### Public Comment

No public comments were received as of the writing of this staff report.

### Findings

The findings in the attached draft resolution are based on the following:

1. Allowable Use – The proposed use is allowable within the MXD-2 zone pursuant to a CUP and the proposed development meets the required guidelines in the Land Use Code for drive-through businesses, as discussed above.
2. General Plan Consistency – The Land Use Code conditionally allows drive-through businesses in the MXD-2 zone; the Land Use Code is consistent with the General Plan. Additionally, there are no Specific Plans affecting this location.
3. Compatibility, LUC and Traffic – The property will be completely redeveloped and will provide enough parking spaces based on provisions outlined in the Land Use Code. In addition, the proposed drive-through aisle, subject to the conditions of approval, meets all requirements for such uses outlined in the Land Use Code, as discussed above.
4. Suitability – A traffic impact analysis was conducted for the proposed use. The project is expected to generate approximately 960 new daily trips, which can be accommodated by the existing road network.
5. No Nuisance – Noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is close to both arterial streets and a freeway. Recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering board. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers.
6. California Environmental Quality Act (CEQA) – The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Staff is recommending that the Planning Commission determine that the proposed project is categorically exempt from environmental review pursuant to Class 32 of the CEQA Guidelines Section 15332 (In-fill Development Projects), for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. Class 32 consists of projects characterized as in-fill development that are



consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; that the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The proposed use is consistent with this description and there is no potential for the project to cause either a direct or a reasonably foreseeable indirect physical change in the environment.

#### Conditions of Approval

Standard Conditions of Approval for CUPs have been included in the staff report, as well as those addressing agency comments as discussed above. Standard Building Division, and Engineering and Fire department conditions are likewise included. Planning Division conditions are related to building permit requirements, site design, and architectural design. In addition, there is a condition requiring that the individual properties be merged or restricted through covenant to be held as one for the life of the project.

#### Summary

The proposed project is consistent with the General Plan and LUC in that it meets all applicable design requirements for drive-through businesses. The subject property is mostly vacant and prime for redevelopment. Staff is recommending approval of the requested CUP.

#### Options

1. Find the project exempt from CEQA under Class 32 of the CEQA Guidelines Section 15332 or other exemption and approve 2022-12 CUP subject to the conditions included in the Resolution, and based on the findings included in the Resolution or other findings as determined by the Planning Commission; or
2. Find the project not exempt from CEQA and/or deny 2022-12 CUP based on findings as determined by the Planning Commission; or,
3. Continue the item for additional information.

Attachments

1. Resolution
2. Overhead
3. Public Hearing Notice (Sent to 73 property owners and occupants)
4. Notice of Exemption
5. Applicant's Plans (Exhibit A, Case File No. 2022-12 CUP, dated 4/6/2022)

RESOLUTION NO. 2023-07

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA,  
DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 32 OF THE  
CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT) AND  
APPROVING A CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH LANE  
WITHIN A PROPOSED COMMERCIAL DEVELOPMENT  
TO BE LOCATED AT 2305 SWEETWATER ROAD.

CASE FILE NO. 2022-12 CUP

APNS: 563-252-12, 563-252-13, 563-252-14, 563-252-23, and 563-252-28

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a drive-through lane within a proposed commercial development to be located at 2305 Sweetwater Road at a duly advertised public hearing held on April 17, 2023, 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. 2022-12 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on April 17, 2023, support the following findings, which are hereby made:

1. That 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 proposed use is allowable within the MXD-2 zone pursuant to a CUP, and the proposed development meets the required guidelines in the Land Use Code for drive-through businesses.

2. That the proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code conditionally allows drive-through businesses in the MXD-2 zone; the Land Use Code is consistent with the General Plan. There are no Specific Plans affecting the subject location.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the property will be completely redeveloped and will provide enough parking spaces based on the provisions outlined in the Land Use Code. In addition, the proposed drive-through aisle, subject to the conditions of approval, meets all requirements for such uses outlined in the Land Use Code.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because a traffic impact analysis was conducted for the proposed use finding that the project is expected to generate approximately 960 new daily trips, which can be accommodated by the existing road network.
5. That 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 noise issues related to drive-through businesses, which are usually related to vehicle queuing and ordering windows and speakers, will be addressed with a condition of approval requiring noise-attenuating speakers.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be categorically exempt from environmental review pursuant to Class 32 of the CEQA Guidelines, Section 15332 (In-fill Development Projects), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 32 consists of projects characterized as in-fill development that is consistent with applicable general plan and zoning designations, proposed on an urban site no more than five acres, has a site with no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality or water quality, and is adequately served by utilities and public services. The proposed use is consistent with this description and there is no potential for the project to cause either a direct or a reasonably foreseeable indirect physical change in the environment

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

### General

1. This *Conditional Use Permit* authorizes a drive-through lane in conjunction with a new commercial development at 2305 Sweetwater Road. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2022-12 CUP, dated 4/6/2022.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning 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 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 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 City Manager or assign prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of 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.

### Building

7. Building plans and permits shall be required to meet current California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes if submitted prior to the end of the City working calendar year. Building Division has no

other comments, if you have any questions regarding this matter please contact us at 619-336-4214.

### Engineering

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. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.

13. A sewer permit will be required. 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.
14. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
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 deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced.
17. 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.
18. 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.
19. The developer shall bond for the public improvements and the on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to the beginning of construction.
20. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler

heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.

21. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
22. 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.
23. 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.
24. 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.
25. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
26. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.
27. There are 4 large utility poles in the sidewalk on Sweetwater Road and one on Orange Avenue. The developer would need to provide a 5' sidewalk that is clear of utilities along their entire frontage.

#### Fire

28. Project shall be designed, installed, tested and approved to code.
29. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2019 editions of NFPA and the CFC.
30. Hood suppressions plans are required, and shall be submitted directly to the National City Fire Department through permit.
31. A permit for cooking oil storage for commercial kitchens will be required and directly submitted to the National City Fire Department.
32. Project shall be evaluated for the need of a fire sprinkler and fire alarm system

#### Planning



33. The five individual properties shall either be merged or restricted through covenant to be held as one for the life of the project. The merger or restrictive covenant shall be completed or in place prior to issuance of grading or building permits. If the developer elects to record a restrictive covenant, the document shall be approved as to form by the City Attorney and recorded with the San Diego County Recorder.
34. Access to the drive-through aisle shall only be westbound from Orange Street. No eastbound access from the westerly driveway on Sweetwater Road to the drive-through is permitted.
35. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process in compliance with Land Use Code Chapter 18.44 (Landscaping), including Section 18.44.190 related to water efficient landscape requirements. Installation and continued maintenance of minimum landscaping items required by Section 18.41.020(C)(3), including a minimum three-foot hedge and ornamental trees spaced 20 feet on center along the Sweetwater Road and Orange Street frontages, shall be provided. The landscaping and irrigation required by this approval shall be maintained for the life of the project.
36. Plans submitted for construction shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
37. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.
38. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting) and 18.42.040 (Screening mechanical equipment and elevator housing).
39. Plans submitted for construction shall comply with the guidelines stated in Land Use Code Section 18.42.050 (Commercial and institutional building design standards).
40. The trash enclosure design shall be in compliance with Municipal Code Title 7, Section 7.10.080 (Enclosures required), including the use of flame retardant materials.
41. There are existing water facilities in the vicinity of, or within, the parcels affected by the project, including two monitoring stations, water meters, and service laterals. The applicant shall coordinate with Sweetwater Authority regarding the existing water facilities as part of the design review/building permit process.
42. The Owner must submit a letter to the Authority from the National City Fire Department stating fire flow requirements. Based on this requirement, this project may

result in the need for new water systems or substantial alteration to the existing water system.

43. An approved backflow prevention assembly is required for water services serving commercial developments. Water facilities shall be designed and installed in accordance with the current Sweetwater Authority Design Standards and the Standard Specifications for Construction of Water Facilities. Existing services in conflict with the project must be abandoned and/or relocated at the Owner's expense.

#### Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 April 17, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

---

CHAIRPERSON

2022-12 CUP – 2305 Sweetwater Rd. – Overhead



N↑



## NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH LANE  
WITHIN A PROPOSED RETAIL COMMERCIAL DEVELOPMENT  
TO BE LOCATED AT 2305 SWEETWATER ROAD.

CASE FILE NO.: 2022-12 CUP

APNS: 563-252-12, 563-252-13, 563-252-14, 563-252-23, and 563-252-28

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, April 17, 2023**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Muraoka Enterprises Inc.)

The applicant proposes to construct a 5,500 square-foot retail commercial building with a drive-through lane serving one of the suites in the building. The lane is proposed for a coffee shop or other fast food establishment. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 32, Section 15332 (Infill Development).

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., **April 17, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff 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.



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

### **NOTICE OF EXEMPTION**

TO: Assessor/Recorder/County Clerk  
Attn: Fish and Wildlife Notices  
1600 Pacific Highway, Suite 260  
San Diego, CA 92101  
MS: A-33

**Project Title:** 2022-12 CUP

**Project Location:** 2305 Sweetwater Road, National City, CA 91950

**Lead Agency:** City of National City

**Contact Person:** David Welch

**Telephone Number:** (619) 336-4224

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for a new drive-through lane in a proposed commercial development.

**Applicant:**

Muraoka Enterprises, Inc.  
1425 2<sup>nd</sup> Avenue  
Chula Vista, CA 91911

**Telephone Number:**

(619) 851-7737

**Exempt Status:**

**Categorical Exemption - Class 32 Section 15332 In-fill Development Projects**

**Reasons why project is exempt:**

The proposed 5,500 square-foot commercial development with a drive-through lane will be constructed on a 34,000 square-foot property that is mostly vacant with one existing single-family residence. The proposal is consistent with applicable General Plan policies the Conditions of approval require compliance with applicable development standard in the Land Use Code. The site is partially developed and can be adequately served by required utilities and public service. The project location is surrounded by Caltrans rights-of-way and properties developed with urban uses.

A traffic analysis was conducted for the proposed development and drive-through, which found that the proposed drive-through lane is sufficient for queuing and there would be less

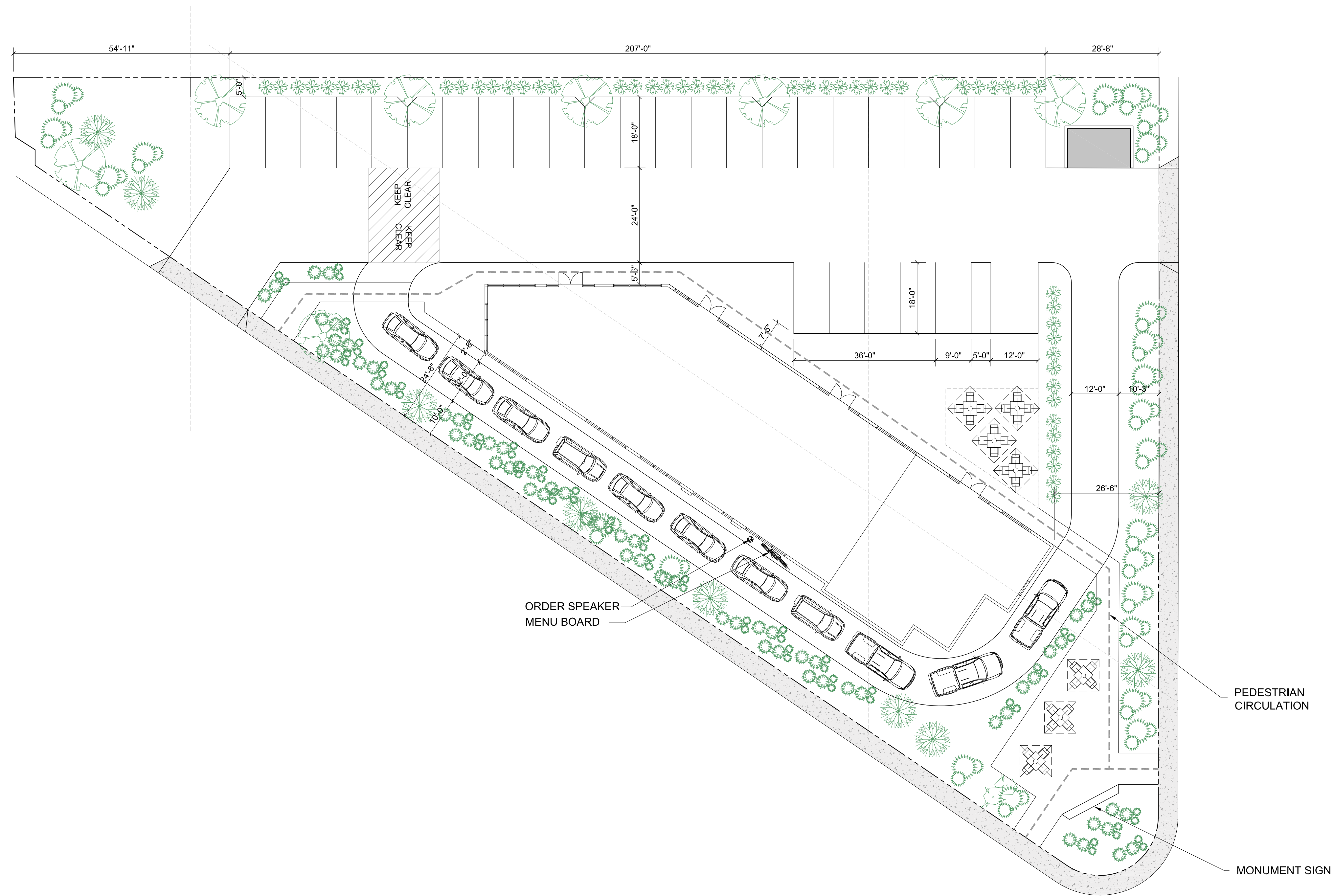
than significant delay on surrounding streets and intersections as a result of the project. The project will not create any significant effects on air or water quality. The project is required to follow Best Management Practices for storm water management. A conditional of approval also requires sound-attenuating speakers to ensure operations meet applicable noise standards.

Based on the above, it has been determined that there is no chance the project will have a substantial environmental impact.

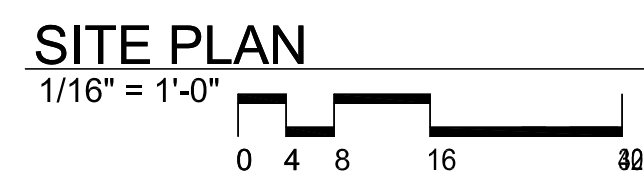
Date: 5/2023

DAVID WELCH, Associate Planner

EXHIBIT A, CASE FILE NO. 2022-12 CUP, DATED 4/6/2022



ATTACHMENT 5

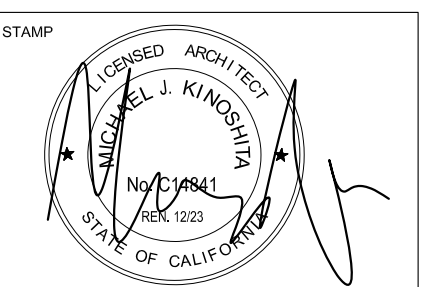


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**MKA**  
 ARCHITECTURE  
 &  
 PLANNING

◆ **michael kinoshita associates, inc.** ◆  
 7510 CLAIREMONT MESA BLVD., SUITE 207 - SAN DIEGO - CALIFORNIA - 92111 - PHONE: 858/266-8176 - FAX: 858/724-1556

PROPOSED CUP FOR DRIVE-THRU FOR:  
**MURAKA INTERPRISES, INC.**  
 2305 SWEETWATER ROAD  
 NATIONAL CITY, CA 91950



SUBMITTAL PHASE
DRAWING TITLE SITE PLAN
PLANS DATE 3/5/2022
REVISIONS
SHEET NUMBER <b>A0.1</b>





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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT A NEW COFFEE SHOP (PUBLIC SQUARE COFFEE HOUSE) LOCATED AT 127 EAST 8<sup>TH</sup> STREET.

Case File No.: 2023-01 CUP

Location: 127 East 8<sup>th</sup> Street

Assessor's Parcel Nos.: 556-332-22

Staff report by: Adan Pacheco, Planning Technician

Approved by: Armando Vergara, Community Development Director

Applicant: Public Square Coffee House Inc.

Zoning designation: Downtown Specific Plan Development Zone 9 (DSP-DZ9)

Adjacent use and zoning:

North: Commercial building / Development Zone 9

East: We Lend More Inc. Pawn Shop / Development Zone 9

South: Parco National City Apartments across E. 8<sup>th</sup> St. / Development Zone 9

West: Carrasco Group Tax Services / Development Zone 9

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and staff is recommending that the project be determined categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit

Staff recommendation: Approve

### Staff Recommendation

Staff recommends approval of the sale of on-site beer and wine with live entertainment, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA. The sale of beer and wine and live entertainment is a conditionally-allowed use in Development Zone 9 of the Downtown Specific Plan and would be accessory to food sales at the coffee shop.

### Executive Summary

Public Square Coffee House has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales on-site and patio area. The café would also offer indoor live entertainment including karaoke, DJ, and live music. The hours of operation as proposed by the applicant are from 6:00 a.m. to 1:00 a.m. daily.

### Site Characteristics

Public Square Coffee House is a new coffee shop located across from the Parco development on E. 8<sup>th</sup> Street. 1,743 square feet are devoted to the coffee shop, while 1,286 square feet are set aside for coffee roasting training. There are three 30-minute on street parking spaces on east 8<sup>th</sup> Street adjacent to the property.

The property is located in census tract 118.01, which covers the area between E. 8<sup>th</sup> Street and Division Street, as well as National City Boulevard and Highland Avenue. The area includes a range of commercial uses that offer live entertainment and alcoholic beverages at various times. Market on 8<sup>th</sup>, McDini's, and Grill House at Big Ben Market are the most recent establishments to have CUPs approved for alcohol and live entertainment. There are single-family homes behind the property to the north, as well as the Parco mixed-use development directly across the street from the café.

### Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the newly renovated building. The applicant proposes seating facing the café's interior on a patio area facing East 8<sup>th</sup> Street. Conditions have been included to restrict the sale and consumption of alcohol outside of the premises, consistent to City Council Policy 707. The proposed hours of operation are from 6:00 a.m. to 1:00 a.m. daily.

The applicant is also requesting live entertainment in the form of live music (solo entertainer and bands), DJ, and karaoke on the interior of the premises. Live entertainment hours, as proposed by the applicant, are from 6:00 a.m. to 1:00 a.m. daily. The occupancy of the café shop is 92 people, which would limit the amount of patrons at all times, including during live performances.

### Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales and live entertainment with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. City Council Policy 707 also regulates alcohol sales in the city.

### Hours of Operation for Alcohol Sales

Most recent CUP's for on-site alcohol consumption have varying hours of operation. The Planning Commission recommended that 2022-18 CUP (Market on 8th) be approved for the sale of alcoholic beverages for on site consumption from 6:00 a.m. to 12:00 a.m. daily. McDini's, located across 'A' Avenue, sells beer, wine, and distilled spirits (Type 47) until 2:00 a.m. daily. Grill House at Big Ben is also located across the street on the corner of E. 8th Street and 'A' Avenue, which sells alcohol until 10 p.m. every day.

Conditions of approval for alcohol sales reflect what the applicant has requested (6:00 a.m. to 1:00 a.m. daily). According to the applicant, the timeframe is intended to allow the business to have the same alcohol sales and operating hours.

### Live Entertainment

The applicant is also proposing live entertainment indoors from 6:00 a.m. to 1:00 a.m. daily. Market on 8<sup>th</sup> is the most recent CUP to include indoor live entertainment, with hours of operation varying from 12:00 p.m. to 10:00 p.m. on Sundays, 3:00 p.m. to 10:00 p.m. Monday through Thursday, and 3:00 p.m. to 11:30 p.m. on Friday.

The Grill House at Big Ben, located across E. 8<sup>th</sup> Street from the proposed use, also has a CUP that authorizes live entertainment with hours of operation from 12:00 p.m. to 10:00 p.m. Friday through Saturday and from 12:00 p.m. to 9:00 p.m. on Sunday.

The applicant's request to conduct live entertainment within the proposed hours of 6:00 a.m. to 1:00 a.m. daily exceeds any live entertainment CUPs that are currently active in the vicinity. The extended hours of operations may pose a noise issue for surrounding uses, particularly for the residential building (Parco) directly across the street from the cafe. Staff proposes limiting the proposed hours of live entertainment to minimize concerns about late-night noise levels. The following operating hours are recommended by staff, as mentioned in the resolution:

Live entertainment inside only:

12:00 p.m. to 10:00 p.m. Sunday to Thursday

12:00 p.m. to 11:30 p.m. Friday and Saturday

Based on the discussion above, staff recommends further discussion on the proposed operating hours for live entertainment. Conditions have been included requiring for compliance to the noise limits in Title 12 (Noise) of the Municipal Code, regardless of the times when live entertainment is present. Other requirements include having windows and doors shut when live entertainment is conducted.

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 576 occupants and owners.

Community Meeting – Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Tuesday, March 14, 2023 from 6:00 p.m. to 8:00 p.m. at the subject café shop. The meeting advertisement is attached (Attachment 3). The applicant states there were no attendees present.

Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are currently 3 on-site licenses in census tract 118.01, where a maximum of four are recommended. The census tract is not considered over concentrated with on-site alcohol sales outlets by ABC.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 12 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.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Recommend Responsible Beverage Sales and Service (RBSS) training for all staff.
2. Alcoholic beverages must be sold alongside food. This is a condition that is already contained in the resolution.
3. Business hours must close at midnight.
4. Consider defining clear guidelines for where alcoholic beverages are and are not permitted on the premises and in the surrounding area.

These are standard conditions of approval and are included in the report in compliance with City Council Policy 707.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales and live entertainment are allowable within Development Zone 9 of the Downtown Specific Plan, 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 café use in a commercial area.
2. General Plan Consistency: Alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a coffee shop with alcohol sales is consistent with Development Zone 9 of the Downtown Specific Plan land use designation contained in the Land Use Code and Community Character element of the General Plan.

3. Compatibility, LUC, and Traffic: No expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed. 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 uses would be incidental to the primary use of food and coffee sales. The building is existing and has access to several street parking spaces on E. 8<sup>th</sup> Street. Live entertainment would occur within the existing building.
4. No Nuisance: The proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live performances will also be limited to acceptable hours and to levels of noise that will not disturb surrounding residential uses.
5. California Environmental Quality Act (CEQA): 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 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building with only minor alterations to the exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in Development Zone 9 of the Downtown Specific Plan.
6. Public Convenience and Necessity: The coffee shop, a permitted use in Development Zone 9 of the Downtown Specific Plan, will benefit from the sale of alcohol. By providing for a wider diversity of businesses that add charm to the downtown core. Live entertainment will also improve the experience for café patrons and provide local performers an opportunity to show off their talents.

### Findings for Denial

The following are findings for denial due to nearby businesses that sell beer and wine together with live entertainment:

1. The proposed use is not deemed essential to the public necessity, as there are already three restaurants in the same census tract that serve alcohol. Likewise, East 8<sup>th</sup> Street already has two businesses (Market on 8<sup>th</sup>, Grill House at Big Ben) that offer live entertainment.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law. Nearby businesses already offer live entertainment, which will only increase noise issues in the area.

### Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site alcohol sales and live entertainment per Council Policy 707 (hours of operation, employee training, and accessory sales, etc.).

### Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in Development Zone 9 of the Downtown Specific Plan. The proposed use in a commercial area would be incidental to the proposed café. The café will also include live entertainment as an accessory use. The census tract where the coffee shop is located does not have an over concentration of on site alcohol licenses. Beer and wine will only be offered inside the building with the purchase of food and the Police Department has classified the establishment as Low Risk.

### Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2023-01 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2023-01 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. Draft Resolutions
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2023-01 CUP, dated 2/27/2023)
4. Public Hearing Notice (Sent to 576 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Advertisement

RESOLUTION NO. 2023-08

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA DETERMINING THAT THE  
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA  
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND  
APPROVING A CONDITIONAL USE PERMIT  
FOR BEER AND WINE SALES AND LIVE ENTERTAINMENT AT A NEW COFFEE  
SHOP (PUBLIC SQUARE COFFEE HOUSE)  
LOCATED AT 127 EAST 8<sup>TH</sup> STREET  
CASE FILE NO. 2023-01 CUP  
APN: 556-332-22

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales and live entertainment at a new coffee shop (Public Square Coffee House) located at 127 East 8<sup>th</sup> Street. At a duly advertised public hearing held on April 17, 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. 2023-01 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.

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 April 17, 2023, 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 and live entertainment are allowable within Development Zone 9 of the Downtown Specific Plan, 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 café use in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code permits alcohol sales and live

entertainment, subject to a CUP, which is consistent with the General Plan. In addition, a coffee shop with alcohol sales is consistent with Development Zone 9 of the Downtown Specific Plan land use designation contained in the Land Use Code 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 no expansion of the building is proposed. The proposal involves an existing commercial 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, because the proposed uses would be incidental to the primary use of food and coffee sales. The building is existing and has access to several street parking spaces on E. 8<sup>th</sup> Street. Live entertainment would occur within the existing building.
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 and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live performances will also be limited to acceptable hours and to levels of noise that will not disturb surrounding residential uses.
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 pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building with only minor alterations to the exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in Development Zone 9 of the Downtown Specific Plan.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the coffee shop, a permitted use in Development Zone 9 of the Downtown Specific Plan, will benefit from the sale of alcohol. By providing for a

wider diversity of businesses that add charm to the downtown core. Live entertainment will also improve the experience for café patrons and provide local performers an opportunity to show off their talents.

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 café experience.

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 and live entertainment at a new coffee shop (Public Square Coffee House) located at 127 East 8<sup>th</sup> Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-01 CUP, dated 3/13/2023.
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 41 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.

#### Planning

7. No alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 41 license from the California Department of Alcoholic Beverage Control.
8. 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.
9. The sale of alcoholic beverages shall only be permitted between the hours of 6:00 a.m. and 1:00 a.m. daily.
10. 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 the Planning Manager or designee or other 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.
11. Alcohol shall be available only in conjunction with the purchase of food.
12. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
13. Permittee shall post signs at all exits to outdoor areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
14. Live entertainment **inside** the building shall be permitted during the following hours:  
Sunday to Thursday 12:00 p.m. to 10:00 p.m.  
Friday and Saturday 12:00 p.m. to 11:30 p.m.

15. Live entertainment shall be conducted as an accessory use to the café for the enjoyment of its customers. No advertisement promoting a particular performer or event shall be distributed outside the café.
16. All entry and exit doors, including windows, shall remain closed after 9:00 p.m. during inside live entertainment activities.
17. To stop vandalism on the wall that faces the alley. The building's exterior, particularly the alley wall, shall be coated with a graffiti-resistant coating up to a height of six feet.
18. All activities shall comply with the noise limits contained in Table III of Title 12 of the National City Municipal Code.
19. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division. The Building Division shall be made aware of any modifications to the floor area of the bar including the addition of permanent staging or seating to determine if the occupancy needs to be updated.
20. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

#### Police

21. 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.

#### Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 April 17, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2023-08

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
DENYING A CONDITIONAL USE PERMIT  
FOR BEER AND WINE SALES AND LIVE ENTERTAINMENT AT A NEW COFFEE  
SHOP (PUBLIC SQUARE COFFEE HOUSE)  
LOCATED AT 127 EAST 8<sup>TH</sup> STREET  
CASE FILE NO. 2023-01 CUP  
APN: 556-332-22

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales and live entertainment at a new coffee shop (Public Square Coffee House) located at 127 East 8<sup>th</sup> Street. At a duly advertised public hearing held on April 17, 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. 2023-01 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.

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 April 17, 2023, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as there are already 3 restaurants in the same census tract that serve alcohol.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action



to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 April 17, 2023, by the following vote:

AYES:

NAYS:

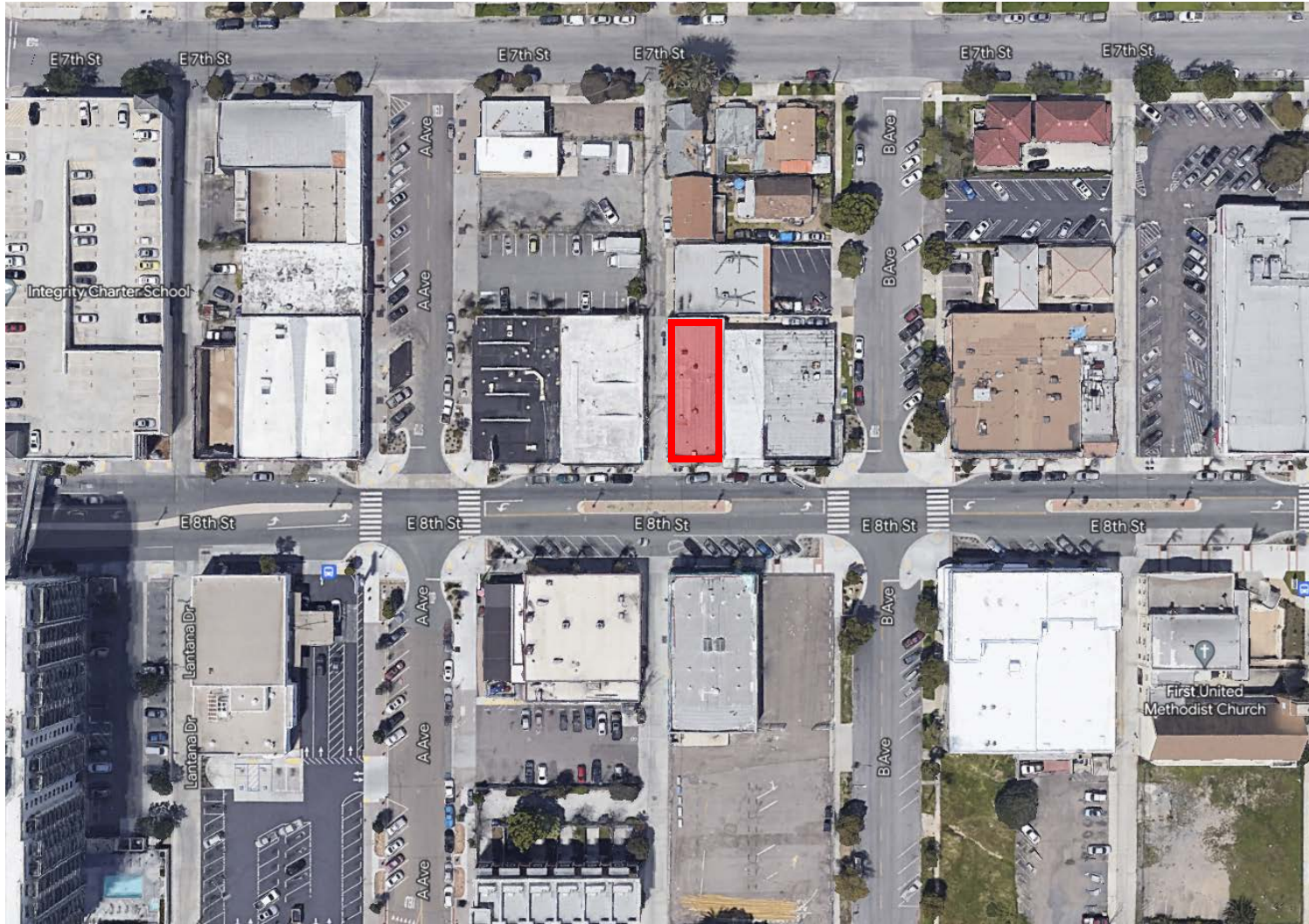
ABSENT:

ABSTAIN:

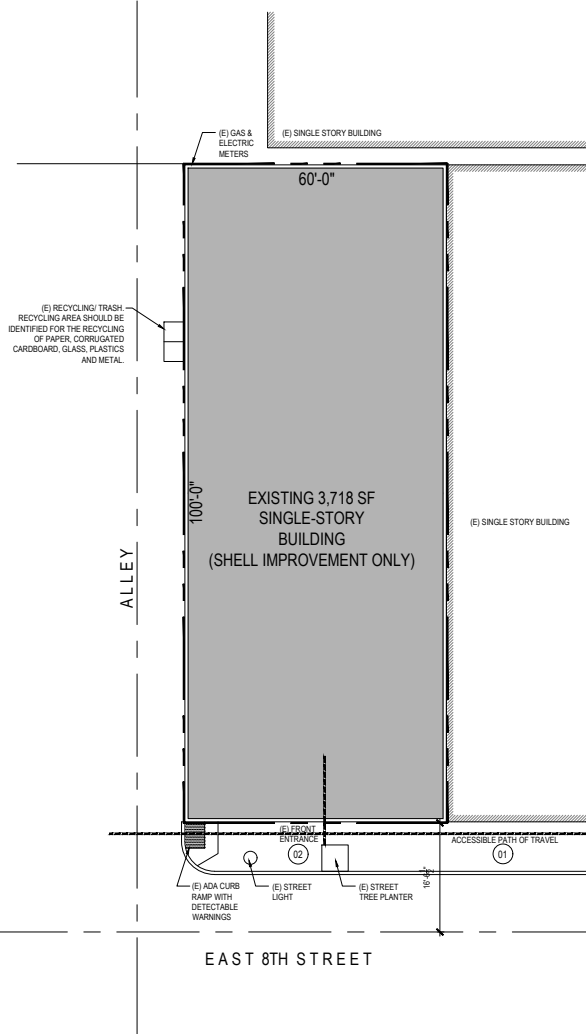
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CHAIRPERSON

2023-01 CUP – 127 E. 8<sup>th</sup> Street – Overhead



**Exhibit 'A'**  
**Case File No. 2023-01**  
**Date: 3/13/23**



**SITE PLAN KEYNOTES**

- 01 ACCESSIBLE PATH OF TRAVEL - MAXIMUM 5% (1:20) SLOPE IN DIRECTION OF TRAVEL AND MAXIMUM 2% CROSS SLOPE
  - 02 EXISTING ACCESSIBLE ENTRANCE WITH LEVEL LANDING (WITHIN 2% MAX. SLOPE IN ANY DIRECTION)
- EXISTING ACCESSIBLE PARKING WITH SIGNAGE COMPLIANT WITH CBC 2019 CHAPTER 11B

**ADA PARKING PATH OF TRAVEL**



**SITE PLAN GENERAL NOTES**

- ALL PRIMARY PUBLIC ENTRANCES AND MAJOR FUNCTION AREA TO DISPLAY THE INTERNATIONAL SYMBOL OF ACCESSIBILITY
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO START OF CONSTRUCTION, AND REPORT BACK TO DESIGNER WITH ANY DISCREPANCIES ON THIS DRAWING. UPGRADE ALL ACCESSIBLE TIME WITHIN THE PATH OF TRAVEL TO MEET THE 2019 CALIFORNIA BUILDING CODE (TITLE 24). REFER TO SHEETS T1.2 THRU T1.6 FOR TYPICAL DETAILS & REQUIREMENTS.
- CONTRACTOR TO UPGRADE ALL ACCESSIBLE ITEMS WITHIN THE PATH OF TRAVEL TO MEET THE 2019 CALIFORNIA BUILDING CODE (TITLE 24), AS REQUIRED. REFER TO SHEETS T1.2 THRU T1.7 FOR TYPICAL DETAILS & REQUIREMENTS.
- AT HAZARDOUS VEHICULAR AREAS, DETECTABLE WARNING SURFACES SHALL BE YELLOW CONFORMING TO F8 33388 OF FEDERAL STANDARD 595C PER CBC SEC 11B-705.1.1.3.
- AT LOCATIONS OTHER THAN VEHICULAR HAZARDOUS AREAS, DETECTABLE WARNING SURFACES SHALL CONTRAST VISUALLY WITH ADJACENT WALKING SURFACES EITHER LIGHT OR DARK OR LIGHT. THE MATERIAL USED TO PROVIDE CONTRAST SHALL BE AN INTEGRAL PART OF THE SURFACE PER CBC SEC 11B-705.1.1.3.
- ONLY APPROVED ISOLAC DETECTABLE WARNING PRODUCTS AND DIRECTIONAL SURFACES SHALL BE INSTALLED AS PROVIDED IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 1, CHAPTER 5, ARTICLE 2, 3 AND 4. PER CBC SEC 11B-705.3.



2825 Dewey Road  
 Bldg 202, Unit 207  
 San Diego, CA 92106  
 858.336.4556

**PUBLIC SQUARE**  
 127 E. 8TH STREET  
 NATIONAL CITY, CA 91960

**REVISIONS**

DATE	DESCRIPTION
4/7/21	P1.1 SUBMITTAL
9/16/21	P1.2 SUBMITTAL
3/16/22	P1.3 SUBMITTAL

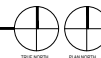
Bid Issue Date: TBD  
 Date: 3/16/22  
 Scale: AS NOTED  
 Project No.: -  
 Sheet Title:

**ENLARGED SITE PLAN**

Sheet No.:

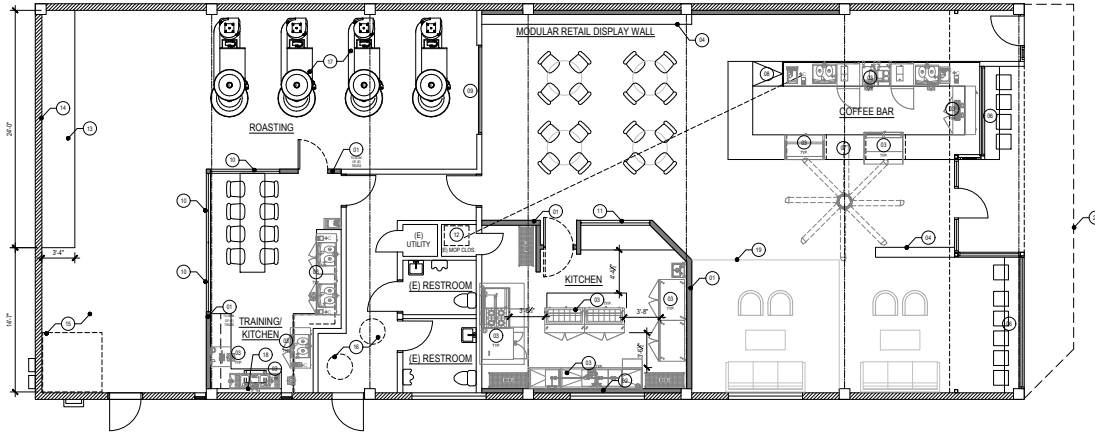
**A0.1**

1 SITE PLAN  
 1/8" = 1'-0"

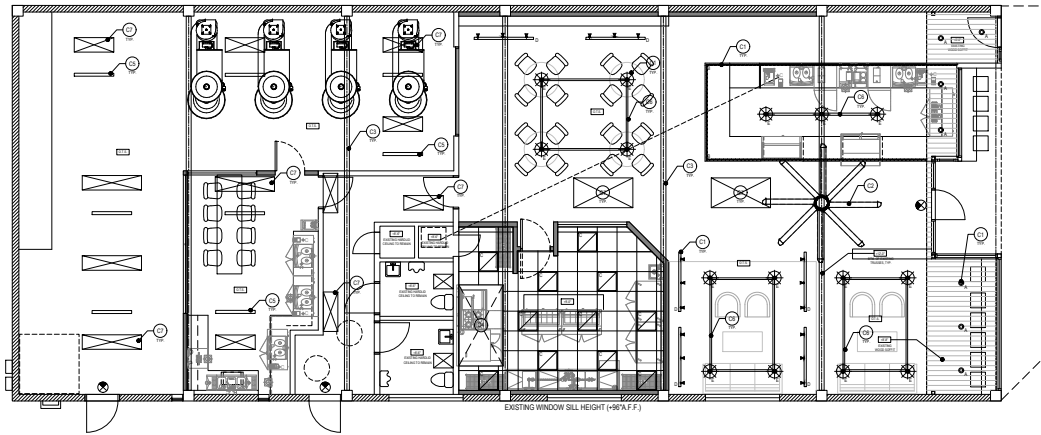


All representations of field conditions is provided without warranty of accuracy. All dimensions and conditions on job site shall be verified prior to beginning of construction and shall immediately report any and all discrepancies to Designer.

Any reproduction of these drawings is prohibited without written consent of Arch 5 Design Studio. All dimensions and conditions shall be verified prior to beginning of construction and shall immediately reflect any and all discrepancies to Designer.



1 FLOOR PLAN  
3/16" = 1'-0"



2 REFLECTED CEILING PLAN  
3/16" = 1'-0"

**FLOOR PLAN KEYNOTES**

- 1 NEW PARTIAL HEIGHT WALL, SEE SHEET A4.1 FOR WALL TYPES
- 2 NEW FULL WALL, SEE SHEET A4.1 FOR WALL TYPES
- 3 EQUIPMENT BY OTHERS - SEE FOOD SERVICE DRAWINGS FOR MORE INFO
- 4 CUSTOM FABRICATED METAL SHELVING BY OTHERS
- 5 DRINK RAIL
- 6 ADA DRINK RAIL - 34" MAX HEIGHT
- 7 POINT OF SALE COUNTER
- 8 PUP-UP ACCESS DOOR
- 9 EXISTING WINDOW TO REMAIN
- 10 7' X 7' GLASS CHANNEL - OWNER PROVIDED, GC INSTALLED, GC TO PROVIDE SILICONE AND STEEL CHANNELS
- 11 7' X 7' GLASS CHANNEL WITH 2 1/2" SQUARE INCHES (2" X 1/2") PASS THROUGH KITCHEN OPENING - OWNER PROVIDED, GC INSTALLED, GC TO PROVIDE SILICONE AND STEEL CHANNELS
- 12 NEW REVERSE OSMOSIS WATER SYSTEM - LINE RUNS PER MANUFACTURER'S REQUIREMENTS, RUNS TO SERVICE BOTH FRONT OF HOUSE COFFEE BAR AND BACK-OF-HOUSE COFFEE TRAINING FACILITY, SPEC BY OWNER
- 13 INDUSTRIAL SHELVES, PROVIDED BY OWNER
- 14 ART MURAL, WALL BY OTHERS
- 15 PALETTE & PALLETTE JACK AREA
- 16 EXISTING GREASE INTERCEPTOR
- 17 COFFEE ROASTER PER SPEC BY OWNER
- 18 EXISTING WATER VALVES
- 19 EXISTING SKYLIGHTS
- 20 MOVABLE / MODULAR 4" HIGH STAGE PLATFORM FOR SCHEDULED PERFORMERS  
ONLY NOT FOR ENERGY OPERATIONS
- 21 EXISTING BUILDING OVERHANG

**FLOOR PLAN LEGEND**

- \* REFER TO GENERAL NOTES (1-3) FOR ADDITIONAL INFORMATION
- NEW NON-BEARING INTERIOR WALL  
SEE SHEET A4.1 FOR WALL TYPES
- EXISTING TO REMAIN
- EXISTING EXTERIOR BLOCK WALL TO REMAIN

**RCP KEYNOTES**

- 1 NEW LIGHT FIXTURE PER SCHEDULE
- 2 NEW 12" Ø 1" BAD ASS FAN WITH 30" DOWNROD, COLOR TO BE DECIDED BY OWNER, EXACT LOCATION TO BE COORDINATED IN FIELD TO AVOID ANY SKYLIGHT, LIGHTING, AND/OR UTILITY CONFLICTS
- 3 (E) STRUCTURAL TRUSSES TO REMAIN
- 4 (N) HOOD PER MECHANICAL AND FOOD SERVICE DRAWINGS, INSTALLED ON NON-COMBUSTIBLE WALL (STAINLESS STEEL SHEET METAL FLASHING EXTENDING 1" AROUND THE HOOD-UP SET TYPE "C" BOARD BOTH SIDES @ METAL STUDS)
- 5 EXISTING LIGHT FIXTURE TO REMAIN - FIELD VERIFY EXACT LOCATIONS, QUANTITIES AND HOUSING TO AVOID CONFLICT WITH NEW UTILITIES
- 6 UNSTRUTS FOR LIGHT FIXTURE SUPPORT

**RCP LIGHTING LEGEND**

SYMBOL	DESCRIPTION / SPEC	UNIT OF FIXTURE HEIGHT A.F.F. / LOCATION	QTY.
⊙ A	6" RECESSED CAN LIGHTING - PER ELEC DWGS	PER RCP	7
▬ B	LED STRIP LIGHTING - PER ELECTRICAL DWGS	BASE OF COUNTERTOP	
□ C	2X2 LAY-IN LED LIGHT FIXTURE	PER RCP	11
⚡ D	TRACK LIGHTING, CYLINDER TRACK LIGHTING PENDANT HEAD LED - PER ELECTRICAL DWGS	FOR STAGE LIGHTING	
⊙ E	DECORATIVE PENDANT - PER ELECTRICAL DWGS		
⊗	EXISTING EXIT SIGNS TO REMAIN		
-X-X-	CEILING HEIGHT, O.T.S. = OPEN TO STRUCTURE		

**RCP GENERAL NOTES**

- 1 SEE SHEET A4.2 FOR CEILING DETAILS
- 2 CEILING/RAFTER HUNG LIGHT FIXTURES ON MOUNTING CABLES SHALL NOT EXCEED 10'-0" IN LENGTH, OTHERWISE BEISAC PROCEEDING REQUIRED FOR BEISAC SWAY
- 3 ALL EXISTING UTILITIES, DUCTS, ETC., MUST BE FIELD VERIFIED PRIOR TO INSTALLATION OF ANY NEW UTILITY COMPONENTS



2825 Dewey Road  
Bldg 202, Unit 207  
San Diego, CA 92106  
858.326.4556

**PUBLIC SQUARE**  
127E 8TH STREET  
NATIONAL CITY, CA 91960

DATE	REVISIONS	
	DESCRIPTION	
4/7/21	PCT SUBMITTAL	TBD
9/20/21	PCT SUBMITTAL	3/16/22
3/16/22	PCT SUBMITTAL	AS NOTED

Bid Issue Date: TBD  
 Date: 3/16/22  
 Scale: AS NOTED  
 Project No.:  
 Sheet Title:

FLOOR PLAN & RCP

Sheet No.:  
**A1.0**



## NOTICE OF PUBLIC HEARING

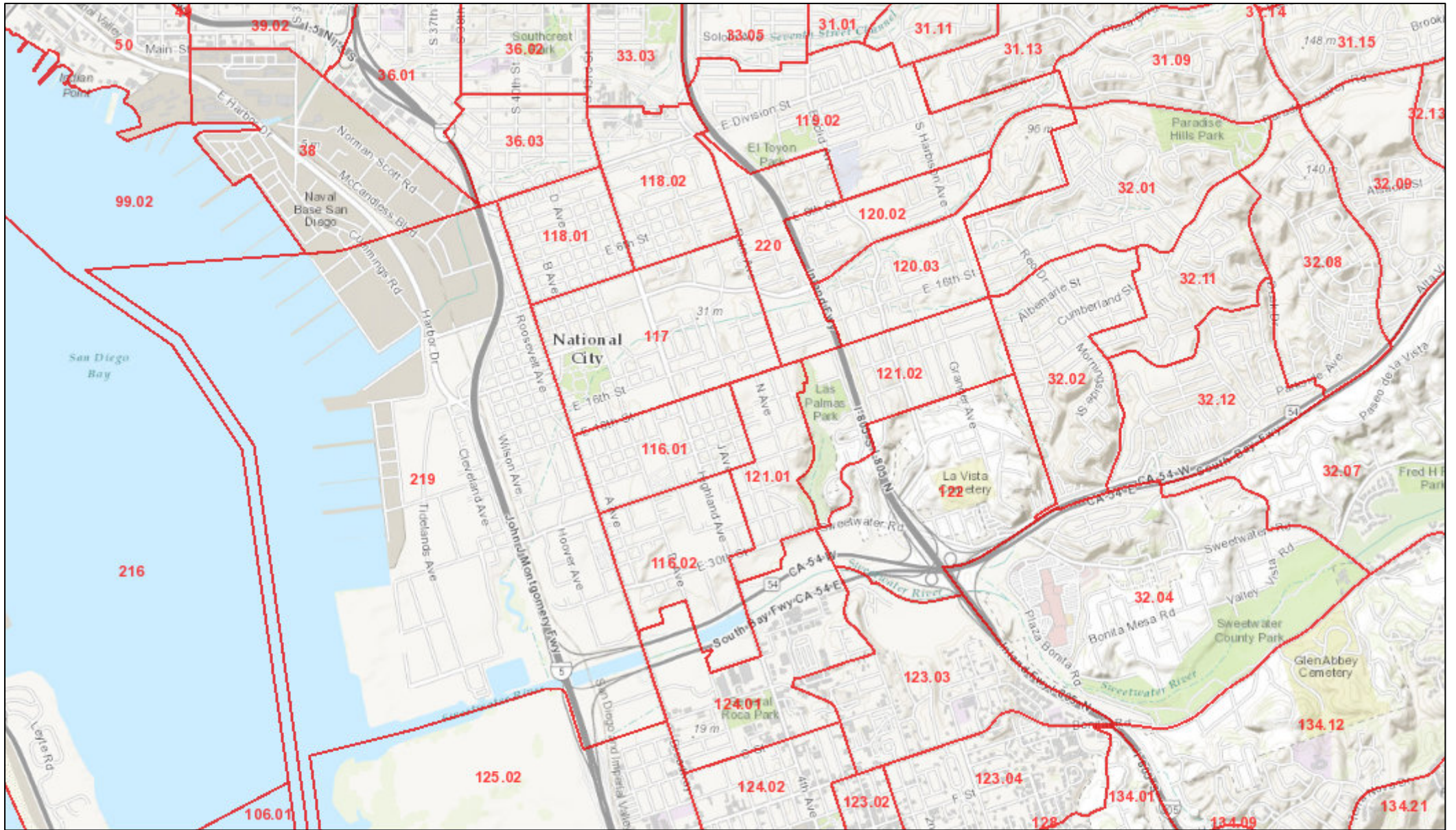
CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41) WITH LIVE ENTERTAINMENT AT A NEW CAFE (PUBLIC SQUARE COFFEE HOUSE) TO BE LOCATED AT 127 EAST 8<sup>TH</sup> STREET.  
CASE FILE NO.: 2023-01 CUP  
APN: 556-332-22

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, April 17, 2023**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Public Square Coffee House Inc.)

The applicant intends to convert an existing 3,718 square foot building into a new café offering coffee and food, which will also offer beer and wine for sale on-site. In addition, the café would also have indoor live entertainment, including live music DJ, and karaoke. The proposed café hours of operation are 6:00 a.m. to 1:00 a.m. daily. Staff is recommending live entertainment hours of noon to 10 p.m. Sunday through Thursday and noon to 11:30 p.m. Friday and Saturday. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities).

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., **April 17, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

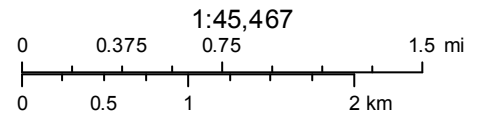
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



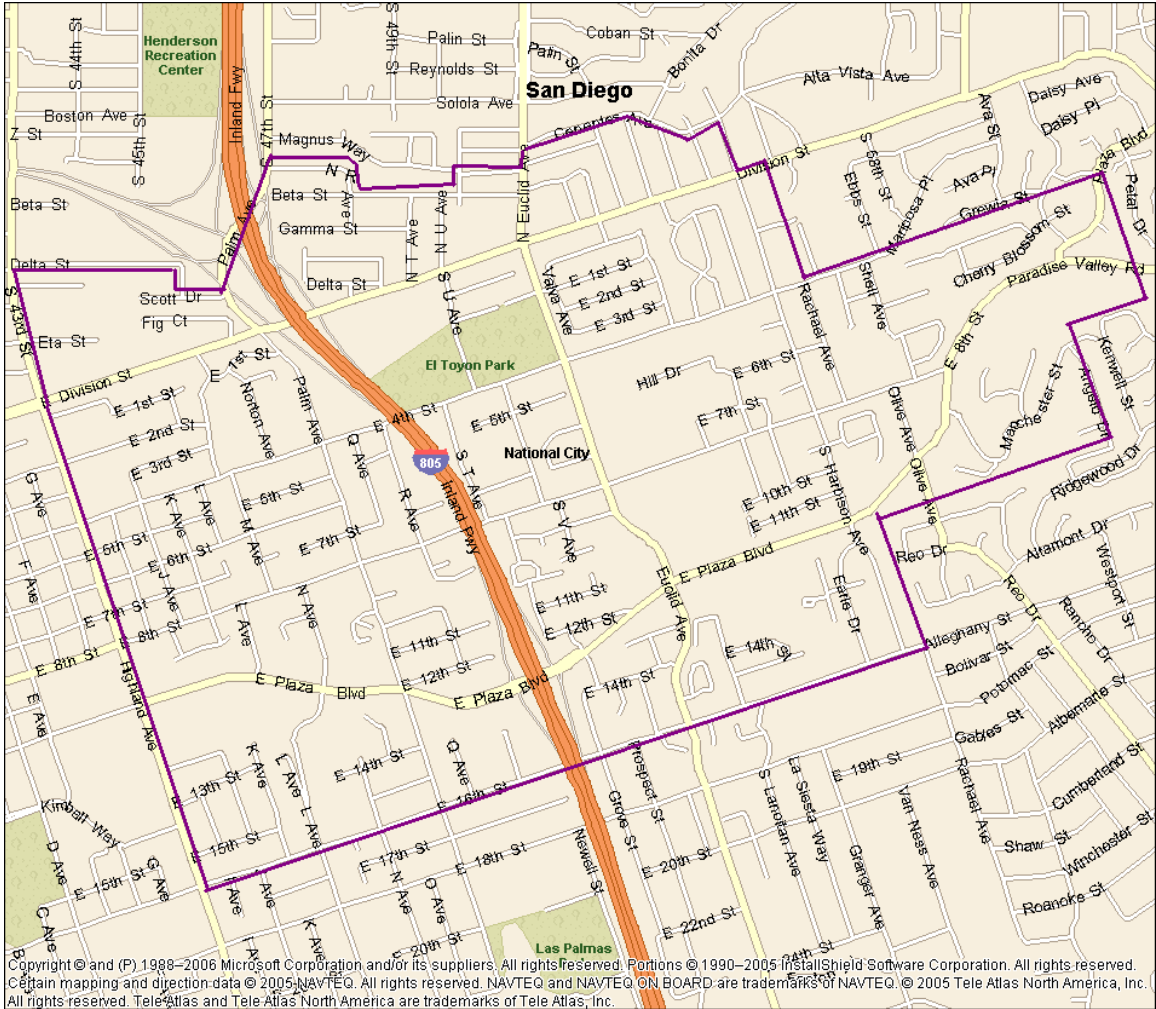
August 25, 2014

CensusTracts 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 21



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 01/24/23

BUSINESS NAME: PUBLIC SQUARE COFFEE HOUSE

ADDRESS: 127 E. 8th Street, National City, CA 91950

OWNER NAME: [REDACTED] DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

(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:
- Currently, there are (4) on sale licenses authorized in tract 118.01
- Currently, there are (3) active on sale licenses in tract 118.01
- Currently, there are (2) off sale licenses authorized in tract 118.01
- Currently, there are (2) off sale licenses active in tract 118.01



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>12</u>
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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:**

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Completed by: Sergeant Joseph Camacho Badge ID: 449

## Environmental Scan for Proposed Type 41 Alcohol CUP

127 E. 8<sup>th</sup> Street, National City, CA 91950

Conducted: February 13, 2023



at

Photos of the proposed location.

An environmental scan was conducted on Monday, February 13 for a proposed Type 41 on-sale alcohol license at 127 E. 8<sup>th</sup> Street. The proposed location is a new coffee shop (Public Square Coffee House).

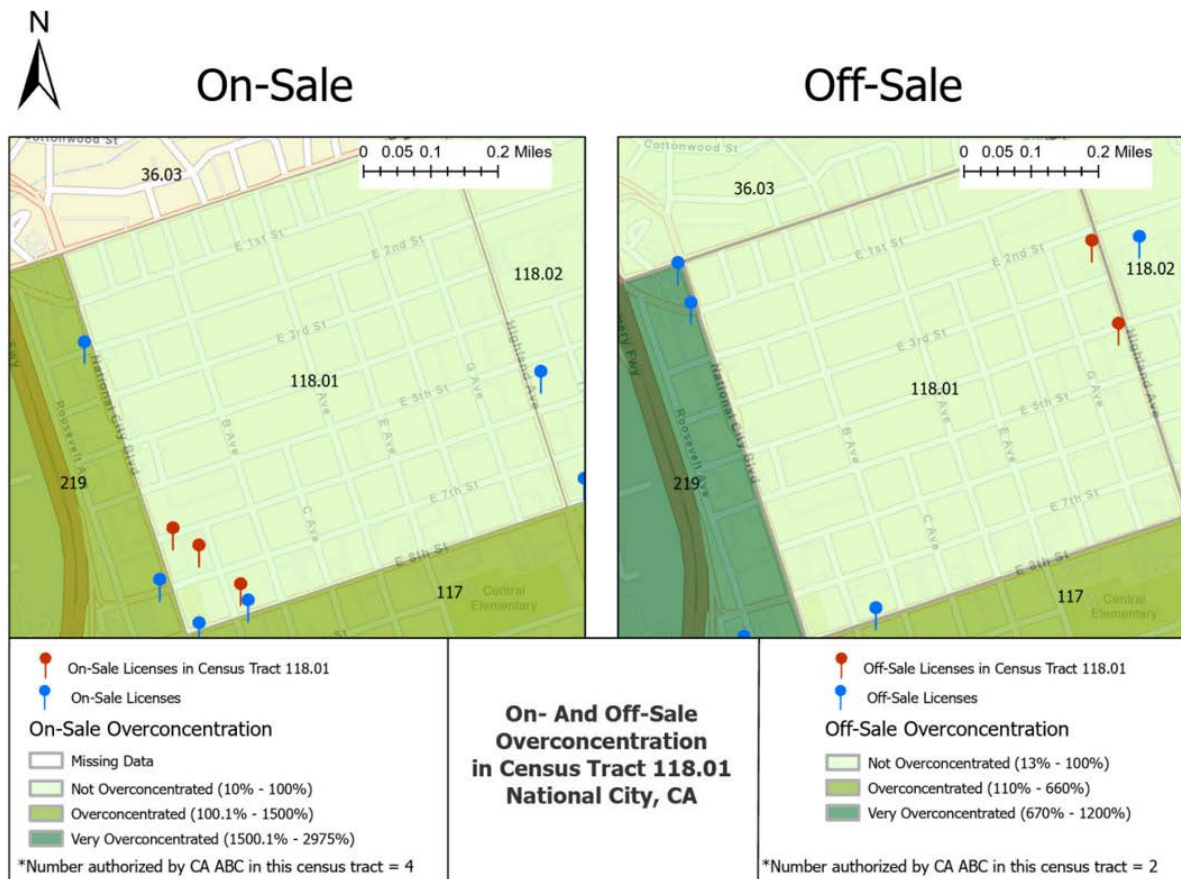
During a scan of the business and premises, the following was noted:

- The business is located in a commercial area closely bordering a residential area, which could be affected by music into late hours of the evening.
- The exterior of the location has recently been updated with the addition of what appears to be a take-out window connected to possible future patio seating with overhead lighting.
- All windows at the location were covered at the time of the scan. Two businesses to the immediate right had bars on the windows and/or sliding doors that locked to close the locations off to the public during non-business hours. It was not possible to determine whether a dance floor will be available during late evening hours.

## Churches

First United Methodist Church (242 E. 8<sup>th</sup> Street) is the closest one to this location.

## Outlet Density



Funded by the San Diego County Health and Human Services Agency

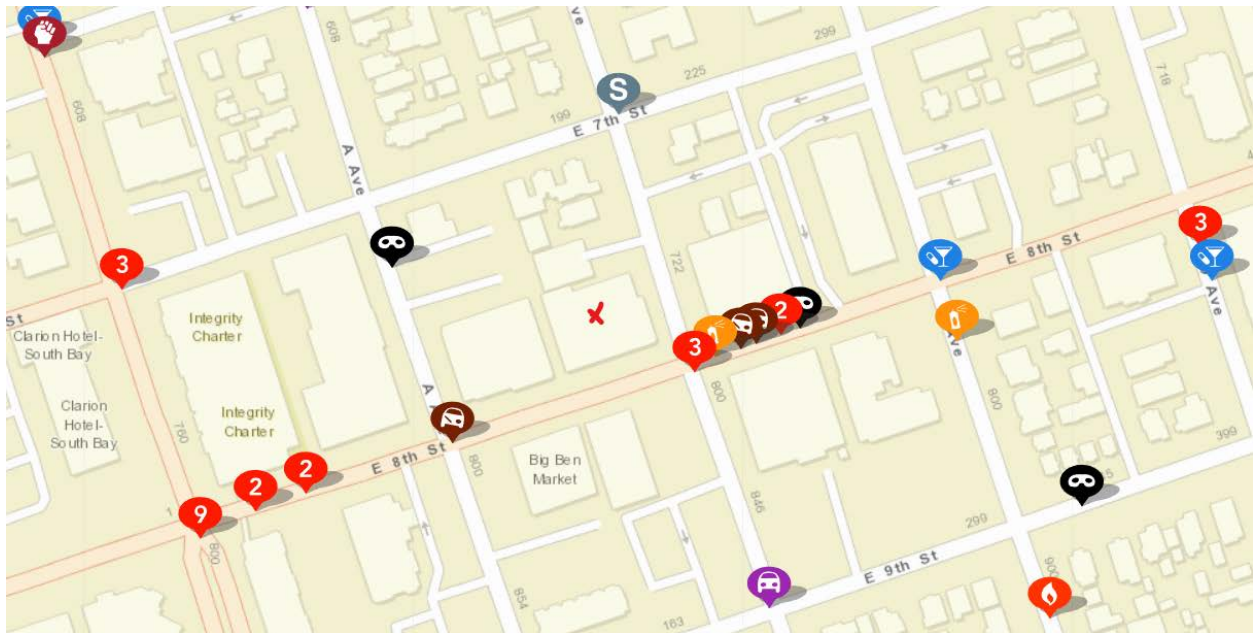
8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

According to the ABC, four (4) on-sale licenses are authorized for Census Tract #118.01, which is the census track where 127 East 8<sup>th</sup> Street, National City is located. There are currently three on-sale licenses in the southwest corner of this census tract near 8<sup>th</sup> Street according to ABC records.

## Census Tracts

	<b>Off-Sale</b>	<b>On-Sale</b>
<b>Census Tract 118.01</b> <i>Establishment is within this tract</i>	Allowed: 2 <b>Currently there are: 2</b> The census tract is currently not overconcentrated for off-sale licenses	Allowed: 4 <b>Currently there are: 3</b> This census tract is currently not overconcentrated per ABC guidelines

## Crime Rate



According to crimemapping.com, over the past six months, the corner of 8th E Street and B Avenue has been the site of a cluster of criminal activity. Several crimes including assault, car theft, and burglary have been reported in the area. A follow up request for information from personnel within the National City Police Department, may result in obtaining additional details regarding 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 food is always provided and have hours of operation end by 12:00 am daily.
3. Consider establishing clear guidelines for where alcoholic beverages are and are not allowed on the premises and in the surrounding area given the location of an apparent take-out window.



March 14, 2023

Adan Alhi Pacheco  
Planning Technician  
City of National City  
1243 National City Boulevard  
National City, CA 91950

**RE: Public Square Coffee House, Inc. - Community Meeting Report;**

Mr. Pacheco:

On behalf of Public Square Coffee House, Inc. (dba – Friends of Friends), I am submitting a summary of the Community Meeting that was held on Tuesday, March 14, 2023 at Friends of Friends located at 127 East 8th Street, National City, CA 91950 from 6:00pm to 8:00pm.

The applicant, one of his assistant's and I were present and began the meeting at 6:00pm and provided refreshments and baked goods. Unfortunately, no neighboring residents, business or property owners came to the community meeting. We discussed the idea that the rain and in-climate weather conditions may have deterred people from attending the meeting.

The meeting was adjourned at 8:00pm.

Thank you for your consideration, if I can be of further assistance please feel free to contact me directly at [REDACTED].

Kind regards,

[REDACTED]

Marco Polo Cortés

March 6, 2023

Dear Neighbor / Business Owner -

You are cordially invited to attend a community meeting regarding a Conditional Use Permit (CUP) with the city of National City for Public Square Coffee House, Inc. (Doing Business As Friends of Friends Cafe) for a Conditional Use Permit for a California Department of Alcoholic Beverage Control (ABC) Type-41 License (Beer and Wine).

The applicant will be hosting a community meeting on:

Tuesday, March 14, 2023  
127 East 8th Street  
National City, CA 91950  
6:00pm to 8:00pm

The applicant will provide an overview of their request and have a question and answer session shortly thereafter.

If you have any questions, please feel free to contact the applicant's consultant, Marco Cortes at

[REDACTED].