

AGENDA

Regular Planning Commission Meeting

Monday, August 5, 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

Ashlin Y. Lutes, Deputy City Attorney

Carlos Aguirre, Director of Community Development

Martin Reeder, Assistant Director of Community Development

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.

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

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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, August 5, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950



ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

1. Approval of the Agenda for the Meeting on August 5, 2024

APPROVAL OF MINUTES

2. Approval of Minutes from the Meeting of May 20, 2024
3. Approval of Minutes from the Meeting of June 3, 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.

PRESENTATIONS

4. Otay Valley Regional Park Presentation

PUBLIC HEARINGS

5. Public Hearing – Conditional Use Permit and Coastal Development Permit for off-sale beer, wine, and distilled spirits (ABC Type 21) for an existing gift business located at 900 Civic Center Drive in the Coastal Zone
6. 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) at an existing restaurant (Mariscos La Capital) located at 801 National City Blvd., Suite 105

OTHER BUSINESS

7. Revision of Planning Commission Bylaws

STAFF REPORTS

ADJOURNMENT

Adjournment to the regularly scheduled meeting on August 19, 2024 at 6:00 p.m.

AGENDA

Regular Planning Commission Meeting

Monday, August 5, 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 August 5, 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 20, 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 6:00 p.m.

ROLL CALL

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

Commissioner Valenzuela arrived at 6:03 p.m.

Staff Also Present: Director of Community Development Carlos Aguirre, Assistant Director of Community Development Martin Reeder, Legal Counsel Elizabeth Mitchell, Associate Planner David Welch, and Executive Secretary Sarah Esendencia.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Commissioner Armenta.

ROLL CALL

1. Approval of Excused or Unexcused Absence of Commissioner Valenzuela from May 6, 2024 meeting due to medical reason.

Motion by Quinones, second by Armenta, to excuse Commissioner Valenzuela from May 6, 2024 Planning Commission Meeting.

Motion carried by the following vote:

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

Motion approved.

PUBLIC COMMENT

Joan Rincon made a public comment not related to the agenda.

APPROVAL OF AGENDA

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

Motion by Castle, second by Sanchez, to approve the agenda.

Motion carried by the following vote:

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

Motion approved.

APPROVAL OF MINUTES

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

Motion by Castle, second by Sanchez, to approve the agenda.

Motion carried by the following vote:

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

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 556-492-233.

David Welch presented a PowerPoint presentation.

Marketing/Consulting Director and representative, James Camayang was present and answered questions the Commissioners had.

Officer J. Camacho was present to answer any questions.

Commissioner Armenta disclosed she has been to the restaurant.

Vice-Chair Castle disclosed she has been to the restaurant.

Commissioner Quinones discloses she passes by the restaurant.

Chair Miller discloses he passes by the restaurant.

James Camayang states that alcohol will only be served inside the restaurant.

Motion by Forman, second by Sanchez, to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Motion by Forman, second by Valenzuela, to adopt 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

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

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.

Martin Reeder presented a PowerPoint presentation.

Martin Reeder states he will follow-up with Chair Miller's concerns at the next meeting and his comment regarding adding other area will be brought to the Engineering Department. Chair Miller's comments regarding the zoning and General Plan designation will also be brought up in the future.

Motion by Valenzuela, second by Sanchez, to close the adopt 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.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Armenta.

Noes: Miller, Forman, Castle.

Abstain: None.

Absent: None.

Motion approved.

STAFF REPORTS:

Legal Council: Elizabeth Mitchell states that it has been a pleasure to substitute for Deputy City Attorney, Ashlin Lutes, who was on vacation. States it was nice to see the Commissioners she knew and to be able to meet the new Commissioners and states that it was a pleasure serve the City of National City.

Director of Community Development: Follows-up with Commissioner Armenta's question regarding training budget and stipend pay for

Commissioners. States that they are budgeting \$7,000.00 for training which will allow three of the seven Commissioners to attend the training that is put on by the league of cities. Also states that they have done research about the stipend and found that the cities of like size and type to the City of National City-that the average is \$75.00.

Assistant Director of Community Development: None.

COMMISSIONER REPORTS:

Vice-Chair Castle: None.

Commissioner Armenta: None.

Commissioner Quinones: None.

Commissioner Sanchez: Request more elaboration on the CIPs. Request a summary on current CIPs and the proposed CIPs.

Commissioner Forman: Request to see the overall concepts for the city's improvement infrastructure related to the flood zone. Announces that Olive Wood Gardens is hosting their annual fundraiser on Saturday, June 1, 2024. Applauds them as an organization in the neighborhood. Shares she had a recent Council Member Marcus Bush related to her long standing interest in activating vacant properties. One in particular was 24th Street west of the 4 freeway. States the recommendation was to place in the budget.

Martin Reeder states that the properties are city owned and currently working through The Surplus Land Act requirements due to having to go through states process and states Legal Counsel is working on it and will be able to provide an update in the upcoming months.

Commissioner Valenzuela: None.

Chair Miller: States that the City of National City currently has an opening on the Port Commission and encourages anyone who is interested in the position, to apply.

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 7:10 p.m.

Chair Miller reopens meeting at 7:10 p.m.

The meeting adjourned at 7:12 p.m.

Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of August 5, 2024.

Martin Miller, Chair



Planning Commission Minutes

Regular Planning Commission
Meeting of June 3, 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 6:00 p.m.

ROLL CALL

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

Commissioner Quinones absent during roll call.
Commissioner Quinones arrived at 6:03 p.m.

Staff Also Present: Director of Community Development Carlos Aguirre, Assistant Director of Community Development Martin Reeder, Deputy City Attorney Ashlin Y. Lutes, Associate Planner David Welch, Director of Engineering and Public Works Steve Manganiello, and Deputy City Clerk Tonya Hussain.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Vice Chair Castle.

PUBLIC COMMENT

Public comment made by Teresa Camacho

APPROVAL OF AGENDA

1. Approval of Agenda for the Regular Planning Commission Meeting on June 3, 2024.

Motion by Castle, second by Sanchez, to approve the agenda.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

PUBLIC HEARINGS

2. Conditional Use Permit for the sale of beer, wine, and distilled spirits (ABC Type-21) at an existing grocery store (Grocery Outlet) located at 3446 Highland Avenue.

David Welch presented a PowerPoint presentation.

Steve Rawlings representative of the applicant spoke and answered any questions the Commissioners had.

Chair Miller, Vice-Chair Castle, Commissioner Armenta, Commissioner Quinones, and Commissioner Sanchez disclose that they have previously shopped at Grocery Outlet.

Motion by Valenzuela, second by Sanchez, to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Motion by Castle, second by Valenzuela, to adopt Resolution No. 2024-08, 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, wine, and distilled spirits (ABC Type-21) at an existing grocery store (Grocery Outlet) located at 3446 Highland Avenue.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

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

Commissioner Armenta recuses herself.

Vice-Chair Castle lives on the Fourth Street corridor and recuses herself.

Commissioner Quinones recuses herself.

Commissioner Sanchez lives on Fourth Street and recuses himself.

Deputy City Attorney Lutes provides guidance on the next steps. States that in the Political Reform Act there is an exception which allows a random means of selection to be used to select only the number of officials necessary to make the decision. Ashlin Lutes states that a random commissioner will be selected to participate in order to obtain a quorum.

Commissioner Quinones was selected at random.

6:26 p.m. Vice-Chair Castle, Commissioner Armenta, and Commissioner Sanchez stepped down from the dais.

Tara Lake with WSP presented a PowerPoint presentation.

Motion by Valenzuela, second by Forman, to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Forman.

Noes: None.

Abstain: Armenta, Castle, Sanchez (recusals).

Absent: None.

Motion approved.

Motion by Valenzuela, second by Forman, to adopt Resolution No. 2024-09, a Resolution of the Planning Commission of the City of National City, California, recommending adoption by the City Council of the City of National City of an Ordinance adopting the City Zoning Map Amendment to implement the Focused General Plan Update.

Motion carried by the following vote:

Ayes: Valenzuela, Quinones, Miller, Forman.

Noes: None.

Abstain: Armenta, Castle, Sanchez (recusals).

Absent: None.

Motion approved.

6:57 p.m. Vice-Chair Castle, Commissioner Armenta, and Commissioner Sanchez returned to the dais.

OTHER BUSINESS:

4. Fiscal Year 2024-2025 Capital Improvement Program – General Plan Conformity Review

Steve Manganiello presented a PowerPoint presentation.

Motion by Valenzuela, second by Armenta, finding the Fiscal Year 2024-2025 Capital Improvement Program in conformance with the General Plan.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

STAFF REPORTS:

Legal Council: None.

Director of Community Development: None.

Assistant Director of Community Development: Thanks the Planning Commissioners for their hard work on the Focused General Plan Update and thanks them for their patience. Thanks Steve Manganiello for being at the meeting.

COMMISSIONER REPORTS:

Vice-Chair Castle: States that a young life was lost this week due to a bicycle accident on 18th Street. Sends prayers to the individual's families. Request that the fourth corridor have traffic calming as there were two accidents in one day on 4th and B Street. Requested to add stop signs or speedbumps. Request City Clerk to send the link for the National City projects via email to all the Commissioners.

Commissioner Armenta: None.

Commissioner Quinones: Apologies for being late. States that the traffic on Harbison and 6th is horrendous. Request if someone can look into the parking issue.

Commissioner Sanchez: Agrees with Vice-Chair Castle regarding the accidents happening on 4th Street. States that Las Palmas Little League chose their All Stars and states that his son is one of the All Stars.

Commissioner Forman: Hopes the City responds with some ways of improving the street scape and making it safer.

Commissioner Valenzuela: Recommends on Plaza Blvd. between Highland and the 805 on the west side, and Harbison and 805 on the east side that traffic lighting sequencing be considered in the morning in particular. Thanks Director Manganiello's team for working on the homeless encampment in front of the Jack-In-The-Box.

Chair Miller: Follows-up on the Safety Training. States that he had the opportunity to test for his ham radio license in which he passed. Encourages everyone to get involved in the SEARCH Program and directs anyone to talk to Walter Amedee regarding the information.

ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, July 15, 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 7:41 p.m.

Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of August 5, 2024.

Martin Miller, Chair



Item no. **5**
August 5, 2024

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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR OFF-SALE BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 21) FOR AN EXISTING GIFT BUSINESS LOCATED AT 900 CIVIC CENTER DRIVE IN THE COASTAL ZONE.

Case File No.: 2024-04 CUP

Assessor’s Parcel Nos.: 559-010-09

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

Applicant: Rawlings Consulting

Zoning designation: Medium Manufacturing – Coastal Zone (MM-CZ)

Adjacent use and zoning:

North: Naval Base San Diego across Civic Center Drive / Military (M)

East: Railroad right-of-way with Industrial uses beyond / MM-CZ

South: Railroad right-of-way with Industrial uses beyond / MM-CZ

West: Naval Base San Diego across Tidelands Avenue / Military (M)

Environmental review: This is not a project under CEQA and is therefore not subject to environmental review: CCR15378; PRC 21065.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the CUP for an ABC Type 21 alcohol license, subject to the recommended conditions in the attached resolution. The sale of alcohol would be non-retail in nature and associated with custom gift products. No general public access would occur and hours reflect standard weekday business hours.

Executive Summary

The applicant currently operates a mail order gift business specializing in custom etching of bottles of alcohol. The business has historically purchased the alcohol on a retail basis, but wishes to change to buying alcohol on a wholesale basis for cost-savings purposes. No external advertising or display is proposed. Business hours are Monday to Friday from 9 a.m. to 5 p.m.

This will require a Type 21 alcohol license (off-sale general) from the California Department of Alcoholic Beverage Control (ABC). No retail sales are proposed for the general public and alcohol will only be sold to customers ordering etching services.

Site Characteristics

The business (Etching Expressions) has been at this location since March of 2023 and also has a robust online presence. The business is located within a large industrial building near the southeast corner of Civic Center Drive and Tidelands Avenue. This area is zoned Medium Manufacturing, which is within the City's Coastal Zone (typically the area west of Interstate 5). The area is mostly industrial in nature with other industrial uses to the south and east, and marine/U.S. Navy uses located north and west of the location. The property is within census tract 219, which includes the entire west side of the City west of National City Boulevard.

The lot is shown on the current zoning map as being in the Medium Industrial (IM) zone, and also within the Coastal Zone (CZ). The most recent comprehensive Land Use Code Update (2011) is not active in the Coastal Zone. This is due to the fact that the necessary changes in the City's Local Coastal Plan have not been completed. Therefore, the City's previous zoning would generally apply. In this case the zone would have been MM-CZ (Medium Manufacturing – Coastal Zone) – essentially the same zone.

Proposed Use

Etching Expressions business operations include the processing of online orders for etching services, which includes bottles of wine, bottles of distilled spirits, and other gift items. Alcohol was previously purchased by the company on a retail basis, processed (etched), and then shipped out. This use did not require a CUP, as it was a processing and shipping-related business. The only change in operations is to purchase alcohol on a wholesale basis, which triggers additional ABC requirements.

Generally-speaking, the resale of wholesale-bought products requires a Type 21 (off-sale general) license from ABC, as sales would be considered retail at that point. However, no retail sales would occur at this location. Business operations would remain the same. The change from retail to wholesale purchasing of alcohol is only for cost-savings purposes. While no in-person alcohol sales would take place at this location, ABC has a requirement of Type 21 licenses to provide a display area for products offered. To satisfy this requirement, the applicant is providing an area of approximately 100 square feet on the second floor of the building. As no external advertising is proposed, the building will appear as any other industrial/office building to the passerby.

Analysis

Section 18.30.050 of the Land Use Code allows for off-site alcohol sales 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

While no direct alcohol sales would occur on site, the building would typically be accessible to the public during normal business hours, which are Monday to Friday from 9 a.m. to 5 p.m. Conditions of approval for alcohol sales reflect these business hours, although no direct sales are occurring.

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 72 occupants and owners.

Community Meeting – Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Monday, April 29, 2024 from

5:00 p.m. to 6:00 p.m. Meeting information is attached (Attachment 7). 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 nine off-site licenses in census tract 219, where a maximum of one is recommended. While the tract is thus considered over-concentrated, it should be noted that two of the outlets are in the City of Chula Vista and the proposed license will not function as a traditional retail outlet, therefore not contributing to the over-concentration of off-sale outlets.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 7 points, which places it in the Low Risk category (Low Risk is considered 12 points or less). The reason for the low score is due to the non-traditional and non-retail nature of the business. The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments from IPS reflect the non-traditional nature of the business and no issues, concerns, or comments were noted related to the proposal.

Coastal Zone

As previously noted, the business location is within the Coastal Zone. Under normal (non-discretionary permit) circumstances, no Coastal Development Permit (CDP) would be required. However, the need for a discretionary approval in this case (CUP) also triggers a CDP. The only difference with this application would be the need for an additional finding related to consistency with the Local Coastal Plan, which is included with the attached Resolution (Attachment 1).

California Environmental Quality Act (CEQA)

This CUP proposal is not a project under CEQA under California Code Regulations (CCR) 15378 and is therefore not subject to environmental review. The reason for this determination is that, per CCR 15378, a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Given that the only change between previous and proposed conditions is how bottles of alcohol already processed at this location are purchased, there would be no such physical change.

Summary

The proposed use is consistent with the General Plan and Land Use Code, as the use has and continues to function as an industrial use in a building designed for such use in a predominantly industrial area. No change in use over what exists currently is proposed, therefore no impacts to the site or the surrounding area are likely.

Because no traditional retail sales would occur on site, no nuisance impacts are expected. This is supported by the specialized and custom nature of the products being sold and because said products are exclusively offered through an online ordering and shipping process. While there is conceivably the option for in-person sales due to the nature of the ABC license, conditions have been included to limit the sales to custom products only.

While the census tract is considered over-concentrated with regard to off-sale alcohol licenses, the non-retail nature of the business assuages such concerns. This is further supported by the low risk assessed by the Police Department and no concerns being noted by IPS.

Options

1. Approve 2024-04 CUP, CDP 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. Deny 2024-04 CUP, CDP 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. 2024-04 CUP, CDP, dated 3/20/2024)
4. Public Hearing Notice (Sent to 72 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. Community Meeting Information

RESOLUTION NO. 2024-10

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, APPROVING A
CONDITIONAL USE PERMIT FOR OFF-SALE
BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 21)
FOR AN EXISTING GIFT BUSINESS LOCATED AT
900 CIVIC CENTER DRIVE
IN THE COASTAL ZONE.
CASE FILE NO. 2024-04 CUP
APN: 559-010-09

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit and Coastal Development Permit for off-sale beer, wine, and distilled spirits (ABC type 21) for an existing gift business located at 900 Civic Center Drive in the Coastal Zone at a duly advertised public hearing held on August 5, 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. 2024-04 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 August 5, 2024, support the following findings:

1. That the site for the proposed use is adequate in size and shape, because there will be no physical or operational change in the existing business as a result of this approval that would expand the current use beyond its current capacity.
2. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, because there will be no physical or operational change in the existing business as a result of this approval that would impact adjacent streets,
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, because the project is a use consistent with the Medium Manufacturing

(MM) zone description in the General Plan and will be subject to conditions of approval that ensure safe operation of the business.

4. That the proposed use is deemed essential and desirable to the public convenience or welfare, because changes resulting from approval of this request will the business to achieve cost-savings that will be passed to the consumer.
5. That the granting of this Conditional Use Permit is consistent with and implements the Certified Local Coastal Program, because the project is located within an area generally exempt from a Coastal Development Permit; involves a service use, which is conditionally allowed in the MM-CZ zone; and will not prohibit coastal access or obstruct views.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act and, due to the minor nature of the proposal, is not considered a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.
7. Based on findings 1 through 6 above, public convenience and necessity will be served by a proposed use of the property for the off-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 due to the non-retail nature of the business.

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 alcohol purchased on a wholesale basis and in conjunction with custom etching, labeling and/or packaging services for the business located at 900 Civic Center Drive. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024-04 CUP, CDP, dated 3/20/2024.
2. Before this *Conditional Use Permit* and *Coastal Development 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* and *Coastal Development 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* and *Coastal Development 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 prior to recordation.

3. This permit shall become null and void at such time as there is no longer a Type 21 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* and *Coastal Development Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

7. Retail sales of bottles of alcoholic beverages shall not be permitted unless sold in conjunction with etching, labeling and/or packaging services offered at this location.
8. No signage indicating the availability of alcohol shall be installed or displayed on the exterior of the building, nor be located in the interior of the building where it may be observed from outside the building.
9. No retail alcohol sales shall be permitted until the applicant has been issued a Type 21 license from the California Department of Alcoholic Beverage Control.
10. The sale of alcoholic beverages shall only be permitted between the hours of 9 a.m. and 5 p.m. from Monday to Friday.
11. The sale of alcoholic beverages for on-site consumption is not permitted at this location.
12. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

13. 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 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 August 5, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2024-10

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, DENYING A
CONDITIONAL USE PERMIT FOR OFF-SALE
BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 21)
FOR AN EXISTING GIFT BUSINESS LOCATED AT
900 CIVIC CENTER DRIVE
IN THE COASTAL ZONE.
CASE FILE NO. 2024-04 CUP
APN: 559-010-09

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit and Coastal Development Permit for off-sale beer, wine, and distilled spirits (ABC type 21) for an existing gift business located at 900 Civic Center Drive in the Coastal Zone at a duly advertised public hearing held on August 5, 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. 2024-04 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 August 5, 2024, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as there are already seven off-sale alcohol outlets in the same census tract that sell 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.

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CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of August 5, 2024, by the following vote:

AYES:

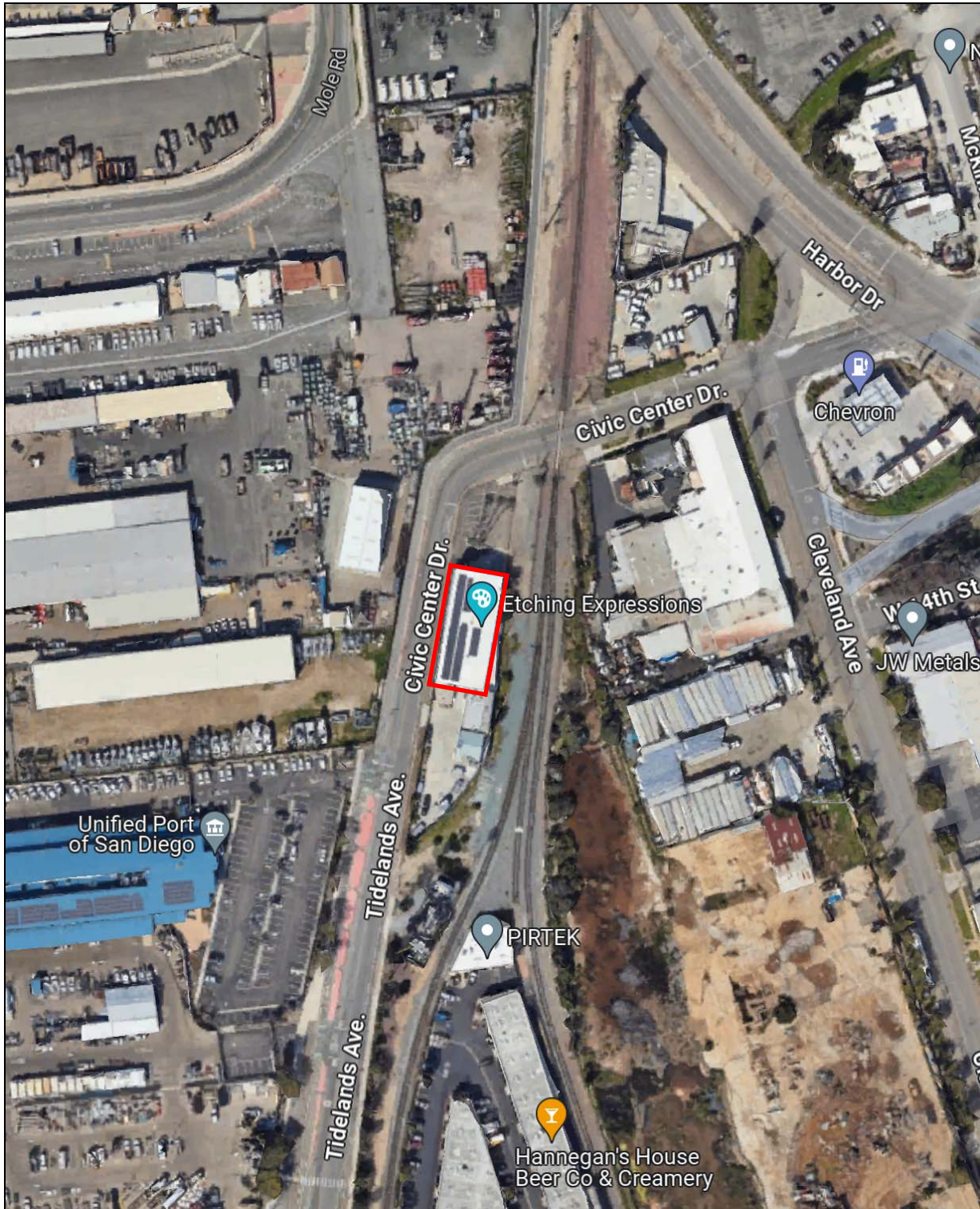
NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

2024-04 CUP, CDP – 900 Civic Center Drive – Overhead



ATTACHMENT 3



NORTH

PROJECT NAME: 900 CIVI CENTER - WAREHOUSE

ADDRESS: 900 Civic Center Dr National City, CA 91950

DATE: 5.20.2020

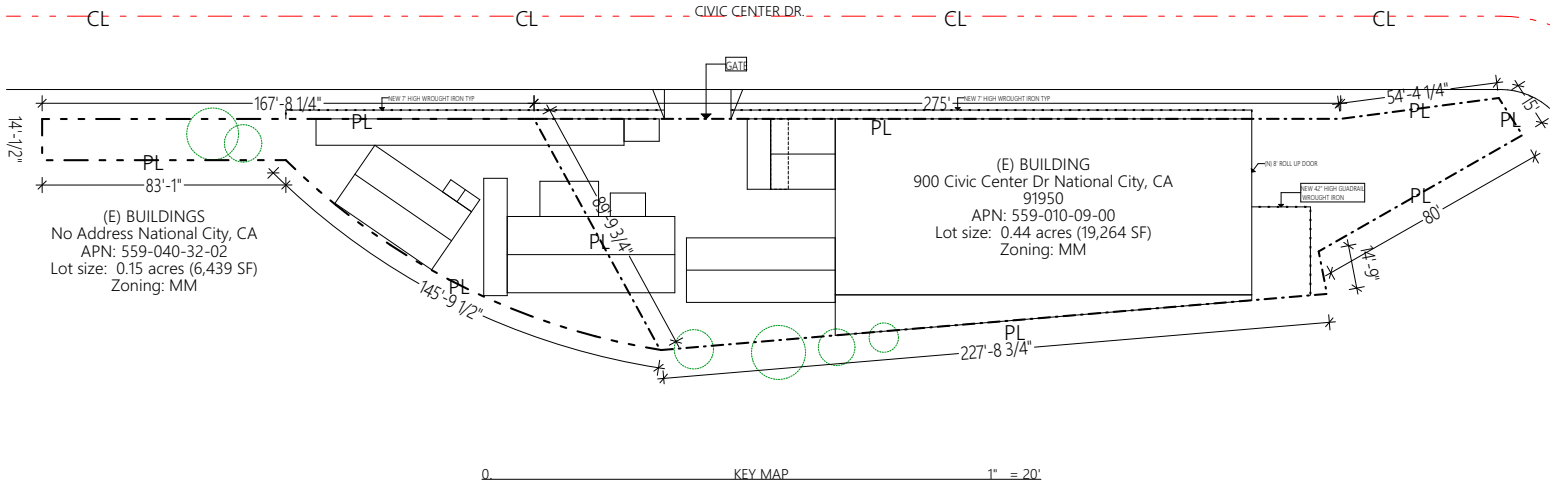
CITY SUBMITTAL: SAN DIEGO

SCALE: INDICATE IN DRAW

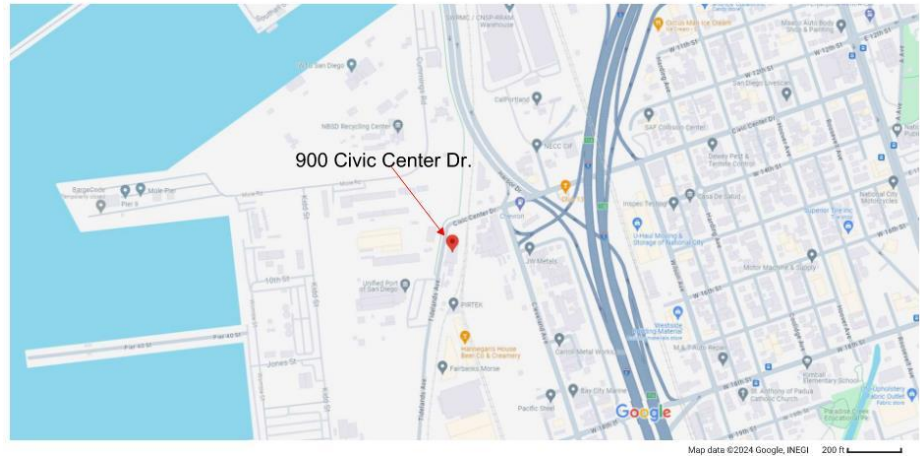
DRAW: E.M. JOB NO.

SHEET TITLE: SITE PLAN

A.01



VICINITY MAP



PROPERTY OWNER
 HMM Ventures LLC
 900 Civic Center Drive
 National City, CA 91950
 Attn: Mike McCarron

Applicant
 MHH Glass Etching Inc
 c/o Rawlings Consulting
 26023 Jefferson Avenue, Suite D
 Murrieta, CA 92562

Proposed Use:
 Finding of public convenience or necessity
 and permit to sell alcohol for off-site consumption
 (ABC Type 21 License). No new construction proposed.

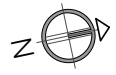


ALCOHOL STORAGE/DISPLAY
106.5 SF

17'-9"
10'-6"

ENTRANCE

CDGI
CONCEPTO
T. 619.858.2345 F. 619.858.2344
P.O.Box. 84180 San Diego, Ca. 92138
office@cdgis.com www.cdgis.com



NORTH

PROJECT NAME: **900 CIVIC CENTER - WAREHOUSE**

ADDRESS: 900 Civic Center Dr National City, CA 91950

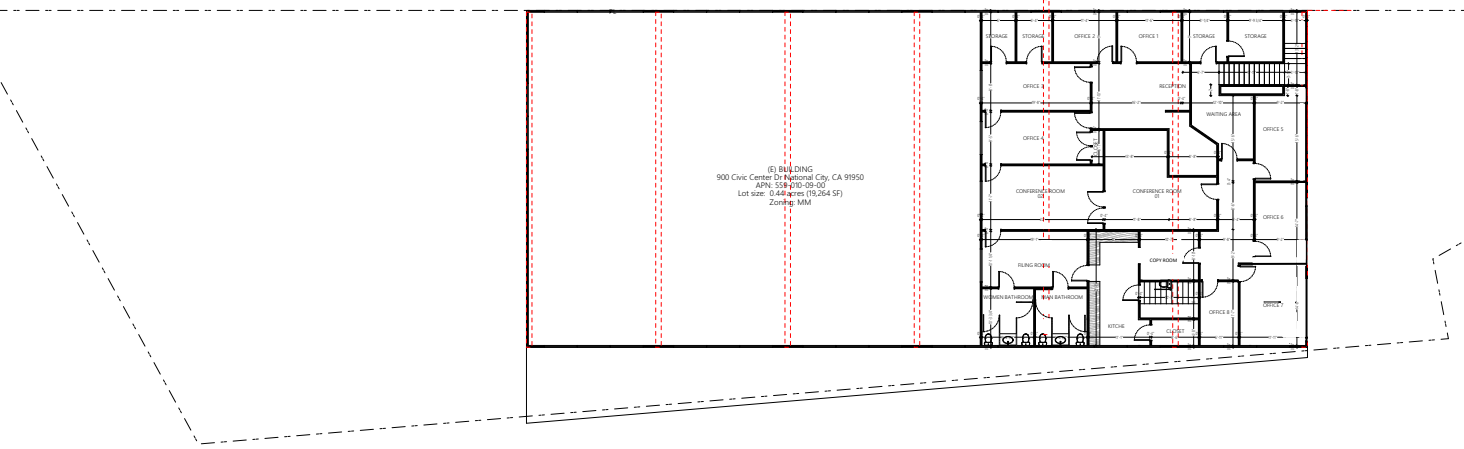
PROJECT NAME:
ADDRESS:

DATE: 5.20.2020
CITY SUBMITTAL: SAN DIEGO
SCALE: INDICATE IN DRAW
DRAW: E.M.
JOB NO.

SHEET TITLE:

FLOOR PLAN

A.03



DISPLAY CASE

FLOOR PLAN - LOT 559-040-32-02

3/32" = 1'-0"



NOTICE OF PUBLIC HEARING

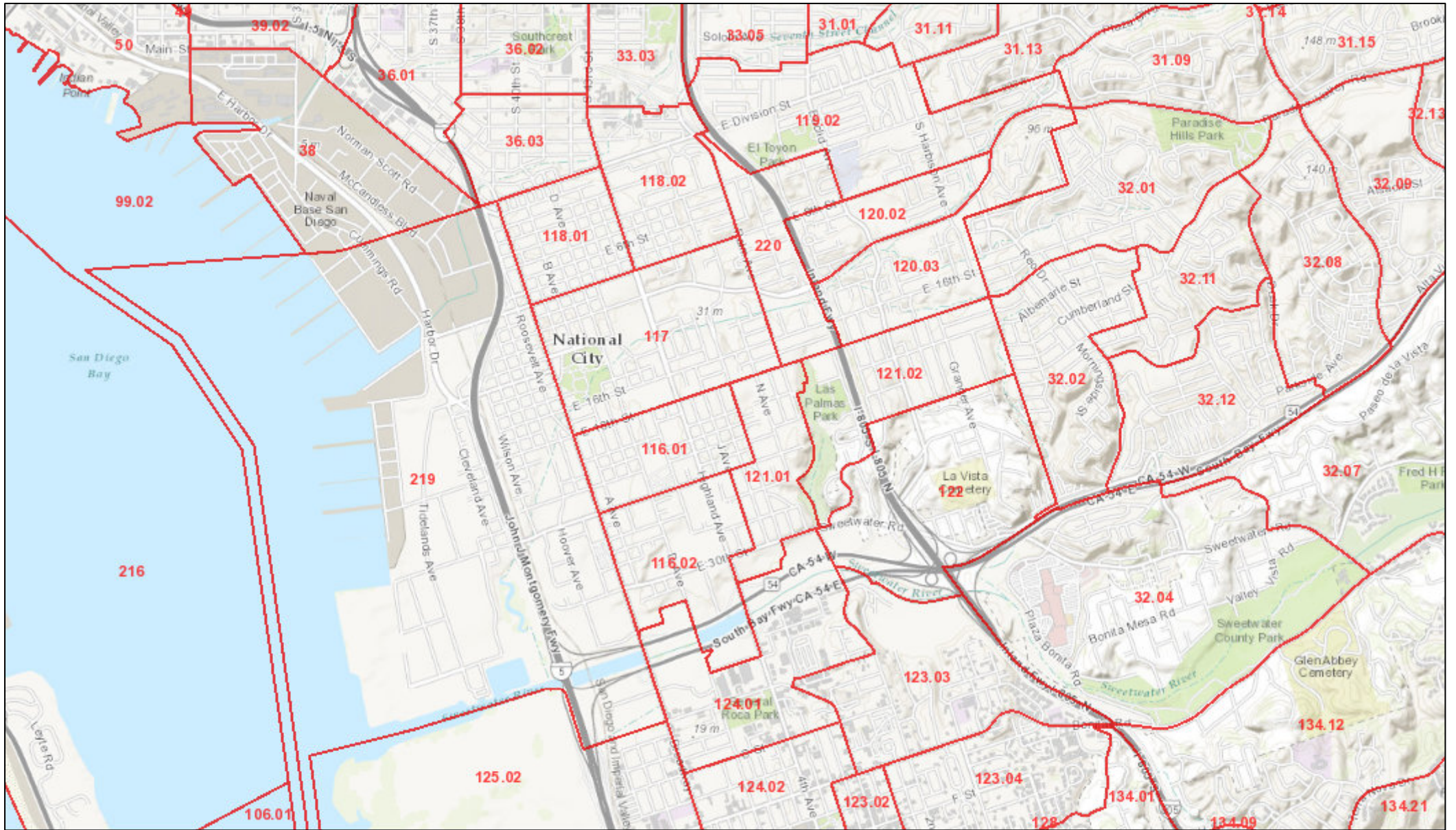
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT
FOR OFF-SALE BEER, WINE, AND DISTILLED SPIRITS
(ABC TYPE 21) FOR AN EXISTING GIFT BUSINESS
LOCATED AT 900 CIVIC CENTER DRIVE IN THE COASTAL ZONE.
CASE FILE NO.: 2024-04 CUP
APN: 559-010-09

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 5, 2024** in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Rawlings Consulting)

The applicant currently operates a mail order gift business specializing in custom etching of bottles of alcohol. The business has historically purchased the alcohol on a retail basis, but wishes to change to buying alcohol on a wholesale basis. This will require a Type 21 alcohol license (off-sale general) from the California Department of Alcoholic Beverage Control (ABC). No retail sales are proposed for the general public and alcohol will only be sold to customers ordering etching services. No external advertising or display is proposed. Business hours are Monday to Friday from 9 a.m. to 5 p.m. The Planning Commission will also consider the staff determination that the project is not considered a project under the California Environmental Quality Act (CEQA). The project location is within the City's Coastal Zone.

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., **August 5, 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.

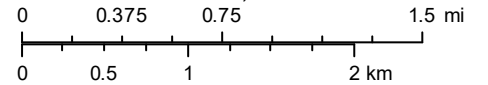


August 25, 2014

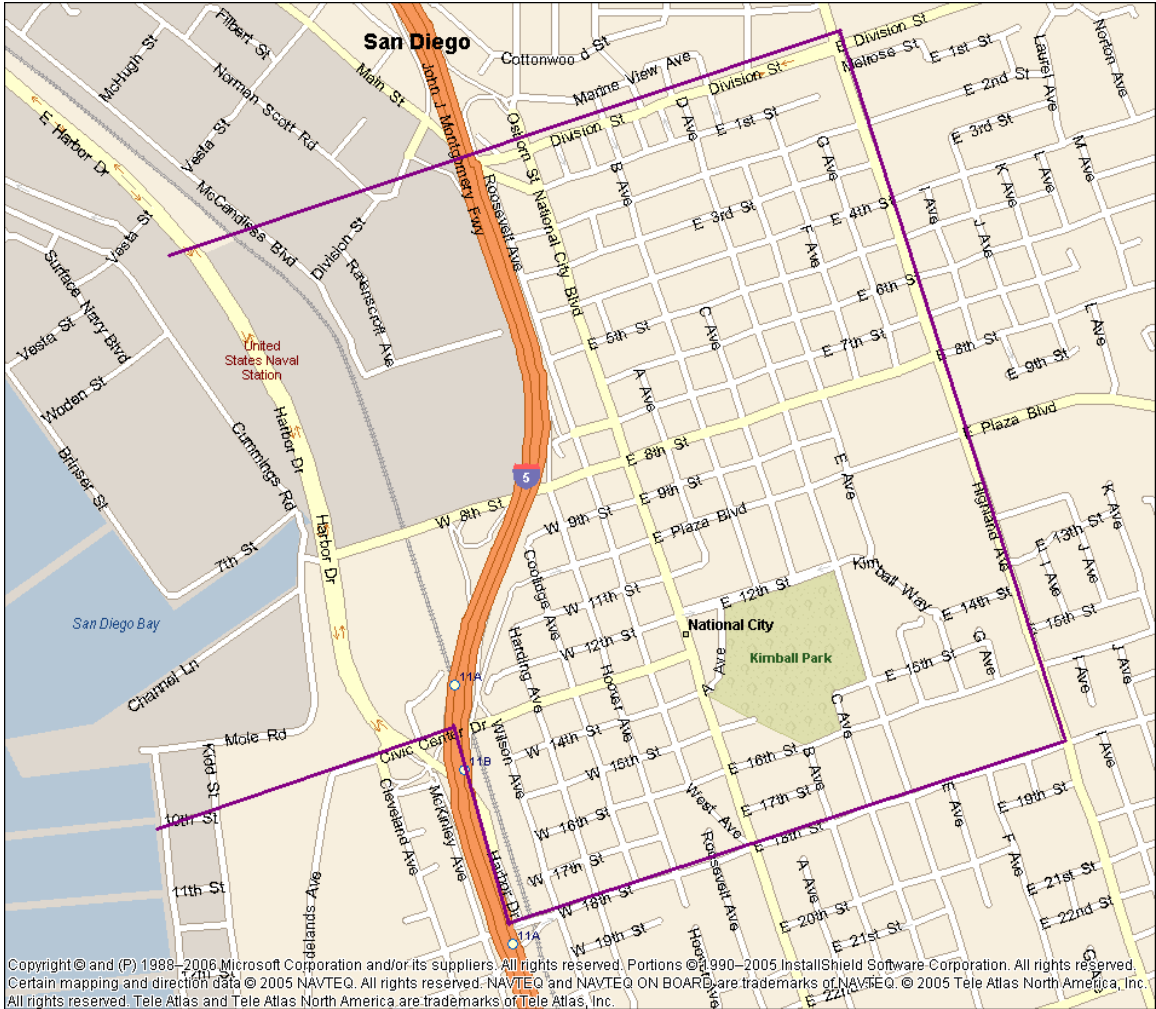
Census Tracts 2010

ATTACHMENT 5

1:45,467



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



City of National City Beat 20

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



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 03-28-24

BUSINESS NAME: MHM Glass Etching, Inc c/o Rawlings Consulting

ADDRESS: 900 Civic Center Drive, National City, CA 91950

OWNER NAME: [redacted] DOB: _____

OWNER ADDRESS: _____

(add additional owners on page 2)

I. Type of Business

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

II. Hours of Operation

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

III. Entertainment

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

IV. Crime Rate

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

V. Alcohol Businesses per Census Tract

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

Notes:

- This business does not meet the types listed - Risk assessed at 0pts

- Currently, there are (3) on sale licenses authorized in tract 219

- Currently, there are (11) active on sale licenses in tract 219

- Currently, there are (1) off sale licenses authorized in tract 219

- Currently, there are (7) active off sale licenses in tract 219

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

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

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

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

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>7</u>

VIII. Owner(s) records check

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

OWNER NAME: [redacted] DOB: [redacted]

OWNER ADDRESS: [redacted]

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

This business assesses at a low risk and is deserving of such a rating. Tract 219 is
over its authorized licenses but this business it not involved in traditional alcohol sales.

Completed by: J. Camacho Badge ID: 449

Rawlings Consulting
26023 Jefferson Ave., Ste. D
Murrieta, CA 92562



quadiant
FIRST-CLASS MAIL
IMI
\$000.64^{US}
04/16/2024 ZIP 92562
043M31217618

US POSTAGE

559-040-57-00
Occupant
1535 Tidelands Ave Ste P
National City CA 91950

You are invited to attend at:
COMMUNITY MEETING

Date: Monday, April 29th, 2024

Time: 5 PM – 9 PM

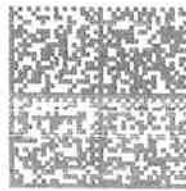
Address: Etching Expressions – 900 Civic Center Drive, National City, CA

This meeting is to inform citizens of a finding of public convenience or necessity and use permit application to sell beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License) at an existing gift company. sell beer and wine. Sales hours 8:00 am to 2:00 pm Monday – Friday.

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

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

Rawlings Consulting
26023 Jefferson Ave., Ste. D
Murrieta, CA 92562



quadiant
FIRST-CLASS MAIL
IMI
\$000.64^g
04/17/2024 ZIP 92562
043M31217618

US POSTAGE

National City Police Department
1200 National City Blvd
National City CA 91950

You are invited to attend a:
COMMUNITY MEETING

Date: Monday, April 29th, 2024

Time: 5 PM – 9 PM

Address: Etching Expressions – 900 Civic Center Drive, National City, CA

This meeting is to inform citizens of a finding of public convenience or necessity and use permit application to sell beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License) at an existing gift company. sell beer and wine. Sales hours 8:00 am to 2:00 pm Monday – Friday.

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

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

Minutes

Community Meeting

Location: Etching Expressions Offices - 900 Civic Center Drive

Date: April 29, 2024

Time: 5pm to 6pm

Attendees: Steve Rawlings, Applicant Representative

Michael McCarron, Owner

4:55pm – Michael McCarron opened the door from the break room to parking lot.

6:00pm – Micheal McCarron closed doors.

Note: 72 Notices were mailed out on 4/16/24.



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) AT AN EXISTING RESTAURANT (MARISCOS LA CAPITAL) LOCATED AT 801 NATIONAL CITY BLVD., SUITE 105

Case File No.: 2024-10 CUP

Location: Southeast corner of National City Blvd. and E. 8th St.

Assessor's Parcel Nos.: 556-471-26-17

Staff report by: Sophia Depew – Acting Assistant Planner

Applicant: Kimberly Zamudio

Zoning designation: Development Zone 4 (Downtown Specific Plan)

Adjacent use and zoning:

- North: Integrity Charter School across East 8th Street / DZ 4
- East: Union Bank / DZ 4
- South: Morgan Square/Chamber of Commerce / DZ 5B
- West: National City Higher Education Center / DZ 7

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, 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 is a conditionally-allowed use in Development Zone 4 of the Downtown Specific Plan area and would be accessory to food sales at the restaurant.

Executive Summary

The operator of Mariscos La Capital restaurant has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales. The hours of operation as proposed by the applicant are 8:00 a.m. to 11:30 p.m. daily.

Site Characteristics

Mariscos La Capital is an existing restaurant at the base of the Bay View Suites building (former Red Lion Hotel). The restaurant is 1,025 square feet in size, with approximately 310 square feet dedicated to dining area. The indoor dining room has 30 seats.

The property is located in census tract 117, which covers the area between National City Boulevard and “N” Avenue, and between East 8th Street and East 18th Street. The downtown area encompasses a range of residential, institutional, and commercial uses, including a variety of restaurants that serve alcohol. The restaurant is located on the southeast corner of East 8th Street and National City Boulevard.

Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Restaurant hours will be 8:00 a.m. to 11:30 p.m. daily. Proposed alcohol sales hours are proposed for the same time period. No live entertainment is proposed.

Analysis

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

The site was previously approved for the same type of ABC License (Type 41) with a CUP that has since expired due to a discontinued use for a period of 12 months or longer.

Hours of Operation for Alcohol Sales

Most recent CUP's for on-site alcohol consumption have varying hours of operation. Villa Manila was approved for the sale of alcoholic beverages for on-site consumption until 9:00 p.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. Market on 8th was approved for the sale of alcoholic beverages for on-site consumption from 6:00 a.m. to 12:00 a.m. daily.

Conditions of approval for alcohol sales reflect what the applicant has requested (8:00 a.m. to 11:30 p.m. daily.). The previous CUP was approved for 6:00 a.m. to 8:00 p.m. No live entertainment is proposed to reflect the later hours of operation. The applicant has stated that the proposed hours are the maximum that could be expected, depending on the future success of the business. Current hours are advertised as 12 p.m. to 7 p.m. and 12 p.m. to 8 p.m. on weekends.

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 778 occupants and owners.

Comments

The Planning Division has not received any public comment as of the writing this report.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Friday, May 10, 2024 at 12:30 p.m. at the restaurant. The meeting advertisement is attached (Attachment 8); Based on the attached sign-in sheet, only a representative of the Institute for Public Strategies (IPS) attended the meeting.

Distance Requirements – Chapter 18.030.050 (D) of the Land Use Code (LUC) requires a 660-foot distance from any public school for restaurants serving alcohol; the nearest state-certified public school is Central Elementary School, which is located approximately a quarter-mile away to the east.

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. A recent approval (Villa Manila) increases the number to 17 licenses. However, of those 17, two are catering licenses and one is a VFW hall. The census tract is considered over concentrated by ABC with regard to on-site alcohol sales outlets.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 14 points, which places it in the Medium Risk category (Medium Risk is considered 13 to 18 points). The main reasons for the medium risk assessment are due to the proposed closing time (after 11 p.m.) and the high crime rate in the area (Beat 20, which is the entire northwest corner of the City). The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Require that staff, management, and owner attend an in-person Responsible Beverage Sales and Service training.
2. Require security guards during sporting events that will be viewed at the location.
3. Require exterior security cameras.

Standard conditions of approval are included in the report in compliance with City Council Policy 707. IPS comments are included as Attachment 7. The application is for a restaurant use and the proposed alcohol sales are incidental, which ordinarily does not warrant additional security measures. Conditions of approval are included that restrict live entertainment and advertised events.

Findings for Approval

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

1. Allowable Use: Alcohol sales are allowable within Downtown Specific Plan Development Zone 4, 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. The use is incidental to the existing restaurant use in a mixed-use area.

2. General Plan Consistency: Alcohol sales is a permitted use, 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 Development Zone 4 land use designation as a street-oriented retail use contained in the Downtown Specific Plan and is consistent with the 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. There is no live entertainment proposed on site.
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 Development Zone 4 of the Downtown Specific Plan.
6. Public Convenience and Necessity: The restaurant, a permitted use in the Development Zone 4 of the Downtown Specific Plan, will benefit from the sale of alcohol by providing for a wider diversity of businesses that add character to the downtown core.

Findings for Denial

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

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets – 16 on-sale outlets are permitted where ten are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already fifteen restaurants in the same census tract that serve alcohol, including Big Ben Market Grill House and Villa Manila, which are within one and five blocks of the subject restaurant respectively
3. Based on the above findings, 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.

Conditions of Approval

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

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 4 of the Downtown Specific Plan. The proposed use would be incidental to the proposed restaurant use in a commercial area. The addition of on-site beer and wine sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, beer and wine will only be available with the sale 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 2024-10 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 2024-10 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. 2024-10 CUP, dated 7/2/2024)
4. Public Hearing Notice (Sent to 778 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Information

RESOLUTION NO. 2024-11

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) AT EXISTING RESTAURANT (MARISCOS
LA CAPITAL)
LOCATED AT 801 NATIONAL CITY BOULEVARD, SUITE 105.
CASE FILE NO. 2024-10 CUP
APN: 556-471-26-17

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at an existing restaurant (Mariscos la Capital) located at 801 National City Boulevard, suite 105 at a duly advertised public hearing held on August 5, 2024, 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. 2024-10 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 August 5, 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 the use is allowable within the Downtown Specific Plan Development Zone 4 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent

with the allowed uses in the Downtown Specific Plan as a street-oriented retail use and is consistent with the 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 alcohol sales would be incidental to the primary use of food sales.
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.
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 permitted Development Zone 4 of the Downtown Specific Plan.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the restaurant, a permitted use in the Development Zone 4 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.
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 at an existing restaurant (Mariscos la Capital) located at 801 National City Blvd. Suite 105. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024-10 CUP, dated 7/2/2024.
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.

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 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 8:00 a.m. and 11:30 p.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 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. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
14. No live entertainment or advertised special events are permitted without modification of this CUP or issuance of a Temporary Use Permit.
15. No advertisement promoting specific events shall be distributed outside the restaurant.
16. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

17. 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 August 5, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2024-11

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR
BEER AND WINE SALES AT AN EXISTING RESTAURANT (MARISCOS LA CAPITAL)
LOCATED AT 801 NATIONAL CITY BOULEVARD, SUITE 105.
CASE FILE NO. 2024-10 CUP
APN: 556-471-26-17

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at an existing restaurant (Mariscos la Capital) located at 801 National City Boulevard, suite 105 at a duly advertised public hearing held on August 5, 2024, 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. 2024-10 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 August 5, 2024 support the following findings:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to on-sale alcohol outlets – 16 on-sale outlets are permitted where ten are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already fifteen restaurants in the same census tract that serve alcohol including Big Ben Market Grill House and Villa Manila.

3. Based on the above findings, 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.

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 August 5, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

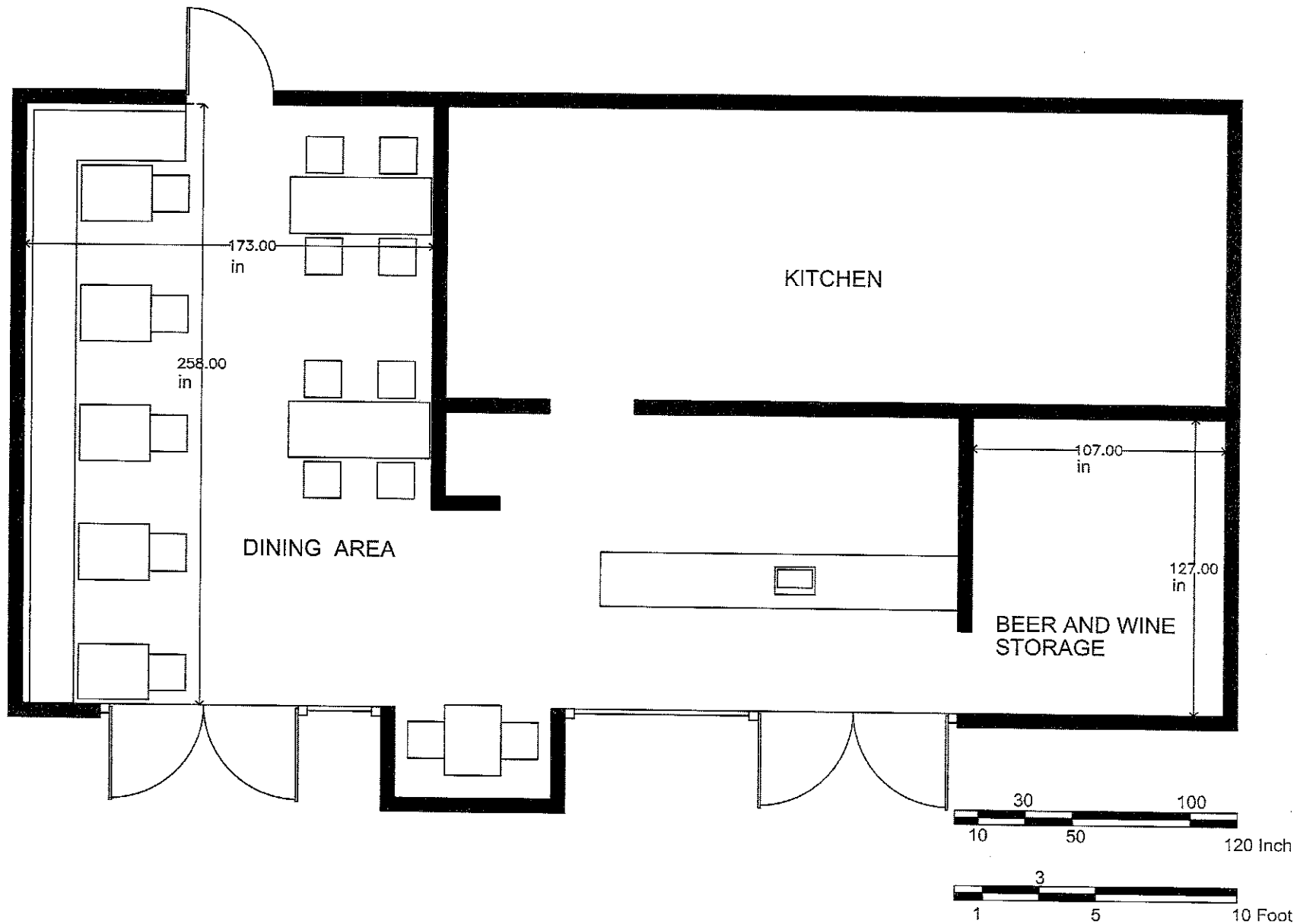
ABSTAIN:

CHAIRPERSON

2024-10 CUP – 801 National City Blvd. Suite 105 – Overhead



ATTACHMENT 2



ATTACHMENT 3

PREPARED FOR:
 Pacifica Bayview LLC
 1775 Hancock Street
 San Diego, CA 92110
 Tel (858) 692-2970

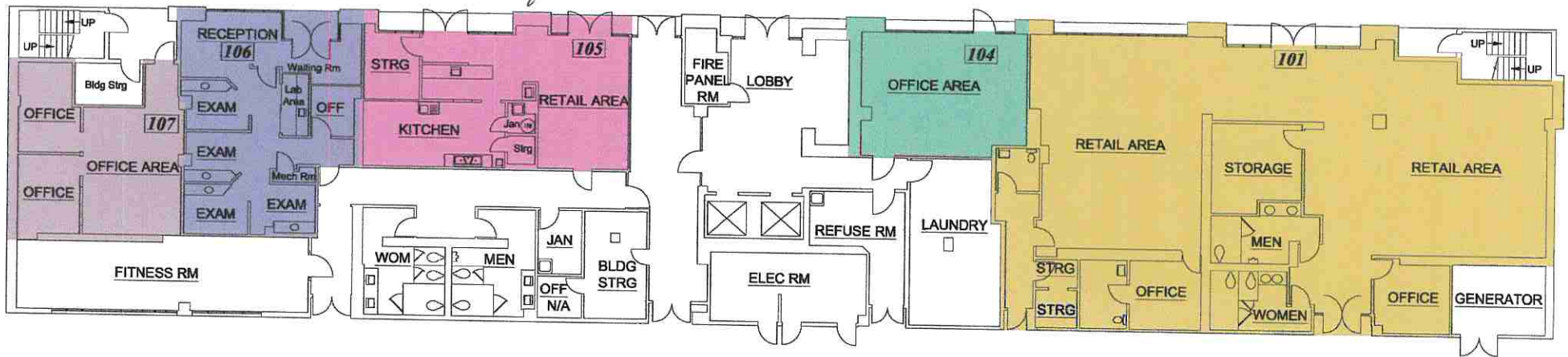
801 NATIONAL CITY BOULEVAR
 NATIONAL CITY, CA

FIRST FLOOR
 (As Measured: September 2021)

LEASE PLAN



NATIONAL CITY BLVD



- Gross Leasable #101: 3,865 s.f.
- Gross Leasable #104: 599 s.f.
- Gross Leasable #105: 1,025 s.f.
- Gross Leasable #106: 977 s.f.
- Gross Leasable #107: 738 s.f.



SCALE: 1/16" = 1' - 0"

Note: Area subject to minor revision upon completion of full-building survey.

Survey Accuracy: +/- 0.13 %

AREAS COMPUTED IN ACCORDANCE WITH BOMA
 2020 FOR RETAIL PROPERTIES STANDARD METHOD
 OF MEASUREMENT - ANS/BOMA Z65.5-2020

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<https://lt-fp.com>
 TEL: (888) 393-6655
 FILE: 21-381



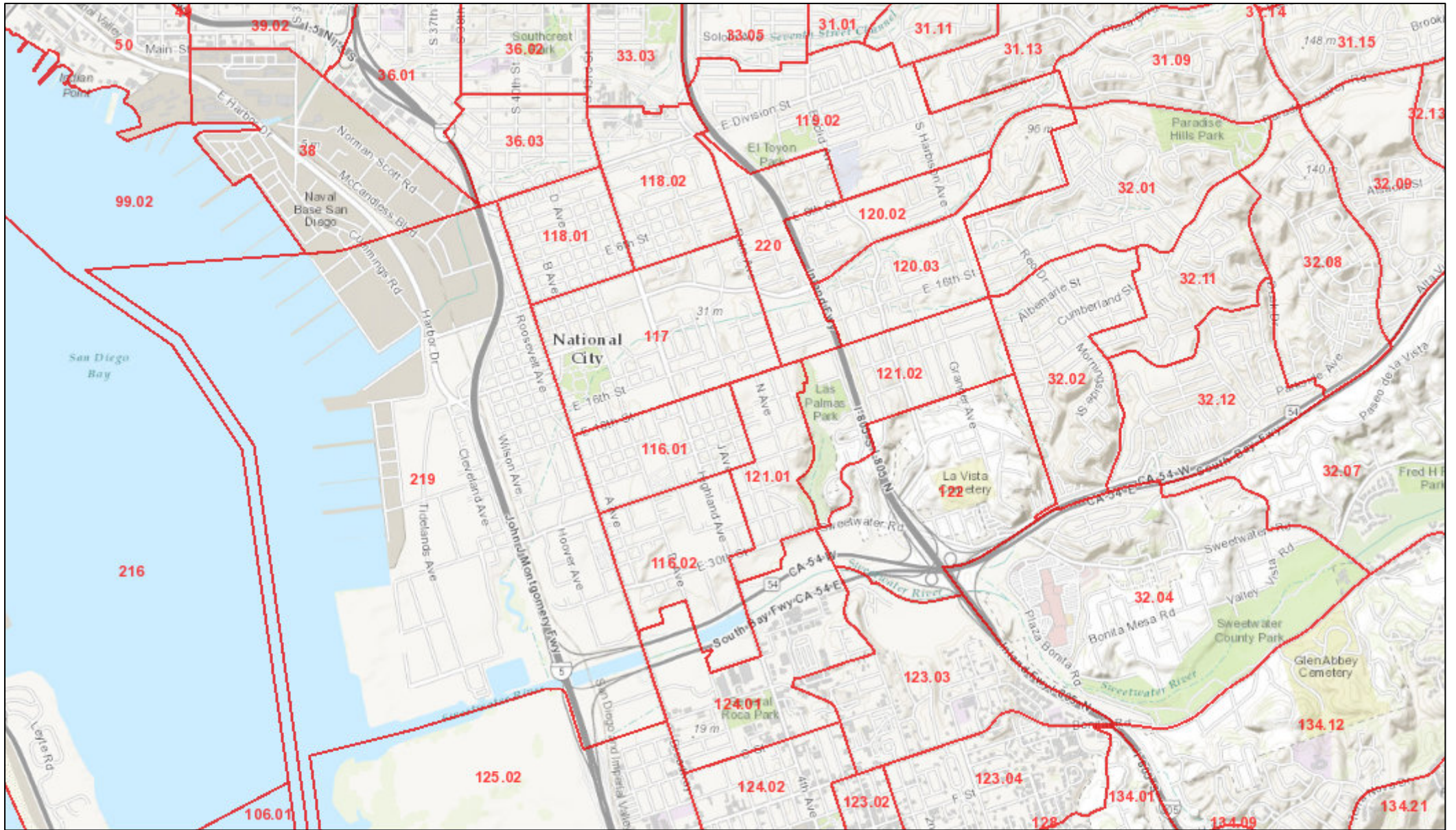
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41)
AT AN EXISTING RESTAURANT (MARISCOS LA CAPITAL),
LOCATED AT 801 NATIONAL CITY BLVD. SUITE 105
CASE FILE NO.: 2024-10 CUP
APN: 556-471-26-17

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 5, 2024**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Kimberly Zamudio)

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the existing restaurant. Hours of operation are 8:00 a.m. to 11:30 p.m. daily. 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., **August 5, 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.

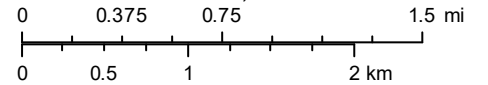


August 25, 2014

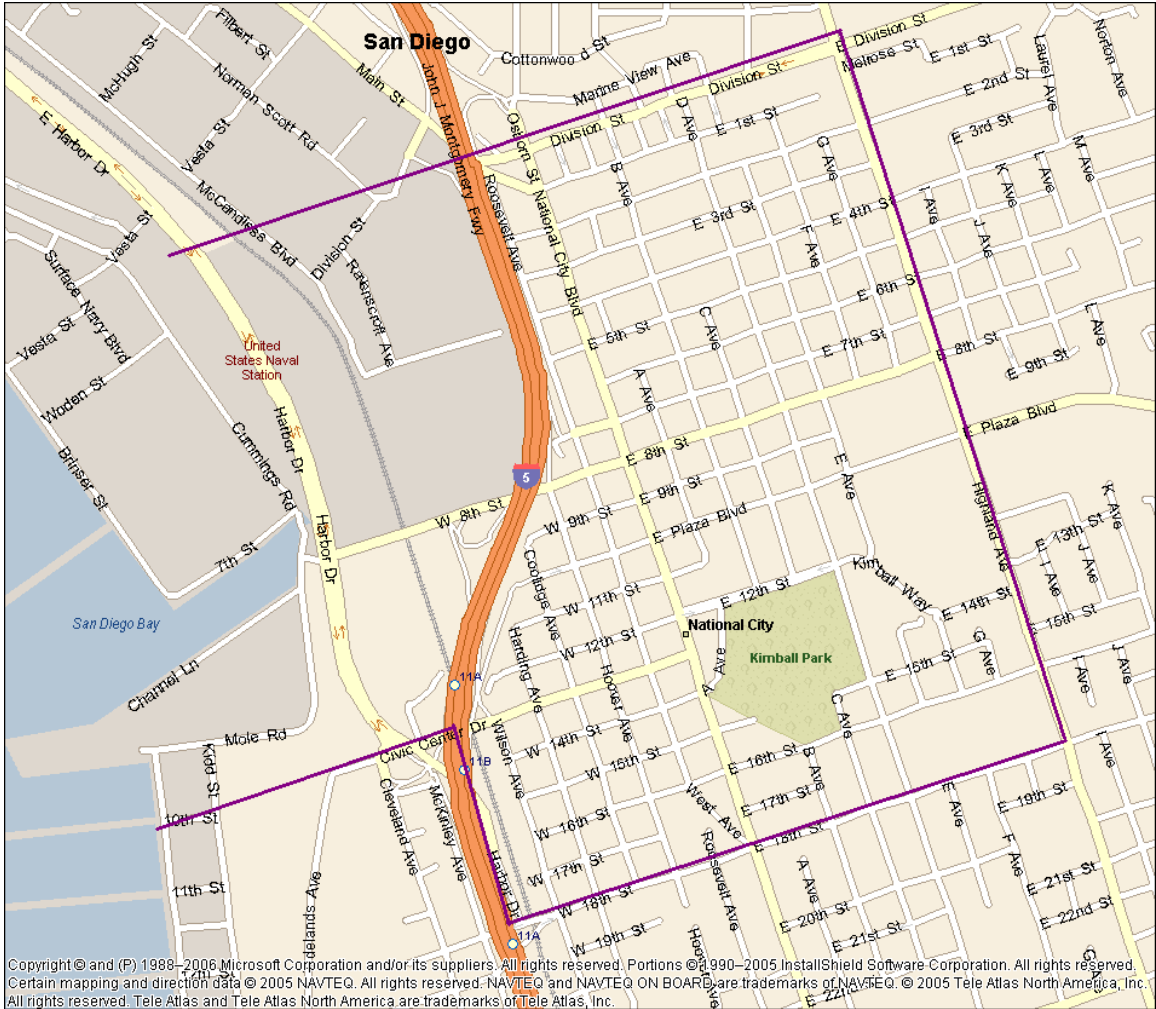
Census Tracts 2010

ATTACHMENT 5

1:45,467



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



City of National City Beat 20

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



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 06/21/24

BUSINESS NAME: Mariscos La Capital

ADDRESS: 801 National City Blvd #105, National City, CA 91950

OWNER NAME: Kimberly Zamudio 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 (16) 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)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>14</u>
--

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:

This business assessed at a medium risk and is deserving of such a rating due to the
over saturation of ABC licenses on tract 117 and the crime rate/calls for service at the
multi-story complex.

Completed by: Camacho Badge ID: 449

Environmental Scan for Proposed Type 41 Alcohol CUP

801 National City Blvd., Suite 105, National City, CA 91950
Conducted: June 25, 2024



Photo of the proposed location.

An environmental scan was conducted on Tuesday, June 25, 2024. The proposed location is located at the base of the Bayview Tower condominiums. Televisions were noted along the walls of the dining area.

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

- The business is located in a Major Mixed-Use Corridor.
- The location has a few on-street parking spaces in front and no designated parking area behind.
- Alongside this establishment at the base of the condominiums are a dental office and vacant suites.

Outlet Density

Based on Centers for Disease Control guidelines, alcohol density is defined as the average distance between a person and their closest alcohol retailer. In the map above, the darker the census tract, the less distance a person has to travel to their closest alcohol retailer. The proposed location is defined as “very dense.” The average distance between a person and their closest alcohol retailer is 0.12 miles.

Youth Sensitive Areas

Integrity Charter School (350 feet away)

Southwestern College (400 feet away)

Churches

St. Mary Catholic Church, located approximately 1,050 feet away is the closest one to this location.

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.
2. Require security guards during sporting events that will be viewed at the location.
3. Require exterior security cameras.

COMMUNITY MEETING

Thank You For Supporting Us!

CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT A NEW RESTAURANT
(MARISCOS LA CAPITAL) LOCATED AT

801 National City Blvd Suite 105 National City Ca 91950

Date: 12:30 PM - 2:30PM
May 10
2024

Proposal to sell Beer & Wine

Meeting will be for residents and community members to be informed
about the proposal and express any concerns.

For any further questions you may contact us by email
MariscosLaCapital@gmail.com

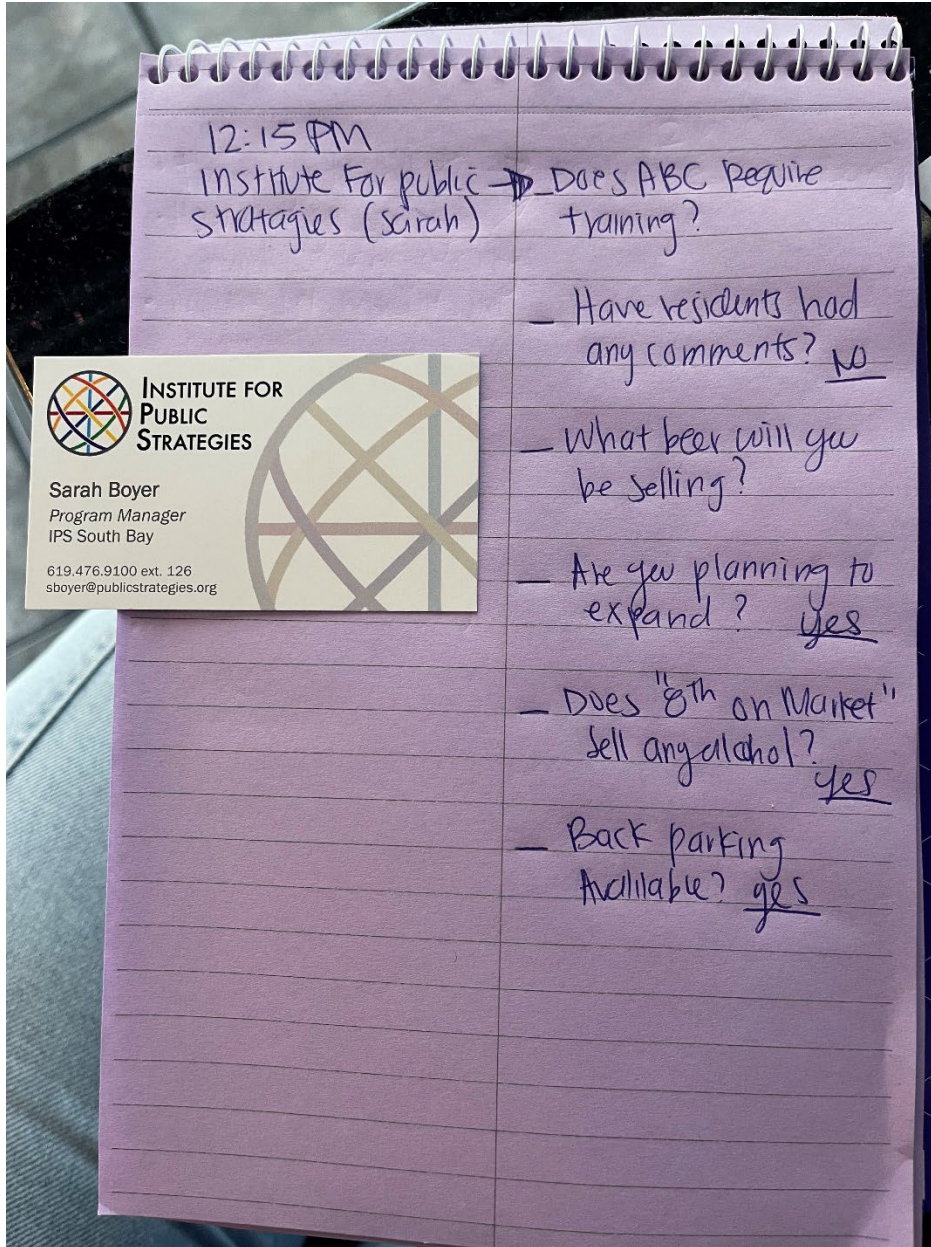
Thank you

ATTACHMENT 8

2024-10 CUP

Community Meeting

May 10, 2024





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

PLANNING COMMISSION STAFF REPORT

Title: REVISION OF PLANNING COMMISSION BYLAWS

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

Staff recommendation: Provide input on Bylaws and direct staff to return with language for adoption.

The Planning Commission Bylaws were originally approved in December 1980. Due to changes in Commission responsibilities directed by the City Council in 2009, the Bylaws were amended to add the functions of the Housing and Community Development Committee in 2010.

Since the last amendment, legal staff is suggesting some updates to the Bylaws, which are attached in a redline document for the Commission's consideration. Please review and provide recommendations for changes to staff. Upon direction from the Commission, the bylaws will be revised and scheduled for adoption at the Commission meeting of August 19, 2024.

Attachments

Redline version of 2010 Planning Commission Bylaws

**CITY OF NATIONAL CITY
PLANNING COMMISSION AND
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**

BYLAWS

ARTICLE I – THE COMMISSION

Section 1. Name of Commission

The Commission shall act in the capacity of the “Planning Commission” and the “Housing and Community Development Committee” and shall hereinafter be referred to as the “Commission”.

Section 2. Mission Statement

That the following shall be the Mission Statement of the Commission:

The Commission shall provide a forum to encourage communication from persons, organizations, and institutions in the City of National City about land use, housing, and landscaping throughout the City of National City.

When serving as the Planning Commission, the Commission shall perform the following functions in accordance with state law §65103 and the City’s Municipal Code Chapter 16.062-28:

1. Prepare, periodically review, and revise, as necessary, the general plan.
2. Implement the general plan through actions including, but not limited to the administration of specific plans, and zoning, and subdivision ordinances.
3. Annually review the capital improvement program for consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
4. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it.
5. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
6. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
7. Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

~~Additionally, in accordance with the City’s Municipal Code Chapter 13.18, the Commission will perform the following functions:~~

- ~~8. Identify appropriate trees for planting within the City's parkways and along roadways within National City;~~
- ~~9. Adopt and routinely maintain an "official" street tree list of appropriate trees to install within the City's parkways and along roadways within National City;~~
- ~~10. All trees within the public right of way identified for removal and/or installation shall be referred to the Director of Public Works for determination that removal and/or installation of said tree is warranted. If the request is denied by the Director of Public Works, the property owner may appeal to the "Commission" for further review and determination (in accordance with Section 13.18.030 of the Municipal Code).~~
- ~~11. Review all public works projects when landscaping and street trees are proposed to determine appropriate and desirable street trees and landscaping that will further enhance and beautify the city.~~

When serving as the Housing and Community Development Committee, the Commission shall:

- ~~12.8.~~ Give advice and make recommendations to the Community Development Commission of the City of National City on projects, programs, and policies including the following:
 - a. The Housing and Urban Development Section 8 Housing Assistant Payments Program for existing housing and for new construction.
 - b. Housing improvement, housing assistance and neighborhood improvement projects, programs and policies in connection with federal and state laws relating to housing and neighborhood improvement.

Section 3 Duties

The duties of the Commission shall be:

1. To receive and review proposals for the General Plan, including the preparation of zoning, land subdivision and other discretionary development applications and performs all duties specifically assigned by the Municipal Code.
2. To make recommendations to the City Council for specific land use entitlements requiring final decision by the City Council.
3. To make recommendations to the Community Development Commission on matters pertaining to Section 8 Housing Assistant Payment Programs and housing improvement, housing assistance and neighborhood improvement projects, programs, and policies in connection with federal and state laws relating to housing and neighborhood improvement.

4. To make decisions related to installation and/or removal of street trees and landscaping within the public rights of way.

Section 4. Membership

A. Composition

The Commission shall be comprised of seven (7) individuals appointed by, and to serve at the pleasure of the City Council. The ~~Mayor with the approval of the~~ City Council shall appoint the members. These seven (7) individuals shall be Planning Commission members and also serve on the Housing and Community Development Committee. Two (2) additional individuals shall be appointed and serve only on the Housing and Community Development Committee. These two (2) additional individuals shall be appointed in the same manner as the Planning Commission members; shall be ex officio members, and shall have subject matter expertise in housing-related matters. ~~be tenants of the community development commission (CDC), one of whom shall be over sixty-two years of age.~~ Said ex officio members shall sit with the seven members of the Planning Commission on such occasions as the commission is acting in the capacity and carrying out the functions of the committee.

B. Terms of Membership

The terms of the members shall be for four (4) years, subject to reappointment by the City Council. Each four-year term shall commence on the first day of April and shall expire on the thirty-first day of March four years thereafter. Upon expiration of term, a member shall serve until re-appointed or replaced.

C. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

1. The member's term has expired. If a term expires, the member ~~can either~~ shall continue until reappointment or replacement; or
2. The member shall have been absent from the number of Commission meetings specified in these bylaws.

D. Removal of Members

A member may be removed by a majority vote of the City Council.

E. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

F. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled by the majority of the City Council, with new members

so appointed having to meet the qualifications set forth in Article I, Section 4(a). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Commission and shall submit such agenda recommendations and information at such meetings that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the Commission (if any).

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

Section 4. Staff

The Commission shall be served by a full-time professional staff within the Planning Division which shall include a secretary who will prepare an agenda for each regular or adjourned meeting. The agenda and supporting documentation shall be provided to the Commission at least four (4) calendar days prior to the date of the meeting at which such agenda is to be considered. The meeting shall be recorded and minutes prepared for approval by the Commission at the next regularly held meeting. The agendas and minutes shall be available to the public and retained at the City.

Section 5. Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 6. Election

The Chairperson and Vice Chairperson shall annually be elected by a majority of the members of the Commission from among the members of the Commission. The terms of the Chairperson and Vice Chairperson shall be one year. The Chairperson and Vice Chairperson may serve consecutive and/or multiple terms.

Section 7. Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III – MEETINGS

Section 1. Regular Meetings

The Commission shall hold at least two regular meetings in each month and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Planning Commission.

The Housing and Community Development Committee shall hold at least one meeting each quarter of each calendar year~~of the~~ and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Committee.

The Commission shall conduct meetings for matters pertaining to the Planning Commission on the first and third Monday of the month for which a meeting has been called by the Chairperson at 6:00 p.m. in the Council Chambers of the National City Civic Center, 1243 National City Boulevard, 2nd Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at City Hall and on the City's website at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act.

If there are no items scheduled for the Commission's consideration, the staff may advise the Chairperson there are no items for consideration and suggest cancellation of the meeting. Said cancellation of a meeting shall be posted by City staff at the City Hall and on the City's website. Staff shall announce that the regularly scheduled meeting of the Commission has been adjourned to the next regularly scheduled meeting.

All meetings shall be held and conducted in accordance with the provisions of the "Ralph M. Brown Act" (Section 54590 et seq., of the Government Code of the State of California. All meetings of the Commission are open to the general public.

Section 2. Special Meetings

Special meetings may be held upon call of the Chairperson, or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes.

City staff shall be responsible for the posting of the agenda of the special meeting at City Hall and on the City's website at least 24 hours prior to the time specified in the notice for the

meeting. At such special meeting, no business other than that designated on the approved agenda shall be considered.

Section 3. Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting without the need for additional notice or agenda, provided that the adjournment indicates the date, time and place of the adjourned meeting, and provided that the adjourned meeting occurs at the regularly scheduled meeting after the meeting for which notice and agenda requirements were met. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4. All Meetings to be Open and Public

All meetings of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings, except as otherwise provided by law. Nothing contained in these bylaws shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session, provided the Commission complies with the conditions and procedures provided by law for closed sessions.

Section 5. Quorum

The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members of the Commission qualified and eligible to vote shall constitute a quorum for the purpose of conducting the Commission's business, exercising its powers and for all other purposes, but less than a majority of the members of the Commission may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission.

Section 6. Unexcused Absences

Membership in the Commission shall ~~be considered removed terminate~~ if a member has three (3) consecutive unexcused absences from meetings, whether regular or special, or ~~misses more than 25% of the Commission's meetings in a calendar year~~ ~~three (3) absences from regular meetings, whether excused or unexcused.~~ ~~An excused absence is only granted when absolutely necessary and pre-approved if at all possible. The pre-approval of excused absences will be by the Commission as a whole and documented in the meeting minutes. Excused absences are: illness of the Commission member, their family or their personal friend; business commitment of the Commission member that interferes with the attendance at a meeting; attendance of the Commission member at a funeral, religious service or ceremony, wedding or other similarly-significant event; or other reason for which the Commission member has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.~~ ~~member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson or Designee of intent to be absent and the reasons therefore. At each meeting, after the roll has been called, the Chairperson shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason of such absence. The Commission shall approve or disapprove such reasons for excused absences.~~

The Secretary of the Commission will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within the above guidelines, the Office of the City Clerk will prepare a report to the City Council for review and possible removal of the Commission member. Any Commission member may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

Section 7. Order of Business

The following shall be the order of business at regular meetings of the Commission:

- 1) Roll Call
- 2) Flag Allegiance
- 3) Approval of Minutes of previous meeting
- 4) Approval of Agenda
- 5) Public Comment
- 6) Continued Public Hearings
- 7) Public Hearing
- 8) Other Business
- 9) Staff Reports
- 10) Adjournment

Section 8. Minutes

Minutes of the Commission shall be in writing. Copies of the Minutes of each Commission meeting shall be made available to each member of the Commission. Minutes shall be made available to the public. Approved Minutes shall be filed in the official Book of Minutes of the Commission and published on the City's website.

Section 9. Rules of Order

Except as provided in these bylaws, all business and matters before the Commission shall be transacted in conformance with Rosenberg'sbert's Rules of Order.

Section 10. Committee Reports

Oral and/or written reports of the Commission shall include a report of any findings and/or recommended action on matters for which the subcommittee was established.

ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by the Chairperson, the Vice Chairperson in the Chairperson's

absence, or a member of the Commission specifically so designated by the Commission pursuant to the Brown Act.

ARTICLE V – SUBCOMMITTEES

Section 1. Establishment

The Commission shall have the authority to, and may, establish subcommittees as necessary to accomplish the purposes set forth in Section 3 of Article I of these Bylaws.-

Section 2. Membership

Each subcommittee shall be composed of at least one (1), but not more than three (3) members of the Commission.

Section 3. Appointment of Members

Members on a subcommittee shall be appointed by the Chairperson of the Commission with the approval of the Commission.

Section 4. Officers and Meetings

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall elect a vice chairperson, and shall establish the date, time and place for meetings to conduct the subcommittee's business. In the event that any subcommittee meets on more than two (2) occasions, then all further meetings of the subcommittee shall comply with the meeting requirements set forth in Article III.

Section 5. Subcommittee Reports

From time to time, the subcommittee shall submit reports to the Commission, which reports summarize the subcommittee's activities, findings and/or recommendations on matters for which the subcommittee was established.

ARTICLE VI – AMENDMENTS

Section 1. Adoption of these Bylaws- and any Subsequent Amendment

The bylaws- of the Commission may be amended upon the affirmative vote of at least five (5) voting members of the Commission, but no such amendment shall be adopted unless at least seven (7) days' written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws- proposed to be amended.

ARTICLE VII- ORDER OF PRECEDENCE

Section1. Conduct of Affairs

The Commission will observe all applicable requirements of state and local law, including the following, which have been summarized as follows:

1. The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter “the Brown Act” or “the Act”)
2. From time to time, the Commission shall be required to attend or participate in specific training related to their position on the Commission.