



Planning Commission Minutes

Meeting of June 7, 2010

6:00 P.M. to 7:35 P.M.

Council Chambers, Civic Center

1243 National City Boulevard

National City, CA 91950

These Minutes have been Abbreviated. Video Recordings of the Full Proceedings are on File and Available to the Public.

Agenda Items

The Meeting was called to order by Vice Chairman Reynolds at 6:00 p.m.

Roll Call

Commissioners Farias, Alvarado, Pruitt, Reynolds, Flores.

Absent: DeLaPaz, Baca.

Also present: Senior Assistant City Attorney Claudia Silva, Development Services Director Maryam Babaki, Principal Planner Peggy Chapin, Assistant Planner Martin Reeder, Sgt. Graham Young, Park Superintendent Miguel Diaz.

Pledge of Allegiance

Led by Commissioner Alvarado.

Approval of Minutes

1. Minutes of the Regular Meeting held on May 17, 2010

Motion by Pruitt, 2nd by Farias, to approve Minutes of the Meeting of May 17, 2010.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

Approval of Agenda

Motion by Alvarado, 2nd by Pruitt, for approval of Agenda for the Planning Commission for the meeting of June 7, 2010.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

None.

APPEAL

2. Request for Continuance of Appeal of Notice of Violation filed by Charleton Adler and Ben Adler for McDini's Restaurant at 105 E. 8th Street. Case File No. 2010-14 Appeal.

Principal Planner Peggy Chapin stated that due to scheduling conflicts, staff is requesting that the appeal be continued to the July 19, 2010 meeting.

Motion by Pruitt, 2nd by Alvarado, to continue the appeal to the meeting of July 19, 2010.

PRESENTATION

3. Presentation by Miguel Diaz, Public Works Park Superintendent on duties of the Planning Commission when acting on streetscape items.

Public Works Park Superintendent Miguel Diaz informed the Commissioners of the duties they will have when acting on streetscape items, and responded to questions of the Commissioners concerning maintenance of street trees and selection of trees.

Commissioners thanked Mr. Diaz for his presentation.

CONTINUED PUBLIC HEARING

4. Modification of a Conditional Use Permit to Extend Hours of Operation for the Sale of Alcohol, Karaoke, and Live Entertainment at an Existing Restaurant located at 1615 Sweetwater Road. Applicant: Dr. Benjamin Camacho. Case File No. 2010-01 MCUP.

Motion by Alvarado, 2nd by Flores, to close the public hearing and approve Case File No. 2010-01 MCUP, based on required findings and subject to conditions of approval.

Commissioner Flores confirmed that this approval includes a condition of approval that is subject to a one year probationary period, and the Planning Commission would review the permit if determined necessary by the Police Department.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

5. Resolution No. 11-2010. A Resolution of the Planning Commission of the City of National City, California, taking action on Modification of a Conditional Use Permit to Extent the Hours of Operation for the Sale of Alcohol, Karaoke, and Live Entertainment at an Existing Restaurant located at 1615 Sweetwater Road. Applicant: Dr. Benjamin Camacho. Case File No. 2010-01 MCUP.

Motion by Alvarado, 2nd by Farias, to adopt Resolution No. 11-2010.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

PUBLIC HEARINGS

6. Conditional Use Permit for Off-Sale Alcohol at a proposed Grocery Store at 3007 Highland Avenue. Applicant: Bodega Latina Corp. dba El Super. Case File No. 2010-08 CUP.

Staff distributed a memo outlining applicant's request to modify Condition No. 10 to include allowing beer and malt beverage products to be sold in manufacturer's other pre-package multi-unit quantities of less than a six-pack.

Michael Cho, Bernard & Associates, 3991 MacArthur Boulevard, Suite 340, Newport Beach, representing applicant, spoke in support of application and stated that the applicant agrees with conditions of approval, with exception of condition no. 10.

Commissioners discussed selling of single beers, and smaller quantities than 6-packs.

Vice Chairman Reynolds questioned whether the Police Department had concerns that there are security guards are on-site at the store.

Sgt. Graham stated that he has seen security guards at various centers such as Ralphs. He further stated that he opposes changes to the condition that would allow selling smaller quantities of beer or malt beverage products less than a six-pack.

Jovita Juarez, IPS, stated that while the store is needed, she opposes allow selling single cans of beer and malt liquor. Commissioner Pruitt requested confirmation from the applicant if that was their intent. The applicant responded that they would like to sell smaller quantities of alcohol. Commissioner Pruitt asked staff if other Conditional Use Permits for alcohol sale permitted smaller size quantities. Mr. Reeder responded stating that older liquor stores may not fall under the current requirements that restricts alcohol sales in less than six-packs but the more recent conditional use permits prohibit selling beer and malt liquor

Motion by Pruitt, 2nd by Flores to close the public hearing and approve Case File No. 2010-08 CUP, as prepared by staff.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

7. Resolution No. 12-2010. A Resolution of the Planning Commission of the City of National City, California, taking action on a Conditional Use Permit for Off-Sale Alcohol at a proposed Grocery Store at 3007 Highland Avenue. Applicant: Bodega Latina Corp. dba El Super. Case File No. 2010-08 CUP.

Motion by Pruitt, 2nd by Flores, to adopt Resolution No. 12-2010.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

8. An Ordinance of the City Council of the City of National City Amending Title 18 of the Municipal Code by Amending the General Plan Land Use/Zoning Map and Amending Chapters 18.10 (Zones and Zoning Map), 18.14 (Residential Zones), 18.16 (Commercial Zones), 18.50 (Fences, Walls and Hedges) 18.58 (Off-Street Parking and Loading) 18.62 (Signs and Outdoor Advertising Displays) 18.104 (Use Groups) 18.108 (Nonconforming Uses) and 18.140 (Mixed Uses) to provide Standards Implementing the Previously Adopted Westside Specific Plan. Applicant: City of National City. Case File No. 2007-34 GPA, ZC, SPA, EIR.

Mary Johnson, 326 E. 11th Street, stated that the Westside Specific Plan does not have correct zoning for her area, which is located next to the freeway and should not allow single-family homes.

Jim Beauchamp, property owner in Westside, stated that the rezoning in the Westside Specific Plan does not match the grandfathering rules that he was previously explained, and now prospective tenants are required to obtain a conditional use permit. This will drive businesses out of the City, and not allow new businesses in. He further commented on the height allowances.

Senior Assistant City Attorney Silva explained Municipal Code Section 18.108, Nonconforming Uses, the “grandfathering” section, and that lawful nonconforming businesses that close for longer than twelve months are no longer allowed. Ms. Silva explained that this is the current language of the nonconforming use section of the code and does not change. New uses would have to conform to Appendix A of the Westside Specific Plan

Motion by Flores, 2nd by Farias, to close the public hearing and recommend that the city council amend the General Plan Land Use and Zoning Map and the proposed changes to Title 18 of the Municipal Code.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

9. Resolution No. 13-2010. A Resolution of the Planning Commission of the City of National City, California, taking action on An Ordinance of the City Council of the City of National City Amending Title 18 of the Municipal Code by Amending the General Plan Land Use/Zoning Map and Amending Chapters 18.10 (Zones and Zoning Map), 18.14 (Residential Zones), 18.16 (Commercial Zones), 18.50 (Fences, Walls and Hedges) 18.58 (Off-Street Parking and Loading) 18.62 (Signs and Outdoor Advertising Displays) 18.104 (Use Groups) 18.108 (Nonconforming Uses) and 18.140 (Mixed Uses) to Provide Standards Implementing the Previously Adopted Westside Specific Plan. Applicant: City of National City. Case File No. 2007-34 GPA, ZC, SPA, EIR

Motion by Flores, 2nd by Pruitt, to adopt Resolution No. 13-2010 with the following modifications: Correct the date from June 6, 2010 to June 7, 2010, and delete the second to last paragraph, as it does not apply, as this is a recommendation to the City Council.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

OTHER BUSINESS

10. Report regarding recommending the extension for 12 months of the Interim Ordinance of the City Council of the City of National City, adopted pursuant to Government Code Section 65868 as an Urgency Measure, enacting a Moratorium Prohibiting Establishments Dispensing Marijuana for Medical Purposes in National City. Case File No. 2009-14 A.

Principal Planner Chapin informed the Commission of the upcoming statewide initiative and the desire to extend the moratorium as the outcome may affect how the city may address regulations for medical marijuana.

Motion by Flores, 2nd by Alvarado, to recommend that the City Council extend the moratorium for a period of one year.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

11. Resolution No. 14-2010. A Resolution of the Planning Commission of the City of National City, California, recommending the City Council Extend for 12 months the Moratorium Prohibiting Establishments Dispensing Marijuana for Medical Purposes in National City. Case File No. 2009-14 A..

Motion by Flores, 2nd by Alvarado, to adopt Resolution No. 14-2010.

Motion carried by the following vote:

Ayes: Farias, Alvarado, Reynolds, Pruitt, Flores.

Absent: DeLaPaz, Baca.

12. Review of Draft Planning Commission Bylaws.

Principal Planner Chapin stated that details need to be added regarding quorum when the Commission is acting as the Housing and Community Development Committee.

Commissioner Flores asked that wording be amended in Section 6, Unexcused Absences, to apply on annually and extended absences may be excused when there are extenuating circumstances such an illness..

Principal Planner Chapin stated these changes will be incorporated and the bylaws will be brought back at the next meeting for adoption.

Senior Assistant City Attorney

Senior Assistant City Attorney Claudia Silva reminded Commissioners that those who had RSVP for the Ethics Training, it is scheduled on June 8, 2010.

Principal Planner

No Report.

Commissioners

Commissioner Flores stated that she will be absent at the June 21st meeting due to business travel.

Commissioner Farias stated that he will also be absent at the June 21st meeting as he will be out-of-town.

Chairman

No Report.

Adjournment 7:35 p.m.

CHAIRPERSON