



AGENDA

Regular Planning Commission Meeting

Monday, October 7, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

Richard Martin Miller, Chair

Randi Marie Castle, Vice-Chair

Claudia E. Valenzuela, Commissioner

Ricardo Sanchez, Commissioner

Liliana Armenta, Commissioner

Pearl Quinones, Commissioner

Beryl Forman, Commissioner

Aslin Y. Lutes, Deputy City Attorney

Carlos Aguirre, Director of Community Development

David Welch, Associate Planner

Sophia Depew, Assistant Planner

Sarah Esendencia, Executive Secretary

Thank you for participating in local government and the City of National Planning Commission Meetings.

Meetings: Regular Planning Commission Meetings are held on the first and third Mondays of the month at 6:00 p.m. Special Closed Session Meeting and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

Location: Regular Planning Commission Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

Agendas and Material: [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the Planning Commission no less than 72 hours prior to the Planning Commission Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

Public Participation: Encouraged in a number of ways as described below. Members of the public may attend the Planning Commission Meeting in person, watch the Planning Commission Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

Public Comment: Persons wishing to address the Planning Commission on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the Executive Secretary prior to the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. (*City Council Policy 104*)

If you wish to submit written comment [email](#) to the Planning Commission Secretary at least 4 hours prior to the Planning Commission Meeting to allow time for distribution to the Planning Commission.

American Disabilities Act Title II: In compliance with the American Disabilities Act (ADA) of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Planning Department, Sarah Esendencia (619) 336-4227 at least 24 hours in advance of the meeting.



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Monday, October 7, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

Reuniones: Las reuniones regulares del Comisión de Planificación se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

Ubicación: Las reuniones regulares del Comisión de Planificación se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

Agendas y Material: Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Comisión de Planificación no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

Participación pública: Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Comisión de Planificación en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Comentario Público: Las personas que deseen dirigirse al Comisión de Planificación sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Comisión de Planificación para dar tiempo a la distribución al Consejo Municipal.

Servicios de interpretación en español: Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



AGENDA

Regular Planning Commission Meeting

Monday, October 7, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

PLEDGE OF ALLEGIANCE

Commissioner Forman

ROLL CALL

1. Approval of Excused/Unexcused Absence of Claudia Valenzuela on September 16, 2024
2. Approval of Excused/Unexcused Absence of Pearl Quinones on October 7, 2024

PUBLIC COMMENT (Limited up to three (3) minutes)

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the Planning Commissioners will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

APPROVAL OF AGENDA

3. Approval of the Agenda for the Meeting on October 7, 2024

APPROVAL OF MINUTES OF PREVIOUS MEETING

4. Approval of Minutes from the Meeting of September 16, 2024

PUBLIC HEARINGS

5. Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for the sale of beer, wine, and distilled spirits (ABC TYPE-21) at an existing grocery store (Manolo Farmers Market) located at 303 Highland Avenue. Case File No.: 2024-11 CUP APN: 556-180-23-00
6. Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for beer and wine sales (ABC TYPE-41) at an existing restaurant (La Malcriada Birreria) located at 1604 East 18th Street, Suites A & B. Case File No.: 2024-16 CUP APN: 561-360-46-00
7. Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 32 of the CEQA guidelines section 15332 (In-Fill Development Projects) and Tentative Parcel Map dividing one lot into two with a Zone Variance to deviate from set-back requirements on a property located at 1441 East 7th Street. Case File No.: 2023-09 LS ZV APN: 557-101-34-00

STAFF REPORTS

ADJOURNMENT

Adjournment to the regularly scheduled meeting on October 21, 2024 at 6:00 p.m.



AGENDA

Regular Planning Commission Meeting

Monday, October 7, 2024 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

AFFIDAVIT OF POSTING MEETING AGENDA

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF NATIONAL CITY)

I, Sarah Esendencia, Executive Secretary of the City of National City, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the Planning Commission of the City of national City, California, was delivered and/or notice by email no less than 72 hours, before the hour of 6:00 p.m. on October 7, 2024, to the members of the Planning Commission, and caused the agenda to be posted on the City's website at www.nationalcityca.gov and at National City Hall, 1243 National City Blvd., National City, California 91950.

/s/: Sarah Esendencia
Sarah Esendencia, Executive Secretary



Planning Commission Minutes

Regular Planning Commission
Meeting of September 16, 2024
IN PERSON AND ONLINE MEETING
<https://www.nationalcityca.gov/webcast>
LIVE WEBCAST
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.

6:05 p.m. Chair Miller discloses that the meeting cannot start due to a lack of quorum and wait.

6:16 p.m. Chair Miller announces that Item 4 will not be heard due to lack of quorum.

6:20 p.m. Commissioner Sanchez arrives

CALL TO ORDER

A Regular Meeting of the Planning Commission if the City of National City was called to order at 6:24 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

AB 2449 REQUEST

Planning Commissioner Vice-Chair Castle requested to attend the meeting virtually due to "Emergency Circumstances" (ankle injury).

Chair Miller confirmed that at least a quorum of the legislative body was present at the location of the meeting in City Council Chamber as identified on the agenda.

Chair Miller confirmed a two-way visual and telephonic service and a live webcasting of the meeting to allow the public to hear, and observe the

meeting was available, and the opportunity for public to attend via call-in option, Zoom, and in-person location of the meeting.

This was the first (1) virtual Planning Commission Meeting Vice-Chair Castle has attended in 2024 under AB 2449 provision. Vice-Chair Castle stated that no one over the age of 18 was present at their location.

ACTION

The remote participation of Vice-Chair Castle due to “Emergency Circumstances” was approved by a unanimous vote by Commissioners present.

ROLL CALL

Commissioners Present: Sanchez, Miller, Forman, Castle, Armenta.

Commissioners Absent: Valenzuela, Quinones.

Staff Also Present: Director of Community Development Carlos Aguirre, Assistant Director of Community Development Martin Reeder, Deputy City Attorney Ashlin Y. Lutes, Executive Secretary Sarah Esendencia, and Director of Public Works/City Engineer Stephen Manganiello.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Commissioner Sanchez.

APPROVAL OF AGENDA

1. Approval of Excused or Unexcused Absence of Commissioner Quinones from September 16, 2024 meeting.

Motion by Sanchez, second by Armenta, to Excuse Commissioner Quinones from the September 16, 2024 Planning Commission Meeting.

Motion carried by the following vote:

Ayes: Sanchez, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Valenzuela, Quinones.

Motion approved.

2. Approval of Agenda for the Regular Planning Commission Meeting on September 16, 2024.

Motion by Castle, second by Sanchez, to approve the agenda.

Motion carried by the following vote:

Ayes: Sanchez, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Valenzuela, Quinones.

Motion approved.

APPROVAL OF MINUTES

3. Approval of Minutes for the Regular Planning Commission Meeting of August 5, 2024.

Motion by Castle, second by Sanchez, to approve the minutes.

Motion carried by the following vote:

Ayes: Sanchez, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Valenzuela, Quinones.

Motion approved.

PUBLIC HEARINGS

4. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the CEQA guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for the sale of beer, wine, and distilled spirits (ABC Type-21) at an existing grocery store (Manolo Farmers Market) located at 303 Highland Avenue.

Vice-Chair Castle recuses herself.

Commissioner Sanchez recuses himself.

Commissioner Armenta discloses that she has driven by the property.

Chair Miller states due to lack of quorum, Item 4 will not be heard and will be brought back to the Planning Commission at a future date.

5. Public Hearing – Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 32 of the CEQA guidelines Section 15332 (In-Fill Development Projects) and Conditional Use Permit for a proposed educational institution (Integrity Charter School) located at 229-241 National City Boulevard.

6:34 p.m. Commissioner Armenta recuses herself from Item 5.

Vice-Chair Castle discloses that she has driven by the site.

Chair Miller discloses he has driven by the site.

Assistant Director Reeder, made a PowerPoint presentation.

Director of Engineering/Public Works, Steve Manganiello was present to answer any questions the Commissioners had.

Joseph Martinez of Martinez + Cutri Urban Studio Architects and applicant on behalf of Integrity Charter School was present and addressed any questions the Commissioners or Public had.

Integrity Charter School Director Teresa Hart-Sanchez and Developer Aaron Anderson were also present.

Assistant Director Reeder stated for the record, that a Public Comment was received at 5:33 p.m. for Item 5.

Motion by Forman, second by Castle to close the Public Hearing.

Motion carried by the following vote:

Ayes: Sanchez, Miller, Forman, Castle.

Noes: None.

Abstain: None.

Absent: Valenzuela, Quinones.

Recuse: Armenta.

Motion approved.

Motion by Castle, second by Sanchez, to adopt Resolution No. 2024-13, a Resolution of the Planning Commission of the City of National City, approving a Conditional Use Permit for a proposed educational institution (Integrity Charter School) to be located at 229-241 National City Blvd. Case File No.: 2023-14 CUP

Motion carried by the following vote:

Ayes: Sanchez, Miller, Forman, Castle.

Noes: None.

Abstain: None.

Absent: Valenzuela, Quinones.

Recuse: Armenta.

Motion approved.

7:27 p.m. Commissioner Armenta returned

7:28 p.m. Chair Miller called for a recess.

The meeting resumed at 7:34 p.m.

OTHER BUSINESS:

6. Adoption of Planning Commission Bylaws.

Deputy City Attorney Ashlin Y. Lutes clarified the final changes to the Commissioners and answered any questions they had.

Motion by Castle, second by Sanchez, to adopt the amended Planning Commission Bylaws.

Motion carried by the following vote:

Ayes: Sanchez, Miller, Forman, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: Valenzuela, Quinones.

Motion approved.

STAFF REPORTS:

Legal Council: None.

Director of Community Development: None.

Assistant Director of Community Development: Thanked the members of the public who were in attendance earlier for their patience and understanding due to the lack of quorum. Thanked Mr. Manganiello for being part of tonight's Planning Commission Meeting.

COMMISSIONER REPORTS:

Vice-Chair Castle: Reported that in the Kimball Park Parking lot that there are potholes, especially coming out of the Boys and Girls Club. There is also a big step down and a 2-3 inch metal pipe sticking out.

Commissioner Valenzuela: Absent.

Commissioner Sanchez: Thanked the staff for their report and entertaining his questions.

Commissioner Armenta: Disclosed that she met a family who was excited about the bike lanes. Encouraged the public to be aware of what is happening in the city and to participate, and acknowledges that it is Hispanic Heritage Month.

Commissioner Quinones: Absent.

Commissioner Forman: Stated she is sorry for what happened to Vice-Chair Castle. Thanked Director Steve Manganiello for his quick response and stated that it shows the effectiveness of our unity.

Assistant Director Reeder reminded the public about See-Click-Fix (also known as National City Connect), in which a resident can report non-emergency issues and will refer the pot holes brought to their attention today to Engineering.

Chair Miller: Thanked the staff for their patience regarding the quorum and inquired about being an ambassador of National City.

ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, October 7, 2024, at 6:00 p.m. in the Council

Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 7:48 p.m.

Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of October 7, 2024.

Martin Miller, Chair



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE-21) AT AN EXISTING GROCERY STORE (MANOLO FARMERS MARKET) LOCATED AT 303 HIGHLAND AVENUE.

Case File No.: 2024-11 CUP

Location: 303 Highland Avenue

Assessor’s Parcel No.: 556-180-23-00

Staff report by: Sophia Depew, Acting Assistant Planner

Applicant: CD Marketplace Inc. by Chris Dallo

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

Adjacent use and zoning:

North: Commercial (MXC-1) and Single-Family Residential (RS-2)

East: Multifamily Residential (RM-2)

South: Commercial Retail (MXC-1) and Residential (RS-2)

West: Commercial Retail MXC-1 (La Casa Liquor, Quick Wash Laundromat, La Sierra Café) across Highland Ave

Environmental review: Categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities)

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the addition of distilled spirits to the existing sale of off-sale beer and wine, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA. The sale of alcohol is a conditionally-allowed use in the Minor Mixed-Use Corridor (MXC-1) zone and would continue to be accessory to the retail sales at the existing grocery store.

Executive Summary

The applicant (Manolo Farmers Market) proposes to upgrade their existing ABC Type-20 license (off-sale beer and wine) to an ABC Type-21 (off-sale beer, wine, and distilled spirits). Existing and proposed hours of alcohol sales are 7:00 a.m. to 10:00 p.m. daily.

Site Characteristics

Manolo Farmers Market is an existing 27,000 square-foot grocery store located on the east side of Highland Avenue between East 2nd Street and East 4th Street in the Minor Mixed-Use Corridor (MXC-1) zone. The grocery store is located on its own parcel. The site is surrounded by various commercial and residential uses.

The location was previously approved for the sale of beer and wine for off-site consumption within a retail grocery store in 1990 and received an additional CUP approval for extended hours in 2000.

Proposed Use

The business is proposing to sell distilled spirits in addition to the currently-licensed beer and wine for off-site consumption (ABC Type-21 alcohol license). The applicant is proposing to add a distilled spirits shelf located behind the front counter, where only employees will be able to access it. Staff is recommending the distilled spirits be secured in addition to being behind the employee counter (condition of approval).

The location currently has an approved Conditional Use Permit and ABC license for the sale of beer and wine. The previously approved hours for alcohol sales were 7:00 a.m. to 11:00 a.m. daily. The applicant's request for the proposed hours of 7:00 a.m. to 10:00 p.m. daily reflect the current hours of operation at the store. Per the applicant's floor plan, the area dedicated to alcohol sales is approximately 408 square feet with only one additional fixture (64 square feet)

proposed for the sale of distilled spirits. This represents approximately 1.7% of the floor area of the grocery store.

Analysis

Section 18.30.050 of the Land Use Code allows for alcohol sales for off-site consumption with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. City Council Policy 707 also regulates alcohol sales in the city.

Hours of Operation for Alcohol Sales

Conditions of approval for alcohol sales reflect what the applicant has requested (7:00 a.m. to 10:00 p.m. daily).

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 737 occupants and owners.

As of the writing of this staff report, the Planning Division received one public comment as part of this public hearing notice (Attachment 9).

Community Meeting

Pursuant to Section 18.30.050 (C) of the Land Use Code, a community meeting was held on Monday, July 8, 2024 at 12:00 p.m. at the store. The meeting advertisement is attached (Attachment 8). There were no community members in attendance.

Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are currently four off-sale licenses in census tract 118.02, where a maximum of four are recommended. The applicant holds one of the existing licenses. The census tract is not considered over concentrated with off-site alcohol sales outlets by ABC. No increase in the amount of licenses would occur.

Many of the issues related to off-sale licenses are related to the availability of smaller quantities and cheaper products, most of which are related to businesses not originally subject to a CUP (legal nonconforming). However, businesses with CUPs are limited to the quantity and size of beer bottles (e.g., no sale of single

cans or bottles) and the size of wine bottles and their alcoholic content (e.g., containers less than 750 milliliters nor greater than 15% content by volume). Because the subject business has an existing CUP, it is already subject to standard conditions related to alcohol.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 11 points, which places it in the Low Risk category (Low Risk is considered 12 points or less). The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Require in-person Responsible Beverage Sales and Service (RBSS) training for all staff.
2. Require daily litter removal and timely graffiti removal from areas under control of the licensee.
3. Post in English and Spanish a notice that state law prohibits sales of alcoholic beverages to persons under age 21.
4. Post and maintain signage stating that no open alcoholic beverage containers are allowed on the premises and no loitering is allowed on or in front of the premises.

Staff has included conditions of approval in the attached draft resolution pertaining to all of the above recommendations. IPS comments are included as Attachment 7.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales in conjunction with a grocery store are 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 (LUC) for alcohol sales, as discussed in the staff report. Sales will be incidental to the existing grocery store in a commercial area.
2. General Plan Consistency: Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a grocery store with alcohol sales is consistent with the Minor

Mixed-Use Corridor zone land use designation contained in the Land Use Code and Community Character element of the General Plan.

3. Compatibility, LUC, and Traffic: No expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed. 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 uses would be incidental to the primary use of a grocery store.
4. No Nuisance: The proposed use will be subject to conditions that limit hours and the manner in which alcohol is sold. In addition, all staff members serving alcohol are required to receive RBSS training.
5. California Environmental Quality Act (CEQA): The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building, and the use is similar to other commercial uses in the area, which are permitted in the Minor Mixed-Use Corridor zone.
6. Public Convenience and Necessity: The grocery store, a permitted use in the Minor Mixed-Use Corridor zone, will benefit from the sale of alcohol. The sale of beer, wine, and distilled spirits will contribute to a diversity of local commercial offerings in the area.

Findings for Denial

The following are findings for denial due to nearby businesses that offer off-sale beer, wine, and distilled spirits together:

1. The proposed use is not deemed essential to the public necessity, as there are already four retail outlets in the same census tract that sell alcohol, including the existing license on site.

2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for off-site sales of alcoholic beverages pursuant to law.

Conditions of Approval

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

Summary

The proposed use is consistent with the General Plan due to alcohol sales for off-site consumption being a conditionally-allowed use in the Minor Mixed-Use Corridor zone. The addition of distilled spirits to the sale of beer and wine at an existing grocery store will contribute to the diversity of commercial offerings in the area. Conditions requiring compliance with City Council Policy 707 are intended to alleviate concerns relate to area impacts should the CUP be approved. The decision of the Planning Commission will be sent to the City Council.

Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2024.11 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2024.11 CUP based on the attached findings, 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. Draft Resolutions
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2024.11 CUP, dated 8/29/2024)
4. Public Hearing Notice (Sent to 737 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Information
9. Public Comment

RESOLUTION NO. 2024-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NATIONAL CITY, CALIFORNIA DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE-21) AT AN EXISTING GROCERY STORE (MANOLO FARMERS MARKET) LOCATED AT 303 HIGHLAND AVENUE.
CASE FILE NO. 2024-11 CUP
APN: 556-180-23-00

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for off-site sale of beer, wine, and distilled spirits at an existing grocery store (Manolo Farmers Market) located at 303 Highland Avenue. At a duly advertised public hearing held on October 7, 2024, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2024-11 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 October 7, 2024, support the following findings:

1. The proposed addition of distilled spirits sales is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code because alcohol sales in conjunction with a grocery store are allowable within the Minor Mixed-Use Corridor zone, pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report. Sales will be incidental to the existing grocery store in a commercial area. Furthermore, alcohol sales (beer and wine) have been approved for sale on site since 1990.

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. In addition, a grocery store with alcohol sales is consistent with the Minor Mixed-Use Corridor zone land use designation contained in the Land Use Code and Community Character element of 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, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because no expansion of the building is proposed. The proposed uses would be incidental to the primary use of a grocery store.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit hours and the manner in which alcohol is sold. In addition, all staff members serving alcohol are required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building and the use is similar to other commercial uses in the area, which are permitted in the Minor Mixed-Use Corridor zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the grocery store, a permitted use in the Minor Mixed-Use Corridor zone, will benefit from the sale of alcohol. The sale of beer, wine, and distilled spirits will contribute to a diversity of local commercial offerings in the area.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the off-site sales of alcoholic

beverages in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community with a more diverse selection of goods to purchase from the grocer.

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, wine, and distilled spirits for off-site consumption at an existing grocery store (Manolo Farmers Market) located at 303 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024.11 CUP, dated 8/29/2024.
2. Unless specifically modified by this resolution, all Conditions of Approval of Planning Commission Resolution No. 20-2000 shall remain in full force and effect.
3. 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 or owner 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 or owner 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.
4. This permit shall become null and void at such time as there is no longer a Type 21 California Department of Alcoholic Beverage Control license associated with the property.
5. 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.
6. 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.

7. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

8. No sales of distilled spirits shall be permitted until the applicant has been issued a Type 21 license from the California Department of Alcoholic Beverage Control.
9. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the Permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
10. The sale of alcoholic beverages shall only be permitted between the hours of 7:00 a.m. and 10:00 p.m. daily. Sales are only permitted during times when the store is open for the purchase of general commodities.
11. Distilled spirits shall be stored in a lockable cabinet behind the sales counter accessible only to properly trained employees.
12. Applicant shall provide revised floor plan.
13. All required signage related to the sale of alcohol shall be written in both English and Spanish translation.
14. The premises shall be kept free of graffiti and litter in conformance with the National City Municipal Code. The operator or property manager shall take responsive action within a 24-hour period upon the receipt of any notice provided by Code Enforcement pertaining to graffiti or litter.
15. Containers of alcoholic beverages may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
16. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

17. The permittee shall comply with all applicable law, including, but not limited to the regulatory provisions of the Business and Professions Code that pertain to the sale, advertising, or display of alcoholic beverages.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 October 7, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2024-14

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT
FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE-21)
AT AN EXISTING GROCERY STORE (MANOLO FARMERS MARKET)
LOCATED AT 303 HIGHLAND AVENUE
CASE FILE NO. 2024-11 CUP
APN: 556-180-23-00

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for off-site sale of beer, wine, and distilled spirits at an existing grocery store (Manolo Farmers Market) located at 303 Highland Avenue. At a duly advertised public hearing held on October 7, 2024, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2024-11 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 October 7, 2024, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as there are already four retail outlets in the same census tract that sell alcohol, including the existing license on site.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for off-site 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 October 7, 2024, by the following vote:

AYES:

NAYS:

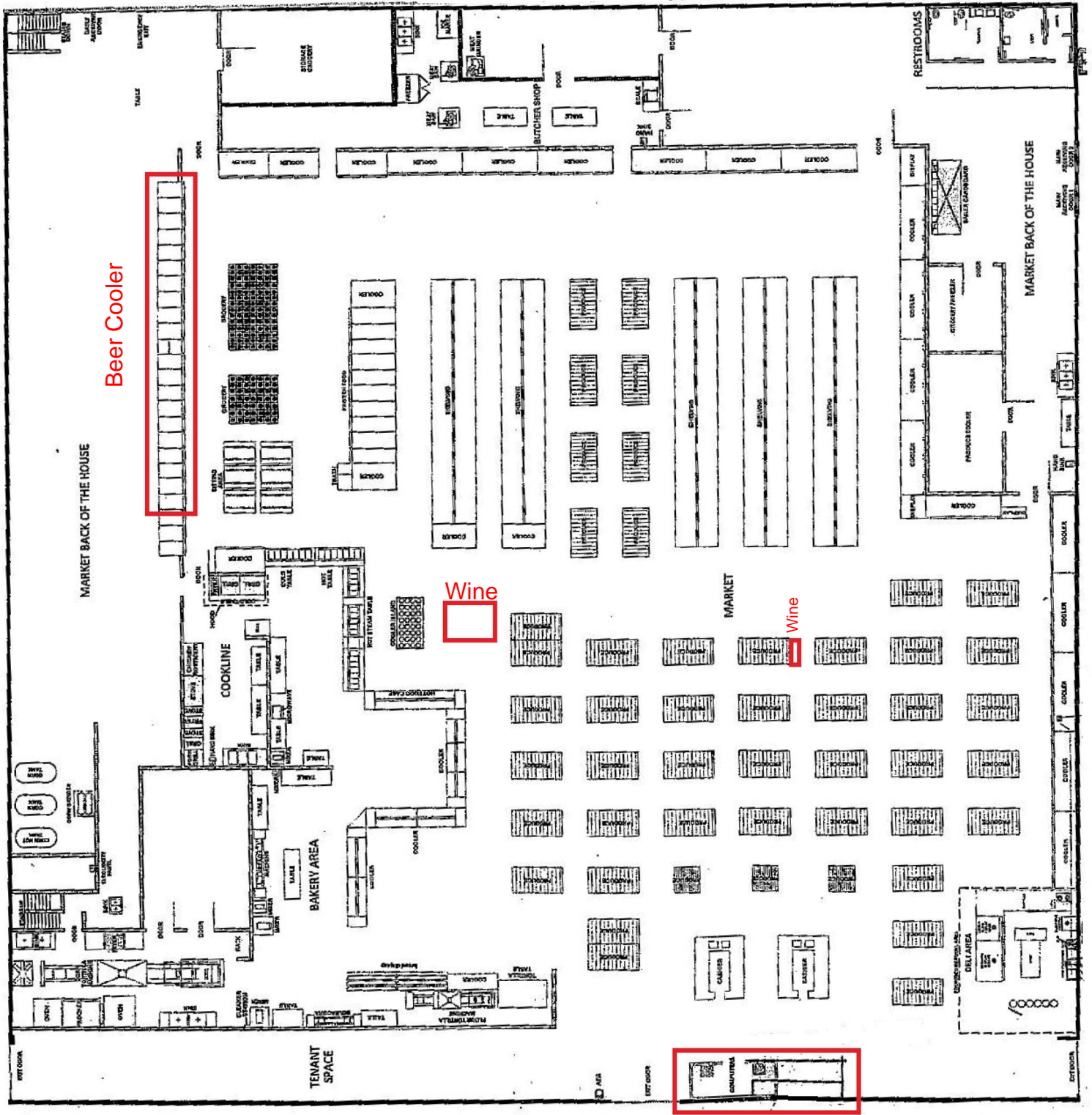
ABSENT:

ABSTAIN:

CHAIRPERSON

2024-11 CUP – 303 Highland Avenue – Overhead





Beer Cooler

Wine

Wine

Distilled Spirits

FOODLAND MARKET

303 HIGHLAND AVE
NATIONAL CITY, CA 91950

ATMOSPHERE
CONSTRUCTION AND DESIGN

303 J HOOPER AVE
NAT'L CITY, CA 91950
PHONE (619) 934-4501
FAX (619) 934-4524
kath@atm.cad.com



THESE PLANS PREPARED BY:
FOODLAND MARKET
303 HIGHLAND AVE
NATIONAL CITY, CA 91950

FOODLAND MARKET
303 HIGHLAND AVE
NATIONAL CITY, CA 91950

JOB NO.	15.115
REVISION	
DATE	MAY 9, 2016
TITLE	TITLE SHEET
SHEET	FS.1

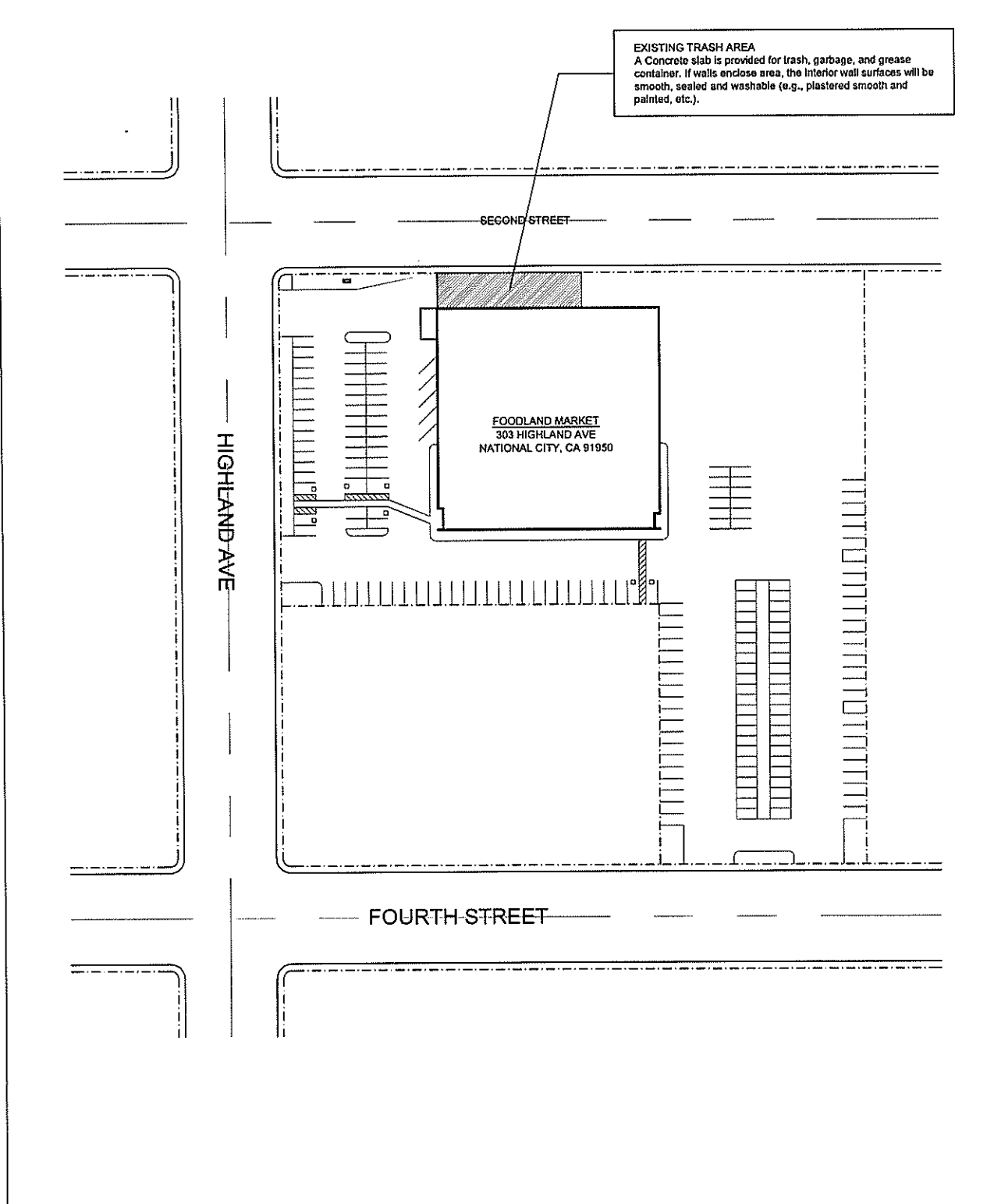
3
624-16
MINOR REMODEL
DEH2016 - FPP-003544

ENVIRONMENTAL HEALTH NOTES

The following notes will encompass most food establishments but are not meant to be comprehensive for all food facilities or situations.

1. A Concrete slab is provided for trash, garbage, and grease container. If walls enclose area, the interior wall surfaces will be smooth, sealed and washable (e.g., plastered smooth and painted, etc.).
2. All food-related and utensil-related equipment shall meet or be equivalent to sanitation standards established by an American National Standards Institute (ANSI) accredited program.
3. All floor mounted equipment will be installed on minimum 6" sanitary legs, casters, or completely sealed in position on a 4" high curb with continuously covered base. Countertop equipment will be on 4-inch sanitary legs or sealed to the counter unless readily movable.
4. If soft drink, ice or other dispensers are self-service, or if refills are provided they must be push button types, or level types where the lever contacts the container at least one inch below the rim.
5. Any operable windows vent openings or other similar openings must be provided with tight fitting screens of minimum 16-mesh to the inch. Windows to be fixed at food prep, utensil-washing, open food and utensil storage areas.
6. All exterior doors open outward and are self-closing and tight fitting.
7. Bi-fold, French, accordion style and roll-up doors cannot open into the food prep, utensils washing or unpackaged food service areas.
8. Toilet room and dressing room doors must be self-closing, tight fitting.
9. Delivery doors to have air curtain fans that span the width over the door. The fan must activate via a micro switch providing a minimum velocity of 1600 fpm measured 3 feet above the ground.
10. A minimum of 10 foot-candles of light measured 30" off floor is provided in walk-in refrigerated storage and dry storage rooms and at least 20 foot candles is provided where food is provided for consumer self-service, where fresh produce or prepackaged foods are sold or offered for consumption; inside equipment such as reach-in and under-counter refrigerators; in areas used for hand-washing, ware-washing, equipment and utensil storage, and in toilet rooms.
11. A minimum of 50 foot-candles of light measured 30" off floor is provided when working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor and in all areas during periods of cleaning.
12. Shelter shields for all lights above food preparation, work, and storage areas will be provided.
13. All ware washing sinks to have 3 compartments that are a minimum size of at least 18"x18"x12" deep (or 16"x20"x12" deep) with a minimum 18" drain board at each end. If against a wall, it must have an 8" integral back splash. However, it must be capable of accommodating the largest utensil to be washed. A ware washing machine does not substitute for the sink requirement.
14. Sinks to have spout(s) capable of reaching each compartment.
15. Food prep sink compartment(s) to be at least 18"x18"x12" deep (or 16"x20"x12" deep) with a minimum 18" drain board. Separate food prep sinks to be provided for meats and produce.
16. The 3 or 4 compartment bar sink to be at least 12"x12"x10" deep (or 10"x14"x10" deep) with a minimum 18" drain board at each end.
17. A separate wet waste dump fixture shall be provided for disposal of drink or waste ice or coffee waste.
18. Each hand washing sink must have permanently mounted single-service soap and paper towel dispensers.
19. The hot water heater will be a commercial type capable of constantly supplying hot water at a temperature of 120F to all sinks. In sizing the water heater, the peak hourly demand for all sinks, etc., are added together to determine the minimum required recovery rate.
20. All lavatories or hand sinks will have a combination faucet or premixing faucet capable of supplying water tempered to 100F. Self-closing or metered faucet to provide at least 15 seconds of water without reactivation.
21. All plumbing, electrical and gas lines shall be concealed within the building structure to as great an extent as possible. All exposed conduits, plumbing, etc. shall be installed at least 6" off floor and 1" from walls using standoff brackets.
22. Conduits, plumbing or piping cannot be installed across any aisle way, traffic area of door opening.
23. Multiple runs or clusters of conduit or pipelines shall be furred in or encased in an approved sealed enclosure.
24. All liquid waste shall be drained by means of indirect waste pipes into a floor sink. Floor sinks are to be installed flush with the finish floor surface and have suitable easily removable safety cover grates.
25. Floor sink to be 50% exposed when no access is provided for cleaning or be in line with the front face of elevated freestanding equipment.
26. Approved backflow prevention devices shall be properly installed upstream of any potential hazard between the potable water supply and a source of contamination. Hoses shall not be attached to a faucet or hose bib unless an approved backflow preventer is provided.
27. Water supply to carbonators shall be protected by an approved reduced pressure principle backflow preventer. The relief valve shall drain indirectly to sewer with a legal air gap.
28. For cleaning floor mats, the janitorial sink to be a minimum 24" by 30" floor-mounted type. Mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.
29. The janitorial sink faucet will have a threaded outer lip for hose attachment and an approved backflow prevention device. No chemical dispensing systems or shut-off valves to be attached to mop sink faucet outlet (unless a "sidekick" plumbing device is installed).
30. No condensate or wastewater including HVAC will drain into the janitorial sink.
31. Grease trap to be located outside the food service activity area, flush with the finished floor when indoors. Local wastewater district or building department to be contacted for grease removal requirements.
32. Floor drains shall be installed in floors that are water-flused for cleaning and in areas where pressure spray methods for cleaning equipment are used, in restrooms, janitorial rooms, sculleries, and at bars with ware washing. Floor surfaces in areas pursuant to this shall be sloped 1:50 to the floor drains.
33. Adequate ventilation is to be provided to all toilet rooms, janitor closets with mop sinks, and indoor trash rooms and in dressing/change room(s).
34. The floor finish will have a smooth surface under all equipment and walkways will have a light texture only.
35. The paint used on walls and ceilings of all kitchen, food preparation, work, and storage areas will be a gloss or semi-gloss enamel. Finish material shall be a light color in food prep areas for easy cleaning.
36. Prior to installation, samples of finishes to be submitted to Environmental Health for approval as needed.
37. Cold storage rooms shall be provided with a section of shelving installed to hold shallow cool down pans-not to exceed 4" in height. Space between shelving to be at least 8" high.
38. Backup dry storage shelving shall be a minimum of 96 linear feet (measured with tiers) or 25% of kitchen, food prep, and work areas, whichever is greater. Shelving shall be at least 18 inches deep and start a minimum six inches off the floor surface.
39. Shelving over wet areas (sinks, mop sinks, etc.) and food prep surfaces will be metal.
40. All seams, gaps, openings to be properly sealed.

SITE PLAN



INDEX OF DRAWINGS

- FS.1 TITLE SHEET
- FS.2 FLOOR PLAN
- FS.3 ENLARGED KITCHEN PLAN
- FS.4 SECTIONS/DETAILS
- FS.5 ROOF PLAN
- FS.6 HOOD PLANS
- FS.7 HOOD PLANS

SCOPE OF WORK

ADDITION OF A TYPE I KITCHEN EXHAUST HOOD SYSTEM AND COOKING EQUIPMENT, WITH ASSOCIATED MECHANICAL, PLUMBING (GAS) & ELECTRICAL PLANS
NO OTHER CHANGES.
AREA OF WORK: 60 SF

VICINITY MAP



PROJECT DIRECTORY

OWNER:
DALLO & CO.
5075 FEDERAL BLVD
SAN DIEGO, CA 92102

DESIGNER:
KATHERINE MAGALLO
ATMOSPHERE C&D
3039 HOOPER AVE
NATIONAL CITY, CA 91950
PHONE (619) 850-0310
FAX (619) 934-4524

LOCAL AUTHORITY:
CITY OF NATIONAL CITY

COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH
PERMITS DIVISION

PLANS APPROVED SUBJECT TO THE ENVIRONMENTAL HEALTH REGULATIONS AND ORDINANCES AND SUBJECT TO THE CITY OF NATIONAL CITY HEALTH DEPARTMENT PERMITS DIVISION.

COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH
PERMITS DIVISION

DATE: MAY 9, 2016

TITLE: TITLE SHEET

SHEET: FS.1



NOTICE OF PUBLIC HEARING

DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE-21) AT AN EXISTING GROCERY STORE (MANOLO FARMERS MARKET) LOCATED AT 303 HIGHLAND AVENUE.

CASE FILE NO.: 2024-11 CUP

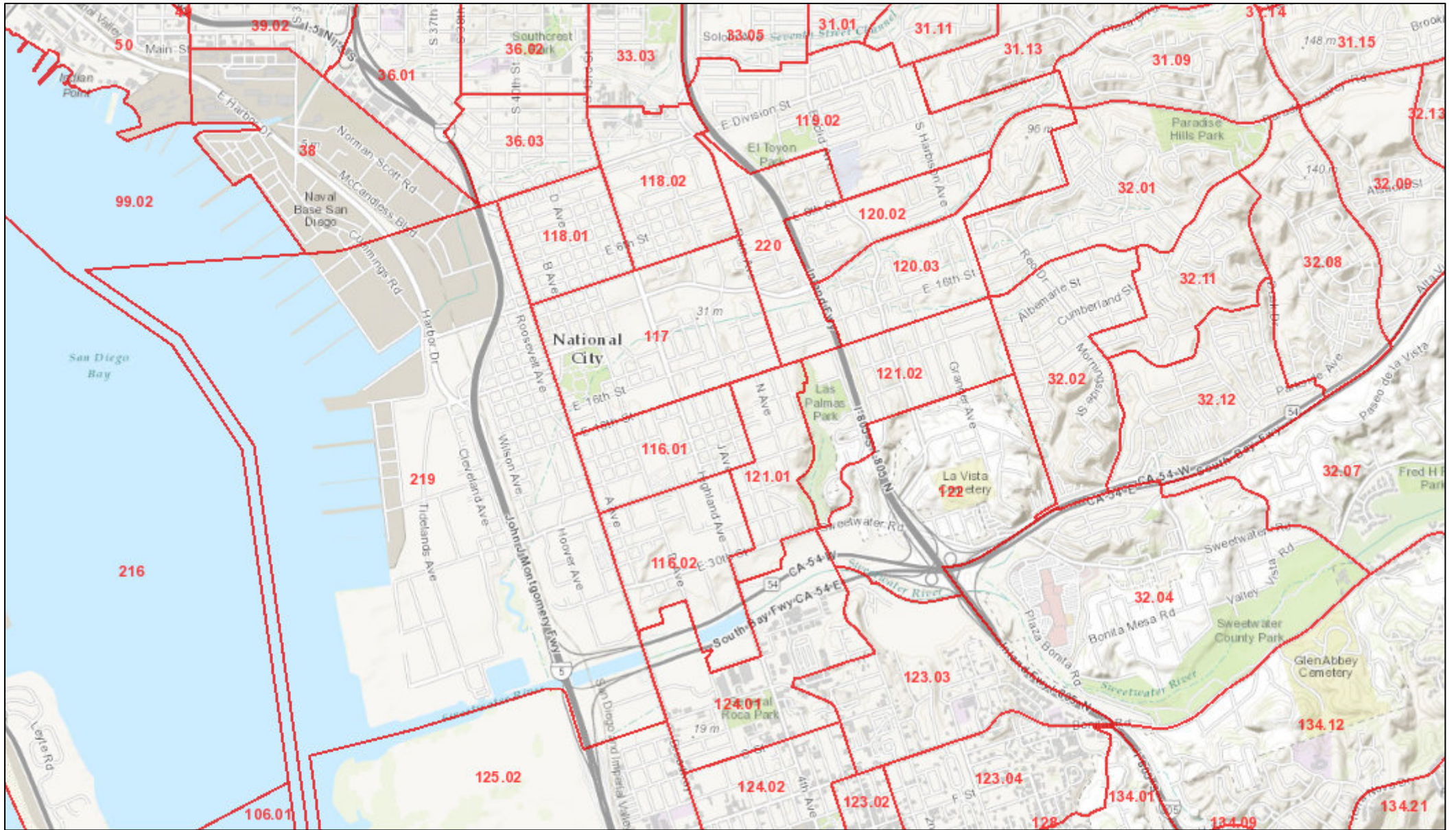
APN: 556-180-23-00

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, October 7, 2024**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: CD Marketplace Inc.-Chris Dallo)

The applicant (Manolo Farmers Market) proposes to upgrade their existing ABC Type-20 license (off-sale beer and wine) to an ABC Type-21 (off-sale beer, wine, and distilled spirits) Existing and proposed hours of alcohol sales are 7:00 a.m. to 10:00 p.m. daily. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 2:00 p.m., **October 7, 2024** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

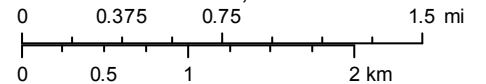
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



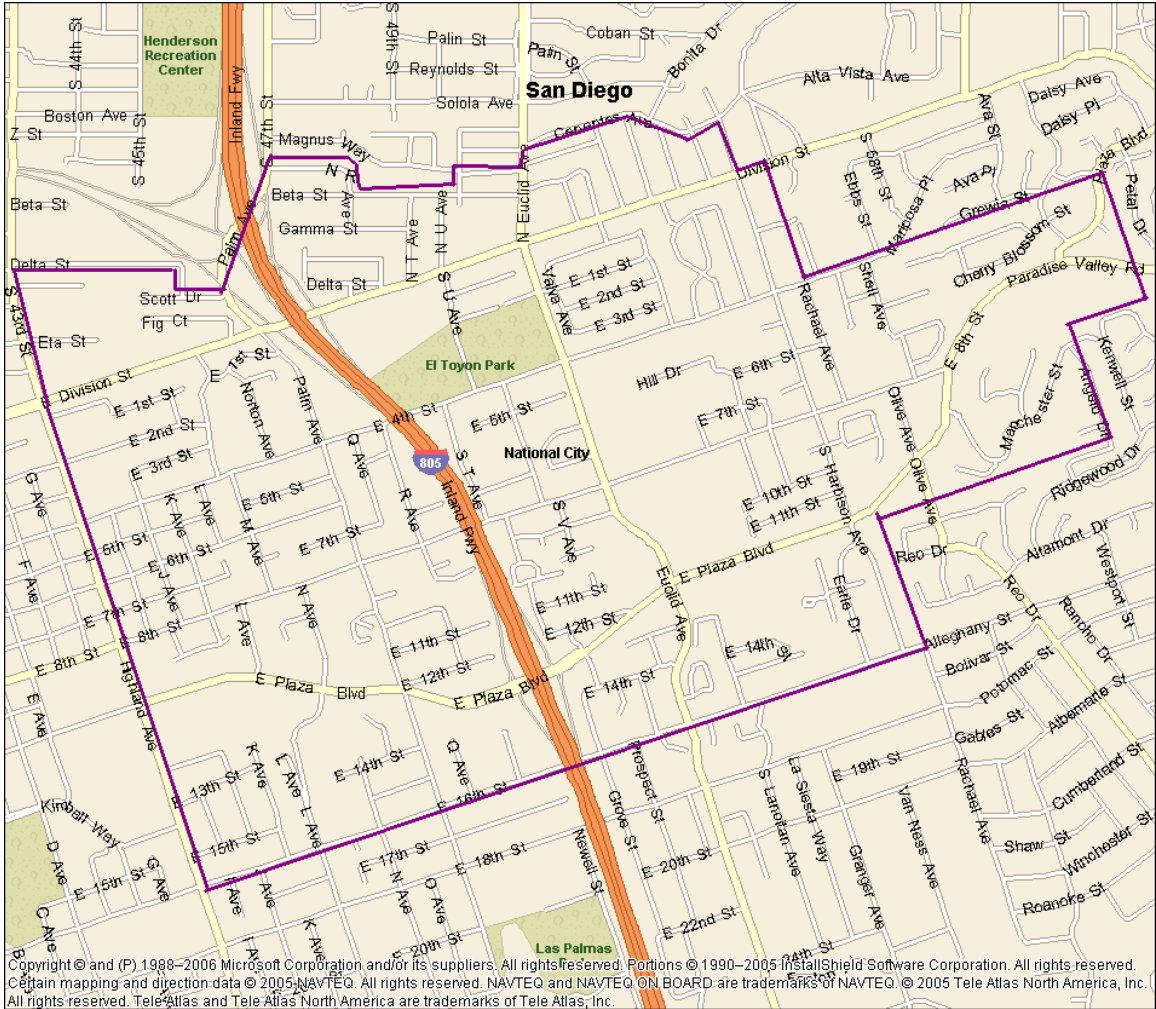
August 25, 2014

CensusTracts 2010

1:45,467



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



City of National City Beat 21

VI. Calls for Service at Location (for previous 6 months)

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

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- ✓ Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>11</u>
--

VIII. Owner(s) records check

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

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Completed by: J. Camacho Badge ID: 449

Environmental Scan for
Proposed Type 21 Alcohol CUP

303 Highland Ave., National City, CA 91950

Conducted: July 3, 2024



Photo of the proposed location

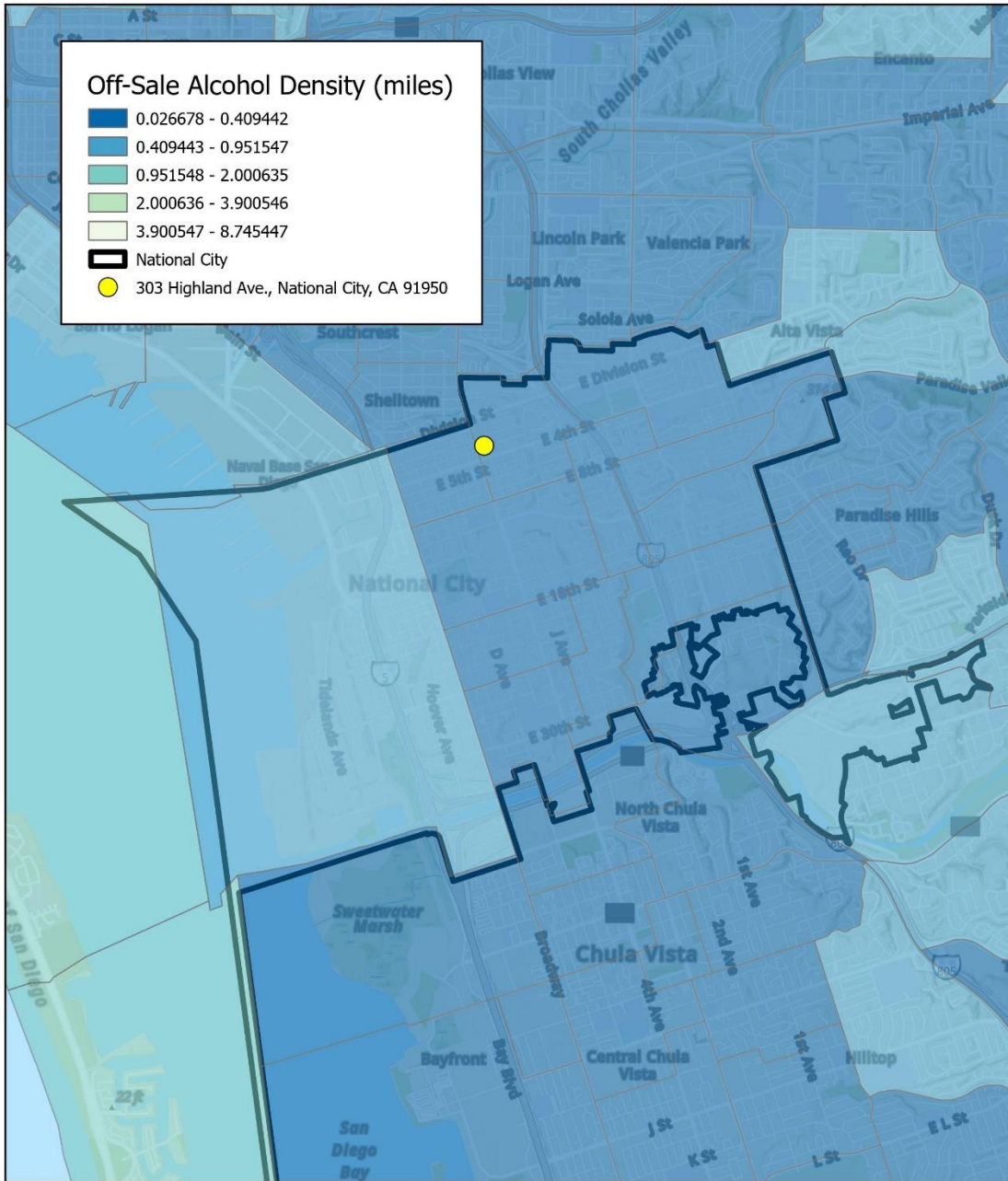
An environmental scan was conducted on Wednesday, July 3, 2024, for a proposed upgrade of an existing Type 20 off-sale alcohol license to a Type 21 at 303 Highland Avenue. The proposed location is a full-scale grocery store surrounded by other commercial uses on Highland Ave., and the streets running parallel and perpendicular to Highland in front of and behind the business are residential.

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

- There is a liquor store selling beer, wine and distilled spirits 250 feet from the location.
- Customers were entering the premises by car and on foot.
- The business offered one cooler of wine with the remaining cooler space along the wall devoted to beer. There was also a selection of beer outside the coolers.

Funded by the San Diego County Health and Human Services Agency
8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

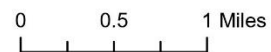
www.publicstrategies.org



**Off-Sale Alcohol Density
Census Tract 118.2
303 Highland Ave., National City, CA**

Alcohol density is defined as the average distance between a person and their closest alcohol retailer.

Alcohol licenses data accessed from the CA Dept of Alcoholic Beverage Control on 7/02/24.



Funded by the San Diego County Health and Human Services Agency

8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

Outlet Density

Based on Centers for Disease Control guidelines, alcohol density is defined as the average distance between a person and their closest alcohol retailer. In the map above, the darker the census tract, the less distance a person has to travel to their closest alcohol retailer. The proposed location is defined as “very dense.”

Youth Sensitive Areas

Dino Daycare (approximately 1,050 feet away)

Central Elementary (approximately 2,100 feet away)

Highland Park (approximately 2,100 feet away)

Churches

First Spanish Southern Baptist (approximately 1,050 feet away) is the closest one to this location.

Crime Rate

A request for crime-related information from personnel within the City of National City Police Department should determine whether existing violations against the property or Applicant have occurred that would discourage the issuance of a Type 21 alcohol license.

Considerations

The following are considerations if a CUP is issued:

1. Require that staff and management attend an in-person Responsible Beverage Sales and Service training.
2. Require daily litter removal and timely graffiti removal from areas under control of the licensee.
3. Post in English and Spanish a notice that state law prohibits sales of alcoholic beverages to persons under age 21.
4. Post and maintain signage stating that no open alcoholic beverage containers are allowed on the premises and no loitering is allowed on or in front of the premises.

Community Meeting Minutes

Manolo Farmers Market

July 15, 2024

Meeting Time: 12:00PM

Location: Manolo Farmers Market

303 Highland Ave

National City, CA 91950

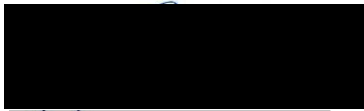
In attendance:

Steve Mattia, attorney

Chris Dallo, owner

The meeting was held in the juice bar area.

We waited until 1pm and no one came. No one asked about the meeting the rest of the day.



Steve Mattia, Attorney

September 15, 2024

To Whom It May Concern:

I am submitting this letter to formally object to the pending application for an ABC Type-21 liquor license at 303 Highland Avenue by Manolo Farmers Market. I am the owner of La Casa Liquor, located at 228 Highland Avenue, directly across from the proposed site. As a business owner in this community for over 30 years, I believe that granting an additional Type-21 liquor license in such close proximity would negatively impact the youth of National City.

Although I do not reside in National City, I consider myself deeply connected to the community. Many of my customers have become like family, and I have watched their children grow into adulthood. I take great care to ensure that alcohol is not sold to minors, as I know many of my customers personally and am familiar with their families. This familiarity allows me to prevent underage sales and ensure that alcohol is handled responsibly in my store.

I am concerned that a larger business such as Manolo Farmers Market, with many employees and multiple checkout lines, would not be able to exercise the same level of oversight. In a store of that size, minors may find it easier to purchase alcohol or engage in theft. By contrast, in my smaller store, I can monitor all activity, and the liquor is kept securely behind the counter.

It is my firm belief that increasing access to alcohol in this community could harm our youth, who already face significant challenges. Many young people here are balancing school with work to help support their families. The availability of alcohol could contribute to distractions, higher dropout rates, and potential increases in crime. I have personally invested time and resources into supporting families and youth in this community, and I am deeply committed to their well-being.

For these reasons, I respectfully urge you to deny the liquor license application for Manolo Farmers Market.

Sincerely,

Salwan Nafsu
Owner, La Casa Liquor



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC TYPE-41) AT AN EXISTING RESTAURANT (LA MALCRIADA BIRRIERIA) LOCATED AT 1604 EAST 18TH STREET, SUITES A & B.

Case File No.: 2024-16 CUP

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

Assessor's Parcel Nos.: 561-360-46-00

Staff report by: Sophia Depew, Assistant Planner

Applicant: Andrea Rivas

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

Adjacent use and zoning:

North: 7 Eleven, Multifamily Residential / MXC-1 and High-Density Multi-Unit Residential (RM-2)

East: Barber Shop, Single-Family Residential, Golf Course / MXC-1 and Open Space (OS)

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

West: Munchies Corner Store and Single-Family Residential / MXC-1 and RS-2

Environmental review: Categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities)

Planning Commission
Meeting of October 7, 2024
Page 2

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the sale of on-site beer and wine, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA. The sale of beer and wine is a conditionally-allowed use in the Minor Mixed-Use Corridor zone and would be accessory to food sales at the restaurant.

Executive Summary

The operator of La Malcriada Birrieria restaurant has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales. Currently, the hours of operation are from 8:00 a.m. to 7:00 p.m. The applicant is proposing to increase hours of operation from 8:00 a.m. to 10:00 p.m. daily. Proposed hours of alcohol sales are daily from 8:00 a.m. to 10:00 p.m. inside the restaurant and from 8:00 a.m. to 9:00 p.m. outside on the patio.

Site Characteristics

La Malcriada Birrieria is an existing restaurant located at the corner of E 18th Street and Palm Avenue within the Minor Mixed-Use Corridor zone. The restaurant is 960 square feet in size, with approximately 340 square feet dedicated to dining area. The outdoor patio is 180 square feet. The restaurant has 37 seats available inside and an additional 12 seats available outside on the patio.

Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Restaurant hours will be 8:00 a.m. to 10:00 p.m. daily. Proposed hours of alcohol sales are daily from 8:00 a.m. to 10:00 p.m. inside the restaurant and from 8:00 a.m. to 9:00 p.m. outside on the patio. No live entertainment is proposed.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. City Council Policy 707 also regulates alcohol sales in the city.

The site was previously approved for the same type of ABC License (Type 41) with a CUP in 2019 that has since expired due to a discontinued use for a period of 12 months or longer.

Hours of Operation for Alcohol Sales

Conditions of approval for alcohol sales reflect what the applicant has requested (8:00 a.m. to 10:00 p.m. indoors and 8:00 a.m. to 9:00 p.m. outdoors daily). The applicant has stated that the proposed hours are the maximum that could be expected, depending on the future success of the business. Current hours are advertised as 8:00 a.m. to 7:00 p.m. The previous CUP approval was for 10:00 a.m. to 10:00 p.m. No live entertainment is proposed.

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 371 occupants and owners.

Comments

The Planning Division has not received any public comment as of the writing this report.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Wednesday, September 11, 2024 at 6:00 p.m. at the restaurant. The meeting advertisement is attached (Attachment 8); Based on the attached sign-in sheet, no community members attended the meeting.

Distance Requirements – Chapter 18.030.050 (D) of the Land Use Code (LUC) requires a 660-foot distance from any public school for restaurants serving alcohol; Restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question meets this requirement with approximately 35% of its floor area devoted to seating. Las Palmas Elementary School is approximately 560 feet away.

Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are currently three on-site licenses in census tract 121.01, where a maximum of two are recommended. The census tract is considered over concentrated by ABC with regard to on-site alcohol sales outlets.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 11 points, which places it in the Low Risk category (Low Risk is considered 12 or less points). The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Require that staff, management, and owner attend an in-person Responsible Beverage Sales and Service training. See the California Alcoholic Beverage Control website for future trainings.
2. Require signage indicating that alcoholic beverages may not be taken beyond the front patio exit and into the parking lot.

Standard conditions of approval are included in the report in compliance with City Council Policy 707. IPS comments are included as Attachment 7. The application is for a restaurant use and the proposed alcohol sales are incidental to the primary use. Conditions of approval are included that restrict live entertainment.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales are allowable within Minor Mixed-Use Corridor zone, pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report. The use is incidental to the existing restaurant use in a mixed-use area.
2. General Plan Consistency: Alcohol sales is a permitted use, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant with alcohol sales is consistent with the Minor Mixed-Use Corridor zone land use designation and the Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: No expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed. 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 uses would be incidental to the primary use of food service.

4. No Nuisance: 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. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. There is no live entertainment proposed on site.
5. California Environmental Quality Act (CEQA): The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building, and the use is similar to other commercial uses in the area, which are permitted in Minor Mixed-Use Corridor zone.
6. Public Convenience and Necessity: The restaurant, a permitted use in the Minor Mixed-Use Corridor zone, will benefit from the sale of alcohol by providing for a wider diversity of businesses that add character to the area.

Findings for Denial

The following are findings for denial due to nearby businesses that sell beer and wine:

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 on-sale alcohol outlets – There are three on-sale licenses, where a maximum of two are recommended.
2. The proposed use is not deemed essential to the public necessity, as there are three restaurants in census tract 121.01 that already serve beer and wine.

3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the on-site 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, and 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 Minor Mixed-Use Corridor zone. The proposed use would be incidental to the proposed 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 and the Police Department has classified the establishment as Low Risk.

Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2024-16 CUP, subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2024-16 CUP based on the attached findings 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. Draft Resolutions
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2024-16 CUP, dated 9/19/2024)
4. Public Hearing Notice (Sent to 371 property owners & occupants)

5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Information

RESOLUTION NO. 2024-15

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA DETERMINING THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
APPROVING A CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC
TYPE-41) AT EXISTING RESTAURANT (LA MALCRIADA BIRRIERIA) LOCATED AT
1604 EAST 18TH STREET, SUITES A & B.
CASE FILE NO. 2024-16 CUP
APN: 561-360-46-00

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at an existing restaurant (La Malcriada Birrieria) located at 1604 East 18th Street, Suites A & B at a duly advertised public hearing held on October 7, 2024, 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. 2024-16 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on October 7, 2024, 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 Minor Mixed-Use Corridor zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant with

alcohol sales is consistent with the Minor Mixed-Use Corridor zone land use designation and the Community Character element of 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, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because no expansion of the building is proposed. The proposed alcohol sales would be incidental to the primary use of food sales.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building and the use is similar to other commercial uses in the area, which are permitted in permitted Minor Mixed-Use Corridor zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the restaurant, a permitted use in the Minor Mixed-Use Corridor zone, will benefit from the sale of alcohol by providing for a wider diversity of businesses that add character to the area.
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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding

uses, will not cause a nuisance, and will benefit the community looking for a quality restaurant experience.

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 (La Malcriada Birrieria) located at 1604 E 18th Street, Suites A & B. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024-16 CUP, dated 9/19/2024.
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 or owner 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 or owner 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 at such time as there is no longer a Type 41 California Department of Alcoholic Beverage Control license associated with the property.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. 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.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

7. No alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 41 license from the California Department of Alcoholic Beverage Control.
8. 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.
9. The sale of alcoholic beverages shall only be permitted between the hours of 8:00 a.m. to 10:00 p.m. inside the restaurant and from 8:00 a.m. to 9:00 p.m. outside on the patio, daily.
10. 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.
11. Alcohol shall be available only in conjunction with the purchase of food.
12. The sale of alcoholic beverages for off-site consumption is not permitted at this location. Signage shall be posted 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.
13. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.
14. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

15. The permittee shall comply with all applicable law, including, but not limited to the regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 October 7, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2024-15

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR
BEER AND WINE SALES AT AN EXISTING RESTAURANT (LA MALCRIADA
BIRRIERIA) LOCATED AT 1604 EAST 18TH STREET, SUITES A & B.
CASE FILE NO. 2024-16 CUP
APN: 561-360-46-00

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at an existing restaurant (La Malcriada Birrieria) located at 1604 East 18th Street, Suites A & B at a duly advertised public hearing held on October 7, 2024, 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. 2024-16 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on October 7, 2024 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 on-sale alcohol outlets – three on-sale outlets are permitted where two are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already three restaurants in the same census tract that serve beer and wine.

3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the on-site sale 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 October 7, 2024, by the following vote:

AYES:

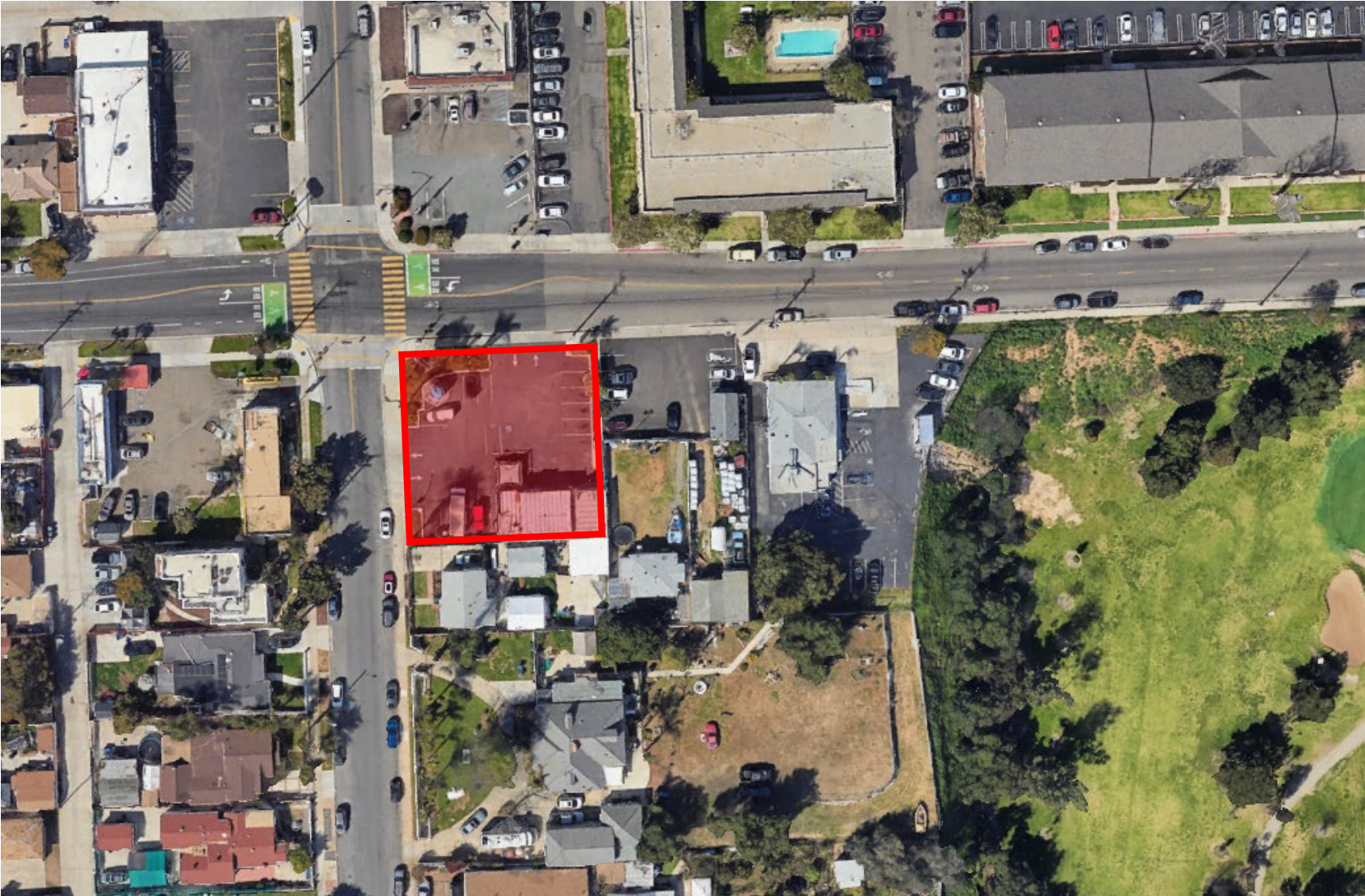
NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

2024-16 CUP – 1604 E 18th Street, Suites A & B – Overhead





NOTICE OF PUBLIC HEARING

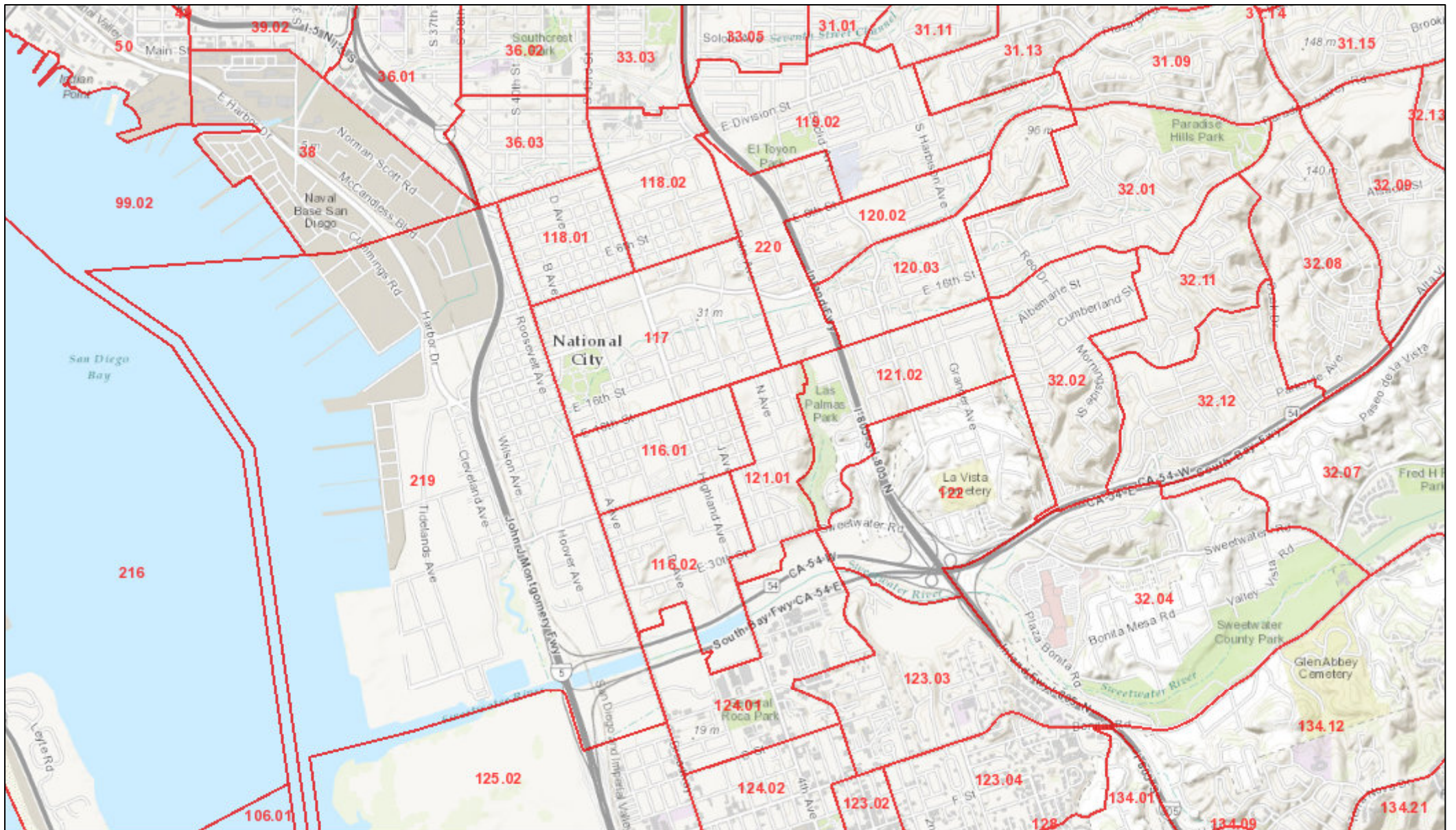
DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC TYPE-41) AT AN EXISTING RESTAURANT (LA MALCRIADA BIRRIERIA) LOCATED AT 1604 E 18TH STREET, SUITES A & B
CASE FILE NO.: 2024-16 CUP
APN: 561-360-46-00

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, October 7, 2024**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Andrea Rivas)

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales at the existing restaurant (La Malcriada Birrieria). The applicant is proposing to sell alcohol indoors from 8:00 a.m. to 10:00 p.m. and outdoors from 8:00 a.m. to 9:00 p.m. daily. Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 2:00 p.m., **October 7, 2024** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

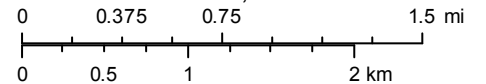
If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



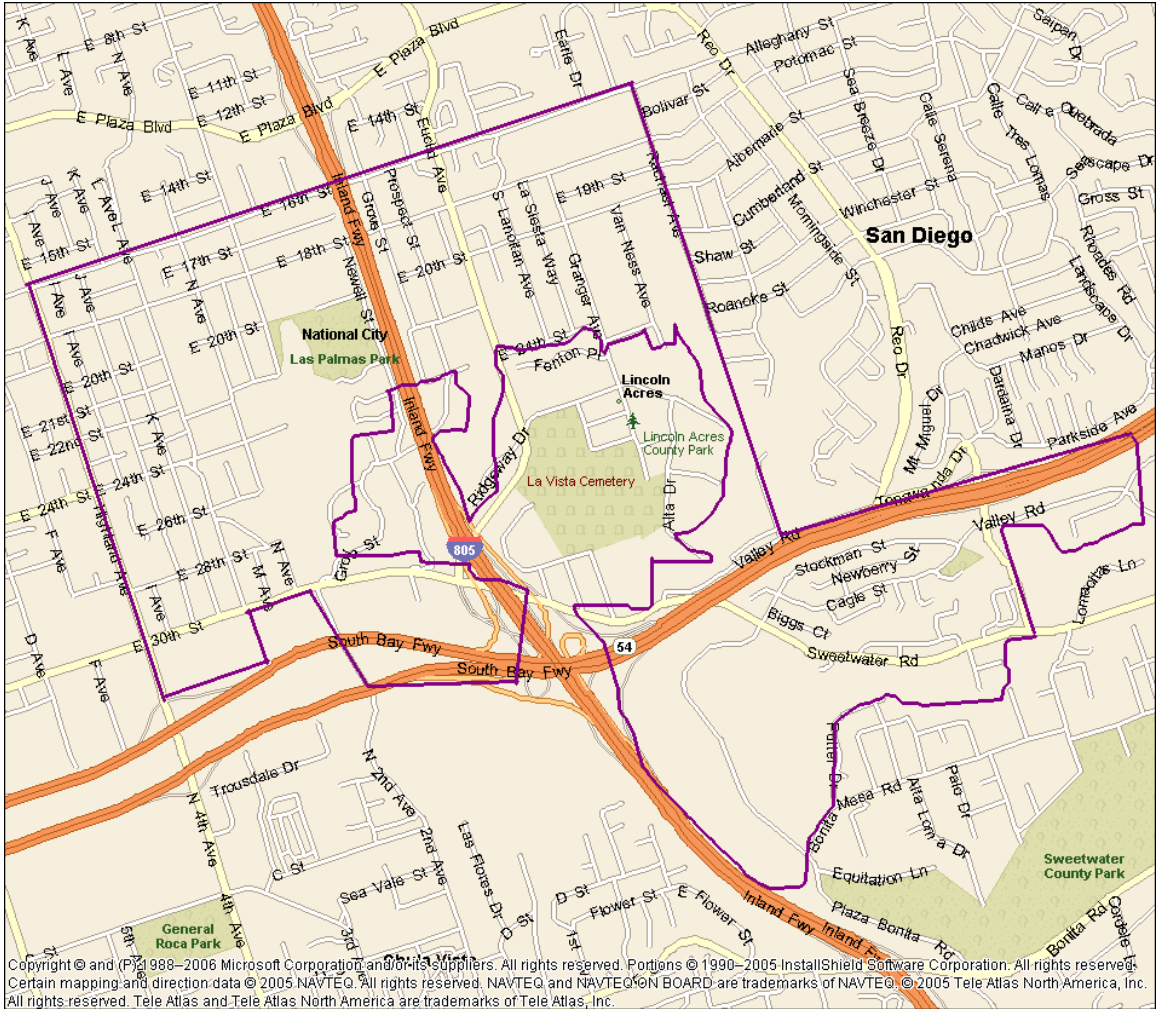
August 25, 2014

Census Tracts 2010

1:45,467



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



City of National City Beat 23

VI. Calls for Service at Location (for previous 6 months)

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

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- ✓ Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>11</u>
--

VIII. Owner(s) records check

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

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

This business assessed at a XXXXX risk and is deserving of such a rating.

Owner has a CA Drivers license number of XXXXXXXXXX

Completed by: Camacho Badge ID: 449

Environmental Scan for Proposed Type 41 Alcohol CUP

1604 East 18th Street, National City, CA 91950

Conducted: September 5, 2024



Photo of the proposed location.

An environmental scan was conducted on Thursday, September 5, 2024 for a proposed Type 41 on-sale alcohol license at 1604 East 18th Street. During a scan of the business and premises, the following was noted:

- The restaurant is on the corner of East 18th Street and Palm Avenue. There are businesses on each corner, such as La Morena Market, Guanatos Mexican Grill, Bottles & More Liquor and a 7-Eleven. The liquor store and 7-Eleven are approximately 350 feet from the proposed location.
- There is an established residential neighborhood to the East of Highland Ave.
- The location has a traditional car infrastructure and a nearby bus stop.

Funded by the San Diego County Health and Human Services Agency
8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

Youth Sensitive Areas

- Adventure Point Early Learning Center 1,000 feet away
- Las Palmas Elementary School 1,000 feet away
- Las Palmas Park with pool, and little league baseball field 2,600 feet away

Churches

United Church of Christ 1st Samoan, 800 feet away, is the closest one to this location.

Crime Rate

A follow up request for crime-related information from personnel within the City of National City Police Department may result in obtaining a more detailed crime rate for this location.

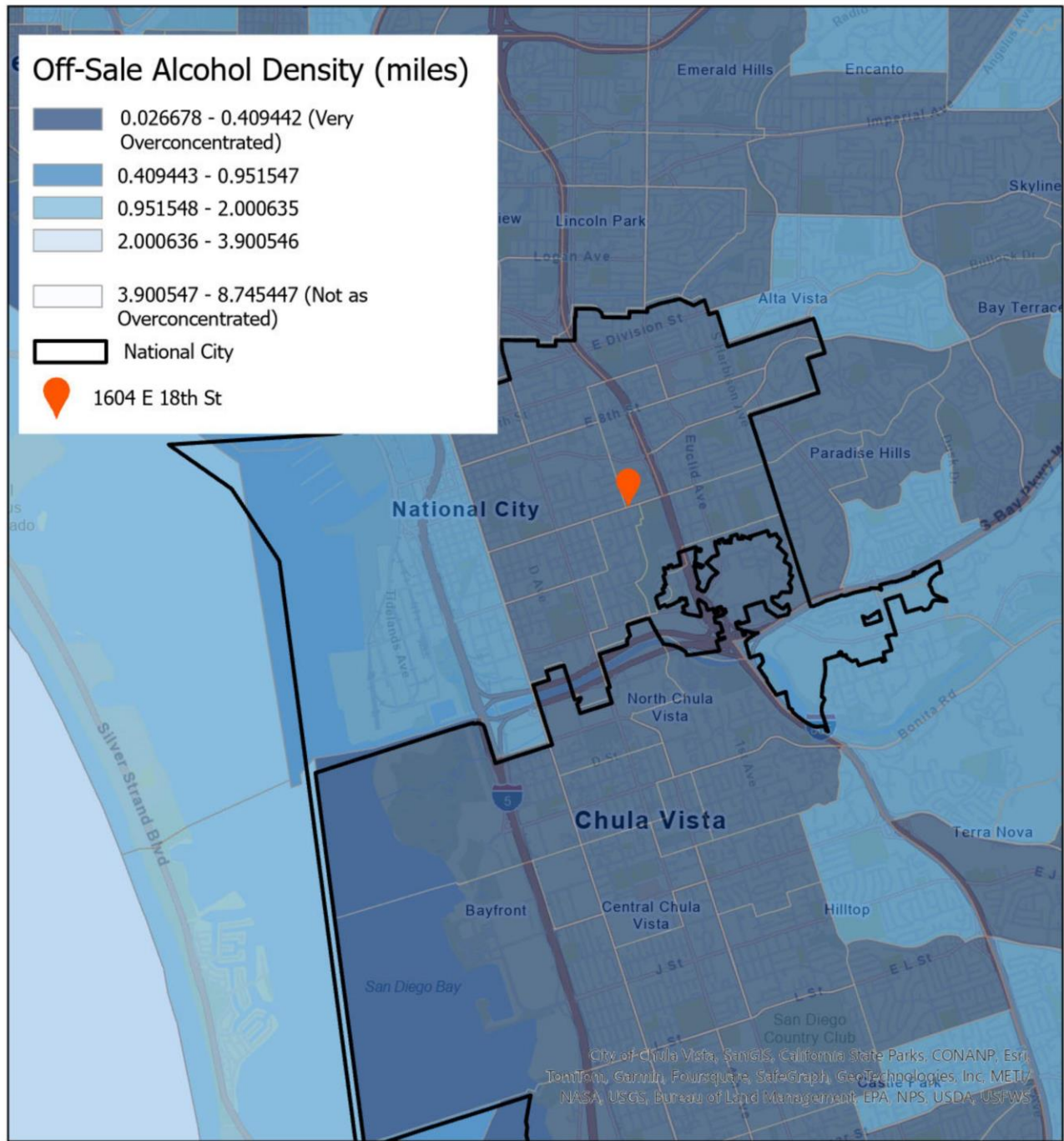
Considerations

The following are considerations if a CUP is issued:

1. Require that staff, management, and owner attend an in-person Responsible Beverage Sales and Service training. See the California Alcoholic Beverage Control website for future trainings.
2. Require signage indicating that alcoholic beverages may not be taken beyond the front patio exit and into the parking lot.
3. Consider establishing clear guidelines for when additional alcohol licenses will or will not be permitted within an already dense area. Please see below for outlet density description and map.

Outlet Density

Based on Centers for Disease Control guidelines, alcohol density is defined as the average distance between a person and their closest alcohol retailer. In the map below, the darker the census tract, the less distance a person has to travel to their closest alcohol retailer. The proposed location is defined as very dense. Additionally, according to the ABC, two (2) on-sale licenses are authorized for the census tract where 1604 East 18th Street, National City, is located. There are already three (3) on-sale licenses for this census tract according to ABC records – exceeding ABC recommendations.



Off-Sale Alcohol Outlet Density
 Census Tract 220
 1604 E 18th St,
 National City, California, 91950

Alcohol density is the average distance between a person and their closest alcohol retailer.

Alcohol license data was accessed from the CA Dept of Alcoholic Beverage Control on 7/02/24.



0 0.25 0.5 1 Miles

September 1, 2024

Dear Resident / Business Owner:

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

Wednesday, September 11, 2024
6:00pm to 7:00pm
Birreria La Malcriada Birreria Restaurant
1604 East 18th Street
National City, CA 91950

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

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



September 13, 2024

Sophia Depew
Planning Technician
Community Development Department
City of National City
1243 National City Boulevard
National City, CA 91950

RE: ANDREA RIVAS (dba – LA MALCRIADA BIRRERIA RESTAURANT) Report for Community Meeting;

Ms. Depew:

On behalf of Andrea Rivas (dba – La Malcriada Birreria Restaurant), I am submitting a summary of the Community Meeting that was held on Wednesday, September 11, 2024, 6:00pm to 7:00pm, La Malcriada Birreria Restaurant located at 1604 East 18th Street, National City, CA 91950.

The applicant and I were present and began the meeting at 6:00pm. Unfortunately, nobody attended the meeting and the meeting was adjourned at 7:00pm.

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

Kind regards,

Marco Polo Cortés
President

