



Planning Commission Agenda

Meeting of November 18, 2019 – 6:00 p.m.
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



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

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

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

Roll Call

Pledge of Allegiance by Commissioner Garcia

Approval of Minutes

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

Approval of Agenda

2. Approval of the Agenda for the Meeting on November 18, 2019

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

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

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution Taking Action on a Conditional Use Permit for a Tobacco Specialty Business (Hookah Paradise) located at 309 Highland Avenue (Case File No. 2019-26 CUP)

OTHER BUSINESS

4. Public Hearing and Introduction of an Ordinance of the City Council of the City of National City Amending Section 16.06.060 (Functions And Authority - Planning Commission to Function as Committee on Housing and Community Development - Ex Officio Members) of Title 16 (City Boards, Commissions, and Committees) of the National City Municipal Code on November 19, 2019

STAFF REPORTS

Senior Assistant City Attorney

Director of Community Development

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the next regularly scheduled meeting on December 2, 2019 at 6:00 p.m.



Planning Commission Minutes

Planning Commission
Meeting of November 4, 2019
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

Agenda Items

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

Roll Call

Commissioners Present: Natividad, Baca, Flores, Sendt, Yamane, Garcia
(6:07 p.m. arrival), Dela Paz

Commissioners Absent: None.

Staff Also Present: Director of Community Development Armando Vergara, Senior Assistant City Attorney Nicole Pedone, Assistant Planner Chris Stanley

Pledge of Allegiance Presented by Commissioner Sendt

1. Approval of Minutes from the Meeting of October 21, 2019.

Motion by Natividad, second by Dela Paz to approve the Minutes for the Meeting of October 21, 2019.

Motion carried by the following vote:

Ayes: Natividad, Flores, Sendt, Yamane, Dela Paz

Abstain: Baca

Noes: None

Absent: Garcia

Commissioner Baca abstained due to his absence at the meeting of October 21, 2019.

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

Motion by Yamane, second by Baca to approve the Agenda for the Meeting of November 4, 2019 with a correction to change the adjournment date from December 2, 2019 to November 18, 2019.

Motion carried by the following vote:

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

Abstain: None

Noes: None

Absent: Garcia

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS: None.

PUBLIC HEARINGS

3. Resolution Taking Action on a Conditional Use Permit for the on-site sale of Beer and Wine at a New Restaurant (Funky Fries and Burgers) located at 3030 Plaza Bonita Road, Suite 1108. (Case File No. 2019-25 CUP)

Presented by Assistant Planner Chris Stanley.

Commissioner Garcia arrived at the dais (6:07 p.m.)

Applicant Sebastian Hallak confirmed that he had read, understands, and accepts the conditions.

Public Speaker:

Joan Rincon

Motion by Dela Paz, second by Flores to close the Public Hearing and approve the Resolution Taking Action on a Conditional Use Permit for the on-site sale of Beer and Wine at a New Restaurant (Funky Fries and Burgers) located at 3030 Plaza Bonita Road, Suite 1108. (Case File No. 2019-25 CUP)

Motion carried by the following vote:

Ayes: Natividad, Baca, Flores, Sendt, Yamane, Garcia, Dela Paz

Abstain: None

Noes: None

Absent: None

OTHER BUSINESS:

4. Adoption of 2020 Planning Commission Meeting Dates

Motion by Yamane, second by Garcia to adopt the 2020 Planning Commission Meeting Dates.

Motion carried by the following vote:

Ayes: Natividad, Baca, Flores, Sendt, Yamane, Garcia, Dela Paz

Abstain: None

Noes: None

Absent: None

5. Election of Officers for 2020

Motion by Garcia, second by Yamane to elect Commissioner Flores as Chair and Commissioner Dela Paz as Vice Chair.

Motion carried by the following vote:

Ayes: Natividad, Baca, Flores, Sendt, Yamane, Garcia, Dela Paz

Abstain: None

Noes: None

Absent: None

STAFF REPORTS:

Senior Assistant City Attorney: Congratulated the newly elected Chair and Vice Chair.

Armando Vergara, Director of Community Development: Congratulated Commissioners Flores and Dela Paz on their new positions. Informed the Commissioners that at the City Council meeting of November 19, 2019 a Public Hearing item would be heard regarding

changing a City Ordinance as it relates to the Planning Commission also functioning as the Housing Commission.

Assistant Planner: Congratulated Commissioners Flores and Dela Paz.

COMMISSIONER REPORTS:

Dela Paz: Thanked the Commissioners for their support and Chair Sendt for his service.

Garcia: Thanked Chair Sendt for keeping the meetings on track over the past year. He also read the City's Pledge and 7 Core Values into the record.

Yamane: Congratulated the newly elected Chair and Vice Chair.

Natividad: Congratulated Commissioners Flores and Dela Paz on their new positions and Vice Chair Flores for her service.

Baca: Congratulated the newly elected Chair and Vice Chair.

Flores: Thanked the Commissioners for the nomination. Per the discussion during agenda item no. 3, Commissioner Flores asked staff to determine if the approved conditions for the Broken Yolk in Plaza Bonita Mall allowed them to close at 3:00 p.m.

Sendt: Thanked the Commissioners for their support. Announced that he has been appointed to the Sweetwater Authority Citizens Advisory Committee. Inquired if staff could provide a reoccurring report noting the outcome at the City Council meetings of prior Planning Commission agenda items. Assistant Planner Chris Stanley advised that he would discuss with Principal Planner Martin Reeder and staff would report back. Commissioner Garcia further elaborated on Commissioner Sendt's request and suggested an analysis noting why various projects were either denied or approved.

ADJOURNMENT by Chair Sendt at 7:18 p.m. to the meeting of November 18, 2019.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of November 18, 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 TOBACCO SPECIALTY BUSINESS (HOOKAH PARADISE) LOCATED AT 309 HIGHLAND AVE.

Case File No.: 2019-26 CUP

Location: 309 Highland Ave.

Assessor's Parcel Nos.: 556-180-18

Staff report by: Chris Stanley, Assistant Planner

Applicant: Jean Dumont

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

Adjacent use and zoning:

North: Single-Family Residential and Commercial (Foodland) / MXC-1 and RS-2 (Small Lot Residential)

East: Single-Family Residential, Commercial, and Multifamily Residential (Villa Real) / MXC-1, RS-2, and RM-2 (High Density Multi-Unit Residential)

South: Single-Family Residential and Commercial / MXC-1 and RS-2

West: Single-Family Residential and Commercial across Highland Ave. / MXC-1 and RS-2

Environmental review: Not a project per California Environmental Quality Act (CEQA) as defined in Section 15378

Staff recommendation: Denial

Staff Recommendation

Although a tobacco specialty business is conditionally-allowed in the Minor Mixed-Use District zone, staff recommends denial of Hookah Paradise, due to its inconsistency with the General Plan.

Executive Summary

The business has applied for a Conditional Use Permit (CUP) to operate a tobacco specialty business (Hookah Paradise). The operation hours proposed by the applicant, are 2 p.m. to 4 a.m. daily. The applicant has a Tobacco Retail License and is also proposing live entertainment in the form of a DJ and live, amplified music.

Site Characteristics

The project location is an existing 1,600 square-foot retail space on the ground floor of a two story mixed-use building; the second story consists of two residential units. North and south of the subject property and west across Highland Ave. are commercial businesses; farther west, northeast, and southeast is single family residential; farther east is multi-family residential.

Proposed Use

The applicant is proposing to operate a tobacco specialty shop, more specifically a hookah lounge - a business type that is not currently in the City. The floor plan provided with this application shows seven tables and a counter with 20 chairs. No food or beverages will be sold on site. The proposed operation hours are from 2 p.m. to 4 a.m. daily. The applicant is proposing live entertainment in the form of a DJ and musical acts playing amplified music on a raised platform in the rear, southeastern corner of the suite.

Analysis

Section 18.30.230 of the Land Use Code allows a tobacco specialty business with an approved CUP. Additional requirements for tobacco specialty business CUPs include age restrictions, prohibition from selling food and/or alcohol, and distance requirements.

Age Restriction

No person under the age of 21 years of age may enter the premises unless that person is accompanied by his or her parent or legal guardian.

Food and/or Alcohol

A tobacco specialty business is prohibited from selling food and/or alcohol.

Distance Requirements

The business shall not be located within 1,000 feet of any school, playground, recreation center or facility, childcare center, or library in the City of National City. The closest of such facilities is Central Elementary, a school approximately 1,800 feet away.

General Plan

While the business meets the requirements of the Zoning Ordinance, it is inconsistent with the General Plan. With the property being a mixed-use structure, with commercial on the ground level and residential on the second story, the potential impacts of a smoking lounge on residents must be addressed.

Policy HEJ-2.4 states that the City shall require new sensitive land uses to include feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution.

Policy HEJ-2.6 states that the City shall consider air quality impacts, including cumulative impacts, from existing and new development when making land use decisions and limit the number of industrial facilities or uses to prevent cumulative air pollution impacts.

Policy HEJ-2.8 states that the City shall encourage smoke-free workplaces, multifamily housing, parks, and other outdoor gathering places to reduce exposure to second-hand smoke.

A potential condition to address second-hand smoke and air pollution is to require separate ventilation systems and air filters to assure that no smoke from the hookah lounge reaches the residents above.

Fire Department

The Fire Department has potential concerns in regards to the proposed use conflicting with the existing and/or previous use. While the tobacco specialty business would operate on the ground level, there are residential units on the second story, which would require that fire alarm and fire sprinklers be evaluated

for intended use; furnishings and drapery would also need to be evaluated due to the concern for potential flame spread and smoke production.

Police Department

The Police Department has comments in regards to community safety, noise, hazards and toxins, monitoring, and calls for service. In regards to community safety, Police has concerns with a business being open until 4 a.m. and drawing an unknown element to pray on customers and the community. Police also has concerns with live music and potential noise issues with the surrounding neighbors, as well as potential residents above the hookah lounge and who will control or monitor what the customers will be smoking. All of the above concerns will generate more calls for service for not only Police, but Fire as well.

Institute for Public Strategies (IPS)

IPS provided comments from two nearby businesses, Salud Verdadera, a nutrition store, and La Maestra Community Health Center; both businesses were in opposition to the potential hookah business.

IPS also provided considerations for if the CUP is approved: “high risk businesses”, such as hookah lounges and bars can increase crime activity; they also provide second hand smoke health concerns (attachment 5).

Required Findings for Approval

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

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

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

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

While tobacco specialty businesses are permitted, subject to a CUP, by the Land Use Code, the project is inconsistent with the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The building is existing and not proposed to be expanded. Parking was recently added to the site to bring it in conformance.

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 recently had a tenant improvement that brought the structure up to code, an example being additional parking on the property and an enclosed trash enclosure.

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.

Conditions can be set to limit the hours of operation, require ventilation and filters to offset concern of potential air pollution, and require security for the establishment.

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

Per Section 15378, the project is not considered a project under CEQA, as no development is proposed; there is no physical impact as a result of the project.

Findings for Denial

1. The proposed use is inconsistent with General Plan policy HEJ-2.4, HEJ-2.6, and HEJ-2.8 in regards to health and second-hand smoke.
2. The design, location, and operating characteristics of the proposed activity are incompatible with the existing and future land uses in the vicinity because the proposed operation hours being until 4 a.m. daily and the secondhand smoke create a concern for existing and future residents of the second story residential units.

3. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located due to the residential uses on the second floor of the property.

Conditions of Approval

The Fire Department is requiring fire alarm and fire sprinklers to be evaluated for the intended use; furnishings and drapery would also need to be evaluated due to the concern for potential flame spread and smoke production. The Planning Division is requiring that the doors remain closed at all times due to the smoke and potential noise impacts as well as no person under the age of 21 years of age may enter the premises unless that person is accompanied by his or her parent or legal guardian. Additionally, the sale of food and/or alcohol is prohibited and the hookah lounge shall have a ventilation system independent from the residential units. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.

Summary

The proposed tobacco specialty business meets all of the requirements of the Zoning Ordinance, but is inconsistent with the General Plan in regards to multiple Health and Environmental Justice policies. The proposed use would operate on the ground floor of a mixed use structure with residential units above. The proposed hours of operation are from 2 p.m. to 4 a.m. daily. Live entertainment is proposed with this CUP in the form of a DJ and live, amplified music. Staff is recommending denial based on the findings of this report.

Options

1. Approve 2019-26 CUP subject to conditions based on findings to be determined by the Planning Commission; or
2. Deny 2019-26 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. Public Notice
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2019-26 CUP, dated 9/24/2019)
5. IPS comments
6. Resolution



CHRIS STANLEY
Assistant Planner



ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR DENIAL

2019-26 CUP – 309 Highland Ave.

1. The proposed use is inconsistent with General Plan policy HEJ-2.4, HEJ-2.6, and HEJ-2.8 in regards to health and second-hand smoke.
2. The design, location, and operating characteristics of the proposed activity are incompatible with the existing and future land uses in the vicinity because the proposed operation hours being until 4 a.m. daily and the secondhand smoke create a concern for existing and future residents of the second story residential units.
3. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located due to the residential uses on the second floor of the property.



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

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR A TOBACCO SPECIALTY BUSINESS
(HOOKAH PARADISE) LOCATED AT 309 HIGHLAND AVE.
CASE FILE NO.: 2019-26 CUP
APN: 556-180-18

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 18, 2019**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jean Dumont)

This application has been submitted for Planning Commission consideration. The project site is a tobacco specialty business (hookah lounge) in the Minor Mixed-Use Corridor (MXC-1) zone. The applicant is proposing to sell hookah for on-site consumption in an existing 1,600 square-foot commercial space. The proposed operation hours are 2 p.m. to 4 a.m. daily. The applicant is also proposing live entertainment in the form of bands and DJs.

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., **November 18, 2019** by the Planning Division, who can be contacted at 619-336-4310 or planning@nationalcityca.gov.

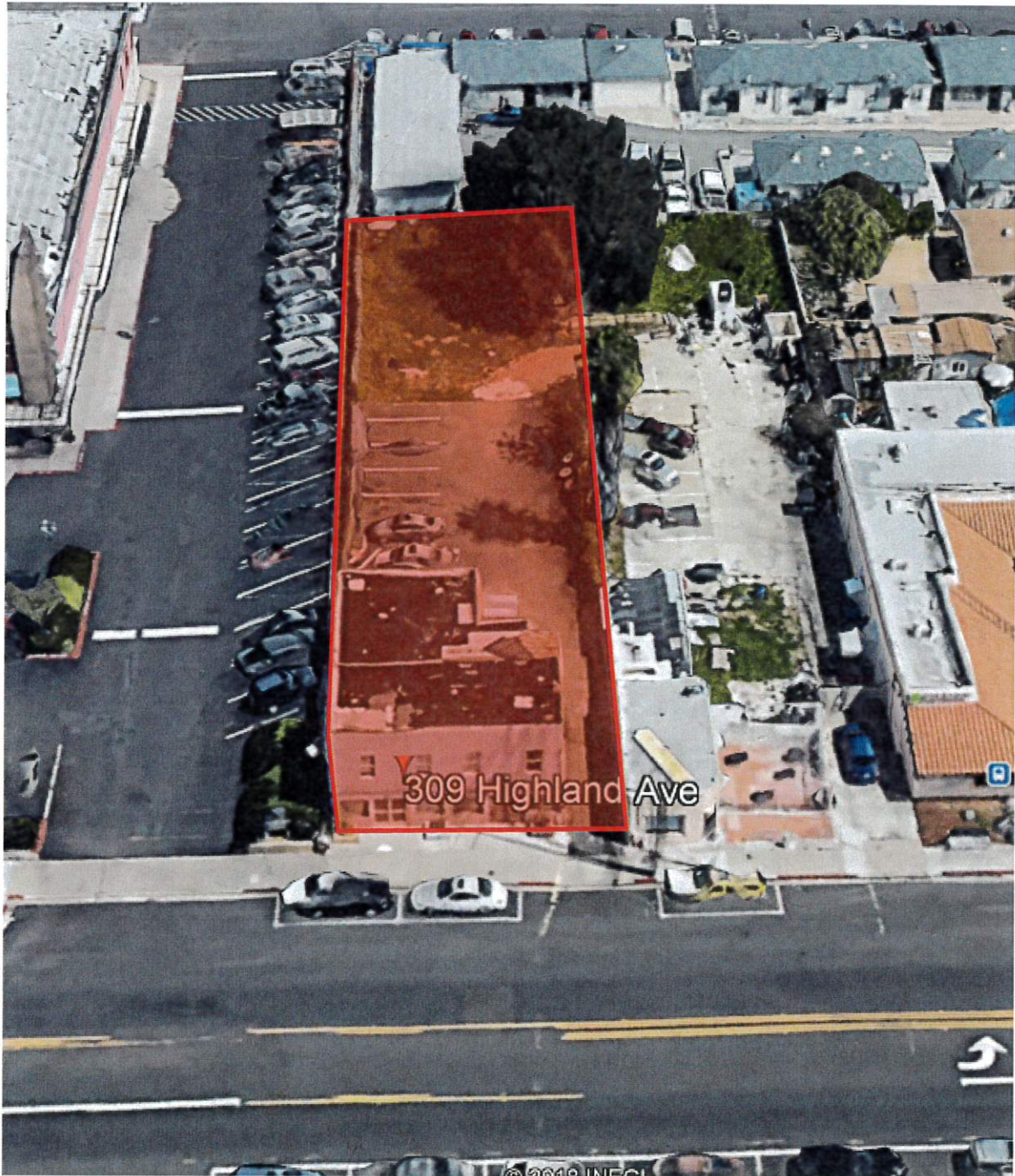
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

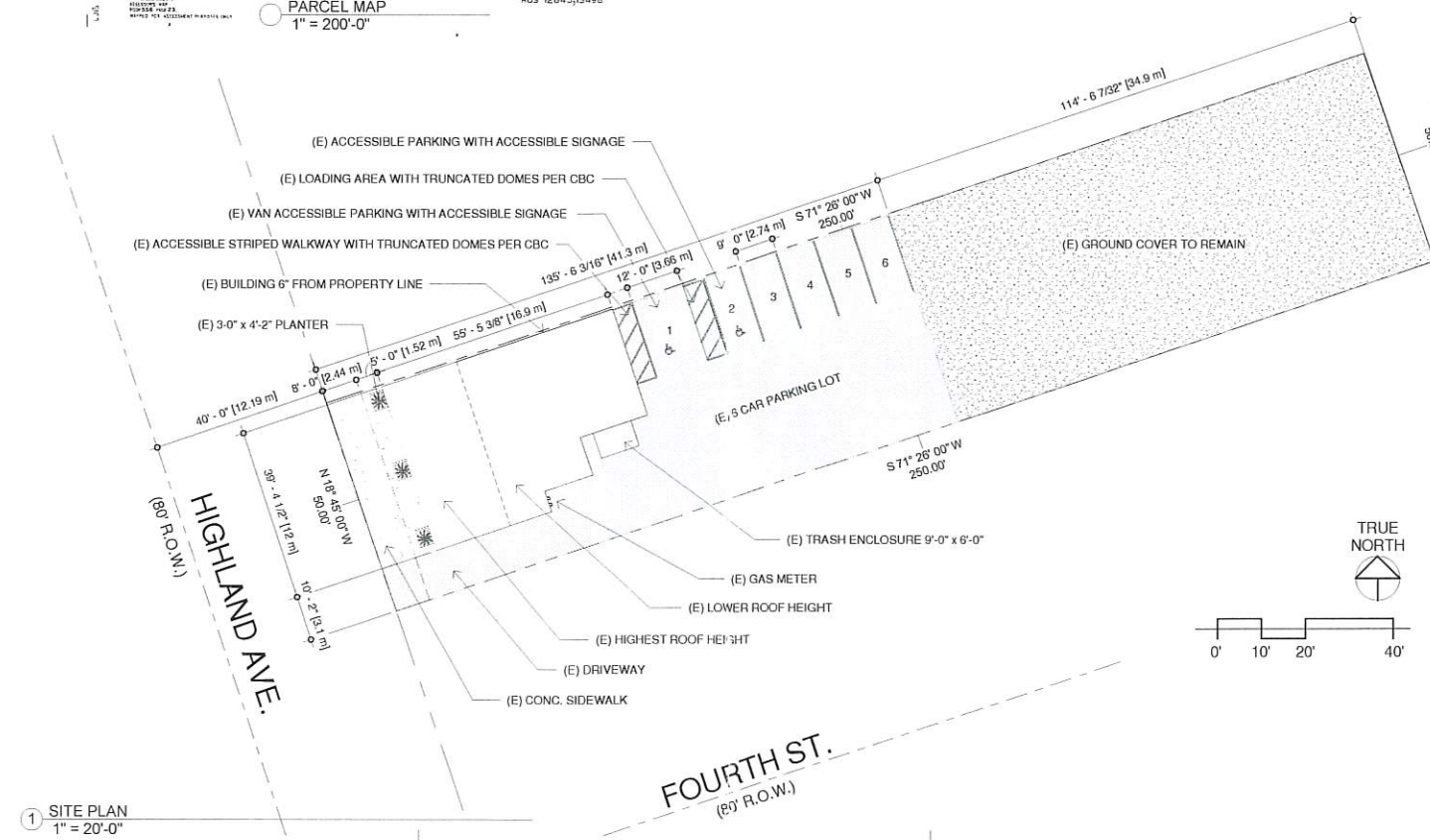
ATTACHMENT 2

2019-26 CUP – 309 Highland Ave. – Overhead



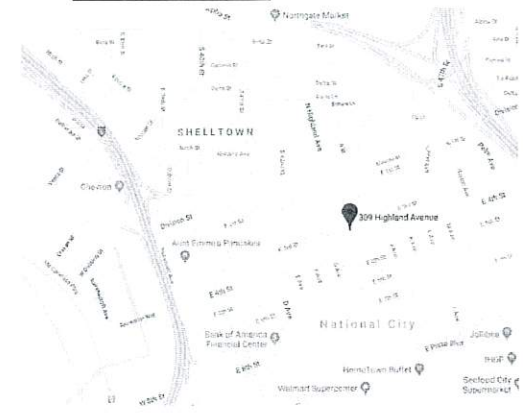


PARCEL MAP
 1" = 200'-0"



1 SITE PLAN
 1" = 20'-0"

VICINITY MAP



PROJECT DATA

PROPERTY OWNER: Alladena Properties LLC c/o Mike Dallo
 OWNER ADDRESS: 5075 Federal Blvd, San Diego, California 92102
 TENANT NAME: Jean Dumont | Hookah Paradise LLC
 PROJECT ADDRESS: 309 Highland Ave, National City, CA 91950
 A.P.N.: 556-180-18-00
 LEGAL DESCRIPTION: 000098 BLK 8 LOTS 384 POR IN ALLEY CLSD ADJ&IN LOTS 17&18&ALL OF

ARCHITECT: ARTURO OUJO, AIA
 Investigations & Development of Experimental Architecture (I.D.E.A.)
 2404 Broadway, third floor, San Diego, CA 92102

C/T: (858)220-6964 / email: arturo@id3a.design

PROPERTY SUMMARY REPORT

APN: 556-180-18-00
 ADDRESS: 309 HIGHLAND AVE 11
 NATIONAL CITY CA 91950-1519
 ZONE DESIGNATION: Zone MXC-1 "Minor Mixed Use Corridor" (in accordance with Section 18.30.230)
 DISCRETIONARY PERMIT REQUIRED: 18.30.230 - Tobacco specialty businesses. Tobacco specialty businesses, where permitted pursuant to the Land Use Code, shall comply with the following standards:
 1. A conditional use permit is required.
 2. The business shall not be located within one thousand feet of any school, playground, recreation center or facility, childcare center, or library in the City of National City.
 3. No alcohol or food may be sold or consumed on the premises.
 4. No person under the age of twenty-one years of age may enter the premises unless that person is accompanied by his or her parent or legal guardian.

LOT SIZE: 10,533 SF
 BUILDING TYPE: 2 Story Wood Framed

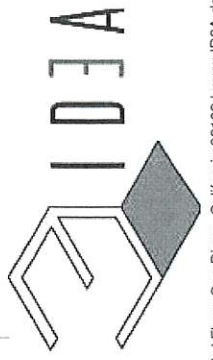
EXHIBIT: A
 CASE FILE NO.: 2019-26 CUP
 DATE: 9-24-19

SCOPE OF WORK

CONDITIONAL USE PERMIT APPLICATION & TENANT IMPROVEMENT OF (E) BUSINESS USE SPACE FOR TOBACCO SPECIALTY PRODUCTS SALES AND CONSUMPTION - 1,604 SF

SHEET INDEX

Sheet Number	Sheet Name	Sheet Issue Date	Revision
TS	TITLE SHEET	09/08/19	
A1.1	FLOOR PLAN & ELEVATION	09/08/19	



HOOKEH PARADISE LLC
 CONDITIONAL USE PERMIT @

309 Highland Ave, National City, CA 91950



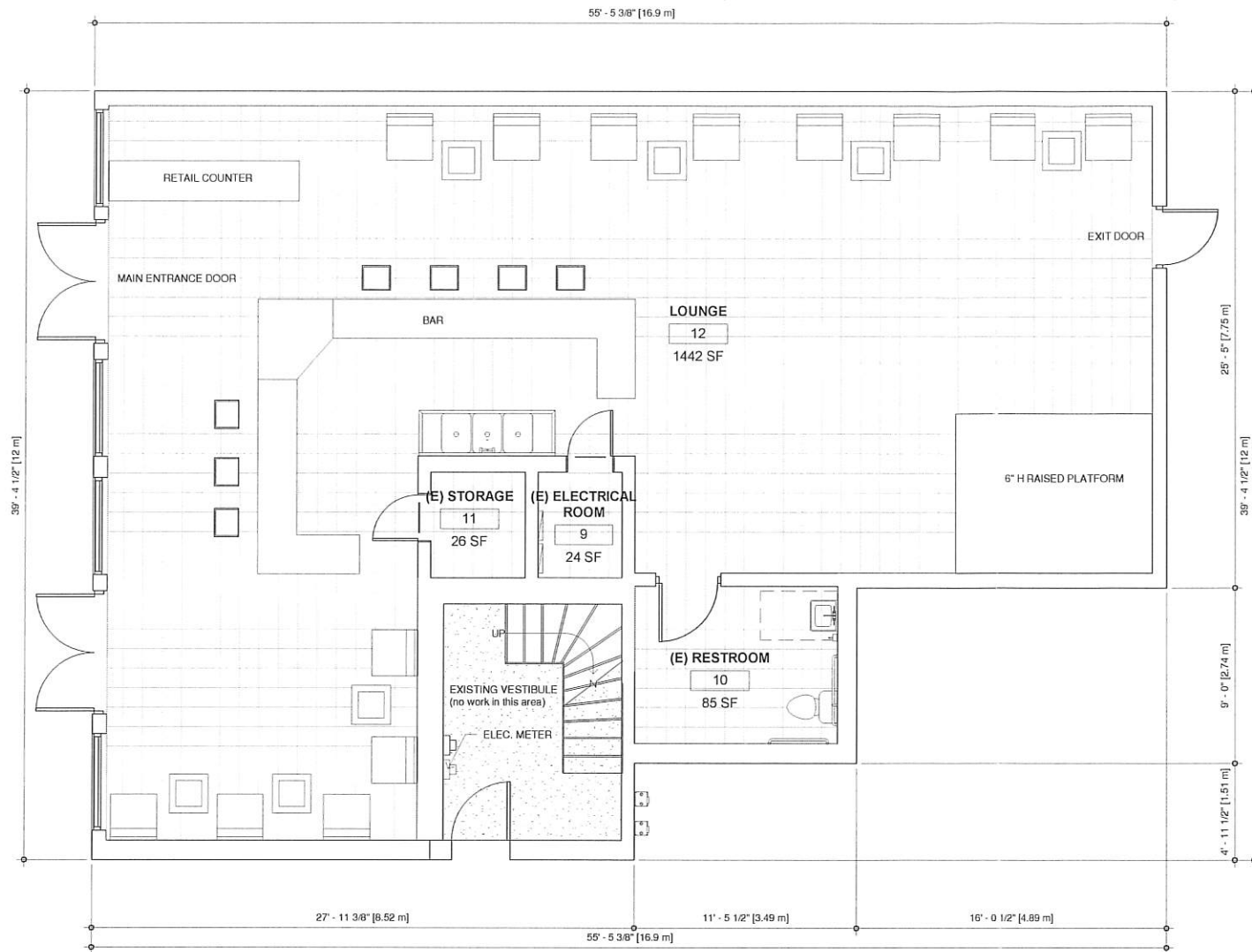
No.	Description	Date

TITLE SHEET

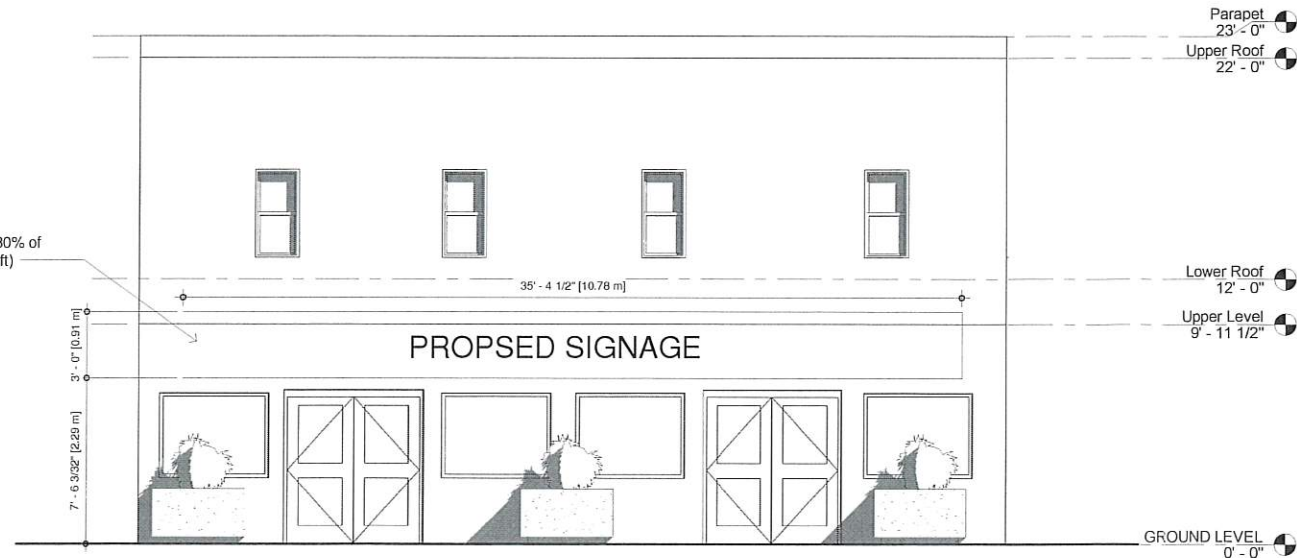
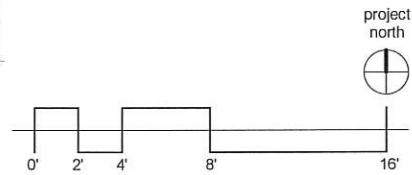
Project number	19-0524
Date	09/08/19
Drawn by	CT
Checked by	AO

TS

Scale As indicated



1 GROUND FLOOR CONSTRUCTION PLAN
1/4" = 1'-0"



2 West Elevation
1/4" = 1'-0"

18.47.070 LARGE PERMANENT SIGNS IN COMMERCIAL, INDUSTRIAL, MIXED-USE AND INSTITUTIONAL ZONES
A. Specifications and Restrictions
Except in shopping centers, large permanent signs (those exceeding 25 square feet in area) may be installed on or along the face of a building in commercial, and commercial uses in a mixed-use zone, industrial or institutional zones, subject to the following specifications and restrictions:
Chapter Division 4
National City Municipal Code - Title 18 General Design and Development Regulations
Land Use Code - General Design and Development Regulations JanuaryMay, 2011
4-61
1. Signs shall be limited to one sign per business premise per frontage along a street, freeway, or parking lot.
2. Sign area on the primary frontage shall not exceed 30 percent of the area of the building face or four square feet of sign for each linear foot of building face along that frontage, whichever is greater.
3. Sign area on a secondary frontage shall not exceed 15 percent of the area of the building face or two square feet per linear foot of secondary frontage, whichever is greater.
4. The sign face shall not be located, such as by a cabinet, deep lettering, or architectural feature, more than 18 inches from a building face unless an exception is approved pursuant to site plan review.



No.	Description	Date

FLOOR PLAN & ELEVATION

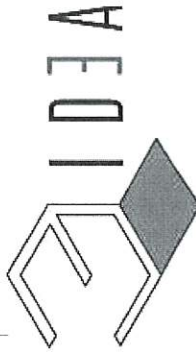
Project number 19-0524
Date 09/08/19
Drawn by CT
Checked by AO

A1.1

Scale 1/4" = 1'-0"

HOOKAH PARADISE LLC
CONDITIONAL USE PERMIT @

309 Highland Ave, National City, CA 91950, CA 91950





**Environmental Scan for a National City CUP for
Tobacco Hookah Paradise**

309 Highland Ave., National City, CA 91950

Oct. 8, 2019



Proposed location for Hookah Paradise

An environmental scan was conducted on Tuesday, Oct. 8, 2019 because Hookah Paradise is applying for a CUP for a tobacco specialty business for purchase and consumption on premises located at 309 Highland Ave., National City 91950.

The applicant is proposing a hookah lounge in a 1,600 square-foot commercial space. The proposed hours of operation are 2 p.m. to 4 a.m. Sunday through Thursday and 10 a.m. to 10 p.m. seven days a week. No food or beverages will be sold. There will be an estimated two employees per day.

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

- The business is located in a minor mixed-use corridor zone in close proximity to other local businesses, single-family residence and multi-housing units.

Funded by the San Diego County Health and Human Services Agency

2615 Camino del Rio So. #300 San Diego, California. 92108 - Phone: 619.476-9100 - Fax: 619.476-9104

Youth Sensitive Areas

La Maestra Health Clinic

Churches

No nearby churches in the area.

Community Input

To gather additional information, we interviewed two nearby businesses which expressed serious concerns about Hookah Paradise. For example, Salud Verdadera, a nutrition store which is approximately 20 feet in proximity to Hookah Paradise had no idea that a hookah lounge was planning on moving in.

“We promote healthy living and lifestyles, we would not like them to put that type of business next to us.” Salud Verdadera also expressed concerns about the hookah lounge’s late operating hours and the type of clientele it would attract and how that would impact their bottom line: sales.

The owner and family of Salud Verdadera also happen to live in the mixed-use designation where Paradise Hookah is located. The owner also expressed deep concerns about potential crime that a hookah bar business would bring to their home and family.

We also interviewed Michelle Pineda, who is the Assistant Nurse and Dr. Guillermo Cantu-Reyna of La Maestra Community Health Center at 217 Highland Ave., National City 91950.

On a daily basis, individuals come to La Maestra for health care services including pediatric care. The staff at La Maestra is strongly opposed to Hookah Paradise getting a permit to conduct business at 309 Highland Avenue, National City 91950. They are mostly concerned about the health, welfare and safety of their clients if a potentially dangerous business were to be allowed to move in at such close proximity to them and the families and children they serve.

Crime Rate

The crime rate is unknown for this location. A follow up request for this information from personnel within the National City Police Department may result in obtaining the crime rate for this location.

Funded by the San Diego County Health and Human Services Agency

2615 Camino del Rio So. #300 San Diego, California, 92108 - Phone: 619.476-9100 - Fax: 619.476-9104

www.publicstrategies.org

Considerations

The following are considerations in case a CUP is issued:

The concerns that neighboring businesses (community health clinic and a nutritional store) expressed are not to be taken lightly. Our experience as public health experts as well as our anecdotal information have shown that hookah bars, as other types of high-risk businesses such as bars and liquor stores, have a history of increasing crime, nuisance activity and calls for services.

There are also serious second hand smoke health concerns, considering that Hookah Paradise is approximately 20 feet in proximity to a health clinic and a nutrition store. California laws make it unlawful for a member of the public to smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building. Although these laws apply to public buildings, they exist due to serious public health concerns. The research concludes that second hand smoke is a toxic air contaminant killing tens of thousands of Americans each year. It is especially dangerous for children, pregnant women, the elderly and those with chronic illnesses.

The health risks for children include:

- Low birth weight and lung problems in infants
- Acute lower respiratory tract infections (bronchitis and pneumonia)
- Middle-ear infections
- Chronic respiratory symptoms or problems
- Asthma in children who previously have not had any symptoms
- Sudden Infant Death Syndrome

The public health concerns regarding hookah bars and second hand smoke are so strong, that Channel 10 News recently did a story on the topic at hand. **Study: Exposure to hookah smoke contains toxic chemical acrolein - SAN DIEGO (KGTV)**--A new study from researchers at San Diego State University is casting additional doubt on the use of hookah as a safe alternative to smoking. Hookah's sweet smell and taste have made it an increasingly popular choice for teens and young adults but now the Center for Behavioral Epidemiology and Community Health, say burning hookah tobacco creates a dangerous byproduct called **acrolein**, a toxic respiratory and cardiac irritant. But the danger doesn't just affect hookah smokers -- it extends to non-smokers exposed to second-hand smoke too.

<https://www.10news.com/news/san-diego-state-hookah-smokestudy-acrolein>

###

Funded by the San Diego County Health and Human Services Agency

2615 Camino del Rio So. #300 San Diego, California, 92108 - Phone: 619.476-9100 - Fax: 619.476-9104

www.publicstrategies.org

RESOLUTION NO. 2019-23

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR A TOBACCO SPECIALTY BUSINESS
(HOOKAH PARADISE) LOCATED AT 309 HIGHLAND AVE.
CASE FILE NO. 2019-26 CUP
APN: 556-180-18

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a tobacco specialty business located at 309 Highland Ave. at a duly advertised public hearing held on November 18, 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. 2019-26 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 November 18, 2019, support the following findings:

1. The proposed use is inconsistent with General Plan policy HEJ-2.4, HEJ-2.6, and HEJ-2.8 in regards to health and second-hand smoke.
2. The design, location, and operating characteristics of the proposed activity are incompatible with the existing and future land uses in the vicinity because the proposed operation hours being until 4 a.m. daily and the secondhand smoke create a concern for existing and future residents of the second story residential units.
3. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located due to the residential uses on the second floor of the property.

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 November 18, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



Item no. 4
November 18, 2019

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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING SECTION 16.06.060 (FUNCTIONS AND AUTHORITY - PLANNING COMMISSION TO FUNCTION AS COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT - EX OFFICIO MEMBERS) OF TITLE 16 (CITY BOARDS, COMMISSIONS, AND COMMITTEES) OF THE NATIONAL CITY MUNICIPAL CODE ON NOVEMBER 19, 2019.

Background:

The Community Development Commission-Housing Authority of the City of National City ("Housing Authority") has served as a catalyst for housing development and programs for the City since its inception by City Ordinance No. 1484 adopted on October 14, 1975. Section 16.060.060 of the National City Municipal Code established the functions of the Planning Commission as the committee on housing and community development ("Committee") with a total of nine members: seven members of the Planning Commission by virtue of the office (ex-officio) as well as two members who were tenants of the development commission, one being over the age of sixty two.

The purpose of the Committee has been to encourage communications from persons, organizations, and institutions in the City of National City, and give advice and make recommendations to the Community Development Commission or to the projects, programs, and policies including: housing improvements, housing assistance, neighborhood improvements, and federal and state housing law implementation.

On July 18, 2019, Housing Authority staff made a presentation to the Housing Authority highlighting recent housing projects and programs and providing additional information on the historic purpose of the Committee. Staff identified the opportunity to reactivate the Committee to call attention to current housing priorities, projects, and programs of the Housing Authority as they are further

developed. After the presentation to the Housing Authority, staff received direction from the City Council to bring back a revised Ordinance that would make recommended updates to the Committee that would make it responsive to the Housing and Community Development Goals being considered through the City's and Housing Authority's strategic planning process.

Proposed changes:

The proposed updated Ordinance specifically identifies the Housing Committee to specifically serve an advisory role on housing and housing-related matters to the Housing Authority. The additional two ex-officio members that would sit on the Housing Committee should have subject matter expertise in housing-related matters. Examples of subject matter experts include housing policy specialists, for- and non-profit developers, housing and land use attorneys, or other housing professionals in housing-related matters. Although the Housing Committee can meet during any Planning Commission meeting it is the intent to convene the Housing Committee on Planning Commission meetings held on the third Monday of every month. The ordinance already provides that the two Housing Committee members shall not receive compensation for their service.

The purpose of the Housing Committee would also be updated to parallel the City's strategic goals on Housing and Community Development. Language is replaced to make note that the Housing Committee will provide advice and make recommendations to the Housing Authority or to the projects, programs and policies that seek to, for example: (1) pursue new housing options at all income levels; (2) ensure preservation of existing affordable housing; (3) streamline permitting and improve code compliance; and, (4) enhance the City's role in reducing homelessness.

Staff recommendation:

Staff recommends adoption of the proposed changes to the ordinance.

Staff is requesting comments on the proposed changes from the Planning Commission to be provided in introductory comments to the City Council on November 19, 2019.

Attachments

1. Proposed Changes to City Ordinance Section 16.06.060 (Redline)



CARLOS AGUIRRE

Director of National City Housing Authority

Proposed Changes to Ordinance Section 16.06.060 of the National City Municipal Code:

16.06.060 Functions and authority—Planning commission to function as an advisory housing committee on housing and community development—Ex officio members.

A. In addition to the functions conferred upon it by the municipal code and by state law, the planning commission shall also act in the capacity and carry out the functions of an advisory housing committee to the board of ~~the commissionersttee of~~ the Community Development Commission-Housing Authority of the City of National Cityhousing and community development (the "housing committee").

B. The housing committee shall be comprised of the seven members of the planning commission, who shall sit as the board of the housing committee when the commission is acting in the capacity and carrying out the functions of the housing committee. In addition, the city council shall appoint two ex officio members to four-year terms, for a total of nine members. These two appointed members ~~who~~ shall have subject matter expertise in housing-related matters. Examples of subject matter experts include housing policy specialists, for and non-profit developers, housing and land use attorneys, or other housing professionals in housing-related matters ~~be tenants of the community development commission of the City of National City (the "CDC"), and one of whom shall be over sixty-two years of age.~~ Said ex officio members shall sit with the seven members of the commission on such occasions as the commission is acting in the capacity and carrying out the functions of the housing committee. Said ex officio members shall serve at the pleasure of the city council.

C. The commission, when acting in the capacity of and carrying out the functions of the housing committee, shall utilize a housing committee agenda, which shall be separate and distinct from the commission agenda. Except for special meetings of either body, meetings of the commission and the housing committee shall be scheduled for the same date and time, unless it is impracticable to do so, with the meeting of one body to be held consecutively after the other.

D. The chair and vice-chair of the planning commission shall also be the chair and vice-chair of the housing committee. The two ex officio members shall not receive compensation, but shall be eligible for reimbursement of expenses incurred in the performance of official duties. The two ex officio members shall disclose reportable financial interests as members of the housing and community development committee pursuant to the city's conflict of interest code.

E. The purpose of the housing committee shall be to encourage communication from persons, organizations and institutions in the City of National City, and to give advice and make recommendations to the ~~CDC~~ housing authority or to the projects, programs and policies that seek to, for example, including the following: (1) pursue new housing options at all income levels; (2) ensure preservation of existing affordable housing; (3) streamline permitting and improve code compliance; and (4) enhance the city's role in reducing homelessness.

~~The Housing and Urban Development Section 8 Housing Assistant Payments Program for existing housing and for new construction.~~

~~Housing improvement, housing assistance and neighborhood improvement projects, programs and policies in connection with federal and state laws relating to housing and neighborhood improvements.~~

F. The housing committee shall, after its establishment, limit its review and recommendations to those matters set forth in ~~this~~ subsection E through its by-laws.

F.G. For purposes of this Chapter 16.03, "ex officio" means by virtue or because of an office; by virtue of the authority implied by office.