



Planning Commission Agenda

Meeting of March 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 Baca

Approval of Minutes

1. Approval of Minutes from the Meeting of February 4, 2019

Approval of Agenda

2. Approval of the Agenda for the Meeting on March 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

3. 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)

PUBLIC HEARINGS

4. Resolution taking action on a Conditional Use Permit for the On-site Sale of Beer and Wine at an Existing Restaurant (Salud) located at 2333 Highland Avenue (Case File No. 2018-16 CUP)
5. Resolution taking action on a Conditional Use Permit for the On-site Sale of Beer and Wine at an Existing Restaurant (Birriera Negro Durazo) located at 1604 East 18th Street (Case File No. 2018-17 CUP)

OTHER BUSINESS

6. Election of Replacement Vice Chair for 2019

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 18, 2019.



Planning Commission Minutes

Planning Commission
Meeting of February 4, 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: Flores, Baca, Quintero, Sendt, Yamane, Dela Paz (6:06 p.m. arrival)

Commissioners Absent: Garcia

Staff Also Present: Senior Assistant City Attorney Nicole Pedone, Principal Planner Martin Reeder, Acting Assistant Planner Chris Stanley

Pledge of Allegiance Presented by Commissioner Flores

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

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

Motion carried by the following vote:

Ayes: Flores, Baca, Quintero, Sendt, Yamane

Abstain: None.

Noes: None.

Absent: Garcia, Dela Paz

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

Motion by Baca, second by Flores to approve the Agenda for the Meeting of February 4, 2019.

Motion carried by the following vote:

Ayes: Flores, Baca, Quintero, Sendt, Yamane

Abstain: None.

Noes: None.

Absent: Garcia, Dela Paz

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

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)

Presented by Acting Assistant Planner Chris Stanley.

Commissioner Dela Paz arrived to the dais at 6:06 pm.

Business co-owner/applicant, Les Curry has read, understands, and accepts the conditions of the Conditional Use Permit and Coastal Development Permit.

Motion by Yamane, second by Flores to close the public hearing and approve 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)

Motion carried by the following vote:

Ayes: Flores, Baca, Quintero, Sendt, Yamane, Dela Paz

Abstain: None.

Noes: None.

Absent: Garcia

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)

Presented by Acting Assistant Planner Chris Stanley.

Mr. Stanley recommended that the item be continued to the meeting of March 4, 2019 due to incorrect noticing by the applicant. Principal Planner Martin Reeder explained that approximately 70 residents did not receive the notice due to incorrect addressing.

Motion by Yamane, second by Baca to continue the item to the meeting of March 4, 2019.

Motion carried by the following vote:

Ayes: Flores, Baca, Quintero, Sendt, Yamane, Dela Paz

Abstain: None.

Noes: None.

Absent: Garcia

OTHER BUSINESS: None.

STAFF REPORTS:

Senior Assistant City Attorney: Reported that the new regulations and application procedures for massage businesses were approved at the City Council meeting and were effective immediately.

Brad Raulston, Deputy City Manager: Absent.

Acting Planning Director: Absent.

Principal Planner: None.

COMMISSIONER REPORTS:

Chair Sendt welcomed the new representative from the Police Department, who would be present as needed to provide comments on Conditional Use Permits brought forth to the Planning Commission.

Remaining Commissioners had no reports.

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

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of March 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: Stephanie Vanderveen, 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: Approve

Staff Recommendation

Staff recommends approval of the modification of the existing wireless communications facility on the sign. The use is conditionally-allowed in the Major Mixed-Use District zone and is consistent with the General Plan and Land Use Code. The expansion generally meets all applicable design requirements for wireless communication facilities.

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.

Site Characteristics

The project location is an existing restaurant (Family House of Pancakes) located at 1900 East Plaza Boulevard. North of the restaurant, across Plaza, are multi-family developments and a restaurant, Bistro City; east is the Interstate 805 Freeway, which is considered Open Space; west is a carwash, market, motel (the Stardust Inn), and multi-family units; south is single-family and multifamily residential.

Proposed Use

The applicant is proposing to modify an existing telecommunications facility by installing four additional antennas and associated equipment. The four antennas measure approximately 13 feet in height and would be mounted to the 75 foot pole sign beneath the existing equipment. The sign is situated in the southeast corner of the development facing north and south. The antennas would be screened by panels creating the appearance of a utility box around the pole. The proposed antennas would be in addition to four existing antennas, which are enclosed within the sign cabinet itself.

Analysis

The proposed antennas would be using stealth options, which are encouraged in the Land Use Code, the visual impact would be limited due to the already mentioned screening panels, which would give the appearance of a box mounted to the sign. The antennas follow all other applicable land use code requirements, such as being located on the rear half of the property and not

being situated between the development and any public or private street adjoining the parcel, which in this case is Plaza Boulevard. Telecommunication facilities should be located and designed to avoid blocking and/or substantially altering scenic views. The proposed antennas are pole-mounted, which would have less of a visual impact than a tower and are not in a residential zone. The antennas are more than 75 feet from any habitable structure (approximately 90 feet).

Findings for Approval

The Municipal Code contains six required findings for CUPs:

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.

The use is allowable within the Major Mixed-Use District zone pursuant to a CUP, and the proposed use generally meets the required guidelines in the Land Use Code.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology; the proposed telecommunications facility will provide coverage in an area with limited service and provide additional reception for T-Mobile customers.

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.

The design, location, size, and operating characteristics of the four proposed antennas mirror those of the existing antennas and as such are compatible with the existing land use.

4. The site is physically suitable for the type, density, and intensity of use being proposed; including access, utilities, and the absence of physical constraints.

The proposed antennas would be accessory to not only the existing telecommunications facility, but also the existing commercial use; their placement on the existing pole sign assures that circulation will not be affected.

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.

The proposed antennas will not stand out due to the use of stealth paneling. The panels give off the appearance of a utility box.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The proposed project has been reviewed in compliance with CEQA. Staff has determined the proposed use 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 CUP.

Findings for Denial

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 subject facility would be more visible with the antennas than without, it would have a negative visual impact on area uses and would not be consistent with design guidelines for wireless telecommunications facilities §18.30.220 (B)(2)(i) & (k).

2. Although the coverage for T-Mobile Wireless facilities is less than optimal in the subject area, no significant gap in service exists; denial of the Conditional Use Permit would not result in a prohibition of service.

Conditions of Approval

Planning Department conditions require that all appropriate and required local, state and/or federal permits must be obtained prior to operation of the wireless communications facility. In addition, the permittee shall not object to co-locating

additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. The applicant or operator shall also be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance. In addition, standard Fire and Building code conditions are included.

Summary

The proposed project is consistent with the Land Use Code in that it generally meets all applicable design requirements for wireless communication facilities. The project uses the stealth options encouraged by the City and such, is able to blend in with nearby development (other utilities). The antennas would be screened from view using stealth panels and the operating equipment would be housed with the existing equipment. The new facility will help to provide coverage in an area with limited service and provide additional reception for T-Mobile customers.

Options

1. Approve 2018-28 CUP subject to the conditions listed below, based on the attached findings, or findings to be determined by the Planning Commission;
or
2. Deny 2018-28 CUP based on the attached finding 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. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2018-28 CUP, dated 12/03/2018)
5. Coverage Map
6. Public Hearing Notice (Sent to 150 property owners & occupants)
7. CEQA Notice of Exemption
8. Resolutions



CHRIS STANLEY
Acting Assistant Planner



RAYMOND PE
Acting Planning Director

RECOMMENDED FINDINGS FOR APPROVAL

2018-28 CUP - 1900 E. Plaza Blvd.

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. The use is allowable within the Major Mixed-Use District zone pursuant to a CUP, and the proposed use generally meets the required guidelines in the Land Use Code.
2. The proposed use is consistent with the General Plan. General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology. The proposed telecommunications facility will provide coverage in an area with limited service and provide additional reception for T-Mobile customers.
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. The four proposed antennas mirror those of the existing antennas and as such are compatible with the existing land use.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints. The proposed antennas would be accessory to not only the existing telecommunications, but also the existing commercial use; their placement on the existing pole sign assures that circulation will not be affected.
5. Granting the permit would not constitute a nuisance, 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 proposed antennas will not stand out due to the use of stealth paneling. The panels give off the appearance of a utility box.
6. The proposed project has been reviewed in compliance with the CEQA. Staff has determined the proposed use 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 CUP.

RECOMMENDED FINDINGS FOR DENIAL

2018-28 CUP 1900 E. Plaza Blvd.

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 subject facility would be more visible with the proposed design than with the stealth designs encouraged, it would have a negative visual impact on area uses and would not be consistent with design guidelines for wireless telecommunications facilities §18.30.220 (B)(2)(i) & (k).

2. That although the coverage for T-Mobile Wireless facilities is less than optimal in the subject area, no significant gap in service exists; denial of the Conditional Use Permit would not result in a prohibition of service.

RECOMMENDED CONDITIONS OF APPROVAL

2018-28 CUP - 1900 E. Plaza Blvd.

General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 1900 East Plaza Boulevard. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2018-28 CUP, dated 12/03/2018. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning 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*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements shall comply with the current edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.

Fire

6. Plans submitted for improvements shall comply with the current edition of the California Fire Code (CFC) and National Fire Protection Association (NFPA).

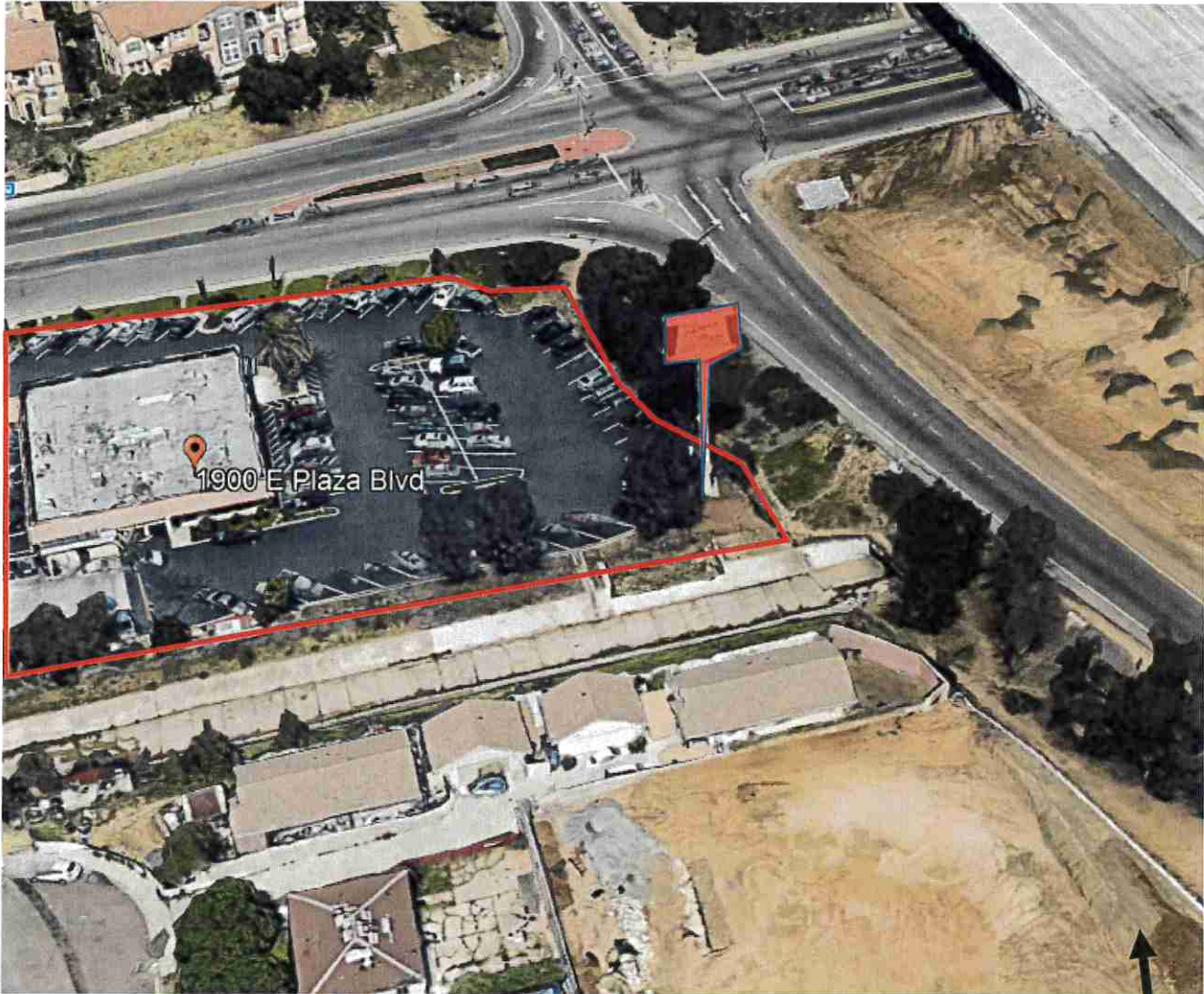
Planning

7. All required local, state and/or federal permits shall be obtained prior to operation of the wireless communications facility.
8. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in

substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.

9. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.
10. All equipment shall be painted to match the color of the surface to which it is mounted.

2018-28 CUP – 1900 East Plaza Boulevard – Overhead



T-Mobile®

T-Mobile
stick together
10509 VISTA SORRENTO PARKWAY, SUITE 2016
SAN DIEGO, CA 92121

smartlink
18401 VON KARMAN AVE, SUITE 400
IRVINE, CA, 92612

PLANS PREPARED BY:
DCI PACIFIC
A|E|C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK | SUITE 110
IRVINE | CA 92614

SITE NUMBER: SD06176B **ADDRESS:** 1900 E. PLAZA BLVD
SITE NAME: SD176 FAMILY RESTAURANT **NATIONAL CITY, CA 91950**
SITE TYPE: SIGN STRUCTURE **COUNTY:** CITY OF SAN DIEGO
RFDS: L700-CMP4-4x2-R3.1 **JURISDICTION:** NATIONAL CITY

PROJECT SUMMARY:
MODIFY AN (E) T-MOBILE TELECOMMUNICATIONS FACILITY SITE WITH THE FOLLOWING:

- INSTALL (4) APXVAARR24_43-U-NA20 OCTO PORT 8FT ANTENNAS, (1) EACH PER SECTOR
- INSTALL (4) RRU 4449 NEAR ANTENNAS (B12+B71), (1) EACH PER SECTOR
- REPLACE (1) DUS41 WITH (1) BB5216 IF NOT COMPLETED (V.I.F.)
- INSTALL (1) XMU INSIDE (E) CABINET
- INSTALL (2) ADDITIONAL 6X12 HCS 6AWG 40m
- INSTALL RET

APPLICANT:
T-MOBILE USA
10509 VISTA SORRENTO PARKWAY, SUITE 2016
SAN DIEGO, CA 92121

SITE ADDRESS:
1900 EAST PLAZA BLVD
NATIONAL CITY, CA 91950

PROPERTY OWNER:
MORGAN FAMILY TRUST
1223 "J" AVENUE
NATIONAL CITY, CA 91950
CONTACT: ROBERT LEE MORGAN
PHONE: 619-421-3084

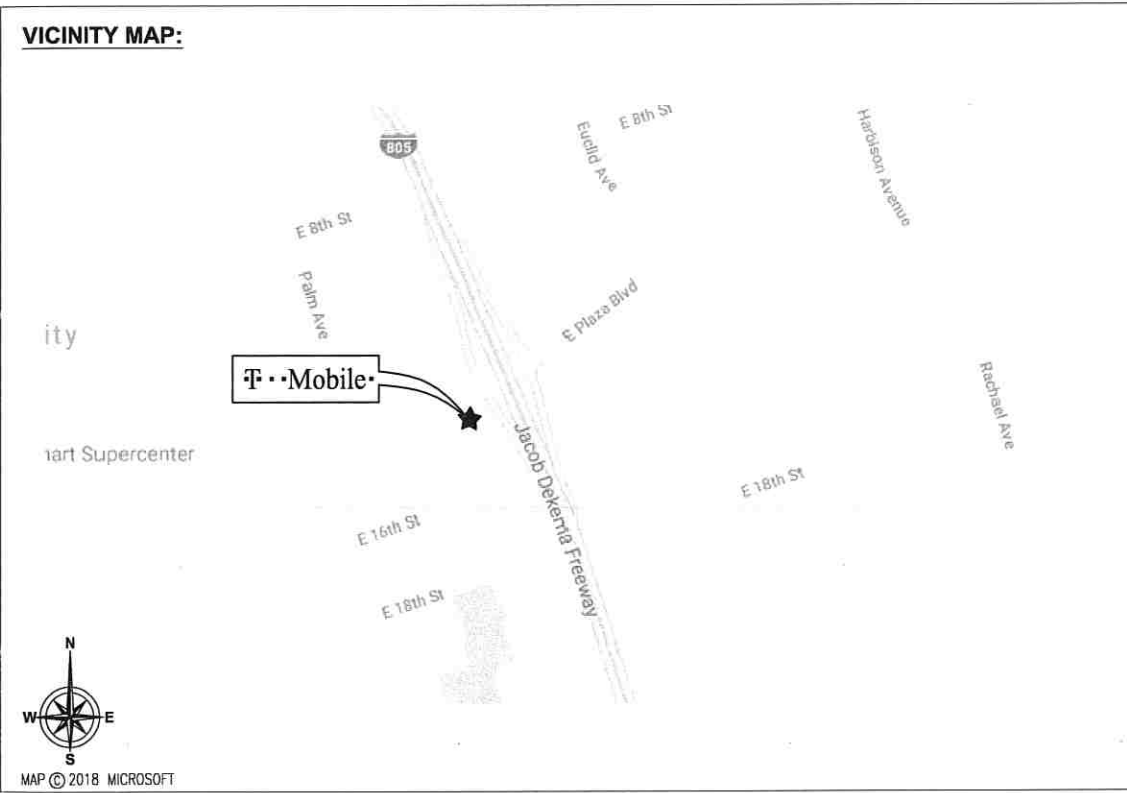
BUILDING SUMMARY:
OCCUPANCY CLASSIFICATION: U - UNMANNED TELECOMMUNICATION FACILITY
ZONING: GC GENERAL COMMERCIAL W/ PLANNED DEVELOPMENT OVERLAY

CONSTRUCTION TYPE: V-B
A.P.N.: 557-420-31
LEASE AREA: - SQ.FT. ((E)/ NO CHANGE)
LATITUDE: 32.67630555
LONGITUDE: -117.08522200
JURISDICTION: CITY OF NATIONAL CITY

SHEET INDEX:

SHEET NUMBER:	DESCRIPTION:
T-1	TITLE SHEET
T-2	GENERAL NOTES, ABBREVIATIONS, SITE LEGENDS, SYMBOLS & MATERIAL
A-1	SITE PLAN
A-2	EQUIPMENT AND ANTENNA LAYOUT PLANS
A-3	ELEVATIONS
A-4	ELEVATIONS
A-5	DETAILS
A-6	DETAILS

NOTE:
SCALES SHOWN ON SET OF DRAWINGS ARE REPRESENTATIVE OF FULL SIZE 24"x36" DRAWINGS. IF THIS SET OF DRAWINGS IS LESS THAN 24"x36", IT IS A REDUCED SET.



NO.	DATE:	DESCRIPTION:	BY:
0	08/30/18	75% CD	DAK

SITE INFORMATION:

SD176 FAMILY RESTAURANT
SD06176B
1900 E. PLAZA BLVD
NATIONAL CITY, CA. 91950

CONSULTING TEAM:

SAC/ ZONING/ PERMITTING:
SMARTLINK, LLC
18401 VON KARMAN AVE, SUITE 400
IRVINE, CA, 92612
CONTACT: STEPHANIE PITELL-VALDEZ, PM
PHONE: (619) 417-9925
EMAIL: STEPHANIE.VALDEZ@SMARTLINKLLC.COM

ARCHITECTURAL & ENGINEERING:
DCI PACIFIC
32 EXECUTIVE PARK, SUITE 110
IRVINE, CA 92614
CONTACT: D.K. DO, RA
PHONE: (949) 475-1000
FAX: (949) 475-1001
EMAIL: DK@DCIPACIFIC.COM

RF ENGINEER:
T-MOBILE USA
10509 VISTA SORRENTO PARKWAY
SUITE 206
SAN DIEGO, CA 92121
CONTACT: PEDRO ABE
PHONE: (858) 334-6128
EMAIL: PEDRO.ABE@T-MOBILE.COM

CONSTRUCTION MANAGER:
T-MOBILE
10509 VISTA SORRENTO PARKWAY
SUITE 206
SAN DIEGO, CA 92121
CONTACT: KIRT BABCOCK
PHONE: (858) 334-6139
EMAIL: KIRT.BABCOCK@T-MOBILE.COM

CONTACT: JERROD PLOOF
PHONE: (858) 344-4444
EMAIL: JERROD.PLOOF@SMARTLINKLLC.COM

APPROVALS:

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

	PRINT NAME	SIGNATURE	DATE
LANDLORD	_____	_____	_____
CONST. MGR	_____	_____	_____
DEVELOP. MGR	_____	_____	_____
ZONING MGR	_____	_____	_____
CONST. MGR(TMO)	_____	_____	_____
PROJECT MGR	_____	_____	_____
RF ENGINEER	_____	_____	_____
OPERATIONS	_____	_____	_____
SAC REP.	_____	_____	_____

DIRECTIONS FROM 'T-MOBILE' SAN DIEGO, CA OFFICE:

- DEPART VISTA SORRENTO PKWY TOWARD I-805 SOUTH
- TAKE RAMP RIGHT AND FOLLOW SIGNS FOR I-805 SOUTH
- AT EXIT 10, TAKE RAMP RIGHT TOWARD PLAZA BLVD
- DESTINATION WILL BE ON THE LEFT

EXHIBIT A
CASE FILE NO.: 2018-28 CUP
DATE: 12-3-18

APPLICABLE CODES

- 2016 CALIFORNIA ADMINISTRATIVE CODE (CAC)
- 2016 CALIFORNIA BUILDING CODE (CBC): VOLUMES 1 AND 2
- 2016 CALIFORNIA ELECTRICAL CODE
- 2016 CALIFORNIA MECHANICAL CODE (CMC)
- 2016 CALIFORNIA ENERGY CODE
- 2016 CALIFORNIA FIRE CODE (CFC)
- 2016 CALIFORNIA GREEN CODE
- 2016 CALIFORNIA REFERENCED STANDARDS CODE

**** NOTE:** ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

SEAL:

SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

T-1

T-Mobile
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10509 VISTA SORRENTO PARKWAY, SUITE 2016
SAN DIEGO, CA 92121



18401 VON KARMAN AVE, SUITE 400
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NO.	DATE:	DESCRIPTION:	BY:
0	08/30/18	75% CD	DAK

SITE INFORMATION:

SD176 FAMILY RESTAURANT
SD06176B

1900 E. PLAZA BLVD
NATIONAL CITY, CA. 91950

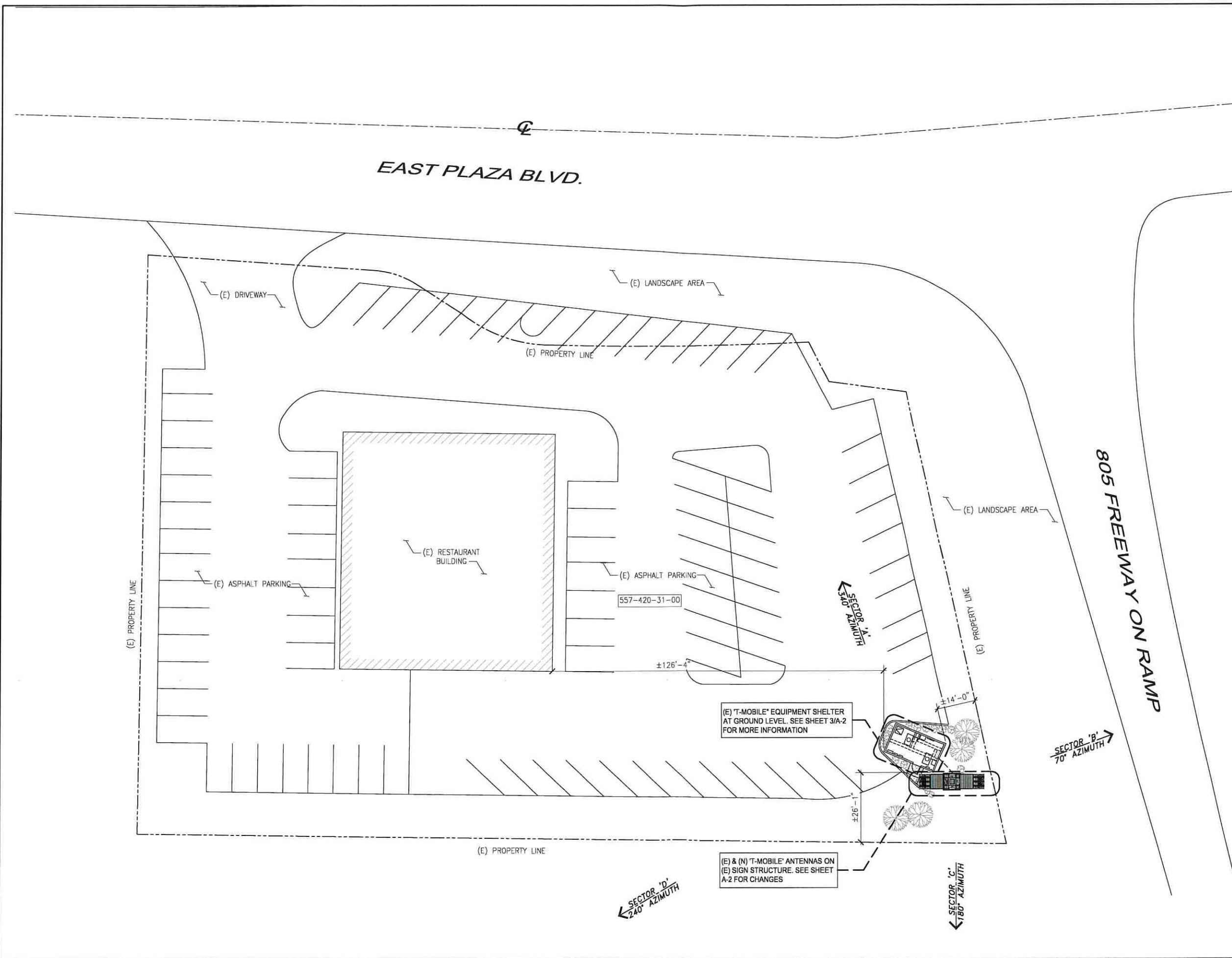
SEAL:

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1



SITE PLAN

NORTH 0 5' 10' 15' SCALE: 1/16"=1'-0" 1

T-Mobile
stick together

10509 VISTA SORRENTO PARKWAY, SUITE 2016
SAN DIEGO, CA 92121

smartlink

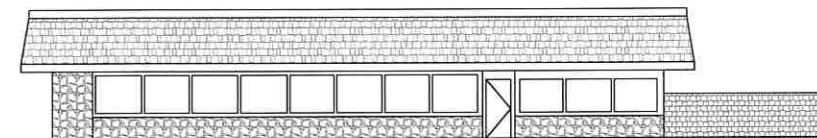
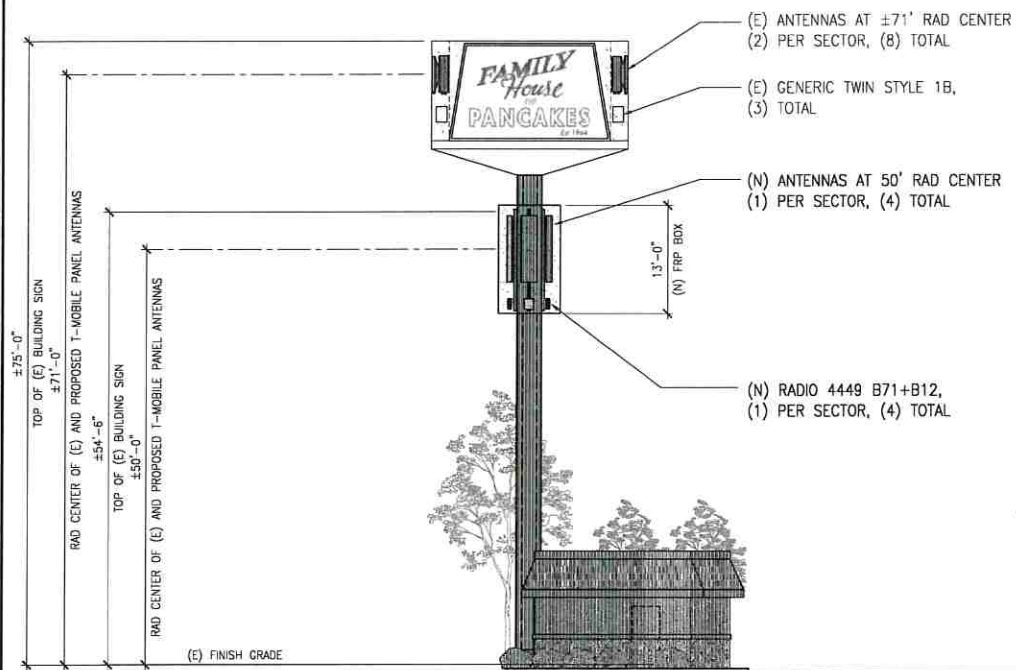
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IRVINE, CA, 92612

PLANS PREPARED BY:

DCI PACIFIC
A|E|C WORKS

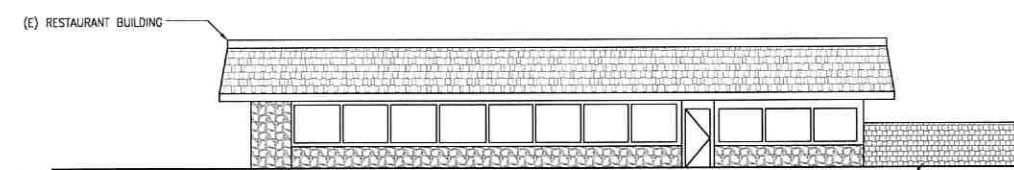
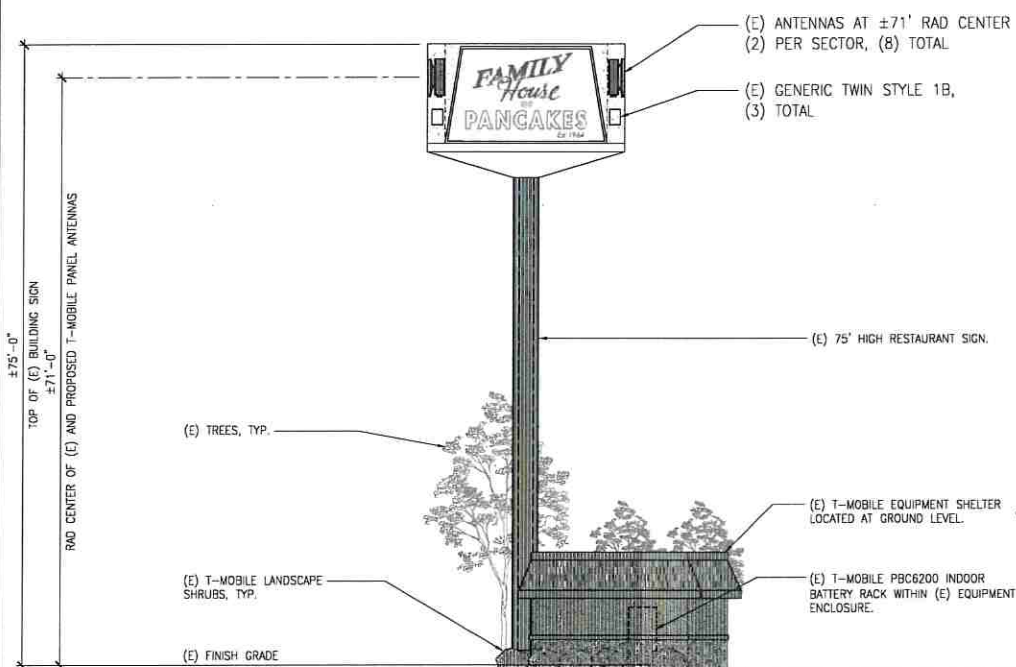
ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK | SUITE 110
IRVINE | CA 92614

NO.	DATE	DESCRIPTION	BY
0	08/30/18	75% CD	DAK



FINAL - NORTHWEST ELEVATION

SCALE: 3/32"=1'-0" 1



EXISTING - NORTHWEST ELEVATION

SCALE: 3/32"=1'-0" 2

SITE INFORMATION:

SD176 FAMILY RESTAURANT
SD06176B

1900 E. PLAZA BLVD
NATIONAL CITY, CA. 91950

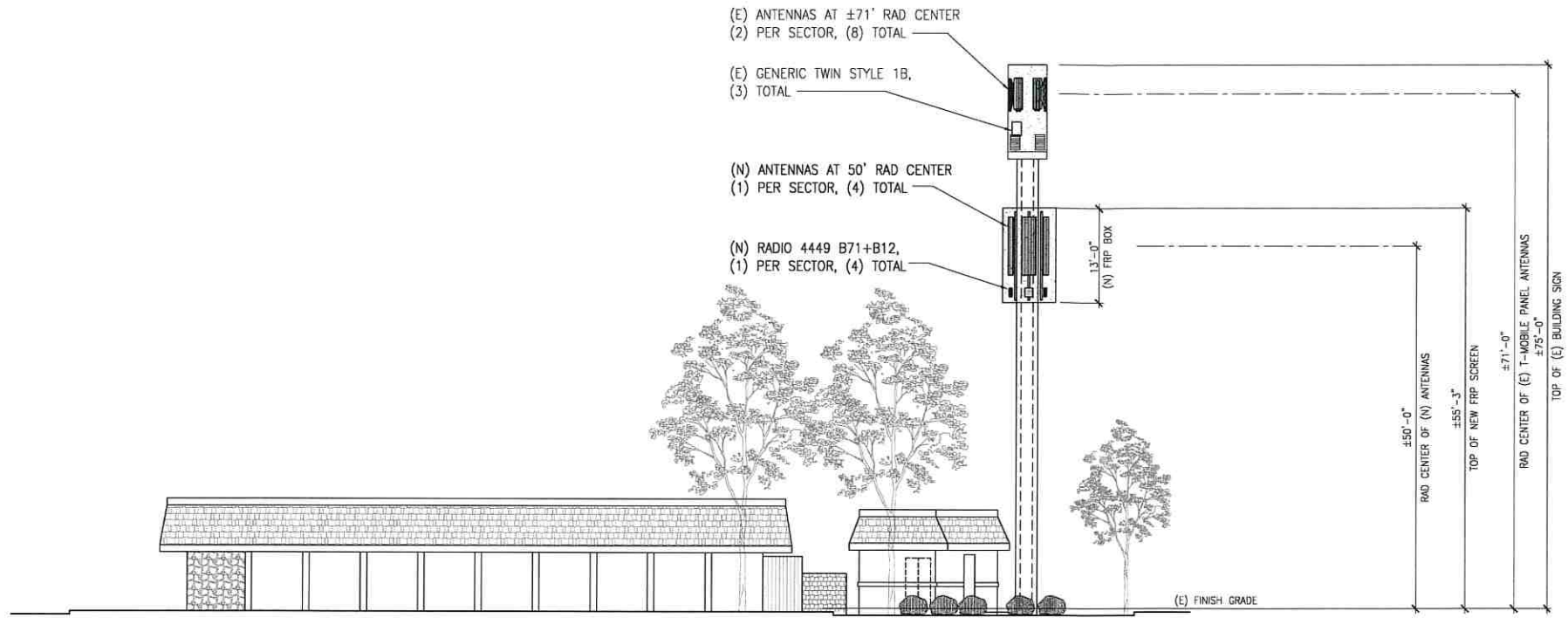
SEAL:

SHEET TITLE:

ELEVATIONS

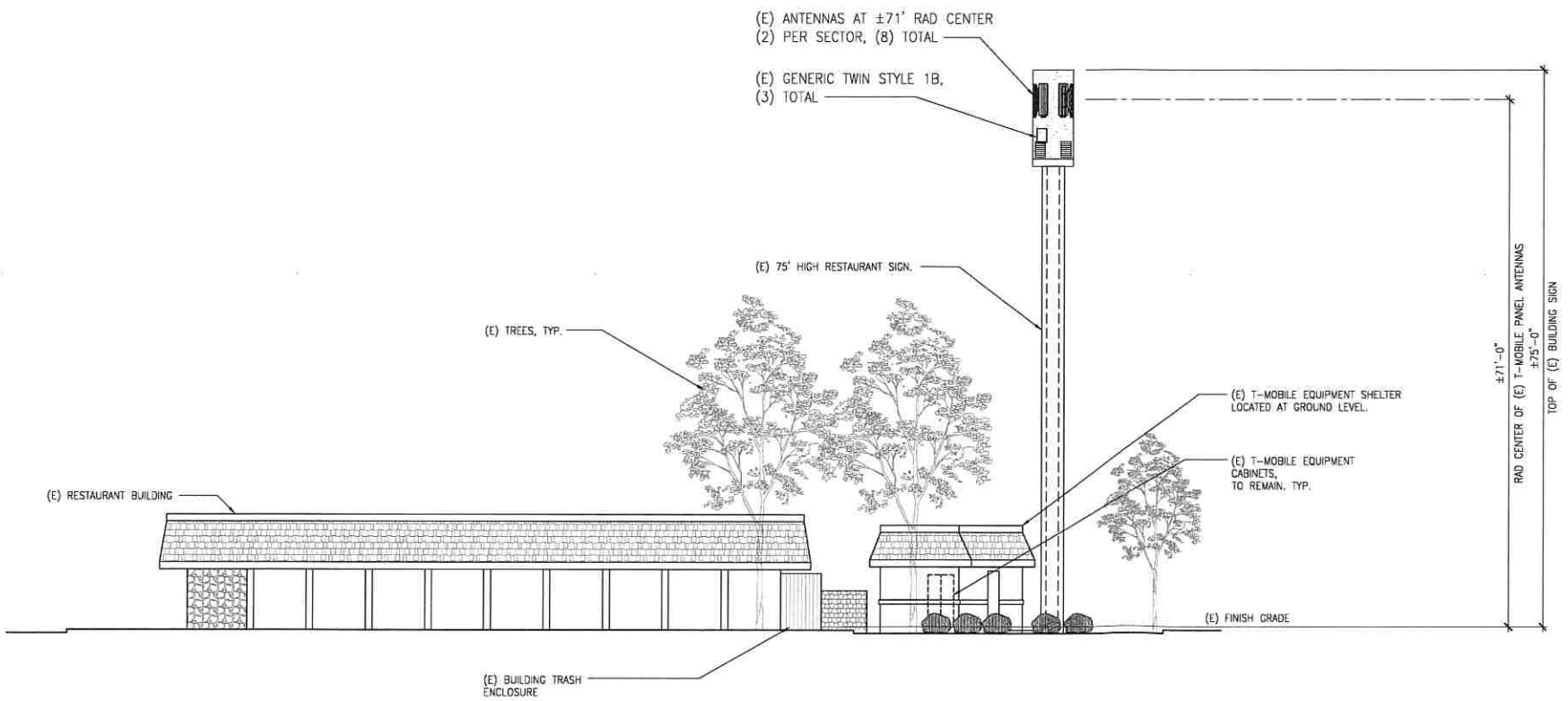
SHEET NUMBER:

A-3



T ELEVATION

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



VEST ELEVATION

SCALE: 1/8"=1'-0" 2

T-Mobile
stick together
10509 VISTA SORRENTO PARKWAY, SUITE 2016
SAN DIEGO, CA 92121

smartlink
18401 VON KARMAN AVE, SUITE 400
IRVINE, CA, 92612

PLANS PREPARED BY:
DCI PACIFIC
A|E|C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK | SUITE 110
IRVINE | CA 92614

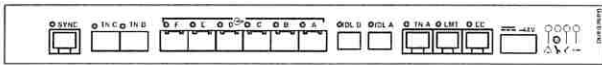
NO.	DATE	DESCRIPTION	BY
0	08/30/18	75% CD	DAK

SITE INFORMATION:
SD176 FAMILY RESTAURANT
SD06176B
1900 E. PLAZA BLVD
NATIONAL CITY, CA. 91950

SEAL:

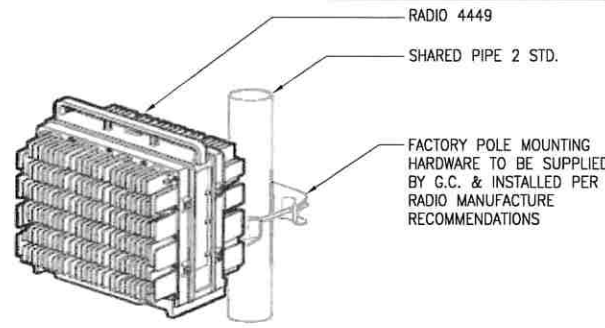
SHEET TITLE:
ELEVATIONS

SHEET NUMBER:
A-4



Baseband	Height	Width	Depth	Weight
Baseband 5216	350 mm (13.8")	31 mm (1.22")	280 mm (11")	< 4kg (<8.8lbs)

Baseband	Capacity Data LTE ⁽¹⁾	Capacity Data WCDMA ⁽¹⁾ Maximum DCH ⁽²⁾ Capacity (Measured in Channel Elements)	Capacity Data GSM	Supported Radio Interface Connections CPRI
Baseband 5216	<ul style="list-style-type: none"> 8000 connected users 960 MHz antenna bandwidth⁽³⁾ Up to 2000 FDD or 1000 TDD VoIP users 1200 Mbps DL throughput⁽³⁾ 600 Mbps UL throughput⁽³⁾ 	1152 DL 768 UL, 1920 EUL	48 TRX	2.5 Gbps, 4.9 Gbps ⁽¹⁾ , 9.8 Gbps ⁽¹⁾ , and 10.1 Gbps ⁽¹⁾



- SXK 125 0245/1: Pole Mount, short - Weight: 4.8 lbs
- SXK 125 0246/1: Wall Mount, short
- Required for AC-PSU:
- SXK 125 0244/1: Pole Mount, long
- SXK 125 0247/1: Wall Mount, long

OEM MOUNTING HARDWARE

DIMENSIONS (WxHxD):
335mm X 379.7mm X 235mm (13.2in X 14.9in X 9.3in)

WEIGHT:
33.6KG ±1.8KG (74LBS ±4LBS)

Dual Slant Polarized Quad Band (8 Port) Antenna, 617-746/617-746/1695-2200/1695-2200MHz, 65deg, 15/15/18/18dBi, 2.4m (8ft), VET, RET, 0-12°/0-12°/2-12°/2-12°



ELECTRICAL SPECIFICATIONS

Impedance	Ohm	50.0
Polarization	Deg	+45°

MECHANICAL SPECIFICATIONS

Dimensions - H x W x D	mm (in)	2436 x 609 x 222 (95.9 x 24 x 8.7)
Weight (Antenna Only)	kg (lb)	58 (128)
Weight (Mounting Hardware only)	kg (lb)	11.5 (25.3)
Shipping Weight	kg (lb)	00 (176)
Connector type	8 x 4 3-10 female at bottom - 6 AISG connectors (3 male, 3 female)	
Adjustment mechanism	Integrated RET solution AISG compliant (Field Replaceable) - Manual Override - External Tilt Indicator	
Mounting Hardware Material	Galvanized steel	
Radome Material / Color	Fiber Glass / Light Grey RAL7035	

FEATURES / BENEFITS

This antenna provides a 8 Port multi-band flexible platform for advanced use for flexible use in deployment scenarios for encompassing 600MHz, 700MHz, AWS & PCS applications.

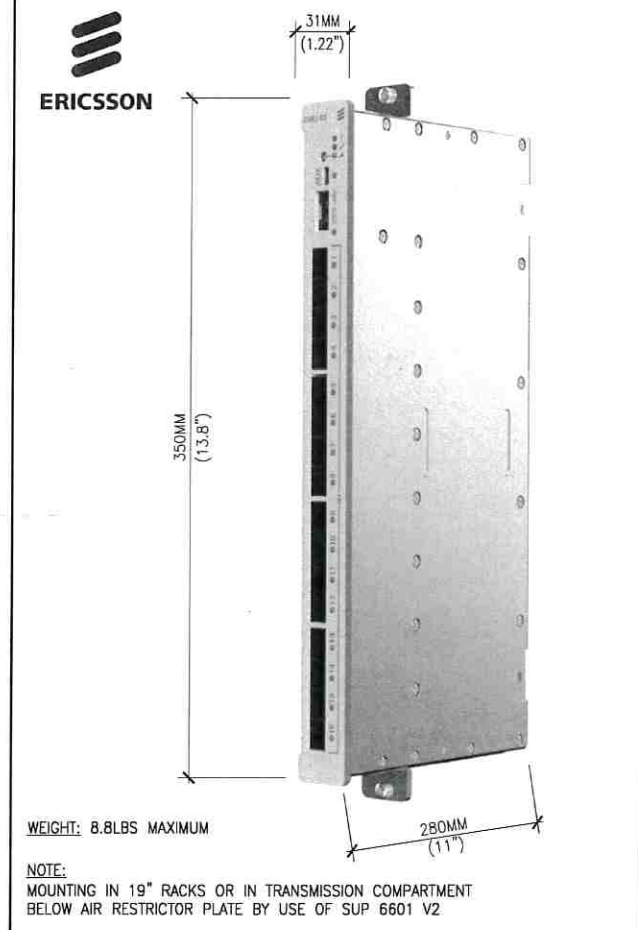
- 24 Inch Width For Easier Zoning
- Field Replaceable (Integrated) AISG RET platform for reduced environmental exposure and long lasting quality
- Superior elevation pattern performance across the entire electrical down tilt range
- Includes three AISG RET motors - Includes 0.5m AISG jumper for optional daisy chain of two high band RET motors for one single AISG point of high band tilt control.
- Low band arrays driven by a single RET motor



RFS APXVAARR24_43-U-NA20

BASEBAND 5216

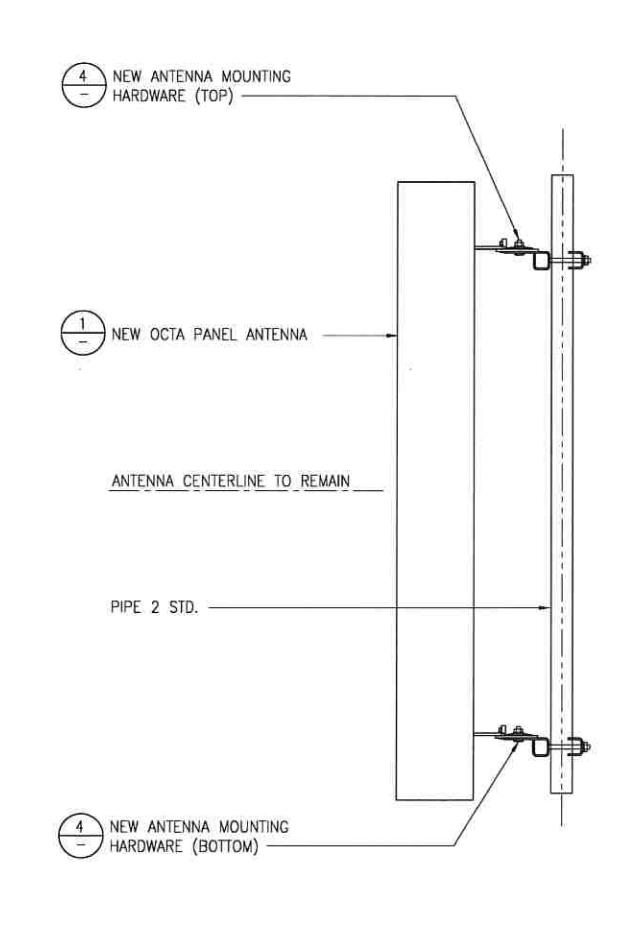
SCALE: 7
N.T.S.



XMU SCALE: 8
N.T.S.

RADIO 4449 B71+B12

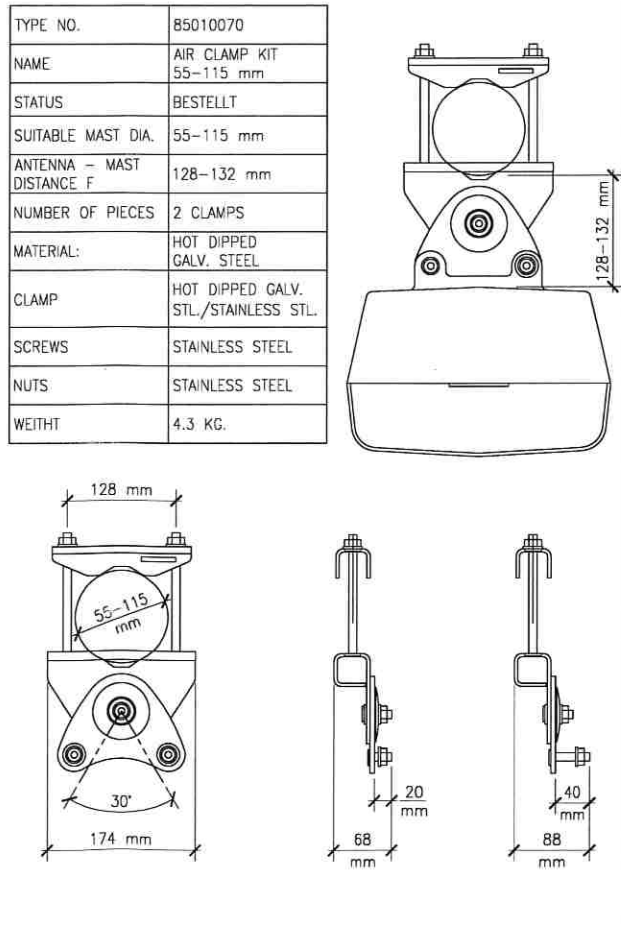
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N.T.S.



SCALE: 6
N.T.S.

ANTENNA MOUNTING HARDWARE

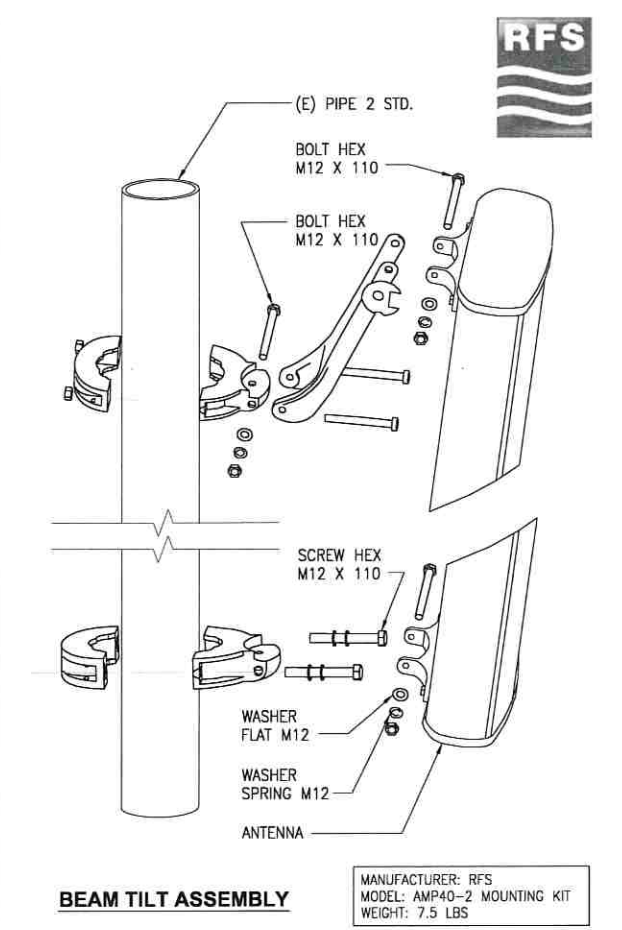
SCALE: 4
N.T.S.



SCALE: 4
N.T.S.

ANTENNA MOUNTING DETAIL

SCALE: 1
N.T.S.



SCALE: 2
N.T.S.

T-Mobile
stick together

10509 VISTA SORRENTO PARKWAY, SUITE 2016
SAN DIEGO, CA 92121

smartlink

18401 VON KARMAN AVE, SUITE 400
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PLANS PREPARED BY:

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ARCHITECTURE | ENGINEERING | CONSULTING
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NO.	DATE:	DESCRIPTION:	BY:
0	08/30/18	75% CD	DAK

SITE INFORMATION:

SD176 FAMILY RESTAURANT
SD06176B

1900 E. PLAZA BLVD
NATIONAL CITY, CA. 91950

SEAL:

SHEET TITLE:
DETAILS

SHEET NUMBER:
A-5

Area Coverage without SD06176B

ATTACHMENT 5



Area Coverage with SD06176B without L700 (Existing)



Area Coverage with SD06176B with L700





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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE MODIFICATION OF AN EXISTING
WIRELESS COMMUNICATIONS FACILITY ON A SIGN LOCATED AT 1900 EAST
PLAZA BOUELVARD (FAMILY HOUSE OF PANCAKES).

CASE FILE NO. 2018-28 CUP

APN: 557-420-31

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: Anthony Hughes).

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.

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 on or before 12:00 p.m., **February 4, 2019** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

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

NATIONAL CITY PLANNING DEPARTMENT

RAYMOND PE
Acting Planning Director

ATTACHMENT 6



NOTICE OF EXEMPTION

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

Lead Agency: City of National City

Project Title: 2018-28 CUP

Project Location: 1900 E. Plaza Blvd., National City, CA 91950

Contact Person: Chris Stanley

Telephone Number: (619) 336-4381

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit application for the modification of an existing wireless communications facility on an existing sign.

Applicant:

Anthony Hughes
10509 Sorrento Parkway Suites
San Diego, CA 92121

Telephone Number:

(760) 223-1023

Exempt Status:

Categorical Exemption. Class 1 Section 15301 (Existing Facilities)

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment. The project involves no new development and will reside on an existing facility.

Date:

CHRIS STANLEY
Acting Assistant Planner

RESOLUTION NO. 2019-03

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING 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
APN: 557-420-31

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the modification of an existing wireless communications facility on an existing building located at 1900 East Plaza Boulevard 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. 2018-28 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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. 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. The use is allowable within the Major Mixed-Use District zone pursuant to a CUP, and the proposed use generally meets the required guidelines in the Land Use Code.
2. The proposed use is consistent with the General Plan. General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology. The proposed telecommunications facility will provide coverage in an area with limited service and provide additional reception for T-Mobile customers.

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. The four proposed antennas mirror those of the existing antennas and as such are compatible with the existing land use.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints. The proposed antennas would be accessory to not only the existing telecommunications, but also the existing commercial uses, which includes indoor recreation and retail. Their placement on the existing building assures that circulation will not be affected.
5. Granting the permit would not constitute a nuisance, 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 proposed antennas will not stand out due to the use of stealth paneling. The panels give off the appearance of a utility box.
6. The proposed project has been reviewed in compliance with the CEQA. Staff has determined the proposed use 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 CUP.

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 a wireless communications facility at 1900 East Plaza Boulevard. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2018-28 CUP, dated 12/03/2018. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning 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*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate

holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements shall comply with the current edition of the California Building, Electrical, Plumbing, Mechanical, Energy and Codes.

Fire

6. Plans submitted for improvements shall comply with the current edition of the California Fire Code (CFC) and National Fire Protection Association (NFPA).

Planning

7. All required local, state and/or federal permits shall be obtained prior to operation of the wireless communications facility.
8. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
9. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.
10. All equipment shall be painted to match the color of the surface to which it is mounted.

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 March 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-03

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING 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
APN: 557-420-31

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the modification of an existing wireless communications facility on an existing building located at 1900 East Plaza Boulevard 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. 2018-28 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

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 subject facility would be more visible with the proposed design than with the stealth designs encouraged, it would have a negative visual impact on area uses and would not be consistent with design guidelines for wireless telecommunications facilities §18.30.220 (B)(2)(i) & (k).
2. That although the coverage for T-Mobile Wireless facilities is less than optimal in the subject area, no significant gap in service exists; denial of the Conditional Use Permit would not result in a prohibition of service

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 March 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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 ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT (SALUD) LOCATED AT 2333 HIGHLAND AVENUE

Case File No.: 2018-16 CUP

Location: Northeast corner of Highland Avenue and East 24th Street

Assessor's Parcel Nos.: 561-312-11

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: San Diego Taco Company

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

Adjacent zoning:

- North: Machete Beer House and Commercial Uses / MXC-2
- East: Keg N Bottle and Single and Multi-family Residential / MXC-2 & RS-3 (Medium to Low Density Multi-Unit Residential)
- South: National Plaza and Commercial Uses / MXC-2
- West: ARCO, 7 Eleven, Commercial use across Highland Avenue, and Multi-family Residential / MXC-2, MXC-1 (Minor Mixed-Use Corridor, and RM-3 (Very High Density Multi-Unit Residential)

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

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the on-site sale of beer and wine at an existing restaurant, "SALUD", subject to the attached recommended conditions. The sale of alcohol is conditionally allowed in the Major Mixed-Use Corridor zone and would be accessory to the restaurant. Staff is suggesting alcohol sales hours of 10:00 a.m. to 10:00 p.m., which would be consistent with recent alcohol Conditional Use Permit (CUP) approvals.

Executive Summary

The business has applied for a CUP to sell beer and wine at an existing restaurant (SALUD). The hours for the sale of beer and wine, as proposed by the applicant, are 10:00 a.m. to 12:00 a.m. daily. A Type 41 (On-Site Sale of Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project location is an existing 1,400 square-foot restaurant located at 2333 Highland Avenue. Commercial businesses within the immediate vicinity are Machete Beer House directly north; Keg N Bottle to the east, with single and multi-family farther east; National Plaza to the south; and, ARCO, 7 Eleven and multi-family residential to the west.

Proposed Use

The applicant is proposing to sell beer and wine at the existing restaurant. The floor plan provided with this application shows four low tables with four seats per table for a total of 16 seats, as well as two high tables, with four seats and four stools each, for a total of 16 seats, and three high tables with bench seating. Alcohol would be delivered to the table upon request and would only be available with the sale of food. Proposed alcohol sales hours are from 10:00 a.m. to 12:00 a.m. daily. No live entertainment is proposed.

Analysis

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

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 236 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Thursday, January 10, 2019 at 6:00 p.m. at the subject restaurant. The meeting advertisement is attached (Attachment 7). There was one community member in attendance, who is a part of the Institute for Public Strategies (IPS). According to the applicant, commercial businesses within the vicinity were discussed and the IPS member was comfortable with the proposed alcohol license. The applicant also stated that the same 236 occupants and owners that were notified of the Planning Commission were notified of the community meeting.

Distance Requirements - Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school, however, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question meets this requirement with approximately 35% of its floor area devoted to seating. Olivewood Elementary School is approximately 500 feet away.

Alcohol Sales Concentration/Location - Per State ABC, there are currently three on-sale licenses in this census tract (116.01) where a maximum of seven are recommended. For reference, the alcohol outlets in the census tract are:

Name	Address	License Type*	CUP	Closing Hours
Senor Pancho	2030 Highland Ave.	41	-	5:00 p.m.
Machete Beer House	2325-29 Highland Ave.	42	-	2:00 a.m.
Aja Lounge	2305 Highland Ave.	48	-	2:00 a.m.

* Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place

* Type 42 – On-Sale Beer and Wine for Public Premises

* Type 48 – On-Sale General for Public Premises

The three licenses are all restaurants. Census tract 116.01 includes the area south of East 18th Street, north of East 24th Street, east of National City Boulevard, and west of 'I' Avenue. The attached census tract map shows the location of the subject tract (Attachment 6).

Hours of Operation

The hours of operation for the existing license holders range from 9:00 a.m. to 2:00 a.m. for the varying properties. Recent alcohol sales hours have been between

10:00 a.m. and 10:00 p.m. IPS recommends that the serving of alcohol not be permitted after 10:00 p.m. The Police Department rates the sale of alcohol after 11:00 p.m. as a “three” on their rating system, which usually indicates a high risk. With both the Police Department and IPS comments in mind, staff is recommending alcohol sales hours of 10:00 a.m. to 10:00 p.m. daily. Recommended conditions reflect the hours recommended by staff.

IPS

IPS provided comments recommending that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training as well as the sale of beer and wine ceasing by 10:00 p.m. The RBSS training is a standard condition of City Council Policy 707 and is included as a condition of approval.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 12 points, which places it in the Low Risk category. Low risk is considered 1 to 12 points (see Attachment 9).

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

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.

The use is allowable within the Major Mixed-Use Corridor zone pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

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 Major Mixed-Use Corridor land use designation contained in the Land Use and Community Character element of the General Plan. In addition, the property is not within a specific plan area.

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.

No expansion of the building is proposed. The proposal involves an existing restaurant in an existing commercial space, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.

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.

The proposed alcohol sales would be accessory to a restaurant use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

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.

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; no beer or wine will be sold after 10:00 p.m. and will only be available with the sale of food. In addition, all business staff is required to receive RBSS training.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the opinion that the project would not result in any physical changes to the environment.

The following two conditions are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

In this case, alcohol sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use Corridor zone.

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

Findings for Denial

Due to there being other on-sale sites in the area, there are also findings for denial as follows:

1. The proposed use is not deemed essential to the public necessity, as there are three other restaurants in census tract 116.01 that already serve beer and wine.
2. Based on finding 1 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 Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per City Council Policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the Major Mixed-Use Corridor. The proposed use would be accessory to the existing restaurant use in a commercial area. The addition of alcohol sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area.

Options

1. Approve 2018-16 CUP subject to the conditions listed below, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2018-16 CUP based on the attached finding 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. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2018-16 CUP, dated 1/14/2019)
5. Public Hearing Notice (Sent to 236 property owners & occupants)
6. Census Tract & Police Beat Map
7. Community Meeting Advertisement / Sign-In Sheet / Minutes
8. City Council Policy 707
9. Police Department Comments
10. Resolutions



CHRIS STANLEY
Acting Assistant Planner



RAYMOND PE
Acting Planning Director

RECOMMENDED FINDINGS FOR APPROVAL

2018-16 CUP – 2333 Highland Avenue

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption is a conditionally allowed use in the Major Mixed Use Corridor zone.
2. The proposed use is consistent with the General Plan. Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) element of the General Plan. Furthermore, the property is not within a Specific Plan area.
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 is proposed, and the use would be accessory to the existing restaurant in the commercial area.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the restaurant is existing and the proposed alcohol sales would be accessory to the restaurant use. The sale of alcohol is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, 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 alcohol and the hours that it will be available; no alcohol will be sold after 10 p.m. and will only be available with the sale of food; all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the Act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.

7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2018-16 CUP – 2333 Highland Avenue

1. The proposed use is not deemed essential to the public necessity, because there are three other establishments in census tract 116.01 that serve beer and wine.
2. Based on the above finding, 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

2018-16 CUP – 2333 Highland Avenue

General

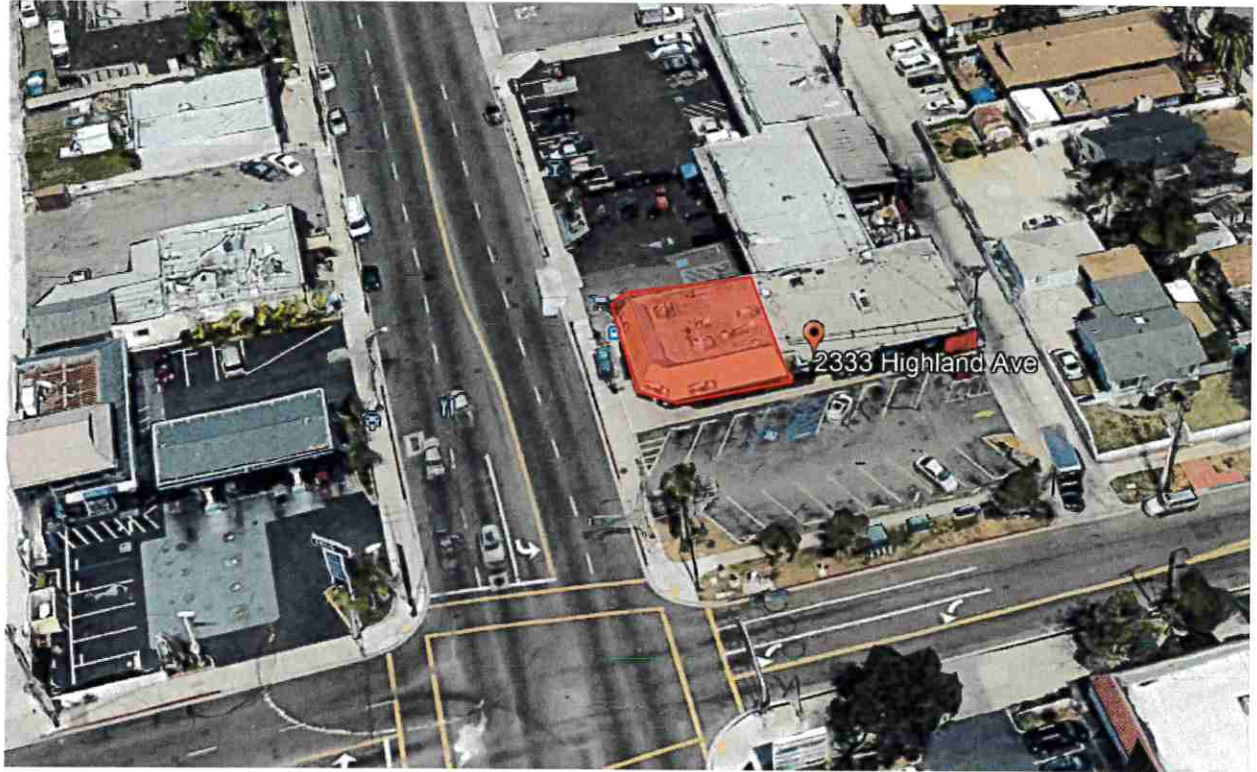
1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at an existing restaurant located at 2333 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2018-16 CUP, dated 1/14/2019.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning 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*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
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 Municipal Code.
4. 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.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. 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.

7. 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 judgement 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.
8. Alcohol shall be available only in conjunction with the purchase of food.
9. The sale of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. daily.
10. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
11. This permit does not include live entertainment. If in the future the applicant chooses to add live entertainment, the Conditional Use Permit shall be amended through the Discretionary Permit process.

2018-16 CUP – 2333 Highland Avenue – Overhead



2

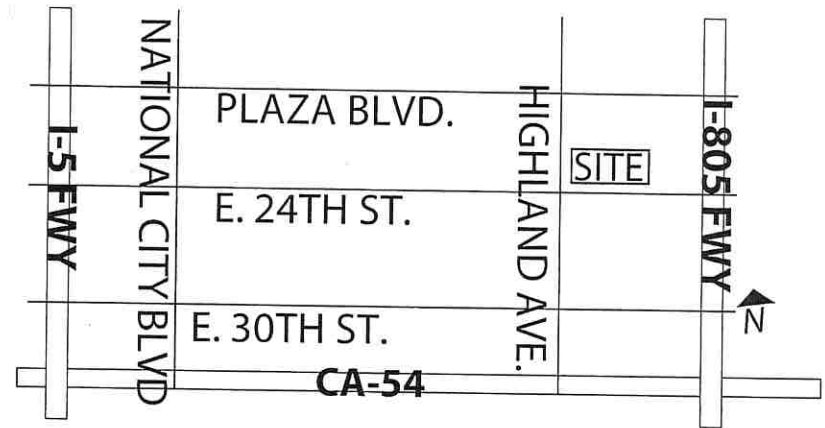
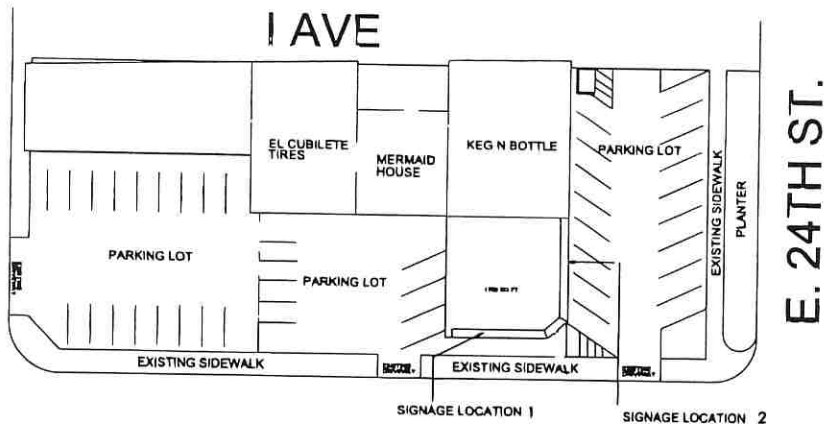
Site Plan

SALUD! NATIONAL CITY

SITE PLAN

VICINITY MAP

ATTACHMENT 4



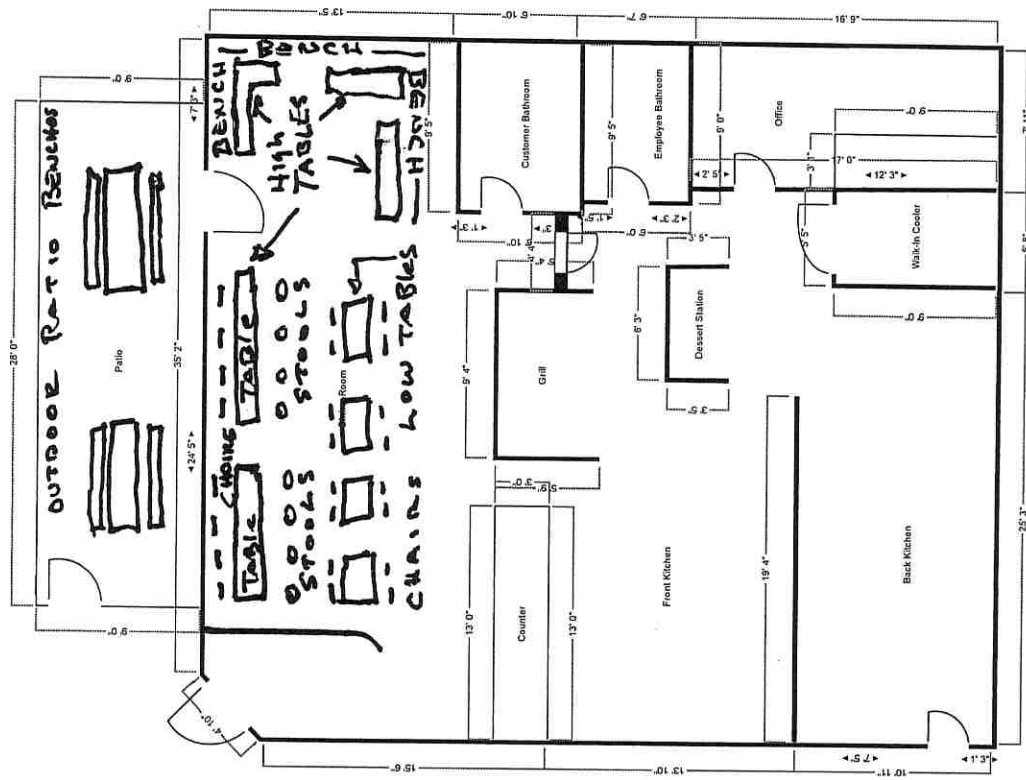
HIGHLAND AVE

EXHIBIT: A
CASE FILE NO.: 2018-16 CUP
DATE: 1-14-19

LANDLORD APPROVAL
CLIENT APPROVAL

COMPANY NAME San Diego Taco Co. Inc.	DATE 6.25.18	DESIGNER Max Bojorquez
LOCATION 2333 Highland Ave. National City CA. 91950	PHONE NUMBER 619.348.4779	Max B DSigns 619.750.3173 - Maxbdsigns@gmail.com
CONTACT Ernest Becerra	WORK ORDER NUMBER	

1 Floor Plan



**SALUD!
NATIONAL CITY**

DEVELOPMENT SUMMARY

Applicant: San Diego Taco Company c/o Ernest Pio Vincent Becerra III;
 Conditional Use Permit Request: Type-41 (On Premise Beer & Wine License);
 Location: 2333 Highland Avenue, National City, CA 91950;
 APN: 561-312-1100;
 Legal Description: Lot 7, 8, 9, and 10, Block 13 of Wilburs's Addition to National City, according to Map No. 251, filed in the Office of the County Recorder of San Diego County, September 2, 1887;
 Owners Name: Mama Berna, LLC;
 Owners Address: 6060 El Cajon Blvd., El Cajon, CA 92115;
 Zone: MXC-2 Major Mixed-Use Corridor;

LANDLORD APPROVAL
CLIENT APPROVAL

COMPANY NAME San Diego Taco Co. Inc.	DATE 6.25.18	DESIGNER Max Bojorquez
LOCATION 2333 Highland Ave. National City CA. 91950	PHONE NUMBER 619.348.4779	Max B DSigns 619.750.3173 - Maxbdsigns@gmail.com
CONTACT Ernest Becerra	WORK ORDER NUMBER	



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE
AT AN EXISTING RESTAURANT (SALUD!)
LOCATED AT 2333 HIGHLAND AVENUE
CASE FILE NO.: 2018-16 CUP
APN: 561-312-11

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, March 4, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: San Diego Taco Company)

This application has been submitted for Planning Commission consideration. The project site is an existing restaurant in the Major Mixed-Use Corridor (MXC-2) zone. The applicant is proposing to sell beer and wine for on-site consumption (Type 41 License) in the 1,400 square-foot commercial space. The proposed alcohol sales hours are 10:00 a.m. to 12:00 a.m. daily.

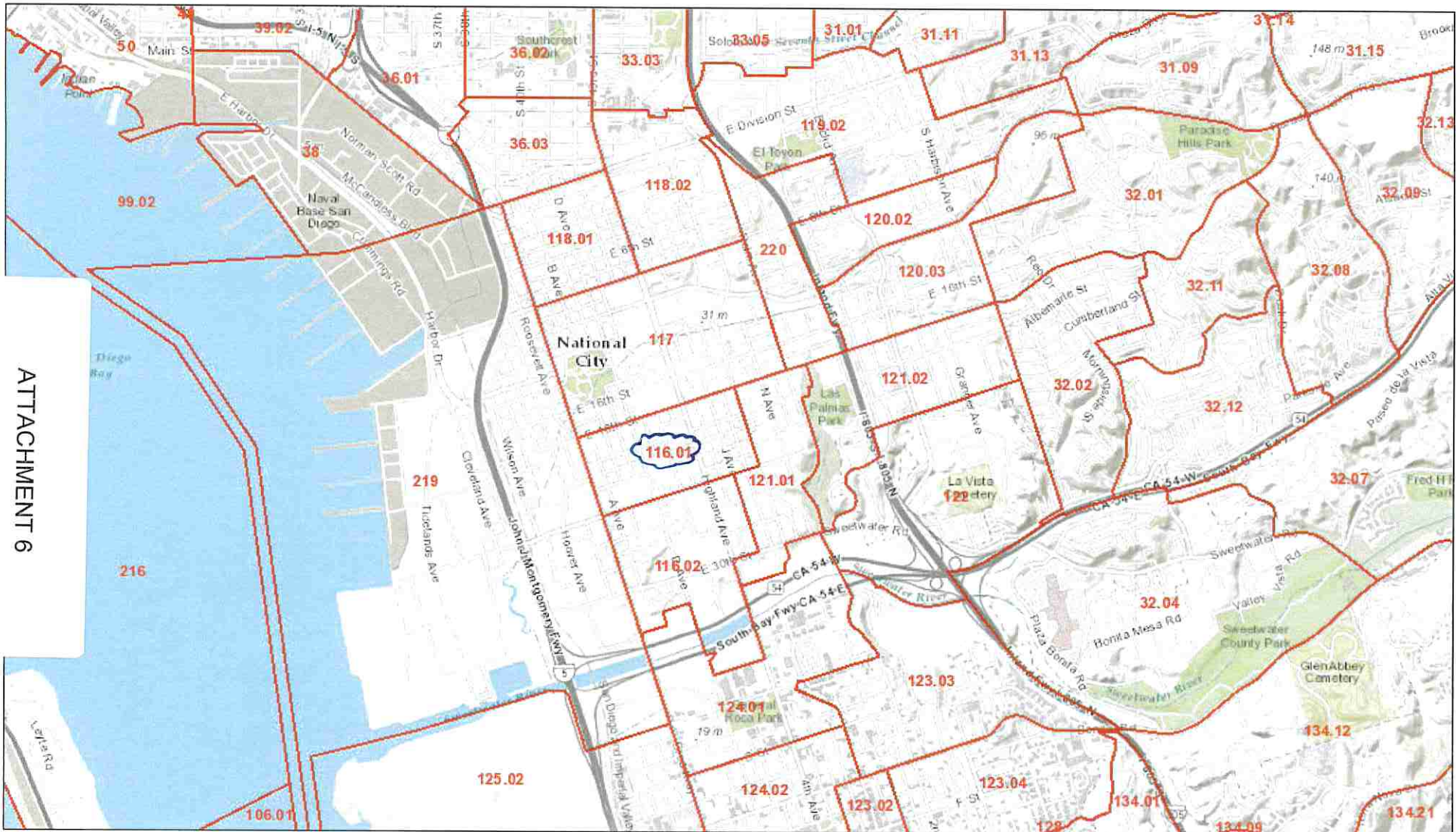
Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **March 4, 2019** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

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

NATIONAL CITY PLANNING DEPARTMENT

MARTIN REEDER, AICP
Principal Planner

ATTACHMENT 5

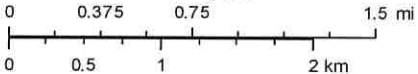


ATTACHMENT 6

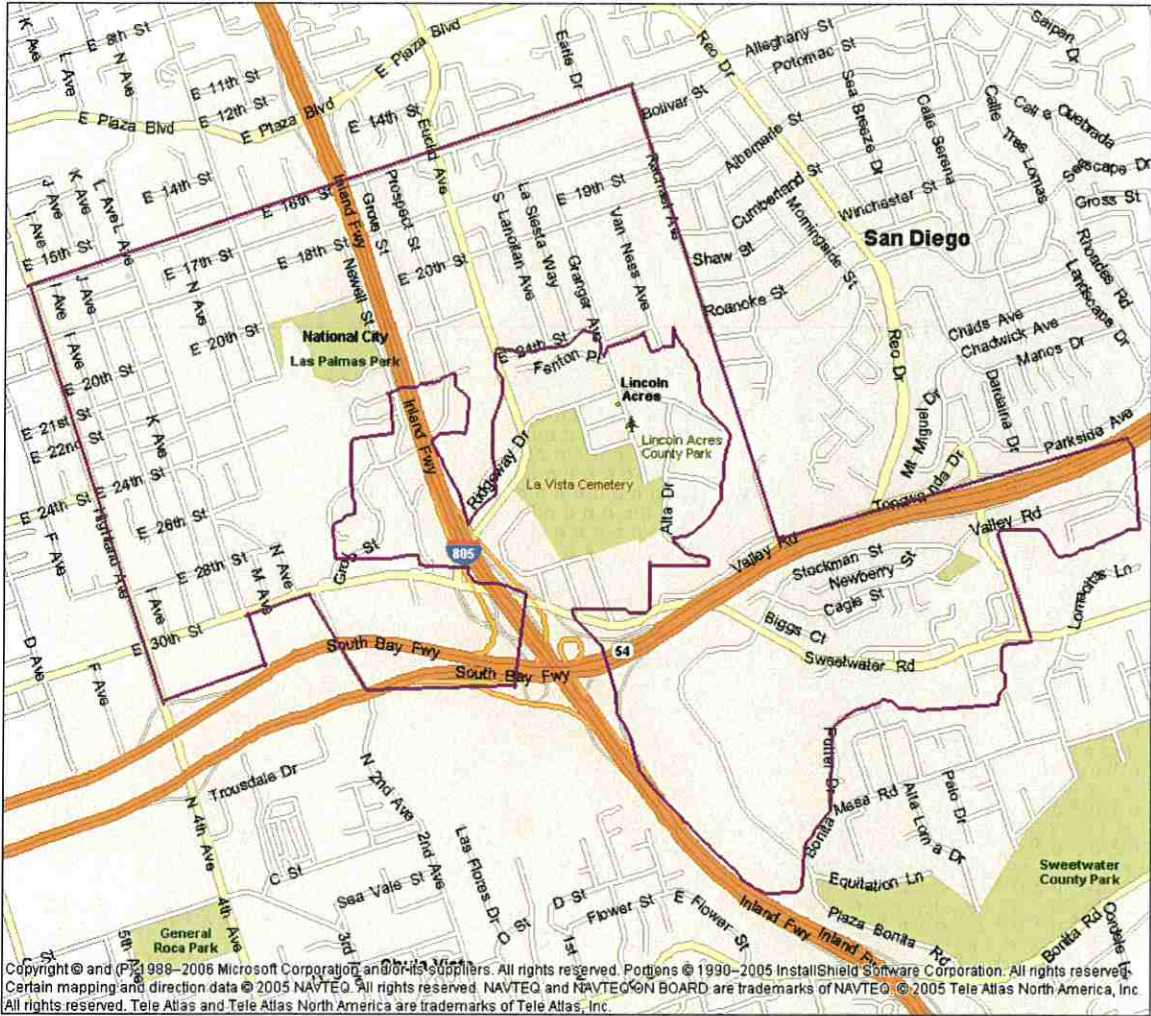
August 25, 2014

CensusTracts 2010

1:45,467



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



City of National City Beat 23

December 20, 2018

Dear Resident / Business Owner:

You are cordially invited to attend a community meeting regarding a Conditional Use Permit (CUP) with the city of National City by San Diego Taco Company, Inc. (*Doing Business As – SALUD Restaurant*) for a California Department of Alcoholic Beverage Control (ABC) Type-41 license (beer and wine) to compliment their existing restaurant.

Thursday, January 10, 2019
6:00pm to 7:00pm
San Diego Taco Company, Inc.
dba – SALUD Restaurant
2333 Highland Avenue
National City, CA 91950

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

If you have any questions please feel free to contact Marco Cortes at (619) 852-4690 (or at marco@cortescommunications.com).

January 13, 2019

Chris Stanley
Acting Assistant Planner
City of National City Planning Department
1243 National City Boulevard
National City, CA 91950

RE: San Diego Taco Company, Inc. (dba – SALUD Restaurant) Report for Community Meeting;

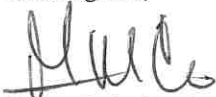
Dear Ms. Stanley:

On behalf of San Diego Taco Company, Inc. (dba – SALUD Restaurant), I am submitting a summary of the Community Meeting that was held on Thursday, January 10, 2019 at SALUD Restaurant located at 2333 Highland Avenue National City, CA 91950 from 6:00pm - 7:00pm.

The applicant's assistant and I were present and began the meeting at 6:00pm. Jovita Arellano, Assistant Program Manager with the Institute for Public Strategies and she conveyed that she had canvassed the adjacent commercial businesses and subsequently felt comfortable with the applicant's proposed alcohol license request as well as the proposed hours of alcohol service. The meeting was adjourned at 7:00pm.

Thank you for your consideration, if I can be of further assistance please feel free to contact me directly at (619) 852-4690.

Kind regards,



Marco Polo Cortés

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

CITY COUNCIL POLICY

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Page 2 of 5

Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** 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.
3. **(off-sale alcohol)** 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.
4. **(off-sale alcohol)** 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 pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** 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.
6. **(off-sale alcohol)** 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.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 3 of 5

7. **(off-sale alcohol)** 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.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** 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 Division, 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."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** 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.
12. **(off-sale alcohol)** 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.
13. **(on and off-sale alcohol)** 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 -

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

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REVISED: July 17, 2018

Page 4 of 5

- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** 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.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(tasting rooms)** Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured by the master licensee may be sold and/or consumed at this location.
19. **(tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

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AMENDED OR
REVISED: July 17, 2018

Page 5 of 5

The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 12/12/2018

BUSINESS NAME: San Diego Taco Company

ADDRESS: 2333 Highland Avenue, National City, 91950

OWNER NAME: Bernadette Konja DOB: 05/13/1948

OWNER ADDRESS: 2109 Lime Rock Court, El Cajon, CA 92019

(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)

<p>Notes:</p> <p><u>V. There are 3 active on sale licenses for tract 116.01. There are 7 allowed for the area.</u></p> <p>_____</p> <p><u>VI. 7 calls for service in the last 6 months.</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--

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>12</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:

Completed by: Sergeant Shephard Badge ID: 402

RESOLUTION NO. 2019-04

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE
SALES AT AN EXISTING RESTAURANT (SALUD!) LOCATED AT 2333 HIGHLAND
AVENUE.
CASE FILE NO. 2018-16 CUP
APN: 561-312-11

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 2333 Highland Avenue at a duly advertised public hearing held on March 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. 2018-16 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 March 4, 2019, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption is a conditionally allowed use in the Major Mixed Use Corridor zone.
2. The proposed use is consistent with the General Plan. Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Major Mixed-Use land use designation contained in the Land Use and Community Character (LU) element of the General Plan. Furthermore, the property is not within a Specific Plan area.

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 is proposed, and the use would be accessory to the existing restaurant in the commercial area.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the restaurant is existing and the proposed alcohol sales would be accessory to the restaurant use. The sale of alcohol is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, 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 alcohol and the hours that it will be available; no alcohol will be sold after 10 p.m. and will only be available with the sale of food; all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the Act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.
7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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 located at 2333 Highland Avenue. Plans

submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2018-16 CUP, dated 1/14/2019.

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 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*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
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 Municipal Code.
4. 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.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. 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.
7. 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 judgement 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.

8. Alcohol shall be available only in conjunction with the purchase of food.
9. The sale of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. daily.
10. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
11. This permit does not include live entertainment. If in the future the applicant chooses to add live entertainment, the Conditional Use Permit shall be amended through the Discretionary Permit process.

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 March 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-04

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE SALES
AT AN EXISTING RESTAURANT (SALUD!) LOCATED AT 2333 HIGHLAND AVENUE.
CASE FILE NO. 2018-16 CUP
APN: 561-312-11

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 2333 Highland Avenue at a duly advertised public hearing held on March 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. 2018-16 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 March 4, 2019, support the following findings:

1. The proposed use is not deemed essential to the public necessity, because there are three other restaurants in census tract 116.01 that serve beer and wine.
2. Based on the above finding, 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 March 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



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 ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT (BIRRIERA NEGRO DURAZO) LOCATED AT 1604 EAST 18TH STREET.

Case File No.: 2018-17 CUP

Location: Southeast corner of Palm Avenue and East 18th Street

Assessor's Parcel Nos.: 561-360-46

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: Birriera Negro Durazo

Zoning designation: Minor Mixed-Use Corridor (MXC-1)

Adjacent zoning:

- North: 7 Eleven, Apartments, and Single Family Housing / MXC-1, High Density Multi-Unit Residential (RM-2), and Small Lot Residential (RS-2)
- East: Commercial Uses and Golf Course / MXC-1 and Open Space (OS)
- South: Single Family Housing / MXC-1 and RS-2
- West: Munchies Corner Store and Single Family Housing / MXC-1 and RS-2

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

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the on-site sale of beer and wine at an existing restaurant, "Birriera Negro Durazo", subject to the attached recommended conditions. The sale of alcohol is conditionally allowed in the Minor Mixed-Use Corridor zone and would be accessory to the restaurant. Staff is suggesting alcohol sales hours of 10:00 a.m. to 10:00 p.m., which would be consistent with recent alcohol Conditional Use Permit (CUP) approvals.

Executive Summary

The business has applied for a CUP to sell beer and wine at an existing restaurant (Birriera Negro Durazo). The hours for the sale of beer and wine, as proposed by the applicant, are 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday and Saturday. A Type 41 (On-Site Sale of Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Site Characteristics

The project location is an existing 940 square-foot restaurant located at 1604 E. 18th Street. North of the property across East 18th Street are 7 Eleven, Park View Apartments, and single family housing; east are commercial businesses and a golf course; south are single family houses; west is commercial businesses and single family housing.

Proposed Use

The applicant is proposing to sell beer and wine at the existing restaurant. The floor plan provided with this application shows eight tables with 11 seats and bench seating as well as an outdoor patio with two tables and bench seating. Alcohol would be delivered to the table upon request and would only be available with the sale of food. As a condition of approval, per City Council Policy 707, signs shall be posted in the outdoor patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises. Proposed alcohol sales hours are from 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday and Saturday. No live entertainment is proposed.

Analysis

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

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 415 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Thursday, January 3, 2019 at 6:00 p.m. at the subject restaurant. The meeting advertisement is attached (see Attachment 7). There were no community members in attendance. According to the applicant, the same 415 occupants and owners that were notified of the public.

Distance Requirements - Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from public schools. Restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question meets this requirement with approximately 32% of its floor area devoted to seating. Las Palmas Elementary School is approximately 630 feet away.

Alcohol Sales Concentration/Location - Per State ABC, there are currently three on-sale licenses in this census tract (121.01) where a maximum of two are recommended, therefore this census tract is considered to be over-concentrated. For reference, the alcohol outlets in the census tract are:

Name	Address	License Type*	CUP	Closing Hours
China Super Buffet	3007 Highland Ave. Ste. # 9	41	Y	9:30 p.m.
Peter Piper Pizza	3007 Highland Ave. Ste. # 112	41	-	9:00 p.m.
Guanatos	1526 E. 18 th St.	41	Y	9:00 p.m.

* Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place

The three licenses are all restaurants. Census tract 121.01 includes the area south of East 18th Street, north of East 30th Street, east of L Avenue until 24th Street, at which point the boundary moves out to J Avenue, and west of Las

Palmas Park. The attached census tract map shows the location of the subject tract (Attachment 6).

Hours of Operation

The hours of operation for the existing license holders range from 10:00 a.m. to 9:30 p.m. for the varying properties. Recent alcohol sales hours have been between 10:00 a.m. and 10:00 p.m. The Police Department rates the sale of alcohol until 11:00 p.m. as a “two” on their rating system, which usually indicates a medium risk. With the recent sales hours approvals in mind, staff is recommending alcohol sales hours of 10:00 a.m. to 10:00 p.m. daily. Recommended conditions reflect the hours recommended by staff.

Institute for Public Strategies (IPS)

IPS had no comments on the project, but usually recommends that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training as well as ceasing the sale of beer and wine by 10:00 p.m. The RBSS training is a standard condition of City Council Policy 707 and is included as a condition of approval.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 12 points, which places it in the Low Risk category. Low risk is considered 1 to 12 points (Attachment 9).

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

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.

The use is allowable within the Minor Mixed-Use Corridor zone pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

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 Minor

Mixed-Use Corridor land use designation contained in the Land Use and Community Character element of the General Plan. In addition, the property is not within a specific plan area.

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.

No expansion of the building is proposed. The proposal involves an existing restaurant in an existing commercial space, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of food, no measurable increase in traffic is expected.

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.

The proposed alcohol sales would be accessory to a restaurant use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

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.

The proposed use would be subject to conditions that limit the sale of beer and wine as well as the hours that it would be available; no beer or wine would be sold after 10:00 p.m. and would only be available with the sale of food. In addition, all business staff is required to receive RBSS training.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in the mixed-use zones. Given that there is no calculable increase in traffic and no other impacts are anticipated, staff is of the

opinion that the project would not result in any physical changes to the environment.

The following two conditions are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

In this case, alcohol sales would contribute to the viability of the restaurant, an allowed use in the Minor Mixed-Use Corridor zone.

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

Findings for Denial

Due to there being other on-sale sites in the area, there are also findings for denial as follows:

1. The census tract is currently over-concentrated with three on-sale licenses, where a maximum of two are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are three other restaurants in census tract 121.01 that already serve beer and wine.
3. Based on finding 1 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 Approval have been included with this permit, as well as conditions specific to on-sale alcohol sales per City Council Policy 707 (alcohol incidental to food, hours of operation, RBSS training, etc.) As a condition of approval, per City Council Policy 707, signs shall be posted in the outdoor patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the Minor Mixed-Use Corridor. The proposed use would be accessory to the existing restaurant use in a commercial area. The addition of alcohol sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area.

Options

1. Approve 2018-17 CUP subject to the conditions listed below, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2018-17 CUP based on the attached finding 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. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2018-17 CUP, dated 1/14/2019)
5. Public Hearing Notice (Sent to 415 property owners & occupants)
6. Census Tract & Police Beat Map
7. Community Meeting Advertisement / Sign-In Sheet
8. City Council Policy 707
9. Police Department Comments
10. Resolutions



CHRIS STANLEY
Acting Assistant Planner



RAYMOND PE
Acting Planning Director

RECOMMENDED FINDINGS FOR APPROVAL

2018-17UP – 1604 East 18th Street

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption is a conditionally allowed use in the Minor Mixed Use Corridor zone.
2. The proposed use is consistent with the General Plan. Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) element of the General Plan. Furthermore, the property is not within a Specific Plan area.
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 is proposed, and the use would be accessory to the existing restaurant in the commercial area.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the restaurant is existing and the proposed alcohol sales would be accessory to the restaurant use. The sale of alcohol is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, 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 alcohol and the hours that it will be available; no alcohol will be sold after 10 p.m. and will only be available with the sale of food; all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the Act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.

7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Minor Mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2018-17 CUP – 1604 East 18th Street

1. The census tract is currently over-concentrated with three on-sale licenses, where a maximum of two are recommended.
2. The proposed use is not deemed essential to the public necessity, because there are three other establishments in census tract 121.01 that serve beer and wine.
3. Based on the above finding, 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

2018-17 CUP – 1604 East 18th Street

General

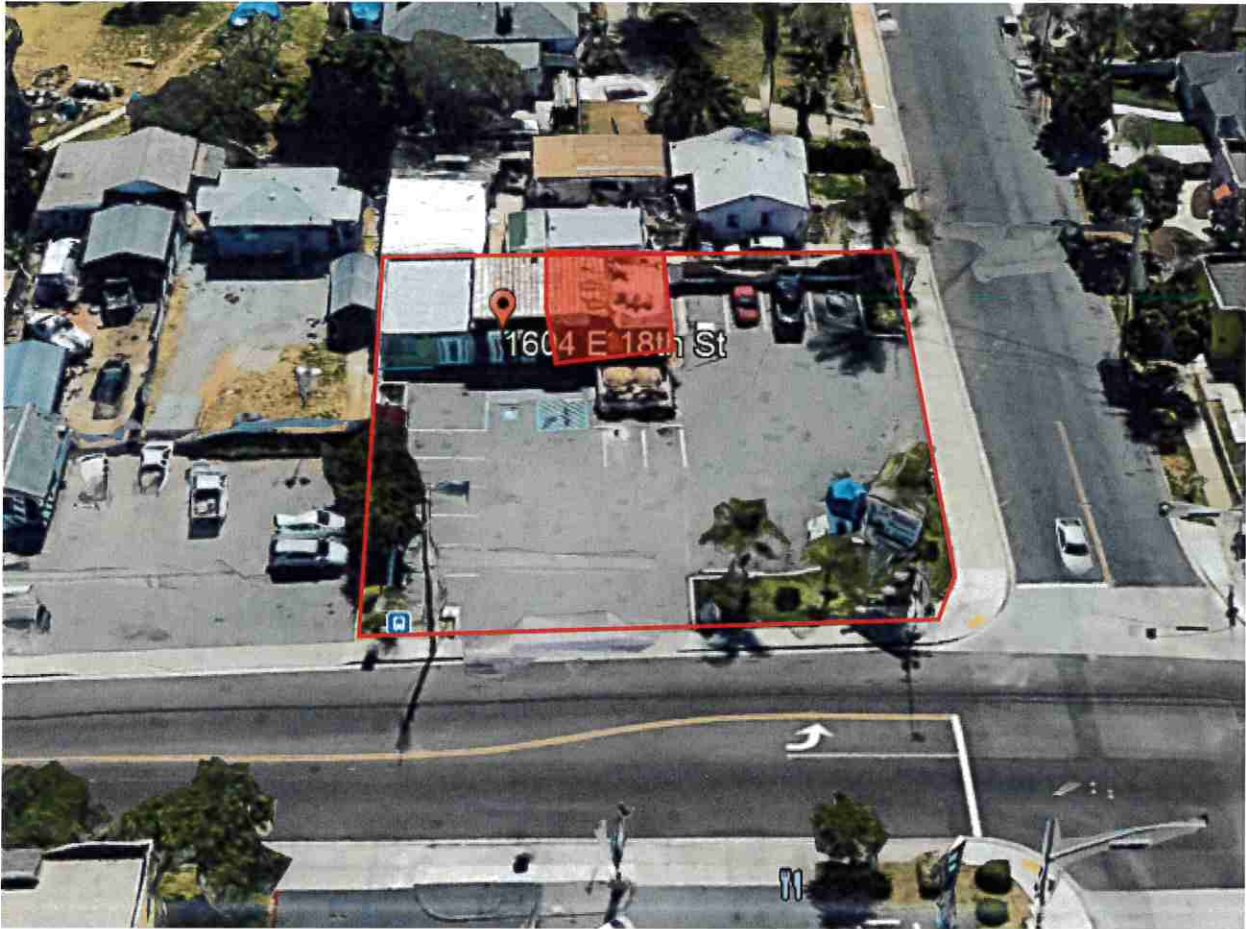
1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at an existing restaurant located at 1604 East 18th Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2018-17 CUP, dated 1/14/2019.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning 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*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
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 Municipal Code.
4. 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.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. 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.

7. 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 judgement 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.
8. Alcohol shall be available only in conjunction with the purchase of food.
9. The sale of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. daily.
10. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
11. This permit does not include live entertainment. If in the future the applicant chooses to add live entertainment, the Conditional Use Permit shall be amended through the Discretionary Permit process.

2018-17 CUP – 1604 East 18th Street – Overhead



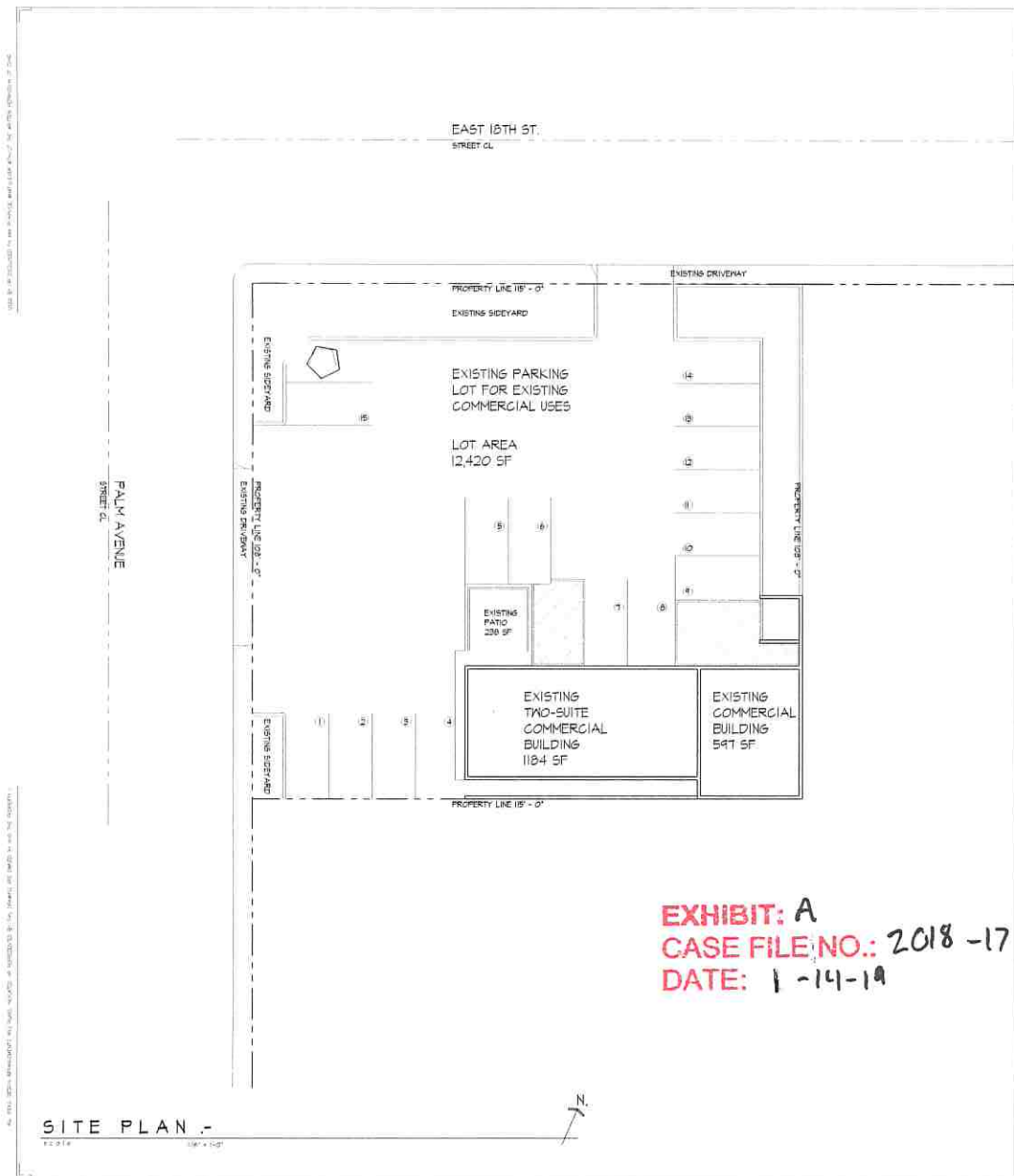


EXHIBIT: A
CASE FILE NO.: 2018-17 CUP
DATE: 1-14-19

DEVELOPMENT SUMMARY

APPLICANT NAME: BIRRIERIA NEGRO DURAZO INC.
 CONDITIONAL USE PERMIT REQUEST: TYPE-II (NEW PREMISE BEER AND WINE LICENSE)
 ASSESSORS PARCEL NUMBER: 861300-0400
 ADDRESS: 1604 EAST 18TH ST. NATIONAL CITY, CA 92115
 LEGAL DESCRIPTION: 1/4N OF SECTION 12S, LOT 4E IN BLOCK 860 OF MAP 168 ON BOOK 161, PAGE 26 FILED ON OCTOBER 28TH 1915 WITH THE COUNTY OF SAN DIEGO. ADDRESS: 1604 EAST 18TH ST. NATIONAL CITY, COUNTY OF SAN DIEGO STATE OF CALIFORNIA FISCAL CODE 9165
 ZONING DESIGNATION: MUGL HIGH RISE USE
 CONTACT PERSON: MARCO FELIX GONZALEZ COMMUNICATIONS LLC, 16140 BEECHWOOD AVE, SAN DIEGO, CA 92128
 PROPERTY OWNER: TELLEPS LIMITED LLC, 4200 LARUE LN, MARIETTA, GA 30067



BUILDING CODE DATA

THIS PROJECT MUST COMPLY WITH:
 2019 CALIFORNIA BUILDING CODE
 2019 EDITION OF CALIFORNIA RESIDENTIAL CODE
 2019 EDITION OF CALIFORNIA PLUMBING CODE
 2019 EDITION OF CALIFORNIA ELECTRICAL CODE

SCOPE OF WORK

REQUEST FOR CONDITIONAL USE PERMIT (TYPE-II) CONDITIONAL USE PERMIT REQUEST: TYPE-II (NEW PREMISE BEER AND WINE LICENSE) FOR THE EXISTING BUSINESS LOCATED AT THE PROPERTY. NO NEW CONSTRUCTION PROPOSED AS PART OF THIS PERMIT.

SHEET INDEX

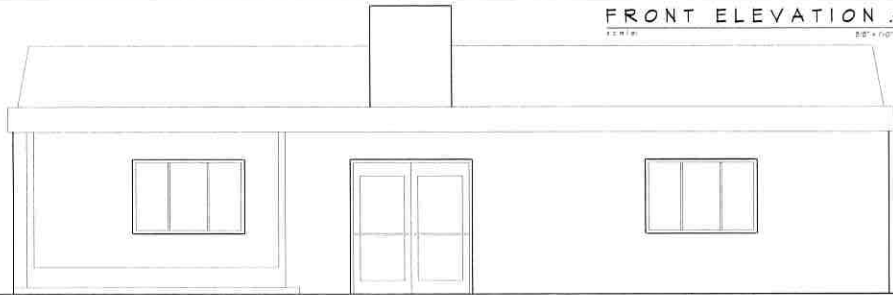
T-01 TITLE SHEET & SITE PLAN
 A-01 ARCHITECTURAL FLOOR PLAN & ELEVATIONS

ABBREVIATIONS AND DESCRIPTIONS

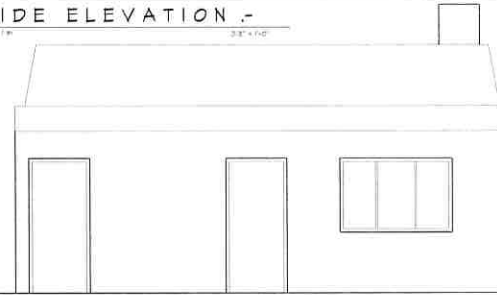
A	AMPERE	AS	ASBESTOS
AC	ALTERNATING CURRENT	EA	EXISTING SPACE
AD	AS-BUILT	EM	EMERGENCY
AG	AMPERE INTERRUPTING CAPACITY	EN	ENCLOSURE
AH	ANALOG	EP	EXISTING PART
AI	ADD'D FINISHED FLOOR	EQ	EQUALIZER
AK	ADD'D FINISHED GRADE	ER	EXISTING ROOF
AL	ADD'D FINISHED FLOOR	ES	EXISTING STRUCTURE
AM	ARCH	ET	EXISTING TRUSS
AN	ANCHOR	EV	ELEVATOR
AO	ANCHOR OR ARCHITECTURAL	EX	EXTERIOR
AP	AP	FA	FINISH
AP	AP	FB	FINISH BRICK
AP	AP	FC	FINISH CONCRETE
AP	AP	FD	FINISH DRYWALL
AP	AP	FE	FINISH EXTERIOR
AP	AP	FF	FINISH FLOOR
AP	AP	FG	FINISH GRADE
AP	AP	FH	FINISH HANGING
AP	AP	FI	FINISH INTERIOR
AP	AP	FJ	FINISH JOINT
AP	AP	FK	FINISH KITCHEN
AP	AP	FL	FINISH LATH
AP	AP	FM	FINISH MASONRY
AP	AP	FN	FINISH NON-FINISH
AP	AP	FO	FINISH OUTLET
AP	AP	FP	FINISH PLASTER
AP	AP	FQ	FINISH PLASTER
AP	AP	FR	FINISH ROOF
AP	AP	FS	FINISH SILL
AP	AP	FT	FINISH TYPICAL
AP	AP	FU	FINISH UNDER
AP	AP	FV	FINISH VENT
AP	AP	FW	FINISH WINDOW
AP	AP	FX	FINISH WOOD
AP	AP	FY	FINISH YARD
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AP	AP	IC	INTERIOR
AP	AP	ID	INTERIOR
AP	AP	IE	INTERIOR
AP	AP	IF	INTERIOR
AP	AP	IG	INTERIOR
AP	AP	IH	INTERIOR
AP	AP	II	INTERIOR
AP	AP	IJ	INTERIOR
AP	AP	IK	INTERIOR
AP	AP	IL	INTERIOR
AP	AP	IM	INTERIOR
AP	AP	IN	INTERIOR
AP	AP	IO	INTERIOR
AP	AP	IP	INTERIOR
AP	AP	IQ	INTERIOR
AP	AP	IR	INTERIOR
AP	AP	IS	INTERIOR
AP	AP	IT	INTERIOR
AP	AP	IU	INTERIOR
AP	AP	IV	INTERIOR
AP	AP	IW	INTERIOR
AP	AP	IX	INTERIOR
AP	AP	IY	INTERIOR
AP	AP	IZ	INTERIOR
AP	AP	JA	JUNCTION BOX

PROJECT NAME & ADDRESS
BIRRIERIA NEGRO DURAZO CUP
 1604 EAST 18TH ST.
 NATIONAL CITY, CA 92115

FRONT ELEVATION -



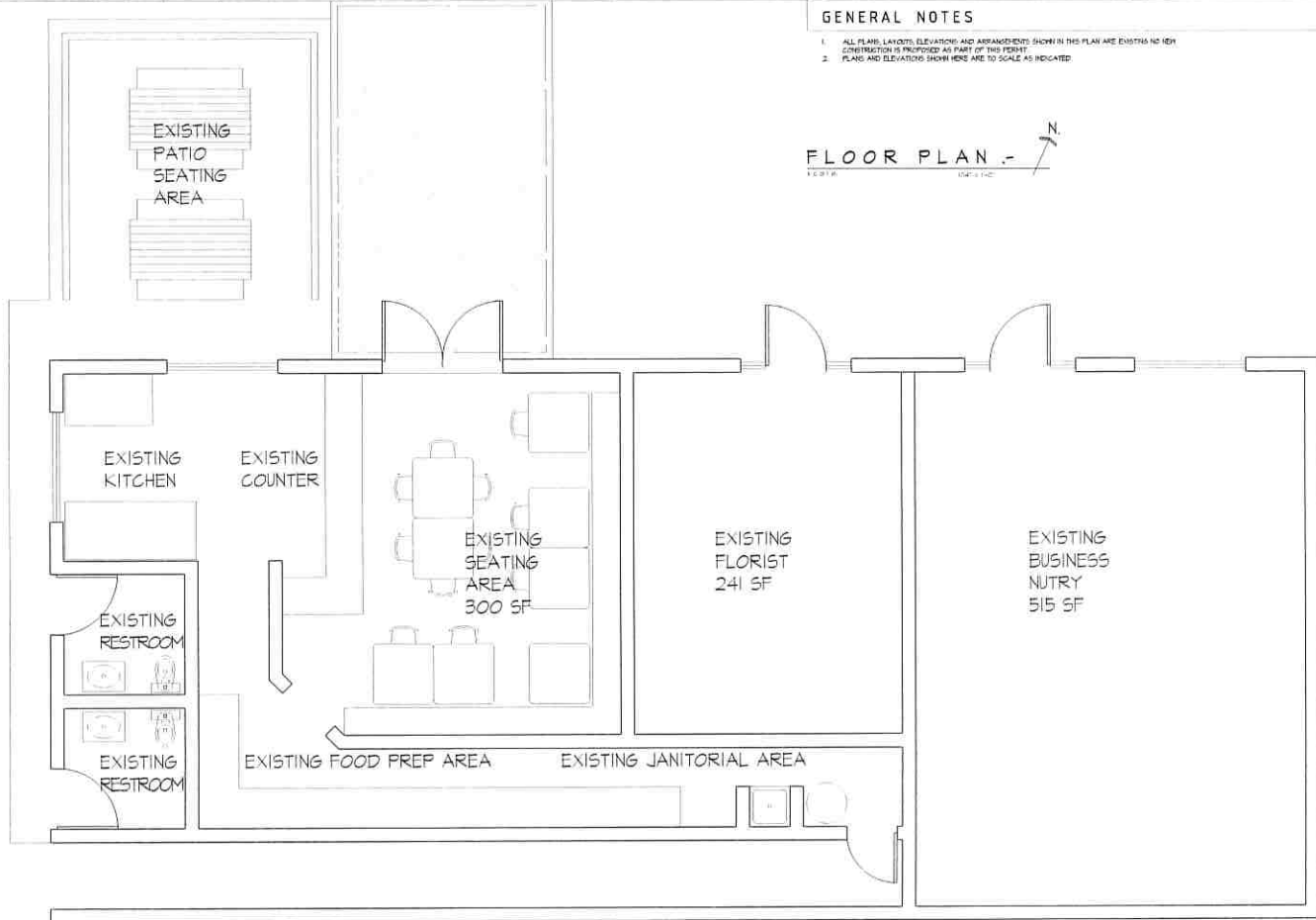
SIDE ELEVATION -



GENERAL NOTES

1. ALL FLOOR LAYOUTS, ELEVATIONS AND ARRANGEMENTS SHOWN IN THIS PLAN ARE EXISTING NO NEW CONSTRUCTION IS PROVIDED AS PART OF THIS DESIGN.
2. PLANS AND ELEVATIONS SHOWN HERE ARE TO SCALE AS INDICATED.

FLOOR PLAN -



1504 EAST 18TH ST. NATIONAL CITY, CA 91950

BIRRIERIA NEGRO DURAZO

1504 EAST 18TH ST.
NATIONAL CITY, CA 91950

PLAN: FLOOR NUMBER: _____
 DATE: _____
 JOB NUMBER: _____
 DRAWN BY: _____
 CHECKED BY: _____

SHEET NAME: _____
 ARCHITECTURAL
 FLOOR PLANS &
 ELEVATIONS



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE ON-SITE SALE OF BEER AND WINE AT AN
EXISTING RESTAURANT (BIRRIERA NEGRO DURAZO) LOCATED AT 1604 EAST
18TH STREET
CASE FILE NO.: 2018-17 CUP
APN: 561-360-46

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, March 4, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Birriera Negro Durazo)

This application has been submitted for Planning Commission consideration. The project site is an existing restaurant in the Minor Mixed-Use Corridor (MXC-1) zone. The applicant is proposing to sell beer and wine for on-site consumption (Type 41 License) in the 940 square-foot commercial space. The proposed alcohol sales hours are 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday to Saturday.

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 on or before 12:00 p.m., **March 4, 2019** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

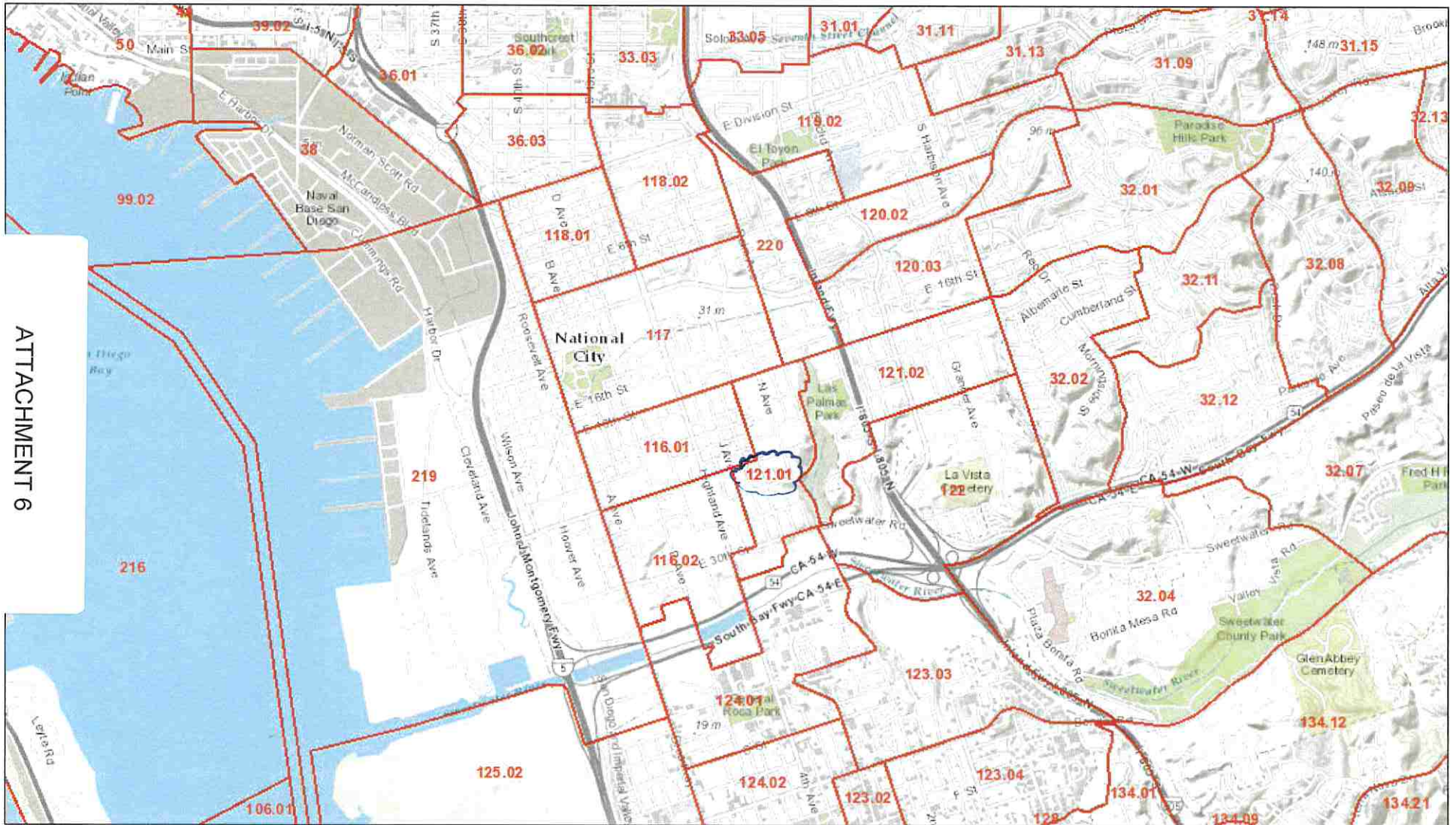
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT


MARTIN REEDER, AICP
Principal Planner

ATTACHMENT 5

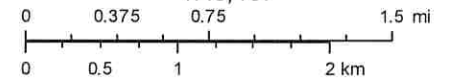
ATTACHMENT 6



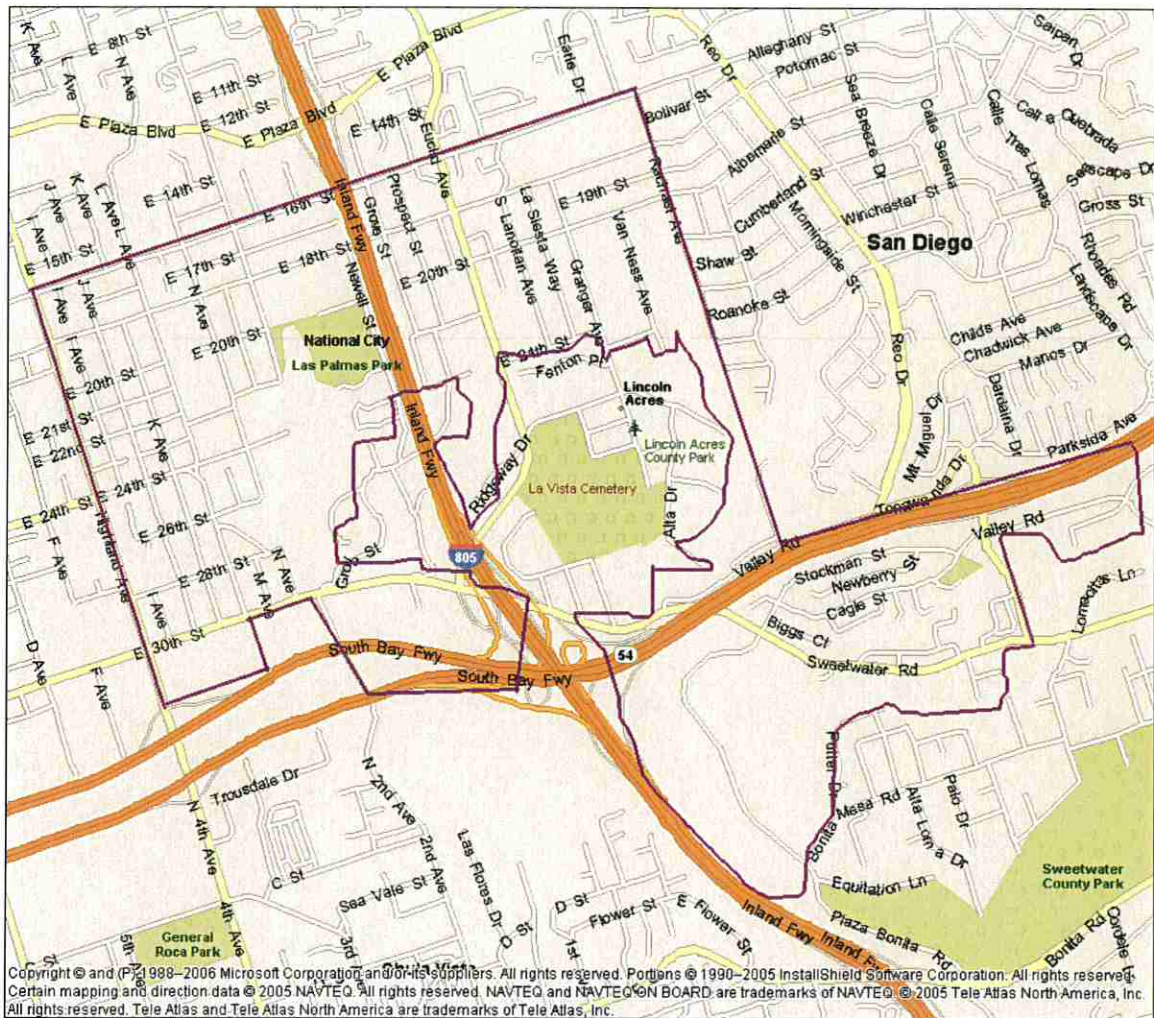
August 25, 2014

 Census Tracts 2010

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 23

December 20, 2018

Dear Resident / Business Owner:

You are cordially invited to attend a community meeting regarding a Conditional Use Permit (CUP) with the city of National City by Birrieria Negro Durazo, Inc. (*Doing Business As – Birrieria Negro Durazo*) for a California Department of Alcoholic Beverage Control (ABC) Type-41 license (beer and wine) to compliment their existing restaurant.

Thursday, January 3, 2019
6:00pm to 7:00pm
Birrieria Negro Durazo, Inc.
dba – Birrieria Negro Durazo
1604 East 18th Street
National City, CA 91950

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

If you have any questions please feel free to contact Marco Cortes at (619) 852-4690 (or at marco@cortescommunications.com).

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: July 17, 2018

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

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Page 2 of 5

Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** 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.
3. **(off-sale alcohol)** 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.
4. **(off-sale alcohol)** 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 pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** 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.
6. **(off-sale alcohol)** 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.

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Page 3 of 5

7. **(off-sale alcohol)** 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.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** 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 Division, 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."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** 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.
12. **(off-sale alcohol)** 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.
13. **(on and off-sale alcohol)** 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 -

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REVISED: July 17, 2018

Page 4 of 5

- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** 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.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(tasting rooms)** Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured by the master licensee may be sold and/or consumed at this location.
19. **(tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

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Page 5 of 5

The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.



NATIONAL CITY POLICE DEPARTMENT
 ALCOHOL BEVERAGE CONTROL
 RISK ASSESSMENT

DATE: 12/12/2018

BUSINESS NAME: Birrieria Negro Durazo

ADDRESS: 1604 E.18th Street, National City, 91950

OWNER NAME: Ana Patricia Juarez Gabriel DOB: 05/04/1989

OWNER ADDRESS: 160 East Rienstra Street, Chula Vista, CA 91911

(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)

<p>Notes:</p> <p><u>V. There are 3 active on sale licenses for tract 121.01. There are 2 allowed for the area.</u></p> <hr/> <p><u>VI. One call for service at the location in the past 6 months.</u></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
--

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>12</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:

Completed by: W. WALTERS Badge ID: 398

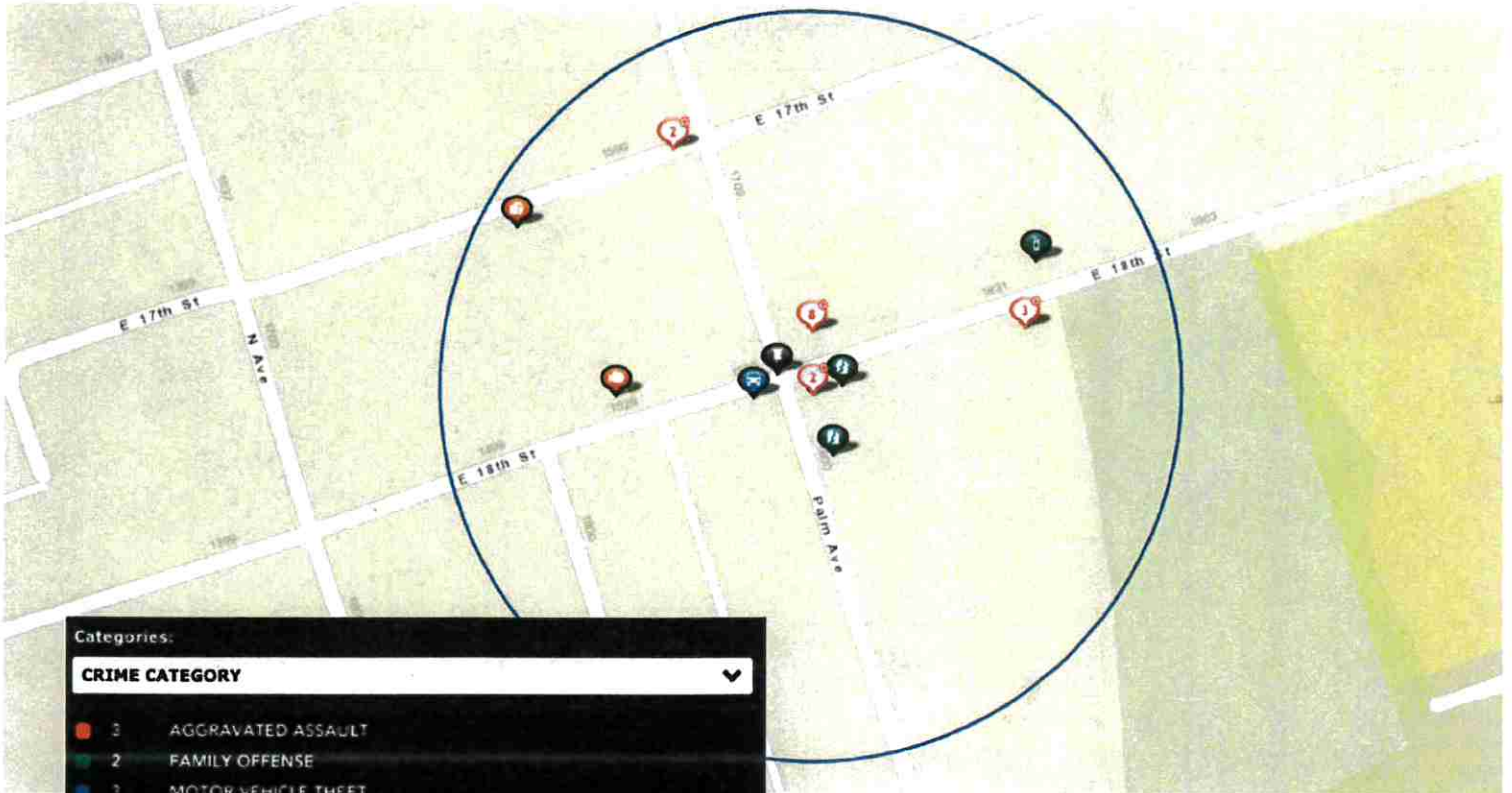
1604 E 18th St

01JUNE2018-30NOV2018

CRIME CASES

(Within a 250 ft. radius) = 14

(Within a 500 ft. radius) = 22



Categories:

CRIME CATEGORY		
Red	3	AGGRAVATED ASSAULT
Green	2	FAMILY OFFENSE
Blue	3	MOTOR VEHICLE THEFT
Grey	10	OTHER
Orange	3	SIMPLE ASSAULT
Dark Green	1	VANDALISM

1604 E 18th St

01JUNE2018-30NOV2018

ARRESTS

(Within a 250 ft. radius) = 4

(Within a 500 ft. radius) = 6



Categories:

CRIME TYPE	
1	ASSAULT
1	DRUNK IN PUBLIC
1	DUI
1	NARCOTICS - OTHER
2	OTHER

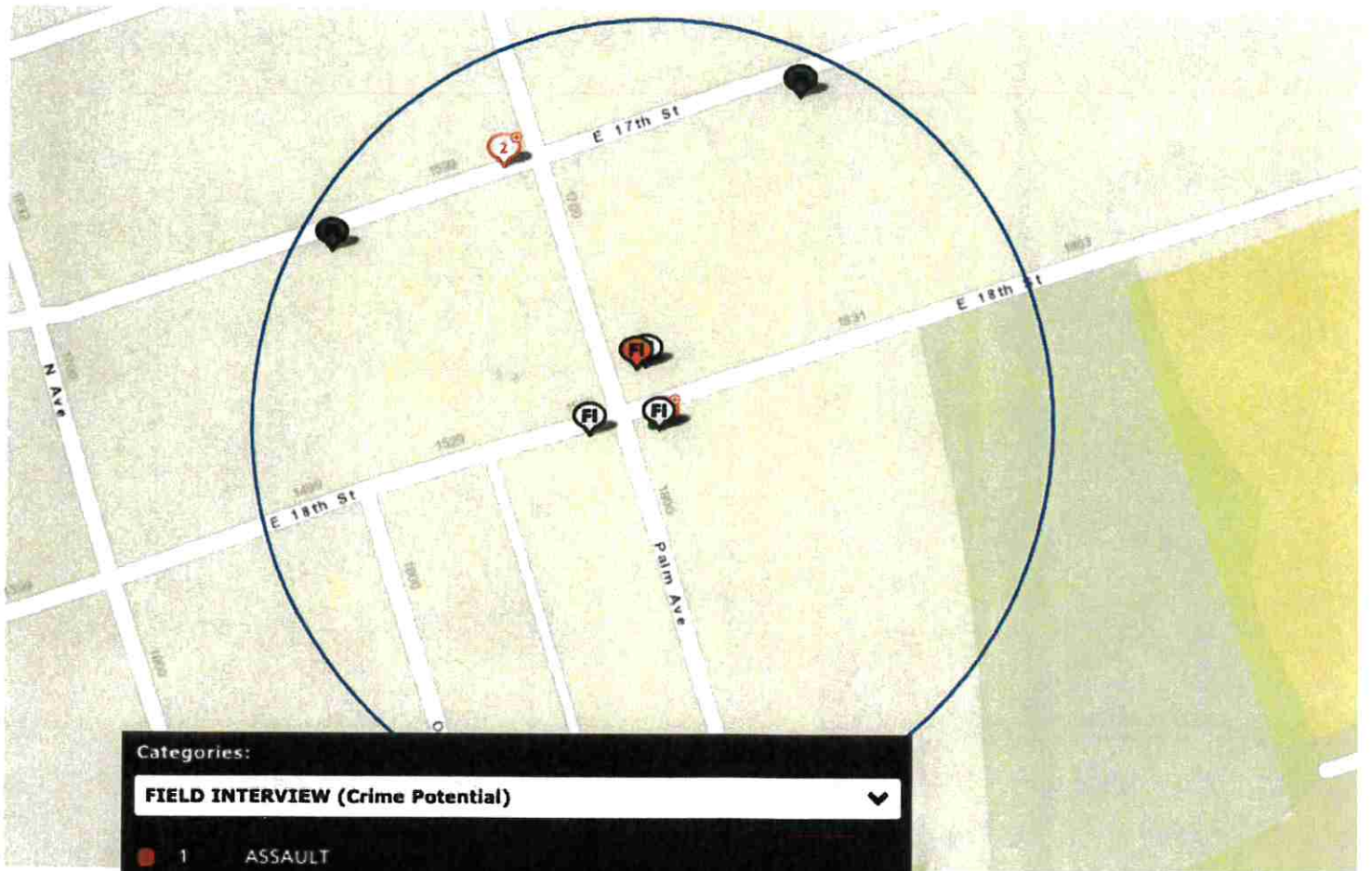
1604 E 18th St

01JUNE2018-30NOV2018

FIELD INTERVIEWS

(Within a 250 ft. radius) = 6

(Within a 500 ft. radius) = 10



Categories:

FIELD INTERVIEW (Crime Potential) ▼

1	ASSAULT
2	DISTURBANCE
4	GANGS
3	OTHER CRIME POTENTIAL

CALLS FOR SERVICE (N=87)

*CFS for every addresses in a 500 ft. radius of Birrieria Negro Durazo

Address	Calls for Service
1518 E 17 th St	1
1535 E 18 th St	3
1600 E 18 th St	3
1609 E 18 th St	39
1614 E 18 th St	4
1700 E 18 th St	3
1715 E 18 th St	11
1800 Palm Av	1
1835 Palm Av	7
E 18 th St & Palm Av	14
1604 E 18 th St	1

RESOLUTION NO. 2019-05

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE
SALES AT AN EXISTING RESTAURANT (BIRRIERA NEGRO DURAZO) LOCATED
AT 1604 EAST 18TH STREET.
CASE FILE NO. 2018-17 CUP
APN: 561-360-46

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 1604 East 18th Street at a duly advertised public hearing held on March 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. 2018-17 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 March 4, 2019, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for on-site consumption is a conditionally allowed use in the Minor Mixed Use Corridor zone.
2. The proposed use is consistent with the General Plan. Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant use is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) element of the General Plan. Furthermore, the property is not within a Specific Plan area.

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 is proposed, and the use would be accessory to the existing restaurant in the commercial area.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the restaurant is existing and the proposed alcohol sales would be accessory to the restaurant use. The sale of alcohol is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance, 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 alcohol and the hours that it will be available; no alcohol will be sold after 10 p.m. and will only be available with the sale of food; all business staff is required to receive Responsible Beverage Service & Sales (RBSS) Training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act, and because there is no development, it has been determined that the proposed use is not a project per the Act; there is no calculable increase in traffic and no other impacts are anticipated. The project would not result in any physical changes to the environment.
7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Minor Mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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 located at 1604 East 18th Street. Plans

submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2018-17 CUP, dated 1/14/2019.

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 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*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
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 Municipal Code.
4. 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.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. 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.
7. 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 judgement 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.

8. Alcohol shall be available only in conjunction with the purchase of food.
9. The sale of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 10:00 p.m. daily.
10. Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
11. This permit does not include live entertainment. If in the future the applicant chooses to add live entertainment, the Conditional Use Permit shall be amended through the Discretionary Permit process.

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 March 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2019-05

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE SALES
AT AN EXISTING RESTAURANT (BIRRIERA NEGRO DURAZO) LOCATED AT 1604
EAST 18TH STREET.
CASE FILE NO. 2018-17 CUP
APN: 561-360-46

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 1604 East 18th Street at a duly advertised public hearing held on March 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. 2018-17 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 March 4, 2019, support the following findings:

1. The census tract is currently over-concentrated with three on-sale licenses, where a maximum of two are recommended.
2. The proposed use is not deemed essential to the public necessity, because there are three other restaurants in census tract 121.01 that serve beer and wine.
3. Based on the above finding, 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 March 4, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



Item no. **6**
March 4, 2019

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

PLANNING COMMISSION STAFF REPORT

Title: ELECTION OF REPLACEMENT VICE CHAIR FOR 2019

Due to the recent appointment of Vice Chair Gonzalo Quintero to the City Council, it would be appropriate to elect a new Vice Chair at this time. It is suggested that nominations and elections occur as in previous years.