



# Planning Commission Agenda

Meeting of May 4, 2020 – 6:00 p.m.

**ONLINE ONLY MEETING**

<https://www.nationalcityca.gov/webcast>

**LIVE WEBCAST**

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 Chair Flores**

### **Approval of Minutes**

1. Approval of Minutes from the Meeting of March 2, 2020

### **Approval of Agenda**

2. Approval of the Agenda for the Meeting on May 4, 2020

### **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**

3. Homefront to Waterfront

## **CONTINUED PUBLIC HEARINGS**

### **PUBLIC HEARINGS**

4. Resolution Taking Action on a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant (Bonchon) located at 1420 Plaza Blvd. Ste. D-04. (Case File No.: 2020-03 CUP)
5. Resolution Taking Action on a Code Amendment amending Section 18.30.320 (Pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals) of Title 18 (Zoning) of the National City Municipal Code. (Case File No.: 2019-24 A)

### **OTHER BUSINESS**

6. Capital Improvement Plan (CIP) General Plan Conformance Review

### **STAFF REPORTS**

Senior Assistant City Attorney

Director of Community Development

Principal Planners

Commissioners

Chairperson

### **ADJOURNMENT**

Adjournment to the regularly scheduled meeting on May 18, 2020 at 6:00 p.m.



## Planning Commission Minutes

Planning Commission  
Meeting of March 2, 2020  
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 Flores at 6:05 p.m.

### **Roll Call**

Commissioners Present: Natividad, Dela Paz, Flores, Sendt, Yamane, Garcia

Commissioners Absent: Baca

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

**Pledge of Allegiance** Presented by Commissioner Yamane.

1. Approval of Minutes from the Meeting of February 3, 2020.

Motion by Yamane, second by Garcia to approve the Minutes for the Meeting of February 3, 2020.

### **Motion carried by the following vote:**

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

**Abstain:** None.

**Noes:** None.

**Absent:** Baca

2. Approval of the Agenda for the Meeting of March 2, 2020.

Motion by Garcia, second by Natividad to approve the Agenda for the Meeting of March 2, 2020.

**Motion carried by the following vote:**

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

**Abstain:** None.

**Noes:** None.

**Absent:** Baca

**ORAL COMMUNICATION:** Joan Rincon spoke to marijuana dispensaries in the City.

**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 and live entertainment at a new bar (Paradise VYBZ) located at 309 Highland Avenue (Case File No. 2020-02 CUP)

Presented by Assistant Planner Chris Stanley.

Public Speaker Michael Harwig spoke in support of the item.

Applicant Natalie Dumont confirmed that she has read, understands, and accepts the conditions.

Motion by Yamane, second by Dela Paz to close the Public Hearing and deny a Resolution Taking Action on a Conditional Use Permit for the on-site sale of beer and wine and live entertainment at a new bar (Paradise VYBZ) located at 309 Highland Avenue (Case File No. 2020-02 CUP)

**Motion failed by the following vote:**

**Ayes:** Dela Paz, Yamane

**Abstain:** None.

**Noes:** Natividad, Flores, Sendt, Garcia

**Absent:** Baca

Motion by Garcia, second by Sendt to close the Public Hearing and approve a Resolution Taking Action on a Conditional Use Permit for the on-site sale of beer and wine and live entertainment at a new bar (Paradise VYBZ) located at 309 Highland Avenue (Case File No. 2020-02 CUP) with a recommendation to the City Council to recommend the waiver and with the condition that patrons be allowed to bring food into the establishment.

**Motion carried by the following vote:**

**Ayes:** Natividad, Flores, Sendt, Garcia

**Abstain:** None.

**Noes:** Dela Paz, Yamane

**Absent:** Baca

**OTHER BUSINESS:** None.

**STAFF REPORTS:**

**Principal Planners:** Martin Reeder announced that Commissioner Baca had resigned from the Planning Commission and wished him well in the future.

**Nicole Pedone, Senior Assistant City Attorney:** None.

**Tony Winney, Assistant City Manager:** None.

**Armando Vergara, Director of Community Development:** Absent.

**COMMISSIONER REPORTS:**

**Dela Paz:** None.

**Flores:** None.

**Sendt:** Encouraged everyone to wash their hands in light of the current coronavirus pandemic.

**Natividad:** None.

**Garcia:** Announced that the public would begin receiving invitations to complete the census mid-March and that an announcement and presentation would occur at the city's Community Breakfast on March 14<sup>th</sup>.

**Yamane:** Encouraged everyone to vote in the Primary Election occurring Tuesday, March 3<sup>rd</sup>.

**ADJOURNMENT** by Chair Flores at 6:59 p.m. to the meeting of March 16, 2020.

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CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of May 4, 2020.



COMMUNITY DEVELOPMENT DEPARTMENT - 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 SALES AT AN EXISTING RESTAURANT (BONCHON) LOCATED AT 1420 E. PLAZA BLVD. STE. 'D-04'

Case File No.: 2020-03 CUP

Location: Bay Plaza

Assessor's Parcel Nos.: 557-322-15

Staff report by: Chris Stanley, Assistant Planner

Applicant: Hosik Bang & Hyeonyee Lee

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

Adjacent use and zoning:

North: South Bay Plaza / MXD-2

East: Single Family Residential / RS-2

South: National School District Administrative Center / I (Institutional)

West: Single Family Residential / RS-2

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

Staff recommendation: Approve

### Staff Recommendation

Staff recommends approval of the on-site sale of beer and wine at an existing restaurant, Bonchon, subject to the attached recommended conditions. The sale of alcohol is conditionally-allowed in the Major Mixed-Use District zone and would be accessory to food sales at the restaurant.

### Executive Summary

The business has applied for a Conditional Use Permit (CUP) to sell beer and wine at an existing restaurant (Bonchon). The restaurant has applied for Type 41 (On Sale Beer & Wine) license with the California Department of Alcoholic Beverage Control (ABC). The hours for the sale of beer and wine, as proposed by the applicant, are 11:30 a.m. to 10:00 p.m. Monday through Thursday, 11:30 a.m. to 12:00 a.m. Friday and Saturday, and 5:00 p.m. to 10:00 p.m. Sunday. No live entertainment is proposed.

### Site Characteristics

The project location is an existing 2,000 square-foot restaurant located at 1420 East Plaza Blvd. Ste. 'D-04'. The development is located on the south side of Plaza Blvd. in the middle of the block between 'L' and 'N' Avenues. and is part of South Bay Plaza. Commercial uses exist to the north and west; east of the property is residential and south is the National School District Administrative Center.

### Proposed Use

The applicant is proposing to sell beer and wine at the existing restaurant, Bonchon. Bonchon is a national chain restaurant, with one other restaurant in San Diego. The floor plan provided with this application shows three booths, nine tables, and bar seating with 19 chairs and bench seating. The proposed hours for the on-site sale of beer and wine are 11:30 a.m. to 10:00 p.m. Monday through Thursday, 11:30 a.m. to 12:00 a.m. Friday and Saturday, and 5:00 p.m. to 10:00 p.m. Sunday. 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 125 occupants and owners.



Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Monday, February 10, 2020 at 9:30 a.m. at the subject restaurant. The meeting advertisement is attached (Attachment 7); there were no attendees. The applicant stated that the same 125 occupants and owners that were notified of the Planning Commission meeting 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; there are no schools within 660 feet of the site. In addition, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question has over 40% of its floor area devoted to seating.

Alcohol Sales Concentration/Location

Per ABC, there are currently 14 on-site sale licenses in this census tract (117) where a maximum of eight are recommended, meaning that the census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets however, one of the 14 outlets is the subject business. For reference, the on-site alcohol outlets in the census tract are:

<b>Name</b>	<b>Address</b>	<b>License Type*</b>	<b>CUP</b>
American Legion Post 255	35 E. 18 <sup>th</sup> St.	52	-
Chuck E. Cheese's	1143 Highland Ave.	41	Y
Royal Mandarin	1132 E. Plaza Blvd. Ste. 205 & 206	41	Y
VFW Post 4630	1401 Highland Ave.	52	Y
Golden Chopsticks	1430 E. Plaza Blvd. E22- 23A	41	Y
Ginza Sushi	925 E. Plaza Blvd. Ste. 'G'	41	Y
Lai Thai	1430 E. Plaza Blvd. E10-11	47	Y
Café La Maze	1441 Highland Ave.	47	-
Grill House at Big Ben	106 E. 8 <sup>th</sup> St.	41	Y
Yi Sushi #2	1430 E. Plaza Blvd. Ste. E-7B	41	Y
Crab Fever	1420 E. Plaza Blvd. D2	41	Y
Karina's	1705 Highland Ave.	41	Y
Sushi Galbi	1519 Highland Ave.	41	Y
Slappy's Burgers and Brews	1105 E. Plaza Blvd.	41	Y

\* Type 41 - On-Sale of Beer and Wine  
 \* Type 47 - On-Sale of Beer, Wine, and Liquor  
 \* Type 52 – Veteran's Club

Census tract 117 includes the area between National City Boulevard and “N” Avenue, and between East 8<sup>th</sup> Street and East 18<sup>th</sup> Street. The attached census tract map shows the location of the subject tract (Attachment 6).

#### Hours of Operation

The applicant is proposing the sale of beer and wine between the hours of 11:30 a.m. to 10:00 p.m. Monday through Thursday, 11:30 a.m. to 12:00 a.m. Friday and Saturday, and 5:00 p.m. to 10:00 p.m. Sunday. The Institute for Public Strategies (IPS) recommends that the serving of alcohol not be permitted after 10:00 p.m. The Police Department rates the sale of alcohol after 11:00 p.m. as a three on their rating system, which indicates a high risk.

#### Institute for Public Strategies

IPS did not provide comments for the proposed project, although they usually recommend that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training. In addition, IPS usually recommends that alcohol sales end by 10:00 p.m. The RBSS training is a standard condition of City Council Policy 707 and is included as a condition of approval.

#### Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 15 points, which places it in the Medium Risk category. Medium risk is considered 13 to 18 points (see Attachment 9).

#### Findings for Approval

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

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

The use is allowable within the Major Mixed-Use District 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 District 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 (MXD-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of beer and wine 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 sale of beer and wine would be accessory to an existing restaurant use where no expansion of the premises is proposed. The addition of beer and wine 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 and wine will be sold after 12:00 a.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).

Per Section 15378, 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.

Beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use District zone.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sale 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. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 14 off-sale outlets are permitted where eight are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, as there are already 12 restaurants in the same census tract that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail sale of alcoholic beverages pursuant to law.

Conditions of Approval

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

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the Major Mixed-Use District zone. The proposed use would be accessory to the existing restaurant use in a commercial area. The addition of on-site beer and wine sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area. Although the census tract in which the restaurant is located is over-concentrated with regard to on-sale alcohol licenses, beer and wine will only be available with the sale of food.

Options

1. Approve 2020-03 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2020-03 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. 2020-03 CUP, dated 1/22/2020)
5. Public Hearing Notice (Sent to 125 property owners & occupants)
6. Census Tract & Police Beat Maps
7. Community Meeting Advertisement
8. City Council Policy 707
9. Police Department Comments
10. Resolutions

*Martin Reeder for*

CHRIS STANLEY  
Assistant Planner



ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

2020-03 CUP – 1420 E. Plaza Blvd. Ste. D-04

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 pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major Mixed-Use District 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, 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 (MXD-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of beer and wine 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 beer and wine 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 beer and wine as well as the hours that it will be available; no beer or wine will be sold after 12 a.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 because per Section 15378, 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.

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



## **RECOMMENDED FINDINGS FOR DENIAL**

2020-03 CUP – 3030 1420 E. Plaza Blvd. Ste. D-04

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 14 off-sale outlets are permitted where eight are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, as there are already 12 restaurants in the same census tract that 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.

## RECOMMENDED CONDITIONS OF APPROVAL

2020-03 CUP – 1420 E. Plaza Blvd. Ste. D-04

### General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at an existing restaurant located at 1420 E. Plaza Blvd. Ste. D-04. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2020-03 CUP, dated 1/22/2020.
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 Director of Community Development 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 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 alcoholic beverages shall be permitted only between the hours of 11:30 a.m. to 10 p.m. Monday through Thursday, 11:30 a.m. to 12 a.m. Friday and Saturday, and 5 p.m. to 10 p.m. Sunday.
8. 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.
9. Alcohol shall be available only in conjunction with the purchase of food.
10. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.

Police

11. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

2020-03 CUP – 1420 E. Plaza Blvd. – Overhead

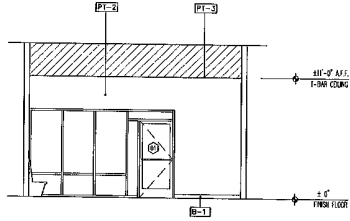




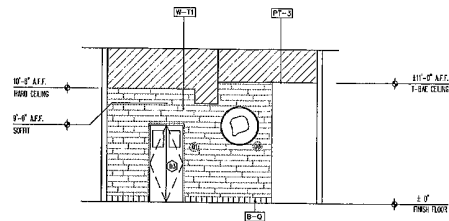


**DIMENSION PLAN & ELEVATIONS**

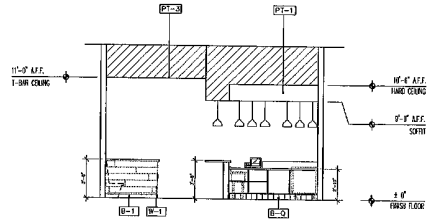
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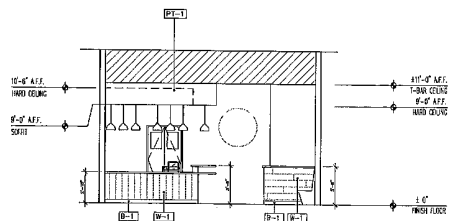
**INTERIOR ELEVATION**  
SCALE: 1/4"=1'-0" ④



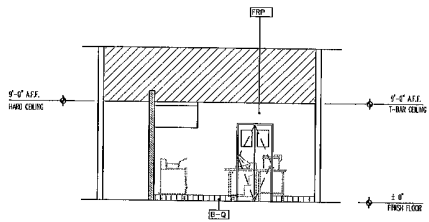
**INTERIOR ELEVATION**  
SCALE: 1/4"=1'-0" ①



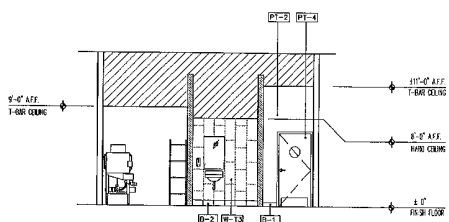
**INTERIOR ELEVATION**  
SCALE: 1/4"=1'-0" ⑤



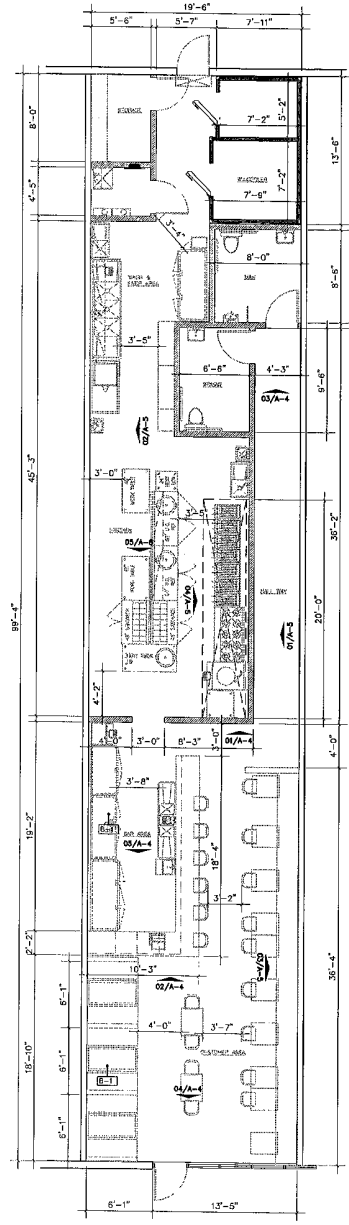
**INTERIOR ELEVATION**  
SCALE: 1/4"=1'-0" ②



**INTERIOR ELEVATION**  
SCALE: 1/4"=1'-0" ⑥



**INTERIOR ELEVATION**  
SCALE: 1/4"=1'-0" ③



**J.P. DESIGN CO.**  
ARCHITECTS  
1420 E. PLAZA BLVD., SUITE D-04  
NATIONAL CITY, CA 91960  
TEL: 619-451-1111  
WWW.JPD.CO

**BONCHON RESTAURANT**  
1420 E. PLAZA BLVD., SUITE D-04  
NATIONAL CITY, CA 91960

**Bonchon**  
HANDCRAFTED TASTE & FLAVOR

**Bonchon**  
HANDCRAFTED TASTE & FLAVOR

**Bonchon**  
HANDCRAFTED TASTE & FLAVOR

VISION ELEVATION  
NO. B-1045  
DATE: 11/11  
SCALE: 1/4"  
BY: J.P.  
DATE: 02-10-2019  
AS SHOWN







COMMUNITY DEVELOPMENT DEPARTMENT - 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 AN EXISTING RESTAURANT (BONCHON)  
LOCATED AT 1420 E. PLAZA BLVD. STE. D-04  
CASE FILE NO.: 2020-03 CUP  
APN: 557-322-15

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, May 4, 2020** on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chamber, 1243 National City Boulevard, National City, California. (Applicant: Hosik Bang & Hyeonyee Lee)

Due to the precautions taken to combat the spread of coronavirus (COVID-19), City Hall, including the City Council Chambers, are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://www.nationalcityca.gov/government/city-clerk/council-webcast>.

The project site is an existing restaurant in the Major Mixed-Use District (MXD-2) zone. The applicant is proposing to sell beer and wine for on-site consumption (Type 41 License) in the 2,000 square-foot commercial space. The proposed alcohol sales hours are 11:30 a.m. to 10 p.m. Monday through Thursday, 11:30 a.m. to 12 a.m. Friday and Saturday, and 5 p.m. to 10 p.m. Sunday.

Members of the public are invited to comment. Written comments should be received on or before 4:00 p.m., **May 4, 2020** by the Planning Division, who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

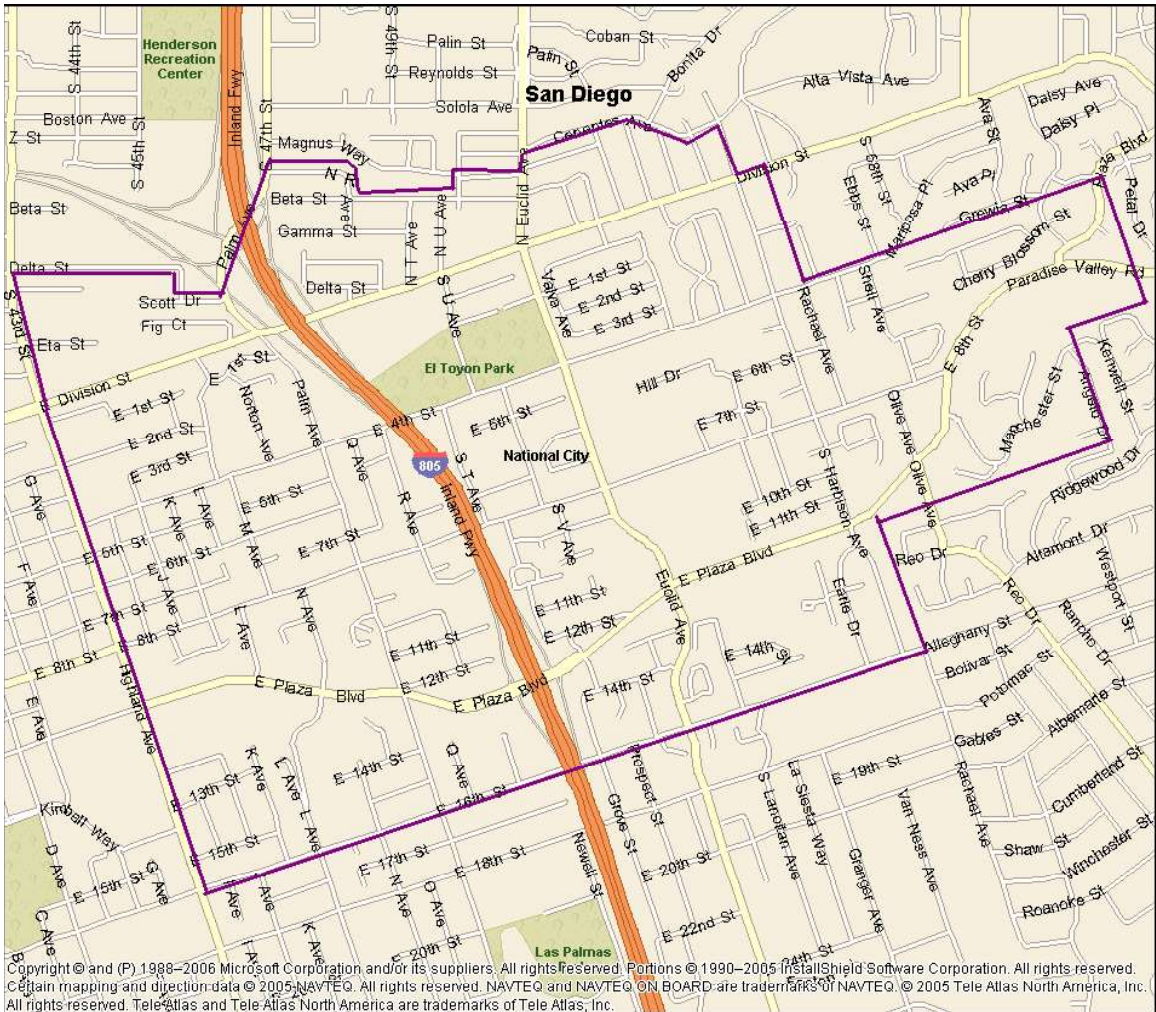
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development

ATTACHMENT 5





## City of National City Beat 21

Dear whom I may concern,

B&L Inc. DBA name Bonchon, National City is holding a community meeting to apply new ABC (Alcohol beverage control). The community meeting will be held in the location below:

Date & Time:

Feb. 10<sup>th</sup> 2020

9:30am to 10:30am

1420 E Plaza Blvd suite D-04, National City, CA 91950

Sincerely,

Hosik Bang and Hyeonyee Lim

# 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: December 19, 2017

Page 1 of 5

## PURPOSE/BACKGROUND:

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

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

## POLICY:

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

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

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

# CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process  
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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.

# CITY COUNCIL POLICY

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

POLICY  
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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 -

# CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process  
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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. **(brewery 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. **(brewery tasting rooms)** Sales of sealed containers (commonly known as growlers) for off-site consumption of the beer produced by the master licensee may be sold and/or consumed at this location.
19. **(brewery 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. **(brewery 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 more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.



# CITY COUNCIL POLICY

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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: 01/29/2020

BUSINESS NAME: Bonchon

ADDRESS: 1420 E. Plaza Blvd, Ste D-04, National City, CA 91950

OWNER NAME: Hosik Bang DOB: 02/09/1964

OWNER ADDRESS: 4690 Convoy St., Ste. 101, San Diego, 92111

(add additional owners on page 2)

**I. Type of Business**

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

**II. Hours of Operation**

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

**III. Entertainment**

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

**IV. Crime Rate**

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

**V. Alcohol Businesses per Census Tract**

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

**Notes:**

II. Closes after 11 pm on Fridays and Saturdays.

V. Tract allows for 8 on-sale licenses. There are 13 currently active.

VI. 24 calls for service between 8/2019 - 1/2020

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)  <b>Total Points</b> <u>15</u>
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VIII. Owner(s) records check

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

OWNER NAME: Hyonyee Lim DOB: 02/05/1968

OWNER ADDRESS: 808 4th Ave, #317, San Diego, CA 92101

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

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

**Recommendation:**

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Completed by: Sgt. W. Walters Badge ID: 398

RESOLUTION NO. 2020-03

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE  
SALES AT AN EXISTING RESTAURANT LOCATED AT  
1420 EAST PLAZA BOULEVARD SUITE D-04  
CASE FILE NO. 2020-03 CUP  
APN: 564-322-15

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 1420 E. Plaza Blvd. Ste. D-04 at a duly advertised public hearing held on May 4, 2020, 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. 2020-03 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 16, 2020, 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 pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A restaurant use is consistent with the Major Mixed-Use District 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, 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 (MXD-2) was analyzed for traffic impacts during the most recent Land Use Update. Because the sale of beer and wine 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 beer and wine 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 beer and wine as well as the hours that it will be available; no beer or wine will be sold after 12 a.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 because per Section 15378, 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.
7. The proposed use is deemed essential and desirable to the public convenience or necessity because beer and wine sales would contribute to the viability of the restaurant, an allowed use in the Major Mixed-Use District zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

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

## General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at an existing restaurant located at 1420 E. Plaza Blvd. Ste. D-04. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2020-03 CUP, dated 1/22/2020.
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 Director of Community Development 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 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 alcoholic beverages shall be permitted only between the hours of 11:30 a.m. to 10 p.m. Monday through Thursday, 11:30 a.m. to 12 a.m. Friday and Saturday, and 5 p.m. to 10 p.m. Sunday.
8. 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.

9. Alcohol shall be available only in conjunction with the purchase of food.

10. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.

Police

11. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

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 May 4, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2020-03

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
DENYING A CONDITIONAL USE PERMIT FOR ON-SITE BEER AND WINE SALES  
AT AN EXISTING RESTAURANT LOCATED AT  
1420 EAST PLAZA BOULEVARD SUITE D-04  
CASE FILE NO. 2020-03 CUP  
APN: 564-322-15

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the on-site sale of beer and wine at an existing restaurant for a property located at 1420 E. Plaza Blvd. Ste. D-04 at a duly advertised public hearing held on May 4, 2020, 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. 2020-03 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 May 4, 2020, support the following findings:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 14 off-sale outlets are permitted where eight are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. The proposed use is not deemed essential to the public necessity, as there are already 12 restaurants in the same census tract that 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.

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 May 4, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON



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

### **PLANNING COMMISSION STAFF REPORT**

TITLE: PUBLIC HEARING – CODE AMENDMENT AMENDING SECTION 18.30.320 (PAWN SHOPS AND BUSINESSES ENGAGED IN SECONDHAND DEALING AND/OR THE PURCHASE AND SELLING OF GOLD AND OTHER PRECIOUS METALS) OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE.

Case File No.: 2019-14 A

Staff report by: Martin Reeder, AICP – Principal Planner

Project location: Citywide

Applicant: City-initiated Land Use Amendment

Environmental review: Not a project per CEQA

Staff recommendation: Recommend approval of the amendment to the City Council

### **BACKGROUND**

#### Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the amendment to sections 18.30.320 to the City Council.

#### Overview

Chapter 18.30.320 contains requirements for pawn shops and secondhand businesses, some of which conflict with the State of California Business and Professions Code (B&P). In particular, the Municipal Code requires that secondhand businesses be accessory to a principal use that sells the same product as new (e.g. phones, jewelry, etc.) and also requires a Conditional Use Permit (CUP). The B&P specifically preempts these requirements.

### Proposed Changes

In order to avoid conflict with B&P Section 21625, Section 18.30.320 (A) (4) should be modified to replace “Conditional Use Permit” with “Police Permit”. In addition, Section 18.30.320 (A) (7) should be removed completely, as this requirement is preempted by B&P Section 21625.

A strikethrough/underline version of the changes are attached to this staff report.

### Findings

There are two findings required for approval of a Code Amendment, one related to General Plan consistency and one related to compliance with the California Environmental Quality Act (CEQA).

### General Plan Conformance

The requested amendments to this section are consistent with the General Plan, as the Land Use Element provides for the creation and continuation of commercial uses, which secondhand dealers are considered. One goal and one policy apply in this case:

**Goal LU-2:** 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.

**Policy LU-2.9:** Designate land for commercial, office, and service uses sufficient to meet future city needs.

### CEQA Compliance

This amendment is not considered to be a project under CEQA as there would be no physical impact as a result of the change. Secondhand dealing is a commercial use that is typically permitted by right without CEQA review.

### Summary and next steps

Staff is recommending changes to the City’s Municipal Code related to the review of license requests for secondhand dealers, and recommends that the Planning Commission support the amendment. The Commission’s recommendation will be provided to the City Council at a subsequent public hearing at the City Council.

**OPTIONS**

1. Recommend approval of the amendment to Chapter 18.30.320 of the Land Use Code based on the attached findings or findings to be determined by the Planning Commission; or
2. Recommend denial of the amendment to Chapter 18.30.320 of the Land Use Code based on findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date.

**ATTACHMENTS**

1. Findings
2. Proposed Code changes
3. Resolution

*Martin Reeder*

MARTIN REEDER, AICP  
Principal Planner



ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

1. That the proposed amendments to section 18.30.320 are consistent with the General Plan, as Land Use Policy LU-2.9 encourages the designation of land for commercial, office, and service uses sufficient to meet future city needs, which this amendment does not conflict with.
2. That the proposed amendments have been reviewed and been found to comply with the California Environmental Quality Act (CEQA); the amendments are not considered to be a project under CEQA as there would be no physical impact as a result of the change. Secondhand dealing is a commercial use that is typically permitted by right without CEQA review.

**18.30.320 - Pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals.**

A. Restrictions.

1. No pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals shall be located within two thousand feet of another such business. This shall not apply to shopping centers of fifty thousand square feet or more.
2. Pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals shall be no closer than two hundred fifty feet from residential zones.
3. No pawn shop or businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals shall be located east of Interstate 805. This shall not apply to shopping centers of fifty thousand square feet or more.
4. A ~~conditional use~~ police permit is required, the processing of which shall comply with Business and Professions Code Section 21641.
5. A pawn shop or businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals that provides payday lending is not exempt from the regulations of payday lenders.
6. No more than six pawn shops shall be allowed within National City.
- ~~7. Secondhand dealers (as defined in the Glossary) shall only be permitted as accessory to a legitimate retail business that sells as new the item(s) in question as its primary business function.
  - ~~a. Total gross receipts of precious metals purchased or taken for credit shall not exceed fifty percent of total retail sales of precious metals.~~~~

~~8-7.~~ All pawnbrokers and secondhand dealers shall require, at minimum, a secondhand dealer license and shall abide by state-mandated reporting requirements for secondhand tangible personal property as required in the Business and Professions Code.

- b. These requirements shall also be required of retail businesses that offer trade-ins or credit for secondhand tangible personal property.

RESOLUTION NO. 2020-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NATIONAL CITY, CALIFORNIA, RECOMMENDING ADOPTION TO THE CITY COUNCIL OF A CODE AMENDMENT AMENDING SECTION 18.30.320 (PAWN SHOPS AND BUSINESSES ENGAGED IN SECONDHAND DEALING AND/OR THE PURCHASE AND SELLING OF GOLD AND OTHER PRECIOUS METALS) OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE.  
APPLICANT: CITY-INITIATED.  
CASE FILE NO. 2019-24 A

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, per Chapter 18.32.320; and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at a duly advertised public hearing held on May 4, 2020 at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report provided for Case File No. 2019-24 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

WHEREAS, the Planning Commission recommends adoption to the City Council of the City of National City amendment to Chapter 18.30.320 (Pawn shops and businesses engaged in secondhand dealing and/or the purchase and selling of gold and other precious metals) of Title 18 (Zoning) of the National City Municipal Code; and,

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

WHEREAS, this action is taken in an effort to comply with applicable State and Federal law; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on May 4, 2020, support the following findings:

1. That the proposed amendments to section 18.30.320 are consistent with the General Plan, as Land Use Policy LU-2.9 encourages the designation of land for commercial, office, and service uses sufficient to meet future city needs, which this amendment does not conflict with.
2. That the proposed amendments have been reviewed and been found to comply with the California Environmental Quality Act (CEQA); the amendments are not considered to be a project under CEQA as there would be no physical impact as a result of the change. Secondhand dealing is a commercial use that is typically permitted by right without CEQA review.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 4, 2020, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON





Item no. **6**  
May 4, 2020

CITY OF NATIONAL CITY – COMMUNITY DEVELOPMENT DEPARTMENT  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

### **PLANNING COMMISSION STAFF REPORT**

Title: FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM – GENERAL PLAN CONFORMITY REVIEW

Staff report by: Raymundo Pe - Principal Planner

Applicant: City

Location: Citywide

Environmental review: Environmental review will be conducted for projects pursuant to the California Environmental Quality Act.

#### **Background**

As part of the annual budget process, the City considers potential capital improvement projects. These projects are listed as proposed public works in the annual Capital Improvement Program (CIP). Government Code Section 65401 requires that the Planning Commission review the list of proposed public works and report to the City Council on the conformity of the CIP with the General Plan. The Planning Commission has previously determined that the following annual projects conform with the General Plan: sewer replacement/upsizing, street resurfacing, traffic signal upgrades, drainage improvements, and facility upgrades. The proposed projects for Fiscal Year 2020-21 are attached along with a conformity review, which identifies the General Plan policies that support each project.

#### **Recommendation**

Determine that the proposed Capital Improvement Program projects for Fiscal Year 2020-2021 are in conformity with the adopted General Plan.

#### **Attachments**

1. Conformity Review
2. Government Code Section 65401

RAYMUNDO PE  
Principal Planner

ARMANDO VERGARA  
Community Development Director

## ATTACHMENT 1

### Proposed Projects/General Plan Conformity Review

#### **Bayshore Bikeway**

Project Description: Bayshore Bikeway by providing nearly 1.5 miles of protected bicycle facilities along McKinley Avenue and Marina Way in the City of National City as well as enhanced intersection treatments for pedestrians.

#### Implementing General Plan Policies:

Policy LU-8.5: Update the capital improvement program for the improvement of existing public facilities and the development of new facilities and plan for the equitable distribution of infrastructure improvements and public facilities and services considering both number/size and access/distance to facilities

Policy C-2.2: Enhance connectivity by eliminating gaps and barriers in roadways, bikeway, and pedestrian networks.

Policy C-4.5: Encourage the use of alternative transportation modes.

Policy C-8.5: Improve pedestrian safety at intersections and mid-block crossings.

Policy C-9.1: Expand and improve the bikeway system and facilities by establishing bike lanes, separated paths, and bicycle storage facilities at major destinations.

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#### **Central Community Mobility Enhancements**

Project Description: Implement a north-south bicycle corridor and provide pedestrian enhancements along M, N, and L Avenues, between 4th Street and 30th Street.

#### Implementing General Plan Policies:

Policy LU-8.5: Update the capital improvement program for the improvement of existing public facilities and the development of new facilities and plan for the equitable distribution of infrastructure improvements and public facilities and services considering both number/size and access/distance to facilities

Policy C-2.2: Enhance connectivity by eliminating gaps and barriers in roadways, bikeway, and pedestrian networks.

Policy C-4.5: Encourage the use of alternative transportation modes.

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Policy C-8.8: Provide a continuous pedestrian network within and between neighborhoods to facilitate pedestrian travel free from major impediments and obstacles.

Policy C-9.1: Expand and improve the bikeway system and facilities by establishing bike lanes, separated paths, and bicycle storage facilities at major destinations.

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### **National City Bicycle Wayfinding**

Project Description: The project will install approximately 100 bicycle wayfinding signs throughout the City's recently constructed bicycle network.

#### Implementing General Plan Policies:

Policy LU-8.4: Plan the circulation system and public infrastructure and services to provide capacity for the realistic build-out of the city.

Policy LU-8.5: Update the capital improvement program for the improvement of existing public facilities and the development of new facilities and plan for the equitable distribution of infrastructure improvements and public facilities and services considering both number/size and access/distance to facilities.

Policy LU-11.4: Recognize, maintain, and enhance the character and identity of residential neighborhoods and business districts.

Policy LU-11.9: Encourage the improvement of existing signage to help promote a more attractive street scene in business districts.

## **State of California**

### **GOVERNMENT CODE**

#### **Section 65401**

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65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

(Amended by Stats. 1970, Ch. 1590.)