



AGENDA

Regular Planning Commission Meeting

Monday, May 20, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

Richard Martin Miller, Chair

Randi Marie Castle, Vice-Chair

Claudia E. Valenzuela, Commissioner

Ricardo Sanchez, Commissioner

Liliana Armenta, Commissioner

Pearl Quinones, Commissioner

Beryl Forman, Commissioner

Elizabeth A. Mitchell, Special Counsel

Carlos Aguirre, Director of Community Development

Martin Reeder, Assistant Director of Community Development

David Welch, Associate Planner

Sarah Esendencia, Executive Secretary

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 4 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, May 20, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

ROLL CALL

1. Approval of Excused/Unexcused Absence of Commissioner Valenzuela on May 6, 2024

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

2. Approval of the Agenda for the Meeting on May 20, 2024

APPROVAL OF MINUTES OF PREVIOUS MEETING

3. Approval of Minutes from the Meeting of May 6, 2024

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.

PUBLIC HEARINGS

4. 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 (Type 41) and live entertainment at an existing restaurant (Villa Manila), located at 500 East 8th Street. Case file no.: 2024-02 CUP APN 556-492-23

OTHER BUSINESS

5. Review of a proposed vacation of an unused section of Paradise Avenue east of Plaza Blvd. for conformance with the General Plan

STAFF REPORTS

ADJOURNMENT

Adjournment to the regularly scheduled meeting on June 3, 2024 at 6:00 p.m.



AGENDA

Regular Planning Commission Meeting

Monday, May 20, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

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 May 20, 2024, to the members of the Planning Commission, and caused the agenda to be posted on the City's website at 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

Regular Planning Commission
Meeting of May 6, 2024

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 6:01 p.m.

ROLL CALL

Commissioners Present: Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Commissioner Sanchez arrived at 6:02 p.m.

Commissioners Absent: Valenzuela.

Staff Also Present: Director of Community Development Carlos Aguirre, Deputy City Attorney Ashlin Y. Lutes, Associate Planner David Welch, and Executive Secretary Sarah Esendencia.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Commissioner Armenta.

APPROVAL OF AGENDA

1. Approval of Agenda for the Meeting on May 6, 2024.

Motion by Castle, second by Armenta, to approve the Agenda for the Meeting on May 6, 2024.

Motion carried by the following vote:

Ayes: Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: Valenzuela.

Motion approved.

APPROVAL OF MINUTES

2. Approval of Minutes from the Meeting of April 1, 2023.

Motion by Castle, second by Quinones, to approve the Minutes from the Meeting of April 1, 2023.

Motion carried by the following vote:

Ayes: Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: Valenzuela.

Motion approved.

PUBLIC HEARINGS

3. Public Hearing – Recommendation for adoption by the City Council of the City of National City an ordinance adopting the City Zoning Map Amendment to implement the Focused General Plan Update. Case file no.: 2021-14 ZC.

Vice-Chair Castle disclosed that she lives within 500 feet of the zoning. She recused herself.

Commissioner Armenta disclosed that she lives within 1,000 feet of the zoning. She recused herself.

Commissioner Sanchez disclosed that he lives directly on 4th street. He recused himself.

Commissioner Quinones disclosed that she lives within 500 feet of zoning. She recused herself.

6:06 p.m. Armenta, Castle, Quinones, and Sanchez stepped out of the Council Chambers.

Chair Miller announced that due to a lack of quorum, Item 3 would not be heard. The item will be brought back to the Planning Commission at a future date.

6:08 p.m. Armenta, Castle, Quinones, and Sanchez came back into the Council Chambers.

4. 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 (Type 41) and live entertainment at an existing restaurant (Villa Manila), located at 500 East 8th Street. Case file no.: 2024-02 CUP APN 556-492-23.

Chair Miller announces that item 4 was improperly noticed therefore, the item was not heard and will be brought back to the Planning Commission for a future date.

STAFF REPORTS:

Legal Council: None.

Director of Community Development: None.

Assistant Director of Community Development: Absent.

COMMISSIONER REPORTS:

Vice-Chair Castle: None.

Commissioner Armenta: Would like to review the Planning Commissioners stipend and the Planning Commission training and travel budget.

Commissioner Quinones: None.

Commissioner Sanchez: None.

Commissioner Forman: None.

Commissioner Valenzuela: Absent.

Chair Miller: None.

ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, May 20, 2024, at 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 6:10 p.m.

Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of May 20, 2024.

Martin Miller, Chair



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 AN EXISTING RESTAURANT (VILLA MANILA) LOCATED AT 500 EAST 8TH STREET.

Case File No.: 2024-02 CUP

Location: 500 East 8th Street

Assessor’s Parcel Nos.: 556-492-23

Staff report by: Martin Reeder, Asst. Director of Community Development

Applicant: James Camanyag

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

Adjacent use and zoning:

- North: Commercial & Church across East 8th Street / MXC-2
- East: Commercial center with residential beyond / MXC-2
- South: Central Elementary School / Institutional (I)
- West: Commercial center across ‘E’ Avenue / MXC-2

Environmental review: Categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities)

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 the Major Mixed-Use Corridor zone and would be accessory to food sales at the restaurant.

Executive Summary

The operators of Villa Manila restaurant has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales. The restaurant would also offer indoor live entertainment for weddings, graduations, baptisms, and other celebrations hosted at the restaurant. The hours of operation as proposed by the applicant are Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.

Site Characteristics

Villa Manila is an existing restaurant located in the Old Schoolhouse Square shopping center. The restaurant is 3,493 square feet in size, with 1,404 square feet (41%) dedicated to dining area. There is a small stage in the northeast corner of the restaurant. The dining room has 63 seats.

The property is located in census tract 118.01, which covers the area between E. 8th 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 8th, McDini's, Grill House at Big Ben Market, and Public Square Coffee House are the most recent establishments to have CUPs approved for alcohol and live entertainment. The restaurant is located in the northwest corner of the property on the corner of East 8th Street and 'E' Avenue. The building is separate from the rest of the shopping center. No residential uses are adjacent to the restaurant.

Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Live entertainment will be limited to a DJ or Master of Ceremonies in conjunction with privately-catered events, as described above. All live entertainment would occur within the building and would end no later than 9 p.m. on days the restaurant is open (the restaurant is closed on Mondays).

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 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 west on East 8th Street, sells beer, wine, and distilled spirits (Type 47) until 2:00 a.m. daily. Grill House at Big Ben, located on the corner of E. 8th Street and 'A' Avenue, sells alcohol until 10 p.m. every day. The proposed hours are significantly less intensive.

Conditions of approval for alcohol sales reflect what the applicant has requested (Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.).

Live Entertainment

The applicant is also proposing live entertainment indoors during the same time as the restaurant is open (Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.). Public Square Coffee Market on 8th is the most recent CUP to include live entertainment, with hours of operation ending as late as 11:30 p.m. on weekends. The proposed hours are significantly less extensive.

Conditions of approval for alcohol sales reflect what the applicant has requested (Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.).

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 595 occupants and owners.

Comments

The Planning Division received one public comment for this item in opposition to live entertainment outdoors. The applicant has only requested indoor live entertainment.

Community Meeting

Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Friday, March 1, 2024 at 5 p.m. at the restaurant. The meeting advertisement is attached (Attachment 3). Based on the attached sign-in sheet, eight community members attended the meeting.

Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are currently 16 on-site licenses in census tract 117, where a maximum of ten are recommended. However, of those 16, two are catering licenses and one is a VFW hall. The census tract is 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 13 points, which places it in the Medium Risk category (Medium Risk is considered 13 to 18 points). The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Recommend in-person Responsible Beverage Sales and Service (RBSS) training for all staff.

These are standard conditions of approval and are included in the report in compliance with City Council Policy 707. IPS comments are included as Attachment 7.

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 the Major Mixed-Use Corridor zone, pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales,

as discussed in the staff report. It is incidental to the existing restaurant 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 restaurant with alcohol sales is consistent with the Major Mixed-Use Corridor zone 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 service.
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 entertainment will 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, and the use is similar to other commercial uses in the area, which are permitted in the Major Mixed-Use Corridor zone.
6. Public Convenience and Necessity: The restaurant, a permitted use in the Major Mixed-Use Corridor zone, 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 restaurant patrons.

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 thirteen restaurants in the same census tract that serve alcohol, including nearby on East 8th Street (Market on 8th, Grill House at Big Ben, Public Square Coffee House) 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 on-site sales of alcoholic beverages pursuant to law.

Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site 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 the Major Mixed-Use Corridor zone. The proposed use in a commercial area would be incidental to the restaurant use. The restaurant will also include live entertainment as an accessory use. The census tract where the restaurant is located has an over concentration of on site alcohol licenses. However, beer and wine will only be offered inside the building with the purchase of food and the Police Department has classified the establishment as Medium Risk.

Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2024.02 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 2024.02 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. 2024.02 CUP, dated 3/20/2024)
4. Public Hearing Notice (Sent to 595 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Information
9. Public Comment

RESOLUTION NO. 2024-06

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 1 OF THE CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
APPROVING A CONDITIONAL USE PERMIT
FOR BEER AND WINE SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT AN
EXISTING RESTAURANT (VILLA MANILA)
LOCATED AT 500 EAST 8TH STREET
CASE FILE NO. 2024-02 CUP
APN: 556-492-23

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 an existing restaurant (Villa Manila) located at 500 East 8th Street. At a duly advertised public hearing held on May 20, 2024, 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. 2024-02 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 May 20, 2024, 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 the Major Mixed-Use Corridor zone, pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report. It is incidental to the existing restaurant 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 restaurant with alcohol sales is consistent with the Major Mixed-Use Corridor zone 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 no expansion of the building is proposed. The proposed uses would be incidental to the primary use of food service.
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 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 and the use is similar to other commercial uses in the area, which are permitted in the Major Mixed-Use Corridor zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the restaurant, a permitted use in the Major Mixed-Use Corridor zone, 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 restaurant patrons.

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 restaurant 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 an existing restaurant (Villa Manila) located at 500 East 8th Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024.02 CUP, dated 3/20/2024.
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 and live entertainment shall only be permitted between the hours of 3:30 p.m. and 9:00 p.m. Tuesday through Friday and 11:00 a.m. and 9:00 p.m. Saturdays and Sundays.
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 and may not be taken off-premises.
14. Live entertainment shall be conducted as an accessory use to the restaurant for the enjoyment of its customers. No advertisement promoting a particular performer or event shall be distributed outside the café.
15. All entry and exit doors, including windows, shall remain closed during inside live entertainment activities.
16. All activities shall comply with the noise limits contained in Table III of Title 12 of the National City Municipal Code.
17. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division.

18. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

19. 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 May 20, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2024-06

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 AN EXISTING
RESTAURANT (VILLA MANILA)
LOCATED AT 500 EAST 8TH STREET
CASE FILE NO. 2024-02 CUP
APN: 556-492-23

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 an existing restaurant (Villa Manila) located at 500 East 8th Street. At a duly advertised public hearing held on May 20, 2024, 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. 2024-02 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 May 20, 2024, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as there are already thirteen restaurants in the same census tract that serve alcohol, including nearby on East 8th Street (Market on 8th, Grill House at Big Ben, Public Square Coffee House) 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 on-site sales of alcoholic beverages pursuant to law.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 20, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

2024-02 CUP – 500 E. 8th Street – Overhead



Google Earth





SCOPE OF WORK

Conditional Use Permit - Beer/Wine

STREET ADDRESS

500 E 8th St
National City, CA 91950

APN/LEGAL DESCRIPTION

556-492-23-00
BLK 3 *PAR PER ROS 11709 IN ST&ALLEY
CLSD ADJ&IN BLK 2&\

BASE ZONE

MXC-2 Major Mixed-Use Corridor

YEAR BUILT

1988

BUILDING AREA/LOT AREA

3,493 SF / 81,661 SF

DINING AREA

1,404 SF (41% of building area)

BUSINESS OWNERS

Nancy Mendoza
Josef Mendoza
Mario Camanyag

PROPERTY OWNER

Tamar Finberg c/o Bernard Finberg

VICINITY MAP



PROJECT DESCRIPTION

Villa Manila Restaurant, known for its exquisite cuisine, Kamayan experience and vibrant ambiance, is poised to elevate its dining experience by introducing a curated selection of beer and wine. This project entails the installation of a three-tap kegerator and the establishment of designated serving hours to cater to patrons seeking to complement their meals with quality beverages.

With a focus on enhancing customer satisfaction and broadening the restaurant's offerings, this initiative aims to create a more comprehensive dining experience at Villa Manila.

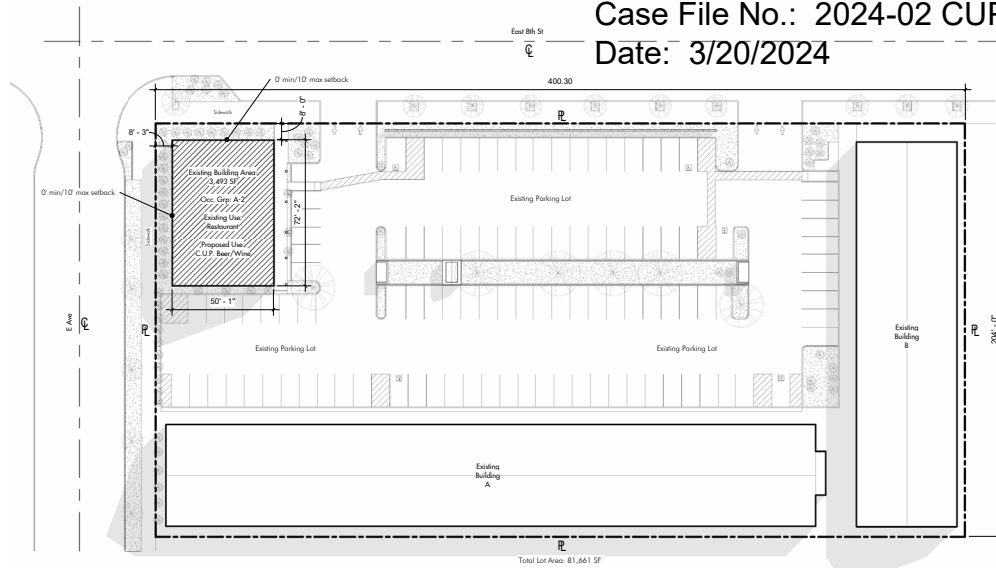
OBJECTIVES

- Introduce beer and wine service to enhance the overall dining experience
- Expand the range of options available to patrons, catering to diverse preferences
- Establish Villa Manila as a destination for both exceptional cuisine and beverage offerings
- Maintain compliance with all relevant regulations and licensing requirements

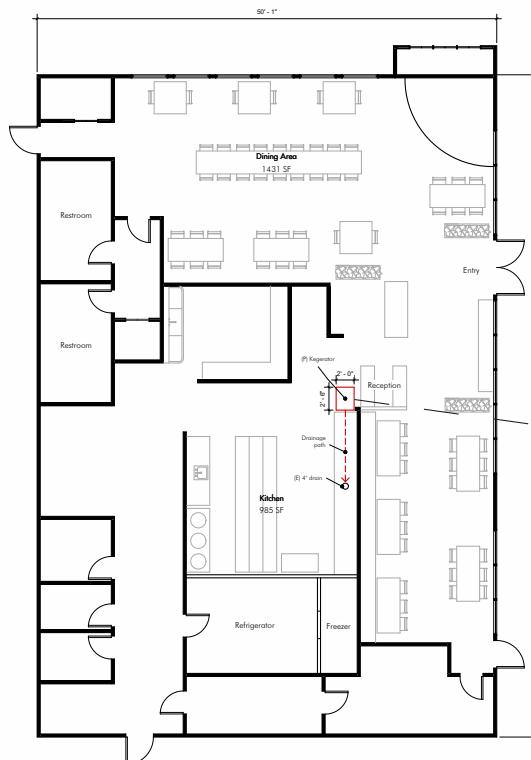
ZONING MAP - MXC-2 Major Mixed-Use Corridor



Misc Use
 MXC-1 Major Mixed-Use Corridor
 MXC-2 Major Mixed-Use Corridor
 MXC-3 Major Mixed-Use Corridor
 MXC-4 Major Mixed-Use Corridor

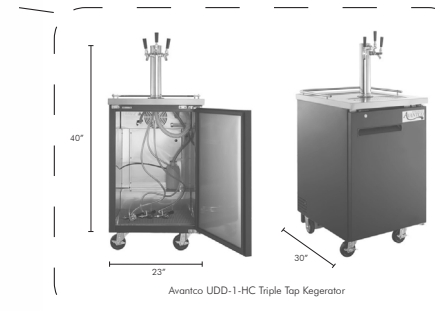
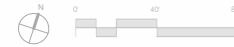


SITE PLAN



ATTACHMENT 3

FLOOR PLAN



VILLA MANILA
500 EAST 8TH ST
NATIONAL CITY, CA 91950

CLIENT NAME
VILLA MANILA

PROJECT NAME
CONDITIONAL
USE PERMIT

ISSUE DATE
01/27/24

SHEET INDEX
COVER PAGE/
SITE PLAN/
FLOOR PLAN

A001



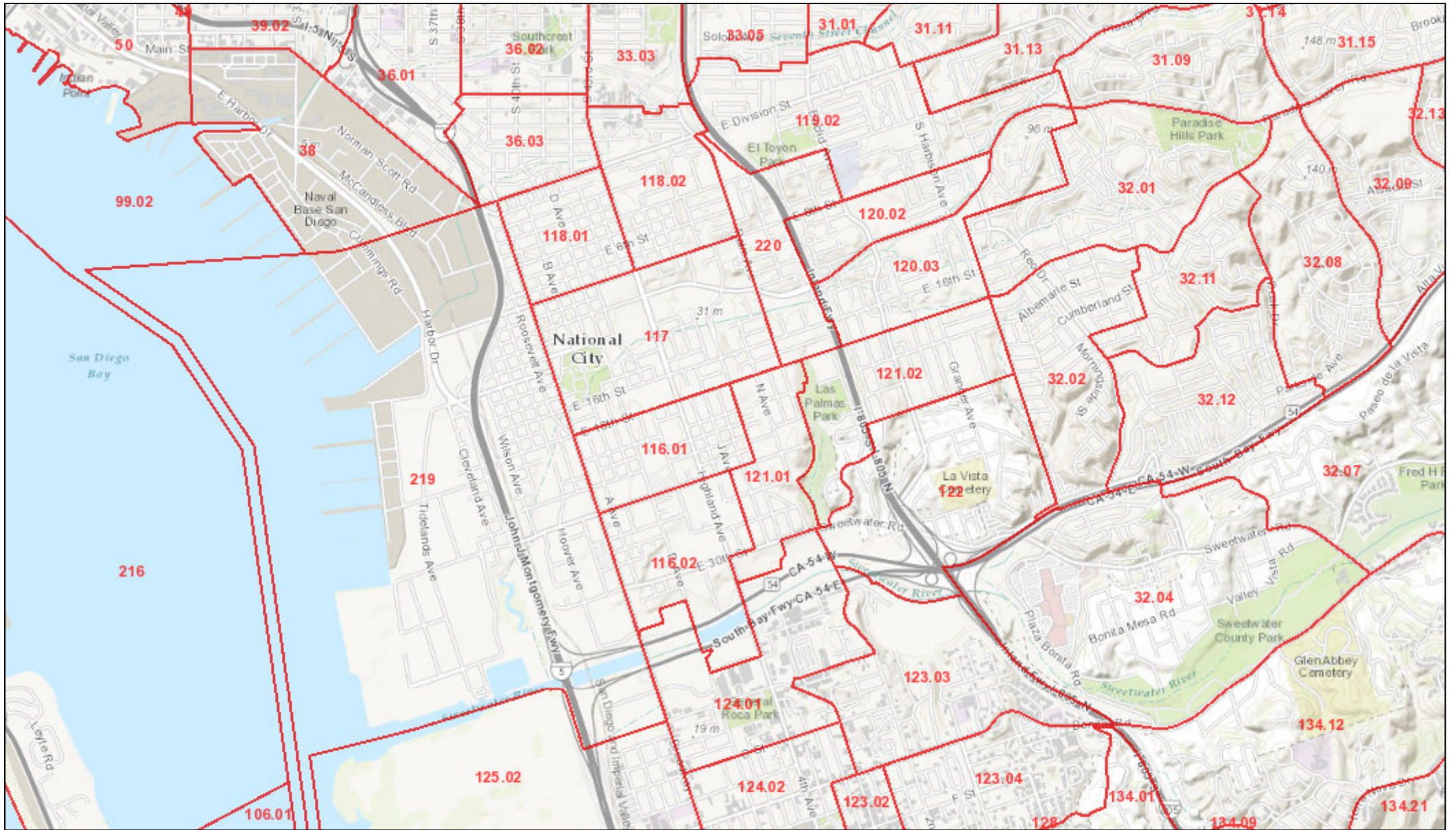
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41)
WITH LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT
(VILLA MANILA), LOCATED AT 500 EAST 8TH STREET.
CASE FILE NO.: 2024-02 CUP
APN: 556-492-23

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, May 20, 2024**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: James Camanyag)

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Live entertainment will be limited to a DJ or Master of Ceremonies in conjunction with privately-catered events. 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 2:00 p.m., **May 20, 2024** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

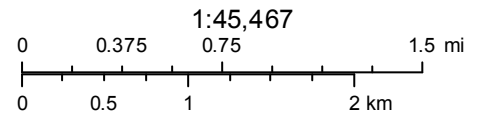
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



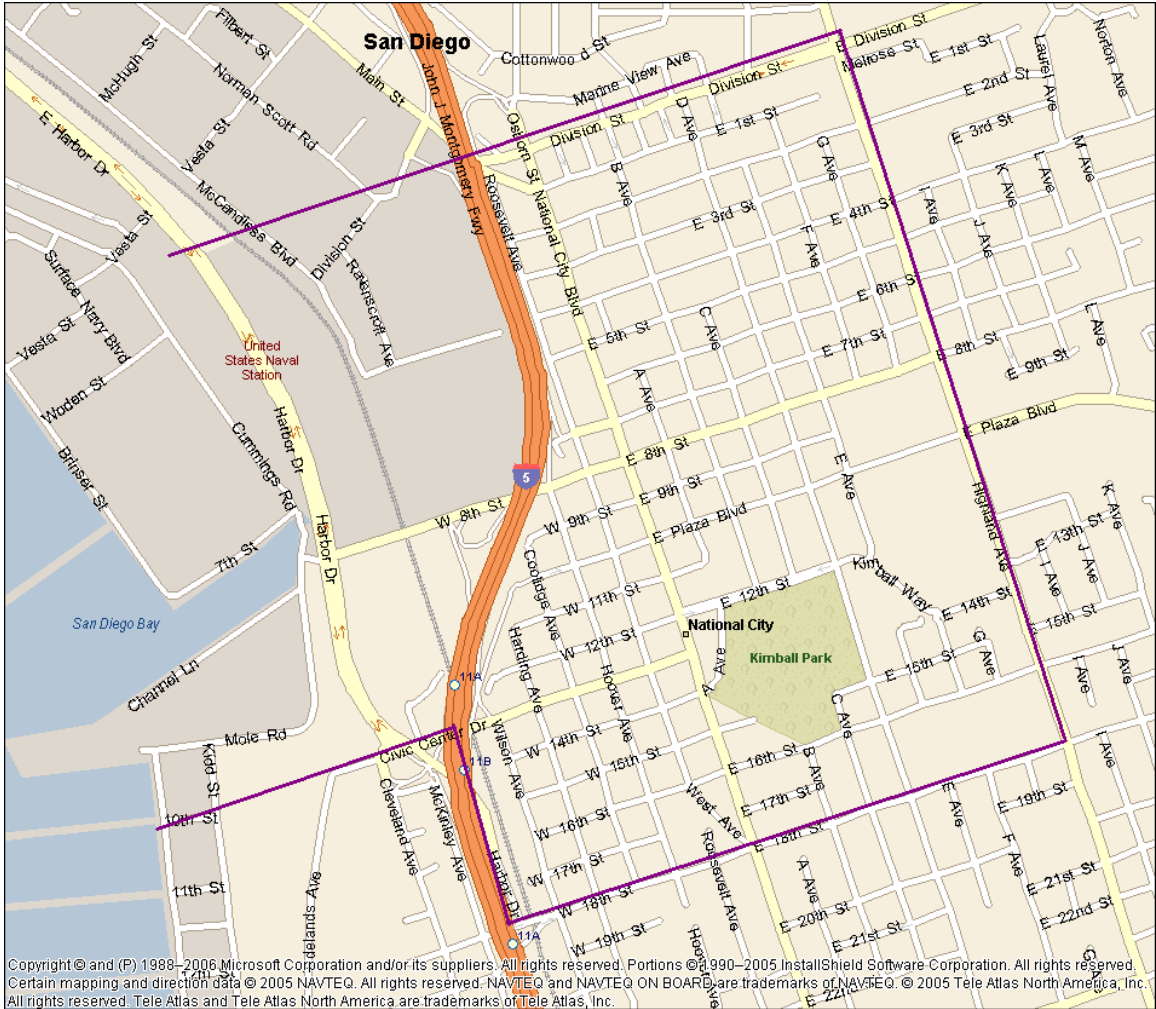
August 25, 2014

Census Tracts 2010

ATTACHMENT 5



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 20

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



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 03-28-24

BUSINESS NAME: Villa Manila

ADDRESS: 500 E. 8th Street, National City, CA 91950

OWNER NAME: Nancy Mendoza 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 (10) on sale licenses authorized in tract 117

- Currently, there are (10) active on sale licenses in tract 117

- Currently, there are (4) off sale licenses authorized in tract 117

- Currently, there are (11) active off sale licenses in tract 117

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)

VIII. Owner(s) records check

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

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>13</u>
--

OWNER NAME: Xavier Josef Mendoza DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

OWNER NAME: Maria Camanyag DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

Recommendation:

Additional owner - James Camanyag, DOB: [REDACTED], [REDACTED]

This business assessed at a medium risk but I believe the business should assess at a low risk based on the crime rate and calls for service at the location and the surrounding area are mostly transient related in nature.

Completed by: J. Camacho Badge ID: 449

Environmental Scan for
Proposed Type 41 Alcohol CUP

500 E 8th Street, National City, CA 91950

Conducted: March 28, 2024



Photo of the proposed location.

An environmental scan was conducted on Thursday, March 28, 2024 for a proposed Type 41 on-sale alcohol license at 500 E 8th Street. The proposed location is within the Old Schoolhouse Square shopping center.

ATTACHMENT 7

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

- The business is located in a Major Mixed-Use Corridor.
- The location has multiple transportation options including traditional car infrastructure, parking lot, bus stops and sidewalks where pedestrians were observed.
- There are several restaurants in close proximity to the proposed location, including a Vietnamese and Chinese Noodle House, Zarlito's Filipino Restaurant and a Filipino Bakery and Café.

Youth Sensitive Areas

Central Elementary School (approximately 450 feet away)

Universal Preschool (approximately 400 feet away)

Churches

St. Matthew's Episcopal (250 feet away)

Iglesia La Luz (350 feet away)

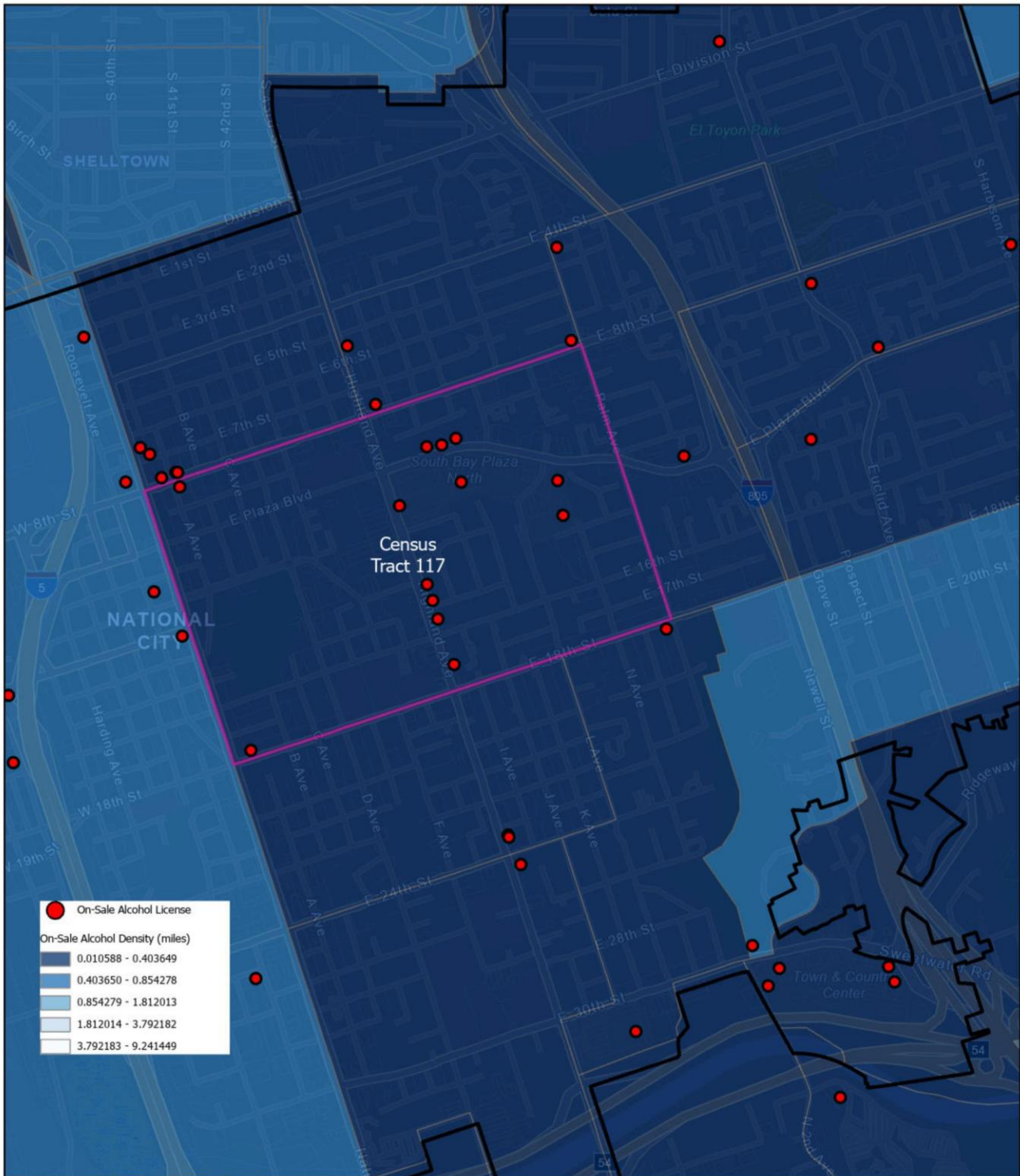
International Bible Baptist (600 feet away)

Outlet Density

According to the ABC, ten (10) on-sale licenses are authorized for Census Tract #117, which is the census tract where 500 East 8th St., National City, is located. **There are already 16 on-sale licenses for this census tract according to ABC records – exceeding ABC recommendations by 60%. Map is included below.**

Census Tracts

	On-Sale
Census Tract 117 <i>Establishment is within this tract</i>	Allowed: 10 Currently there are: 16 This census tract is 60% overconcentrated per ABC guidelines



On-Sale Alcohol Density in Census Tract 117, National City, CA

Alcohol density is defined as the average distance between a person and their closest alcohol retailer.

Alcohol license data accessed from the CA Dept. of Alcoholic Beverage Control on 12/21/2023.

2024



0 2 4 8 Miles

Crime Rate

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

Considerations

The following are considerations if a CUP is issued:

1. Require that staff, management, and owner 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. This training will be especially important due to the graduations, baptisms and other youth-friendly family celebrations expected to take place at this location.

James Camanyag
500 E 8th St
National City CA 91950
02/20/2024

Dear Fellow Resident/Business Owner,

May this letter find you in good health and high spirit. In our continuous commitment to enhancing the dining experience at Villa Manila, a cherished eatery serving family-style Filipino cuisine to the community for over 20 years, we are actively pursuing a Conditional Use Permit for a beer and wine license.

This permit will pave the way for the introduction of beer and wine service, adding another layer of richness to our renowned communal Kamayan dining experience and our Filipino Cuisine. This development is designed not only to fulfill our valued patrons' clamor for these items but also provide our guests with an even more diverse and enjoyable culinary journey. We believe that the inclusion of beer and wine will elevate the overall dining experience at Villa Manila, fostering a warm and inviting ambiance for our cherished patrons.

Understanding the significance of being considerate and respectful to the local community, we want to emphasize our unwavering commitment to operating in strict compliance with all alcohol regulations, protocols, including those related to noise, security measures, and adherence to state and local guidelines. The community's well-being remains our top priority.

We are reaching out to invite you to join us at our Community Hearing at Villa Manila Restaurant on **Friday March 1, 2024 at 5:00pm**. This will provide an opportunity to discuss our plans thoroughly, address any concerns, and ensure that the community's voice is heard.

Thank you for your time, and we are genuinely excited about the possibility of enhancing the dining experience for our community. Your support is invaluable, and we are committed to maintaining open communication throughout this process.

Warm regards,

James Camanyag
Marketing/Consulting Director
Villa Manila Restaurant

From: Dennis Hunt [REDACTED]
Sent: Friday, April 26, 2024 2:13 PM
To: Planning Commission <PLCPUBcomment@nationalcityca.gov>
Subject: CASE FILE No 2024-02 CUP RE: 500 East 8th Street Permit for Alcohol and for Live Entertainment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

We live a few blocks from this establishment at parcel 5563510400.

I am fine with Beer and Wine, but I AM AGAINST ANY KIND OF OUTDOOR LIVE ENTERTAINMENT OR DJ INCLUDING MUSIC PLAYING THROUGH OUTDOOR SPEAKERS. This business can cater at the park or rent a hall somewhere that won't disturb residents.

We request that no amplified outdoor entertainment of any kind be allowed anywhere within earshot. We are an older family, living among many other older families, and peace and quiet is essential to comfortable living.

Respectfully,

Dennis Hunt and family



Item no. **5**
May 20, 2024

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

PLANNING COMMISSION STAFF REPORT

Title: Review of a proposed vacation of an unused section of Paradise Avenue east of Plaza Blvd. for conformance with the General Plan.

Case File No.: 2024-05 SC

Staff report by: Martin Reeder, AICP – Assistant Director of Community Development

Applicant: City-initiated

Adjacent land use/zoning:

North: Single-family residential / Small Lot Residential (RS-2)

East: Single-family residential / City of San Diego

South: Vacant property / Large Lot Residential (RS-1)

West: Paradise Valley Road

Environmental review: The Planning Commission’s actions to make findings regarding the right-of-way vacation and report them to City Council is not a “project” under CEQA. The vacation itself is expected to be determined to be categorically exempt pursuant to CEQA, Section 15305 Minor Alterations in Land Use Limitations, Class 5. The right-of-way vacation will not result in any changes in land use.

Staff recommendation: Approve

BACKGROUND

Staff Recommendation

Staff recommends that the Planning Commission find the proposed street vacation in conformance with the General Plan and make a recommendation to the City Council that the paper street be vacated.

Executive Summary

The Engineering and Public Works Department is requesting to vacate a portion of undeveloped City right-of-way located on the north side of Paradise Valley Road (see attached Exhibit A). The reason for the request is that the City has a right-of-way constraint along the north side of a creek channel along Paradise Valley Road in this area: the City's easement over the channel runs along the bottom of the creek and does not include the northern bank of the creek (see attached Exhibit B).

Site Characteristics

The area is adjacent to an undeveloped residential property ("Property") to the south, and three residential properties to the north. This southern property is zoned RS-1 (Large Lot Residential) and is privately owned. On the south side of said property, adjacent to Paradise Valley Road, is a City drainage channel that is part of a CIP (Capital Improvement Program) enhancement project. The Property is generally used as storage area for contractors engaged in local infrastructure projects. The Property has been kept clean and free of weeds. The right-of-way to be vacated is 60 feet wide and is approximately 19,800 square feet in size. A steep dirt hill occupies approximately 25% of the property to be vacated.

Proposal

The Engineering and Public Works Department is requesting the vacation in association with the Paradise Creek Water Quality and Community Enhancement phase 2 project, currently underway ("Project"). The project proposes to make the creek channel wider, which will encroach on to the adjacent private property to the north. Vacating the unused portion of right-of-way (Paradise Avenue) will allow the City to request an equivalent easement area on the north side of the creek, allowing the City to widen the creek and create an access road necessary for Public Works crews to maintain the channel. The right-of-way proposed to be vacated is 60 feet wide. If vacated, half of the right-of-way (30 feet) will go to the properties on each side.

Analysis

Adopted in January 2006, the City's Street Vacation Procedures require that the City Council to initiate a request to vacate any public streets. The Council initiated the street vacation request on May 7, 2024. Pursuant to the Streets and Highways Code, Section 8313 and the Street Vacation Procedures, the Planning Commission must determine whether a proposed vacation conforms to the General Plan and forward the recommendation to the City Council.

The street segment proposed to be vacated is an undeveloped "paper street" and is not designated as a road or street in the Circulation Element of the General Plan. The "paper street" is not used for any form of motorized or non-motorized access. In addition, there is no connection through the area and no property access is gained from the area to be vacated.

General Plan Conformance

The street segment proposed to be vacated is an undeveloped "paper street" and is not designated as a road or street in the Circulation Element of the General Plan.

Vacating the street in this location would resolve a right-of-way constraint by ensuring an adequate easement over the creek channel in the area. In addition, it would facilitate a CIP project that will improve drainage through the area. The vacation would therefore be consistent with the following General Plan policies:

- **Policy S-2.1:** Prioritize funding and implementation of needed flood control and drainage improvements.
- **Policy S-2.5:** Encourage modifications to floodways to restore creek capacity, stabilize creek banks, and restore habitat or water quality, where feasible.

Summary

The General Plan Circulation Element does not identify the area as a road or street. The proposed street vacation does not conflict with the policies and goals of the General Plan. Furthermore, the vacation would resolve a right-of-way constraint and facilitate an important CIP project. If found to be in conformance with the General Plan, the next step would be a public hearing at the City Council.

Options

1. Determine that the street vacation as described on the attached plans is in compliance with the National City General Plan, since the portion of right-of-way to be vacated does not serve to provide any motorized or non-motorized access that will not otherwise be maintained. In addition, this portion of Paradise Avenue is not identified as a road or street in the Circulation Element of the General Plan; or,
2. Determine that the street vacation as described on the attached plans is not in compliance with the National City General Plan, based on Findings to be determined by the Planning Commission.

ATTACHMENTS

1. Resolution
2. Exhibit A – Location Maps
3. Exhibit B – Site Plan
4. Exhibit C – Site Photos
5. Notice of Exemption

RESOLUTION NO. 2024-07

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
FINDING THE VACATION OF AN UNUSED SECTION OF PARADISE AVENUE
EAST OF PLAZA BLVD. IN CONFORMANCE WITH THE GENERAL PLAN.

APPLICANT: CITY-INITIATED
CASE FILE NO. 2024-05 SC

WHEREAS, the Planning Commission of the City of National City considered the vacation of a portion of an unused section of Paradise Valley Road (Paradise Avenue) east of Plaza Blvd. for conformance with the General Plan at a hearing held on May 20, 2024, at which time oral and documentary evidence was presented; and,

WHEREAS, at said hearing the Planning Commission considered the staff report contained in Case File No. 2024-05 SC 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 May 20, 2024, support the following findings, which are hereby made:

1. That the street vacation as described on the plans presented to the Planning Commission on May 20, 2024 is in compliance with the National City General Plan, since the portion of right-of-way to be vacated does not serve to provide any motorized or non-motorized access that will not otherwise be maintained; and
2. That this portion of the former Paradise Avenue is not identified as a road or street in the Circulation Element of the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council that if the application for Street Vacation is approved, it be subject to the following conditions:

1. This *Street Closure* authorizes the vacation of 60 feet by 330 feet of Paradise Avenue east of Plaza Blvd. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibits A, B, and C as attached to the staff report for Case File No. 2024-05 SC;

2. *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;
3. The entire roadway are being vacated and the adjacent lots shall be kept free of tall weeds and debris per National City Municipal Code section 9.12.020 – *Weeds growing or located upon public streets, sidewalks, or private property to be a public nuisance pursuant to National City Municipal Code;*
4. That the applicant agree to defend (with counsel acceptable to the City) and indemnify the City from and against any and all claims, causes of action, damages, losses, expenses and costs (including attorney fees) arising out of or related to the vacation of the roadway, including but not limited to any environmental determinations in connection therewith; and
5. That the City receive a substitute easement in exchange for the vacated easement.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the Planning Commission finds the proposed Street Vacation in conformance with the National City General Plan.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 20, 2024 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

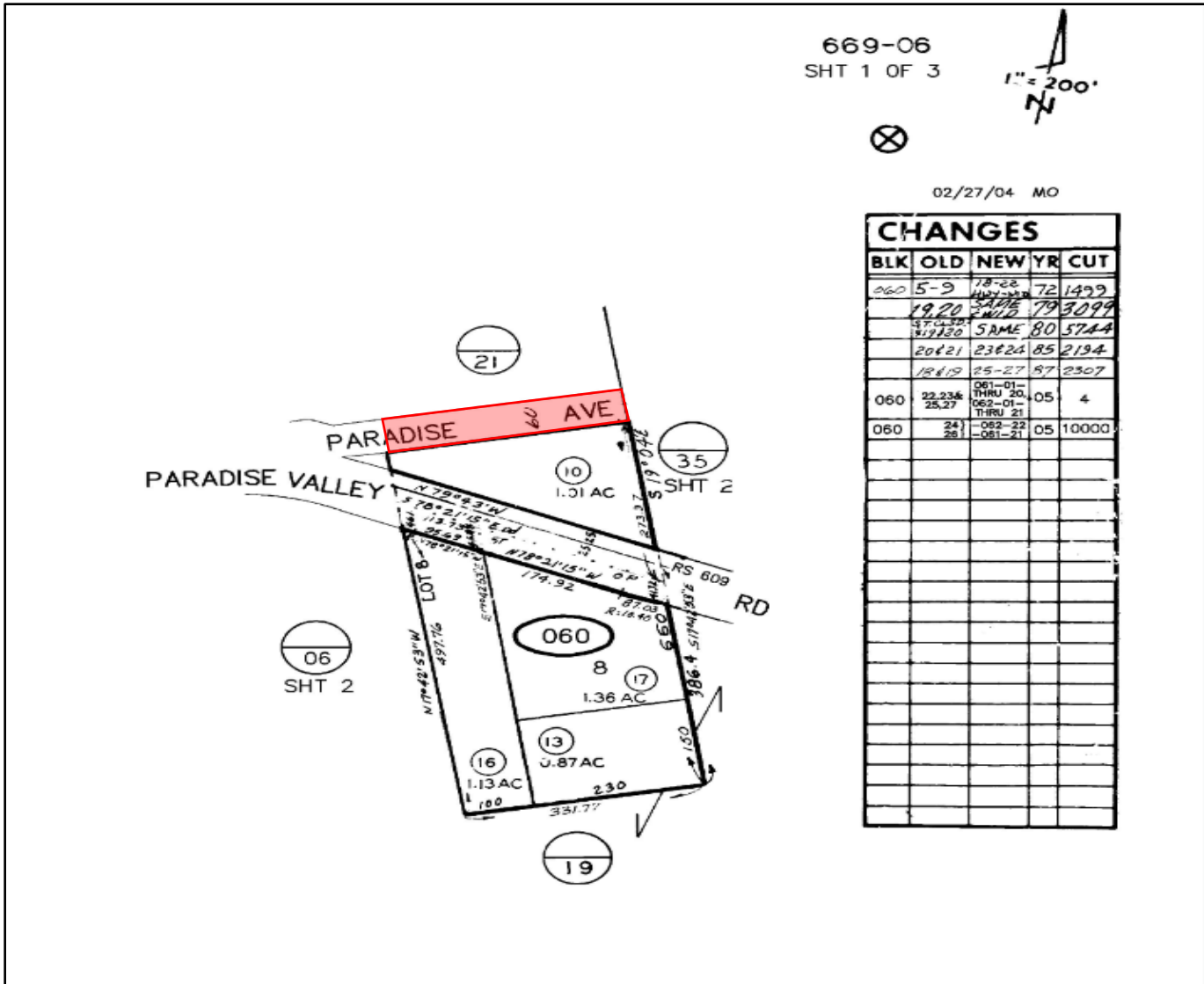
CHAIRPERSON



Location Map 1 – showing in red the proposed portion of the City property to be vacated



Location Map 2 – showing in red the proposed portion of the City property to be vacated



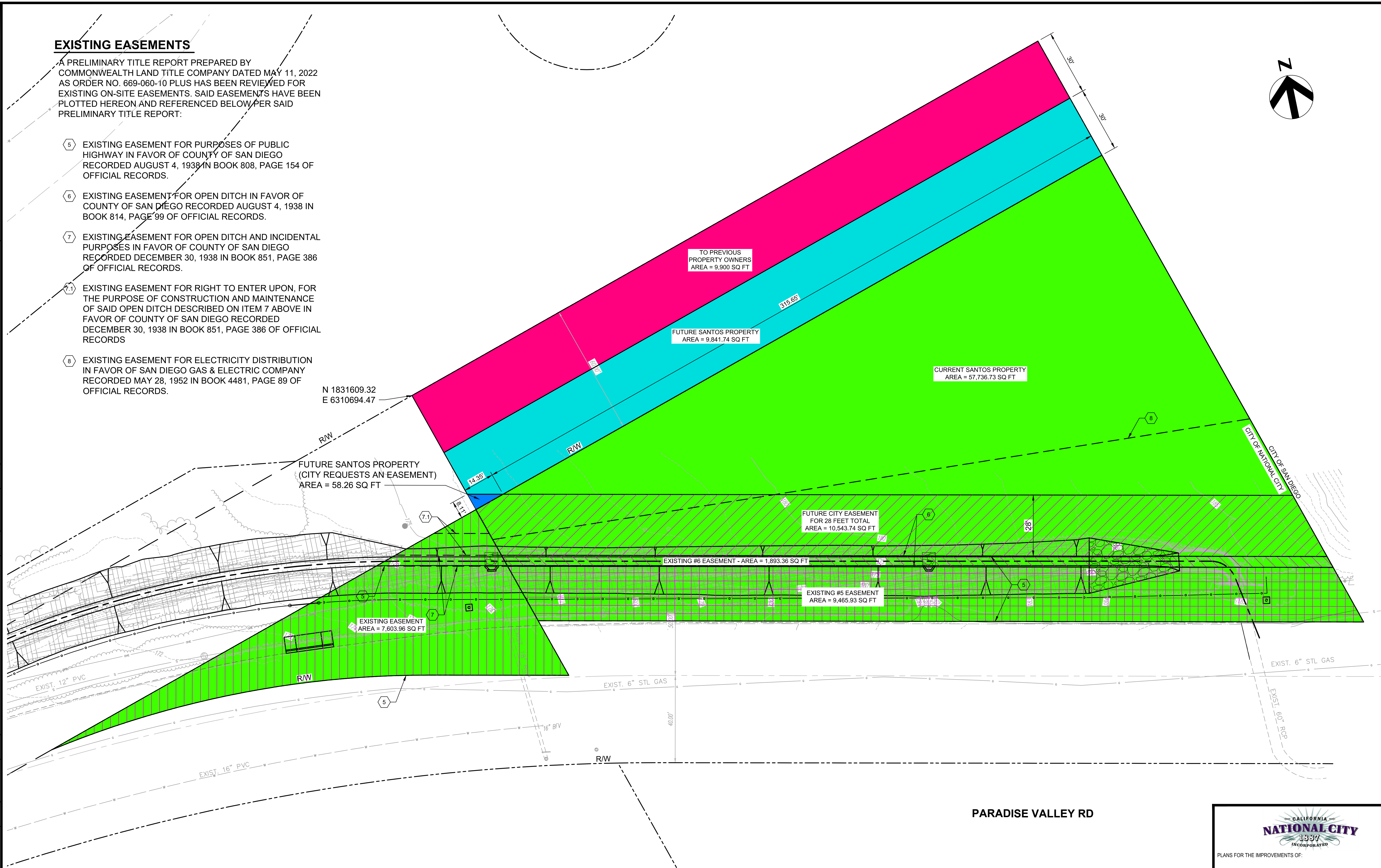
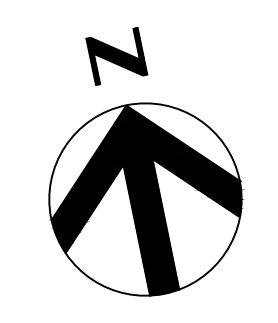
Location Map 3 – showing in red the proposed portion of the City property to be vacated

SURVEYOR: SAMPO ENGINEERING, INC.	BENCHMARK: LEAD AND BRASS TAG IN CONCRETE WALKWAY, LOCATED IN THE NE CORNER OF G AVE & 18TH ST. (PT #1236)	HORIZONTAL CONTROL: THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA AND 3246 AS SHOWN ON RGS 14482.	CONSTRUCTION RECORDS	DATE STARTED:	INSPECTOR:	DATE COMPLETED:	BY	APPROVED DATE	REVISIONS	BY	APPROVED DATE	ENGINEERING DEPARTMENT	AS-BUILT

EXISTING EASEMENTS

A PRELIMINARY TITLE REPORT PREPARED BY COMMONWEALTH LAND TITLE COMPANY DATED MAY 11, 2022 AS ORDER NO. 669-060-10 PLUS HAS BEEN REVIEWED FOR EXISTING ON-SITE EASEMENTS. SAID EASEMENTS HAVE BEEN PLOTTED HEREON AND REFERENCED BELOW PER SAID PRELIMINARY TITLE REPORT:

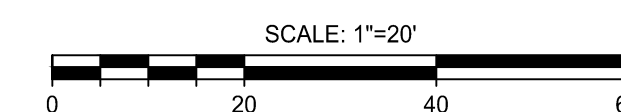
- 5 EXISTING EASEMENT FOR PURPOSES OF PUBLIC HIGHWAY IN FAVOR OF COUNTY OF SAN DIEGO RECORDED AUGUST 4, 1938 IN BOOK 808, PAGE 154 OF OFFICIAL RECORDS.
- 6 EXISTING EASEMENT FOR OPEN DITCH IN FAVOR OF COUNTY OF SAN DIEGO RECORDED AUGUST 4, 1938 IN BOOK 814, PAGE 99 OF OFFICIAL RECORDS.
- 7 EXISTING EASEMENT FOR OPEN DITCH AND INCIDENTAL PURPOSES IN FAVOR OF COUNTY OF SAN DIEGO RECORDED DECEMBER 30, 1938 IN BOOK 851, PAGE 386 OF OFFICIAL RECORDS.
- 7.1 EXISTING EASEMENT FOR RIGHT TO ENTER UPON, FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF SAID OPEN DITCH DESCRIBED ON ITEM 7 ABOVE IN FAVOR OF COUNTY OF SAN DIEGO RECORDED DECEMBER 30, 1938 IN BOOK 851, PAGE 386 OF OFFICIAL RECORDS
- 8 EXISTING EASEMENT FOR ELECTRICITY DISTRIBUTION IN FAVOR OF SAN DIEGO GAS & ELECTRIC COMPANY RECORDED MAY 28, 1952 IN BOOK 4481, PAGE 89 OF OFFICIAL RECORDS.



PARADISE VALLEY RD



PLAN
SCALE: 1" = 20'



PLANS REVIEWED BY:	
ENGINEERING DEPARTMENT LUCA ZAPPIELLO	DATE

PLANS FOR THE IMPROVEMENTS OF:

EASEMENT EXHIBIT

CITY OF NATIONAL CITY

STEPHEN MANGIANELLO, T.E. 2873 DIRECTOR PUBLIC WORKS/CITY ENGINEER	DATE
PROJECT NO.	CIP NO.



Photo 1 – looking on towards the northeast corner of the property



Photo 2 – looking on towards the northeast corner of the property



Photo 4 – looking on towards the northwest corner of the property



Photo 3 – looking on towards the northwest corner of the property



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: 2024-05 SC

Project Location: Unused and undeveloped portion of former Paradise Avenue between Plaza Blvd. and the eastern City boundary.

Lead Agency: City of National City

Contact Person: Martin Reeder **Telephone Number:** (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:
Vacation of 330 feet by 60 feet of former Paradise Avenue east of Plaza Blvd.

Applicant: City of National City
c/o: Luca Zappiello
1243 National City Blvd.
National City CA 91950
Telephone Number: (619) 336-4380

Exempt Status:
Categorical Exemption. Class 35, Section 15305 (Minor Alterations in Land Use Limitations)

Reasons why project is exempt:
There is no possibility that the proposed vacation will have a significant impact on the environment since the area to be vacated is an undeveloped street right-of-way that is not identified as a major road (arterial or collector) in the Circulation Element of the General Plan, and is not identified for any future street or alley extension in or near the subject area. The property is less than five acres in size and is surrounded by urban development.

Date:

MARTIN REEDER, AICP – Assistant Director of Community Development