



# Planning Commission Agenda

Meeting of February 4, 2019 – 6:00 p.m.  
Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950



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

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

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

## **Roll Call**

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

## **Approval of Minutes**

1. Approval of Minutes from the Meeting of January 7, 2019

## **Approval of Agenda**

2. Approval of the Agenda for the Meeting on February 4, 2019

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

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

## **PRESENTATIONS**

## **CONTINUED PUBLIC HEARINGS**

## **PUBLIC HEARINGS**

3. Resolution taking action on a Conditional Use Permit and Coastal Development Permit for the Off-Site Sale of Beer and Wine (Type 20) at an Existing Gas Station Convenience Store Located at 3230 National City Boulevard in the Coastal Zone (Case File No. 2018-27 CUP, CDP)
4. Resolution taking action on a Conditional Use Permit for the Modification of an Existing Wireless Communications Facility on a Sign Located at 1900 East Plaza Boulevard (Family House Of Pancakes) (Case File No. 2018-28 CUP)

## **OTHER BUSINESS**

## **STAFF REPORTS**

Senior Assistant City Attorney

Deputy City Manager

Acting Planning Director

Principal Planner

Commissioners

Chairperson

## **ADJOURNMENT**

Adjournment to the next regularly scheduled meeting on March 4, 2019.



## **Planning Commission Minutes**

Planning Commission  
Meeting of January 7, 2019  
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.

### **Agenda Items**

The meeting was called to order by Chair Sendt at 6:01 p.m.

### **Roll Call**

Commissioners Present: Quintero, Baca, Sendt, Yamane, Garcia, Flores

Commissioners Absent: Dela Paz

Staff Also Present: Senior Assistant City Attorney Nicole Pedone, Acting Planning Director Ray Pe, Principal Planner Martin Reeder

**Pledge of Allegiance** Presented by Commissioner Quintero

1. Approval of Minutes from the Meeting of December 17, 2018.

Motion by Baca, second by Yamane to approve the Minutes for the Meeting of December 17, 2018.

**Motion carried by the following vote:**

**Ayes:** Quintero, Baca, Sendt, Yamane, Garcia, Flores

**Abstain:** None.

**Noes:** None.

**Absent:** Dela Paz

2. Approval of the Agenda for the Meeting of January 7, 2019.

Motion by Yamane, second by Baca to approve the Agenda for the Meeting of January 7, 2019.

**Motion carried by the following vote:**

**Ayes:** Quintero, Baca, Sendt, Yamane, Garcia, Flores

**Abstain:** None.

**Noes:** None.

**Absent:** Dela Paz

**ORAL COMMUNICATION:** None.

**PRESENTATIONS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**PUBLIC HEARINGS:**

3. Resolution taking action on a Code Amendment Amending Sections 18.30.030 (Adult Oriented Businesses) and 18.50.010 (Glossary) of Title 18 (Zoning) of the National City Municipal Code Related to Massage Businesses and Adding Section 18.30.370 (Massage Establishments)

Presented by Senior Assistant City Attorney Nicole Pedone.

Ms. Pedone answered questions posed by the Commissioners.

Vice Chair Quintero inquired about the possible sales tax generated for the City from massage businesses. Principal Planner Reeder advised that he would inquire with our Finance Department and report back. Ms. Pedone stated that such businesses would be required to keep bookkeeping records. Commissioner Yamane added that any products sold by a massage business would be subject to sales tax.

Motion by Yamane, second by Flores to close the public hearing and approve a Code Amendment Amending Sections 18.30.030 (Adult Oriented Businesses) and 18.50.010 (Glossary) of Title 18 (Zoning) of the National City Municipal Code Related to Massage Businesses and Adding Section 18.30.370 (Massage Establishments)



**Motion carried by the following vote:**

**Ayes:** Quintero, Baca, Sendt, Yamane, Garcia, Flores

**Abstain:** None.

**Noes:** None.

**Absent:** Dela Paz

**OTHER BUSINESS:** None.

**STAFF REPORTS:**

**Senior Assistant City Attorney:** None.

**Brad Raulston, Deputy City Manager:** Absent.

**Acting Planning Director and Principal Planner:** Wished everyone a Happy New Year.

**COMMISSIONER REPORTS:**

Commissioners wished everyone a Happy New Year.

Commissioner Garcia requested that he be seated at his previous location on the dais. Mr. Garcia reminded Commissioners that at the Council meeting of January 22, 2019, a presentation on the census would be made and encouraged them to attend.

**ADJOURNMENT** by Chair Sendt at 6:21 p.m. to the meeting of February 4, 2019.

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CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of February 4, 2019.



Item no. **3**  
February 4, 2018

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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR THE OFF-SITE SALE OF BEER AND WINE (TYPE 20) AT AN EXISTING GAS STATION CONVENIENCE STORE LOCATED AT 3230 NATIONAL CITY BOULEVARD IN THE COASTAL ZONE.

Case File No.: 2018-27 CUP, CDP

Location: Northwest corner of 33<sup>rd</sup> Street and National City Boulevard

Assessor's Parcel No.: 562-330-42

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: National City Gas and Car Wash, Inc.

Combined General Plan/ ML-PD-CZ (Light Manufacturing / Planned Development Coastal Zone Overlay)

Zoning designation:

Adjacent land use/zoning:

North: Hyundai Auto Dealership / CA-PD-CZ (Commercial Automotive / Planned Development Coastal Zone Overlay)

East: Keystone Trailer RV Park / CA-PD-CZ

South: Interstate 54 freeway / OS-CZ (Open Space – Coastal Zone)

West: Light Industrial / ML-PD-CZ

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

Staff Recommendation: Approve

### Staff Recommendation

Staff recommends approval of a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) for the off-site sale of beer and wine at an existing gas station convenience store. The use is conditionally allowed in the ML (Light Manufacturing) zone and there are no sensitive uses in the vicinity.

### Executive Summary

The project applicant has applied for a CUP and CDP for the off-site sale of beer and wine at an existing gas station convenience store 2,502 square-feet in size located at 3230 National City Boulevard. A Coastal Development Permit is required for any Discretionary Permit within the Coastal Zone Overlay.

### History

The site was previously approved for a Planned Development Permit (PDP) and CDP to construct a gas station, convenience store, and an express carwash (2016-16 PD, CDP, IS). The gas station has 16 fueling stations, 10 employees, and operates 24 hours per day. The size of the property is 27,165 square feet and the building housing the convenience store and car wash is 4,409 square feet in size.

### Proposed Use

The applicant is proposing the off-site sale of beer and wine. The beer will be displayed in a "Beer Cave" approximately 120 square feet in size and the wine will be displayed on a single shelf in front of the "Beer Cave" (see Exhibit "A" of the applicant's plans). The applicant is requesting alcohol sales between the hours of 6:00 a.m. and 10:00 p.m. daily.

### Analysis

The project site is at the northwest corner of 33<sup>rd</sup> Street and National City Boulevard in the Coastal Zone. The lot is shown on the current zoning map as being in the Light Industrial (IL) zone, and also within the Coastal Zone. The most recent Land Use Code Update 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 ML-CZ (Light Manufacturing – Coastal Zone) – essentially the same zone. A discretionary permit (CUP) triggers the need for a CDP. As part of this discretionary review, the Planning Commission must find that granting of a CDP is consistent with and implements the Certified Local Coastal Program. The project is compliant with this

finding in that it involves a service use, which is conditionally-allowed in the ML-CZ zone, and will not prohibit coastal access or obstruct views.

#### Beer and wine sales

Section 18.30.050 of the Land Use Code (LUC) allows for on-site alcohol sales with an approved CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. Proposed hours of operation are 6:00 a.m. to 10:00 p.m. daily. A condition is included to require that coolers with alcohol be locked outside of approved sales hours.

#### 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 14 occupants and owners.

#### Community Meeting

The applicant for a CUP involving the sale of alcohol is required to hold a community meeting pursuant to Section 18.30.050 (C) of the LUC. Such a meeting was held on Friday, November 16, 2018 at 10:00 a.m. at the subject location. The meeting advertisement is attached. There were no community members in attendance.

#### Distance Requirements

Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools. However, no schools are nearby. The nearest school is Sweetwater High School, which is over 1,600 feet away.

#### Alcohol Sales Concentration/Location

Per The California Department of Alcoholic Beverage Control (ABC), there are currently five off-sale permits issued in the subject census tract (219). These permits are:

<b>Name</b>	<b>Address</b>	<b>License Type*</b>	<b>CUP</b>
Arco Gas Station	133 W 8 <sup>th</sup> St.	20	Yes
Valero Gas Station	10 Osborne St.	20	Yes
One Ten Liquor & Market	110 National City Blvd.	21	No
Big B Market	1540 Coolidge Ave.	20	No
Cozine's Grocery	402 Civic Center Dr.	21	Yes

\* Type 20 - Off-Sale Beer and Wine



### Type 21 - Off-Sale General

Two of the off-sale licenses are gas stations, and the other three are markets. The attached census tract map shows the location of the subject tract. ABC recommends that a total of four off-sale alcohol permits be issued in this census tract, where five exist. A CUP for alcohol was recently approved for the property located at 724 Civic Center Dr., which is also proposed to be a gas station.

Although the census tract is considered to be over-concentrated, the licenses are spread out over a large geographic area. Census tract 219 is comprised of the whole west side of the City from National City Blvd. to San Diego Bay, which is by far the largest in the City. With a population of 6,816 (as of August 2018) it is also the most populous. However, this census tract is more than three times the size of the next most populous tract (117), which has a population of 6,773. Therefore, because of the large size and low population density, census tract 219 is an anomaly compared to the rest of the City and experiences fewer issues associated with overconcentration of alcohol licenses.

### Police Department (PD)

PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, the property received 14 points, which would indicate a medium risk (13-18 points). The Risk Assessment is attached.

### Institute for Public Strategies (IPS)

IPS had no comments for this project.

### Findings for Approval

As mentioned earlier, the Coastal Zone adheres to the previous Municipal Code, which contains required findings for CUPs. There are four required findings, five when the project also involves a CDP:

1. That the site for the proposed use is adequate in size and shape.

The site is already an existing business, with the only change being the additional sale of alcohol in the market portion of the gas station.

2. That the site has sufficient access.

The addition of alcohol sales is not expected to alter the number of trips to the site; therefore, access shall not change from its existing conditions.

3. That the proposed use will not have an adverse effect upon adjacent or abutting properties.

The project is a use consistent with the ML 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.

Beer and wine sales will contribute to the viability of the gas station convenience store, an allowed use in the ML zone. Alcohol sales would also add to the convenience of the consumer, in that customers would be able to purchase alcohol at the same outlet that they purchase other products, eliminating the need to visit multiple locations, thus reducing vehicle trips.

5. That the granting of this CUP is consistent with and implements the Certified Local Coastal Program.

The project is compliant with this finding in that it involves a service use, which is conditionally-allowed in the ML-CZ zone, and will not prohibit coastal access or obstruct views.

There is an additional condition of approval related to California Environmental Quality Act (CEQA) compliance:

6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act.

The proposed project is not a project per the (CEQA).

7. That based on findings 1 through 6 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

#### Findings for denial

There are also three findings for denial included with this application:

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

The census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets. Five off-sale outlets are permitted where four are recommended by the ABC. In addition, the area has a high crime rate.

2. That the proposed use is not deemed essential and desirable to the public convenience and necessity.

There are five other off-sale alcohol outlets located in the same census tract as the subject property where alcohol can be purchased, two of which are also gas stations.

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

#### Conditions of Approval

Standard conditions of City Council Policy 707 (Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards), referring to the off-site sale of alcohol, are included as a condition of approval.

#### Summary

Although retail is a conditionally-permitted use in the ML zone, the sale of alcohol requires a CUP as well as a CDP. The project is not only consistent with the General Plan and Local Coastal Plan, but the area in which the business would be located is removed from sensitive uses and has ample access to accommodate the proposed uses on site. As a result, the use is not expected to create any significant impacts. Alcohol sales are consistent with other commercial businesses in the census tract, including two gas

stations. The business will also be subject to standard conditions of approval along with those in Council policy 707 related to off-site alcohol sales. Furthermore, the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

Options

1. Approve 2018-27 CUP, CDP subject to the conditions listed below, based on attached findings; or
2. Deny 2018-27 CUP, CDP based on attached findings and findings to be determined by the Planning Commission; or,
3. Continue the item for additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2018-27 CUP, CDP, dated 11/26/2018)
5. Community meeting advertisement
6. PD comments
7. Census Tract and Police Beat maps
8. Public Hearing Notice (Sent to 14 property owners and occupants)
9. Resolutions



CHRIS STANLEY  
Acting Assistant Planner



RAYMOND PE  
Acting Planning Director



**RECOMMENDED FINDINGS FOR APPROVAL**  
**OF THE CONDITIONAL USE PERMIT**  
**AND COASTAL DEVELOPMENT PERMIT**

2018-27 CUP, CDP – 3230 National City Boulevard

1. That the site for the proposed use is adequate in size and shape, because the site is already an existing business, with the only change being the additional sale of alcohol in the market portion of the gas station.
2. That the site has sufficient access. The addition of alcohol sales is not expected to alter the number of trips to the site, therefore access shall not change from its existing conditions.
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 ML 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. Beer and wine sales will contribute to the viability of the gas station convenience store, an allowed use in the ML zone. Alcohol sales would also add to the convenience of the consumer, in that customers would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their needs, thus reducing vehicle trips.
5. That the granting of this CUP is consistent with and implements the Certified Local Coastal Program. The project is compliant with this finding in that it involves a service use, which is conditionally-allowed in the ML-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. The proposed project is not a project per the California Environmental Quality Act (CEQA).
7. That based on findings 1 through 6 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

**RECOMMENDED FINDINGS FOR DENIAL**  
**OF THE CONDITIONAL USE PERMIT**  
**AND COASTAL DEVELOPMENT PERMIT**

2018-27 CUP, CDP – 3230 National City Boulevard

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 off-sale alcohol outlets – five off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because five other off-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

**RECOMMENDED CONDITIONS OF APPROVAL**  
2018-27 CUP, CDP – 3230 National City Boulevard

General

1. This Conditional Use Permit and Coastal Development Permit authorize the off-site sale of beer and wine. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2018-27 CUP, CDP, dated 11/26/2018.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. 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 Land Use Code.
4. Before this *Conditional Use Permit and Coastal Development Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit and Coastal Development Permit*.** The applicant shall also submit evidence to the satisfaction of the City Manager or designee that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit 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 or designee prior to recordation.

Planning

5. Alcohol sales shall be limited to the hours of 6:00 a.m. to 10:00 p.m. daily.
6. Coolers containing alcohol products shall be locked and made inaccessible to the public between the hours of 10:00 p.m. and 6:00 a.m.
7. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.

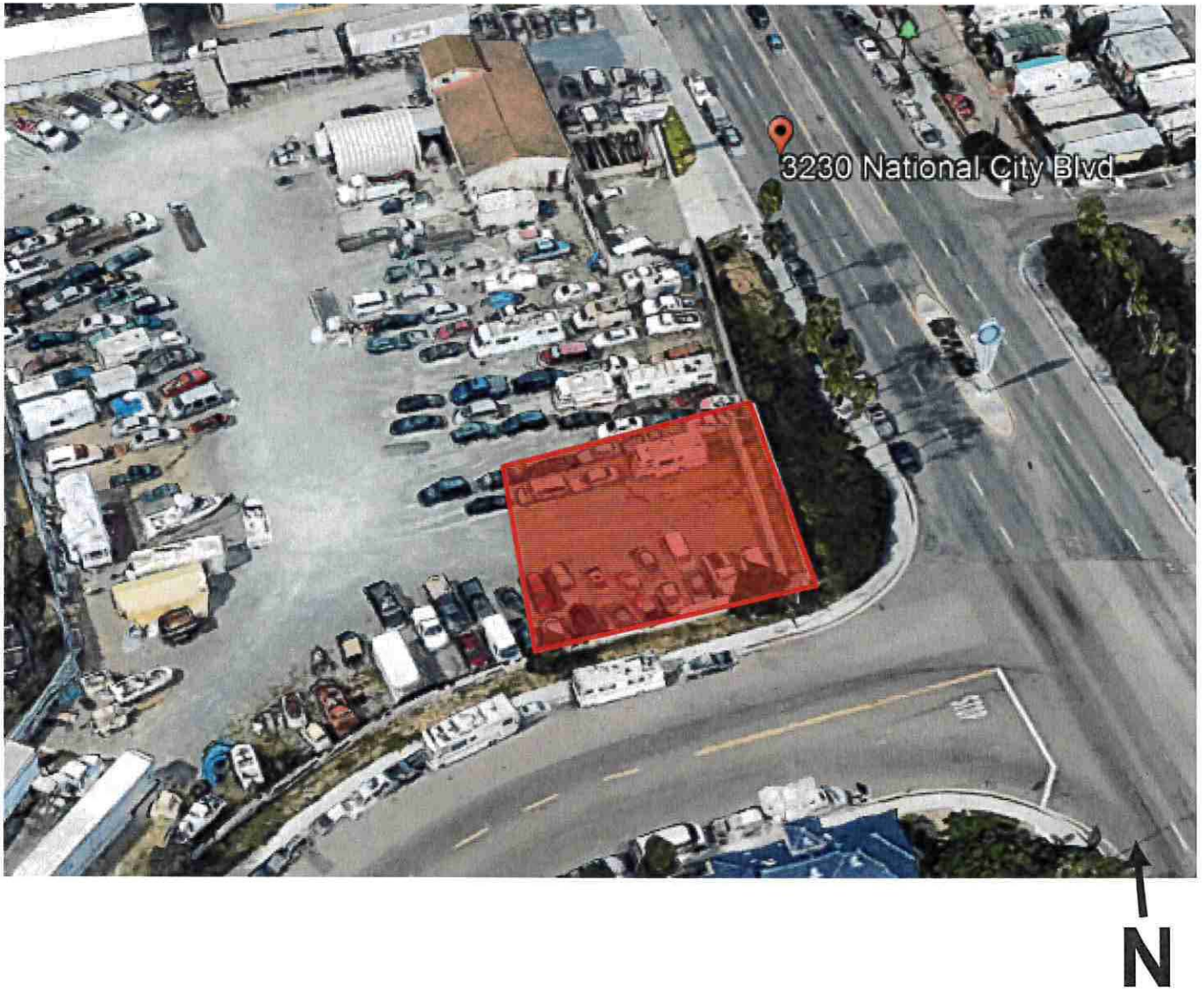
8. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
9. No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
10. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
11. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
12. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
13. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
14. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
  - a. "No open alcoholic beverage containers are allowed on these premises."
  - b. "No loitering is allowed."
15. Beer and wine may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
16. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
17. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any

Peace Officer of the California Department of Alcoholic Beverage Control upon demand.

18. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a City business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
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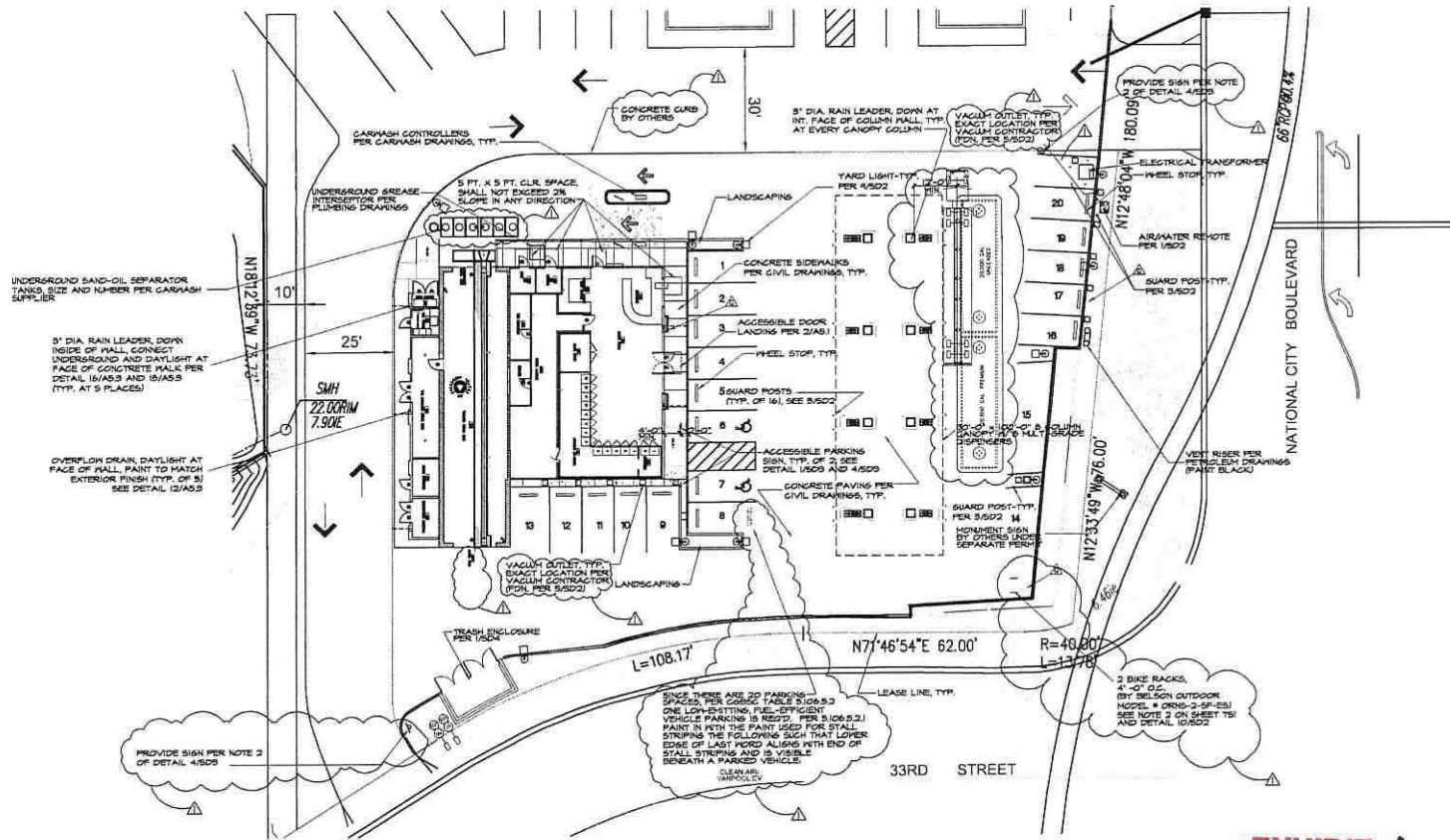


2018-27 CUP, CDP – 3230 National City Blvd. – Overhead



NO ARE INTENDED TO BE USED IN CONNECTION WITH ANY SPECIFIC PROJECT FOR A, AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

ATTACHMENT 4



SITE PLAN

SCALE: 1/8"=1'-0"

△ DENOTES GAS EMERGENCY SHUT-OFF SWITCH LOCATIONS.

EXHIBIT: A 2018-27  
CASE FILE NO.: CUP, CDP  
DATE: 11-26-18

- NOTES:
1. THE BUILDING SHALL BE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEM PER NFPA 13, IF FIRE SPRINKLER SYSTEM IS REQUIRED BY CITY OF NATIONAL CITY FIRE DEPARTMENT.
  2. INSTALL 100X4 KEY-ENTRY RECESSED BOX AT THE MAIN ENTRANCE TO THE FOODMART.
  3. ALL DIMENSIONS SHOWN ARE FOR REFERENCE ONLY. REFER TO CIVIL DRAWINGS FOR EXACT DIMENSIONS AND DIMENSIONS MISSING.
  4. GENERAL CONTRACTOR SHALL TRENCH THE SITE AND INSTALL UNDERGROUND CAST IRON PIPES, CLEAN-OUTS, FILTRATION POINTS, AND ETC. FROM VACUUM ROOM TO 15 VACUUM OUTLETS SHOWN ON SITE PLAN AS REQUIRED BY VACUUM SUPPLIER, AND PER THEIR SPECIFICATIONS. EXACT LOCATIONS OF THE ABOVE ITEMS SHALL BE COORDINATED WITH THE VACUUM SUPPLIER.

**MALEK**  
ENGINEERS, INC.

1280 PARK BLVD., SUITE 114  
SAN DIEGO, CALIFORNIA 92101  
TEL: 619/437-1711  
FAX: 619/437-0114



NATIONAL CITY GAS AND  
CARWASH, INC.  
3230 NATIONAL CITY BLVD.  
NATIONAL CITY, CA 91950

PLAN CHECK SUB: 07-25-2017

CITY COMMENTS: 09/19/2017

TITLE NAME:  
SITE PLAN

PROJECT: 3174.16  
SHEET:

SD1

ALL SEALS, STAMPS AND AMENDMENTS INDICATED ON THESE DRAWINGS ARE THE PROPERTY OF MALEK ENGINEERS, INC. AND ARE NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THERE SHALL BE NO CHARGES FOR AMENDMENTS FROM THE ENGINEER'S OFFICE. ANY CHARGES FOR REVISIONS SHALL BE THE RESPONSIBILITY OF THE CLIENT.

07/19/2017

**MALEK**  
ENGINEERS, INC.

1080 Palm Blvd., Suite 714  
San Jose, CA 95128  
Tel: 408/255-1111  
Fax: 408/255-1111



NATIONAL CITY GAS AND  
CARWASH, INC.  
3200 NATIONAL CITY BLVD.  
NATIONAL CITY, CA 94100

PLAN CHECK SUB. 07-19-2017

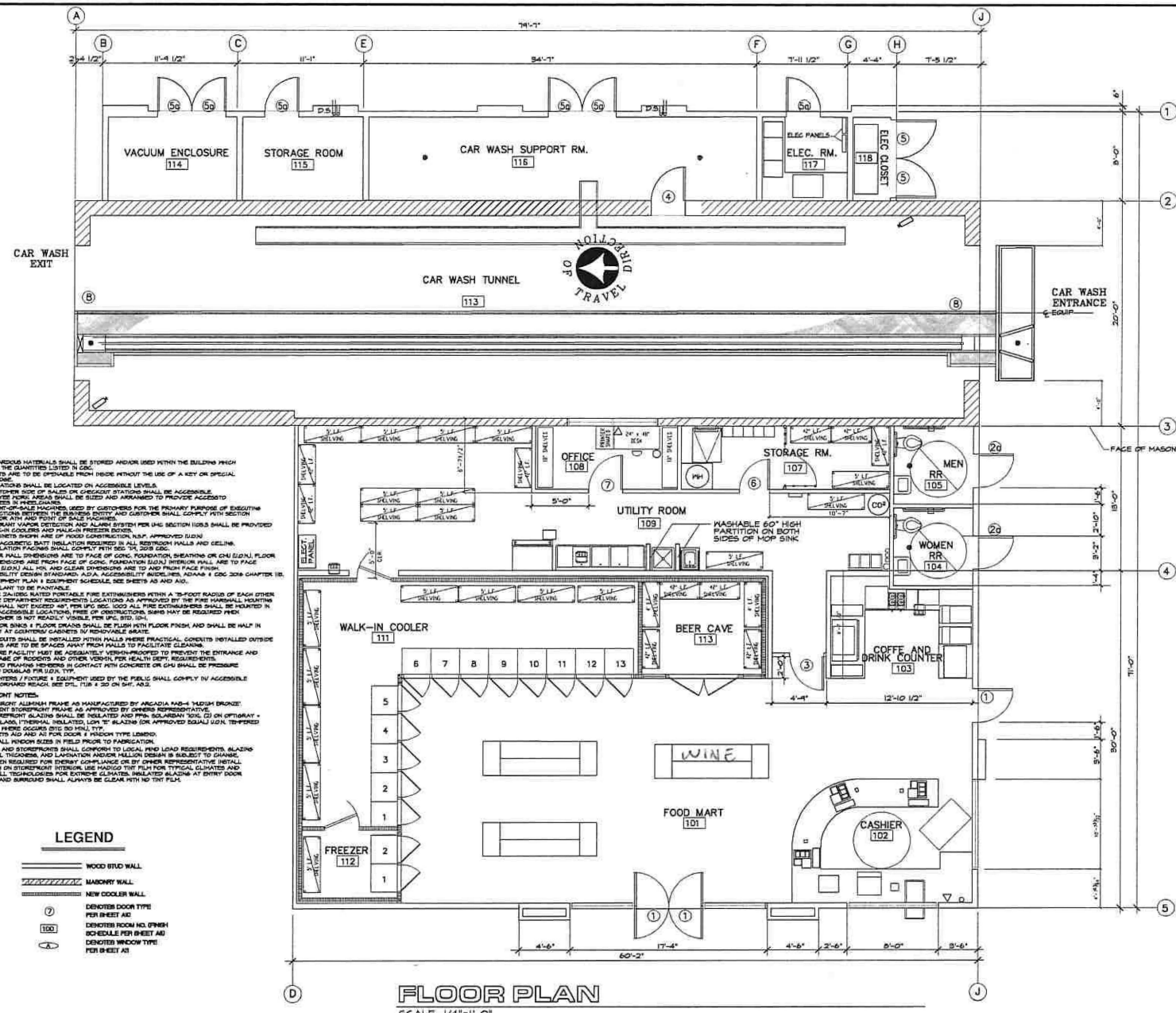
TITLE NAME:

FLOOR PLAN

PROJECT: 3174.18

SHEET:

A1



**FLOOR PLAN**  
SCALE: 1/4"=1'-0"

**LEGEND**

- WOOD STUD WALL
- MASONRY WALL
- NEW COOLER WALL
- ② DENOTED DOOR TYPE PER SHEET A1
- ⑩ DENOTED ROOM NO. (PUSH SCHEDULE PER SHEET A1)
- ① DENOTED WINDOW TYPE PER SHEET A1

- NOTES:**
- NO HAZARDOUS MATERIALS SHALL BE STORED ANYWHERE WITHIN THE BUILDING WHICH EXCEEDS THE QUANTITIES LISTED IN CODE.
  - ALL EXITS ARE TO BE OPERABLE FROM INSIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE.
  - STORAGE AREAS SHALL BE LOCATED ON ACCESSIBLE LEVELS.
  - THE CUSTOMER SIDE OF SALES OR CREDIT STATIONS SHALL BE ACCESSIBLE.
  - SALES AND CREDIT STATIONS SHALL BE SIZED AND ARRANGED TO PROVIDE ACCESS TO THE CUSTOMER SIDE OF SALES OR CREDIT STATIONS.
  - ALL POINT-OF-SALE MACHINES USED BY CUSTOMERS FOR THE PRIMARY PURPOSE OF EXECUTING TRANSACTIONS MUST BE SIZED AND ARRANGED TO PROVIDE ACCESS TO THE CUSTOMER SIDE OF SALES OR CREDIT STATIONS.
  - REQUIREMENT VAPOR DETECTION AND ALARM SYSTEM FOR LHC SECTION 100.5 SHALL BE PROVIDED AT MAJOR COOLERS AND MAJOR FREEZER BODIES.
  - ALL MAJOR COOLERS AND MAJOR FREEZER BODIES SHALL BE APPROVED (LHC).
  - BY LHC, AGGRESSIVE BATT INSULATION REQUIRED IN ALL RESTROOM WALLS AND CEILING.
  - ALL COOLERS AND FREEZERS SHALL COMPLY WITH DEC. 19, 2008 LHC.
  - EXTERIOR WALL DIVISIONS ARE TO FACE OF CONG. FOUNDATION, SHEATHING OR CHL. EXTERIOR FLOOR DIVISIONS ARE FROM FACE OF CONG. FOUNDATION (LHC) INTERIOR WALL ARE TO FACE OF STUD EXTERIOR ALL FOR AND CLEAR DIVISIONS ARE TO AND FROM FACE FINISH.
  - ACCESSIBILITY DESIGN IS REQUIRED. A.D.A. ACCESSIBILITY REQUIREMENTS, ADAAG & CON. 306 CHAPTER 10.
  - FOR EQUIPMENT PLAN & EQUIPMENT SCHEDULE, SEE SHEETS A1 AND A10.
  - ALL SEALANT TO BE PAINTABLE.
  - PROVIDE 3A-0000 RATED PORTABLE FIRE EXTINGUISHERS WITHIN A 75-FOOT RADIUS OF EACH OTHER PER FIRE DEPARTMENT REQUIREMENTS. LOCATION AS APPROVED BY THE FIRE DEPARTMENT. HEIGHT SHALL NOT EXCEED 48" PER IFDC 100.5. ALL FIRE EXTINGUISHERS SHALL BE MOUNTED IN EASILY ACCESSIBLE LOCATION. FIRE OR CONSTRUCTION SIGNS MAY BE REQUIRED PER IFDC 100.5.
  - ALL FLOOR SINKS & FLOOR DRAINS SHALL BE FLUSH WITH FLOOR FINISH AND SHALL BE HALF IN HALF OUT AT COUNTERS. COUNTERS SHALL BE REMOVABLE BRASS.
  - ALL COOLERS SHALL BE INSTALLED WITHIN WALLS WHERE PRACTICAL. COOLERS INSTALLED OUTSIDE OF WALLS ARE TO BE SPACED AWAY FROM WALLS TO FACILITATE CLEANING.
  - THE EXTERIOR FACILITY MUST BE ADEQUATELY VENTILATED TO PREVENT THE ENTRANCE AND WINDBORNE OF RESIDUES AND OTHER VAPORS FOR HEALTH DEPT. REQUIRED EXITS.
  - ALL FOOD PREPARATION AREAS IN CONTACT WITH CONCRETE OR CHL. SHALL BE PRESSURE TREATED DOUGLAS FIR LHC, TYP.
  - ALL COOLERS / FREEZERS & EQUIPMENT USED BY THE PUBLIC SHALL COMPLY IN ACCESSIBLE SIDE & FORWARD REACH. SEE DEC. 100.5 & 306 ON DEC. 100.5.
- STOREFRONT NOTES:**
- STOREFRONT ALUMINUM FRAME AS MANUFACTURED BY ARCADIA 100-4 1/2" (MEDIUM BRONZE) SUBSTITUTED STOREFRONT FRAME AS APPROVED BY OWNER REPRESENTATIVE.
  - ALL STOREFRONT GLAZING SHALL BE INSULATED AND PER "LOW-E" GLAZING, 100.5 ON OFFSHORE - CLEAR GLAZING, THERMAL INSULATED, LOW E" GLAZING (OR APPROVED EQUIV) LHC, TYP.
  - GLAZING HERE OCCURS DEC. 100.5 HLT, TYP.
  - SEE SHEETS A10 AND A11 FOR DOOR & WINDOW TYPE LIMITS.
  - VERIFY ALL WINDOW SIZES IN FIELD PRIOR TO FABRICATION.
  - GLAZING AND STOREFRONTS SHALL CONFORM TO LOCAL WIND LOAD REQUIREMENTS, GLAZING MATERIAL, THICKNESS AND LAMINATION AND/OR HALLON DESIGN IS SUBJECT TO CHANGE.
  - ONLY WHEN REQUIRED FOR ENERGY COMPLIANCE OR BY OTHER REPRESENTATIVE INSTALL THE PLAN ON STOREFRONT INTERIOR USE HALLON FOR TYPICAL GLAZING AND HALLON WALL TECHNOLOGIES FOR EXTREME CLIMATES. INSULATED GLAZING AT ENTRY DOOR ENTRY AND SURROUND SHALL ALWAYS BE CLEAR WITH NO TINT PLAN.



SENT OUT ON  
NOVEMBER 6,  
2018

## COMMUNITY MEETING INVITATION

**LOCATION:** 3230 National City Blvd, National City, CA 91950  
National City Shell Gas and Car Wash

**DATE:** November 16, 2018

**TIME:** 10:00 - 11:30 a.m.

**PURPOSE:** License application for off sale retail of beer and wine (Conditional Use Permit – ABC)

Dear Community Member,

National City Gas and Car Wash, Inc. would like to invite you to attend a community meeting about a proposed license application for off sale retail of beer and wine at our convenience store.

During this meeting you will have an opportunity to learn about the proposal and to provide feedbacks on the plan. We are very interested in your input on this proposal and encourage your attendance.

If you have any questions before the meeting, please contact:

Marena Martinez  
National City Shell Gas and Car Wash  
Tel 619 292 2200  
Email: [nationalcity.acacia@gmail.com](mailto:nationalcity.acacia@gmail.com)



**NATIONAL CITY POLICE DEPARTMENT**  
ALCOHOL BEVERAGE CONTROL  
RISK ASSESSMENT

DATE: 11/28/18

BUSINESS NAME: National City Shell Gas & Car Wash

ADDRESS: 3230 National City Blvd., National City, 91950

OWNER NAME: Lawrence Paul Kourie DOB: 03/15/1961

OWNER ADDRESS: 3861 Valley Center Drive, San Diego, CA 92130

(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:**

II. Business is open 24 hours, 7 days a week

V. Tract 116.02 allows for 2 off sale licenses.

There are currently 3 active off sale licenses.

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** 14

VIII. Owner(s) records check

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

OWNER NAME: Leslie Joseph Kourie DOB: 07/058/1955

OWNER ADDRESS: 3861 Valley Center Drive, San Diego, CA 92130

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

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

**Recommendation:**

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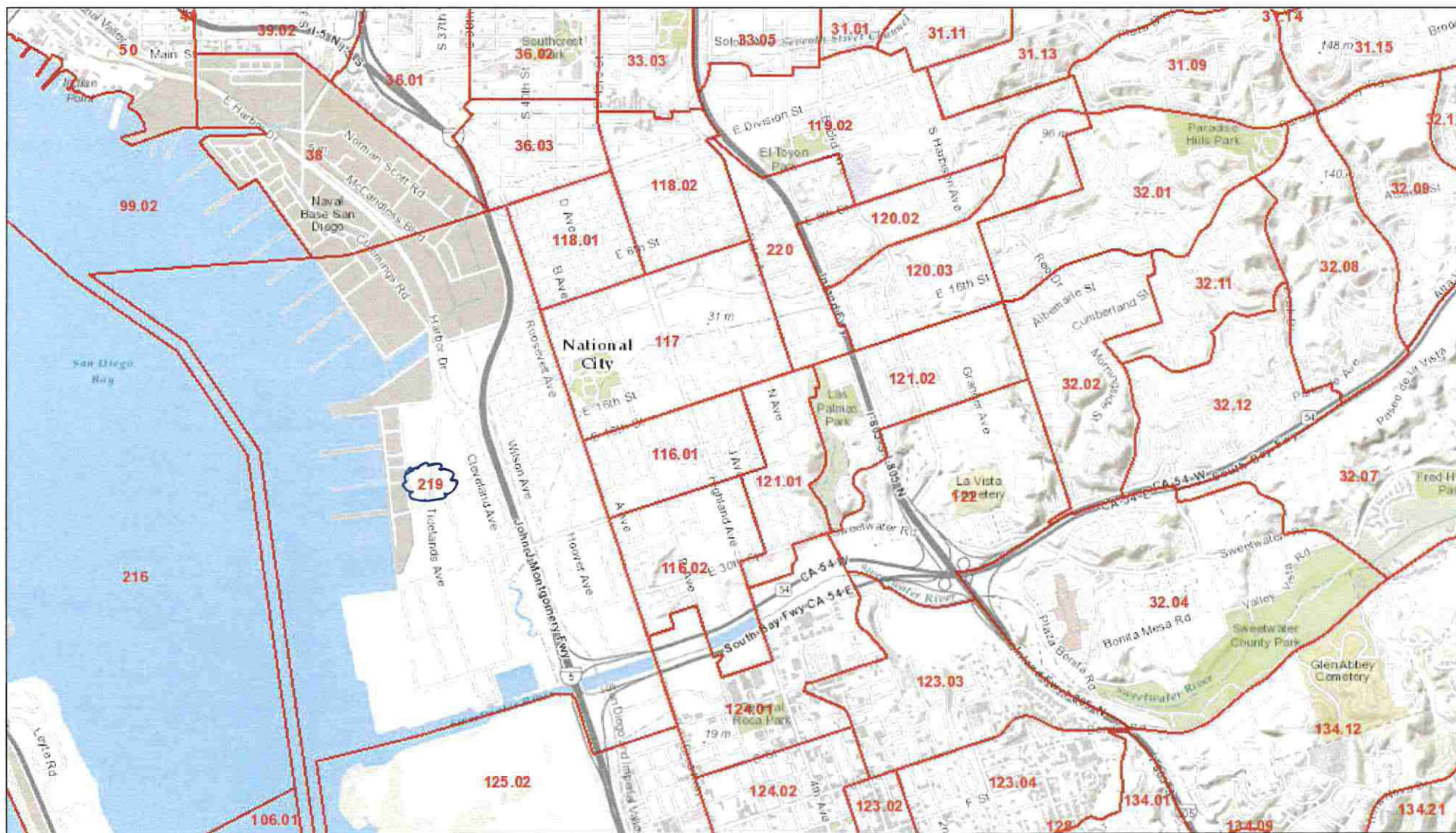
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Completed by: Sergeant Shephard Badge ID: 402

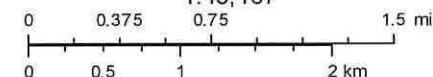


August 25, 2014

CensusTracts 2010

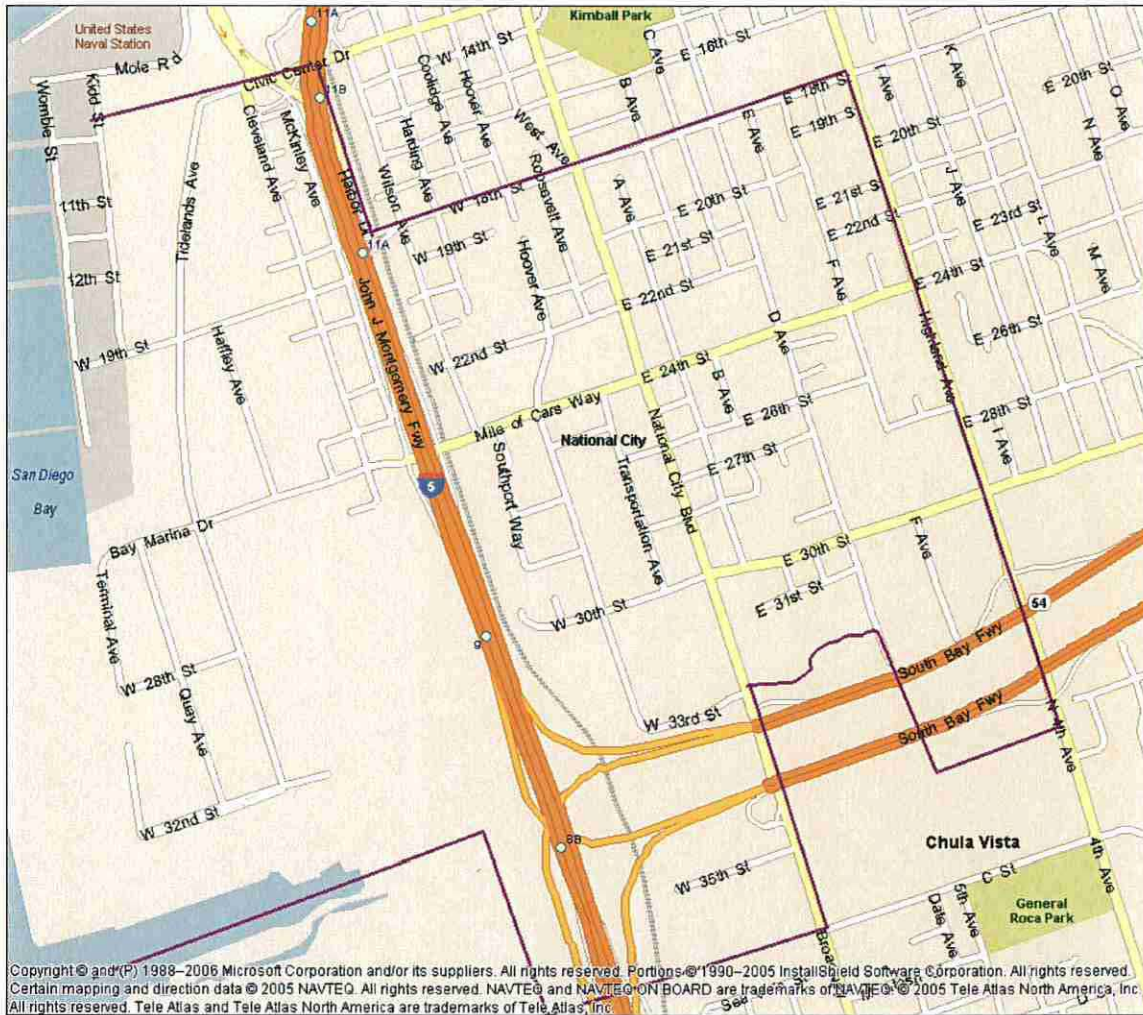
## ATTACHMENT 7

1:45,467



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





## City of National City Beat 24



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT  
FOR THE OFF-SITE SALE OF BEER AND WINE (TYPE 20) AT AN EXISTING GAS  
STATION CONVENIENCE STORE LOCATED AT 3230 NATIONAL CITY  
BOULEVARD IN THE COASTAL ZONE  
APPLICANT: NATIONAL CITY GAS AND CAR WASH INC.  
CASE FILE NO. 2018-27 CUP, CDP  
APN: 562-330-42

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, February 4, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request (Applicant: National City Gas and Car Wash Inc.).

The applicant is proposing to sell beer and wine for off-site consumption (Type 20 License) within the 2,502 square-foot convenience store. The facility will be open 24 hours a day; however, the doors to the convenience store will be locked to the public between the hours of 10:00 p.m. and 5:30 a.m. daily. Alcohol sales would be from 6:00 a.m. to 10:00 p.m. daily.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **February 4, 2019**, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

NATIONAL CITY PLANNING DEPARTMENT

RAYMOND PE  
Acting Planning Director

ATTACHMENT 8



RESOLUTION NO. 2019-02

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A  
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT  
FOR THE OFF-SITE SALE OF BEER AND WINE (TYPE 20) AT AN EXISTING GAS  
STATION CONVENIENCE STORE LOCATED AT 3230 NATIONAL CITY  
BOULEVARD IN THE COASTAL ZONE  
APPLICANT: NATIONAL CITY GAS AND CAR WASH INC.  
CASE FILE NO. 2018-27 CUP, CDP  
APN: 562-330-42

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit and Coastal Development Permit for a gas station convenience store with off-sale beer and wine to be located at 3230 National City Boulevard in the Coastal Zone at a duly advertised public hearing held on February 4, 2019, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2018-27 CUP, CDP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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 February 4, 2019, support the following findings:

1. That the site for the proposed use is adequate in size and shape, because the site is already an existing business, with the only change being the additional sale of alcohol in the market portion of the gas station.
2. That the site has sufficient access. The addition of alcohol sales is not expected to alter the number of trips to the site, therefore access shall not change from its existing conditions.

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 ML 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. Beer and wine sales will contribute to the viability of the gas station convenience store, an allowed use in the ML zone. Alcohol sales would also add to the convenience of the consumer, in that customers would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their needs, thus reducing vehicle trips.
5. That the granting of this CUP is consistent with and implements the Certified Local Coastal Program. The project is compliant with this finding in that it involves a service use, which is conditionally-allowed in the ML-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. The proposed project is not a project per the California Environmental Quality Act (CEQA).
7. That based on findings 1 through 6 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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

General

1. This Conditional Use Permit and Coastal Development Permit authorize the off-site sale of beer and wine. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2018-27 CUP, CDP, dated 11/26/2018.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.



3. 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 Land Use Code.
4. Before this *Conditional Use Permit and Coastal Development Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit and Coastal Development Permit*.** The applicant shall also submit evidence to the satisfaction of the City Manager or designee that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit 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 or designee prior to recordation.

#### Planning

5. Alcohol sales shall be limited to the hours of 6:00 a.m. to 10:00 p.m. daily.
6. Coolers containing alcohol products shall be locked and made inaccessible to the public between the hours of 10:00 p.m. and 6:00 a.m.
7. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
8. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
9. No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
10. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
11. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
12. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.

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

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 February 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2019-02

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA, DENYING A  
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT  
FOR THE OFF-SITE SALE OF BEER AND WINE (TYPE 20) AT AN EXISTING GAS  
STATION CONVENIENCE STORE LOCATED AT 3230 NATIONAL CITY  
BOULEVARD IN THE COASTAL ZONE  
APPLICANT: NATIONAL CITY GAS AND CAR WASH INC.  
CASE FILE NO. 2018-27 CUP, CDP  
APN: 562-330-42

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit and Coastal Development Permit for the off-site sale of beer and wine at an existing gas station convenience store located at 3230 National City Boulevard in the Coastal Zone at a duly advertised public hearing held on February 4, 2019, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2018-27 CUP, CDP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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 February 4, 2019, 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 off-sale alcohol outlets – five off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.

2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because five other off-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of February 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON





Item no. **4**  
February 4, 2019

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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE MODIFICATION OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY ON A SIGN LOCATED AT 1900 EAST PLAZA BOULEVARD (FAMILY HOUSE OF PANCAKES).

Case File No.: 2018-28 CUP

Location: 1900 East Plaza Boulevard

Assessor's Parcel Nos.: 557-420-31

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: Anthony Hughes, T-Mobile

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

Adjacent zoning:

North: Commercial and multi-family residential across Plaza Blvd. / MXD-2

East: Interstate 805 Freeway / OS (Open Space)

South: Single family and multi-family residential / MXD-2, RM-3, and RS-2

West: Commercial and multi-family residential / MXD-2

Environmental review: Categorically Exempt pursuant to Class 1 Section 15301 (Existing Facilities)

Staff recommendation: Continue to March 4, 2019

Staff Recommendation

Due to noticing irregularities, as explained below, staff recommends that the item be continued to the March 4, 2019 Planning Commission meeting in order to provide adequate public notice.

Executive Summary

The applicant has applied for a Conditional Use Permit (CUP) to modify the existing wireless communications facility on a sign (Family House of Pancakes). The upgrade is to a T-Mobile facility that will add four antennas and four radios to an existing pole sign. The equipment will be housed behind screening panels. The new facility will help to provide coverage in an area with limited service and provide additional reception for T-Mobile customers.

Public Notice

A public hearing for a CUP requires an advertisement in a newspaper of general circulation and a written notice to all property owners within 300 feet of the project location. The notice must be published and received (in the case of the written notice) at least 10 days prior to the public hearing. In addition to property owners, the City also provides written notice to all occupants within 300 feet of the project location. The Bella Vita Apartment Homes, located in the 1400 block of Sheryl Lane, are located within 300 feet of the project site. This apartment complex consists of three buildings totaling 70 units.

After the public notice was mailed, all 70 public notices addressed to the occupants of Bella Vita were returned as undeliverable. This was due to the address labels provided by the applicant being addressed incorrectly. The correct addresses have since been researched and provided to the applicant. In order to be correctly noticed, staff suggests that the public hearing be continued to the next meeting (March 4, 2019) and for a courtesy notice to be mailed to the 70 residents of the Bella Vita Apartment Homes. This will suffice for adequate public notice. The remaining property owner and occupant addresses within 300 feet of the project location were correct and noticed accordingly.



CHRIS STANLEY  
Acting Assistant Planner



RAYMOND PE  
Acting Planning Director