

**AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/  
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF  
THE CITY OF NATIONAL CITY**



**COUNCIL CHAMBERS  
CIVIC CENTER  
1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA  
TUESDAY, SEPTEMBER 3, 2019 – 6:00 PM**

**ALEJANDRA SOTELO-SOLIS**  
*Mayor*

**RON MORRISON**  
*Vice Mayor*

**JERRY CANO**  
*Councilmember*

**GONZALO QUINTERO**  
*Councilmember*

**MONA RIOS**  
*Councilmember*

*1243 National City Blvd.  
National City, CA 91950  
619-336-4240*

*Meeting agendas and  
minutes available on web*

**WWW.NATIONALCITYCA.GOV**

**ORDER OF BUSINESS:** Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

**REPORTS:** All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website **[www.nationalcityca.gov](http://www.nationalcityca.gov)**.

**PUBLIC COMMENTS:** Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or unrelated.

**WRITTEN AGENDA:** With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

**CONSENT CALENDAR:** Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are

adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered upon request of a Councilmember, a staff member, or a member of the public.

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 City Clerk's Office at (619) 336-4228 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.

*Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.*

*Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audífonos están disponibles en el pasillo al principio de la junta.*

*Spanish to English interpretation services are available to members of the public who wish to speak to the City Council during the meeting. "Request to Speak" forms requesting interpretation must be filed within the first two hours of the meeting.*

*Español a los servicios de interpretación Inglés de audio está disponibles para los miembros del público que desean hablar con el Ayuntamiento durante del Consejo Municipal. "Solicitud para hablar de" formas solicitud de interpretación deben ser presentadas dentro de las dos primeras horas del Consejo Municipal.*

**COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.**

**OPEN TO THE PUBLIC**

**A. CITY COUNCIL**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)**

**PROCLAMATIONS AND CERTIFICATES**

**AWARDS AND RECOGNITIONS**

**PRESENTATIONS**

1. [SDSU CRS and Brightside Update](#)
2. [Healthy Cities Healthy Residents Grant Conclusion](#)

**INTERVIEWS / APPOINTMENTS**

**REGIONAL BOARDS AND COMMITTEE REPORTS (FIVE-MINUTE TIME LIMIT)**

**CONSENT CALENDAR**

3. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
4. [Resolution of the City Council of the City of National City, 1\) accepting the work performed by DBX, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion Project, CIP No. 18-06; 2\) approving the final contract amount of \\$615,516.46; 3\) ratifying the release of retention in the amount of \\$30,775.82; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)
5. [Resolution of the City Council of the City of National City, 1\) accepting the work performed by DBX, Inc. for the Highland Avenue and E. 28th Street Traffic Signal Improvements Project, CIP No. 18-04; 2\) approving the final contract amount of \\$239,339.92; 3\) ratifying the release of retention in the](#)

amount of \$11,967; and 4) authorizing the Mayor to sign the Notice of Completion for the project. (Engineering/Public Works)

6. National City Sales Tax Update - First Quarter 2019. (Finance)
7. Warrant Register #3 for the period of 7/10/19 through 7/16/19 in the amount of \$1,713,863.63. (Finance)
8. Warrant Register #4 for the period of 7/17/19 through 7/23/19 in the amount of \$1,325,761.10. (Finance)
9. Warrant Register #5 for the period of 7/24/19 through 7/30/19 in the amount of \$9,244,838.85. (Finance)

## **PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS**

10. Public Hearing and Adoption of a Resolution approving a Conditional Use Permit for an adult school (InterAmerican College) in Sweetwater Plaza Shopping Center located at 1727 Sweetwater Road, Suites 209-212. (Applicant: Reymundo Marin) (Case File 2019-07 CUP) (Planning)
11. Public Hearing and Adoption of an Ordinance of the City Council of the City of National City adding Chapter 8.38 of the National City Municipal Code Prohibiting the Retail Sale of Dogs, Cats and Rabbits. (City Attorney)
12. Public Hearing, as required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), and the Adoption of a Resolution of the City Council of the City of National City approving the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential project pursuant to Section 142(a)(7) of the Internal Revenue Code with no fiscal impact to the City and not to exceed \$72,000,000 in outstanding aggregate principal to finance the acquisition and rehabilitation of a 268-unit multifamily rental housing project located at 817 Eta Street in National City. (Housing Authority)

## **NON CONSENT RESOLUTIONS**

13. Resolution of the City Council of the City of National City, 1) awarding a contract to Dick Miller, Inc. in the amount of \$2,330,869.70 for the Paradise Creek Park Expansion Project, CIP No. 18-16; 2) authorizing a 15% contingency in the amount of \$349,630.45 for any unforeseen changes; and 3) authorizing the Mayor to execute the contract. (Engineering/Public Works)
14. Resolution of the City Council of the City of National City reducing the property tax rate for the Library General Obligation Bonds for fiscal year



[2020 from 0.73 cent per \\$100 of assessed valuation to 0.67 cent. \(Finance\)](#)

## **NEW BUSINESS**

15. [Notice of Decision - Planning Commission approval of a Conditional Use Permit for the on-site sale of beer and wine at a new restaurant \(Vons Chicken\) located at 811 "K" Avenue. \(Applicant: Wing & Wo LLC/ Steve Rawlings\) \(Case File 2019-15 CUP\) \(Planning\)](#)
16. [Notice of Decision - Planning Commission approval of a Conditional Use Permit for a baseball academy to be located at 220 W. 25th Street. \(Applicant: Jose Luis Espinoza\) \(Case File 2019-17 CUP\) \(Planning\)](#)

## **B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY**

### **CONSENT RESOLUTIONS - HOUSING AUTHORITY**

### **PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY**

### **NON CONSENT RESOLUTIONS - HOUSING AUTHORITY**

### **NEW BUSINESS - HOUSING AUTHORITY**

## **C. REPORTS**

### **STAFF REPORTS**

17. [Police Hot Team Presentation. \(Police\)](#)
18. [Update on Community Choice Aggregates \(CCAs\). \(Engineering/Public Works\)](#)

## **MAYOR AND CITY COUNCIL**

### **CLOSED SESSION REPORT**

### **ADJOURNMENT**

Adjourned Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Strategic Planning Workshop - Tuesday - September 17, 2019 - 4:00 p.m. - Council Chambers - National City, California.

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - September 17, 2019 - 6:00 p.m. - Council Chambers - National City, California.



The following page(s) contain the backup material for Agenda Item: [SDSU CRS and Brightside Update](#)

Please scroll down to view the backup material.

**Item # \_\_\_\_**

**09/03/19**

## **SDSU CRS AND BRIGHTSIDE UPDATE**

The following page(s) contain the backup material for Agenda Item: [Healthy Cities  
Healthy Residents Grant Conclusion](#)

Please scroll down to view the backup material.

Item # \_\_\_\_

09/03/19

## HEALTHY CITIES HEALTHY RESIDENTS GRANT CONCLUSION

The following page(s) contain the backup material for Agenda Item: [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # \_\_\_\_

09/03/19

**MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL  
CITY APPROVING THE WAIVING OF THE READING OF THE  
TEXT OF THE ORDINANCES OR RESOLUTIONS THAT ARE  
HAVING A PUBLIC HEARING CONSIDERED AT THIS MEETING  
AND PROVIDING THAT SUCH ORDINANCES OR RESOLUTIONS  
SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING  
OF THE TITLE ONLY.**

(City Clerk)



The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, 1\) accepting the work performed by DBX, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion Project, CIP No. 18-06; 2\) approving the final contract amount of \\$615,516.46; 3\) ratifying the release of retention in the amount of \\$30,775.82; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, 1) accepting the work performed by DBX, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion Project, CIP No. 18-06; 2) approving the final contract amount of \$615,516.46; 3) ratifying the release of retention in the amount of \$30,775.82; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Jose Lopez, P.E., Associate Engineer

**PHONE:** 619-336-4312

**DEPARTMENT:** Engineering/Public Works

**APPROVED BY:**

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

N/A

**APPROVED:** \_\_\_\_\_ **Finance**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117 was approved March 23, 2015, and revalidated January 12, 2017.

**ORDINANCE:** ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by DBX, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion Project, CIP No. 18-06 and approving the final contract amount of \$615,516.46.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

The Fiber Optic Traffic Signal Interconnect Expansion Project installed a fiber optic interconnect system along the following four corridors:

- National City Blvd between E. 1<sup>st</sup> Street and E. 30<sup>th</sup> Street
- E. Plaza Blvd between National City Blvd and S. Harbison Avenue
- Euclid Avenue between E. Plaza Blvd and E. 24<sup>th</sup> Street
- E. 30<sup>th</sup> Street/Sweetwater Road between National City Blvd and Plaza Bonita Center Way

The majority of the installations occurred within existing conduit. The project also upgraded the existing communications infrastructure equipment with new switches, fiber patch panels, battery back-up systems, fiber splice enclosures, etc. In addition, the project installed GPS emergency vehicle pre-emption systems at three signalized intersections along the Euclid Avenue corridor.

On April 17, 2018, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On April 19, 2018 and April 26, 2018, the bid solicitation was advertised in local newspapers.

On May 14, 2018, four (4) bids were received by the 2:30 p.m. deadline, opened and publicly disclosed. Bid results were available by the end of the business day, May 14, 2018. DBX, Inc. was the apparent lowest bidder with a total bid amount of \$584,676 as the basis of award.

DBX, Inc.'s bid was determined to be responsive. Upon review of all required documents submitted and reference checks, DBX, Inc. was deemed the lowest responsible bidder qualified to perform the work as described in the project specifications.

On June 19, 2018, the City Council adopted Resolution No. 2018-97 awarding the contract to DBX, Inc., in the not-to-exceed amount of \$584,676.

The Notice to Proceed with construction was issued on July 9, 2018. Construction started on September 24, 2018 and was completed on March 29, 2019.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attached). The change orders increased the contract by \$22,028.96, and line item adjustments increased the contract by \$8,811.50 for a net increase of \$30,840.46 to the contract. This results in a 5.2% contract increase for a final contract balance of \$615,516.46.

As a result of satisfactory completion of the project, staff recommends that City Council, 1) accept the work of DBX, Inc., for the Fiber Optic Traffic Signal Interconnect Expansion Project, CIP No. 18-06; 2) approve the final contract amount of \$615,516.46; 3) ratify the release of retention in the amount of \$30,775.82; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

## NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on April 1, 2019 of the:  
Fiber Optic Traffic Interconnect Expansion, CIP No. 18-06

Work of improvement or portion of work of improvement under construction or alteration.

Various Locations in National City, CA 91950

Street Address

City

State

Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**DBX, Inc.**

Name of Original Contractor

The following work and material were supplied:

Labor provided: Installation of new fiber optic wires, new traffic signal equipment, installation of conduits  
Materials: conduits, signal & communication gear and equipment

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: September 3, 2019;

Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 2019 at, National City, California.

Signature: ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** August 20, 2019

**PROJECT:** FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION  
FY 18-19  
CIP No. 18-06

**TO:** DBX, Inc.  
42024 Avenida Alvarado, Ste. A  
Temecula, CA 92590

ORIGINAL CONTRACT AMOUNT:	\$584,676.00
START DATE:	SEPTEMBER 24, 2018
COMPLETION DATE:	MARCH 29, 2019
ORIGINAL CONTRACT LENGTH:	120 Working Days
EXTENSION OF WORK DAYS:	50 Working Days
TOTAL CONTRACT TIME:	170 Working Days
FINAL CONTRACT AMOUNT:	\$615,516.46

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 provided the time and materials to locate a buried existing fiber optic pull box, raise to final grade and repair sidewalk panels. This Change Order total amount is **\$7,043.86**.

Change Order #2 provided the procurement of plenum cable per STC Engineering's change in design. This Change Order included the cost associated with the purchasing of the specified plenum cable. This Change Order total amount is **\$4,543.71**.

Change Order #3 provided additional field splices and connection in twelve locations among seven intersections along Euclid Avenue. This Change Order included the cost of additional labor of performing the field splices. This Change Order total amount is **\$3,903.90**.

Change Order #4 provided additional field splices and connection using the remaining unused plenum cable purchased for this project. This Change Order included the cost of additional labor of performing the field splices. This Change Order total amount is **\$6,537.49**.

## **FINAL CONTRACT BALANCE**

FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION

CIP No. 18-06

All Change Orders listed above increased the total contract amount **\$22,028.96**.

Numerous contract line item adjustments resulted in a total increase of **\$ 8,811.50**. Including change orders and line item adjustments, the total contract resulted in an increase of **\$30,840.46**.

### **CONTRACT ADJUSTMENT:**

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$615,516.46**.
2. As a result of the satisfactory completion of said project, a retention amount of **\$30,775.82** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. DBX, Inc. will not be entitled to damages or additional payment for delays as described in the 2015 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

**RESOLUTION NO. 2019 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING THE WORK PERFORMED BY DBX, INC. FOR THE FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION PROJECT, CIP NO. 18-06; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$615,516.46; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$30,775.82; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of National City as follows:

It appearing to the satisfaction of the Engineering Department that all work required to be done by DBX, Inc., for the total final contract amount of \$615,516.46, for the Fiber Optic Traffic Signal Interconnect Expansion Project, CIP No. 18-06 has been completed, the City Council of National City hereby accepts said work, ratifies the release of the retention in the amount of \$30,775.82, authorizes the Mayor to execute the Notice of Completion, and orders that payment for said work be made in accordance with said contract.

**PASSED and ADOPTED this 3rd day of September, 2019.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angil P. Morris-Jones  
City Attorney



The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, 1\) accepting the work performed by DBX, Inc. for the Highland Avenue and E. 28th Street Traffic Signal Improvements Project, CIP No. 18-04; 2\) approving the final contract amount of \\$239,339.92; 3\) ratifying the release of retention in the amount of \\$11,967; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.** \_\_\_\_\_

**ITEM TITLE:**

Resolution of the City Council of the City of National City, 1) accepting the work performed by DBX, Inc. for the Highland Avenue and E. 28th Street Traffic Signal Improvements Project, CIP No. 18-04; 2) approving the final contract amount of \$239,339.92; 3) ratifying the release of retention in the amount of \$11,967; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Jose Lopez, P.E., Associate Engineer

**PHONE:** 619-336-4312

**DEPARTMENT:** Engineering/Public Works

**APPROVED BY:** 

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

N/A

**APPROVED:** \_\_\_\_\_ **Finance**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117 was approved March 23, 2015, and revalidated January 12, 2017.

**ORDINANCE:** **INTRODUCTION:** ☐

**FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by DBX, Inc. for the Highland Avenue and E. 28th Street Traffic Signal Improvements Project, CIP No. 18-04 and approving the final contract amount of \$239,339.92.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

The Highland Avenue and E. 28<sup>th</sup> Street Traffic Signal Improvements Project installed a new traffic signal with protected left-turn phasing next to Sweetwater High School, Americans with Disabilities Act (ADA) enhancements, pedestrian countdown signal heads, audible pedestrian push button systems, fiber communications infrastructure, and other traffic signal equipment.

On April 12, 2018, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On April 16, 2018 and April 23, 2018, the bid solicitation was advertised in local newspapers.

On May 14, 2018 five (5) bids were received by the 2:00 p.m. deadline, opened and publicly disclosed. Bid results were available by the end of the business day, May 14, 2018. DBX, Inc. was the apparent lowest bidder with a total bid amount of \$239,279 as the basis of award.

DBX, Inc.'s bid was determined to be responsive. Upon review of all required documents submitted and reference checks, DBX, Inc. was deemed the lowest responsible bidder qualified to perform the work as described in the project specifications.

On June 19, 2018, the City Council adopted Resolution No. 2018-95 awarding the contract to DBX, Inc., in the not-to-exceed amount of \$239,279.

The Notice to Proceed with construction was issued on July 9, 2018. Construction started on October 9, 2018 and was completed on February 1, 2019.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attached). The change orders increased the contract by \$2,230.92, and line item adjustments decreased the contract by \$2,170.00 for a net increase of \$60.92 to the contract. This results in a .02% contract increase for a final contract balance of \$239,339.92.

As a result of satisfactory completion of the project, staff recommends that City Council, 1) accept the work of DBX, Inc., for the Highland Avenue and E. 28<sup>th</sup> Street Traffic Signal Improvements Project, CIP No. 18-04; 2) approve the final contract amount of \$239,339.92; 3) ratify the release of retention in the amount of \$11,967.00; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

## NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on February 4, 2019 of the:

Highland Ave & E.28<sup>th</sup> St Traffic Signal Improvements, CIP No. 18-04

Work of improvement or portion of work of improvement under construction or alteration.

<u>Highland Ave &amp; E.28<sup>th</sup> St.</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**DBX, Inc.**

Name of Original Contractor

The following work and material were supplied:

Labor provided: General labor, traffic signal installation, asphalt concrete lay. Materials: Concrete, asphalt, traffic control supplies, traffic signal equipment. Equipment: paving equipment, installation equipment.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: September 3, 2019;

\_\_\_\_\_  
Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 2019 at, National City, California.

Signature: \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** August 20, 2019

**PROJECT:** HIGHLAND AVENUE AND E. 28<sup>TH</sup> STREET TRAFFIC SIGNAL IMPROVEMENTS  
FY 18-19  
CIP No. 18-04

**TO:** DBX, Inc.  
42024 Avenida Alvarado, Ste. A  
Temecula, CA 92590

ORIGINAL CONTRACT AMOUNT:	\$ 239,279
START DATE:	OCTOBER 9, 2018
COMPLETION DATE:	FEBRUARY 1, 2019
ORIGINAL CONTRACT LENGTH:	80 Working Days
EXTENSION OF WORKING DAYS:	60 Working Days
TOTAL CONTRACT TIME:	140 Working Days
FINAL CONTRACT AMOUNT:	\$239,339.92

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 provided the repairs for concrete sidewalk panels due to ADA requirements located at the North East and South East corners of Highland Avenue. Change Order total amount is **\$2,230.92**.

Change Order #2 provided for a no cost time adjustment due to unforeseen manufacturer delays on traffic signal materials and equipment. Change Order total amount is **\$0.00**.

All Change Orders listed above increased the total contract amount **\$2,230.92**.

Numerous contract line item adjustments resulted in a total decrease of **\$ 2,170**. Including change orders and line item adjustments, the total contract resulted in an increase of **\$60.92**.

### CONTRACT ADJUSTMENT:

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$239,339.92**.

**FINAL CONTRACT BALANCE**HIGHLAND AVE & E.28<sup>th</sup> ST TRAFFIC SIGNAL IMPROVEMENTS

CIP No. 18-04

2. As a result of the satisfactory completion of said project, a retention amount of **\$11,967.00** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. DBX, Inc. will not be entitled to damages or additional payment for delays as described in the 2015 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

**RESOLUTION NO. 2019 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) ACCEPTING THE WORK PERFORMED BY DBX, INC. FOR THE HIGHLAND AVENUE AND E. 28TH STREET TRAFFIC SIGNAL IMPROVEMENTS PROJECT, CIP NO. 18-04; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$239,339.92; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$11,967; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of National City as follows:

It appearing to the satisfaction of the Engineering Department that all work required to be done by DBX, INC., for the total final contract amount of \$239,339.92, for the Highland Avenue and E. 28th Street Traffic Signal Improvements Project, CIP NO. 18-04 has been completed, the City Council of National City hereby accepts said work, ratifies the release of the retention in the amount of \$11,967.00, authorizes the Mayor to execute the Notice of Completion, and orders that payment for said work be made in accordance with said contract.

**PASSED and ADOPTED this 3rd day of September, 2019.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angil P. Morris-Jones  
City Attorney

The following page(s) contain the backup material for Agenda Item: [National City Sales Tax Update - First Quarter 2019. \(Finance\)](#)

Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.:**

**ITEM TITLE:**

National City Sales Tax Update Newsletter – First Quarter 2019

**PREPARED BY:** Mark Roberts, Finance Director

**PHONE:** 619-336-4330

**DEPARTMENT:** Finance

**APPROVED BY:** Mark Roberts

**EXPLANATION:**

National City has an ongoing contract with Hinderliter, de Llamas & Associates (HdL) to provide sales tax consulting/auditing services. Staff meets quarterly with a representative of HdL to review sales tax results and trends within the City and State-wide.

Attached is the "National City Sales Tax Update" newsletter for the first quarter of fiscal year 2019, which summarizes sales tax data for the period.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**  
NA

**APPROVED:** Mark Roberts

**FINANCE**

**APPROVED:** \_\_\_\_\_

**MIS**

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION ☐ FINAL ADOPTION ☐

**STAFF RECOMMENDATION:**

Accept and file the report.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

National City Sales Tax Update Newsletter – First Quarter 2019

## National City In Brief

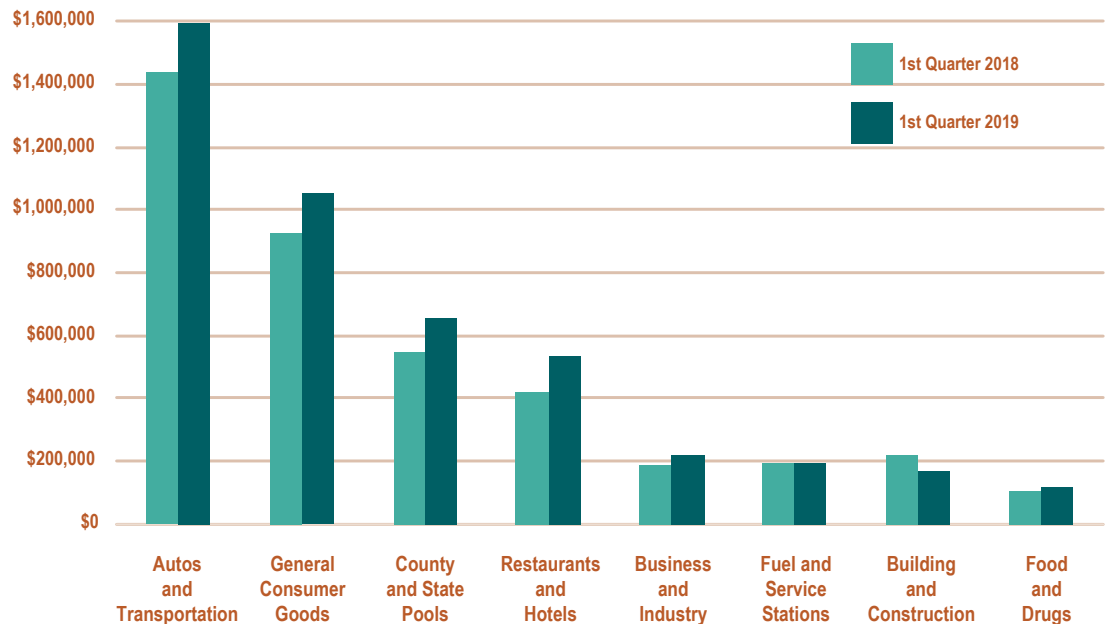
National City's allocation of sales and use tax from its January through March sales was 12.9% higher than the first quarter of 2018. However, the allocation was inflated by back payments related to the State's problems with its new computer system. Receipts were up 1.0% after these and other accounting anomalies are factored out.

Actual gains came primarily from previous additions of new restaurants and a service station, plus a solid quarter for industrial chemicals and some categories within the auto-transportation group. These were offset by lower fuel prices, the previous closeout of a major retailer and by weather conditions that were probably responsible for generally soft sales of building-construction supplies and most categories of general consumer goods.

Voter approved Measure D added \$2,761,963 to the City's totals and was 1.5% lower than the same quarter last year after adjusting for reporting anomalies. A solid quarter for autos and restaurants were offset by generally soft purchases in other categories.

Adjusted for the State's system errors and reporting aberrations, sales and use tax receipts for all of San Diego County and the Southern California region rose 0.9% over the comparable time period.

## SALES TAX BY MAJOR BUSINESS GROUP



## TOP 25 PRODUCERS

IN ALPHABETICAL ORDER

Arco AM PM	Perry Ford
Ball Mitsubishi	Probuild Company
Big Lots	Ron Baker Chevrolet
Denny's	Ross
Frank Hyundai	South Bay Volkswagen
Frank Subaru	South County Buick GMC
Frank Toyota	Target
JC Penney	USA Gasoline
Macys	Walmart
Mor Furniture 4 Less	Supercenter
Mossy Nissan	Wescott Mazda
National City Gas & Carwash	Westair Gases & Equipment
Nordstrom Rack	
Perry Chrysler	
Dodge Jeep Ram	

## REVENUE COMPARISON

Three Quarters – Fiscal Year To Date (Q3 to Q1)

	2017-18	2018-19
Point-of-Sale	\$11,646,602	\$12,635,059
County Pool	1,759,101	1,978,098
State Pool	7,420	6,656
Gross Receipts	\$13,413,123	\$14,619,813
Measure D	\$8,628,162	\$9,465,295

### Statewide Results

Local sales and use tax receipts from January through March sales were 1.0% higher than the first quarter of 2018 after factoring out accounting anomalies and back payments from previous state reporting shortfalls. This was the lowest percentage increase since first quarter, 2010.

The growth came primarily from a solid quarter for purchases related to expanding logistics, medical and technology facilities and modest gains in building-construction supplies and restaurants. Cannabis sales produced a slight uptick in the food-drug group.

Lower fuel prices and declining general consumer good purchases offset the gains. The shift to internet purchases continued with online shopping accounting for 22.3% of the total general consumer goods segment versus 20.2% one year ago. Tax receipts from new car sales exhibited significant reductions although the drop was partially offset by an upswing in used autos and auto leases.

Regional changes ranged from a decline of 2.1% to gains as high as 4.4%. However, the differences were primarily attributable to onetime projects or capital purchases and not reflective of overall economic trends.

### Slower Growth Ahead?

July marks ten years of continuous economic growth which is the longest period of U.S. economic expansion on record. However, analysts from a variety of economic segments are reporting signs that we may be leveling off.

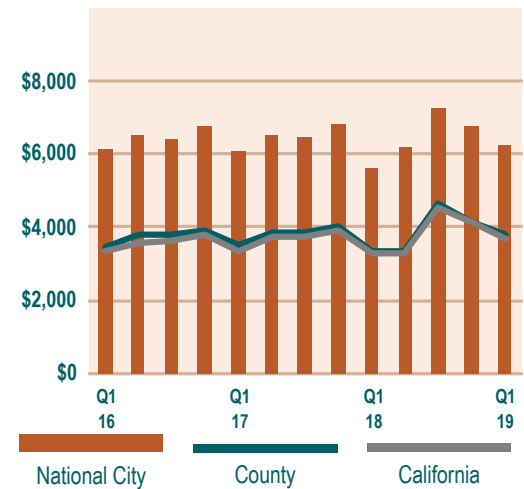
This quarter marked the eighth consecutive comparative period decline in California new car registrations with analysts noting that higher prices and a growing supply of vehicles coming off lease are making used cars more attractive. They also note that on-demand services such as Uber and Lyft are making it easier for debt-burdened millennials to avoid buying cars altogether.

Rising restaurant menu prices, renewed competition from grocer prepared meals, and cutbacks in foreign tourism appear to be reducing restaurant patronage which in recent years was one of the state's fastest growth segments. There will be an uptick in the second quarter's fuel-related tax receipts because of that period's refinery shutdowns; lower crude oil costs are expected to produce subsequent declines.

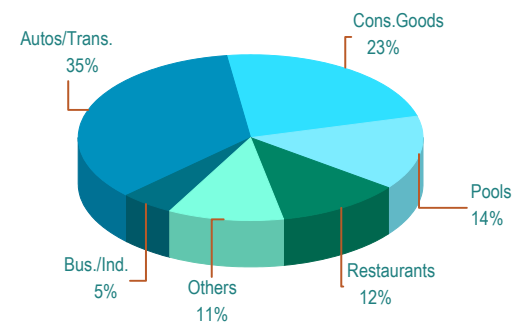
Uncertainty over U.S. tariff and trade policies plus labor shortages are delaying some investment and business expansion decisions while reduced home sales and two quarters of declining construction permit values suggest a potential future leveling in that sector. Investment in technological advances should continue and remain strong.

Economic shifts are not the only factor leveling sales tax revenues. With an economy based on intellectual technology rather than goods and consumer priorities shifting to non-taxable services and experiences, sales tax no longer reflects 21st century spending. Each year therefore, the portion of the economy that is taxed, shrinks.

### SALES PER CAPITA



### REVENUE BY BUSINESS GROUP National City This Quarter



### NATIONAL CITY TOP 15 BUSINESS TYPES

<i>*In thousands of dollars</i>				
Business Type	National City		County	HdL State
	Q1 '19*	Change	Change	Change
Auto Lease	— CONFIDENTIAL —		na	na
Building Materials	— CONFIDENTIAL —		6.0%	4.0%
Casual Dining	199.2	29.5%	12.1%	13.3%
Department Stores	121.2	32.5%	54.2%	35.0%
Discount Dept Stores	— CONFIDENTIAL —		0.4%	2.9%
Drugs/Chemicals	68.0	29.1%	-4.3%	5.7%
Family Apparel	195.9	-0.8%	6.5%	7.1%
Home Furnishings	62.0	22.9%	1.0%	3.4%
New Motor Vehicle Dealers	1,192.1	0.6%	2.0%	-1.8%
Quick-Service Restaurants	286.0	28.3%	12.2%	10.1%
Service Stations	197.9	2.7%	22.2%	15.8%
Shoe Stores	70.9	37.7%	6.3%	-0.6%
Specialty Stores	101.7	28.8%	27.3%	23.4%
Used Automotive Dealers	128.8	14.5%	7.5%	13.4%
Women's Apparel	66.9	3.9%	16.2%	6.6%
<b>Total All Accounts</b>	<b>3,898.6</b>	<b>11.6%</b>	<b>14.8%</b>	<b>13.5%</b>
<b>County &amp; State Pool Allocation</b>	<b>658.2</b>	<b>20.8%</b>	<b>24.2%</b>	<b>23.8%</b>
<b>Gross Receipts</b>	<b>4,556.8</b>	<b>12.9%</b>	<b>16.0%</b>	<b>14.9%</b>

The following page(s) contain the backup material for Agenda Item: [Warrant Register #3 for the period of 7/10/19 through 7/16/19 in the amount of \\$1,713,863.63. \(Finance\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Warrant Register #3 for the period of 7/10/19 through 7/16/19 in the amount of \$1,713,863.63. (Finance)

**PREPARED BY:** Karla Apalategui, Accounting Assistant

**PHONE:** 619-336-4572

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, attached are the warrants issued for the period 7/10/19 - 7/16/19. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Geosyntec Consultants	343114	105,869.50	CNC Valley Rd Channel Erosion
Project Professional Corp	343136	117,128.70	Paradise Creek Park III
San Diego Habitat	343139	51,388.20	HOME CHDO Agreement

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

**APPROVED:** 

**FINANCE**

**APPROVED:** \_\_\_\_\_

**MIS**

Warrant total \$1,713,863.63.

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION ☐ FINAL ADOPTION ☐

**STAFF RECOMMENDATION:**

Ratify warrants totaling \$1,713,863.63

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

Warrant Register # 3



**WARRANT REGISTER # 3**  
**7/16/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
AIR POLLUTION CONTROL DISTRICT	APCD FEES FIRE STA. #31	343090	7/16/19	505.00
AIRGAS USA LLC	MOP 45714. SUPPLIES FOR PARKS	343091	7/16/19	306.61
AZTEC APPLIANCE	CITY WIDE APPLIANCE PURCHASES	343092	7/16/19	1,699.00
BACALLAO, I	REIMBURSEMENT - TRAINING PARKING	343093	7/16/19	3.00
BALBANEDA MARTINEZ, A	KIMBALL SENIOR CENTER STAFF TRIP	343094	7/16/19	37.00
BAVENCOFF JR, D	TRAINING SIMS REIM BAVENCOFF	343095	7/16/19	437.60
CALIFORNIA AIR RESOURCES BOARD	SEWER PUMP REGISTRATION CARB.	343096	7/16/19	805.00
CDWG	SAMSUNG UN65RU8000F 8 SERIES 65"	343097	7/16/19	1,532.12
CELLEBRITE INC	TRAINING TUITION CELLEBRITE HSCOTT	343098	7/16/19	3,850.00
CHEN RYAN ASSOCIATES INC	SWEETWATER ROAD SVCS THRU APR 27, 2019	343099	7/16/19	10,058.50
CHILDREN'S HOSPITAL	TRAFFIC MONITORING SYSTEM / ENG	343100	7/16/19	28,649.83
CLEAN HARBORS ENVIRONMENTAL	CONTRACT SERVICES JUNE 2019	343101	7/16/19	1,889.38
CLEAR WATER TECHNOLOGIES LLC	CITYWIDE WATER TREATMENT SERVICES	343102	7/16/19	580.00
COMMERCIAL AQUATIC SERVICE INC	CHEMICAL DELIVERED TO LAS P POOL 6/26/19	343103	7/16/19	4,100.89
COUNTYWIDE MECHANICAL SYSTEMS	CITYWIDE CATCH/SUMP CLEANING, ON-SITE	343104	7/16/19	2,483.40
CSA SAN DIEGO COUNTY	CDBG AGREEMENT: CSA SAN DIEGO COUNTY	343105	7/16/19	2,643.11
DAY WIRELESS SYSTEMS	ANTENNA FOR PORTABLE RADIOS	343106	7/16/19	13,950.94
DE PASCALE, A	TRAINING REIM FTO UPDATE DEPASCALE	343107	7/16/19	92.16
DELGADO, E	REIMB / CONSTANT CONTACT JULY PAYMENT	343108	7/16/19	70.00
DELL MARKETING L P	LATITUDE 5290 2-IN-1 INV#10323234406	343109	7/16/19	2,016.76
DEPARTMENT OF JUSTICE	FINGERPRINT APPS JUNE 2019	343110	7/16/19	96.00
DIMENSION DATA	NIMBLE SUPPORT CAREPACK	343111	7/16/19	47,694.04
EXPRESS PIPE AND SUPPLY	CITY WIDE PLUMBING PARTS & MATERIALS	343112	7/16/19	1,383.33
FERGUSON ENTERPRISES 1350	MOP 45723 GENERAL SUPPLIES - PW	343113	7/16/19	1,334.45
GEOSYNTEC CONSULTANTS INC	CNC VALLEY RD CHANNEL EROSION	343114	7/16/19	105,869.50
GRAINGER	MOP 65179 GENERAL SUPPLIES - PW	343115	7/16/19	1,119.17
IDEMIA IDENTITY & SECURITY USA	FINGERPRINT SUBMISSIONS JUNE 2019	343116	7/16/19	6.00
IRON MOUNTAIN	RECORD MANAGEMENT AND STORAGE FOR FY19	343117	7/16/19	213.21
JANI-KING OF CALIFORNIA INC	CONTRACTOR TO CLEAN HOLLISTER KITCHEN	343118	7/16/19	1,884.40
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING	343119	7/16/19	710.10
KIMLEY HORN	SAFE ROUTES TO SCHOOL PSE	343120	7/16/19	30,791.12
KONICA MINOLTA	COPIER LEASE CHARGES 4 INVOICES	343121	7/16/19	9,774.11
LA JOLLA POOLS INC	REPAIR AND REPLACE AND INSTALL VARIOUS	343122	7/16/19	10,000.00
LASER SAVER INC	MOP 45725 TONER CARTRIDGE - CASA DE SALUD	343123	7/16/19	434.78
LIEBERT CASSIDY WHITMORE	PROFESSIONAL SERVICES THROUGH 5/31/19	343124	7/16/19	4,001.00
LOPEZ, TERESA YOLANDA	TRANSLATION SERVICES AS NEEDED FOR FY19	343125	7/16/19	96.60
LOZANO, M	TRAINING REIM PRE MTR/LOZANO	343126	7/16/19	50.93
MICHAEL BAKER INTERNATIONAL	CONSTRUCTION SUPPORT FOR LAS PALMAS SD	343127	7/16/19	3,170.00
MILE HIGH SHOOTING ACCESSORIES	SNIPER RIFLES / POLICE	343128	7/16/19	8,115.00
MUNICIPAL CODE CORPORATION	MUNICIPAL CODE SUPP 52, UPDATE 2	343129	7/16/19	499.95
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL	343130	7/16/19	19,785.00
NATIONAL EMBLEM INC	PATCHES & CHEVRONS / PD	343131	7/16/19	5,070.01
NV5 INC	SEWER USER SURVEY & TAX ROLL	343132	7/16/19	11,538.00
ORKIN PEST CONTROL	CITYWIDE ONSITE PEST CONTROL SERVICES	343133	7/16/19	957.00
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	343134	7/16/19	41.04
PROFESSIONAL SEARCH GROUP LLC	PROFESSIONAL SERVICES / MAYOR'S OFFICE	343135	7/16/19	5,723.82
PROJECT PROFESSIONALS CORP	PARADISE CREEK PARK III	343136	7/16/19	117,128.70



**WARRANT REGISTER # 3**  
**7/16/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	343137	7/16/19	59.97
RANDALL LAMB ASSOCIATES INC	POLICE STATION HVAC MOD. POWER	343138	7/16/19	2,466.25
SAN DIEGO HABITAT FOR HUMANITY	HOME CHDO AGREEMENT	343139	7/16/19	51,388.20
SCST INC	CITYWIDE TRAFFIC SIGNAL & ADA	343140	7/16/19	4,269.00
SDG&E	GAS AND ELECTRIC UTILITIES - PW	343141	7/16/19	2,852.38
SHARP ELECTRONICS CORPORATION	MAINTENANCE 20 SHARP COPIERS FOR JUNE	343142	7/16/19	4,025.41
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	343143	7/16/19	1,264.26
SOUTH BAY COMMUNITY SERVICES	HOME AGREEMENT: SOUTH BAY COMMUNITY	343144	7/16/19	33,712.75
SOUTH BAY WINDOW & GLASS CO	CITY WIDE AUTOMATIC DOOR	343145	7/16/19	1,499.70
STANICH, C	TRAINING NLET ON CHILD EXPLT/STANICH	343146	7/16/19	423.53
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES/ENG.	343147	7/16/19	344.73
STARTECH COMPUTERS	MOP #61744/COMPUTER ACCESSORIES/MIS	343148	7/16/19	914.87
SWAGIT PRODUCTION LLC	VIDEO MIGRATION/ MIS - JUNE	343149	7/16/19	1,920.83
SWEETWATER AUTHORITY	WATER SERVICES FOR PARK FY 2019	343150	7/16/19	1,738.63
THE COUNSELING TEAM	EMPLOYEE SUPPORT SERVICES	343151	7/16/19	4,850.00
U S BANK	TRAINING EXPENSES / POLICE	343152	7/16/19	6,039.41
VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR JUNE	343153	7/16/19	228.40
VORTEX INDUSTRIES INC	CITY WIDE ON SITE SERVICE REPAIRS	343154	7/16/19	20,955.62
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES	343155	7/16/19	1,863.96
WESTERN MOWER & ENGINE	GENERATOR FOR DUI CHECK POINT	343156	7/16/19	2,176.54
WILLY'S ELECTRONIC SUPPLY	MOP 45723 GENERAL SUPPLIES - PW	343157	7/16/19	171.00
<b>A/P Total</b>				<b>606,363.00</b>

**WIRED PAYMENTS**

PAYCHEX BENEFIT TECH INC	BENETRAC ESR SVCS BASE FEE JULY 2019	791707	7/12/19	522.40
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**PAYROLL**

<b>Pay period</b>	<b>Start Date</b>	<b>End Date</b>	<b>Check Date</b>	
15	7/2/2019	7/15/2019	7/24/2019	<b>1,106,978.23</b>

**GRAND TOTAL**

**\$1,713,863.63**



## **Certification**

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, DIRECTOR OF FINANCE

BRAD RAULSTON,  
CITY MANAGER

### **FINANCE COMMITTEE**

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

RONALD J. MORRISON, VICE-MAYOR

JERRY CANO, COUNCILMEMBER

GONZALO QUINTERO, COUNCILMEMBER

MONA RIOS, COUNCILMEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3<sup>RD</sup> OF SEPTEMBER 2019.

AYES\_\_\_\_\_

NAYS\_\_\_\_\_

ABSENT\_\_\_\_\_



The following page(s) contain the backup material for Agenda Item: [Warrant Register #4 for the period of 7/17/19 through 7/23/19 in the amount of \\$1,325,761.10. \(Finance\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Warrant Register #4 for the period of 7/17/19 through 7/23/19 in the amount of \$1,325,761.10. (Finance)

**PREPARED BY:** Karla Apalategui, Accounting Assistant

**PHONE:** 619-336-4572

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, attached are the warrants issued for the period 7/17/19 - 7/23/19. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Dell Marketing L P	343191	58,115.83	Dell 24 Ultra 4K Monitor P2415Q
Portillo Concrete Inc	343223	70,322.67	Harbison Road Diet Jun 2019
Whillock Contracting	343264	202,632.35	Paradise Creek Park Site Rem.
Adminsure	310554	63,229.32	Workers Comp. Replenishment
The Bank of NY Mellon	310578	485,579.75	HUD Section 108 Loan Pymnt Jul19

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

**APPROVED:** 

**FINANCE**

**APPROVED:** \_\_\_\_\_

**MIS**

Warrant total \$1,325,761.10.

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION ☐ FINAL ADOPTION ☐

**STAFF RECOMMENDATION:**

Ratify warrants totaling \$1,325,761.10

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

Warrant Register # 4



**WARRANT REGISTER # 4**  
**7/23/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
COUNTY OF SAN DIEGO	MLK KITCHEN PROJECT	343158	7/23/19	1,263.00
CSAC EXCESS INS AUTHORITY	EXCESS LIABILITY INSURANCE - PREMIUM	343159	7/23/19	36,754.00
CSAC EXCESS INS AUTHORITY	PROPERTY INSURANCE	343160	7/23/19	6,238.00
CSAC EXCESS INS AUTHORITY	EXCESS LIABILITY INSURANCE	343161	7/23/19	3,249.00
CSAC EXCESS INS AUTHORITY	PROPERTY INSURANCE	343162	7/23/19	1,600.00
CSMFO	JOB ADVERTISEMENT - BUDGET ANALYST - FIN	343163	7/23/19	275.00
EARTH MANAGEMENT	T&A1064 10 OSBORN ST	343164	7/23/19	4,000.00
GOVERNMENT FINANCE	JOB ADVERTISEMENT - BUDGET ANALYST - FIN	343165	7/23/19	150.00
GUTIERREZ JR	EDUCATIONAL REIMBURSEMENT	343166	7/23/19	1,403.00
MELLADO DESIGNS	STAFF UNIFORMS/ NSD	343167	7/23/19	418.04
NOSRAT	REFUND OF T&A 90052 /ENG	343168	7/23/19	393.92
S D C L E E A A	2019 EXPLORER ACADEMY - 13 PARTICIPANTS / PD	343169	7/23/19	5,980.00
SAN DIEGO COUNTY	PROPERTY TAX W. 19TH ST.	343170	7/23/19	319.95
SAN DIEGO GAS & ELECTRIC	21 ST. E/O WILSON AVE.	343171	7/23/19	6,396.00
ACE UNIFORMS & ACCESSORIES INC	UNIFORMS / PD	343172	7/23/19	54.92
ACTIVE NETWORK LLC	INV 1013835-11107053 SERVICE PACKAGE	343173	7/23/19	7,620.70
ADORAMA CAMERA INC	SKU #ISOA99M2C, SONY ILC A99 II DSLR	343174	7/23/19	4,212.24
AMERICAN PLANNING ASSOCIATION	APA MEMBERSHIP DUES - MARTIN REEDER	343175	7/23/19	1,041.00
ASSI SECURITY INC	CITYWIDE DOOR REPAIRS / PW	343176	7/23/19	9,575.00
AT&T	AT&T PHONE SERVICE FY19	343177	7/23/19	9,317.90
BAKER & TAYLOR	BOOKS AS NEEDED FOR FY20	343179	7/23/19	1,170.91
BOOT WORLD	MOP 64096 SAFETY WEARING APPAREL - PW	343180	7/23/19	234.86
CALBO	CALBO 2019 - 2020 MEMBERSHIP - LUIS SAINZ	343181	7/23/19	295.00
CAMACHO, J	TRAINING POST ADV SUB FTO/ CAMACHO	343182	7/23/19	780.00
CIRCULATE SAN DIEGO	INTRA-CONNECT	343183	7/23/19	1,937.66
COUNTY OF SAN DIEGO	MAIL PROCESSING SERVICES / JUNE 2019	343184	7/23/19	5,714.28
CSA SAN DIEGO COUNTY	CDBG AGREEMENT: CSA SAN DIEGO COUNTY	343185	7/23/19	2,159.94
DAGUIA, RONALD	REIMB: DAGUIA, R RESERVE AWARDS	343186	7/23/19	669.75
DANIELS TIRE SERVICE	MOP 76986 TIRES FOR CITY FLEET - PW	343187	7/23/19	2,036.50
DAY WIRELESS SYSTEMS	RADIO SERVICES / FIRE - POLICE	343188	7/23/19	5,363.75
DBX INC	TRAFFIC SIGNAL HIGHLAND AVE & E 28TH ST	343189	7/23/19	11,967.00
DELGADO, E	REIMB: MISS NATIONAL CITY PODIUM	343190	7/23/19	531.38
DELL MARKETING L P	DELL 24 ULTRA 4K MONITOR - P2415Q	343191	7/23/19	58,115.83
DEPT OF JUSTICE	FINGER PRINTING	343192	7/23/19	937.00
DISCOUNT SPECIALTY CHEMICALS	SORTED TIME MIST SCENTS / PW	343193	7/23/19	441.32
D-MAX ENGINEERING INC	CALFIRE URBAN FOREST EXPANSION MAY 2019	343194	7/23/19	5,827.71
EBSCO INFORMATION SERVICES	EBSCO DIGITAL SERVICES RENEWAL - FY20	343195	7/23/19	16,899.00
ERGOMETRICS	FIRE ENGINEER PRACTICAL DRIVER OPERATOR	343196	7/23/19	6,448.36
ESGIL CORPORATION	ESGIL INSPECTION SERVICES JAN 2019	343197	7/23/19	48,513.74
EXPERIAN	CREDIT CHECKS / PD	343198	7/23/19	69.52
FON JON PET CARE CENTER	KENNEL FEES / PD	343199	7/23/19	325.00
GEOSYNTEC CONSULTANTS INC	EMERGENCY RESPONSE SERV.	343200	7/23/19	12,161.07
GOVCONNECTION INC	CISCO IP CONFERENCE PHONE 7832 (SMOKE)	343201	7/23/19	2,253.38
GRAINGER	MOP 65179 GENERAL SUPPLIES - PW	343202	7/23/19	4,314.73
GROSSMAN PSYCHOLOGICAL	PSYCH EXAMS / PD	343203	7/23/19	1,950.00
HERNANDEZ, A	REIMB: KIWANIS MEMBERSHIP / PD	343204	7/23/19	200.00
HOME DEPOT CREDIT SERVICES	SUPPLIES FOR PW	343205	7/23/19	707.70



**WARRANT REGISTER # 4**  
**7/23/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
INNOVATIVE CONSTRUCTION	PARADISE CREEK WATER Q.	343206	7/23/19	5,510.00
LASER SAVER INC	MOP 04840 TONER PD	343207	7/23/19	421.73
LEAGUE OF CALIFORNIA CITIES	LOCAL STREETS ASSESSMENT	343208	7/23/19	500.00
LEXIPOL LLC	LE IMPLEMENTATION SERVICE	343209	7/23/19	826.00
MAN K9 INC	CANINE MAINTENANCE / PD	343210	7/23/19	1,040.00
MIDWEST TAPE	AUDIO VISUAL MATERIALS FOR LIBRARY	343211	7/23/19	1,237.62
MOTOPOST	MOTORJACKET / PD	343212	7/23/19	2,735.05
MOTOROLA SOLUTIONS INC	RADIOS AND PROGRAMMING / PD	343213	7/23/19	18,202.95
NATIONAL CITY CHAMBER	GOLF TOURNAMENT FOURSOME, DINNER / CMO	343214	7/23/19	1,000.00
NATIONAL CITY MOTORCYCLES	LABOR - INSTALL WINDSHIELD, INSTALL	343215	7/23/19	224.00
NERI LANDSCAPE ARCHITECTURE	PARADISE CREEK PARK ASR-02	343216	7/23/19	1,225.00
NV5 INC	SEWER USER SURVEY	343217	7/23/19	49,317.00
OFFICE TEAM	TEMP SVCS FOR WEEK ENDING 07/05/19 - PW	343218	7/23/19	744.92
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	343219	7/23/19	16.68
PE, R	REIMBURSEMENT TRAVEL EXPENSE - RAY PE	343220	7/23/19	5.00
PENSKE FORD	MOP 49078 AUTO PARTS - PW	343221	7/23/19	1,066.99
PET EMERGENCY & SPECIALTY	EMERGENCY VET CARE / PD	343222	7/23/19	230.00
PORTILLO CONCRETE INC	HARBISON ROAD DIET JUN 2019	343223	7/23/19	70,322.67
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	343225	7/23/19	14,532.38
PROGRESSIVE SOLUTIONS INC	LICENSE AND HARDWARE MAINTENANCE	343226	7/23/19	26,571.44
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	343227	7/23/19	177.18
QUALITY COUNTS LLC	DIVISION STREET MULTIMODAL COUNTS	343228	7/23/19	4,570.00
RADY CHILDREN'S HOSPITAL SAN D	SEXUAL ABUSE TESTING / PD	343229	7/23/19	1,383.00
REEDER, M	REIMB FOR EXPENSES - APA CONFERENCE	343230	7/23/19	690.00
RELY ENVIRONMENTAL	HAZARDOUS WASTE	343231	7/23/19	316.25
ROGUE FITNESS	FITNESS BIKE / FIRE	343232	7/23/19	2,249.03
S D COUNTY SHERIFF'S DEPT	SHOOTING TRAINING	343233	7/23/19	1,250.00
S&S WORLDWIDE INC	SUPPLIES FOR CSD	343234	7/23/19	494.70
SAINZ, L	REIMB CODE COUNCIL MEMBERSHIP	343235	7/23/19	315.00
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY	343236	7/23/19	60.00
SAN DIEGO FIRE PROTECTION	REFUND FOR OVERPAID BUSINESS TAX, ACCT 6	343237	7/23/19	85.00
SAN DIEGO HYDRAULICS	PRESS INSERTS, STEEL BAR / PW	343238	7/23/19	347.63
SAN DIEGO UNION TRIBUNE	ADVERTISE - 3 CIP PROJECTS	343239	7/23/19	2,077.12
SDG&E	GAS AND ELECTRIC UTILITIES - PW	343240	7/23/19	2,121.59
SHARP REES STEALY MED GROUP	DMV EXAMS	343241	7/23/19	129.00
SMART & FINAL	SNACKS FOR CONCESSIONS COMMUNITY SERVICES	343242	7/23/19	412.73
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 BUSINESS CARDS - PW ENG	343243	7/23/19	184.88
SOUTH COUNTY ECONOMIC	MEMBERSHIP DUES, SPONSORSHIP & OUTREACH	343244	7/23/19	15,000.00
SOUTHWEST SIGNAL SERVICE	INSTALL GRANGER YARD CAMERAS	343245	7/23/19	3,842.53
STAPLES BUSINESS ADVANTAGE	MOP 20468 OFFICE SUPPLIES PD	343246	7/23/19	874.92
STARTTECH COMPUTERS	MOP. COMPUTER SUPPLIES / MIS	343247	7/23/19	916.30
SUMURI LLC	TALINO KA-501 FORENSIC WORKSTATION	343248	7/23/19	15,794.00
SUN BADGE COMPANY INC	SUN BADGE CO./VM MORRISON/2019	343249	7/23/19	148.57
SWEETWATER AUTHORITY	WATER SERVICES FOR WASTEWATER FY 2019	343250	7/23/19	177.98
TECHNOLOGY INTEGRATION GROUP	PANASONIC BATTERY	343251	7/23/19	402.38
THE BANK OF NEW YORK MELLON	CUSTODIAN FEE PERIOD 04/01/19 TO 06/30/19	343252	7/23/19	300.00
THE STAR NEWS	PUBLIC NOTICING MAY 2019	343253	7/23/19	945.57



**WARRANT REGISTER # 4**  
**7/23/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
T'S & SIGNS	SUMEMR MOVIES TIE DYE T-SHIRT / CSD	343254	7/23/19	1,563.28
TURF STAR INC	TORO PARTS - PULLEY IDLER~	343255	7/23/19	97.07
U S BANK	MOP 19657 SUPPLIES / PD	343256	7/23/19	369.00
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS AND MAINTENANCE	343257	7/23/19	305.22
US BANK	US BANK CREDIT CARD PARYMENT	343258	7/23/19	336.24
VISTA PAINT	MOP 68834 PAINT SUPPLIES - PW	343259	7/23/19	1,152.20
VULCAN MATERIALS COMPANY	HOT ASPHALT / PW	343260	7/23/19	429.28
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES / PW	343261	7/23/19	711.95
WEST COAST ARBORISTS INC	ARBORIST SERVICES	343262	7/23/19	24,465.00
WEST PAYMENT CENTER	INVESTIGATION SERVICE	343263	7/23/19	1,217.26
WHILLOCK CONTRACTING	PARADISE CREEK PARK SITE REM.	343264	7/23/19	202,632.35
AWARD MASTER	MISS NATIONAL CITY CROWNS	343265	7/23/19	369.58
T'S & SIGNS	CASA DE SALUD POSTERS	343266	7/23/19	21.75
<b>A/P Total</b>				<b>776,952.03</b>
 <b>WIRED PAYMENTS</b>				
ADMINSURE INC	W/C ACCOUNT REPLENISHMENT JUN 2019	310554	7/22/19	63,229.32
THE BANK OF NEW YORK MELLON	HUD SECTION 108 LOAN PAYMENT JUL 2019	310578	7/22/19	485,579.75
<b>GRAND TOTAL</b>				<b><u>\$ 1,325,761.10</u></b>

## **Certification**

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, DIRECTOR OF FINANCE

BRAD RAULSTON,  
CITY MANAGER

### **FINANCE COMMITTEE**

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

RONALD J. MORRISON, VICE-MAYOR

JERRY CANO, COUNCILMEMBER

GONZALO QUINTERO, COUNCILMEMBER

MONA RIOS, COUNCILMEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3<sup>RD</sup> OF SEPTEMBER 2019.

AYES\_\_\_\_\_

NAYS\_\_\_\_\_

ABSENT\_\_\_\_\_

The following page(s) contain the backup material for Agenda Item: [Warrant Register #5 for the period of 7/24/19 through 7/30/19 in the amount of \\$9,244,838.85. \(Finance\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Warrant Register #5 for the period of 7/24/19 through 7/30/19 in the amount of \$9,244,838.85. (Finance)

**PREPARED BY:** Karla Apalategui, Accounting Assistant

**PHONE:** 619-336-4572

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, attached are the warrants issued for the period 7/24/19 - 7/30/19. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
CSAC Excess Ins Authority	343297	386,736.00	General Liability 1 Program / Risk
Exos Community Services	343307	54,683.24	Las Palmas Pool Management Fees
HealthNet Inc	343316	97,439.80	Group R1192A – July 2019
HealthNet Inc	343317	84,983.85	Group R1192A – August 2019
Springboard CDFI	264156	69,250.00	FTHB Program Loan 1918 Via Palmas
Public Emp Ret System	7242019	252,784.06	Service Period 06/18/19 – 07/01/19
Public Emp Ret System	7262019	6,802,284.00	FY2019 Annual AUL Prepayment

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

**APPROVED:** 

**FINANCE**

**APPROVED:** \_\_\_\_\_

**MIS**

Warrant total \$9,244,838.85.

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION ☐ FINAL ADOPTION ☐

**STAFF RECOMMENDATION:**

Ratify warrants totaling \$9,244,838.85

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

Warrant Register # 5





**WARRANT REGISTER # 5**  
**7/30/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
FITNESS DIRECT	MOTOR CONTROLLER FOR GYM	343267	7/29/19	774.90
KTUA	INTRA-CONNECT	343268	7/29/19	10,682.50
NATIONAL CITY HOST LIONS CLUB	JULY 4, 2019 FIREWORKS	343269	7/29/19	7,000.00
PRUDENTIAL OVERALL SUPPLY	UNIFORM CLEANING SERVICE	343270	7/29/19	849.97
STAPLES BUSINESS ADVANTAGE	MOP 45704. OFFICE SUPPLIES/ENGINEERING	343271	7/29/19	35.34
SYSCO SAN DIEGO INC	FOOD & CONSUMABLES / NUTRITION	343272	7/29/19	18,169.11
CALIFORNIA DEPARTMENT OF	SALES TAX LIABILITY / PERIOD APRIL - JUN	343273	7/30/19	6,451.00
MELLADO DESIGNS	CS410, BLACK CORNER STONE SELECT	343274	7/30/19	486.04
REGENA PAULETTA	VIOLATION DISMISSED	343275	7/30/19	35.00
4 ALL PROMOS	EVERY 15MINUTES KEY CHAINS	343276	7/30/19	2,363.90
ACME SAFETY & SUPPLY CORP	SURVEY VEST 522C-2	343277	7/30/19	573.22
ALDEMCO	FOOD FOR NUTRITION	343278	7/30/19	8,475.86
ALL FRESH PRODUCTS	FOOD FOR NUTRITION	343279	7/30/19	2,544.10
ALL THE KINGS FLAGS	CITYWIDE FLAGS & POLES / PW	343280	7/30/19	1,428.40
AMERICAN BACKFLOW SPECIALTIES	PURCHASE OF FEBCO AND MASTER LOCK	343281	7/30/19	1,856.46
AT&T	AT&T ANNUAL PHONE SERVICE JUN - JUL 2019	343282	7/30/19	2,286.60
AT&T	AT&T SBC ANNUAL PHONE SERVICE JULY 2019	343283	7/30/19	80.42
AZTEC APPLIANCE	APPLIANCE / FACILITIES	343284	7/30/19	3,195.97
BOOT WORLD	MOP 64096 SAFETY WEARING APPAREL - PW	343285	7/30/19	234.87
BROADWAY AUTO GLASS	FRONT WINDSHIELD ON PD VEH #039	343286	7/30/19	210.00
C A P F	AUGUST 2019 - FIRE LTD	343287	7/30/19	980.00
CALIFORNIA LAW ENFORCEMENT	AUGUST 2019 - PD LTD	343288	7/30/19	2,033.50
CAMARGO	TRAINING NCPD CITEDAY / TRAFFIC	343289	7/30/19	450.00
CHICAGO TITLE COMPANY	DEED OF TRUST TITLE POLICY FOR 108 HUD L	343290	7/30/19	3,336.00
CLAIMS MANAGEMENT ASSOCIATES	LIABILITY & RISK MGMT SERVICES JUN 2019	343291	7/30/19	6,400.00
CLF WAREHOUSE INC	MOP 80331 AUTO SUPPLIES - PW	343292	7/30/19	259.70
COMMERCIAL AQUATIC SERVICE INC	CHEMICALS DELIVERED JUL 08, 2019	343293	7/30/19	1,279.17
COUNTY OF SAN DIEGO	CO OF SD SHARE OF PARKING CITATION / AP	343294	7/30/19	12,944.50
COUNTYWIDE MECHANICAL SYSTEMS	SERVER ROOM HVAC MODIFICATIONS	343295	7/30/19	13,082.50
COX COMMUNICATIONS	COX DATA VIDEO SERVICES JUL - AUG 2019	343296	7/30/19	5,821.19
CSAC EXCESS INS AUTHORITY	GENERAL LIABILITY 1 PROGRAM / RISK	343297	7/30/19	386,736.00
CYBRARYN SOLUTIONS	CYBRARIAN ANNUAL SOFTWARE RENEWAL	343298	7/30/19	1,139.95
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY 2019	343299	7/30/19	658.09
DATA TICKET INC	DATA TICKET PARKING ENFORCEMENT / NSD	343300	7/30/19	859.60
DELTA DENTAL	GROUP 05-0908600000 JULY 2019	343301	7/30/19	15,456.34
DELTA DENTAL	GROUP 05-0908601002 JULY 2019	343302	7/30/19	775.02
DELTA DENTAL INSURANCE CO	GROUP 05-7029600000 JULY 2019	343303	7/30/19	2,748.24
DELTA DENTAL INSURANCE CO	GROUP 05-7029600002 JULY 2019	343304	7/30/19	16.50
DOUGHERTY	REIMB: DOUGHERTY RIFLE MOUNT	343305	7/30/19	151.89
ENNIS FLINT INC	ITEM 8431064-	343306	7/30/19	2,756.45
EXOS COMMUNITY SERVICES LLC	LAS PALMAS POOL MANAGEMENT FEES	343307	7/30/19	54,683.24
FEDEX	TESTING MATERIALS FOR POLICE RECRUIT	343308	7/30/19	27.35
GRAINGER	MOP 65179 GENERAL SUPPLIES - PW	343309	7/30/19	1,797.44
HEALTH NET	GROUP R1192Q - JULY 2019	343310	7/30/19	1,969.92
HEALTH NET	GROUP R1192Q - AUGUST 2019	343311	7/30/19	1,969.92
HEALTH NET	GROUP N7177A - JULY 2019	343312	7/30/19	1,860.36
HEALTH NET	GROUP N7177A - AUGUST 2019	343313	7/30/19	1,860.36



**WARRANT REGISTER # 5**  
**7/30/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
HEALTH NET	GROUP N7176F - JULY 2019	343314	7/30/19	1,598.46
HEALTH NET	GROUP N7176F - AUGUST 2019	343315	7/30/19	1,598.46
HEALTH NET INC	GROUP R1192A - JULY 2019	343316	7/30/19	97,439.80
HEALTH NET INC	GROUP R1192A - AUGUST 2019	343317	7/30/19	84,983.85
HEALTH NET INC	GROUP 57135M - JULY 2019	343318	7/30/19	2,504.32
HEALTH NET INC	GROUP 57135A - JULY 2019	343319	7/30/19	2,504.30
HEALTH NET INC	GROUP 57135M - AUG 2019	343320	7/30/19	1,252.16
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES FOR FY 2020	343321	7/30/19	67.29
HUNTER'S NURSERY INC	MOP 45719 LANDSCAPE SUPPLIES - PW	343322	7/30/19	471.56
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING,	343323	7/30/19	330.00
KAISER FOUNDATION HEALTH PLANS	GROUP 104220-05 - JULY 2019	343324	7/30/19	4,586.92
KRONOS INC	KRONOS ANNUAL MAINTENANCE	343325	7/30/19	12,047.28
LASER SAVER INC	MOP 04840 TONER PD	343326	7/30/19	233.65
MAINTEX INC	CITYWIDE JANITORIAL SUPPLIES	343327	7/30/19	892.74
MASON'S SAW	MOP 45729 EQUIPMENT SUPPLIES AND REPAIR	343328	7/30/19	1,514.13
METRO AUTO PARTS DISTRIBUTOR	MOP 75943 AUTO SUPPLIES - PW	343329	7/30/19	247.46
MHZ COMMUNICATIONS ENT	VHF PROGRAM SOFTWARE	343330	7/30/19	92.55
MUNICIPAL CODE CORPORATION	MUNICODE ADMIN SUPPORT FEE	343331	7/30/19	475.00
NALEO MEMBERSHIP	MEMBERSHIP TO NALEO FOR CM CANO	343332	7/30/19	100.00
NAPA AUTO PARTS	MOP 45735 AUTO SUPPLIES - PW	343333	7/30/19	83.99
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL	343334	7/30/19	675.00
OFFICE SOLUTIONS BUSINESS	MOP 83778, FIRE CHARGES	343335	7/30/19	395.93
OLIVER PRODUCTS	CONSUMABLES FOR NUTRITION	343336	7/30/19	1,982.73
OMNI EQUIPMENT SOLUTIONS INC	RANGE SUPPLIES	343337	7/30/19	450.23
OPTUM	MONTHLY SERVICES FOR APR, MAY, JUN 2019	343338	7/30/19	55.25
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	343339	7/30/19	25.54
PACIFIC STATES PETROLEUM INC	5W30 ENGINE OIL	343340	7/30/19	1,397.90
PACIFIC TELEMAGEMENT SERVICE	PHONE MONTHLY PAYMENT MAY 2019	343341	7/30/19	156.00
PADRE JANITORIAL SUPPLIES	JANITORIAL SUPPLIES FOR NUTRITION	343342	7/30/19	298.91
PENSKE FORD	REPAIR AND MAINTENANCE- CITY VEHICLES	343343	7/30/19	968.10
PERRY FORD	REPAIR AND MAINTENANCE- CITY VEHICLES	343344	7/30/19	125.00
PLASTIX PLUS LLC	MOUNTING BRACKETS	343345	7/30/19	1,714.42
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	343346	7/30/19	2,636.69
PROCURE AMERICA INC	CONSULTANT SERVICES FOR UTILITY REVIEW	343347	7/30/19	13,952.84
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	343348	7/30/19	1,044.24
QUESTYS SOLUTIONS	QUESTYS GOLD SUPPORT JUL 2019 - JUN 2020	343349	7/30/19	18,551.51
RANDALL LAMB ASSOCIATES INC	POLICE DEPT. STANDBY POWER CONV.	343350	7/30/19	17,912.25
RELIANCE STANDARD	GRP VAI826233/VC1801146/VG180848 JUL 201	343351	7/30/19	3,562.32
S & S RECREATION WORLDWIDE	CASA DE SALUD PAPER RACK ROLL	343352	7/30/19	221.84
S&S WORLDWIDE INC	CASA DE SALUD ART SUPPLIES	343353	7/30/19	224.86
SAMPITE	CONSULTING SERVICES - CMO	343354	7/30/19	1,850.00
SASI	MONTHLY TRUST ACCOUNT JUL 2019	343355	7/30/19	49.00
SDG&E	SDG&E UTILITIES FOR FACILITIES FY 2019	343356	7/30/19	14,262.83
SEAPORT MEAT COMPANY	FOOD / NUTRITION	343357	7/30/19	2,068.30
SEGAL, M	TRAINING ADV LDG THRT ASSMT CONF / SEGAL	343358	7/30/19	1,071.72
SEGAL, M	TRAINING REIM ULT TRN OFF/SEGAL	343359	7/30/19	121.69
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	343360	7/30/19	587.11



**WARRANT REGISTER # 5**  
**7/30/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SMART & FINAL	MOP 45756 OFFICE SUPPLIES - HR	343361	7/30/19	18.72
SMART SOURCE OF CALIFORNIA LLC	STRIKE TEAM PADS	343362	7/30/19	784.11
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES - PW	343363	7/30/19	223.82
SPOK INC	METROCALL PAGING FOR FY20	343364	7/30/19	656.06
STAPLES BUSINESS ADVANTAGE	MOP OFFICE SUPPLIES/HED	343365	7/30/19	228.82
SWEETWATER AUTHORITY	WATER SERVICES FOR FACILITIES FY 2019	343366	7/30/19	3,486.62
SYSCO SAN DIEGO INC	FOOD / NUTRITION	343367	7/30/19	4,466.81
TECHNOLOGY INTEGRATION GROUP	MIS SUPPLIES	343368	7/30/19	253.39
THE BUMPER GUY INC	PAINT FRONT BUMPER OF VEH #492	343369	7/30/19	198.87
THE LINCOLN NATIONAL LIFE INS	GROUP 415491 AUGUST 2019	343370	7/30/19	9,800.13
THE LINCOLN NATIONAL LIFE INS	GROUP 415491 - JULY 2019	343371	7/30/19	9,699.09
TOPECO PRODUCTS	MOP 63849 GENERAL SUPPLIES - PW	343372	7/30/19	54.81
T'S & SIGNS	TSHIRTS FOR FACILITY STAFF	343373	7/30/19	1,927.49
U S BANK	MOP 19657 SUPPLIES PD	343374	7/30/19	2,709.18
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS AND MAINTENANCE	343375	7/30/19	1,369.36
VERIZON WIRELESS	VERIZON CELLULAR SERVICES JUN - JUL 2019	343376	7/30/19	266.95
VISION SERVICE PLAN	JULY 2019 - VISION SERVICE PLAN (CA)	343377	7/30/19	822.77
VISTA PAINT	68834 GENERAL SUPPLIES - PW	343378	7/30/19	2,083.35
VORTEX INDUSTRIES INC	CITY WIDE ON SITE SERVICE & REPAIRS	343379	7/30/19	1,336.25
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES	343380	7/30/19	2,661.82
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	343381	7/30/19	412.00
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRONIC SUPPLIES - MIS	343382	7/30/19	1,160.29

**A/P Total 933,793.73**

**WIRED PAYMENTS**

SPRINGBOARD CDFI	FTHB PROGRAM LOAN FOR 1918 VIA LAS PALMA	264156	7/29/19	69,250.00
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 06/18/19 - 07/01/19	7242019	7/24/19	252,784.06
PUBLIC EMP RETIREMENT SYSTEM	FY2019 ANNUAL AUL PREPAYMENT	7262019	7/26/19	6,802,284.00

**PAYROLL**

<b>Pay period</b>	<b>Start Date</b>	<b>End Date</b>	<b>Check Date</b>	
16	7/19/2019	7/29/2019	8/7/2019	<b>1,186,727.06</b>

**GRAND TOTAL \$ 9,244,838.85**

## **Certification**

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, DIRECTOR OF FINANCE

BRAD RAULSTON,  
CITY MANAGER

### **FINANCE COMMITTEE**

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

RONALD J. MORRISON, VICE-MAYOR

JERRY CANO, COUNCILMEMBER

GONZALO QUINTERO, COUNCILMEMBER

MONA RIOS, COUNCILMEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3<sup>RD</sup> OF SEPTEMBER 2019.

AYES\_\_\_\_\_

NAYS\_\_\_\_\_

ABSENT\_\_\_\_\_

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of a Resolution approving a Conditional Use Permit for an adult school \(InterAmerican College\) in Sweetwater Plaza Shopping Center located at 1727 Sweetwater Road, Suites 209-212. \(Applicant: Reymundo Marin\) \(Case File 2019-07 CUP\) \(Planning\)](#)

Please scroll down to view the backup material.



# CITY OF NATIONAL CITY, CALIFORNIA COUNCIL AGENDA STATEMENT

MEETING DATE: September 3, 2019

AGENDA ITEM NO. |

**ITEM TITLE:**

Public Hearing and adoption of a resolution approving a Conditional Use Permit for an adult school (InterAmerican College) in Sweetwater Plaza Shopping Center located at 1727 Sweetwater Road, Suites 209-212. (Applicant: Reymundo Marin) (Case File 2019-07 CUP)

**PREPARED BY:** Chris Stanley 

**DEPARTMENT:** Planning Division

**PHONE:** 619-336-4381

**APPROVED BY:** 

**EXPLANATION:**

The applicant is applying for a CUP for an adult school in four existing commercial suites that will consist of 15 students (five students per class) and three classes, as well as four staff members. The applicant states that after two years the number of students is expected to grow to 60.

The Planning Commission conducted a public hearing on July 15, 2019. Commissioners asked questions regarding classes, number of students, and hours of operation. The Commission voted to approve the CUP based on required findings and subject to Conditions of Approval.

The City Council considered the Notice of Decision at their meeting of August 6, 2019 and held the item over for a public hearing.

The attached background report describes the project in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Categorical Exemption Class 1, Section 15301 Existing Facilities.

**ORDINANCE:** ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends approval of the Conditional Use Permit.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission recommends approval.

Ayes: Natividad, Baca, Flores, Sendt, Yamane, DelaPaz

Absent: Garcia

**ATTACHMENTS:**

- |                           |                                     |
|---------------------------|-------------------------------------|
| 1. Background Report      | 6. Business Description             |
| 2. Recommended Findings   | 7. Applicant's Plans                |
| 3. Recommended Conditions | 8. Planning Commission Staff Report |
| 4. Overhead               | 9. Public Notice                    |
| 5. Site Photos            | 10. Resolution                      |

## **BACKGROUND REPORT**

### **Staff Recommendation**

Staff recommends approval of a Conditional Use Permit (CUP) for an adult school in Sweetwater Plaza Shopping Center Located at 1727 Sweetwater Road, Suites 209-212. The proposed educational use is consistent with the Land Use Code with the approval of a Conditional Use Permit.

### **Executive Summary**

The applicant is applying for a CUP for an adult school in four existing commercial suites that will consist of 15 students (five students per class) and three classes, as well as four staff members. The applicant states that after two years the number of students is expected to grow to 60.

### **History**

The Planning Commission conducted a public hearing on July 15, 2019. Commissioners asked questions regarding classes, number of students, and hours of operation. The Commission voted to approve the CUP based on required findings and subject to Conditions of Approval.

### **Site Characteristics**

Sweetwater Plaza is located on the northeast corner of Sweetwater Road and Grove Street in the Major Mixed-Use District (MXD-2) zone. The project site is on the second floor of the plaza and will use four suites (209-212), totaling approximately 3,600 square feet.

### **Proposed Use**

The applicant is proposing to operate an adult college consisting of two classrooms, four offices, a pharmacy and biology lab, and a computer lab/library aimed at the needs of working adults looking for access to higher education outside of traditional college schedules. InterAmerican College would offer two degrees: Bachelor of Arts in Interdisciplinary Studies (IDS) and Master of Arts in Teaching Cross Cultural Leadership of Allied Health, as well as two programs, Extended Education and Pharmacy Technician. The proposed hours of operation are 5:30 p.m. to 10:00 p.m. every Tuesday and Thursday, and every first and third Friday of the month. According to the applicant, two to three staff members will be on the campus in the morning and five staff members in the evening. During the first two years of operation InterAmerican College anticipates that there will be three classes per month with approximately five students in each class, and that as enrollment grows they will offer six classes for approximately 60 students.

ATTACHMENT 1



### Analysis

A school is permitted in the MXD-2 zone with the issuance of a CUP. Concerns with educational uses usually focus around traffic and parking issues. Although the applicant is ultimately anticipating 65 individuals for the college campus, parking is based on square-footage rather than number of students. For an adult school, one parking space is required for every 300 square feet of office space and one parking space for every 40 square feet of classroom area. With approximately 360 square feet of office space, one parking space is required, and with 2,100 square feet of classroom space, 52 parking spaces are required for a total of 53 parking spaces. A retail use of the same amount of space would require only 14 spaces; Sweetwater Plaza has a total of 163 parking spaces. The National City Municipal Code does allow for opportunities for reduced parking subject to Planning Commission through shared parking. Shared parking is encouraged for different uses that will not adversely affect the site or the adjacent area. With the classes only taking place at night, it would subscribe to the idea of shared parking, as it is expected that different uses, doctor's offices, dentists, chiropractors, salons, banks, etc. would not be operating in the evening.

### Findings for Approval

The Municipal Code contains required findings for CUPs. There are six required 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 per a Conditional Use Permit.

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

General Plan Goal E-2 encourages greater opportunities for the City's residents to attend colleges and universities.

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 site for the proposed use is adequate in size and shape, since the proposed use will be within an existing commercial suite within a plaza and since no expansion of the building is proposed.



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 site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the proposed use is served by Sweetwater Road, an arterial street, and since the proposed hours of operation would offset the quantity of shared uses on the site.

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 is deemed essential and desirable to the public convenience, since it will provide a service in need in the area among members of the community seeking to gain a higher education.

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

Class 1, Section 15301 Categorical Exemption includes interior alterations- interior partitions.

#### Conditions of Approval

A condition requiring proof of all local, state and/or federal permits necessary for operation of the college be provided prior to operation is included as well as one restricting the hours of operation from 5:30 p.m. to 10 p.m. Tuesdays, Thursdays, and every first and third Friday of the month. This will assure that parking does not become an issue. Staff will be allowed on-site all day as requested. An additional condition limiting the amount of students on campus to 60 is also included to further insure that parking is not affected. The Engineering Department had no comments on the project; Building and Fire Department had standard conditions requiring the project to follow their respective codes.

#### Summary

The proposed educational use is consistent with the Land Use Code with the approval of a Conditional Use Permit. Although not a typical commercial use associated with a shopping center, Conditions of Approval will help to ensure that the business operates in harmony with existing uses in the area. Potential parking impacts will be minimized with the restricted hours of operation and shared parking allowance.

### Options

1. Approve 2019-07 CUP subject to the conditions listed below, based on the attached findings or findings to be determined by the Planning Commission; or
2. Deny 2019-07 CUP based on the attached finding; findings to be determined by the Planning Commission; or
3. Continue the item to a later date in order to obtain additional information

## **RECOMMENDED FINDINGS FOR APPROVAL**

2019-07 CUP 1727 Sweetwater Road Suites # 209-212

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code because the use is allowable within the Major Mixed-Use District zone per a Conditional Use Permit.
2. The proposed use is consistent with the General Plan and any applicable specific plan because General Plan Goal E-2 encourages greater opportunities for the City's residents to attend colleges and universities.
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 the site for the proposed use is adequate in size and shape, since the proposed use will be within an existing commercial suite within a plaza and since no expansion of the building is proposed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints because the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the proposed use is served by Sweetwater Road, an arterial street, and since the proposed hours of operation would offset the quantity of shared uses on the site.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed use is deemed essential and desirable to the public convenience, since it will provide a service in need in the area among members of the community seeking to gain a higher education.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act because Class 1, Section 15301 Categorical Exemption includes interior alterations such as interior partitions.

**RECOMMENDED FINDING FOR DENIAL**

2019-07 CUP 1727 Sweetwater Road Suites # 209-212

1. The proposed use will have an adverse effect upon traffic as it would require four times the amount of parking spaces an alternative use would. The adult school and office space would require a total of 53 parking spaces in comparison to a retail use in the same space requiring only 14 parking spaces.



## **RECOMMENDED CONDITIONS OF APPROVAL**

2019-07 CUP 1727 Sweetwater Road Suites # 209-212

### **General**

1. This Conditional Use Permit authorizes an adult college within suites 209-212 of the Sweetwater Plaza shopping center located at 1727 Sweetwater Road. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-07 CUP, dated 4/18/2019.
2. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Development Services Director 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 the Municipal Code.

### **Building**

5. Building Plans and permits shall meet the 2016 California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes.

### **Fire**

6. Project shall be designed to code.

ATTACHMENT 3

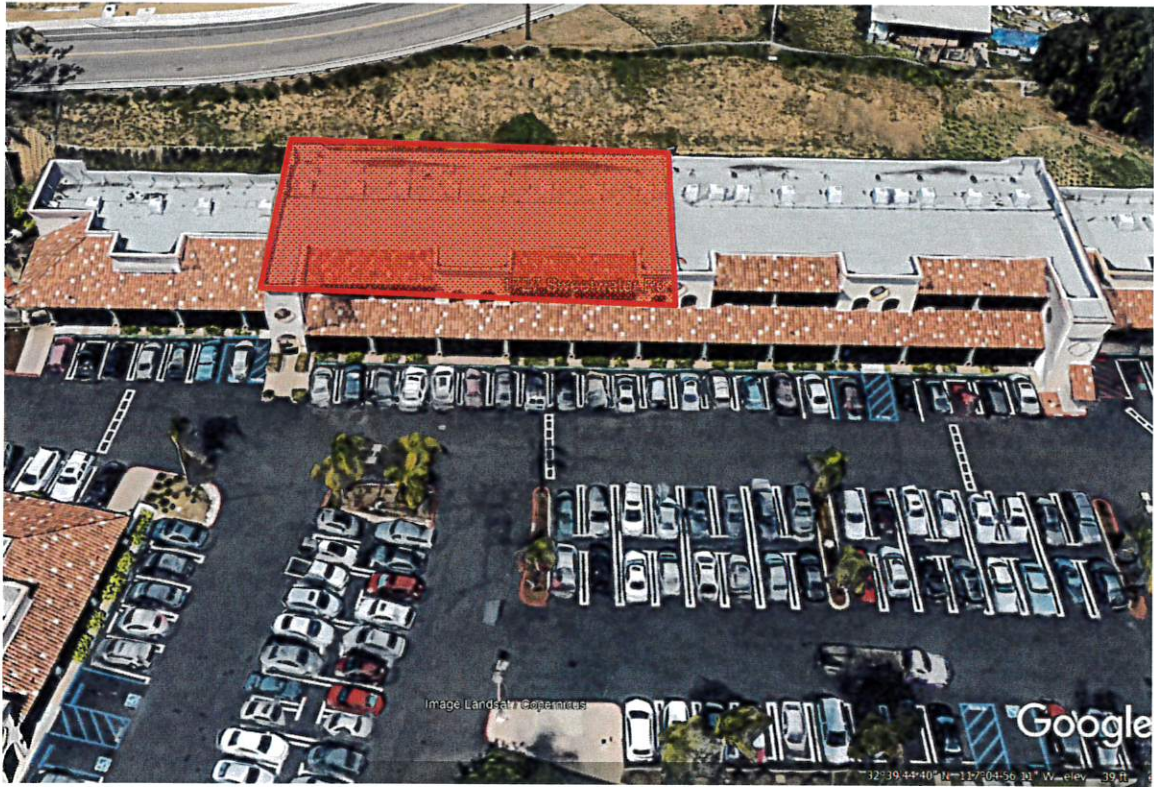
7. 2) The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. Fire sprinkler and fire alarm systems, shall be evaluated and installed for intended use per code.
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
11. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

#### Planning

12. The applicant shall provide proof of all local, state and/or federal permits necessary for operation of the college. Proof of said permits shall be provided at time of business license issuance.
13. This permit authorizes the college to operate from 5:30 p.m. to 10 p.m. Tuesdays, Thursdays, and every first and third Friday of the month. Staff has no time restrictions for being on campus.
14. This permit limits the occupancy of the college campus to five staff members and 60 students.



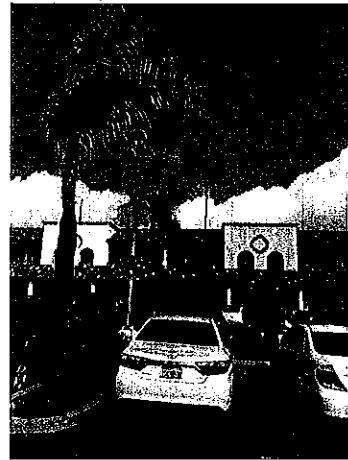
2019-07 CUP – 1727 Sweetwater Road – Overhead



ATTACHMENT 4



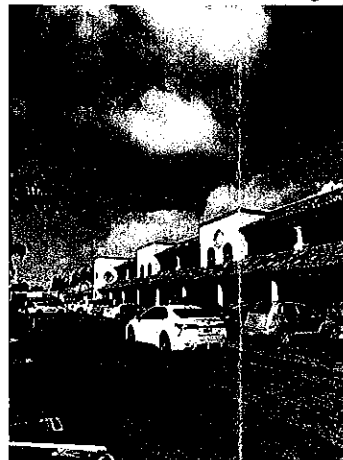
A



B



C



D



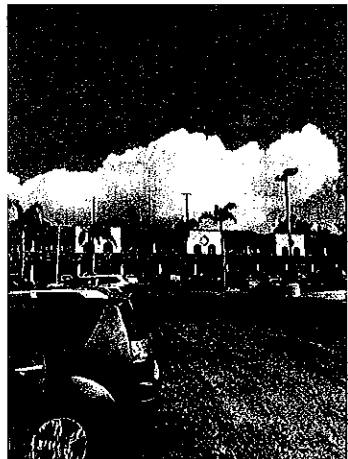
E



F



G



H



I



J



K



L



M

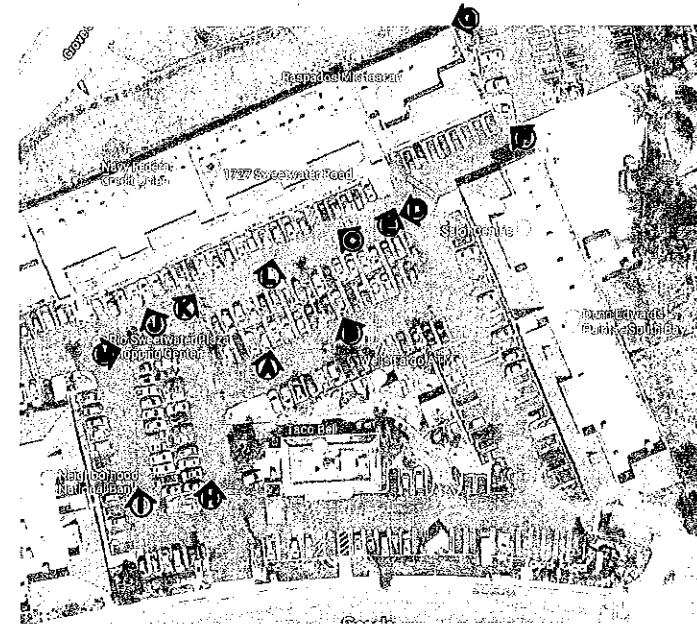
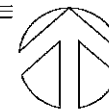


PHOTO LOCATION

Historic

SCALE: 1" = 20'-0"



**Interamerican Collage**  
 TENANT: *Reymundo Marin*  
*Maria Marin*  
 PROJECT: *Tenant Improvements*  
*Plans for a new College*  
 ADDRESS: 1727 Sweetwater Road  
 National City, Ca. 91950  
 BUILDING DATA:  
 APN: 563-161-74-00  
 SQUARE FOOTAGE: 3738, sf.

*Taller De Arquitectura*  
 PLANNING AND DESIGN

4444 River St. Ste. 3 San Diego, Ca. 92111 Tel: 619-591-8274 Fax: 619-591-8274  
 Email: [info@tallerdearquitectura.com](mailto:info@tallerdearquitectura.com)

Issues and Revisions		
No.	Date	Issue and Revisions
10/02/11		Preliminary Design
03/11/2010		Contractor Set
04/09/2010		City Corrections

Stamp and Signature

Project Name: *Laundries No. 4*  
 Project No: *520011*  
 Date: *10/02/11*  
 Cad File:  
 Description:

Sheet No.

TS-5

ATTACHMENT 5



## **INTERAMERICAN COLLEGE**

InterAmerican College (IAC) is an institution of higher learning, recognized by the Internal Revenue Service as a 501-c-3, not for profit corporation. It is also recognized by the California Franchise Tax Board and the California Attorney General's office. The California Bureau of Private Postsecondary Education (BPPE) approved the non-profit corporation to apply for college status. The Board of Trustees chose to rent the offices on 1727 Sweetwater Rd. suites 209-212, in National City. With a required address in place, IAC was able to submit an application to the Bureau of Private Postsecondary Education (BPPE) for approval to operate. The BPPE is currently reviewing the application after some clarifications and minor changes were made.

## **PURPOSE**

InterAmerican college is applying to the City of National City Planning Department for approval to make some improvements to the rental leased space located at 1727 Sweetwater Rd., Suites 209-212. The rental space measures 3,760 square feet and can accommodate three classrooms, administration and faculty spaces, a library and computer center. The college is requesting permission to add 3 walls and doors to the existing structure to have three separate classrooms. The college is also requesting permission to install 2 sinks. One for the staff and faculty lounge and one for the pharmacy lab.

## **Academic Programs:**

InterAmerican College (IAC) will offer two degrees and a program in Extended Education.

**1. Bachelor of Arts in Interdisciplinary Studies (IDS).** This degree offers a variety of academic areas of knowledge and skills across subject areas of the curriculum. IAC offers two options: Option A for Educated Immigrants, and Option B for US transfer students.

### **Option A**

The purpose of the IDS degree program is designed for applicants who submit transcripts of course work or a degree program from a foreign university. The 3+1 program allows IAC to accept external evaluated transcripts to apply to the IDS degree. Educated immigrants confront some language barriers and IAC will emphasize spoken and written English to enhance their skills and knowledge.

### **Option B**

The purpose of IDS is to provide United States (US) students with an alternative route to a college degree without declaring a major. Students can choose from a variety of subject areas of study that will enhance skills and knowledge to enter different areas of employment. IAC accepts the transfer of (60) Lower Division semester units from US colleges and universities.

**2. Masters of Arts in Teaching Cross Cultural Leadership of Allied Health.** The Master's in teaching Provides health professionals with the knowledge and skills to design, to organize, to develop, and to implement curriculum at post-secondary institutions at vocational programs, or at the Community College and university level. The purpose is to prepare graduates as instructors in health-related fields.

**3. Office of Extended Education (OEE).** IAC's goal is to respond to the needs of working adults by providing access to higher education outside of traditional college schedules. OEE will offer workshops, seminars, courses, certificates and diplomas. These addresses the needs of applicants who may need to complete a degree, improve their knowledge and skills, and advance in their career, enhance personal skills, or update their occupational competencies. The Office will contract with agencies or businesses to design workshops or conferences.

#### **4. Pharmacy Technician Program:**

There is a demand for pharmacy technicians, especially in San Diego Southbay. IAC will recruit and enroll working adults and foreign medical personnel that want to pursue a career in the pharmaceutical field. The pharmacy technician laboratory program will not handle any hazardous material of any kind. The pharmacy lab will have no acids, liquids or medicines. The pharmacy Technician program will use Empty boxes of medicine to simulate a pharmacy for students to practice using dry corn, beans and jelly beans as a substitute.

#### **5. Bathrooms:**

There are bathrooms on the second floor, adjacent to the space IAC is leasing. The bathrooms for men and women are handicap accessible. The management team of the building is responsible for keeping them clean and supplied with paper products.

#### **Hours of operation and Employees:**

InterAmerican College will schedule classes only in the evening for working adult students. Classes are scheduled from 5:30 to 10:00 p.m., on Tuesday and Thursdays, and 1<sup>st</sup> and 3<sup>rd</sup> Fridays on a one-month format to comply with the Carnegie hours of instruction. Only two or three staff persons will be on the campus in the morning, and five in the evening. There are 3 part-time employees that work only Tuesdays and Thursdays. Dr. Maria Viramontes de Marin will be in the office mornings during the startup phase.

During the first 2 years of operation, InterAmerican College anticipates that there will be three classes per month with approximately five students in each class. As enrollment grows, six classes in the evening will be offered per month in the existing facility for approximately 60 students. After two years, IAC can apply for accreditation to an accrediting agency.

#### **Parking:**

Sweetwater Plaza East offers ample public parking spaces. There are additional parking spaces on the premises east of the Sweetwater Plaza retail space. Since IAC classes are only scheduled in the evenings, there will be more than enough parking spaces for 15 students and 4-5 college staff. All parking spaces are uncovered. There is an elevator for handicapped access to the second floor.

The college will not have any of the following.

1. No live music
2. No alcohol
3. No bedrooms
4. No exterior changes
5. Adults do not need to have playground area.

Respectfully submitted by Professor Reymundo Marin



# Interamerican College

1727 Sweetwater Drive  
National City, CA. 91950

I, I AM THE DESIGNER / OWNER IN RESPONSIBLE CHARGE OF THIS PROJECT.  
I HAVE INSPECTED THE SITE/PROPOSED AND DETERMINED THAT EXISTING CONDITIONS ARE IN FULL COMPLIANCE WITH THE CURRENT ACCESSIBILITY REQUIREMENTS TO THE EXTENT REQUIRED BY THE LAW.

SIGNATURE \_\_\_\_\_ PRINT NAME \_\_\_\_\_ DATE \_\_\_\_\_  
2. IF THE BUILDING INSPECTOR DETERMINES NONCOMPLIANCE WITH ANY CURRENT ACCESSIBILITY PROVISION OF THE LAW, HE/SHE SHALL REQUIRE SUBMITTAL OF COMPLETE AND DETAILED PLANS TO THE COUNTY OF SAN DIEGO, BUILDING DIVISION FOR FURTHER REVIEW. PLANS MUST CLEARLY SHOW ALL EXISTING NON-COMPLIANT CONDITIONS SERVING THE ALTERATION, STRUCTURAL REPAIRS OR ADDITION AND PROPOSED MITIGATION OF DEFICIENCIES TO MEET CURRENT ACCESSIBILITY PROVISIONS. - CBC 1B-202.4  
3. I AM THE DESIGNER / OWNER IN RESPONSIBLE CHARGE OF PROJECT.  
I HAVE INSPECTED THE SITE/PROPOSED AND DETERMINED THAT EXISTING RESTROOM(S) SERVING THE AREA OF ALTERATION ARE IN FULL COMPLIANCE WITH THE CURRENT ACCESSIBILITY PROVISIONS TO THE EXTENT REQUIRED BY THE LAW.

SIGNATURE \_\_\_\_\_ PRINT NAME \_\_\_\_\_ DATE \_\_\_\_\_

## PROJECT DIRECTORY

**OWNER**  
SWEETWATER PLAZA EAST L L C

MAIL ADDRESS: 2849 QUALTROUGH ST  
SAN DIEGO, CA 92106

SITE ADDRESS: 1727 Sweetwater Drive  
National City, CA 91950

**TENANT**  
REYMONDO MARIN & MARIA MARIN

MAIL ADDRESS: 1727 SWEETWATER DRIVE  
NATIONAL CITY, CA. 91950

SITE ADDRESS: 1727 Sweetwater Drive  
National City, CA 91950

**DESIGNER**  
JOSE M. MARTINEZ  
4645 RUFFNER ST, STE G  
SAN DIEGO, CA 92122  
VOICE: (619) 421-4161

**OWNER**  
DAVID M SANDERFER  
1043 FLOREY STREET  
SAN DIEGO, CA 92122  
VOICE: (619) 331-1522

## PROJECT INFORMATION

PROJECT ADDRESS: 1727 SWEETWATER DRIVE  
NATIONAL CITY, CA. 91950

BUILDING TYPE: TYPE V, SPRINKLER

ASSESSOR PARCEL No: 563-161-14-00

BUILDING CODE: 2016 CBC WHICH ADOPTS  
THE 2015 IBC.

OCCUPANCY: TYPE "E"  
MIXED OCCUPANCY AREA ALLOWED

ZONE: COMMERCIAL

YEAR BUILT: 1989

LOT SIZE: 50,825 SF / 0.32 AC

LEGAL BRIEF DESC: NEW COLLEGE

## LEGAL DESCRIPTION

PARCEL 2 OF PARCEL, MAP No. 14863, CITY OF  
NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CA.  
SUBDIVISION: LINCOLN ACRES

## GOVERNING AGENCIES

CITY OF NATIONAL CITY  
SWEETWATER AUTHORITY

WILL HAVE A DEFERRED SUBMITTAL (FIRE  
SPRINKLERS MODIFICATIONS).

CFC Section 505.1  
New and existing buildings shall have approved address  
numbers, buildings numbers or approved building identification  
placed in position that is plainly legible and visible from the  
street or road fronting the property. These numbers shall  
contrast in color to background. Numbers shall be a minimum  
of 4" high with a minimum stroke width of 1/2 inch.

CFC Section 503.6  
Where access to or within a structure or an area is restricted  
because of secured openings or where immediate access is  
necessary for life-saving or fire-fighting purposes, the fire code  
official is authorized to require a key box to be installed in an  
approved location. They key box shall be of an approved type and shall  
contain key(s) to gain necessary access as required by the  
fire code official.

## KEY NOTES

- |                               |                                    |
|-------------------------------|------------------------------------|
| 1 PROPERTY LINE               | 9 EXTG. HC. PARKING STALL          |
| 2 EXTG. LANDSCAPE             | 10 NOT USED                        |
| 3 EXTG. CONCRETE SIDEWALK     | 11 EXTG. MAIN ELECTRICAL PANELS    |
| 4 EXTG. WATER METER           | 12 SHOWN PATH OF TRAVEL FOR HC.    |
| 5 EXTG. GAS METER             | 13 EXTG. ACCESSIBLE PARKING SIGN   |
| 6 SHOWN CENTER LINE OF STREET | 14 EXTG. APRON PER CITY STANDARDS  |
| 7 EXISTING ELEVATOR           | 15 NOT USED                        |
| 8 EXTG. TRASH BINS            | 16 EXTG. BACKFLOW PREVENTION VALVE |

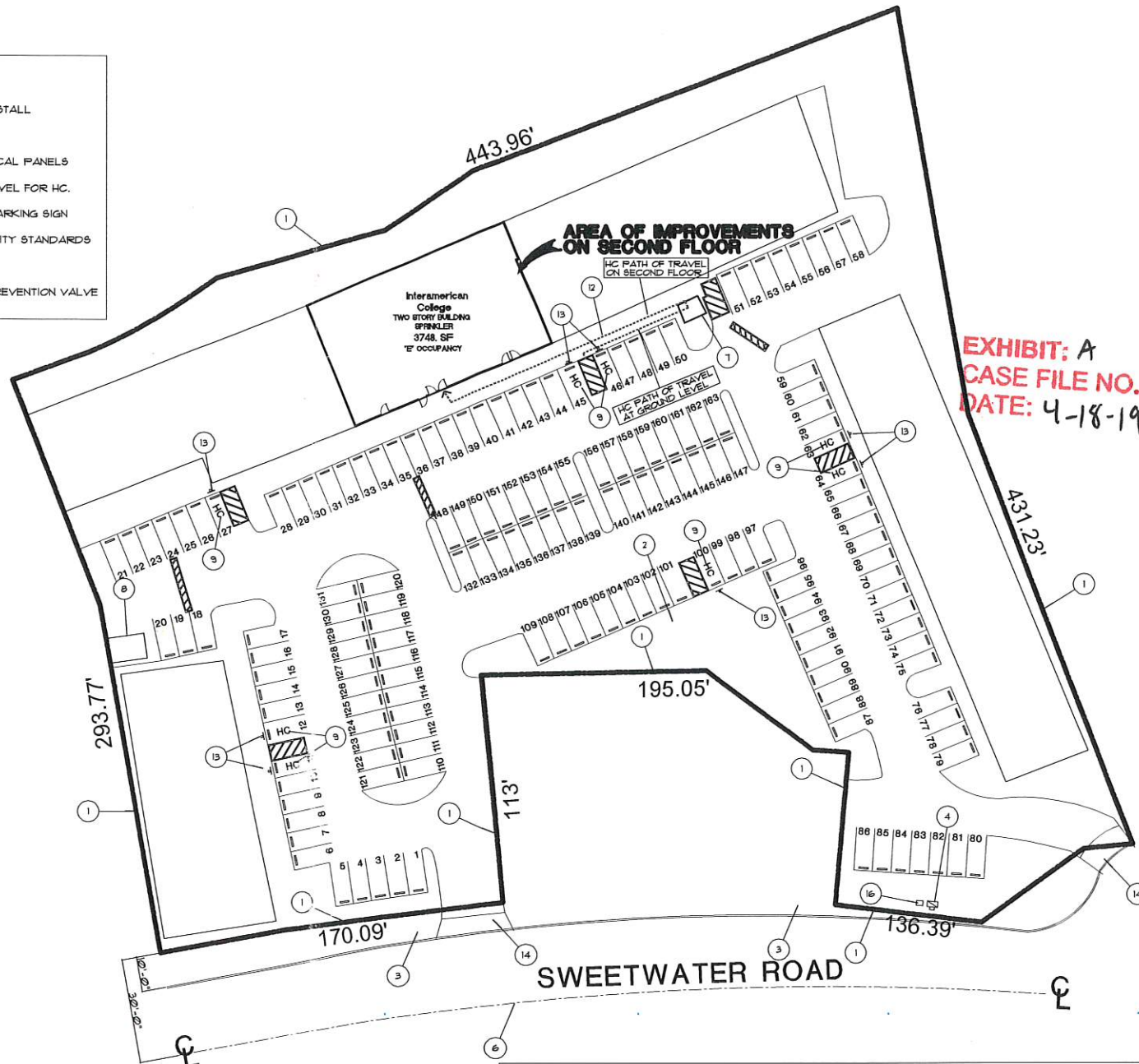


EXHIBIT: A  
CASE FILE NO.: 2019-07 CWP  
DATE: 4-18-19

## SHEET INDEX

### ARCHITECTURAL

- TS-1 TITLE SHEET  
TS-2 NOTES  
TS-3 ADA NOTES  
TS-4 HISTORIC  
A2-1 EXISTING FLOOR PLAN  
A2-2 NEW FLOOR PLAN  
A2-3 REFLECTED CEILING PLAN  
A2-4 PARTITIONS WALLS DETAILS

### ELECTRICAL

- E-1 POWER PLAN  
E-2 LIGHTING PLAN

### MECHANICAL

- M-1 TITLE-24

### PLUMBING

- P-1 PLUMBING SEWER PLAN  
P-2 PLUMBING WATER PLAN

## SQUARE FOOT INFORMATION

AREA OF TENANT IMPROVEMENTS 3,138 SF.

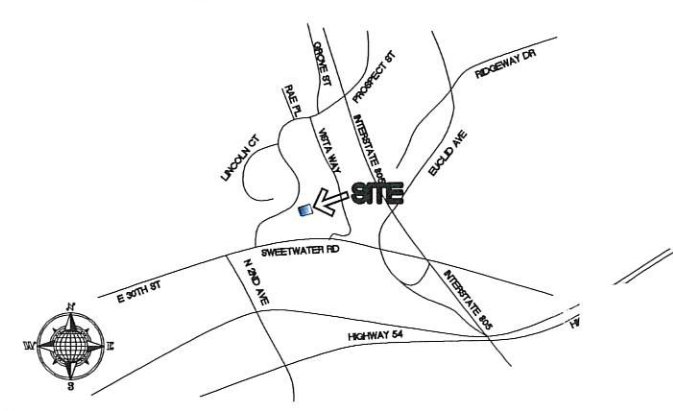
## GENERAL NOTES

1. COMMERCIAL CONSTRUCTION COMPLY WITH THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE
2. (TITLE 24), WHICH ADOPTS THE FOLLOWING MODEL CODES: 2016 IBC, 2016 UPC, 2013 UMC AND 2016 NEC.
3. THIS PROJECT WILL COMPLY WITH THE CITY OF SAN DIEGO LIGHTING ORDINANCE
4. THIS FACILITY WILL BE USING SINGLE USE UTENSILS

## SCOPE OF WORK

1. TENANT IMPROVEMENT ENTAILING 3138 SF FOR A NEW COLLEGE
2. 85 LINEAR FEET OF NON BEARING PARTITION WALL
3. 5 NEW ELECTRICAL OUTLETS

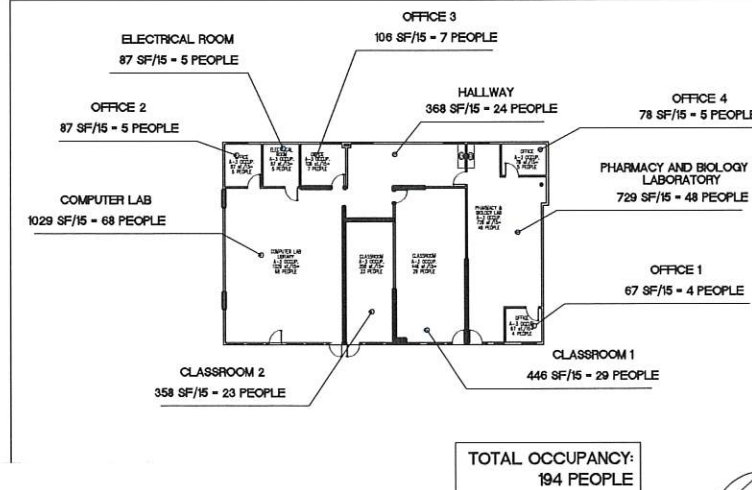
## VICINITY MAP



ATTACHMENT 7

## Site Plan

SCALE: 1" = 20'-0"



# Interamerican Collage

TENANT  
Reymondo Marin

Maria Marin

PROJECT  
Tenant Improvements  
Plans for a new College

ADDRESS  
1727 Sweetwater Road  
National City, Ca. 91950

BUILDING DATA  
APN: 563-161-74-00

SQUARE FOOTAGE  
3738. sf.

# Taller De Arquitectura

PLANNING AND DESIGN

4645 Ruffner St. Ste. G, San Diego, Ca. 92121, Tel: (619) 421-4161, Fax: (619) 331-1522  
Email: Address: josem.martinez@tallerdearquitectura.com

Issues and Revisions		
No.	Date	Issues and Revisions
10/02/11		Preliminary Design
03/17/2018		Contractor Set
04/03/2018		City Corrections

Stamp and Signature

Project Name: Lourdes No. 4  
Project No: 510011  
Date: 10/02/11  
Cad File  
Description

Sheet No.

TS-1

## KEY NOTES

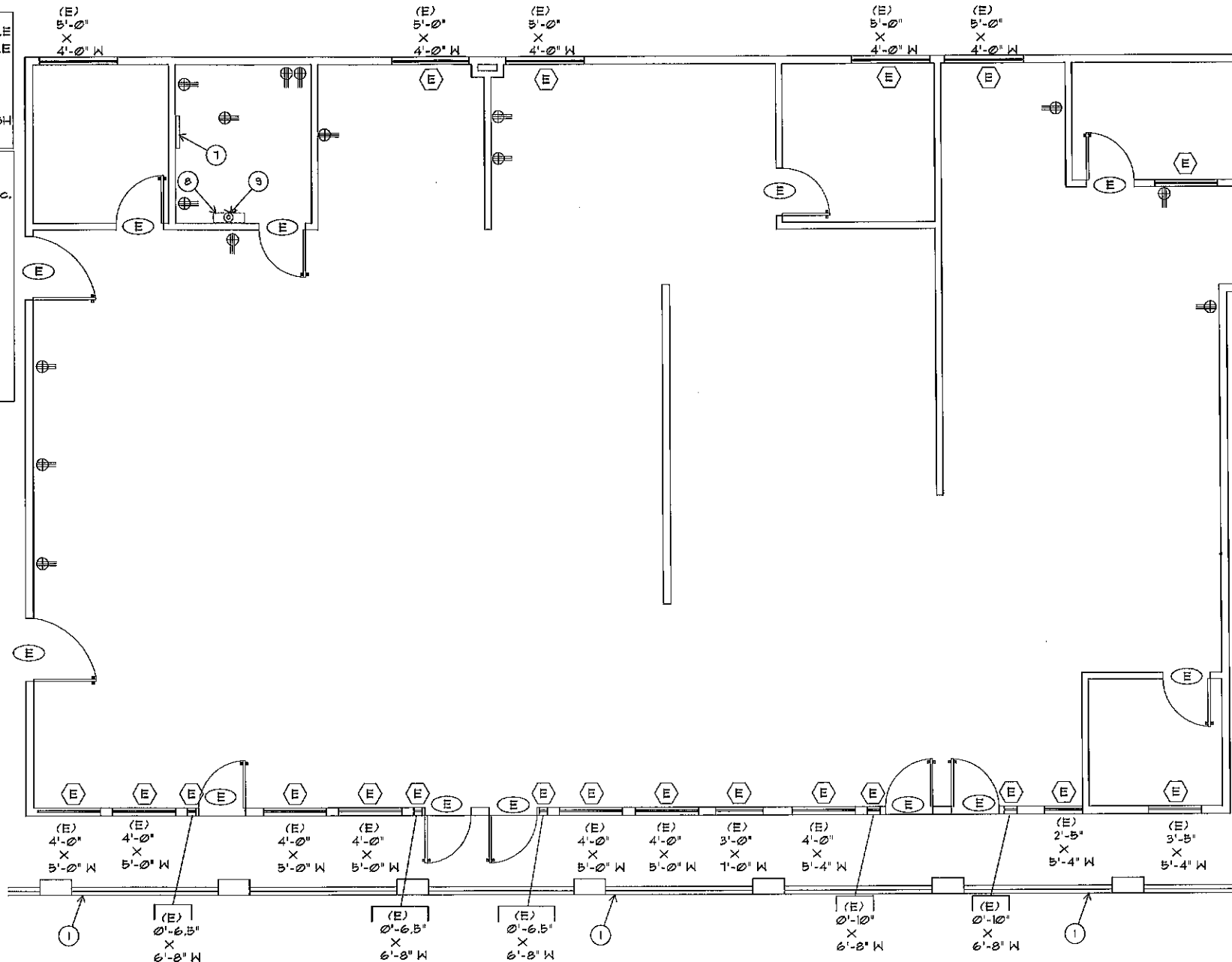
- EXISTING DECK
- EXISTING SHELVING MUST BE 18" DEEP AND LOWER SHELF MUST BE MOUNTED 6" MIN. ABOVE FINISH FLOOR AND THE TOP SHELF SHALL NOT EXCEED 10" FROM FINISH FLOOR MIN. CLEARANCE BETWEEN SHELVES TO 18" PROVIDED FOR SALES PERISHABLE FOODS BASE LESS THAN 25 LINEAR FEET
- TACTILE EXIT SIGNS COMPLYING WITH SECTION 11B.5.1 AND IN ACCORDANCE WITH SECTION 1011. AT THE EXIT DOOR
- NEW 15 GAL. MEDIUM DUTY GAS COMMERCIAL WATER HEATER BY RHEEM MOD. 615-15N-3, 15,000 BTU'S, RECOVERY OF 121 GPM AT 60°F, 1/2" STRAIGHT
- SNEEZE GUARD (SEE SHEET A3-1 DETAIL A)
- (E) ELECTRICAL MAIN PANEL
- (E) ELECTRICAL SUB PANEL
- EXISTING FIRE ALARM CONTROL PANEL
- (E) FIRE EXTINGUISHER MINIMUM LISTING OF UL ABC 2A-10BC MOUNTED 6'-0" A.F.F.
- (E) EXIT SIGNS TO BE IN GREEN COLOR CITY ORDINANCE PER REFLECTED CEILING PLANS
- (E) MAKE UP AIR SUPPLY
- SHELVING FOR CLEANING SUPPLIES (SOAP, CLEANSERS WAXES, ETC) AND TOXIC SUBSTANCES.
- GRADE LEVEL EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY TACTILE SIGN WITH WORD EXIT.
- FRP ON WALL UP TO 8'-0" F.F.F.
- FRP ON WALL UP TO 36" F.F.F.
- FRP ON WALL UP TO 4'-0" F.F.F.
- EXISTING DOOR TO BE REPLACE WITH A NEW 3'-0"x6'-8"
- 8" HIGH STAINLESS STEEL SPLASHGUARD WITH SMOOTH ROUND EDGES
- GREASE TRAP SAMPLE BOX

## GENERAL NOTES

- STATE HEALTH & SAFETY CODE SEC. 11921.9 BANS THE USE OF CHLORINATED POLYVINYL CHLORIDE (CPVC) FOR INTERIOR WATER SUPPLY PIPING
- INSTALLATION OF SMOKE DETECTORS WILL WITH UBC (SEC. 310.9)
- PERMANENT VACUUM BREAKERS SHALL BE INCLUDED WITH ALL NEW HOSE BIBBS
- HINGED EXIT DOORS CAPABLE OF OPENING MINIMUM 90 DEGREES
- MINIMUM 32" CLEAR WIDTH MEASURED FOR HINGED DOORS BETWEEN FACE OF DOOR AND OPPOSITE STOP WHEN DOOR OPEN 90 DEGREES PER CBC 10B-5B(a).
- HINGE-SIDE APPROACH TO PUSH SIDE OF DOOR WITH LATCH AND CLOSER; WIDTH: MINIMUM 54 INCHES PARALLEL TO DOORWAY LENGTH: MINIMUM 48 INCHES PERPENDICULAR TO DOORWAY.
- HINGE-SIDE APPROACH TO PUSH SIDE OF DOOR WITH LATCH/CLOSER COMBINATION; LENGTH MINIMUM 44 INCHES PERPENDICULAR TO DOORWAY.
- HARDWARE MINIMUM 34 INCHES AND MAXIMUM 44 INCHES ABOVE FLOOR.
- SMOOTH, UNINTERRUPTED SURFACE AT BOTTOM 10 INCHES OF ALL DOORS AND GATES PER FIGURE 11B-29 ALLOWING OPENING BY WHEELCHAIR.
- DOORS TO BE 5 POUNDS OF FORCE TO OPEN ANY DOOR OR GATE.
- DOOR WITH CLOSERS SHALL HAVE SWEEP PERIOD OF 3 SECONDS FROM 10-DEGREE OPENING POSITION UNTILL LEADING EDGE OF DOOR IS WITHIN 3 INCHES OF LATCH.
- THE MEANS OF EGRESS, INCLUDING THE EXIT DISCHARGE, WILL BE ILLUMINATED TO A LEVEL OF NOT LESS THAN ONE FOOT-CANDLE AT THE WALKING SURFACE AT ALL TIMES THE BUILDING SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED (SECTION 1006.2)
- BATHROOMS OUTLETS ARE TO BE ON A DEDICATED 20 AMP CIRCUIT WITH NO OTHER AMP CIRCUIT WITH NO OTHER DEVICES OR EACH BATHROOM TO BE ON ITS OWN DEDICATED 20 AMP CIRCUIT WITH ONLY THAT BATHROOM'S
- EXTERIOR DOORS OPEN OUTWARD AND ARE SELF-CLOSING AND TIGHT FITTING OVERHEADS AIR CURTAINS ARE TO BE PROVIDED OVER CARGO, DEDICATED DELIVERY.
- THE MINIMUM SIZE SINK COMPARTMENTS SHALL BE 18"x18"x12" DEEP WITH A MINIMUM 18" DRAINBOARD AT EACH END.
- EACH HANDWASHING SINK SHALL HAVE A WALL MOUNTED SINGLE SERVICE TOWEL AND SOAP DISPENSER.
- ALL SANITARY SYSTEM MATERIALS SHALL BE LISTED BY AN APPROVED LISTING AGENCY.

DOOR PER DOOR SCHEDULE  
WINDOW PER SCHEDULE  
WALL PER LEGEND  
ROOM NUMBER PER FINISH SCHEDULE.

WALL TYPE WALL LEGEND  
3 5/8" METAL STUDS @ 24" O.C.  
6" METAL STUDS @ 24" O.C.  
NOT USED  
EXISTING WALL TO REMAIN  
WALL TYPE WALL LEGEND  
EXISTING 1 HR. DEMISING WALL  
NEW METAL STUD WALL PER WALL LEGEND



- SECTION 1008.12 CBC  
THE OPENING FORCE FOR INTERIOR SIDE-SWINGING DOORS WITHOUT CLOSERS SHALL NOT EXCEED A 5-POUND (22 N) FORCE. FOR OTHER SIDE-SWINGING, SLIDING, AND FOLDING DOORS, THE DOOR LATCH SHALL RELEASE WHEN SUBJECTED TO A 15-POUND (67 N) FORCE. THE DOOR SHALL BE SET IN MOTION WHEN SUBJECTED TO A 30-POUND (133 N) FORCE. THE DOOR SHALL GO TO A FULL-OPEN POSITION WHEN SUBJECTED TO A 15-POUND (67 N) FORCE. FORCES SHALL BE APPLIED TO THE LATCH SIDE.
- BUILDING DRAIN AND VENT PIPING MATERIALS SHALL COMPLY WITH SECTIONS 101.0 AND 903.0 OF THE CALIFORNIA PLUMBING CODE.
- EACH FAUCET SHALL NOT EXCEED A WATER FLOW OF 2.2 GPM.
- SECTION 113B.2.5.2 LATCHING, OR LOCKING, DOORS IN A PATH OF TRAVEL ARE OPERATED WITH A SINGLE EFFORT BY LEVER TYPE HARDWARE, BY PANIC BARS, PUSH-PULL ACTIVATING BARS, OR OTHER HARDWARE DESIGNED TO PROVIDE PASSAGE WITHOUT REQUIRING THE ABILITY TO GRASP THE OPENING HARDWARE.
- IS TO BE CENTERED 30" BUT 44" ABOVE FLOOR.
- ELECTRICAL INTERLOCK BETWEEN MAKEUP AIR AND EXHAUST SHALL BE PROVIDED.
- TURBINE UPDRAFT EXHAUST FANS SHALL BE HINGED AND CHAINED FOR CLEANING OF VERTICAL DUCT.
- EGRESS DOORS SERVES A ROOM OR AREA WITH AN OCCUPANT LOAD OF 50 THE DOOR SHALL SWINGS IN THE DIRECTION OF EGRESS TRAVEL (SEC. 1008.12)
- INTERIOR AND WALL CEILING FINISH MATERIALS SHALL BE CLASSIFIED IN ACCORDANCE WITH ASTM-E84 OR UL723 SUCH INTERIOR FINISH MATERIALS SHALL BE CLASS "C" FLAME SPREAD INDEX 16-200 SMOKE DEVELOPED INDEX 0-450.

## HARDWARE NOTES

- SECTION 1008.12 CBC  
THE OPENING FORCE FOR INTERIOR SIDE-SWINGING DOORS WITHOUT CLOSERS SHALL NOT EXCEED A 5-POUND (22 N) FORCE. FOR OTHER SIDE-SWINGING, SLIDING, AND FOLDING DOORS, THE DOOR LATCH SHALL RELEASE WHEN SUBJECTED TO A 15-POUND (67 N) FORCE. THE DOOR SHALL BE SET IN MOTION WHEN SUBJECTED TO A 30-POUND (133 N) FORCE. THE DOOR SHALL GO TO A FULL-OPEN POSITION WHEN SUBJECTED TO A 15-POUND (67 N) FORCE. FORCES SHALL BE APPLIED TO THE LATCH SIDE.
- SECTION 1008.12 CBC  
HARDWARE HEIGHT, DOORS HANDLES, PULLS, LATCHES, LOCKS AND OTHER OPERATING DEVICES SHALL BE INSTALLED 34 INCHES (864 mm) MINIMUM AND 48 INCHES (1219 mm) MAXIMUM ABOVE THE FINISHED FLOOR. LOCKS USED ONLY FOR SECURITY PURPOSES AND NOT USED FOR NORMAL OPERATION ARE PERMITTED AT ANY HEIGHT.

- INTERIOR WALL OR CEILING FINISH MATERIALS SHALL BE PERMITTED TO BE TESTED IN ACCORDANCE WITH NFPA 286. (803.1.2)
- SUSPENDED CEILING SHALL MEET FLAME PROPAGATION PERFORMANCE CRITERIA IN ACCORDANCE WITH SECTION 806.2 AND NFPA 701 OR BE NON COMBUSTIBLE.
- SUSPENDED CEILING SYSTEM DETAILS AND CONNECTIONS DETAIL ARE PER ASCE 1-05, SECTION 13.5.6 AND CISCA 3-4 FOR SEISMIC DESIGN CATEGORY "D".
- AFTER A BUILDING IS OCCUPIED, ANY CHANGE IN USE OR OCCUPANCY WHICH CAUSES AN INCREASE IN IN OCCUPANT LOAD SHALL COMPLY WITH ALL OF THE REQUIREMENTS FOR THE INCREASED LOAD.

\*ALL EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT. SECTION 1010.1.9.

\*PROVIDE A SIGN ON OR NEAR THE EXIT DOOR, READING THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED."

\*ALL DOORS WITHIN THE EXIT PATH TO A PUBLIC WAY FROM AN OCCUPANCY OF GROUP E HAVING AN OCCUPANT LOAD OF 50 OR MORE SHALL NOT BE PROVIDED WITH LATCHES OR LOCKS UNLESS THEY ARE EQUIPPED WITH PANIC HARDWARE. SEC. 1010.1.10 & 1010.2.

## 3. SECTION 1008.1.3 CBC

- LOCK AND LATCHES IN BUILDING IN OCCUPANCY GROUP A HAVING AN OCCUPANT LOAD OF 300 OR LESS, GROUPS B, F, M, AND S, AND IN PLACES OF RELIGIOUS WORSHIP, THE MAIN EXTERIOR DOOR AND DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE EGRESS SIDE PROVIDED.
- THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED.
- A READILY VISIBLE DURABLE SIGN IS POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOOR STATING: "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED". THE SIGN SHALL BE IN LETTERS 1 INCH (25 mm) HIGH ON A CONTRASTING BACKGROUND.

## Existing Floor Plan

SCALE 1/4" = 1'-0"

## Interamerican Collage

TENANT: **Raymondo Marin**  
PROJECT: **Maria Marin**  
**Tenant Improvements**  
**Plans for a new Collage**  
ADDRESS: 1727 Sweetwater Road  
National City, Ca. 91950  
BUILDING DATA: APN: 563-161-74-00  
SQUARE FOOTAGE: 3738. sf.

## Taller De Arquitectura

## PLANNING AND DESIGN

Issues and Revisions		
No.	Date	Issues and Revisions
10/10/11		Preliminary Design
03/11/2012		Contractor Set
04/03/2012		City Corrections
05/31/2012		Plan Change
Stamp and Signature		
Project Name: Lourdes No. 4		
Project No: 520071		
Date: 10/10/11		
Cad File		
Description		
Sheet No.		

A2-1



## KEY NOTES

- 1 EXISTING DECK
- 2 NOT USED
- 3 TACTILE EXIT SIGNS COMPLYING WITH SECTION 1116.5.1 AND IN ACCORDANCE WITH SECTION 1211. AT THE EXIT DOOR.
- 4 NEW 75 GAL. MEDIUM DUTY GAS COMMERCIAL WATER HEATER BY RHEEM MOD. 315-15N-3, 75,000 BTU's, RECOVERY OF 121 GPM AT 60 F, 1/2" STRAPS
- 5 SNEEZE GUARD (SEE SHEET A3-1 DETAIL A)
- 6 (E) ELECTRICAL MAIN PANEL
- 7 (E) ELECTRICAL SUB PANEL
- 8 EXISTING FIRE ALARM CONTROL PANEL
- 9 (E) FIRE EXTINGUISHER, MINIMUM LISTING OF UL ABC 2A-10BC MOUNTED 6'-0" A.F.F.
- 10 (E) EXIT SIGNS, TO BE IN GREEN COLOR, CITY ORDINANCE PER REFLECTED CEILING PLANS
- 11 (E) MAKE UP AIR SUPPLY
- 12 SHELVING FOR CLEANING SUPPLIES (SOAP, CLEANSERS, WAXES, ETC) AND TOXIC SUBSTANCES.
- 13 GRADE LEVEL EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY TACTILE SIGN WITH WORD EXIT.
- 14 FRP ON WALL UP TO 8'-0" F.F.F.
- 15 FRP ON WALL UP TO 36" F.F.F.
- 16 FRP ON WALL UP TO 4'-0" F.F.F.
- 17 EXISTING DOOR TO BE REPLACE WITH A NEW 3'-0"x6'-8"
- 18 8" HIGH STAINLESS STEEL SPLASHGUARD WITH SMOOTH ROUND EDGES
- 19 GREASE TRAP SAMPLE BOX

## GENERAL NOTES

1. STATE HEALTH & SAFETY CODE SEC. 17321.3 BANS THE USE OF CHLORINATED POLYVINYL CHLORIDE (CPVC) FOR INTERIOR WATER SUPPLY PIPING
2. INSTALLATION OF SMOKE DETECTORS WILL WITH UBC ( SEC. 310.9 )
3. PERMANENT VACUUM BREAKERS SHALL BE INCLUDED WITH ALL NEW HOSE BIBBS

- 100 DOOR PER DOOR SCHEDULE  
— WINDOW PER SCHEDULE
- WALL PER LEGEND
- 100 ROOM NUMBER PER FINISH SCHEDULE.

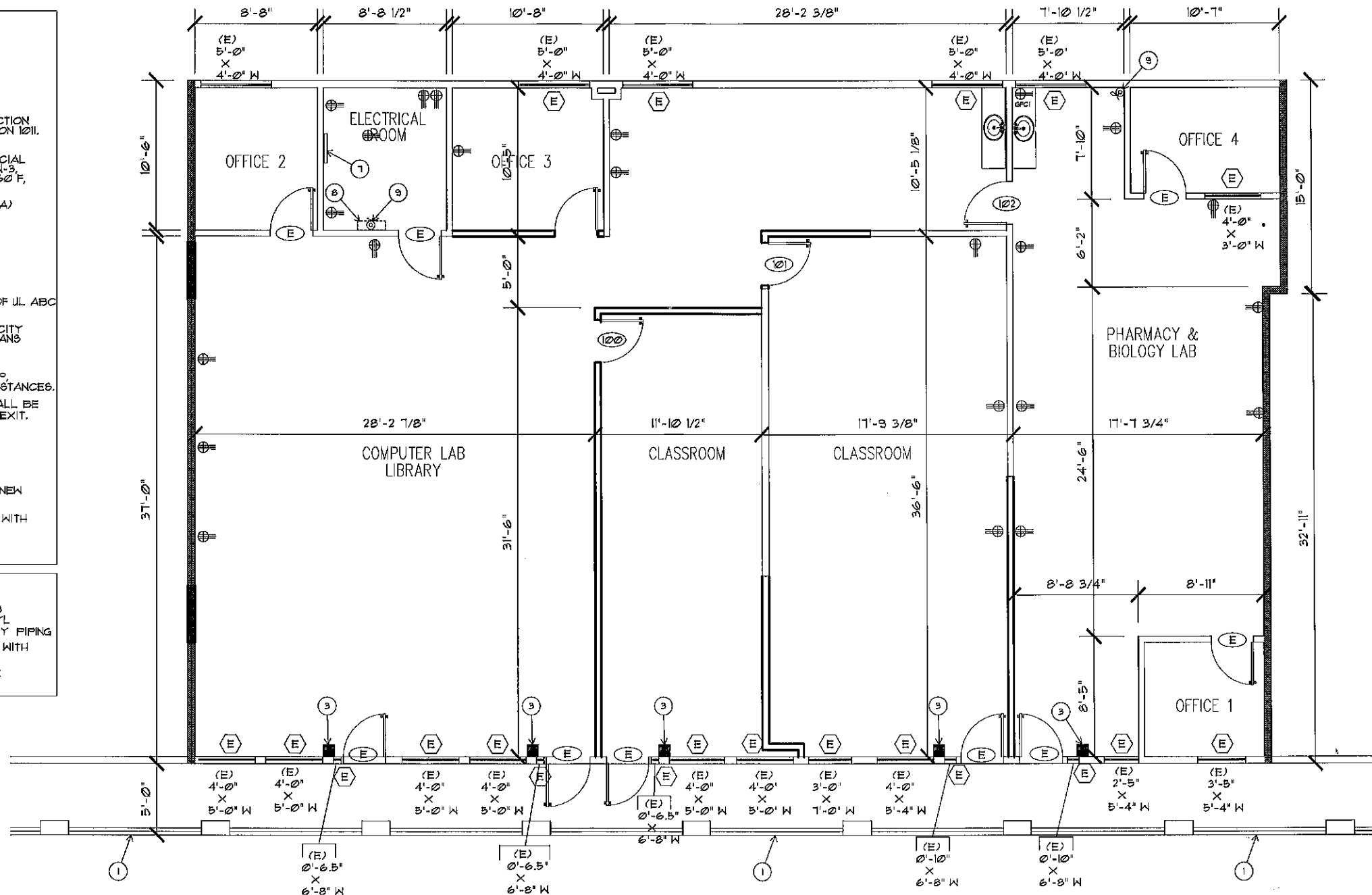
- WALL TYPE WALL LEGEND**
- 3 5/8" METAL STUDS @ 24" o.c.
  - 6" METAL STUDS @ 24" o.c.
  - NOT USED
  - EXISTING WALL TO REMAIN

- WALL TYPE WALL LEGEND**
- EXISTING 1 HR. DEMISING WALL
  - NEW METAL STUD WALL PER WALL LEGEND

## HARDWARE NOTES

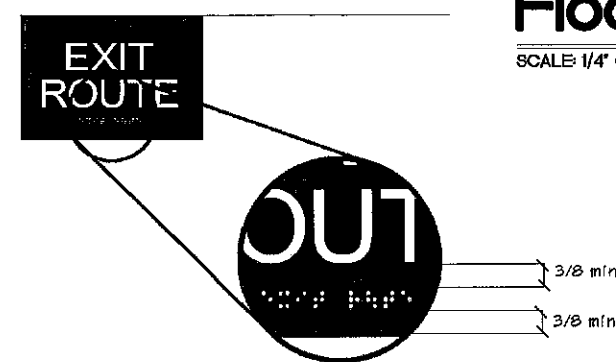
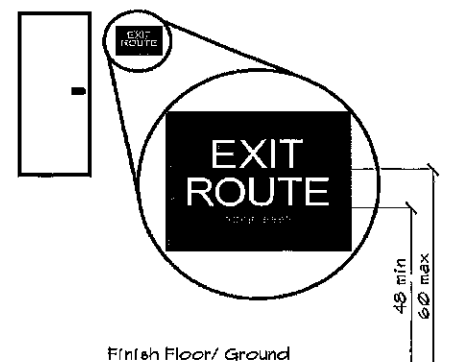
1. SECTION 1208.1.2 CBC  
THE OPENING FORCE FOR INTERIOR SIDE-SWINGING DOORS WITHOUT CLOSERS SHALL NOT EXCEED A 5-POUND (22 N) FORCE FOR OTHER SIDE-SWINGING, SLIDING, AND FOLDING DOORS, THE DOOR LATCH SHALL RELEASE WHEN SUBJECTED TO A 15-POUND (67 N) FORCE. THE DOOR SHALL BE SET IN MOTION WHEN SUBJECTED TO A 30-POUND (133 N) FORCE. THE DOOR SHALL SING TO A FULL-OPEN POSITION WHEN SUBJECTED TO A 15-POUND (67 N) FORCE. FORCES SHALL BE APPLIED TO THE LATCH SIDE.
2. SECTION 1208.1.3 CBC  
LOCK AND LATCHES IN BUILDING IN OCCUPANCY GROUP A HAVING AN OCCUPANCY LOAD OF 3000 OR LESS, GROUPS B, F, M, AND S, AND IN PLACES OF RELIGIOUS WORSHIP, THE MAIN EXTERIOR DOOR AND DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE EGRESS SIDE PROVIDED:  
a. THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED.  
b. A READILY VISIBLE DURABLE SIGN IS POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOOR STATING: "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED". THE SIGN SHALL BE IN LETTERS 1 INCH (25 mm) HIGH ON A CONTRASTING BACKGROUND.

3. THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED.  
b. A READILY VISIBLE DURABLE SIGN IS POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOOR STATING: "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED". THE SIGN SHALL BE IN LETTERS 1 INCH (25 mm) HIGH ON A CONTRASTING BACKGROUND.



## Proposed Floor Plan

SCALE 1/4" = 1'-0"



## Interamerican College

TENANT:  
Raymondo Marin  
Maria Marin  
PROJECT:  
Tenant Improvements  
Plans for a new College  
ADDRESS:  
1727 Sweetwater Road  
National City, Ca. 91950  
BUILDING DATA:  
APN: 563-161-74-00  
SQUARE FOOTAGE:  
3738. sf.

## Taller De Arquitectura

### PLANNING AND DESIGN

No.	Date	Issue and Revision
10/02/11		Preliminary Design
03/11/2013		Contractor Set
04/03/2016		City Corrections
05/31/2018		Plan Change

Stamp and Signature

Project Name: Lourdes No. 4  
Project No: 522011  
Date: 10/02/11  
Cad File:  
Description:

Sheet No.

A2-2



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 AN ADULT SCHOOL (INTERAMERICAN  
COLLEGE) IN SWEETWATER PLAZA SHOPPING  
CENTER LOCATED AT 1727 SWEETWATER  
ROAD, SUITES 209-212

Case File No.: 2019-07 CUP

Assessor's Parcel No.: 563-161-74

Staff report by: Chris Stanley

Applicant: Reymundo Marin

Property owner: Sweetwater Plaza East, LLC

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

Adjacent land use/zoning:

North: Residential / County of San Diego

East: Residential / County of San Diego

South: Shopping Center / MXD-2

West: Residential and Golf Course/ Small Lot Residential  
(RS-2) and Open Space (OS) respectively

Environmental review: Categorical Exemption Class 1, Section 15301  
Existing Facilities

Staff Recommendation: Approve Subject to Attached Conditions

### Staff Recommendation

Staff recommends approval of a Conditional Use Permit (CUP) for an adult school subject to attached conditions.

### Executive Summary

The applicant is applying for a CUP for an adult school in four existing commercial suites that will consist of 15 students (five students per class) and three classes, as well as four staff members. The applicant states that after two years the number of students is expected to grow to 60.

### Site Characteristics

Sweetwater Plaza is located on the northeast corner of Sweetwater Road and Grove Street in the Major Mixed-Use District (MXD-2) zone. The project site is on the second floor of the plaza and will use four suites (209-212), totaling approximately 3,600 square feet.

### Proposed Use

The applicant is proposing to operate an adult college consisting of two classrooms, four offices, a pharmacy and biology lab, and a computer lab/library aimed at the needs of working adults looking for access to higher education outside of traditional college schedules. InterAmerican College would offer two degrees: Bachelor of Arts in Interdisciplinary Studies (IDS) and Master of Arts in Teaching Cross Cultural Leadership of Allied Health, as well as two programs, Extended Education and Pharmacy Technician. The proposed hours of operation are 5:30 p.m. to 10:00 p.m. every Tuesday and Thursday, and every first and third Friday of the month. According to the applicant, two to three staff members will be on the campus in the morning and five staff members in the evening. During the first two years of operation InterAmerican College anticipates that there will be three classes per month with approximately five students in each class, and that as enrollment grows they will offer six classes for approximately 60 students.

### Analysis

A school is permitted in the MXD-2 zone with the issuance of a CUP. Concerns with educational uses usually focus around traffic and parking issues. Although the applicant is ultimately anticipating 65 individuals for the college campus, parking is based on square-footage rather than number of students. For an adult school, one parking space is required for every 300 square feet of office space and one parking space for every 40 square feet of classroom area. With approximately 360 square feet of office space, one

parking space is required, and with 2,100 square feet of classroom space, 52 parking spaces are required for a total of 53 parking spaces. A retail use of the same amount of space would require only 14 spaces; Sweetwater Plaza has a total of 163 parking spaces. The National City Municipal Code does allow for opportunities for reduced parking subject to Planning Commission through shared parking. Shared parking is encouraged for different uses that will not adversely affect the site or the adjacent area. With the classes only taking place at night, it would subscribe to the idea of shared parking, as it is expected that different uses, doctor's offices, dentists, chiropractors, salons, banks, etc. would not be operating in the evening.

#### Findings for Approval

The Municipal Code contains required findings for CUPs. There are six required 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 per a Conditional Use Permit.

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

General Plan Goal E-2 encourages greater opportunities for the City's residents to attend colleges and universities.

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 site for the proposed use is adequate in size and shape, since the proposed use will be within an existing commercial suite within a plaza and since no expansion of the building is proposed.

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 site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the proposed use is served by Sweetwater Road, an arterial street, and since the proposed hours of operation would offset the quantity of shared uses on the site.

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 is deemed essential and desirable to the public convenience, since it will provide a service in need in the area among members of the community seeking to gain a higher education.

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

Class 1, Section 15301 Categorical Exemption includes interior alterations- interior partitions.

#### Conditions of Approval

A condition requiring proof of all local, state and/or federal permits necessary for operation of the college be provided prior to operation is included as well as one restricting the hours of operation from 5:30 p.m. to 10 p.m. Tuesdays, Thursdays, and every first and third Friday of the month. This will assure that parking does not become an issue. Staff will be allowed on-site all day as requested. An additional condition limiting the amount of students on campus to 60 is also included to further insure that parking is not affected. The Engineering Department had no comments on the project; Building and Fire Department had standard conditions requiring the project to follow their respective codes.

#### Summary

The proposed educational use is consistent with the Land Use Code with the approval of a Conditional Use Permit. Although not a typical commercial use associated with a shopping center, Conditions of Approval will help to ensure that the business operates in harmony with existing uses in the area. Potential parking impacts will be minimized with the restricted hours of operation and shared parking allowance.

**OPTIONS**

1. Approve 2019-07 CUP subject to the conditions listed below, based on the attached findings or findings to be determined by the Planning Commission; or
2. Deny 2019-07 CUP based on the attached finding; findings to be determined by the Planning Commission; or
3. Continue the item to a later date in order to obtain additional information

**ATTACHMENTS**

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site Photos
5. Business Description
6. Applicant's Plans (Exhibit A, Case File No. 2019-07 CUP dated 4/18/2019)
7. Public Hearing Notice (Sent to 51 property owners and occupants)
8. CEQA Notice of Exemption
9. Resolutions



CHRIS STANLEY  
Assistant Planner



ARMANDO VERGARA  
Acting Deputy City  
Manager/ Director of  
Community Development



CITY OF NATIONAL CITY – PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR AN ADULT SCHOOL IN SWEETWATER PLAZA  
SHOPPING CENTER LOCATED AT 1727 SWEETWATER ROAD,  
SUITES 209-212  
CASE FILE NO.: 2019-07 CUP  
APN: 566-161-74

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, July 15, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Reymundo Marin)

The applicant is requesting to operate an adult school for up to 60 students in approximately 3,600 square feet of Sweetwater Plaza Shopping Center. The proposed hours of operation are 5:30 p.m. to 10:00 p.m. every Tuesday and Thursday, and every first and third Friday of the month.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 12:00 p.m., **July 15, 2019**, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

NATIONAL CITY PLANNING DIVISION

MARTIN REEDER, AICP  
Principal Planner

ATTACHMENT 9





## **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:** 2019-07 CUP

**Project Location:** 1727 Sweetwater Road Suite # 209-212 National City, CA 91950

**Contact Person:** Chris Stanley

**Telephone Number:** (619) 336-4381

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

Conditional Use Permit for an adult school located at 1727 Sweetwater Road Suite # 209-212

**Applicant:**

Reymundo Marin – InterAmerican College  
1727 Sweetwater Rd. Suite # 209  
National City, CA 91950

**Telephone Number:**

(619) 994-1627

**Exempt Status:**

☒ **Categorical Exemption - Class 1 Section 15301 Existing Facilities (interior alterations- interior partitions)**

**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 in an existing facility.

Date:

CHRIS STANLEY  
Assistant Planner

RESOLUTION NO. 2019-11

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR  
AN ADULT SCHOOL (INTERAMERICAN COLLEGE) IN SWEETWATER PLAZA  
SHOPPING CENTER  
LOCATED AT 1727 SWEETWATER ROAD SUITES # 209-212  
CASE FILE NO. 2019-07 CUP  
APN: 563-161-74

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for an adult school located at 1727 Sweetwater Road Suite # 209-212 at a duly advertised public hearing held on July 15, 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. 2019-07 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 July 15, 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 the use is allowable within the Major Mixed-Use District zone per a Conditional Use Permit.
2. The proposed use is consistent with the General Plan and any applicable specific plan because General Plan Goal E-2 encourages greater opportunities for the City's residents to attend colleges and universities.
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 the site for the proposed use is adequate in size and shape, since the proposed

use will be within an existing commercial suite within a plaza and since no expansion of the building is proposed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints because the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the proposed use is served by Sweetwater Road, an arterial street, and since the proposed hours of operation would offset the quantity of shared uses on the site.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed use is deemed essential and desirable to the public convenience, since it will provide a service in need in the area among members of the community seeking to gain a higher education.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act because Class 1, Section 15301 Categorical Exemption includes interior alterations such as interior partitions.

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

General

1. This Conditional Use Permit authorizes an adult college within suites 209-212 of the Sweetwater Plaza shopping center located at 1727 Sweetwater Road. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-07 CUP, dated 4/18/2019.
2. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Development Services Director 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 the Municipal Code.

#### Building

5. Building Plans and permits shall meet the 2016 California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes.

#### Fire

6. Project shall be designed to code.
7. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. Fire sprinkler and fire alarm systems, shall be evaluated and installed for intended use per code.
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
11. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

#### Planning

12. The applicant shall provide proof of all local, state and/or federal permits necessary for operation of the college. Proof of said permits shall be provided at time of business license issuance.



13. This permit authorizes the college to operate from 5:30 p.m. to 10 p.m. Tuesdays, Thursdays, and every first and third Friday of the month. Staff has no time restrictions for being on campus.
14. This permit limits the occupancy of the college campus to five staff members and 60 students.

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 July 15, 2019, by the following vote:

AYES: Natividad, Baca, Flores, Sendt, Yamane, Dela Paz

NAYS: None.

ABSENT: Garcia

ABSTAIN: None.

  
CHAIRPERSON



**RESOLUTION 2019 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
APPROVING A CONDITIONAL USE PERMIT FOR AN ADULT SCHOOL  
(INTERAMERICAN COLLEGE) IN SWEETWATER PLAZA SHOPPING CENTER  
LOCATED AT 1727 SWEETWATER ROAD SUITES 209-212.  
CASE FILE NO. 2019-07 CUP  
APN: 563-161-74**

**WHEREAS**, the Planning Commission of the City of National City considered a Conditional Use Permit for an adult school (Interamerican College) in Sweetwater Plaza Shopping Center located at 1727 Sweetwater Road, suites 209-212, at a duly advertised public hearing held on July 15, 2019, at which time oral and documentary evidence was presented; and

**WHEREAS**, at said public hearing the Planning Commission considered the staff report contained in Case File No. 2019-07 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

**WHEREAS**, the Planning Commission at their meeting of July 15, 2019, recommended the approval of the CUP based on the required findings and subject to the conditions of approval; and

**WHEREAS**, the City Council of the City of National City, at their meeting of August 6, 2019 voted to set the item for public hearing; and

**WHEREAS**, the City Council of the City of National City considered a Conditional Use Permit for an adult school (Interamerican College) in Sweetwater Plaza Shopping Center located at 1727 Sweetwater Road, suites 209-212, at a duly advertised public hearing held on September 3, 2019, at which time oral and documentary evidence was presented; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of National City that the testimony and evidence presented to the City Council at a public hearing held on September 3, 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 the use is allowable within the Major Mixed-Use District zone per a Conditional Use Permit.

**Resolution 2019 –**  
**Page Two**

2. The proposed use is consistent with the General Plan and any applicable specific plan because General Plan Goal E-2 encourages greater opportunities for the City's residents to attend colleges and universities.
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 the site for the proposed use is adequate in size and shape, since the proposed use will be within an existing commercial suite within a plaza and since no expansion of the building is proposed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints because the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the proposed use is served by Sweetwater Road, an arterial street, and since the proposed hours of operation would offset the quantity of shared uses on the site.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located because the proposed use is deemed essential and desirable to the public convenience, since it will provide a service in need in the area among members of the community seeking to gain a higher education.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act because Class 1, Section 15301 Categorical Exemption includes interior alterations such as interior partitions.

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

**GENERAL**

1. This Conditional Use Permit authorizes an adult college within suites 209-212 of the Sweetwater Plaza shopping center located at 1727 Sweetwater Road. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2019-07 CUP, dated 4/18/2019.

**Resolution 2019 –**  
**Page Three**

2. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Development Services Director 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 the Municipal Code.

**BUILDING**

5. Building Plans and permits shall meet the 2016 California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes.

**FIRE**

6. Project shall be designed to code.
7. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. Fire sprinkler and fire alarm systems, shall be evaluated and installed for intended use per code.
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**Resolution 2019 –**  
**Page Four**

10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
11. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

**PLANNING**

12. The applicant shall provide proof of all local, state and/or federal permits necessary for operation of the college. Proof of said permits shall be provided at time of business license issuance.
13. This permit authorizes the college to operate from 5:30 p.m. to 10 p.m. Tuesdays, Thursdays, and every first and third Friday of the month. Staff has no time restrictions for being on campus.
14. This permit limits the occupancy of the college campus to five staff members and 60 students.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective, final, and conclusive on the day following the City Council meeting where this Resolution is adopted. The time within which judicial review of this decision may be sought is governed by the provisions of Code of Civil Procedures Section 1094.6.

**PASSED and ADOPTED this 3<sup>rd</sup> day of September, 2019.**

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Alejandra Sotelo-Solis, Mayor

ATTEST:

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Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

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Angil P. Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City adding Chapter 8.38 of the National City Municipal Code Prohibiting the Retail Sale of Dogs, Cats and Rabbits. \(City Attorney\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.** \_\_\_\_\_

**ITEM TITLE:**

Public Hearing and Adoption of an Ordinance of the City Council of the City of National City adding Chapter 8.38 of the National City Municipal Code Prohibiting the Retail Sale of Dogs, Cats and Rabbits.

**PREPARED BY:** Sr. Ass. City Attorney Nicole Pedone <sup>NP</sup>

**DEPARTMENT:** City Attorney

**PHONE:** Ext. 4221

**APPROVED BY:** 

**EXPLANATION:**

Please see Staff Report.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION: ☐ FINAL ADOPTION: ☒

**STAFF RECOMMENDATION:**

Adopt an Ordinance of the City Council of the City of National City adding Chapter 8.38 to the National City Municipal Code Prohibiting the Retail Sale of Dogs, Cats and Rabbits

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

- 1) Staff Report
- 2) Ordinance



## City Council Staff Report

TO: Mayor and City Council

DATE: September 3, 2019

FROM: Nicole Pedone, Assistant City Attorney

SUBJECT: Public Hearing and Adoption of an Ordinance of the City Council of the City of National City adding Chapter 8.38 to the National City Municipal Code  
Prohibiting the Retail Sale of Dogs, Cats and Rabbits

### **SUMMARY**

On May 21, 2019, The City Council directed staff to prepare an ordinance closing the loopholes in newly enacted State law, AB485 (otherwise known as "The Pet Rescue and Adoption Act"), to include prohibiting the retail sale of dogs, cats and rabbits in the City of National City using the Solana Beach and Carlsbad and other relevant state and local ordinances as model ordinances.

In 1966 Congress passed the Animal Welfare Act (AWA), which outlines specific minimum standards for the care of dogs, cats and other animals bred for commercial resale. Under the AWA, certain larger scale commercial breeders are required to be licensed and regularly inspected by the United States Department of Agriculture.

Effective January 1, 2019, AB485 prohibited a pet store operator from selling a dog, cat or rabbit in a pet store unless they were obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that is in a cooperative agreement with at least one private or public shelter. This new state law amended Section 31753 of the California Food and Agricultural Code, section 122357 of the California Health and Safety Code and added section 122354.5 of the California Health and Safety Code. State law requires pet stores to maintain records sufficient to document the source of each dog, cat, or rabbit the store sells or provides space for. The records must be kept for one year and must be posted in a conspicuous location on the case or enclosure of each animal and must include the name of the agency or society or nonprofit from which each animal was obtained. A pet store operator that violates these new state provisions shall be subject to at \$500.00 civil penalty and each animal offered for sale in violation shall be a separate violation.

Importantly, CA Health and Safety Code section 122354.5(g) states, “This section does not prohibit a local governing body from adopting requirements that are more protective of animal welfare than those set forth in this section.”

## **RECOMMENDATION**

Adopt an Ordinance of the City Council of the City of National City adding Chapter 8.38 to the National City Municipal Code Prohibiting the Retail Sale of Dogs, Cats and Rabbits.

## **DISCUSSION**

Newly enacted state law prohibiting the retail sale of dogs, cats and rabbits was passed over concerns of “puppy mills” or “kitten factories” which are commercial breeding facilities that mass produce animals for sale to the public through retail pet stores often in overcrowded and unsanitary conditions without adequate food, water, exercise, socialization or veterinary care. Many of the animals face an array of health problems that are discovered after purchase at a retail store. However, there have been reported loopholes in the newly enacted state law. Pet stores can obtain animals from a rescue group that is in a cooperative agreement with at least one private or public shelter. A rescue group is defined as a tax exempt organization that does not obtain animals from breeders or brokers for compensation. Unfortunately, fake rescues groups are being created and puppies are being sold for thousands in pet stores across the state and country despite this or similar bans. These rescue groups are not holding adoption events, do not have adoption websites and do not even have animals on site. These young animals are being transported across the country changing hands numerous times.

Investigations and research by both The Humane Society of the United States and Companion Animal Protection Society (CAPS) have revealed these loopholes in the law and the dangerous conditions in which these animals are bred and kept thereby posing a health and safety risk to not only the animals but also to the public. When these pet stores engage in offsite or even out of state commercial breeding and or purchase or obtain animals from offsite or out of state commercial breeders or brokers, it creates a degree of removal which obscures the ability of the City and/or the County of San Diego to regulate the conditions in which the breeding or transporting took place and/or how the animals were cared for prior to being brought to the pet store. The City Council has been approached by animal activists, animal shelters and City residents urging the City to enact further regulations which prohibit the retail sale of cats, dogs and rabbits and discourage the promulgation of unregulated and negligent commercial breeders or pet shop operators which despite state law continue to offer animals throughout San Diego County for retail sale under the guise of non-profit rescue agencies.

Numerous cities in San Diego County had already banned the retail sale of these animals before state law had passed. These cities include, Chula Vista (2012), San Diego (2013), Oceanside (2015), San Marcos (2018), Carlsbad (2016) and Solana Beach (2016). The proposed ordinance for the City of National City closes the loopholes in newly enacted State law and promotes not only animal safety and welfare, but also public health, safety and welfare and encourages best practices in the acquiring of dogs, cats and rabbits offered for retail sale or adoption in the City of National City.



Highlights of the proposed ordinance include:

- Prohibition: A pet shop or retail pet store or its operator shall not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat, dog, or rabbit.
- Prohibition does not apply to:
  - A publicly operated animal shelter or animal control enforcement agency, animal rescue organization or nonprofit humane society;
  - A pet shop or retail pet store offering a cat, dog, or rabbit owned by an animal shelter or animal rescue organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so long as the pet shop does not receive any fee from the adoption and does not have any monetary or ownership interest in the cat, dog, or rabbit;
  - The sale or offering for sale of a dog, cat or rabbit as part of an adoption event held by an animal shelter or rescue organization if the retail pet store or pet shop does not receive any payment from the sale or offering or for the use of the store or store resources in connection with the adoption event; or
  - Dogs, cats and/or rabbits sold directly from the premises upon which they are born and reared or through a breeder, excluding pet shops or retail pet stores.
- Pet shop has to maintain records just like under state law.
- Investigation officials have the right to inspect the pet shops or retail pet stores during regular business hours to conduct reasonable inspections to ensure compliance.
- Violations are punishable as provided in NCMC 1.20, General Penalties; 1.44, Administrative Citation; 1.48 Administrative Remedies; Public Nuisance statutes, Civil Injunction; Abatement and Removal.

**CEQA COMPLIANCE STATEMENT:**

The proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

**RECOMMENDED ACTION**

Adopt an Ordinance of the City Council of the City of National City adding Chapter 8.38 to the National City Municipal Code Prohibiting the Retail Sale of Dogs, Cats and Rabbits.

**ORDINANCE NO. 2019 –**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADDING  
CHAPTER 8.38 TO THE NATIONAL CITY MUNICIPAL CODE PROHIBITING THE RETAIL  
SALE OF DOGS, CATS AND RABBITS**

WHEREAS, the City of National City (the “City”), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact or amend laws which promote the public health, safety, and general welfare of its residents; and

WHEREAS, the U.S. Congress passed the Animal Welfare Act in 1966 (7 U.S.C. § 2131 et seq.), a federal law that regulates the minimum standards of care and treatment for certain animals bred for commercial sale, including but not limited to dogs, cats and rabbits, which is enforced by the United States Department of Agriculture and Animal and Plant Health Inspection Service (USDA) and requires certain large scale animal breeders and dealers to be registered and licensed; and

WHEREAS, the Pet Rescue and Adoption Act, otherwise known as AB485, a newly enacted state law effective January 1, 2019, prohibits a pet store operator from selling a dog, cat or rabbit in a pet store unless they were obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that is in cooperative agreement with at least one private or public shelter; and

WHEREAS, California Health and Safety Code section 122354.5(g) allows a local governing body to adopt requirements that are more protective of animal welfare than those set forth in the Pet Rescue and Adoption Act; and

WHEREAS, Investigations and research by the Companion Animal Protection Society (CAPS) have shown that California pet shops are using fake rescues to circumvent newly enacted state law and act as pass-throughs between puppy mills and pet shops; and

WHEREAS, CAPS and The American Society for the Prevention of Cruelty to Animals (ASPCA) report that puppy mills mass produce animals for the pet industry in overcrowded and unsanitary conditions without adequate food, water, exercise, socialization or veterinary care and many of the animals face an array of health problems that are discovered after purchase at a retail store; and

WHEREAS, according to The Humane Society of the United States there are approximately 2.4 million puppies sold annually who originated from puppy mills, USDA licensed and non-USDA licensed and there are an estimated 3 million dogs and cats euthanized by shelters every year in the United States; and

WHEREAS, the City Council has been approached by animal activists, animal shelters and City residents urging the City to enact further regulations which prohibit the retail sale of cats, dogs and rabbits and discourage the promulgation of unregulated and negligent commercial breeders or pet shop operators which despite state law continue to offer animals throughout San Diego County for retail sale under the guise of non-profit rescue agencies; and

WHEREAS, pet stores often engage in offsite, even out of state, commercial breeding and/or purchase animals from offsite or out of state commercial breeders or brokers creating a degree of removal which obscures the ability of the City and/or the County of San Diego Humane Society to regulate the conditions in which the breeding took place and/or how the animals were cared for prior to being brought to the pet store; and

WHEREAS, the City of National City seeks to close the loopholes in California State law and enact greater protections for animal safety and welfare and for the public health, safety, and general welfare of its residents by prohibiting a pet shop or retail pet store or its operator from selling, delivering, or offering for sale, barter, auction or otherwise disposing of a cat, dog, or rabbit with exceptions for: (i) A publicly operated animal shelter or animal control enforcement agency, animal rescue organization or nonprofit humane society; (ii) A pet shop or retail pet store offering a cat, dog, or rabbit owned by an animal shelter or animal rescue organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so long as the pet shop does not receive any fee from the adoption and does not have any monetary or ownership interest in the cat, dog, or rabbit; (iii) The sale or offering for sale of a dog, cat or rabbit as part of an adoption event held by an animal shelter or rescue organization if the retail pet store or pet shop does not receive any payment from the sale or offering or for the use of the store or store resources in connection with the adoption event; or (iv) Dogs, cats and/or rabbits sold directly from the premises upon which they are born and reared or through a breeder, excluding pet shops or retail pet stores.

**NOW, THEREFORE, the City Council of the City of National City does ordain as follows:**

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section. 2. Chapter 8.38 of the National City Municipal Code is hereby added to read as follows:

Chapter 8.38 Retail Sales of Dogs, Cats and Rabbits

8.38.010 Purpose.

It is the purpose and intent of the city council in this chapter to promote animal safety and welfare, public health, safety and welfare, and encourage best practices in the acquiring of dogs, cats and rabbits offered for retail sale or adoption in the City of National City.

8.38.020 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

(A) "Animal Shelter", means a public animal shelter or control facility operated by any city, county or other public agency or an entity operating under contract with any city, county or other public agency for the purpose of protecting animals from cruelty, neglect or abuse.

(B) "Animal Rescue Organization", means a nonprofit organization that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code and whose mission and practice is, in whole or in significant part, the rescue, care and adoption of dogs, cats and/or rabbits. The term does not include a breeder or broker for payment or compensation.

(C) “Breeder” means a person that owns or maintains dogs, cats, or rabbits for the purpose of breeding and selling their offspring for retail or wholesale or a person required to hold a class A license pursuant to the Animal Welfare Act, 7 U.S.C. § 2131, et seq.

(D) “Broker” means a person that transfers dogs, cats, or rabbits for resale by another person and is required to hold a class B license by the United States Department of Agriculture pursuant to the Animal Welfare Act, 7 U.S.C. § 2131, et seq.

(E) “Cat” means a *Felis domesticus* of either sex, altered or unaltered.

(F) “Dog” means a *Canis familiaris* of either sex, altered or unaltered.

(G) “Operator” means a person who owns or operates a retail pet store, or both, and/or who hires employees at a retail pet store or pet shop to engage in the retail sale of dogs, cats and/or rabbits.

(H) “Pet Shop” or “Retail Pet Store” means any place or premise where birds, mammals, or reptiles are kept for the purpose of either wholesale or retail sale, import, export, barter, exchange or gift.

(I) “Rabbit” means an *Oryctolagus cuniculus* of either sex, altered or unaltered.

#### 8.38.030 Prohibition

(A) A pet shop or retail pet store or its operator shall not sell, deliver, offer for sale, barter, auction or otherwise dispose of a cat, dog, or rabbit except as provided in subsection (B).

(B) The provisions of subsection (A) shall not apply to:

(1) A publicly operated animal shelter or animal control enforcement agency, animal rescue organization or nonprofit humane society;

(2) A pet shop or retail pet store offering a cat, dog, or rabbit owned by an animal shelter or animal rescue organization for purposes of adoption of the cat, dog, or rabbit by a member of the public, so long as the pet shop does not receive any fee from the adoption and does not have any monetary or ownership interest in the cat, dog, or rabbit;

(3) The sale or offering for sale of a dog, cat or rabbit as part of an adoption event held by an animal shelter or rescue organization if the retail pet store or pet shop does not receive any payment from the sale or offering or for the use of the store or store resources in connection with the adoption event; or

(4) Dogs, cats and/or rabbits sold directly from the premises upon which they are born and reared or through a breeder, excluding pet shops or retail pet stores.

#### 8.38.040 Inspection by officials

(A) Each pet shop or retail pet store shall maintain records sufficient to document the source of each dog, cat, or rabbit that the pet shop acquires for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any police officer, code enforcement officer, animal control officer, humane law enforcement officer or other investigating official.

(B) The city, county, or any investigating official shall have the right to enter the premises of any pet shop or retail pet store from time to time during regular business hours to conduct reasonable inspections to ensure and verify compliance with this chapter. No person shall refuse to permit or interfere with a lawful inspection of any pet shop or retail pet store by city or county investigating officials.

#### 8.38.050 Enforcement and Remedies

(A) A violation of any provision of this chapter or failure to comply with any requirement thereof shall be punishable as provided in National City Municipal Code chapters 1.20, 1.44, and 1.48. Each event or transaction in which a dog, cat, or rabbit is sold or offered for sale in violation of this section shall constitute a separate offense.

(B) Any person, operator, pet shop or retail pet store operating or conducting or maintaining a pet shop or retail pet store contrary to the provisions of this chapter and/or state and federal laws shall be and the same is hereby declared to be unlawful and a public nuisance. The city attorney may, in addition to the penalties proscribed in this section, commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder thereof, in any manner provided by law.

(C) The remedies and penalties provided in this section are cumulative and in addition to any other remedies available at law or in equity.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

**PASSED and ADOPTED this 3rd day of September, 2019.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angil P. Morris-Jones  
City Attorney

The following page(s) contain the backup material for Agenda Item: [Public Hearing, as required by the Tax Equity and Fiscal Responsibility Act of 1982 \(TEFRA\), and the Adoption of a Resolution of the City Council of the City of National City approving the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential project pursuant to Section 142\(a\)\(7\) of the Internal Revenue Code with no fiscal impact to the City and not to exceed \\$72,000,000 in outstanding aggregate principal to finance the acquisition and rehabilitation of a 268-unit multifamily rental housing project located at 817 Eta Street in National City. \(Housing Authority\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Public Hearing, as required by the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), and the adoption of a Resolution of the City Council of the City of National City approving the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential project pursuant to Section 142(a)(7) of the Internal Revenue Code with no fiscal impact to the City and not to exceed \$72,000,000 in outstanding aggregate principal to finance the acquisition and rehabilitation of a 268-unit multifamily rental housing project located at 817 Eta Street in National City.

**PREPARED BY:** Carlos Aguirre, Director of Housing

**DEPARTMENT:** Housing Authority

**PHONE:** (619) 336-4391

**APPROVED BY:** 

**EXPLANATION:**

See Attachment No. 1.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

There is no fiscal impact to the City.

**ENVIRONMENTAL REVIEW:**

The adoption of this resolution is not subject to the provisions of the California Environmental Quality Act (CEQA) because the action will not have the potential for causing a significant effect on the environment. |

**ORDINANCE:** **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Adopt the Resolution. |

**BOARD / COMMISSION RECOMMENDATION:**

Not applicable to this report. |

**ATTACHMENTS:**

- 1: Background Report
- 2: Public Hearing Notice
- 3: Resolution |



MEETING DATE: September 3, 2019

TO: The Mayor and City Council

TITLE: Public Hearing, as required by the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), and the adoption of a Resolution of the City Council of the City of National City approving the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential project pursuant to Section 142(a)(7) of the Internal Revenue Code with no fiscal impact to the City and not to exceed \$72,000,000 in outstanding aggregate principal to finance the acquisition and rehabilitation of a 268-unit multifamily rental housing project located at 817 Eta Street in National City.

**RECOMMENDED ACTION:**

1. Conduct a Tax Equity and Fiscal Responsibility Act Hearing in consideration of the issuance of tax-exempt bond financing by the California Statewide Communities Development Authority for the benefit of Fairfield Park Villas LP, to provide financing for the acquisition, rehabilitation, improvement, and equipping of a 268-unit multifamily rental housing project generally known as Park Villas Apartments.
2. Adopt a resolution approving the issuance of Bonds by the California Statewide Communities Development Authority not to exceed \$72,000,000, for the benefit of Fairfield Park Villas LP, to provide financing for the acquisition, rehabilitation, improvement, and equipping of a 268-unit multifamily rental housing project generally known as Park Villas Apartments.

**PURPOSE:** Fairfield Park Villas LP (the "Borrower") has requested that the California Statewide Communities Development Authority ("CSCDA") serve as the municipal issuer of tax-exempt multi-family housing revenue bonds in an aggregate principal amount not to exceed \$72,000,000 (the "Bonds"). The proceeds of the Bonds will be used for the purpose of making a loan to the Borrower, to enable the Borrower to finance the acquisition, rehabilitation, improvement and equipping of a 268-unit affordable multifamily housing rental project located at 817 Eta Street, National City, California (the "Project"), which will be owned and operated by the Borrower. The Borrower will substantially rehabilitate the Project with the proceeds of the Bonds and the affordability covenants will extend for 55 years from the closing of the financing.

**DISCUSSION:** In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of National City ("City") must conduct a public hearing (the "TEFRA Hearing") providing the members of the community an opportunity to speak in favor of or against

the use of tax-exempt bonds for the financing of the Project. Adoption of the resolution is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act (TEFRA), the Internal Revenue Code and the California Government Code Section 6500 (and following). Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an “applicable elected representative” of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project. A public notice was published on August 23, 2019 (Attachment 2).

CSCDA is a joint powers authority sponsored by the League of California Cities ("League") and the California State Association of Counties ("CSAC"). CSCDA was created by the League and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. CSCDA is comprised of more than 530 members, including the City of National City. CSCDA has issued more than \$60 billion through 1,600 plus financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

**BUDGET IMPACT:** There is no fiscal impact to the City. The Bonds will be issued as limited obligations of CSCDA, payable solely from revenues and receipts derived from a loan to be made by CSCDA to the Borrower with the Bond proceeds. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance and is not named in any of the disclosure documents describing the Bonds or the proposed financing.

NOTICE OF PUBLIC HEARING  
REGARDING ISSUANCE OF  
MULTIFAMILY HOUSING REVENUE BONDS FOR  
PARK VILLAS APARTMENTS

NOTICE IS HEREBY GIVEN that, at 6:00 p.m., or as soon thereafter as the matter can be heard, on Tuesday, September 3, 2019, at the City Council Chambers, 1243 National City Boulevard, National City, California, the City Council of the City of National City (the “City”) will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$72,000,000 in outstanding aggregate principal amount, to finance or refinance the acquisition, rehabilitation and development of a 268-unit multifamily rental housing project located at 817 Eta Street, National City, California. The facilities are to be owned by Fairfield Park Villas LP (the “Borrower”) or a partnership of which Fairfield Residential Holdings, LLC (the “Developer”) or a related person to the Developer is the general partner (the “Project”).

Those wishing to comment on the proposed financing or refinancing and the nature and location of the Project may either appear in person at the public hearing or submit written comments, which must be received by the City prior to the hearing. Written comments should be sent to City of National City at 1243 National City Boulevard, National City, California 91950 Attention: City Clerk.

CITY CLERK  
CITY OF NATIONAL CITY

Dated: August 23, 2019

## RESOLUTION NO. 2019 -

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL PROJECT PURSUANT TO SECTION 142(A)(7) OF THE INTERNAL REVENUE CODE WITH NO FISCAL IMPACT TO THE CITY AND NOT TO EXCEED \$72,000,000 IN OUTSTANDING AGGREGATE PRINCIPAL TO FINANCE THE ACQUISITION AND REHABILITATION OF A 268-UNIT MULTIFAMILY RENTAL HOUSING PROJECT LOCATED AT 817 ETA STREET IN NATIONAL CITY**

**WHEREAS**, the California Statewide Communities Development Authority (the “Authority”) is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies throughout the State of California, including the City of National City (the “City”), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

**WHEREAS**, Fairfield Park Villas LP or a partnership of which Fairfield Residential Holdings, LLC (the “Developer”) or a related person to the Developer is the general partner, has requested that the Authority adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the “Code”) in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$72,000,000 in outstanding aggregate principal amount (the “Bonds”), to finance or refinance the acquisition, rehabilitation and development of a 268-unit multifamily rental housing project located at 817 Eta Street, National City, California (the “Project”); and

**WHEREAS**, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the “applicable elected representative” of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

**WHEREAS**, the members of this City Council (this “City Council”) are the applicable elected representatives of the City; and

**WHEREAS**, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

**WHEREAS**, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

**WHEREAS**, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the “Refunding Bonds”), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

**WHEREAS**, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AS FOLLOWS:**

**Section 1.** The above recitals are true and correct.

**Section 2.** The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

**Section 3.** The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

**Section 4.** This resolution shall take effect immediately upon its passage.

**PASSED and ADOPTED this 3rd day of September, 2019**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angil P. Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, 1\) awarding a contract to Dick Miller, Inc. in the amount of \\$2,330,869.70 for the Paradise Creek Park Expansion Project, CIP No. 18-16; 2\) authorizing a 15% contingency in the amount of \\$349,630.45 for any unforeseen changes; and 3\) authorizing the Mayor to execute the contract. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING**

September 3, 2019

**AGENDA ITEM**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, 1) awarding a contract to Dick Miller, Inc. in the amount of \$2,330,869.70 for the Paradise Creek Park Expansion Project, CIP No. 18-16; 2) authorizing a 15% contingency in the amount of \$349,630.45 for any unforeseen changes; and 3) authorizing the Mayor to execute the contract.

**PREPARED BY:** Jose Lopez, P.E., Associate Engineer

**PHONE:** 619-336-4312

**EXPLANATION:**

See attached explanation.

**DEPARTMENT:** Engineering and Public Works

**APPROVED BY:** 

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

Expenditure Account: 296-409-500-598-6195 (Paradise Creek Educational Park Phase II) - \$1,151,265

Expenditure Account: 001-409-500-898-1596 (WI-TOD/Paradise Creek Park) - \$1,179,604.70

\$1,179,604.70 in local match will be funded through the Site Infrastructure Agreement with Paradise Creek II Housing Partners, L.P., "Phase II Developer" for the Westside Infill Transit Oriented Development (WI-TOD) Project.

15% contingency

Expenditure Account: 001-409-500-898-1596 (WI-TOD/Paradise Creek Park) - \$349,630.45

**ENVIRONMENTAL**

An EIR for the park site was previously prepared for the Paradise Creek Affordable Housing Development. The Project is environmentally cleared through CEQA.

**ORDINANCE:** INTRODUCTION ☐ FINAL ADOPTION ☐

**APPROVED:** 

**FINANCE**

**APPROVED:** 

**MIS**

**STAFF**

Adopt Resolution awarding a contract to Dick Miller, Inc. in the amount of \$2,330,869.70 for the Paradise Creek Park Expansion Project, CIP No. 18-16.

**BOARD / COMMISSION**

N/A

**ATTACHMENTS**

1. Explanation
2. Bid Opening Summary
3. Three Lowest Bidders Summary
4. Owner-Contractor Agreement
5. Resolution

## Explanation

The Paradise Creek Park Project will develop an approximately 4-acre Community Park with decomposed granite (DG) walking paths, educational and interpretive signage, trees, native vegetation, bioretention areas for storm water treatment, community garden, playground and passive recreational areas, and other amenities on the west side of Paradise Creek between W. 22nd Street and W. 19th Street.

On May 16, 2017, City Council adopted Resolution No. 2017-73 authorizing the filing of an application for Urban Greening Grant Program funds through the California Department of Natural Resources for National City's Paradise Creek Park Project and authorizing the City Manager to execute the grant agreement with California Department of Natural Resources, if selected for grant award. In November 2017, staff was notified that National City had been awarded a \$1,151,265 Urban Greening Grant for the project. The City Manager subsequently executed Grant Agreement U29121-0 in July 2018.

On October 16, 2018, City Council adopted Resolution No. 2018-182 awarding a contract for the construction of the Paradise Creek Park Site Remediation and Improvements Project. The Project began construction in December 2018, and will provide the site remediation, grading, and infrastructure improvements necessary to construct the new approximately 4-acre Paradise Creek Park.

On June 27, 2019, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On July 2, 2019 and July 9, 2019, the bid solicitation was advertised in local newspapers.

On July 30, 2019, six (6) bids were received by the 2:00 p.m. Bid results were immediately available for viewing on PlanetBids. Dick Miller, Inc. was the apparent lowest bidder with a total bid amount of \$2,330,869.70. Upon review of all documents submitted, Dick Miller, Inc.'s bid was deemed responsive, and they are the lowest responsible bidder qualified to perform the work as described in the project specifications.

Therefore, staff recommends awarding a contract to Dick Miller, Inc. in the not-to-exceed amount of \$2,330,869.70.

Staff also recommends authorizing a 15% contingency in the amount of \$349,630.45 to address any unforeseen conditions that may arise.

Attached are the bid opening summary sheet and a line item summary of the three lowest bidders for reference. Also attached is the Owner-Contractor Agreement.

Construction is estimated to be completed in May of 2020. Updates will be provided on the City's CIP website at: [nationalcityprojects.com](http://nationalcityprojects.com).

The required local match of \$1,179,604.70 will be funded through the Site Infrastructure Agreement with Paradise Creek II Housing Partners, L.P., "Phase II Developer" for the Westside Infill Transit Oriented Development (WI-TOD) Project



## BID OPENING RESULTS

**NAME:** PARADISE CREEK PARK EXPANSION  
**CIP NO:** 18-16  
**DATE:** Tuesday, July 30, 2019  
**TIME:** 2:00 P.M.  
**ESTIMATE:** \$1,900,000  
**PROJECT ENGINEER:** Roberto Yano, P.E.

NO.	BIDDER'S NAME	BID AMOUNT	BID SECURITY - BOND
1.	Dick Miller Inc. 930 Boardwalk Suite H San Marcos, CA 92078	\$2,330,869.70	Bond
2.	C.S. Legacy Construction, Inc 1704 S. Grove Ave Ontario, CA 91761	\$2,566,981.20	Bond
3.	3-D Enterprises, Inc. 3615 Kearny Villa Road, Suite 203 San Diego, CA 92123	\$2,790,641.00	Bond
4.	Blue Pacific Engineering & Construction 7330 Opportunity Road, Suite A San Diego, CA 92111	\$2,819,757.50	Bond
5.	Western Rim Constructors, Inc. 912 S Andreasen Drive, Suite 108 Escondido, CA 92029	\$3,197,653.67	Bond
6.	LB Civil Construction, Inc. 324 E. Valley Pkwy Escondido, CA 92025	\$3,218,367.70	Bond

Bid Results for Paradise Creek Park Expansion, CIP No. 18-16									
				Dick Miller Inc.		C.S. Legacy Construction, Inc		3-D Enterprises, Inc	
Item No.	Item Description	Unit	Qty.	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)
Base Bid - General									
1	Mobilization/Demobilization	LS	1	\$39,560.00	\$39,560.00	\$133,111.00	\$133,111.00	\$70,000.00	\$70,000.00
2	Water Pollution Control	LS	1	\$17,000.00	\$17,000.00	\$37,159.00	\$37,159.00	\$40,000.00	\$40,000.00
3	Clearing and Grubbing	LS	1	\$21,000.00	\$21,000.00	\$4,760.00	\$4,760.00	\$50,000.00	\$50,000.00
4	Traffic/Pedestrian Control	LS	1	\$1,500.00	\$1,500.00	\$5,473.00	\$5,473.00	\$20,000.00	\$20,000.00
Subtotal					\$79,060.00		\$180,503.00		\$180,000.00
Base Bid - Grading									
5	Excavation & Grading	LS	1	\$122,000.00	\$122,000.00	\$44,949.00	\$44,949.00	\$46,000.00	\$46,000.00
Subtotal					\$122,000.00		\$44,949.00		\$46,000.00
Base Bid - Other Improvements									
6	Construct Concrete Stage @ Kiosko	LS	1	\$13,700.00	\$13,700.00	\$15,863.00	\$15,863.00	\$12,000.00	\$12,000.00
7	Construct Pedestrian Impervious Concrete Paving (4")	SF	1,800	\$9.75	\$17,550.00	\$9.41	\$16,938.00	\$12.00	\$21,600.00
8	Construct Pedestrian Pervious Concrete Paving (4")	SF	10,500	\$11.85	\$124,425.00	\$9.62	\$101,010.00	\$20.00	\$210,000.00
9	Construct 6" Concrete Curb	LF	200	\$44.00	\$8,800.00	\$30.24	\$6,048.00	\$35.00	\$7,000.00
10	Construct Vehicular Pervious Concrete Paving (6" on 6" Base)	SF	1,000	\$16.50	\$16,500.00	\$16.45	\$16,450.00	\$25.00	\$25,000.00
11	Construct Concrete Steps	LS	1	\$21,000.00	\$21,000.00	\$31,902.00	\$31,902.00	\$35,000.00	\$35,000.00
12	Construct Concrete Sign Rail	EA	2	\$2,900.00	\$5,800.00	\$7,424.00	\$14,848.00	\$15,000.00	\$30,000.00
13	Construct Concrete Pedestrian Bridge	LS	1	\$9,400.00	\$9,400.00	\$16,277.00	\$16,277.00	\$40,000.00	\$40,000.00
14	Construct DG Paving (4" Over Weed	SF	20,293	\$4.00	\$81,172.00	\$2.37	\$48,094.41	\$3.00	\$60,879.00



**Bid Results for Paradise Creek Park Expansion, CIP No. 18-16**

Item No.	Item Description	Unit	Qty.	Dick Miller Inc.		C.S. Legacy Construction, Inc		3-D Enterprises, Inc	
				Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)
15	Construct DG Paving (4" Over Weed Cloth @ Community Garden)	SF	9,158	\$3.70	\$33,884.60	\$2.43	\$22,253.94	\$3.00	\$27,474.00
16	Construct Steel Header	LF	430	\$21.50	\$9,245.00	\$6.50	\$2,795.00	\$15.00	\$6,450.00
17	Construct Steel Header @ Community	LF	365	\$21.50	\$7,847.50	\$6.60	\$2,409.00	\$15.00	\$5,475.00
18	Construct Shade Structure Cover	EA	2	\$6,000.00	\$12,000.00	\$24,889.00	\$49,778.00	\$12,000.00	\$24,000.00
19	Construct Wood Bench on Gabion Wall	EA	2	\$450.00	\$900.00	\$2,677.00	\$5,354.00	\$3,000.00	\$6,000.00
20	Construct 1.5" Galvanized Pipe 2-Rail	LF	950	\$100.00	\$95,000.00	\$91.00	\$86,450.00	\$60.00	\$57,000.00
21	Construct 1.5" Galvanized Pipe 2-Rail	LF	500	\$100.00	\$50,000.00	\$96.00	\$48,000.00	\$60.00	\$30,000.00
22	Construct Concrete Seat Wall	LF	400	\$275.00	\$110,000.00	\$127.49	\$50,996.00	\$100.00	\$40,000.00
23	Construct Concrete Plinth	EA	2	\$3,700.00	\$7,400.00	\$2,141.00	\$4,282.00	\$8,000.00	\$16,000.00
24	Construct Stake Post	EA	4	\$700.00	\$2,800.00	\$1,716.00	\$6,864.00	\$12,000.00	\$48,000.00
25	Construct ADA Ramp	EA	1	\$3,500.00	\$3,500.00	\$2,073.00	\$2,073.00	\$5,000.00	\$5,000.00
26	Construct Shed with Concrete Pad	LS	1	\$5,500.00	\$5,500.00	\$8,377.00	\$8,377.00	\$10,000.00	\$10,000.00
27	Replace existing Kiosko Shade Fabric	LS	1	\$18,400.00	\$18,400.00	\$16,007.00	\$16,007.00	\$6,000.00	\$6,000.00
28	Provide and Install Emergency Access Post Knox Boxes	EA	4	\$200.00	\$800.00	\$1,367.00	\$5,468.00	\$2,000.00	\$8,000.00
29	Obtain, Prepare and Install Hammer Head Artifact	EA	1	\$3,100.00	\$3,100.00	\$3,364.00	\$3,364.00	\$4,000.00	\$4,000.00
30	Obatin, Prepare and Install Steel Ball Floats Artifacts	EA	4	\$1,900.00	\$7,600.00	\$1,162.00	\$4,648.00	\$4,000.00	\$16,000.00
31	Obtain Prepare and Install Hammer	EA	1	\$3,100.00	\$3,100.00	\$3,364.00	\$3,364.00	\$4,000.00	\$4,000.00
32	Remove and Dispose of Easterly Boundary Chain Link Fence and Cap	LS	1	\$7,500.00	\$7,500.00	\$14,368.00	\$14,368.00	\$10,000.00	\$10,000.00



Bid Results for Paradise Creek Park Expansion, CIP No. 18-16									
Item No.	Item Description	Unit	Qty.	Dick Miller Inc.		C.S. Legacy Construction, Inc		3-D Enterprises, Inc	
				Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)
33	Provide and Install Truncated Domes Per SDRSD G-30	LS	1	\$2,200.00	\$2,200.00	\$1,065.00	\$1,065.00	\$4,000.00	\$4,000.00
34	Provide and Install Lending Library	LS	1	\$500.00	\$500.00	\$920.00	\$920.00	\$12,000.00	\$12,000.00
35	Provide and Install Rubberized Resilient Surfacing & Base/Subdrainage	SF	5,125	\$25.30	\$129,662.50	\$28.04	\$143,705.00	\$27.00	\$138,375.00
36	Provide and Install #20 Silica Play Sand, 16" Deep	CY	35	\$169.00	\$5,915.00	\$147.00	\$5,145.00	\$200.00	\$7,000.00
37	Provide and Install Bicycle Rack	EA	2	\$1,050.00	\$2,100.00	\$1,346.00	\$2,692.00	\$2,000.00	\$4,000.00
38	Provide and Install Shade Structures	EA	9	\$13,200.00	\$118,800.00	\$14,480.00	\$130,320.00	\$20,000.00	\$180,000.00
39	3rd Party Playground Audit	LS	1	\$2,900.00	\$2,900.00	\$2,859.00	\$2,859.00	\$3,000.00	\$3,000.00
40	Provide and Install Play Structures (2-5 & 5-12 Yrs)	LS	1	\$163,000.00	\$163,000.00	\$162,475.00	\$162,475.00	\$90,000.00	\$90,000.00
41	Provide and Install 2 Rail, 7" Wood Post & 4" Wood Rail Fence	LF	190	\$105.00	\$19,950.00	\$164.00	\$31,160.00	\$100.00	\$19,000.00
42	Provide and Install Hot Ash Containers	EA	1	\$1,272.00	\$1,272.00	\$2,940.00	\$2,940.00	\$2,000.00	\$2,000.00
43	Provide and Install Fitness Equipment	LS	1	\$8,820.00	\$8,820.00	\$10,512.00	\$10,512.00	\$16,000.00	\$16,000.00
44	Provide and Install Pet Waste Station	EA	3	\$350.00	\$1,050.00	\$519.00	\$1,557.00	\$1,000.00	\$3,000.00
45	Provide and Install High/Low Drinking Fountain With Connection	EA	1	\$9,500.00	\$9,500.00	\$9,945.00	\$9,945.00	\$10,000.00	\$10,000.00
46	Provide and Install 84" Benches With Backs & Armrests	EA	30	\$1,069.00	\$32,070.00	\$1,256.00	\$37,680.00	\$1,600.00	\$48,000.00
47	Provide and Install 92" ADA Picnic Table	EA	8	\$1,279.00	\$10,232.00	\$1,790.00	\$14,320.00	\$2,000.00	\$16,000.00
48	Provide and Install 72" Picnic Tables	EA	11	\$1,207.00	\$13,277.00	\$1,532.00	\$16,852.00	\$1,900.00	\$20,900.00
49	Provide and Install 48" Kids Picnic Tables	EA	5	\$1,088.00	\$5,440.00	\$1,577.00	\$7,885.00	\$1,700.00	\$8,500.00

**Bid Results for Paradise Creek Park Expansion, CIP No. 18-16**

Item No.	Item Description	Unit	Qty.	Dick Miller Inc.		C.S. Legacy Construction, Inc		3-D Enterprises, Inc	
				Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)
50	Provide and Install Trash Receptacles	EA	6	\$434.00	\$2,604.00	\$627.00	\$3,762.00	\$2,000.00	\$12,000.00
51	Fine Grading and Soil Preparation, Testing, and Amendments	LS	1	\$39,600.00	\$39,600.00	\$71,695.00	\$71,695.00	\$20,000.00	\$20,000.00
52	Provide and Install EnergiPlant	EA	1	\$16,400.00	\$16,400.00	\$15,541.00	\$15,541.00	\$26,000.00	\$26,000.00
53	Provide Playground Audit	LS	1	\$2,900.00	\$2,900.00	\$2,859.00	\$2,859.00	\$2,000.00	\$2,000.00
54	Trees, 72" Box	EA	11	\$7,300.00	\$80,300.00	\$8,169.00	\$89,859.00	\$10,000.00	\$110,000.00
55	Shrubs, 15 Gallon	EA	54	\$116.00	\$6,264.00	\$171.00	\$9,234.00	\$160.00	\$8,640.00
56	Shrubs, 5 Gallon	EA	340	\$21.00	\$7,140.00	\$23.00	\$7,820.00	\$35.00	\$11,900.00
57	Shrubs, 1 Gallon	EA	4,519	\$13.00	\$58,747.00	\$15.00	\$67,785.00	\$11.00	\$49,709.00
58	Mulch	SF	50,240	\$0.48	\$24,115.20	\$0.64	\$32,153.60	\$0.70	\$35,168.00
59	Hydroseed/Seed Blanket	SF	13,951	\$0.70	\$9,765.70	\$0.75	\$10,463.25	\$1.00	\$13,951.00
60	180 Day Landscape Maintenance	MO	6	\$2,300.00	\$13,800.00	\$3,881.00	\$23,286.00	\$2,000.00	\$12,000.00
61	Provide and Install Irrigation System	LS	1	\$100,600.00	\$100,600.00	\$143,096.00	\$143,096.00	\$150,000.00	\$150,000.00
62	Provide and Install Electrical System	LS	1	\$34,248.00	\$34,248.00	\$37,292.00	\$37,292.00	\$60,000.00	\$60,000.00
63	Provide and Install Lighting System	LS	1	\$364,857.00	\$364,857.00	\$397,273.00	\$397,273.00	\$520,000.00	\$520,000.00
Subtotal					\$1,964,953.50		\$2,098,432.20		\$2,378,021.00
<b>Base Bid - Security Systems</b>									
64	Furnish and Install 36 Strand SMFOC with Tracer Wire	LF	1,400	\$4.20	\$5,880.00	\$4.57	\$6,398.00	\$5.00	\$7,000.00
65	Furnish and Install 12 Strand SMFOC with Tracer Wire	LF	1,500	\$3.46	\$5,190.00	\$3.77	\$5,655.00	\$4.00	\$6,000.00
66	Furnish and Install Outdoor Shielded CAT 6 Cable	LF	800	\$3.67	\$2,936.00	\$4.00	\$3,200.00	\$4.00	\$3,200.00



**Bid Results for Paradise Creek Park Expansion, CIP No. 18-16**

Item No.	Item Description	Unit	Qty.	Dick Miller Inc.		C.S. Legacy Construction, Inc		3-D Enterprises, Inc	
				Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)
67	Furnish and Install 2 #6 Electrical Wires and 1 #8 Ground and Necessary Splicing	LF	2,320	\$4.41	\$10,231.20	\$4.80	\$11,136.00	\$6.00	\$13,920.00
68	Furnish and Install 2" EMT Conduit with Electrical Wires and Fasten to Interior	LF	15	\$37.80	\$567.00	\$42.00	\$630.00	\$100.00	\$1,500.00
69	Furnish and Install 2" PVC Conduit with Mule Tape	LF	1,000	\$22.57	\$22,570.00	\$24.58	\$24,580.00	\$16.00	\$16,000.00
70	Furnish and Install 3" PVC Conduit with Mule Tape	LF	300	\$31.50	\$9,450.00	\$34.30	\$10,290.00	\$20.00	\$6,000.00
71	Furnish and Install #5 Pull Box with	EA	12	\$821.00	\$9,852.00	\$895.00	\$10,740.00	\$800.00	\$9,600.00
72	Furnish and Install 36-Strand Fiber Optic Splice Closure	EA	1	\$1,638.00	\$1,638.00	\$1,784.00	\$1,784.00	\$1,600.00	\$1,600.00
73	Furnish and Install Wall Mount Cabinet with 19" Rack Mount Shelf, Dual-Fan Kit, and Surge-Protected Power Strip	EA	1	\$3,276.00	\$3,276.00	\$3,568.00	\$3,568.00	\$3,500.00	\$3,500.00
74	Furnish and Install Cisco 3850 Switch with 10 GB Module	EA	1	\$11,235.00	\$11,235.00	\$12,234.00	\$12,234.00	\$12,000.00	\$12,000.00
75	Furnish and Install Fiber Distribution Unit with 4U Rack Mount and 4 12-Port Splice	EA	1	\$3,675.00	\$3,675.00	\$4,002.00	\$4,002.00	\$4,000.00	\$4,000.00
76	Furnish and Install Hardened Switch with Power Supply and DIN Rail Mounting	EA	3	\$1,155.00	\$3,465.00	\$1,258.00	\$3,774.00	\$1,000.00	\$3,000.00
77	Furnish and Install 12-Strand Fiber Optic Fan-Out Kit Inside SEPSCO Battery	EA	3	\$197.00	\$591.00	\$215.00	\$645.00	\$100.00	\$300.00
78	Furnish and Install 3-20A Breakers on Existing Panel "A"	LS	1	\$388.00	\$388.00	\$424.00	\$424.00	\$3,000.00	\$3,000.00
79	Fiber Splicing and Termination	LS	1	\$1,706.00	\$1,706.00	\$1,858.00	\$1,858.00	\$2,000.00	\$2,000.00
80	Fiber Testing and Documentation	LS	1	\$2,205.00	\$2,205.00	\$2,401.00	\$2,401.00	\$2,000.00	\$2,000.00

Bid Results for Paradise Creek Park Expansion, CIP No. 18-16									
				Dick Miller Inc.		C.S. Legacy Construction, Inc		3-D Enterprises, Inc	
Item No.	Item Description	Unit	Qty.	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)	Unit Price	Extension (Quantity x Unit Price)
81	Blue Violet Coordination prior to Blue Violet Installation and Testing	LS	1	\$1.00	\$1.00	\$5,009.00	\$5,009.00	\$3,000.00	\$3,000.00
Subtotal					\$94,856.20		\$108,328.00		\$97,620.00
Additive Bid									
82	Construct 8' Tall Fence Double Gates @ Community Garden	EA	1	\$8,200.00	\$8,200.00	\$16,112.00	\$16,112.00	\$12,000.00	\$12,000.00
83	Construct 8' Tall Galvanized Mesh Fence @ Community Garden	LF	400	\$147.00	\$58,800.00	\$252.00	\$100,800.00	\$180.00	\$72,000.00
84	Sand, Primer and Paint Kiosko Posts	LS	1	\$3,000.00	\$3,000.00	\$17,857.00	\$17,857.00	\$5,000.00	\$5,000.00
Subtotal Additive Bid					\$70,000.00		\$134,769.00		\$89,000.00
Grand Total					\$2,330,869.70		\$2,566,981.20		\$2,790,641.00

## **OWNER - CONTRACTOR AGREEMENT**

### **PARADISE CREEK PARK EXPANSION, CIP NO. 18-16**

This Owner-Contractor Agreement ("Agreement") is made by and between the City of National City, 1243 National City Boulevard National City, California 91950 and **Dick Miller, Inc.** ("Contractor"), 930 Boardwalk Suite, G, San Marcos, CA 92078 on the 3<sup>rd</sup> day of September, 2019, for the construction of the above referenced Project.

In consideration of the mutual covenants and agreements set forth herein, the Owner and Contractor have mutually agreed as follows:

#### **1. CONSTRUCTION**

The Contractor agrees to do all the work and furnish all the labor, services, materials and equipment necessary to construct and complete the Project in a turn-key manner in accordance with this Agreement and all documents and plans referenced in Exhibit "A", (hereinafter "Contract Documents"), in compliance with all relevant Federal, State of California, County of San Diego and City of National City codes and regulations, and to the satisfaction of the Owner.

#### **2. CONTRACT PRICE**

Owner hereby agrees to pay and the Contractor agrees to accept as full compensation for constructing the project in accordance with these Contract Documents in an amount not to exceed the contract price as set forth in Exhibit "B" attached hereto and incorporated herein by reference. Payments to the Contractor shall be made in the manner described in the Special Provisions.

#### **3. TIME FOR PERFORMANCE**

Time is of the essence for this Agreement and the Contractor shall construct the project in every detail to a complete and turn-key fashion to the satisfaction of the Owner within the specified duration set forth in the Special Provisions.

#### **4. NON-DISCRIMINATION**

In the performance of this Agreement, the Contractor shall not refuse or fail to hire or employ any qualified person, or bar or discharge from employment any person, or discriminate against any person, with respect to such person's compensation, terms, conditions or privileges of employment because of such person's race, religious status, sex or age.

#### **5. AUTHORIZED OWNER REPRESENTATIVES**

On behalf of the Owner, the Project Manager designated at the pre-construction meeting shall be the Owner's authorized representative in the interpretation and enforcement of all Work performed in connection with this Agreement.

#### 6. WORKERS' COMPENSATION INSURANCE

a) By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Agreement.

b) The Contractor shall require each subcontractor to comply with the requirements of Section 3700 of the Labor Code. Before commencing any Work, the Contractor shall cause each subcontractor to execute the following certification:

"I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Agreement."

#### 7. ENTIRE AGREEMENT; CONFLICT

The Contract Documents comprise the entire agreement between the Owner and the Contractor with respect to the Work. In the event of conflict between the terms of this Agreement and the bid of the Contractor, then this Agreement shall control and nothing herein shall be considered as an acceptance of the terms of the bid conflicting herewith.

#### 8. MAINTENANCE OF AGREEMENT DOCUMENTATION

Contractor shall maintain all books, documents, papers, employee time sheets, accounting records and other evidence pertaining to costs incurred and shall make such materials available at its office at all reasonable times during the term of this Agreement and for three (3) years from the date of final payment under this Agreement, for inspection by Owner and copies thereof shall be furnished to Owner if requested.

#### 9. INDEPENDENT CONTRACTOR

At all times during the term of this Agreement, Contractor shall be an independent contractor and shall not be an employee, agent, partner or joint venturer of the Owner. Owner shall have the right to control Contractor insofar as the results of Contractor's



services rendered pursuant to this Agreement; however, Owner shall not have the right to control the means by which Contractor accomplishes such services.

#### 10. LICENSES AND PERMITS

Contractor represents and declares to Owner that it has all licenses, permits, qualifications and approvals of whatever nature which are legally required to practice its profession. Contractor represents and warrants to Owner that Contractor shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any licenses, permits, qualifications or approvals which are legally required for Contractor to practice its profession.

#### 11. GOVERNING LAW, VENUE

This Agreement and the Contract Documents shall be construed under and in accordance with the laws of the State of California, and the appropriate venue for any action or proceeding arising from this Agreement and/or the Contract Documents shall be had in the Superior Court of San Diego, Central Branch.

#### 12. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall for all purposes be deemed to be an original.

#### 13. FALSE CLAIMS

Contractor acknowledges that if a false claim is submitted to the Owner, it may be considered fraud and Contractor may be subject to criminal prosecution. Contractor acknowledges that the False Claims Act, California Government Code sections 12650, et seq., provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include within their scope false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of the information. In the event the Owner seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorneys' fees. Contractor hereby acknowledges that the filing of a false claim may the Contractor to an administrative debarment proceeding wherein Contractor may be prevented from further bidding on public contracts for a period of up to five (5) years.

I have read and understood all of the provisions of this Section 15, above:

  
(Initial)

  
(Initial)

This Agreement and the Contract Documents may not be modified orally or in any manner other than by an amendment in writing and signed by the Owner and the Contractor.

Owner:

Contractor:

~ F. B.

APPROVED AS TO FORM:

Print name and title

By: \_\_\_\_\_

— F. D. —

(Second officer signature if a corporation)

GLENN BULLOCK PRESIDENT

Print name and title

#108926

Contractor's City Business License No.

#380204

State Contractor's License No. and Class

930 BOARDWALK SUITE H

Business street address

SAN MARCOS, CA 92078

City, State and Zip Code

## **EXHIBIT A**

### **CONTRACT DOCUMENTS**

Owner/Contractor Agreement

Bid Schedule

Addenda

Plans

Special Provisions (Specifications)

San Diego County Regional Standard Drawings

City of National City Standard Drawings

Standard Specifications for Public Works Construction and Regional Supplements  
(Greenbook)

State Standard Specifications

State Standard Plans

California Building, Mechanical, Plumbing and Electrical Codes

Permits issued by jurisdictional regulatory agencies

Electric, gas, and communications companies specifications and standards

Sweetwater Authority specifications and standards

Specifications, standards and requirements of MTS, BNSF, SANDAG, Port of San Diego  
and all other agencies that may be adjacent and/or affected by the project.

**EXHIBIT B**

**CONTRACT PRICE**

*(NOTE - TO BE COMPLETED TO CONFORM WITH BID SCHEDULE ITEMS)*

### CORPORATE CERTIFICATE

I, GLEN BULLLOCK certify that I am the Secretary of the Corporation named as Contractor in the foregoing Contract; that GLEN BULLLOCK, who signed said contract on behalf of the Contractor, was then PRESIDENT/OWNER/SECRETARY of said Corporation; that said contract was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

I, GLEN BULLLOCK certify that I am the Secretary of the Corporation named as Contractor in the foregoing Contract; that GLEN BULLLOCK, who signed said contract on behalf of the Contractor, was then PRESIDENT/OWNER/SECRETARY of said Corporation; that said contract was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

Corporate Seal: \_\_\_\_\_

**PARTNERSHIP CERTIFICATE**

STATE OF       N/A      )  
COUNTY OF       N/A      ) ss

On this       N/A       day of       N/A      , 20  N/A  , before me, the undersigned, a Notary Public in and for said County and State, personally appeared:

      N/A      

      N/A       (Notary Seal)

known to me to be       N/A       of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

Signature:       N/A      

Name (Type or Print):       N/A        
(Notary Public in and for said County and State)

My Commission expires:       N/A



### PERFORMANCE BOND

WHEREAS, the City Council of the City of National City, by Resolution No. \_\_\_\_\_, passed the 3<sup>rd</sup> day of September, 2019, has awarded to DICK MILLER, INC., hereinafter designated as the "Principal", the PARADISE CREEK PARK EXPANSION, CIP No. 18-16.

WHEREAS, said Principal is required under the terms of said contract to furnish a bond for the faithful performance of said contract.

NOW, THEREFORE, we, the Principal and The Ohio Casualty Insurance Company as surety, are held and firmly bound unto the City Council of the City of National City hereinafter called the "Council", in the penal sum of Two Million, Three Hundred Thirty Thousand, Eight Hundred Sixty Nine and Seventy Cents (\$2,330,869.70) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT if the above bounden Principal, his/her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the said contract any alteration thereof made as therein provides, on his or their part, to be kept and performed at the time and in the amount therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of National City, the City Council, their officers, agents, and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and virtue.

And the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed herein or the specifications accompanying the same shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or additions to the terms of the contract or to the work or to the specifications.

In the event suit is brought upon this bond by the City of National City and judgment is recovered, the surety shall pay all costs incurred by the Council in such suit, including a reasonable attorney's fee to be fixed by the Court.

IN WITNESS WHEREOF three identical counterparts of this instrument, each of which shall for all purposes be deemed an original thereof, have been duly executed by the

Principal and Surety above named, on the 22nd day of August, 2019.

The Ohio Casualty Insurance Company (SEAL)

[Signature] (SEAL)

Bart Stewart, Attorney-in-Fact (SEAL)

Surety

Dick Miller, Inc. (SEAL)

[Signature] (SEAL)

GLEN BULLOCK (SEAL)

Principal

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 8090514

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company      West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint,  
Molly Cashman; Bart Stewart

all of the city of Encinitas, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 9th day of May, 2018.



The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA      ss  
COUNTY OF MONTGOMERY

On this 9th day of May, 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires March 28, 2021  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS – Section 12. Power of Attorney.** Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation –** The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization –** By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 22nd day of August, 2019.



By: Renee C. Llewellyn  
Renee C. Llewellyn, Assistant Secretary



PERFORMANCE BOND

ATTORNEY-IN-FACT ACKNOWLEDGEMENT OF SURETY

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

On this 22nd day of August, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Bart Stewart known to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact of the The Ohio Casualty Insurance Company, the corporation named as Surety in said instrument, and acknowledged to me that he subscribed the name of said corporation thereto as Surety, and his own name as attorney-in-fact.

NOTE: Signature of those executing for  
Surety must be properly  
acknowledged.

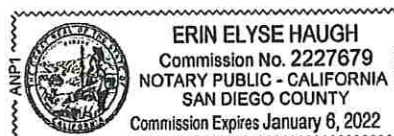
NOTE: The Attorney-in-fact must attach a  
certified copy of the Power of  
Attorney.

Signature: \_\_\_\_\_

Name (Type or Print): Erin Elyse Haugh, Notary Public

Notary Public in and for said County and State

My Commission expires: January 6, 2022



### PAYMENT BOND

WHEREAS, the City Council of the City of National City, by Resolution No. \_\_\_\_\_, passed the 3<sup>rd</sup> day of September, 2019, has awarded DICK MILLER, INC., hereinafter designated as the "Principal", the PARADISE CREEK PARK EXPANSION, CIP NO. 18-16.

WHEREAS, said Principal is required by Chapter 5 (commencing at Section 3225) and Chapter 7 (commencing at Section 3247), Title 15, Part 4, Division 3 of the California Civil Code to furnish a bond in connection with said contract;

NOW, THEREFORE, we, the Principal and The Ohio Casualty Insurance Company as surety, are held and firmly bound unto the City Council of the City of National City, hereinafter called the "Council", in the penal sum of Two Million, Three Hundred Thirty Thousand, Eight Hundred Sixty Nine and Seventy Cents (\$2,330,869.70) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that if said Principal, his/her or its subcontractors, heirs, executors, administrators, successors, or assigns, shall fail to pay any of the persons named in Section 3181 of the California Civil Code, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or for any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his subcontractors pursuant to Section 18806 of the Revenue and Taxation Code, with respect to such work and labor the Surety will pay for the same in an amount not exceeding the sum hereinafter specified, and also, in case suit is brought upon this bond, a reasonable attorney's fee, to be fixed by the Court.

This Bond shall inure to the benefit of any of the persons named in Section 3181 of the California Civil Code, so as to give a right of action to such persons or their assigns in any suit brought upon this bond.

It is further stipulated and agreed that the Surety on this bond shall not be exonerated or released from the obligation of this bond by any change, extension of time for performance, addition, alteration or modification in, to, or of any contract, plans, specifications, or agreement pertaining or relating to any scheme or work of improvement hereinabove described or pertaining or relating to the furnishing of labor, materials, or equipment therefore, not by any change or modification of any terms of payment or extension of the time for any payment pertaining or relating to any scheme or work of improvement hereinabove described, nor by any rescission or attempted rescission of the contract, agreement or bond, nor by any conditions precedent or subsequent in the bond attempting to limit the right of recovery of claimants otherwise entitled to recover under any such contract or agreement or under the bond, nor by any fraud practiced by any person other than the claimant seeking to recover on the bond and that this bond be construed most strongly against the Surety and in favor of all persons for whose benefit such bond is given, and under no circumstances shall Surety be released from liability to those for whose benefit such bond has been given, by reason of any breach of contract between the owner of Public Entity and original contractor or on the part of any obliges named in such bond, but the sole conditions of recovery shall be that claimant is a person described in Section 3110 or 3112 of the California Civil Code, and has not been paid the full amount of his claim and that Surety does hereby waive notice of any such change, extension of time, addition, alteration or modification herein mentioned.

IN WITNESS WHEREOF three identical counterparts of this instrument, each of which shall for all purposes be deemed an original thereof, have been duly executed by the Principal and Surety above named, on the 22nd day of August, 2019.

The Ohio Casualty Insurance Company (SEAL)

[Signature] (SEAL)

Bart Stewart, Attorney-in-Fact (SEAL)

Surety

Dick Miller, Inc. (SEAL)

[Signature] (SEAL)

Glen Bullock (SEAL)

Principal



**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 8090513

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Molly Cashman; Bart Stewart

all of the city of Encinitas, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 9th day of May, 2018.



The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 9th day of May, 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires March 28, 2021  
Member, Pennsylvania Association of Notaries

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS – Section 12. Power of Attorney.** Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation –** The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization –** By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 22nd day of August, 2019.



By: Renee C. Llewellyn  
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

ATTORNEY-IN-FACT ACKNOWLEDGEMENT OF SURETY

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

On this day 22nd of August, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Bart Stewart known to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact of the The Ohio Casualty Insurance Company, the corporation named as Surety in said instrument, and acknowledged to me that he subscribed the name of said corporation thereto as Surety, and his own name as attorney-in-fact.

NOTE: Signature of those executing for Surety must be properly acknowledged.

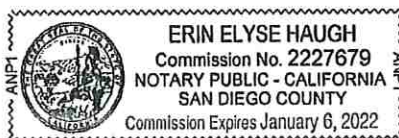
NOTE: The Attorney-in-fact must attach a certified copy of the Power of Attorney.

Signature: \_\_\_\_\_

Name (Type or Print): Erin Elyse Haugh, Notary Public  
(Notary Public in and for said County and State)

My Commission expires: January 6, 2022

ATTACH ALL BONDS





**City of National City**

(To be submitted only when there are no employees subject to Workers' Compensation)

**DECLARATION AND ADDENDUM TO ALL CONTRACTS AWARDED TO:**

DICK MILLER INC

(Company Name)

For the purpose of inducing the City of National City to go forward with any contracts awarded to

DICK MILLER INC (Company), I declare as follows:

I, GLEN BULLOCK (name), PRESIDENT/OWNER/SECRETARY (title), am authorized to execute this document on behalf of (company) with respect to compliance with the California Workers' Compensation and Labor laws. All work required will be performed personally and solely by volunteers of DICK MILLER INC (company), who are independent contractors. If, however, DICK MILLER INC (company) shall ever be required to hire employees or Subcontractors to perform this contract, DICK MILLER INC (company) shall obtain Workers' Compensation Insurance and/or provide proof of Workers' Compensation Insurance coverage to the City of National City.

This document constitutes a declaration by DICK MILLER INC (company) against its financial interest, relative to any claims which may be asserted under the California Workers' Compensation and/or Labor laws against the City of National City relating to any bid or contract awarded DICK MILLER INC (company).

DICK MILLER INC (company) will defend, indemnify, and hold harmless the City of National City, its officers and employees, from any and all claims and liability, including Workers' Compensation claims and liability that may be asserted or established by any party in the event it hires an employee in violation of this addendum or if a volunteer of the organization makes a claim against or alleges liability of the City of National City for Workers' Compensation, and it will further indemnify the City of National City, its officers and employees, for all damages the City thereby suffers.

I agree that these declarations shall constitute an addendum to any bid or contract awarded to: DICK MILLER INC (company).

Dated: AUGUST 22, 2019.

(Insert company name in all caps)

By: G. Bullock  
(Signature of Authorized Representative)

GLEN BULLOCK - PRESIDENT/OWNER/SECRETARY  
(Name and Title)

THIS DOCUMENT HAS A VOID WATERMARK AND VOID FIBERS DISSEMINATE FROM BOTH SIDES

108926

BUSINESS LICENSE CERTIFICATE

CITY OF NATIONAL CITY

PURSUANT TO CITY ORDINANCE THIS LICENSE IS HEREBY GRANTED FOR THE TERM & PURPOSE STATED

BUS DESCRIPTION GENERAL CONTRACTOR CALIFORNIA Date of Expiration: 12/31/2019

BUSINESS ADDRESS 830. BOARDWALK STE H



BUSINESS NAME DICK MILLER INC

ATTN:

MAILING

ADDRESS 930 BOARDWALK STE H  
SAN MARCOS, CA 92078-2634

*Steve A. D.*  
City Manager

NON TRANSFERABLE

POST IN A CONSPICUOUS PLACE

THIS DOCUMENT HAS A VOID WATERMARK AND VOID FIBERS DISSEMINATE FROM BOTH SIDES



THIS DOCUMENT HAS A TRUE WATERMARK AND VISIBLE FIBERS DISCERNIBLE FROM BOTH SIDES

## CITY OF NATIONAL CITY

64756

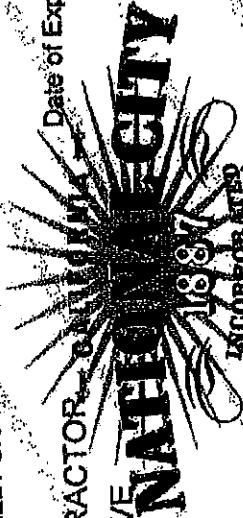
### BUSINESS LICENSE CERTIFICATE

PURSUANT TO CITY ORDINANCE THIS LICENSE IS HEREBY GRANTED FOR THE TERM & PURPOSE STATED

Date of Expiration: 12/31/2019

BUS DESCRIPTION ELECTRICAL CONTRACTOR


BUSINESS ADDRESS 6061 FAIRMOUNT AVE



BUSINESS NAME ACE ELECTRIC, INC

ATTN:

MAILING ADDRESS  
PO BOX 601071  
SAN DIEGO, CA 92160-1071

  
City Manager

NON TRANSFERABLE

POST IN A CONSPICUOUS PLACE

THIS DOCUMENT IS ALTERATION PROTECTED AND REFLECTS FLUORESCENT FIBERS UNDER UV LIGHT

KEEP FOR YOUR RECORDS  
BUSINESS TAX RECEIPT

License No. 64756

A	\$50.00
SB1186	\$4.00
TOTAL	\$54.00

National City 95  
1243 National City Blvd.  
619-336-4330 / 67277  
08/26/2019 09:02:30.000  
Validation Receipt  
Reg CHNK-FIN-23

CHARGES-  
001-00000-3040  
BL PACIFIC PLAY SYSTES 75.00  
001-00000-3043  
SB1186 PACIFIC PLAY SYSTES 4.00

Sub-total \$\*\*\*\*\*79.00

PAYMENT-  
Mastercard - MC \$ 79.00  
SALINA TULADHAR

Change \$\*\*\*\*\*0.00

## LICENSE APPLICATION

NOTATION IS INCOMPLETE. ENCLOSE PAYMENT  
TO THE CITY OF NATIONAL CITY.  
OR PRINT

### INFORMATION

LOCAL BUSINESS PHONE
760-599-7355

### NATIONAL CITY

ROOM/SUITE NO.
----------------

### ID/OR P.O. BOX

ROOM/SUITE NO.
----------------

### COX NO.

STATE	ZIP CODE
CA	92010

CASHIER'S COPY
----------------

BUSINESS LICENSE #

ALL LICENSES EXPIRE DECEMBER 31  
RENEWALS ARE DUE BY FEBRUARY 28



National City 95  
THIS STUB WHEN VALIDATED IS YOUR  
OFFICIAL RECEIPT FROM THE  
City of National City  
08/26/2019 09:02:30.000  
BL PACIFIC PLAY SYSTES 75.00  
SB1186 PACIFIC PLAY SYSTES 4.00  
TAXES \$  
Processing Fee/Misc. \$  
Fire Inspection Fee \$  
SB1186 \$ 4.00  
TOTAL \$ 79

b. TRANSACTION TYPE (AND COMPLETE IF APPLICABLE)

☒ NEW BUSINESS IN NATIONAL CITY: BUSINESS WILL OPEN/OPENED ON:

☐ OWNERSHIP CHANGE: PREVIOUS BUSINESS NAME:

### C. DESCRIPTION OF BUSINESS

CHECK ONE: A. <input type="checkbox"/> WHOLESALE B. <input type="checkbox"/> RETAIL C. <input checked="" type="checkbox"/> SERVICE D. <input type="checkbox"/> RENTAL UNITS, # OF UNITS E. <input type="checkbox"/> MANUFACTURING F. <input type="checkbox"/> OFFICE		
BUILDING SQUARE FOOTAGE (applicable to commercial addresses):	TOTAL NO. OF BEDS (applicable to Health Care Facilities):	
STATE LICENSE #/ HEALTH PERMIT/ ABC #/ DRIVERS LIC. #	STATE RESALE #	FEDERAL ID #/ SOCIAL SEC. #
957776	101-713354	27-4620108
DESCRIBE BUSINESS FULLY - INCLUDE PRINCIPAL PRODUCT OR SERVICE General Contractor - Playground Equipment		
NUMBER OF BUSINESS VEHICLES OPERATING IN NATIONAL CITY WITH YOUR COMPANY ADVERTISING (LOGO) ON THEM		

### D. OWNERSHIP INFORMATION

CHECK ONE: 1. <input type="checkbox"/> SINGLE PROPRIETORSHIP 2. <input type="checkbox"/> PARTNERSHIP C. <input checked="" type="checkbox"/> CORPORATION				
LIST OWNER/PARTNERS/CORPORATE OFFICERS				
LAST NAME	FIRST NAME	MI	TITLE	HOME PHONE
Bermanian	Ali		President	760-855-3688
HOME ADDRESS	CITY	STATE	ZIP CODE	
3288 Greer Knack Ct	Culmbad	CA	92010	
LAST NAME	FIRST NAME	MI	TITLE	HOME PHONE
HOME ADDRESS	CITY	STATE	ZIP CODE	

### E. EMERGENCY INFORMATION

LIST IN ORDER OF PRIORITY AND PROXIMITY TO BUSINESS THE PERSON TO BE CONTACTED AT NIGHT IN CASE OF BREAK IN OR FIRE				
NAME	TITLE	TELEPHONE #		
1. Ali Bermanian	President	760-855-3688		
2.				
DO YOU HAVE A BURGLAR ALARM? 1. <input type="checkbox"/> NO 2. <input checked="" type="checkbox"/> YES: IF YES 3. <input type="checkbox"/> SILENT 4. <input type="checkbox"/> AUDIBLE				
NAME OF ALARM COMPANY		PHONE #		

SIGNATURE	TITLE	DATE
Ali Bermanian	PROJECT MANAGER	08/26/2019
BUSINESS NAME PACIFIC PLAY SYSTEMS, INC.		



National City 95  
1243 National City Blvd.  
619-336-4330 / 67272  
08/26/2019 07:20:45.000 Reg CHMK-FIN-23  
Validation Receipt

CHARGES-  
001-00000-3040  
BL PRIMO ENERGY \$ 20.00  
001-00000-3043  
SB1186 PRIMO ENERGY \$ 4.00  
Sub-total \$\*\*\*\*\*24.00  
PAYMENT-  
Visa - VISA \$ 24.00  
HEYDEN V ZANTHEN  
Change \$\*\*\*\*\*0.00

## BUSINESS LICENSE APPLICATION

CITY, CA 91950  
REQUIRED INFORMATION IS INCOMPLETE. ENCLOSE PAYMENT  
PAYABLE TO THE CITY OF NATIONAL CITY.  
PLEASE TYPE OR PRINT

GENERAL INFORMATION		LOCAL BUSINESS PHONE
1E)		619-793-5442
1A.)		

LOCATION IN NATIONAL CITY		ROOM/SUITE NO.
4E		

MAILING ADDRESS AND/OR P.O. BOX			
NUMBER 7350	DIR	STREET NAME Trade Street	ROOM/SUITE NO. B
CITY San Diego		P.O. BOX NO.	ZIP CODE 92121
STATE CA			
PHONE NUMBER AT MAILING ADDRESS. INCLUDE AREA CODE 619-793-5442			

EMAIL ADDRESS: [christinia@primoenergy.com](mailto:christinia@primoenergy.com)

Rev. 6/2015

BUS # \_\_\_\_\_ LIC # \_\_\_\_\_  
National City 95  
1243 National City Blvd.  
619-336-4330 / 67272  
08/26/2019 07:20:45.000 Reg CHMK-FIN-23  
Validation Receipt

BL PRIMO ENERGY	\$	20.00
SB1186 PRIMO ENERGY	\$	4.00

THIS STUB, WHEN VALIDATED, IS YOUR  
OFFICIAL RECEIPT FROM THE:

**City of**  
**National City**  
BUSINESS LICENSE DIVISION  
(619) 336-4330

TAXES \$ \_\_\_\_\_  
MISC \$ \_\_\_\_\_  
SB1186 \$ 4.00  
TOTAL \$ 4.00



DICKMIL-01

SEIME1

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/22/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0L48969  
C3 Risk & Insurance Services  
404 Camino Del Rio S. STE 410  
San Diego, CA 92108

CONTACT NAME: Megan Seltz

PHONE (A/C, No, Ext): (619) 669-8108 249

FAX (A/C, No):

E-MAIL ADDRESS: megan@c3insurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Associated Industries Ins. Co., Inc

23140

INSURER B: Underwriters at Lloyds of London

15792C

INSURER C: Evanston Insurance Co

35378

INSURER D:

INSURER E:

INSURER F:

INSURED

Dick Miller, Inc.  
930 Boardwalk Suite H & G  
San Marcos, CA 92078

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOG OTHER:	X		AES102480608	11/6/2018	11/6/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			WCISCEL000232501	11/6/2018	11/6/2019	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory In NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	POLU- \$5MIL/Ded \$25K			MKLVS5ENV101307	11/6/2018	11/6/2019	TPL- \$2MIL/Ded \$25K

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
General Liability and Employers Liability are Underlying Policies on the Umbrella Policy.  
Blanket forms apply when required by written contract with the named insured.

Re: Job: Paradise Creek Park. City of National City, its elected officials, officers, agents, employees, and volunteers are named as additional insureds as respects to General Liability per forms CG2010 07/04 and CG2037 07/04. Project Aggregate applies per the attached form regarding General Liability. Blanket endorsements apply when required by written contract with the named insured.

## CERTIFICATE HOLDER

City of National City  
c/o Risk Manager  
1243 National City Blvd  
National City, CA 91950

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

### SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
All persons or organizations where required by written contract with the Named Insured.	
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

**B.** With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

### **SCHEDULE**

<b>Name Of Additional Insured Person(s) Or Organization(s):</b>	<b>Location And Description Of Completed Operations</b>
<b>All persons or organizations where written contract with the Named Insured requires additional insured completed operations. This form does not apply to your work on "residential property".</b>	
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional Insured and included in the "products-completed operations hazard".

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **AMENDMENT – AGGREGATE LIMITS OF INSURANCE (PER PROJECT)**

This endorsement modifies insurance provided under the following:

### **COMMERCIAL GENERAL LIABILITY COVERAGE FORM**

**Schedule**

Subject to an Overall Policy Aggregate Limit: \$5,000,000

(Information required to complete this Schedule, if not shown above, will be shown in Declarations.)

**A. Paragraphs 2. and 3. of SECTION III – LIMITS OF INSURANCE are replaced by the following:**

- 2.** The Overall Policy Aggregate Limit is the most we will pay for the sum of
  - a.** Medical expenses under Coverage C;
  - b.** Damages under Coverage A, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard"; and
  - c.** Damages under Coverage B.
- 3.** The Products-Completed Operations Aggregate Limit is the most we will pay under Coverage A for damages because of "bodily injury" and "property damage" included in the "products-completed operations hazard" to each of your projects away from premises owned by or rented to you.

**B. The following is added to SECTION III – LIMITS OF INSURANCE:**

- 8.** Subject to Paragraph 2. and 3. above, the General Aggregate Limit is the most we will pay under for the sum Coverage A, Coverage B, or Coverage C to each of your projects away from premises owned by or rented to you.



# CERTIFICATE OF LIABILITY INSURANCE

Accl# 2526411

DATE (MM/DD/YYYY)

8/22/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
Willis of Greater Kansas City Inc.  
5700 W 112th Street, Ste. 100  
Overland Park, KS 66211

CONTACT  
NAME:  
PHONE (A/C, No, Ext): 844-290-4908 FAX (A/C, No):  
E-MAIL: BBSicerts@locktonallinity.com  
ADDRESS:

INSURER(S) AFFORDING COVERAGE  
INSURER A: Ace American Insurance Co. NAIC # 22667

INSURED  
Barrett Business Services, Inc.  
L/C/F DICK MILLER, INC.  
930 BOARDWALK, SUITE H  
SAN MARCOS, CA 92078

INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:  
INSURER F:

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/PROP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	X	C65202700	10/1/2018	10/1/2019 E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Policy State = CA  
Waiver of Subrogation in favor of certificate holder when required by written contract  
RE: All Operations - Paradise Creek Park  
30-Day Notice of Cancellation

## CERTIFICATE HOLDER

City Of National City C/o Risk Manager  
1243 National City Blvd  
National City, CA 91950

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Brin Hester*

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### Workers' Compensation and Employers' Liability Policy

**Named Insured**

Barrett Business Services, Inc.  
L/C/F DICK MILLER, INC.  
930 BOARDWALK, SUITE H  
SAN MARCOS, CA 92078

**Endorsement Number****Policy Number**

Symbol:      Number: C65202700

**Policy Period**

10/1/2018 TO 10/1/2019

**Effective Date of Endorsement**

8/22/2019

**Issued By (Name of the Insurance Company)**

Ace American Insurance Co.

Insert the policy number. The remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

### CALIFORNIA WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

This endorsement applies only to the insurance provided by the policy because California is shown in Item 3.A. of the Information Page.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule, but this waiver applies only with respect to bodily injury arising out of the operations described in the Schedule, where you are required by a written contract to obtain this waiver from us.

You must maintain payroll records accurately segregating the remuneration of your employees while engaged in the work described in the Schedule.

**Schedule****1. ( ) Specific Waiver**

Name of person or organization:

**(X) Blanket Waiver**

Any person or organization for whom the Named Insured has agreed by written contract to furnish this waiver.

**2. Operations:****3. Premium:**

The premium charge for this endorsement shall be INCLUDED percent of the California premium developed on payroll in connection with work performed for the above person(s) or organization(s) arising out of the operations described.

**4. Minimum Premium: INCLUDED**

Authorized Agent



Policy Number:

Date Entered: 07/24/2019

**CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)  
7/24/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Munke Insurance Agency 8333 Clairemont Mesa Blvd Ste 202 San Diego, CA 92111	<b>CONTACT NAME:</b> Bryan Nunke	
	<b>PHONE (A/C No. Ext.):</b> (619) 298-9000 <b>FAX (A/C No.):</b> (888) 733-3122	
	<b>E-MAIL ADDRESS:</b> bnunke@farmersagent.com	
<b>INSURED</b> Dick Miller, Inc.  930 Boardwalk Suite H San Marcos, CA 92078	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> Farmers Insurance Exchange	21652
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
A	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	X	X	606728194	1/25/2019	1/25/2020	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: All Operations

Additional Insured: The City of National City, its elected officials, officers, agents, employees and volunteers. Primary and Non-Contributory and Waiver of Subrogation is included.

**CERTIFICATE HOLDER****CANCELLATION**

City of National City c/o Risk Manager 1243 National City Blvd National City, CA 91950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Bryan Nunke

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ACORD 25 (2016/03)

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

Policy: 60672-81-94



**J7120**  
1st Edition

## BUSINESS AUTO EXTENSIONS

This endorsement modifies insurance provided under the following:

### BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

#### A. Section II - Liability Coverage is amended as follows:

##### 1. The following is added to Paragraph A.1. Who Is An Insured:

###### Blanket Additional Insured

Each person or organization with whom you agree, by virtue of a written contract or agreement, to provide insurance is an "Insured", but only with respect to their legal liability for acts or omissions of a person for whom Liability Coverage is afforded under this policy:

- (1) Provided that the contract or agreement is signed and executed by you prior to the "bodily injury" or "property damage" loss; and
- (2) The contract or agreement is in effect during the policy period.

#### B. Section IV - Business Auto Conditions is amended as follows:

##### 1. The following is added to Paragraph A.5. Transfer Of Rights Of Recovery Against Other To Us:

###### Blanket Waiver Of Subrogation

We waive our right of recovery that we may have against a person or organization, but only to the extent that this is required of you by a written contract or agreement that is signed and executed prior to any "accident" or "loss". This waiver applies only to the person or organization designated in such contract or agreement.

##### 2. The following is added to Paragraph B.5. Other Insurance:

###### Primary And Noncontributory

This insurance will be primary and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance;
- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured;
- (3) This contract or agreement is signed and executed by you prior to when the "bodily injury" or "property damage" occurs; and
- (4) This written contract or agreement is in effect during the policy period.

This endorsement is part of your policy. It supersedes and controls anything to the contrary. It is otherwise subject to all the terms of the policy.

## **RESOLUTION NO. 2019 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY,  
1) AWARDING A CONTRACT TO DICK MILLER, INC. IN THE AMOUNT OF  
\$2,330,869.70 FOR THE PARADISE CREEK PARK EXPANSION PROJECT, CIP NO.  
18-16; 2) AUTHORIZING A 15% CONTINGENCY IN THE AMOUNT OF \$349,630.45  
FOR ANY UNFORESEEN CHANGES; AND 3) AUTHORIZING THE MAYOR TO  
EXECUTE THE CONTRACT**

**WHEREAS**, on May 16, 2017, City Council adopted Resolution No. 2017-73 authorizing the filing of an application for the Urban Greening Grant Program funds through the California Department of Natural Resources for National City's Paradise Creek Park Project and authorizing the City Manager to execute the grant agreement with California Department of Natural Resources, if selected for grant award; and

**WHEREAS**, in November 2017, staff was notified that National City had been awarded a \$1,151,265 Urban Greening Grant for the project which the City Manager subsequently executed in July 2018; and

**WHEREAS**, in October 16, 2018, City Council adopted Resolution No. 2018-182 awarding a contract for the construction of the Paradise Creek Park Site Remediation and Improvements Project that will provide the site remediation, grading, and infrastructure improvements necessary to construct the new approximately 4-acre Paradise Creek Park; and

**WHEREAS**, the Paradise Creek Park Expansion Project will develop an approximately 4-acre Community Park with decomposed granite (DG) walking paths, educational and interpretive signage, trees, native vegetation, bioretention areas for storm water treatment, community garden, playground and passive recreational areas, and other amenities on the west side of Paradise Creek between W. 22nd Street and W. 19th Street; and

**WHEREAS**, on June 27, 2019, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors and on July 2, 2019 and July 9, 2019, the bid solicitation was advertised in local newspapers; and

**WHEREAS**, on July 30, 2019, six (6) bids were received electronically on PlanetBids by the 2:00 p.m. deadline with Dick Miller Inc. being the apparent lowest bidder with a total bid amount of \$2,330,869.70; and

**WHEREAS**, upon review of all documents submitted, Dick Miller, Inc.'s bid was deemed responsive and lowest responsible bidder qualified to perform the work as described in the project specification with an estimated completion date of May 2020; and

**WHEREAS**, staff recommends awarding a contract to Dick Miller, Inc. in the not to exceed amount of \$2,330,869.70 and to authorize a 15% contingency in the amount of \$349,630.45 to address any unforeseen conditions that may arise.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of National City hereby awards the contract for the Paradise Creek Park Expansion Project to the lowest responsive, responsible bidder, to wit:

DICK MILLER, INC.

**BE IT FURTHER RESOLVED** by the City Council of the City of National City that the Mayor is hereby authorized to execute on behalf of the City a contract in the not-to exceed amount of \$2,330,869.70 with Dick Miller, Inc. for the Paradise Creek Park Expansion Project. Said contract is on file in the office of the City Clerk.

**BE IT FURTHER RESOLVED** that the City Council of the City of National City authorizes a 15% contingency in the amount of up to \$349,630.45 for any unforeseen changes.

**PASSED and ADOPTED this 3rd day of September, 2019.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angil P. Morris-Jones  
City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City reducing the property tax rate for the Library General Obligation Bonds for fiscal year 2020 from 0.73 cent per \\$100 of assessed valuation to 0.67 cent. \(Finance\)](#)

Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Resolution of the City Council of the City of National City reducing the property tax rate for the Library General Obligation Bonds for fiscal year 2020 from 0.73 cent per \$100 of assessed valuation to 0.67 cent.

**PREPARED BY:** Karim Galeana, Finance Manager

**PHONE:** 619-336-4331

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

In the special municipal election held on March 5, 2002, more than two-thirds of National City's eligible voters approved the issuance of general obligation bonds to fund the construction of the new National City Library. In April 2003, the City issued the general obligation bonds in the aggregate principal amount of \$6 million. Those bonds mature on August 1<sup>st</sup> of each of the years 2004 through 2028.

In 2012, the City refinanced the bonds to lower the interest rate on the bonds and to decrease the tax burden required for repayment. The amount of principal and interest to be paid each year is generated through the proceeds of property taxes received from the County of San Diego.

Each year, the City must establish the property tax rate that is needed to raise the revenue required to service its annual bonded indebtedness. For fiscal year 2020, the calculated property tax rate is 0.67 cent per \$100 of assessed value. This is a 8.74% reduction from the prior year rate of 0.73 cent and the 9<sup>th</sup> consecutive tax rate reduction since fiscal year 2011. The total tax rate reduction since fiscal year 2011 is approximately 52.96%.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**  
NA

**APPROVED:** 

**FINANCE**

**APPROVED:** \_\_\_\_\_

**MIS**

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION ☐ FINAL ADOPTION ☐

**STAFF RECOMMENDATION:**

Adopt the resolution, reducing the property tax rate for the Library General Obligation Bonds for fiscal year 2020 from 0.73 cent per \$100 of assessed valuation to 0.67 cent.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

1. General Obligation Bond Tax Rate Computation for fiscal year 2020
2. Resolution

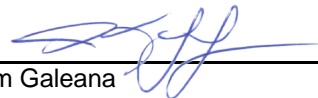
**General Obligation Bond Debt Service (Fund 259)**  
**Tax Rate Computation for Fiscal Year 2020**

**National City**

**Fund No. 6065-50**

	Rate per \$100	Assessed Valuation	FY19/20 Est. Revenue	PY Rate Change:	8.7432%
Secured Valuation	0.0066800	4,066,234,027	271,624		
Unsecured Valuation	0.0073200	235,634,668	17,248		
			<hr/>		
			288,873		
HO Exemption		28,993			
1 Net Secured Valuation		4,066,234,027	11 Amount to be raised	<b>284,321</b>	
3 Less Delinquency Allowance		-	12 Unsecured HOPTR	-	
4 Net after Delinquency		4,066,234,027	14 Unsecured Delinquency	16,903	
5 Plus HOPTR			15 Less Unsecured		
		28,993	Redevelopment Impact	-	
6 Prelim Adj Secured Valuation			16 Amount to be raised by		
		4,066,263,020	Secured Taxes	267,417	
7 Less Redevelopment Impact		-			
8 Adj Sec Valuation Less					
Redevelopment Impact		4,066,263,020			
9 Anticipated Roll Corrections					
			18a Tax rate times #4	267,558	
10 Adj Sec Val for Rate					
Computation		4,066,263,020	18b Tax rate times HOPTR	2	
			19 Secured Proof	267,560	
16 Computed Rate (per \$100)		0.00658000	20 Raised by 1/100th mil	4,066	
17 Plus .0001		<b>0.00668000</b>	21,23 Taxes Raised	288,530	

I CERTIFY THAT THE ABOVE COMPUTED RATE + 1/100TH MIL IS A REASONABLE TAX RATE FOR THIS FUND

  
 Karim Galeana  
 Finance Manager

8/20/2019  
 Date

**RESOLUTION NO. 2019 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY  
AUTHORIZING THE REDUCTION OF THE PROPERTY TAX RATE FOR THE  
LIBRARY GENERAL OBLIGATION BOND FOR FISCAL YEAR 2020 FROM  
0.73 CENT PER \$100 OF ASSESSED VALUATION TO 0.67 CENT,  
A DECREASE OF 8.74%**

**WHEREAS**, in the special municipal election held on March 5, 2002, more than two-thirds of National City's eligible voters approved the issuance of General Obligation Bonds to fund the construction of the new National City Public Library; and

**WHEREAS**, in April, 2003, the City issued the Library General Obligation Bonds in the aggregate principal amount of \$6 million which mature August 1st of each of the years from 2004 through 2028; and

**WHEREAS**, in 2012, the City refinanced the bonds to lower the interest rate on the bonds and to decrease the tax burden required for repayment; and

**WHEREAS**, the amount of principal and interest to be paid each year is generated through the proceeds of property taxes received from the County of San Diego; and

**WHEREAS**, each year the City must establish the property tax rate that is needed to raise the revenue required to service its annual bonded indebtedness; and

**WHEREAS**, for Fiscal Year 2020, the calculated property tax rate is 0.67 cent per \$100 of assessed value, which is a 8.74% reduction from prior year rate of 0.73 cent and the 9th consecutive tax rate reduction since Fiscal Year 2011.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of National City hereby authorizes the reduction of the property tax rate for bonded indebtedness for Fiscal Year 2020 from 0.73 cent per \$100 (0.0073%) of assessed valuation to 0.67 cent per \$100 (0.0067%) of assessed valuation.

**2020 GENERAL OBLIGATION BONDS: 0.67 per \$100 ASSESSED VALUE (0.0067%)**

**PASSED and ADOPTED this 3rd day of September, 2019**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angil P. Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Notice of Decision - Planning Commission approval of a Conditional Use Permit for the on-site sale of beer and wine at a new restaurant \(Vons Chicken\) located at 811 "K" Avenue. \(Applicant: Wing & Wo LLC/ Steve Rawlings\) \(Case File 2019-15 CUP\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit for the on-site sale of beer and wine at a new restaurant (Von's Chicken) located at 811 'K' Ave. (Applicant: Wing & Wo LLC/ Steve Rawlings) (Case File 2019-15 CUP)

**PREPARED BY:** Chris Stanley *C.S.*

**DEPARTMENT:** Planning Division

**PHONE:** 619-336-4381

**APPROVED BY:** 

**EXPLANATION:**

The applicant is applying for a CUP for the sale of beer and wine at a new restaurant (Von's Chicken). The proposed hours for the sale of beer and wine are 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 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).

The Planning Commission conducted a public hearing on August 19, 2019. Commissioners asked questions regarding sensitive uses in the area and parking for the project. The Commission voted to approve the CUP based on required findings and subject to Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Not a project per California Environmental Quality Act (CEQA).

**ORDINANCE:** **INTRODUCTION:** ☐

**FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission approved the Conditional Use Permit.

Ayes: Natividad, Baca, Flores, Sendt, Yamane, DelaPaz

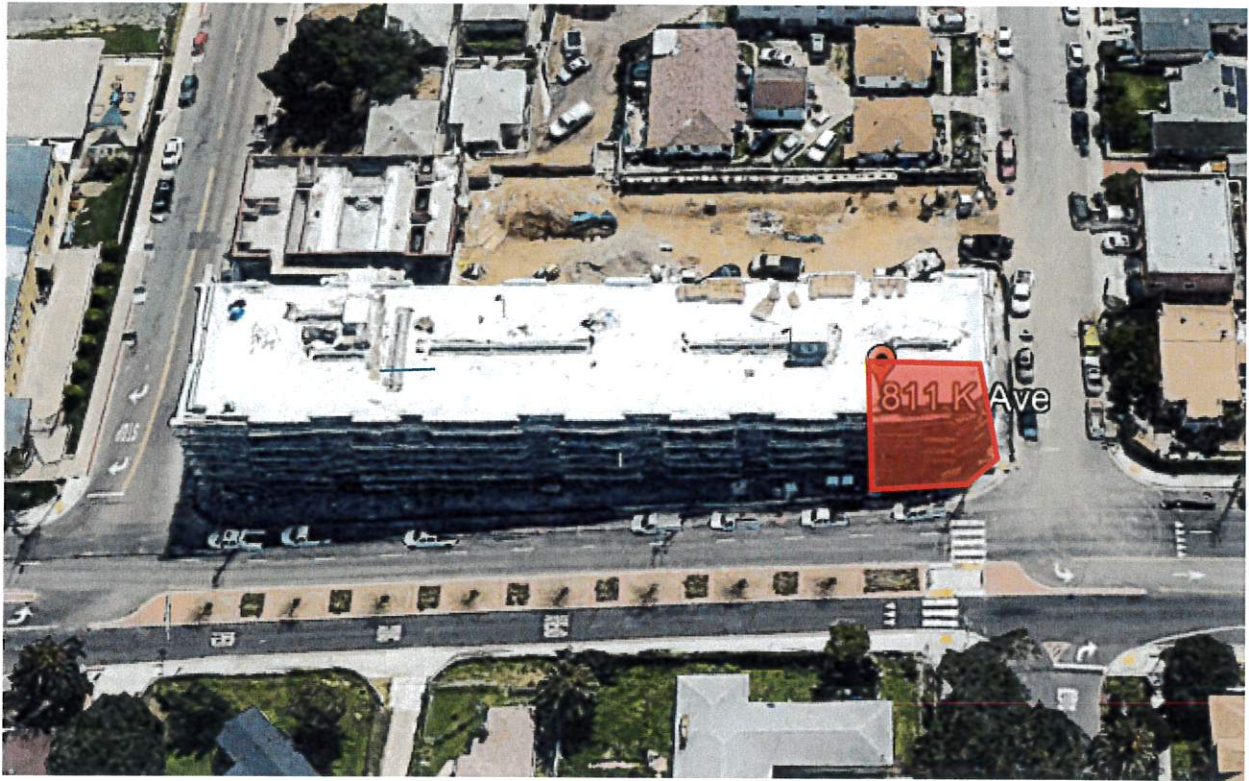
Absent: Garcia

**ATTACHMENTS:**

- |                                     |                           |
|-------------------------------------|---------------------------|
| 1. Overhead                         | 3. Resolution No. 2019-14 |
| 2. Planning Commission Staff Report | 4. Reduced Plans          |



2019-15 CUP – 811 'K' Avenue – Overhead



ATTACHMENT 1





Item no. **4**  
August 19, 2019

CITY OF NATIONAL CITY - PLANNING DIVISION  
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 A NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVENUE

Case File No.: 2019-15 CUP

Location: Southeast corner of E. 8<sup>th</sup> St. and 'K' Ave. (The Kimball)

Assessor's Parcel Nos.: 556-510-63

Staff report by: Chris Stanley, Assistant Planner

Applicant: Wing & Wo LLC/ Steve Rawlings

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

Adjacent use and zoning:

North: MXC-2 and RS-2 - Single-Family Residential across E. 8<sup>th</sup> St.

East: MXC-2 and RS-3 - Bethel Evangelical Church across 'L' Ave. / Multi-Family Residential

South: MXC-2 and Major Mixed-Use District (MXD-2) – Multi-Family Residential

West: MXC-2- Single Family 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 a new restaurant, “Von’s Chicken”, 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. The proposed hours of sale for beer and wine, 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday 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 a new restaurant (Von’s Chicken). The hours for the sale of beer and wine, as proposed by the applicant, are 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 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 1,200 square-foot retail space located at 811 ‘K’ Avenue. The restaurant will be the corner suite of the ground level of a newly built mixed-use project, The Kimball; the commercial suites for the project will continue east to ‘L’ Ave. Single family residential (RS-2 and MXC-2) exists north, east, and south of the property, as well as a church on the east side of ‘L’ Ave.

#### Proposed Use

The applicant is proposing to sell beer and wine at the new restaurant. The floor plan provided with this application shows ten tables with 30 chairs and bench seating as well as counter seating with four additional chairs. 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 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 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 555 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Wednesday, July 10, 2019 at 5:00 p.m. at the subject restaurant. The meeting advertisement is attached (Attachment 7). There were three community member in attendance. According to the applicant, the business model was explained to those in attendance, with the only concern being that the location would not be a bar. The applicant also stated that the same 555 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 50% of its floor area devoted to seating. There are no schools within 660 feet from the site.

Alcohol Sales Concentration/Location - Per State ABC, there are currently 14 on-sale licenses in this census tract (117) where a maximum of eight are recommended. For reference, the alcohol outlets in the census tract are:

Name	Address	License Type*	CUP
American Legion	35 E. 18 <sup>th</sup> ST.	52	N
Chuck E. Cheese's	1143 Highland Ave.	41	N
Royal Mandarin	1132 E. Plaza Blvd.	41	Y
VFW Post	1401 Highland Ave.	52	Y
Golden Chopsticks	1430 E. Plaza Blvd.	41	Y
Ginza Sushi	925 E. Plaza Blvd.	41	Y
Lai Thai Restaurant	1430 E. Plaza Blvd.	41	Y
Café La Maze	1441 Highland Ave.	47	N
Grill House at Big Ben	106 E. 8 <sup>th</sup> St	41	Y
Yi Sushi #2	1430 E. Plaza Blvd.	41	Y
Crab Fever	1420 E. Plaza Blvd.	41	Y
Galbi Sushi	1519 Highland Ave.	41	Y
Slappy's Burgers	1105 E. Plaza Blvd.	41	Y



Karina's	1705 Highland Ave.	41	Y
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\* Type 41 – On-Sale Beer and Wine for Bona Fide Public Eating Place

\* Type 47 – On-Sale General – Eating Place

\* Type 52 – Veteran's Club

The fourteen existing licenses are for restaurants and Veteran's Clubs. Census tract 117 includes the area south of East 8<sup>th</sup> Street, north of East 18<sup>th</sup> Street, east of National City Boulevard, and west of Palm 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 a.m. to 2 a.m. for the varying properties. Recent alcohol sales hours have been between 10 a.m. and 10 p.m., as such, the proposed hours are within the recommended hours.

#### Institute for Public Strategies (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 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).

#### Public Comments

An email was received from a nearby resident living at 922 E. 8<sup>th</sup> St. who was concerned about the amount of businesses that sell alcohol; they state that there should be more Police officers and that there are empty alcohol containers on the streets that do not get picked up. The resident also states that businesses should have their own security.

#### 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.

The building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXC-2) was analyzed for traffic impacts during the most recent Land Use Update. 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 an existing restaurant use where no expansion of the premises is proposed. 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 census tract is currently over-concentrated with 14 on-sale licenses, where a maximum of eight are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are 12 other restaurants in census tract 117 that already serve alcohol.



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.

#### 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 zone. 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 2019-15 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2019-15 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. 2019-15 CUP, dated 6/18/2019)
5. Public Hearing Notice (Sent to 555 property owners & occupants)
6. Census Tract & Police Beat Maps
7. Community Meeting Advertisement / Sign-In Sheet / Minutes
8. City Council Policy 707
9. Police Department Comments
10. Public Comment
11. Resolutions



CHRIS STANLEY  
Assistant Planner



ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

2019-15 CUP – 811 'K' 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 the building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXC-2) was analyzed for traffic impacts during the most recent Land Use Update. 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 the use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. 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, 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 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.

**RECOMMENDED FINDINGS FOR DENIAL**

2019-15 CUP – 811 'K' Avenue

1. The census tract is currently over-concentrated with 14 on-sale licenses, where a maximum of eight are recommended.
2. The proposed use is not deemed essential to the public necessity, because there are three other establishments in census tract 117 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**

2019-15 CUP – 811 'K' Avenue

### **General**

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new restaurant located at 811 'K' Ave. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-15 CUP, dated 6/18/2019.
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 Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the 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 a.m. and 9 p.m. Sunday through Thursday and 10 a.m. through 10 p.m. Friday and Saturday.
10. 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.





CITY OF NATIONAL CITY - PLANNING DIVISION  
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 A  
NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVE.  
CASE FILE NO.: 2019-15 CUP  
APN: 556-510-63

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 19, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Wing & Wo LLC)

This application has been submitted for Planning Commission consideration. The project site is a new 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 1,200 square-foot commercial space. The proposed alcohol sales hours are 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday.

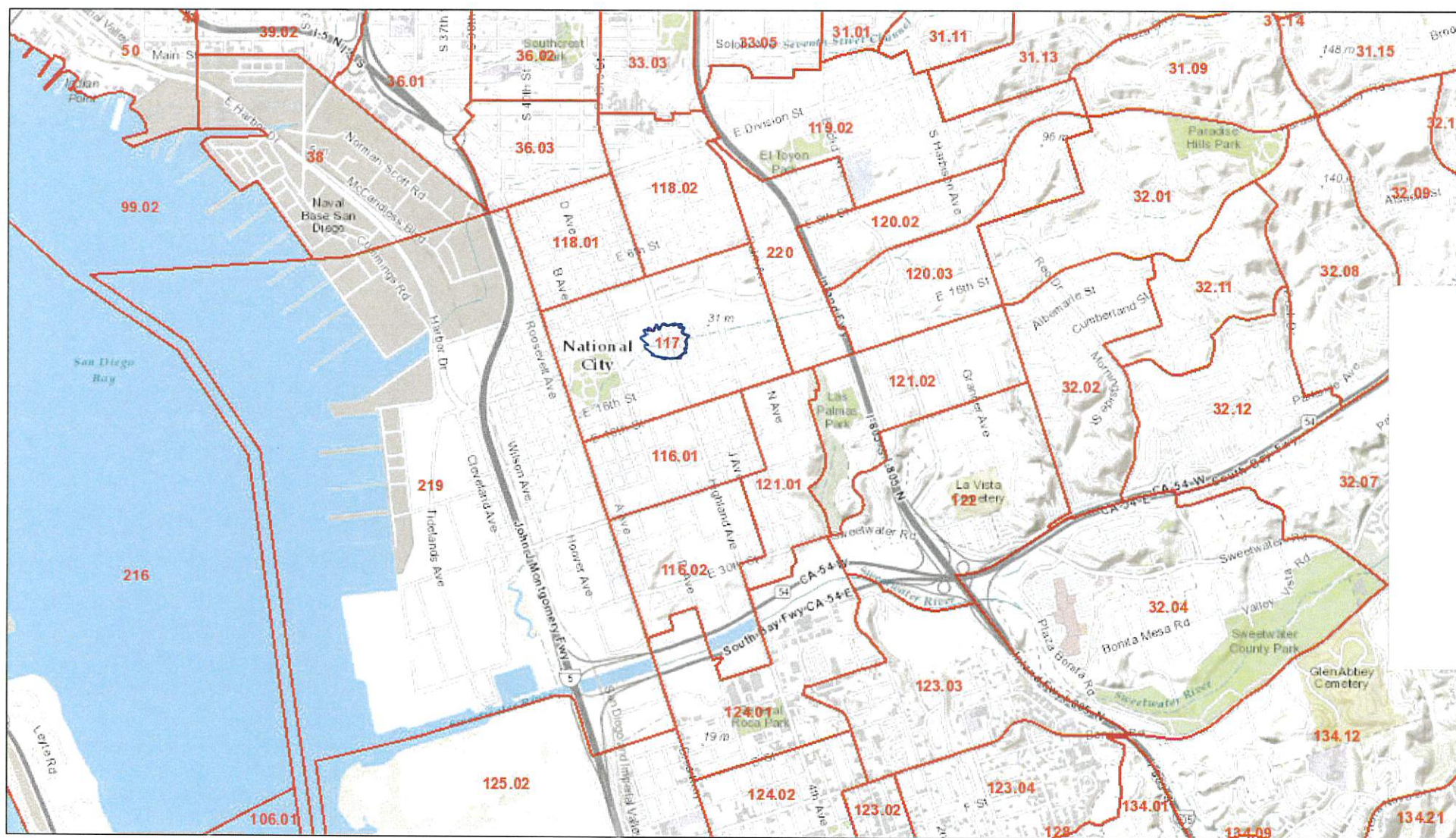
Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **August 19, 2019** by the Planning Division, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development

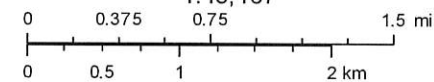




August 25, 2014

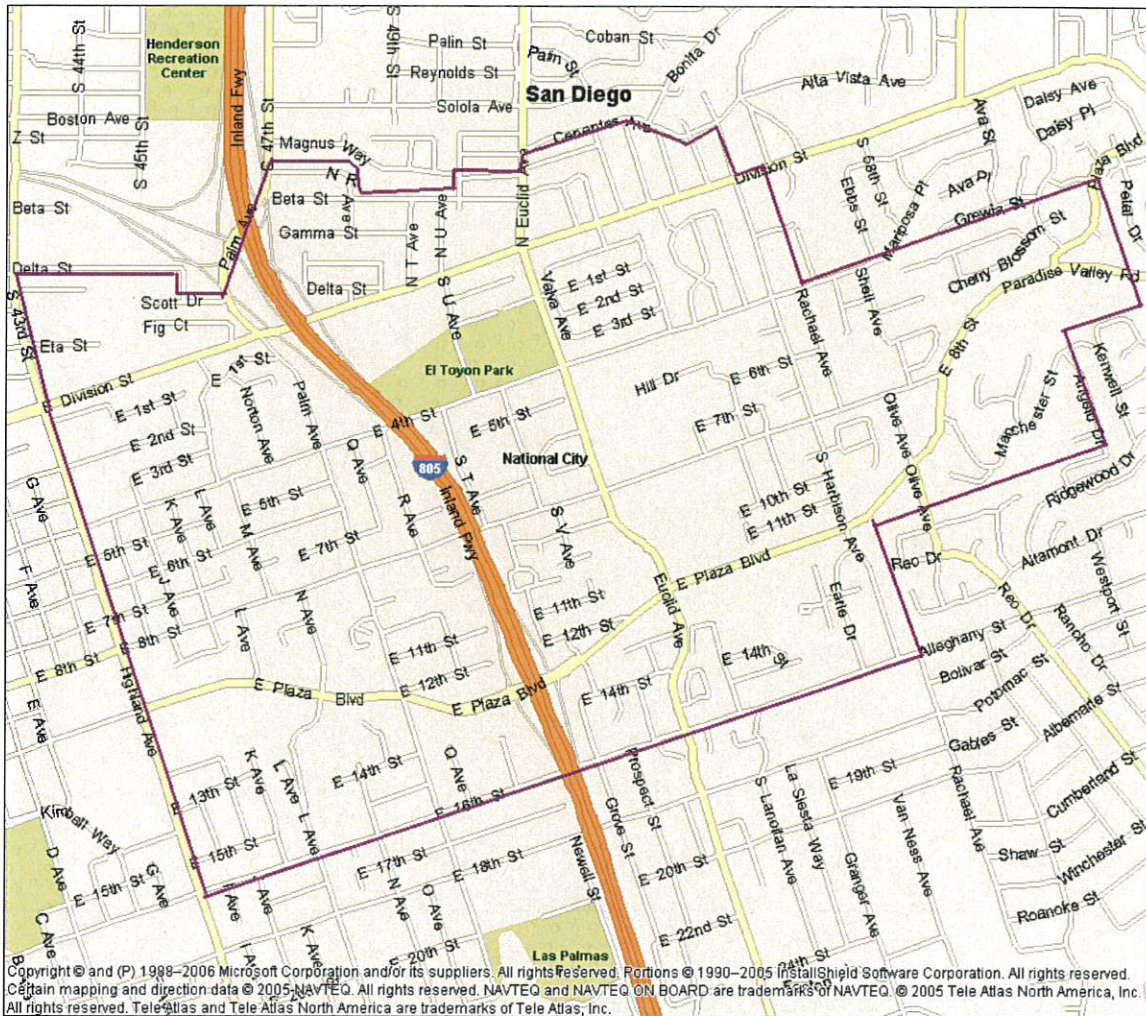
CensusTracts 2010

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





## City of National City Beat 21

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

You are invited to attend a:  
**COMMUNITY MEETING**

**Date:** July 10<sup>th</sup>, 2019

**Time:** 5:00 p.m.

**Address:** 811 K Avenue, National City, CA

This meeting is to inform citizens of a use permit application that has been filed for the service of alcoholic beverages at Vons Chicken that will be opening at 811 K Avenue, National City, CA.

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

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

---

Rawlings Consulting  
PO Box 96  
Murrieta, CA 92562

Von's Chicken

7/10/19

Name

Email

Phone

DAVID CHUNG

WINGANDWING@HOTMAIL.COM

917-834-1385

(WING)

Steve Rawlings SER@Rawlingspm.com 951-667-5152

Jovita Arellano Jarellano@publicstrategies.org 619 227-4588

Stelle Andrade sandrade@publicstrategies.org 619-779-0414

LUIS SANCHEZ.

619 477 6381



## Chris Stanley

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**From:** ser@rawlingspm.com  
**Sent:** Thursday, July 11, 2019 12:37 PM  
**To:** Chris Stanley  
**Subject:** RE: 2019-15 CUP Von's Chicken 811 'K' Ave.

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

We showed them the space that the store would be located and gave some details about the operation such as the hours of operation and that beer is ordered at the counter and customers take them back to their seats. David, the owner, had a menu which they were able to look at.

Jovita explained to David that she would be submitting a report that would include the recommendation for in-person training for the employees. David agreed that that was a good idea. Luis said that he just wanted to make sure that it wasn't going to be a bar and that there would be signage regarding alcohol. As you are aware, ABC does require certain signage and I believe those mandated signs will address his concerns.

Jovita and Stelle stated that they were not opposed and Luis said he was looking forward to being a customer. The meeting last about 30 – 40 minutes.

*Thanks,*

Steve Rawlings  
Rawlings Consulting  
951.667.5152

**From:** Chris Stanley <cstanley@nationalcityca.gov>  
**Sent:** Thursday, July 11, 2019 12:07 PM  
**To:** ser@rawlingspm.com  
**Subject:** RE: 2019-15 CUP Von's Chicken 811 'K' Ave.

Thank you. Can you provide a summary of the meeting. Any questions anyone had? Or topics? Or was the only topic explaining what a Korean BBQ was?

**Chris Stanley**  
Assistant Planner  
City of National City  
1243 National City Boulevard  
National City, CA 91950  
Office: (619) 336-4381



*City Hall Hours: M-Th 7a-6p*



# 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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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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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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- 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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REVISED: July 17, 2018

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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: 07/01/2019

BUSINESS NAME: Vons Chicken

ADDRESS: 811 K Avenue, National City, CA 91950

OWNER NAME: Wing Lok Chung DOB: 05/01/1978

OWNER ADDRESS: 10007 67th Drive, Forest Hills, NY 11374

(add additional owners on page 2)

**I. Type of Business**

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

**II. Hours of Operation**

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

**III. Entertainment**

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

**IV. Crime Rate**

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

**V. Alcohol Businesses per Census Tract**

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

**Notes:**

V. Authorized on-sale licenses is capped at 8.

Currently, there are 13 licenses in tract 117.00.

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** 12

VIII. Owner(s) records check

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

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

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

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

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

**Recommendation:**

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Completed by: W. Walters, Sergeant Badge ID: 398

## Chris Stanley

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**From:** Planning  
**Sent:** Monday, August 12, 2019 1:18 PM  
**To:** Chris Stanley  
**Subject:** FW: no alcohol

Re: Vons Chicken

**From:** Alicia Jacome [mailto:[aliciajacome40@yahoo.com](mailto:aliciajacome40@yahoo.com)]  
**Sent:** Sunday, August 11, 2019 6:02 PM  
**To:** Planning <[Planning@nationalcityca.gov](mailto:Planning@nationalcityca.gov)>  
**Subject:** no alcohol

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

I am a resident of the 922 East 8th Street. We have so many business they sell alcohol. It is not enough police to control the business and the people behavior after they drink alcohol. If they regulations and the National City Police dispatchers and have more police officer take care the problems is OK. We have lots of problems of legal drugs. We the residents struggle of the problems. Our streets are full of empty alcohol containers and nobody clean up. In another words the owner of the business have their own officer security to take their customers.

RESOLUTION NO. 2019-14

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 A NEW RESTAURANT (VON'S CHICKEN) LOCATED AT 811 'K' AVENUE  
CASE FILE NO. 2019-15 CUP  
APN: 556-510-63

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 a new restaurant for a property located at 811 'K' Avenue at a duly advertised public hearing held on August 19, 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. 2019-15 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on August 19, 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 the building is existing and not proposed to be expanded. The proposal involves an accessory use for an existing suite. Potential development in this zone (MXC-2) was analyzed for traffic impacts during the most recent Land Use Update. 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 the use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to an existing restaurant use where no expansion of the premises is proposed. 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, 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 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.

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 a new restaurant located at 811 'K' Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2019-15 CUP, dated 6/18/2019.
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 Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the 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 a.m. and 9 p.m. Sunday through Thursday and 10 a.m. through 10 p.m. Friday and Saturday.
10. 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 August 19, 2019, by the following vote:

AYES: Natividad, Baca, Flores, Sendt, Yamane, Dela Paz

NAYS: None.

ABSENT: Garcia

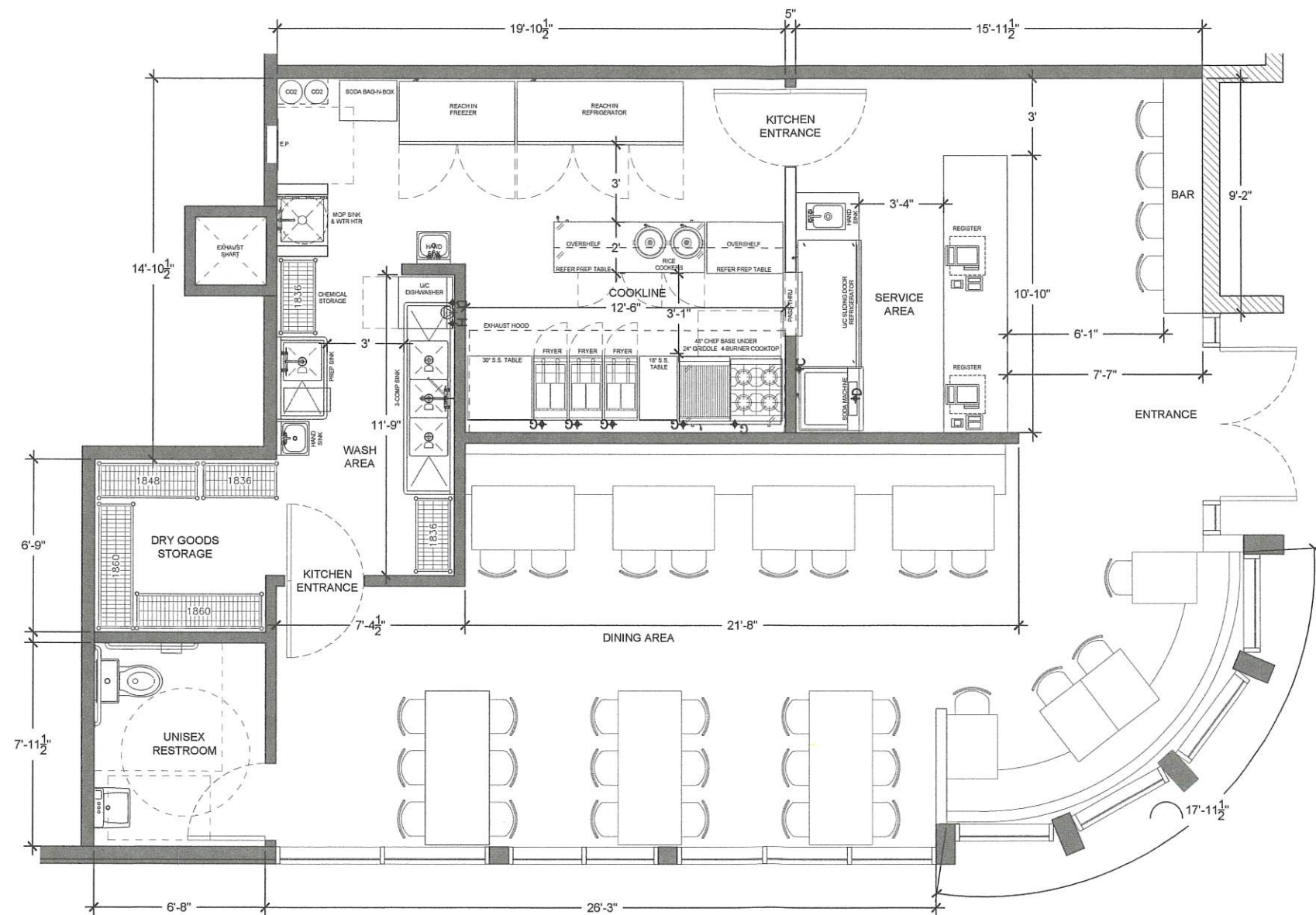
ABSTAIN: None.

  
CHAIRPERSON









Store Size: 1,267 square feet  
 Number of Seats - 34

VONS CHICKEN FLOOR PLAN - REV 1 (4/26/19) 3/8"=1'-0"

ATMOSPHERE

CONSTRUCTION AND DESIGN

3030 HOOVER AVE  
NATIONAL CITY, CA 91950  
PHONE (619) 534-4501  
info@ACDinteriors.com

THESE PLANS PREPARED BY:  
KATHERINE MAGALLON  
SIGNATURE DATE

VONS CHICKEN T.I.

8TH AND K  
NATIONAL CITY, CA 91950

JOB NO.

19.167

REVISION

1

2

3

DATE

APRIL 25, 2019

TITLE

FLOOR PLAN

SHEET

A1.

178 of 203

The following page(s) contain the backup material for Agenda Item: [Notice of Decision - Planning Commission approval of a Conditional Use Permit for a baseball academy to be located at 220 W. 25th Street. \(Applicant: Jose Luis Espinoza\) \(Case File 2019-17 CUP\) \(Planning\)](#)

Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** September 3, 2019

**AGENDA ITEM NO.** \_\_\_\_\_

**ITEM TITLE:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit for a baseball academy to be located at 220 W. 25<sup>th</sup> St. (Applicant: Jose Luis Espinoza) (Case File 2019-17 CUP)

**PREPARED BY:** Chris Stanley 

**DEPARTMENT:** Planning Division

**PHONE:** 619-336-4381

**APPROVED BY:** 

**EXPLANATION:**

The applicant has applied for a Conditional Use Permit (CUP) to operate a baseball academy at an existing industrial park. The proposed hours of operation allow for shared parking for the site, with industrial uses taking place during the day and the recreation use proposed for the evening. While noise is usually a concern for a gym-like use, with industrial uses surrounding the suite and the Interstate 5 Freeway to the west, noise should not be an issue.

The Planning Commission conducted a public hearing on August 19, 2019. Commissioners asked questions regarding interior design, clientele, and business operations. The Commission voted to approve the CUP based on required findings and subject to Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_ **Finance**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

Not a project per California Environmental Quality Act (CEQA).

**ORDINANCE:** **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission approved the Conditional Use Permit.

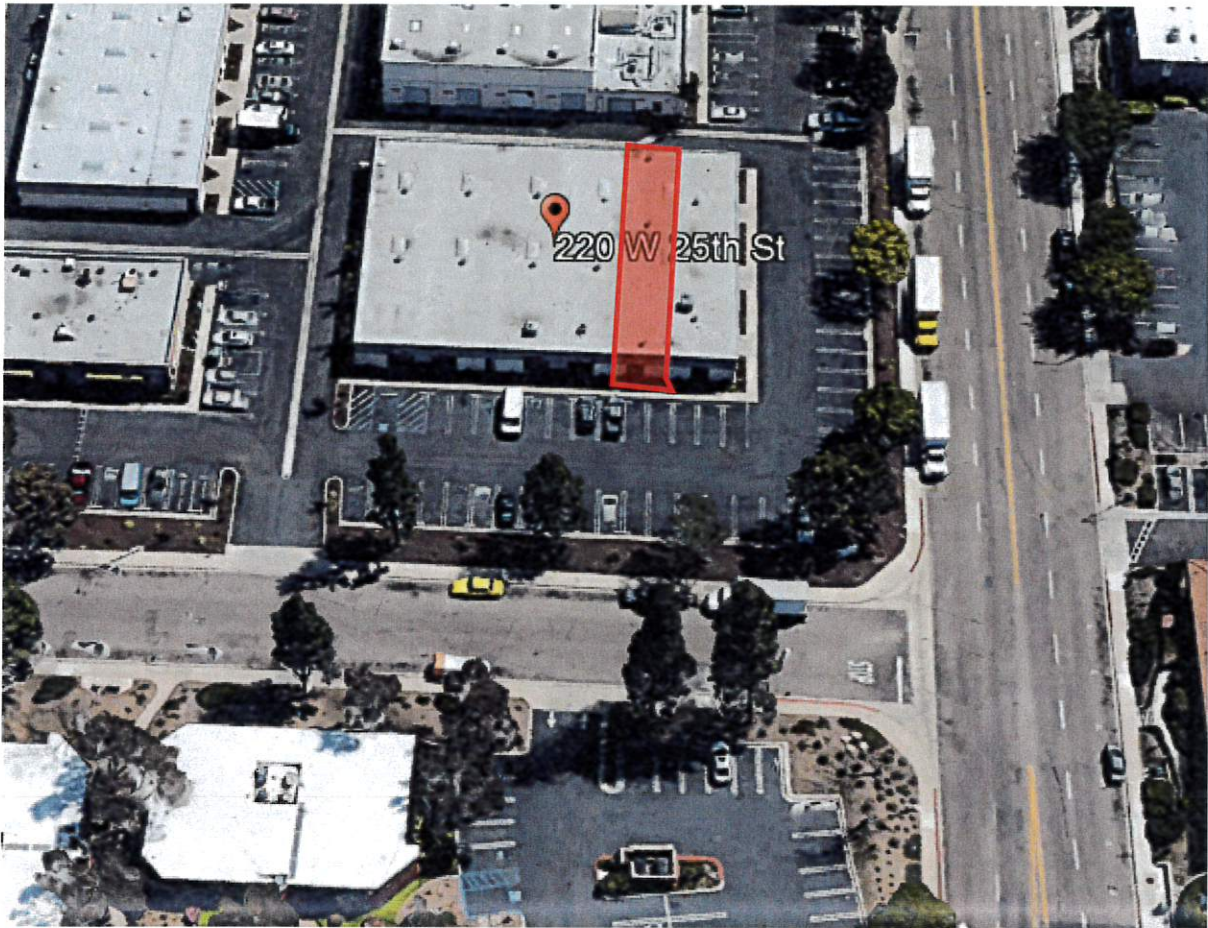
Ayes: Natividad, Baca, Flores, Sendt, Yamane, DelaPaz

Absent: Garcia

**ATTACHMENTS:**

- |                                     |                           |
|-------------------------------------|---------------------------|
| 1. Overhead                         | 3. Resolution No. 2019-15 |
| 2. Planning Commission Staff Report | 4. Reduced Plans          |

2019-17 CUP – 220 West 26<sup>th</sup> Street Unit 'D' – Overhead



ATTACHMENT 1





Item no. **5**  
August 19, 2019

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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A  
BASEBALL ACADEMY TO BE LOCATED AT 220 WEST  
25<sup>TH</sup> STREET UNIT 'D'

Case File No.: 2019-17 CUP

Location: 220 West 25<sup>th</sup> Street Unit 'D'

Assessor's Parcel Nos.: 562-340-40

Staff report by: Chris Stanley, Assistant Planner

Applicant: Jose Luis Espinoza

Zoning designation: Light Industrial (IL)

Adjacent use and zoning:

North: Commercial / Major Mixed-Use Corridor (MXC-2)

East: Industrial & Mile of Cars/ IL &  
Commercial Automotive (CA)

South: Industrial / IL

West: Industrial / IL

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

Staff recommendation: Approve

#### Staff Recommendation

Staff recommends approval of the baseball academy at an existing industrial park located at 220 W. 25<sup>th</sup> St. Unit 'D'. Commercial Recreation, Indoor is conditionally allowed in the Light Industrial (IL) zone. The proposed hours of operation are 3 p.m. to 8 p.m. Monday through Friday.

#### Executive Summary

The business has applied for a Conditional Use Permit (CUP) to operate a baseball academy at an existing industrial park. The proposed hours of operation allow for shared parking for the site, with industrial uses taking place during the day and the recreation use proposed for the evening. While noise is usually a concern for a gym-like use, with industrial uses surrounding the suite and the Interstate 5 Freeway to the west, noise should not be an issue.

#### Site Characteristics

The project location is an existing 2,500 square-foot industrial suite located at 220 W. 25<sup>th</sup> St. Unit 'D'. The suite is 25 feet wide by 100 feet deep and is currently an empty warehouse. The surrounding uses for the property are commercial to the north, industrial and the Mile of Cars to the east, and industrial to the south and west.

#### Proposed Use

The proposed baseball academy would include three batting cages, a reception desk, restroom, and an office. The hours of operation would be from 3 p.m. to 8 p.m. Monday through Friday. The academy would be a training space for children to attend after school.

#### Analysis

##### General Plan

The General Plan Land Use Element designates the property as Industrial which is intended to provide areas for employment-intensive, light manufacturing, large format retail, supporting retail services, and other compatible uses.

The proposed gym use is consistent with the intent of the Industrial land use designation described above, as the gym would create job opportunities and is compatible with the existing industrial uses.

Additionally, the General Plan contains City-wide goals and implementing policies.

Land Use Element Goal LU-2: Calls for a mix of land uses including residential, commercial, employment, service, agricultural, open space, and recreational uses that accommodate the needs of persons from all income groups and age levels. Policies implementing this goal include:

- **Policy HEJ-3.5:** Raise awareness about the importance of healthy behaviors and physical fitness to overall well-being.

The proposal is consistent with this policy, as the baseball academy provides a location for fitness instruction and classes.

- **Policy LU-5.1:** Support, stimulate, and foster increased activity of existing businesses within the city through the establishment of mixed-use areas that will promote activity during more hours of the day.

The academy is only proposed to be open from 3 p.m. to 8 p.m. Monday through Friday, whereas, peak hours for the industrial uses are during the day. This mix of hours will promote more activity during more hours of the day, consistent with the aforementioned policy.

- **Policy LU-5.11:** Support efforts to reduce unemployment rates for city residents.

The proposed business expansion supports efforts to reduce unemployment rates because the business will create new employment opportunities.

#### Land Use Code (LUC)

LUC Section 18.25.020 establishes permitted uses in the IL zone. The baseball academy is classified as an indoor commercial recreation use that requires a CUP in the IL zone.

LUC Section 18.25.050 requires all uses to be housed in completely enclosed buildings, provided that uses which customarily include outdoor use may be permitted outside. In this case, the academy is not a use that customarily takes place outdoors and therefore must be conducted in the building. A Condition of



Approval has been included requiring that all activities be conducted in the building.

Parking Requirement – LUC Section 18.45.050 prescribes the required number of off-street parking spaces by land use. This Code section requires that Indoor Commercial Recreation uses provide 2.5 spaces for each 1,000 square feet. This equates to eight parking spaces required. Industrial uses require one parking space per 1,000 square feet of floor area; with 106 parking spaces and approximately 38,000 square feet for the other suites on the parcel, there is ample parking for the site.

Noise – Batting cages can be noisy and incompatible with neighboring uses. In this case, noise is not a concern, because neighboring uses are manufacturing uses in an industrial zone where moderately noisy uses are expected. In addition, all use would be conducted indoors.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for CUP applications, as such, 47 notices were sent out.

Required findings

The Municipal Code contains six required findings for a CUP:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC.

Indoor Commercial Recreation is permitted in the IL zone subject to a CUP per LUC section 18.25.020, and the academy complies with all provisions of the LUC as discussed in the staff report.

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

The General Plan designates the property as an industrial land use that provides for intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses that are consistent with the use proposed by the applicant. The proposed land use is also consistent with General Plan

Policies HEJ-3.5, LU-5.1, and LU-5.11 because the proposal would raise awareness about the importance of healthy behaviors and physical fitness to overall well-being, promote activity during more hours of the day, and provide jobs.

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 proposed academy is located in an industrial zone surrounded by industrial uses on a 5.93-acre lot that far exceeds the 5,000 square foot minimum lot size in the zone.

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

The site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities

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 indoor commercial recreation use would not be injurious or detrimental to the public, as it is located in an industrial zone in and surrounded by industrial uses that primarily operate during the day; the proposed academy would operate in the evening. All training will be conducted indoors to prevent impacts on neighboring uses.

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

Staff has determined that the proposed use is not a project per CEQA due to the lack of construction.

Findings for Denial

Due to there being another indoor commercial recreation use in the area, there is also a finding for denial as follows:

1. The proposed use would take away from potential industrial businesses, which are limited on where they can be conducted.

Department Comments

The application was routed to the City's Building and Fire departments. The Building Department provided a standard comment that the construction meet current building codes. The Fire Department provided a similar comment, that the project be designed to Fire code.

Conditions of Approval

Standard Conditions of Approval have been included with this permit. Additionally, a condition has been added prohibiting outdoor training.

Summary

The proposed use is consistent with the General Plan, as the property is designated Industrial and is intended to provide areas for employment intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses. The proposal is also consistent with the LUC because Indoor Commercial Recreation is permitted in the IL zone with a CUP and because the proposal meets all requirements of the LUC.

Options

1. Approve 2019-17 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission;  
or
2. Deny 2019-17 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. 2019-17 CUP, dated 7/2/2019)
5. Public Hearing Notice (Sent to 47 property owners & occupants)
6. Resolutions



CHRIS STANLEY  
Assistant Planner



ARMANDO VERGARA  
Director of Community Development



## **RECOMMENDED FINDINGS FOR APPROVAL**

### **2019-17 CUP – 220 West 25<sup>th</sup> Street Unit 'D'**

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because indoor commercial recreation is permitted in the IL zone subject to a CUP per LUC section 18.25.020, and the academy complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because the General Plan designates the property as an industrial land use that provides for intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses that are consistent with the use proposed by the applicant. The proposed land use is also consistent with General Plan Policies HEJ-3.5, LU-5.1, and LU-5.11 because the proposal would raise awareness about the importance of healthy behaviors and physical fitness to overall well-being, promote activity during more hours of the day, and provide jobs.
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 the proposed academy is located in an industrial zone surrounded by industrial uses on a 5.93-acre lot that far exceeds the 5,000 square foot minimum lot size in the zone.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.
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 indoor commercial recreation use would not be injurious or detrimental to the public, as it is located in an industrial zone in and surrounded by industrial uses that primarily operate during the day; the proposed academy would operate in the evening. All training will be conducted indoors to prevent impacts on neighboring uses.
6. Staff has determined that the proposed use is not a project per CEQA due to the lack of construction.



**RECOMMENDED FINDING FOR DENIAL**

2019-17 CUP – 220 West 25<sup>th</sup> Street Unit 'D'

1. The proposed use would take away from potential industrial businesses, which are limited on where they can be conducted.

## **RECOMMENDED CONDITIONS OF APPROVAL**

2019-17 CUP – 220 West 25<sup>th</sup> Street Unit 'D'

### **General**

1. This *Conditional Use Permit* authorizes a baseball academy at 220 West 25<sup>th</sup> Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2019-17 CUP, dated 7/2/2019).
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 assignee 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 must comply with the 2016 edition of the California Building, Electrical, Plumbing, Mechanical, Energy, Green and Fire, Codes. This will require upgrading all accessibility code requirements.

### **Fire**

6. Project shall be designed to code.

7. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. If the structures intended use is defined as an A occupancy per the California Building Code, Section 907.2.1 of the California Fire Code and section 707.3.10 of the California Building Code shall apply. Group A occupancies not separated from one another in accordance with section 707.3.10 of the California Building Code shall be considered as a single occupancy for the purposes of applying this section.
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.
10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.
11. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

#### Planning

12. All training and gym-related activities must be conducted within the building.



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION INDOOR (BATTING  
CAGES) LOCATED AT 220 W. 25<sup>TH</sup> ST. UNIT 'D'  
CASE FILE NO.: 2019-17 CUP  
APN: 562-340-40

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, August 19, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jose Luis Espinoza)

This application has been submitted for Planning Commission consideration. The project site is a suite in the National City Business Park located in the Light Industrial (IL) zone. The applicant is proposing to operate batting cages in the 2,500 square-foot commercial space. The proposed hours of operation are 3 p.m. to 8 p.m. Monday through Friday.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **August 19, 2019** by the Planning Division, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development



RESOLUTION NO. 2019-15

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT FOR A BASEBALL ACADEMY TO BE  
LOCATED AT 220 WEST 25<sup>TH</sup> STREET UNIT 'D'  
CASE FILE NO. 2019-17 CUP  
APN: 562-340-40

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a baseball academy for a property located at 220 West 25<sup>th</sup> Street at a duly advertised public hearing held on August 19, 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. 2019-17 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 August 19, 2019, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because indoor commercial recreation is permitted in the IL zone subject to a CUP per LUC section 18.25.020, and the academy complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because the General Plan designates the property as an industrial land use that provides for intensive uses, light manufacturing, large format retail, supporting retail services, and other compatible uses that are consistent with the use proposed by the applicant. The proposed land use is also consistent with General Plan Policies HEJ-3.5, LU-5.1, and LU-5.11 because the proposal would



raise awareness about the importance of healthy behaviors and physical fitness to overall well-being, promote activity during more hours of the day, and provide jobs.

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 the proposed academy is located in an industrial zone surrounded by industrial uses on a 5.93-acre lot that far exceeds the 5,000 square foot minimum lot size in the zone.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the site is capable of highly intensive uses and is proposed to be converted to a less intensive use in an existing building located on a property that has suitable access and utilities.
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 indoor commercial recreation use would not be injurious or detrimental to the public, as it is located in an industrial zone in and surrounded by industrial uses that primarily operate during the day; the proposed academy would operate in the evening. All training will be conducted indoors to prevent impacts on neighboring uses.
6. The proposed use is not a project per the California Environmental Quality Act because there is no construction.

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 baseball academy at 220 West 25<sup>th</sup> Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2019-17 CUP, dated 7/2/2019).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division acknowledging and accepting all conditions imposed upon the

approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assignee 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 must comply with the 2016 edition of the California Building, Electrical, Plumbing, Mechanical, Energy, Green and Fire, Codes. This will require upgrading all accessibility code requirements.

#### Fire

6. Project shall be designed to code.
7. The National City Fire Department utilizes all current codes and ordinances. Currently, we are using the 2016 editions of NFPA, CFC and the current edition of the CCR.
8. If the structures intended use is defined as an A occupancy per the California Building Code, Section 907.2.1 of the California Fire Code and section 707.3.10 of the California Building Code shall apply. Group A occupancies not separated from one another in accordance with section 707.3.10 of the California Building Code shall be considered as a single occupancy for the purposes of applying this section.
9. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.



10. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for this code.

11. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

Planning

12. All training and gym-related activities must be conducted within the building.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of August 19, 2019, by the following vote:

AYES: Natividad Baca, Flores, Sendt, Yamane, Dela Paz

NAYS: None.

ABSENT: Garcia

ABSTAIN: None.

  
CHAIRPERSON

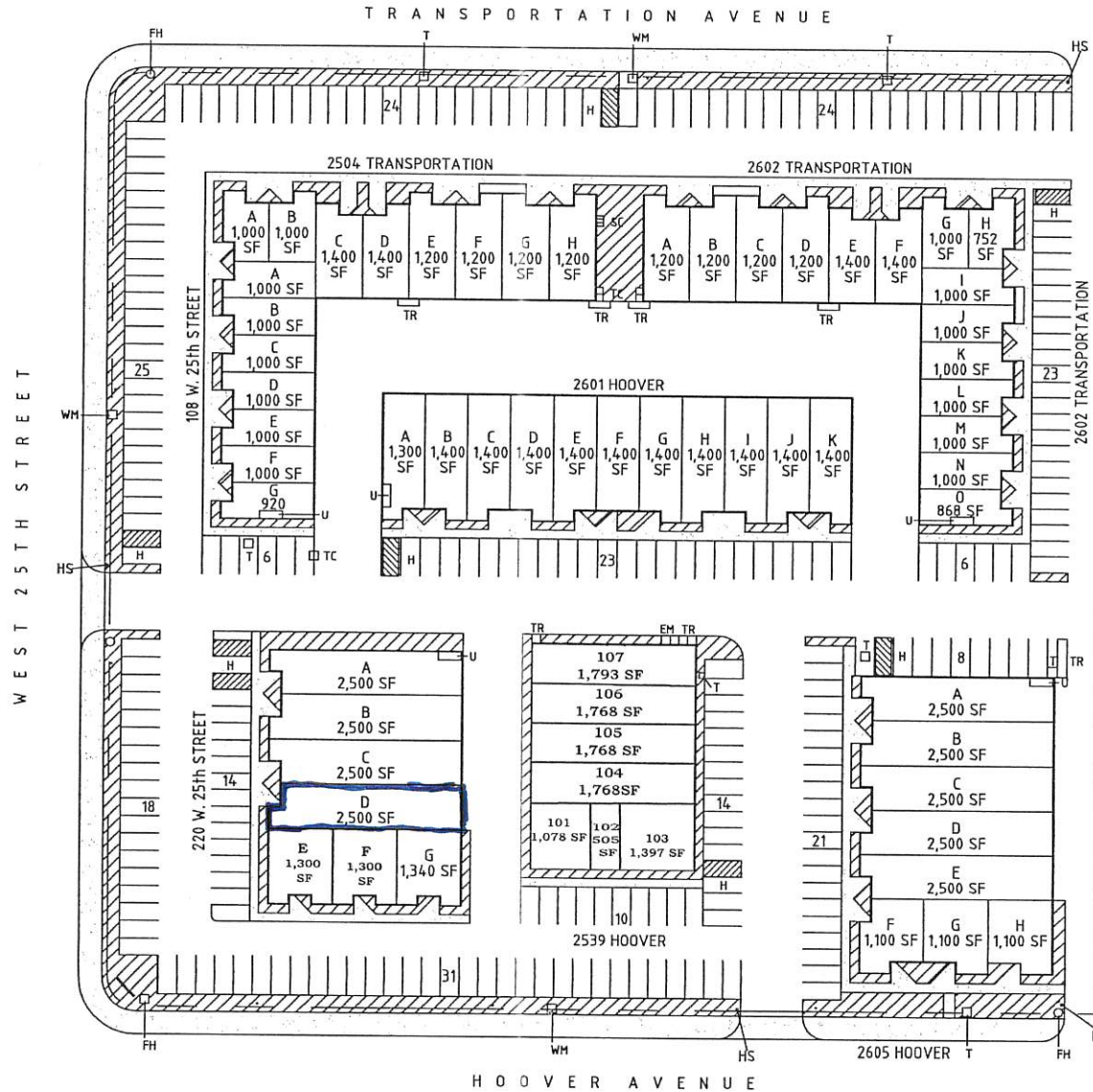
# INVESTCAL REALTY CORPORATION

2333 CAMINO DEL RIO SOUTH, SUITE 210

SAN DIEGO, CA 92108 PHONE (619) 683-9455

FAX: (619) 683-9462 WWW.INVESTCALREALTY.COM

EXHIBIT C: SITE PLAN



ATTACHMENT 4

EXHIBIT: A  
CASE FILE NO.: 2019-17 CUP  
DATE: 7-2-19

## NATIONAL CITY BUSINESS PARK

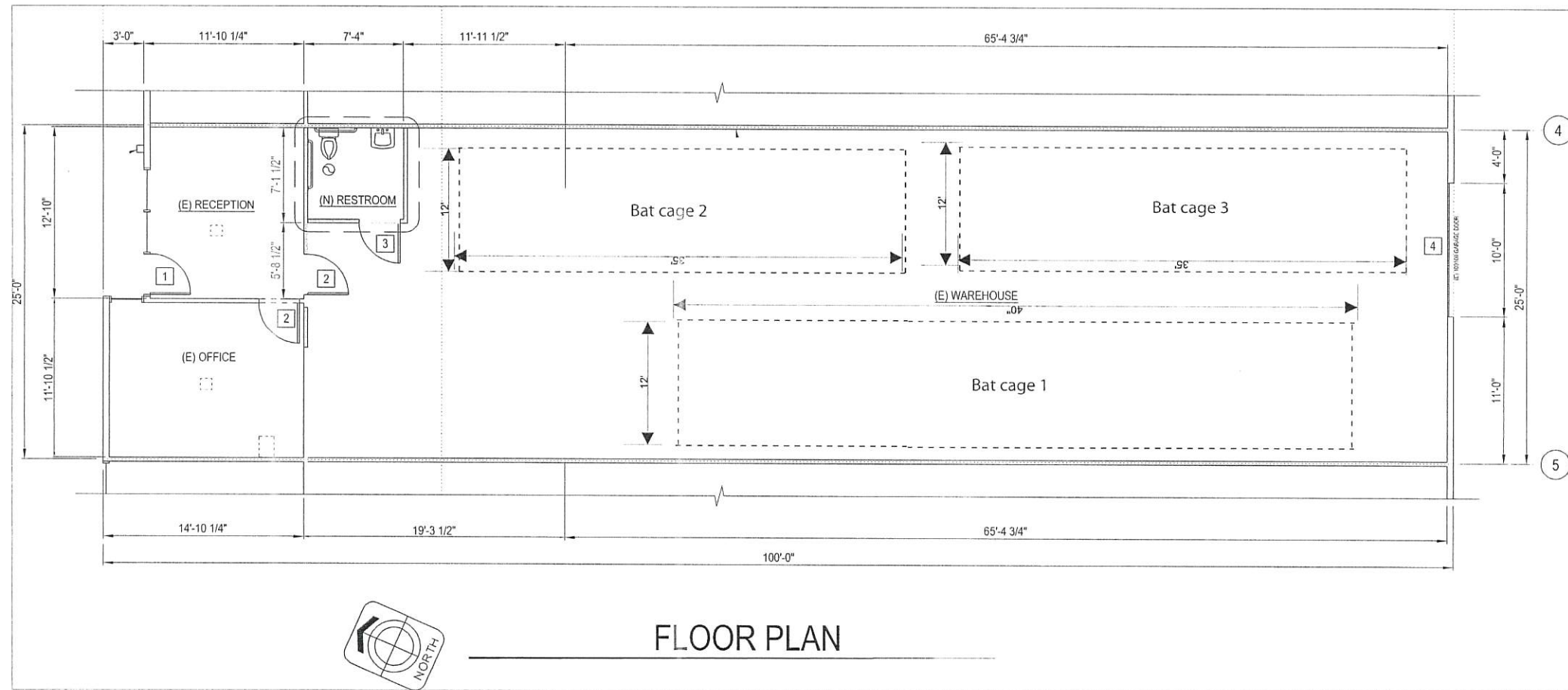
108 W. 25TH STREET, NATIONAL CITY, CA 91950

2605 HOOVER AVENUE, NATIONAL CITY, CA 91950

2504-2602 TRANSPORTATION AVENUE, NATIONAL CITY, CA 91950

LAND: 258,310 SF / 5.93 ACRES; BLDG: 86,141 SF  
PARKING SPACES: 247 INCLUDING 7 HANDICAPPED

8/13  
LAST MODIFIED DATE: 9/06 IRC





The following page(s) contain the backup material for Agenda Item: [Police Hot Team Presentation. \(Police\)](#)

Please scroll down to view the backup material.

**Item # \_\_\_\_**

**09/03/19**

## **POLICE HOT TEAM PRESENTATION**

**(Police)**

The following page(s) contain the backup material for Agenda Item: [Update on Community Choice Aggregates \(CCAs\). \(Engineering/Public Works\)](#)  
Please scroll down to view the backup material.

ITEM NO.

9-3-19

UPDATE ON COMMUNITY CHOICE AGGREGATES (CCAs)  
(ENGINEERING/PUBLIC WORKS)