AGENDA
Regular Planning Commission Meeting

Monday, November 18, 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

Ashlin 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.

AGENDA
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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, November 18, 2024 at 6:00 P.M.
Council Chamber, City Hall
1243 National City Boulevard, National City CA 91950

PLEDGE OF ALLEGIANCE

Chair Miller

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

1. Approval of the Agenda for the Meeting of November 18, 2024

APPROVAL OF MINUTES OF PREVIOUS MEETING

2. Approval of Minutes from the Meeting of November 4, 2024

PUBLIC HEARINGS

3. 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 addition of live entertainment and expansion of approved operating hours for beer and wine sales (ABC Type-41) at an existing restaurant (Mariscos El Tiburon) located at 543 Highland Avenue Case File No.: 2024-21 CUP APN: 556-311-05-00.

4. Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 32 of the CEQA guidelines Section 15332 (Infill-Development Projects) and Conditional Use Permit for a Proposed Development compromised of a new service station, convenience store with request for off-sale alcohol (ABC Type-21), drive-through car wash, drive-through eating place, and five residential units with Zone Variance request related to maximum driveway width, minimum street wall, and the location on the north side of Sweetwater Road between Olive Street and Orange Street. Case File No.: 2024-08 CUP APNS: 563-252-12-00, 563-252-13-00, 563-252-14-00, and 5633-252-23-00.

OTHER BUSINESS

5. Request to Initiate a General Plan Amendment and Zone Change for a property located at 3040 East 16th Street and neighboring parcels to change the zoning from RS-2 to MXC-1.

STAFF REPORTS

ADJOURNMENT

Adjournment to the regularly scheduled meeting on December 2, 2024 at 6:00 p.m.

AGENDA
Regular Planning Commission Meeting

Monday, November 18, 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 November 18, 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 November 4, 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.

CALL TO ORDER

A Regular Meeting of the Planning Commission if the City of National City was called to order at 6:38 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

ROLL CALL

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

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

APPROVAL OF AGENDA

1. Approval of Agenda for the Regular Planning Commission Meeting on November 4, 2024.

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

   Motion carried by the following vote:

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

Noes: None.
Abstain: None.
Absent: None.

Motion approved.

APPROVAL OF MINUTES

2. Approval of Minutes for the Regular Planning Commission Meeting of October 7, 2024.

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

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: None.

Motion approved.

PUBLIC HEARINGS

3. 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 (Mr. Pulpo Seafood) located at 831 E 8th Street.

Commissioner Armenta discloses that she has dined at the restaurant as well as talked to staff and walked the property.

Vice-Chair Castle discloses that she dined at the restaurant.

Commissioner Sanchez discloses that he dined at the restaurant.

Assistant Director, Martin Reeder made a PowerPoint presentation.

Applicant, Saida Gonzalez was present and answered questions from the Commissioners and Public had.

Armando Roman made a public comment in favor of the item.

Motion by Sanchez, second by Valenzuela to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: None.

Motion approved.

Motion by Valenzuela, second by Sanchez, to adopt Resolution No. 2024-17, a Resolution of the Planning Commission of the City of National City 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 an existing restaurant) Mr. Pulpo Seafood) located at 831 East 8th Street Case File No.: 2024-20 CUP APN: 556-414-09-00.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: None.

Motion approved.

4. 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 modification for beer and wine sales (ABC Type-41) at a new restaurant (Tacos El Franc) located at 3030 Plaza Bonita Road, Suite 1108.

   Vice-Chair Castle discloses that she goes to Plaza Bonita mall and knows the location of the restaurant.

   Commissioner Armenta discloses that she has been to Plaza Bonita mall.

Commissioner Quinones discloses that she has been to Plaza Bonita mall.

Commissioner Forman states that she is a fan of Tacos El Franc.

Chair Miller states that he lives about 1400 ft. away from the mall and on the boundary of the parcel but has been there a handful of times.

Javier Lugo, representative of the applicant was present to answer any questions from the Commissioners and Public had.

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

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: None.

Motion approved.

Motion by Valenzuela, second by Castle, to adopt Resolution No. 2024-18, 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 modification for beer and wine sales (ABC Type-41) at a new restaurant (Tacos El Franc) located at 3030 Plaza Bonita Road, Suite 1108 Case File No.: 2024-14 CUP APN: 564-471-07-00.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
Noes: None.
Abstain: None.
Absent: None.

Motion approved.

OTHER BUSINESS

5. Adoption of 2025 meeting dates.

   Motion by Castle, second by Sanchez, to adopt 2025 meeting dates.

   Motion carried by the following vote:

   Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
   Noes: None.
   Abstain: None.
   Absent: None.

   Motion approved.

6. Election of Officers.

   Motion by Valenzuela, second by Quinones to have Martin Miller remain as Chair and Randi Marie-Castle to remain as Vice Chair.

   Motion carried by the following vote:

   Ayes: Valenzuela, Sanchez, Quinones, Miller, Forman, Castle, Armenta.
   Noes: None.
   Abstain: None.
   Absent: None.

   Motion approved.

STAFF REPORTS:

Legal Council: States that she will be putting trainings together in the beginning of 2025 and encourages Commissioners to send her an email with topics related to Planning Commission.

Director of Community Development: None.

Assistant Director of Community Development: Gives his thanks to Chair and Vice-Chair for all their work and guidance this year and wishes them luck in their roles next year.

COMMISSIONER REPORTS:

Vice-Chair Castle: Encourages everyone to go out and vote.

Commissioner Valenzuela: None.

Commissioner Sanchez: Gives thanks to Chair and Vice-Chair for all their work and guidance this year and wishes them luck in their roles next year.

Commissioner Armenta: Encourages everyone to go out and vote and states whatever the votes are to embrace democracy.

Commissioner Quinones: Congratulates Chair Miller and Vice-Chair Castle on their election.

Commissioner Forman: Thanks Chair Miller and Vice-Chair Castle for stepping into their roles again for next year.

Chair Miller: Encourages everyone to vote tomorrow.

ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, November 18, 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 7:28 p.m.

_____
Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of November 18, 2024.

_____
Martin Miller, Chair

Item no. 3
November 18, 2024

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 ADDITION OF LIVE ENTERTAINMENT AND EXPANSION OF APPROVED OPERATING HOURS FOR BEER AND WINE SALES (ABC TYPE-41) AT AN EXISTING RESTAURANT (MARISCOS EL TIBURON) LOCATED AT 543 HIGHLAND AVENUE
Case File No.:	2024-21 CUP
Location:	Northeast Corner of Highland Avenue and East 6th Street
Assessor's Parcel Nos.:	556-311-05-00
Staff report by:	Sophia Depew, Assistant Planner
Applicant:	Socorro Vazquez
Zoning designation:	Minor Mixed-Use Corridor (MXC-1)
Adjacent use and zoning:	
North:	Commercial / MXC-1
East:	Single-Family Residential / RS-2 & MXC-1
South:	Multi-family Residential & Commercial / MXC-1
West:	Commercial / MXC-1
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 request for live entertainment and extended operating hours, subject to the attached recommended conditions. The sale of alcohol and live entertainment are conditionally-allowed uses in the Minor Mixed-Use Corridor zone and would be accessory to food sales at the restaurant.

Executive Summary

The restaurant was approved for a Conditional Use Permit in 1987 for incidental beer and wine sales (ABC Type-41) with hours ending at 9:00 p.m. Monday to Thursday and 10:00 p.m. Friday to Sunday. The applicant is requesting extended operating hours of 9:00 a.m. to 12:00 a.m. Monday to Thursday and 9:00 a.m. to 2:00 a.m. Friday to Sunday. The applicant is also requesting the addition of live entertainment from 4:00 p.m. to 1:30 a.m. Friday to Sunday.

Site Characteristics

Mariscos El Tiburon is a 2,000 square-foot restaurant located on the northeast corner of Highland Avenue and East 6th Street within the Minor Mixed-Use Corridor (MXC-1) zone. Surrounding the restaurant is a mix of commercial and residential uses. The restaurant shares the lot with an attached commercial retail suite. Located behind the restaurant are single-family homes and across East 6th Street is an apartment complex.

The restaurant dining area is located on the west side of restaurant, closest to Highland Avenue, while the kitchen and restrooms are located on the east side of the building located closest to the neighboring single-family homes. The dining area has 60 seats and an area dedicated for live entertainment. The number of seats includes the bar area, which has approximately five seats. The previous CUP prohibited alcohol from being served at the bar. However, recent approvals for restaurants have included bar dining areas. Therefore, this condition has not been carried over. The proposed live entertainment area is located on the north end of the dining area, along the shared wall with the retail suite.

Proposed Use

The applicant is proposing to expand the approved hours of operation for beer and wine sales (ABC Type-41) and add live entertainment at the restaurant. Proposed operating hours are 9:00 a.m. to 12:00 a.m. Monday to Thursday and 9:00 a.m. to 2:00 a.m. Friday to Sunday. Live entertainment (karaoke and live bands) is proposed Friday to Sunday from 4:00 p.m. to 1:30 a.m.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales and live entertainment 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

The current Conditional Use Permit limits alcohol sales to 9:00 p.m. Monday to Thursday and 10:00 p.m. Friday to Sunday. Proposed operating hours are 9:00 a.m. to 12:00 a.m. Monday to Thursday and 9:00 a.m. to 2:00 a.m. Friday to Sunday. Live entertainment (karaoke and live bands) is proposed Friday to Sunday from 4:00 p.m. to 1:30 a.m.

Restaurants with on-site alcohol sales and live entertainment have been approved with varying hours throughout the city. Most recently, Villa Manila (500 E 8th St,) was approved for alcohol sales and live entertainment between the hours of 3:30 p.m. and 9:00 p.m. Tuesday to Friday and 11:00 a.m. to 9:00 p.m. Saturdays and Sundays. In 2023, Friends of Friends (127 E 8th St,) was approved for on-site alcohol sales from 6:00 a.m. to 1:00 a.m. and live entertainment was approved from 12:00 p.m. to 10:00 p.m. Sunday to Thursday and 12:00 p.m. to 11:30 p.m. Friday and Saturday. Similarly, in 2022, Market on 8th was approved for on-site alcohol sales and live entertainment until 1:00 a.m.

Based on the recently approved hours for restaurants with alcohol sales and live entertainment, staff is recommending alcohol sales from 9:00 a.m. to 11:00 p.m. Sunday to Thursday and 9:00 a.m. to 12:00 a.m. Friday and Saturday. Staff is also recommending live entertainment from 4:00 p.m. to 11:30 p.m. Friday & Saturday and 4:00 p.m. to 10:00 p.m. Sunday. These hours are consistent with previous approvals and reduces the potential that the restaurant morphs into a bar. It should be noted that a Type 41 ABC license (On Sale Beer & Wine – Eating Place) requires that alcohol sales not exceed food sales. In addition, City Council 707 requires that alcohol must be purchased with food.

Noise – Concerns related to live entertainment usually involve noise impacts to surrounding non-commercial uses. Being that the property, while zoned mixed-use, is adjacent to a residential use to the east, conditions are included to address those impacts. Conditions include requiring entry and exit doors, including windows, to remain closed during inside live entertainment activities, as

well as compliance with the limitations contained in Title 12 (Noise) of the Municipal Code.

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 475 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, October 2, 2024 at 9:00 a.m. at the subject restaurant. The meeting advertisement is attached (Attachment 8); there were four community members in attendance.

Distance Requirements - Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school; there are no schools within 660 feet of the site. In addition, restaurants with greater than 30% of their area devoted to seating are exempt from this distance requirement. The property in question has approximately 50% of its floor area devoted to seating.

Alcohol Sales Concentration/Location
According to the California Department of Alcoholic Beverage Control (ABC), there is one on-site license and one pending license in census tract 118.02, where a maximum of nine are recommended. Therefore, the census tract is not considered to be over concentrated by ABC with regard to on-site alcohol sales outlets. Since the applicant is the existing on-site license, no new licenses are being added. Census Tract 118.02 is the area from East 8th Street north to the City boundary and from Highland Avenue east to Palm Avenue.

Police Department (PD)
The ABC Risk Assessment provided by PD allocated a total of 14 points, which places it in the Medium Risk category (Medium risk is considered 13 to 18 points). The Risk Assessment is included as Attachment 6.

Institute for Public Strategies
Comments were received from IPS with the following considerations:

1. Require that staff and management attend an in-person Responsible Beverage Sales and Service training.
2. Require an ID scanner to prevent sales to underage youth.
3. To prevent the establishment from transforming into a night club, which could increase crime and nuisance problems, require that the restaurant always provide breakfast, lunch and dinner and have hours of operation end by 12:00 am daily.
4. Require that the establishment must submit receipts as evidence of food sales offered along with alcohol before annual renewal of license.

Standard conditions of approval are included in the report in compliance with City Council Policy 707. IPS comments are included as Attachment 7. Conditions of approval are included that restrict the hours of alcohol sales and live entertainment. ABC does not recommend or require ID scanners as a method of checking identification; therefore, this comment has not been included as a condition.

Findings for Approval

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

1. Allowable Use: Alcohol sales and live entertainment 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 and live entertainment, 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 and live entertainment are 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 and live entertainment 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 limits 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. Live entertainment will be limited to acceptable hours and to levels of noise that will not disturb surrounding residential uses.

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 and live entertainment by providing for a wider diversity of businesses that add character to the area.

Findings for Denial

The following are findings for denial:

7. 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 extension of the hours that alcohol is served, in addition to live entertainment, may increase the propensity for over-consumption of alcohol and increase the potential for impacts to the surrounding area.

8. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for live entertainment and 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.). If approved, the resolution of approval for this CUP would supersede the previous 1987 resolution.

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption and live entertainment being conditionally-allowed uses in Minor Mixed-Use Corridor zone. The alcohol sales use would continue to be accessory to the existing restaurant use in an established commercial area. The addition of live entertainment, while increasing the potential for morphing, will also be accessory to the restaurant use. Beer and wine will only be available with the sale of food. The census tract in which the restaurant is located is not considered over-concentrated with regard to on-sale alcohol licenses and the Police Department has classified the establishment as Medium Risk.

Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2024-21 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 2024-21 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. 2024-21 CUP, dated 10/17/2024)
4. Public Hearing Notice (Sent to 475 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. Institute for Public Strategies Comments
8. Community Meeting

RESOLUTION NO. 2024-19

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 CONDITIONAL USE PERMIT FOR THE ADDITION OF LIVE ENTERTAINMENT AND EXPANSION OF APPROVED OPERATING HOURS FOR BEER AND WINE SALES (ABC TYPE-41) AT AN EXISTING RESTAURANT (MARISCOS EL TIBURON)
LOCATED AT 543 HIGHLAND AVENUE
CASE FILE NO. 2024-21 CUP
APN: 556-311-05-00

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales and live entertainment at an existing restaurant (Mariscos El Tiburon) located at 543 Highland Avenue. At a duly advertised public hearing held on November 18, 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. 2024-21 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 18, 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 Alcohol sales and live entertainment 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. It is incidental to the existing restaurant use in a mixed-use area.

2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code permits alcohol sales and live entertainment,

subject to a CUP, 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 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 food service.

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. Live entertainment will be limited to acceptable hours and to levels of noise that will not disturb surrounding residential uses.

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 restaurant, a permitted use in the Minor Mixed-Use Corridor zone, will benefit from the extended sale of alcohol and live entertainment by providing for a wider diversity of businesses that add charm 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 live entertainment and 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 and live entertainment at an existing restaurant (Mariscos El Tiburon) located at 543 Highland Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024.21 CUP, dated 10/17/2024.
2. This resolution shall supersede Planning Commission Resolution No. 18-87.
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 41 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. 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.
9. The sale of alcoholic beverages shall only be permitted between the hours of 9:00 a.m. and 11:00 p.m. Sunday to Thursday and 9:00 a.m. and 12:00 a.m. Friday and Saturday.
10. Live entertainment shall only be permitted between the hours of 4:00 p.m. and 11:30 p.m. Friday and Saturday and between 4:00 p.m. and 10:00 p.m. on Sunday.
11. 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 the Planning Manager or designee or other 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.
12. Alcohol shall be available only in conjunction with the purchase of food.
13. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
14. Live entertainment shall be conducted as an accessory use to the restaurant for the enjoyment of its customers. No advertisement promoting a particular performer or event shall be distributed outside the restaurant.
15. All entry and exit doors, including windows, shall remain closed during inside live entertainment activities.
16. All activities shall comply with the noise limits contained in Table III of Title 12 of the National City Municipal Code.
17. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division.
18. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

19. 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 November 18, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

CHAIRPERSON

RESOLUTION NO. 2024-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR THE ADDITION OF LIVE ENTERTAINMENT AND EXPANSION OF APPROVED OPERATING HOURS FOR BEER AND WINE SALES (ABC TYPE-41) AT AN EXISTING RESTAURANT (MARISCOS EL TIBURON) LOCATED AT 543 HIGHLAND AVENUE
CASE FILE NO. 2024-21 CUP
APN: 556-311-05-00

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales and live entertainment at an existing restaurant (Mariscos El Tiburon) located at 543 Highland Avenue. At a duly advertised public hearing held on November 18, 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. 2024-21 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 18, 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 extension of the hours that alcohol is served, in addition to live entertainment, may increase the propensity for over-consumption of alcohol and increase the potential for impacts to the surrounding area.

2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for live entertainment and 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 November 18, 2024, by the following vote:

AYES:

NAYS:

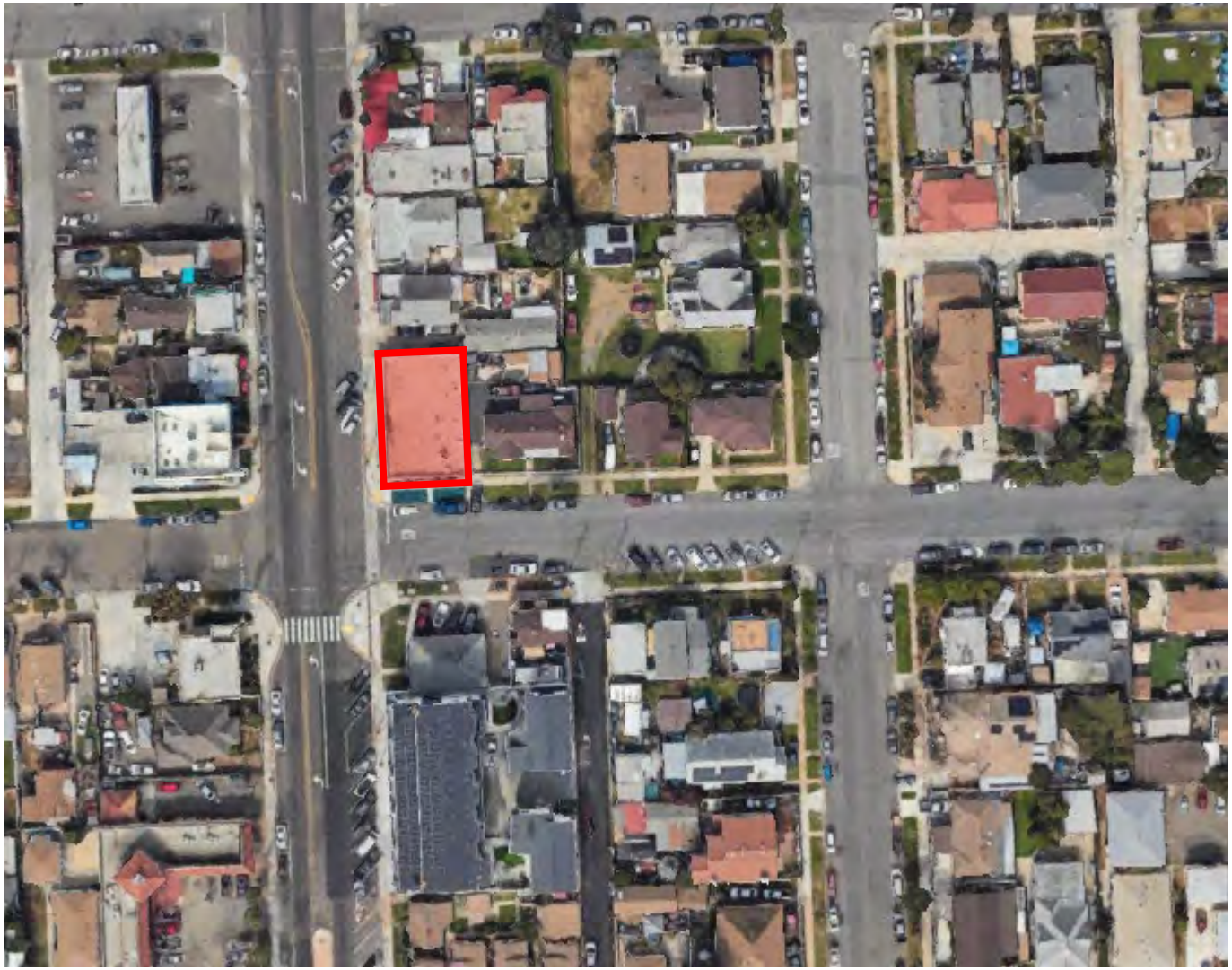
ABSENT:

ABSTAIN:

_____

CHAIRPERSON

2024-21 CUP – 543 Highland Avenue – Overhead



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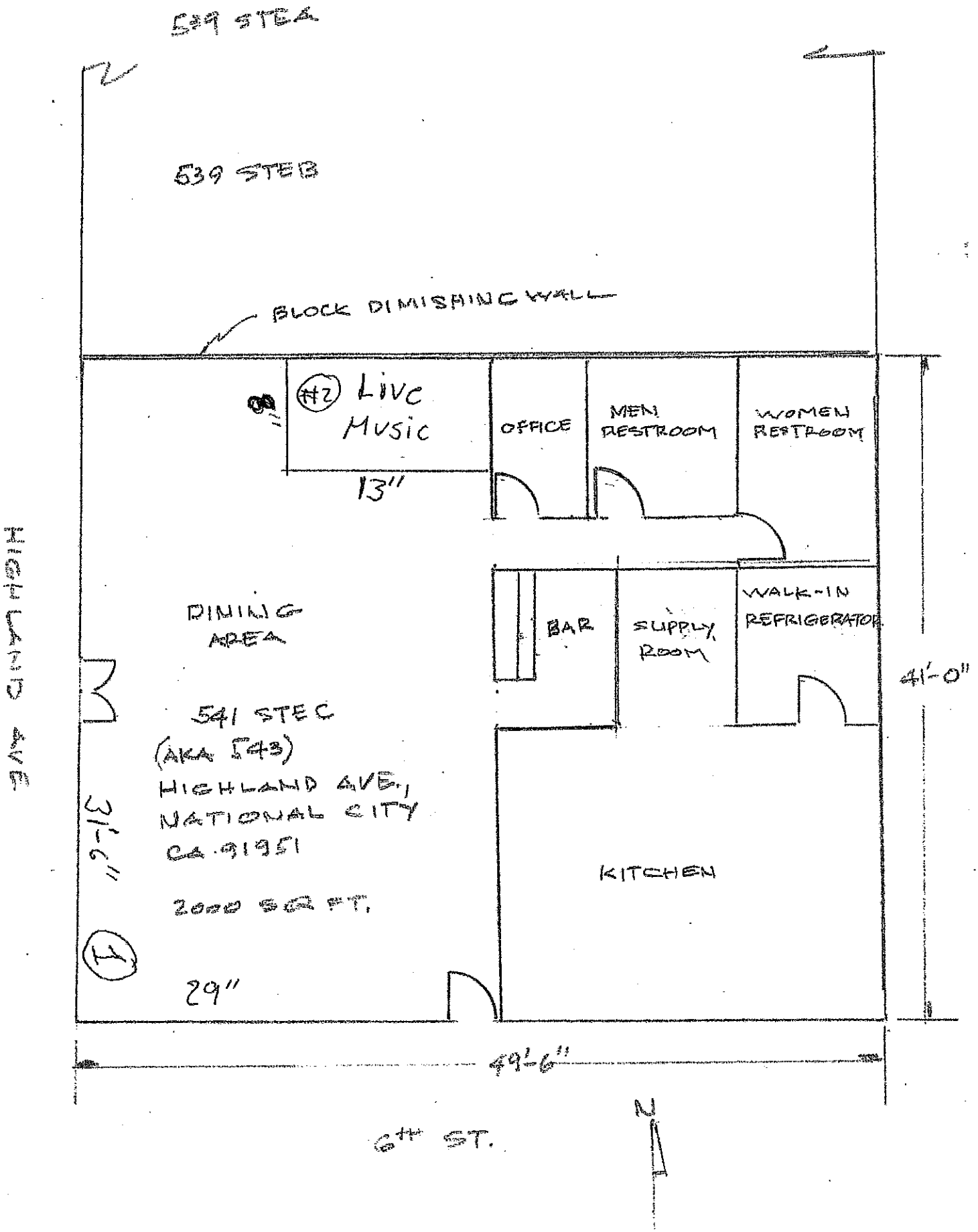
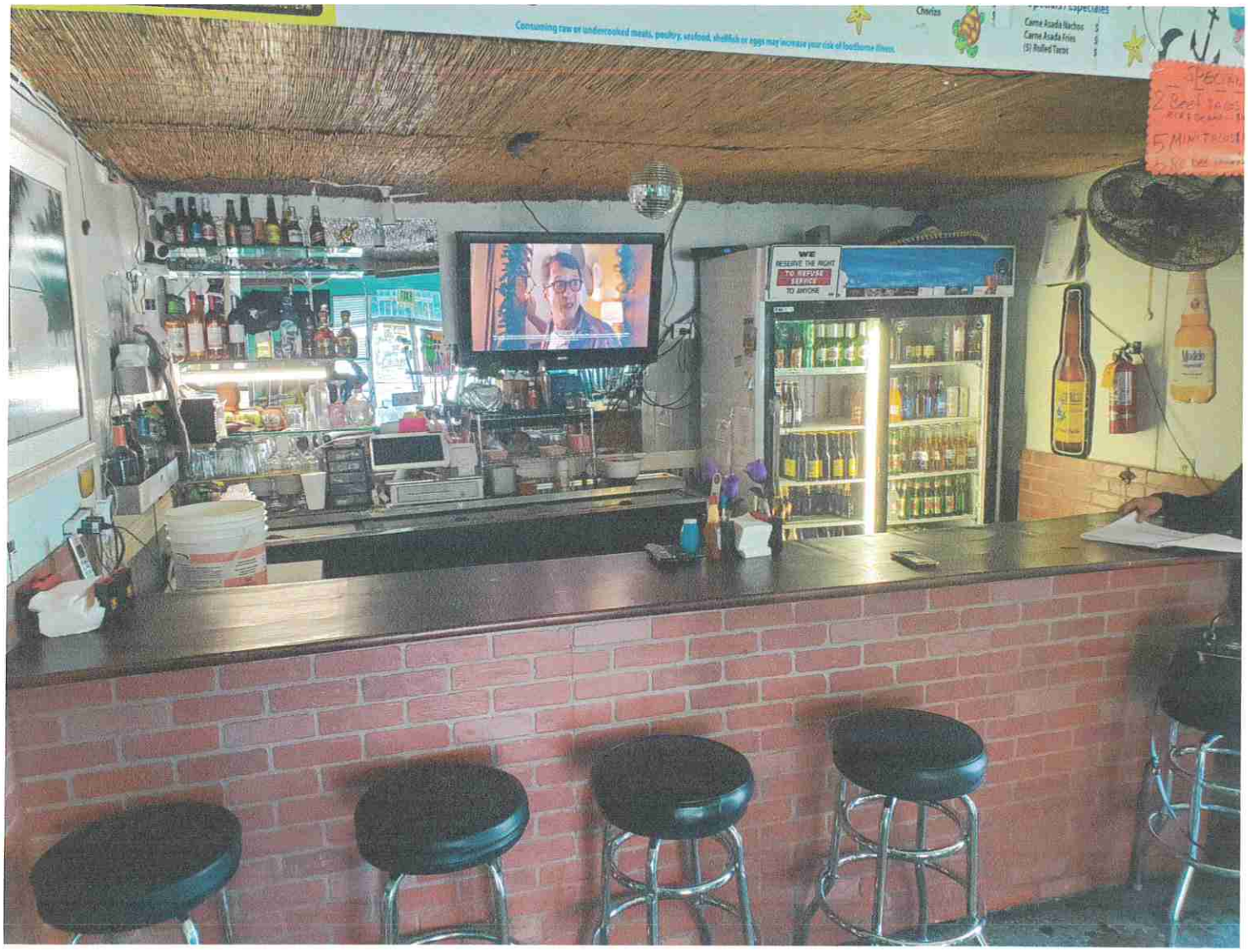

539 STEA
539 STEB
BLOCK DIMISHING WALL
#2 Live Music
13"
OFFICE
MEN RESTROOM
WOMEN RESTROOM
WALK-IN REFRIGERATOR
BAR
SUPPLY ROOM
DINING AREA
41'-0"
541 STEC
(AKA 543)
HIGHLAND AVE.,
NATIONAL CITY
CA. 91951
2000 SQ FT.
31'-6"
KITCHEN
#1
29"
49'-6"
6TH ST.
N
HIGHLAND AVE

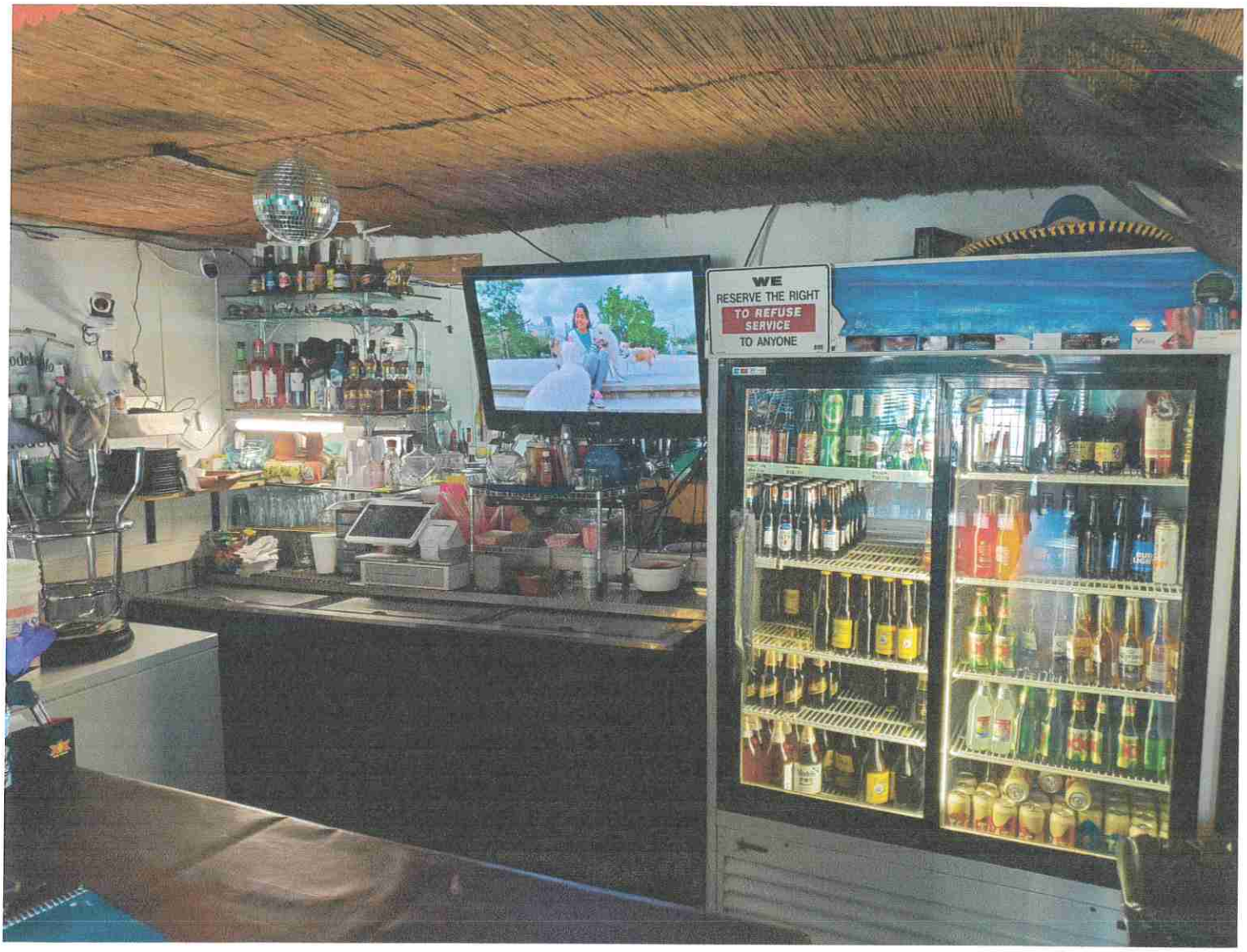
EL TIBURÓN
EL TIBURÓN
Mexican & Seafood Restaurant

EL TIBURÓN

Angelique's
Beauty Salon
EL TIBURÓN
Mexican & Seafood Restaurant
MEXICAN FOOD & BREAKFAST SERVED DAILY

EXIT
EXIT


Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.
Chorizo
Carne Asada Nachos
Carne Asada Fries
(5) Rolled Tacos
WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE


WE
RESERVE THE RIGHT
TO REFUSE
SERVICE
TO ANYONE

Modelo
PACIFICO
CLARA
CARTA BLANCA
CARTA BLANCA
PACIFICO
BALLENA
12/32oz
Victoria
DOS EQUIS
BUD LIGHT
BUD LIGHT
Corona
Familiar
Corona
Familiar
SMIRNOFF
ICE

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 ADDITION OF LIVE ENTERTAINMENT AND EXPANSION OF APPROVED OPERATING HOURS FOR BEER AND WINE SALES (ABC TYPE-41) AT AN EXISTING RESTAURANT (MARISCOS EL TIBURON) LOCATED AT 543 HIGHLAND AVENUE

CASE FILE NO.: 2024-21 CUP

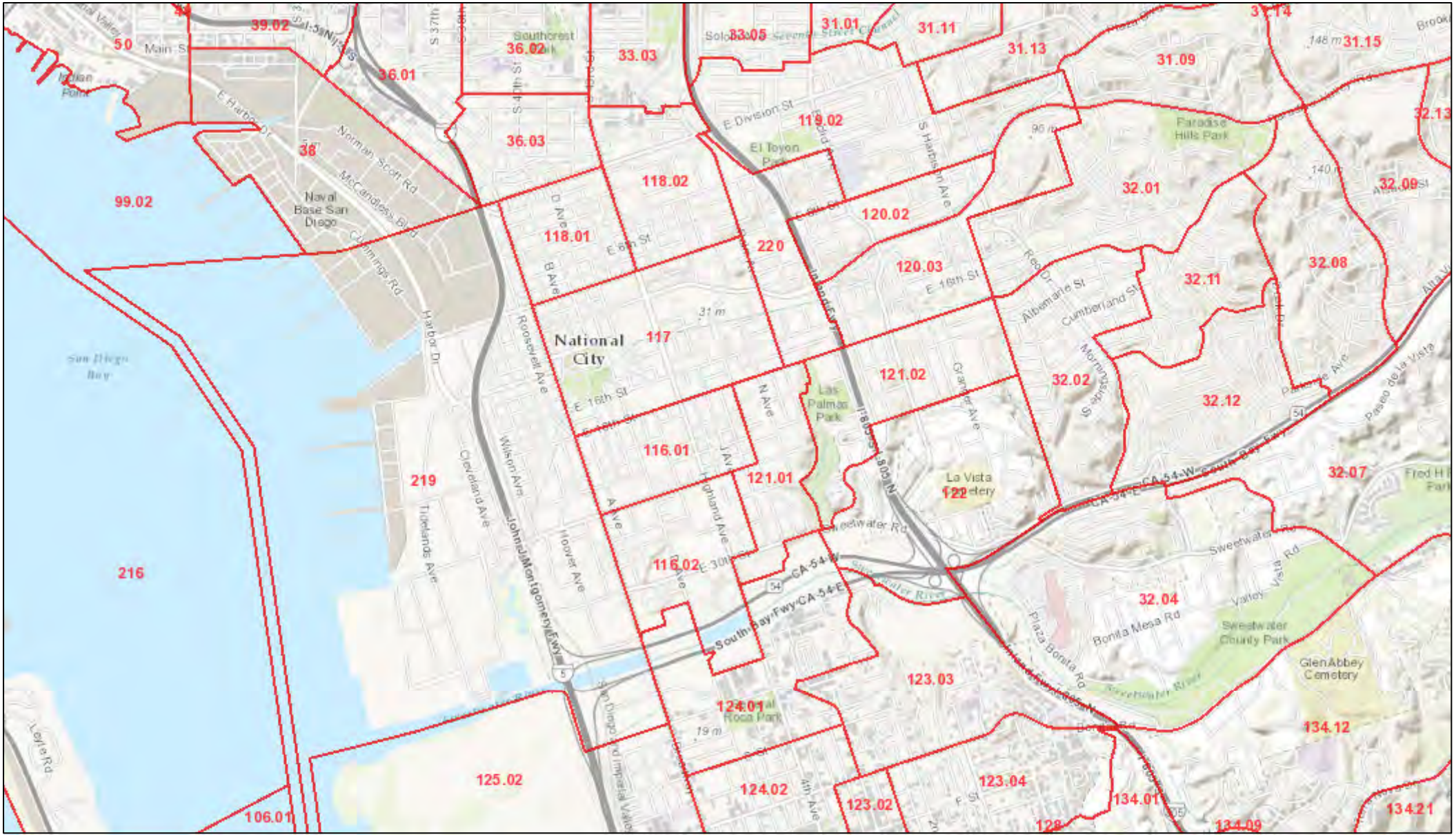
APN: 556-311-05-00

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday**, **November 18, 2024**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Socorro Vazquez)

The restaurant has an approved Conditional Use Permit for incidental beer and wine sales with hours ending at 9 p.m. Monday to Thursday and 10 p.m. Friday to Sunday. The applicant is requesting operating hours of 9 a.m. to midnight Monday to Thursday and 9a.m. to 2a.m. Friday to Sunday. The applicant is also requesting live entertainment from 4 p.m. to 1 a.m. Thursday to Sunday. 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., **November 18, 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

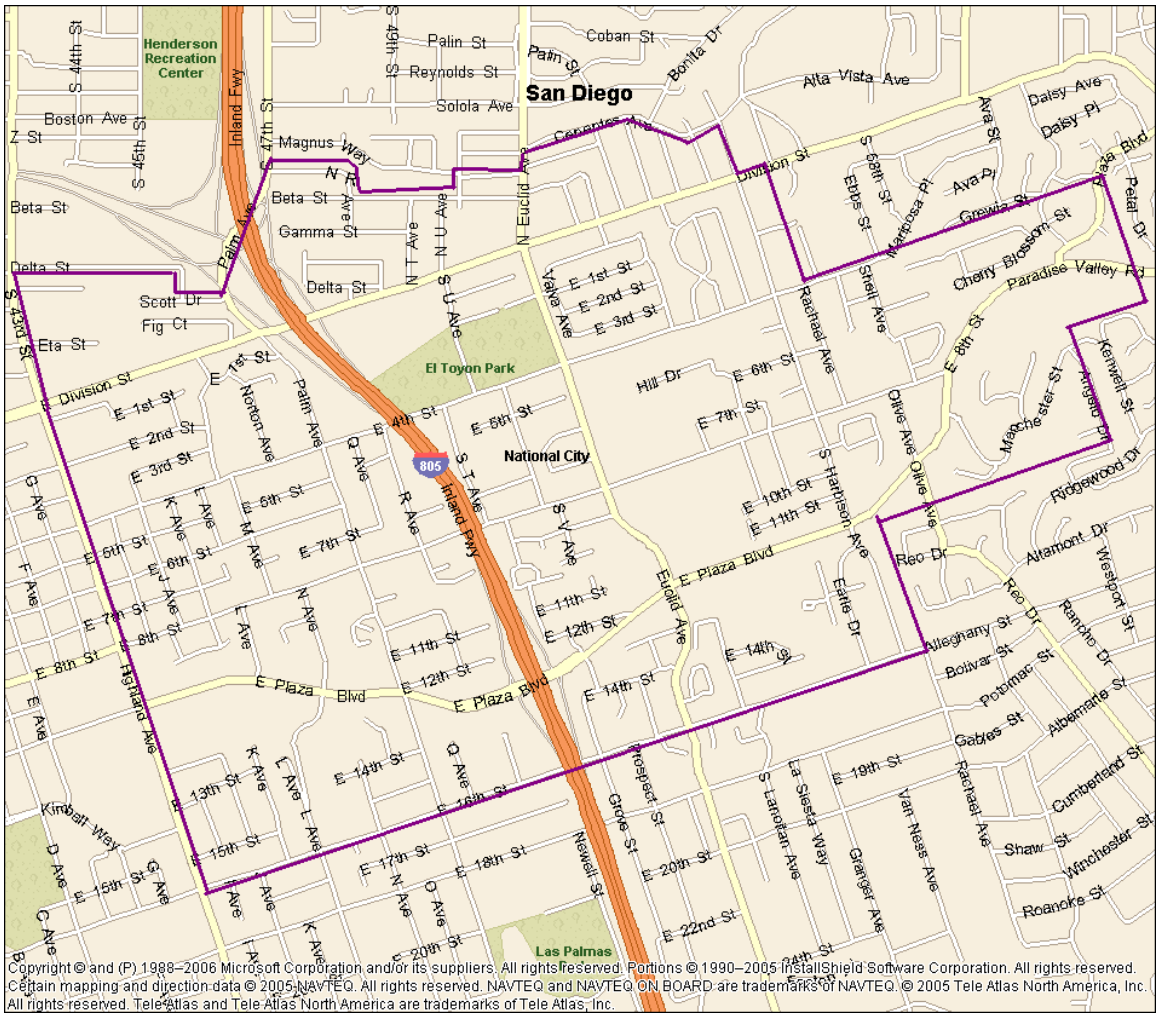
1:45,467

0 0.375 0.75 1.5 mi

0 0.5 1 2 km

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

ATTACHMENT 5



City of National City
Beat 21

Source: Microsoft Mappoint
NCPD CAU, 4/18/07

NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 10/30/24

BUSINESS NAME: Mariscos El Tiburon

ADDRESS: 543 Highland Avenue, National City, CA 91950

OWNER NAME: Socorro Vasquez DOB: REDACTED

OWNER ADDRESS: REDACTED

(add additional owners on page 2)

I. Type of Business
- ✓ Restaurant (1 pt)
- Market (2 pts)
- Bar/Night Club (3 pts)
- Tasting Room (1pt)

II. Hours of Operation
- Daytime hours (1 pt)
- Close by 11pm (2 pts)
- ✓ Close after 11pm (3 pts)

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

IV. Crime Rate
- Low (1 pt)
- ✓ Medium (2 pts)
- High (3 pts)

V. Alcohol Businesses per Census Tract
- ✓ Below (1 pt)
- Average (2 pts)
- Above (3 pts)

Notes:

- Currently, there are (9) on sale licenses authorized in tract 118.02
- Currently, there are (1) active on sale licenses in tract 118.02 and one pending active on sale license in tract 118.02
- Currently, there are (4) off sale licenses authorized in tract 118.02
- Currently, there are (5) off sale licenses active in tract 118.02

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)

VIII. Owner(s) records check

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

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 14

OWNER NAME: Kathy Dahms - MMM Limited Partnership DOB: _____
OWNER ADDRESS: 19425 Soledad Canyon Road #338, Canyon Country, CA 91351

OWNER NAME: _____ DOB: _____
OWNER ADDRESS: _____

Recommendation:

This location is assessed as a medium risk. The location is located next to several residences and noise pollution made be a consideration for surrounding residences. During the proposed hours of live entertainment, the business operates more akin to a bar than a restaurant during the later evening hours from my personal experience from responding to calls for service at the location. Even accessing the business as a bar, it still accesses as a medium risk.

Completed by: Sergeant Joseph Camacho Badge ID: 449

Revised: 8/16

Environmental Scan
Conditional Use Permit (CUP) for live entertainment and extended hours for alcohol sales (Beer & Wine) at an existing restaurant

543 Highland Ave., National City, CA 91950
Conducted: October 23, 2024

Photo of the proposed location

An environmental scan was conducted at 11 a.m. on Wednesday, October 23, 2024, for live entertainment and extended hours for alcohol sales (Beer & Wine) at an existing restaurant. The location is surrounded by other commercial uses on Highland Ave., and the streets perpendicular to Highland behind the business are residential. There is also a multiple-story apartment complex at 611 Highland Avenue, approximately 200 feet away. The business was closed at the time the environmental scan was conducted.

Proposed hours
Live Entertainment: Thursday through Sunday from 4 p.m. to 1 a.m
Alcohol Sales: Monday, Tuesday, and Thursday from 9 a.m. to 12:00 a.m. and Friday through Sunday from 9:00 a.m. to 2:00 a.m.

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

- Graffiti on the side of the business facing Highland Avenue.
- Restaurant signage on the building is tattered, faded and generally not well maintained.
- Two other restaurants within 250 feet.

Youth Sensitive Areas/Other Vulnerable Locations

La Maestra Community Health Center (approximately 1,050 feet away)
Central Elementary (approximately 3,000 feet away)
Chuck E. Cheese (approximately 3,000 feet away)

Churches

San Diego Spanish Seventh Day Adventist Church (approximately 2,600 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 or incidents in the area have occurred that would discourage allowing live entertainment and extended hours of alcohol sales.

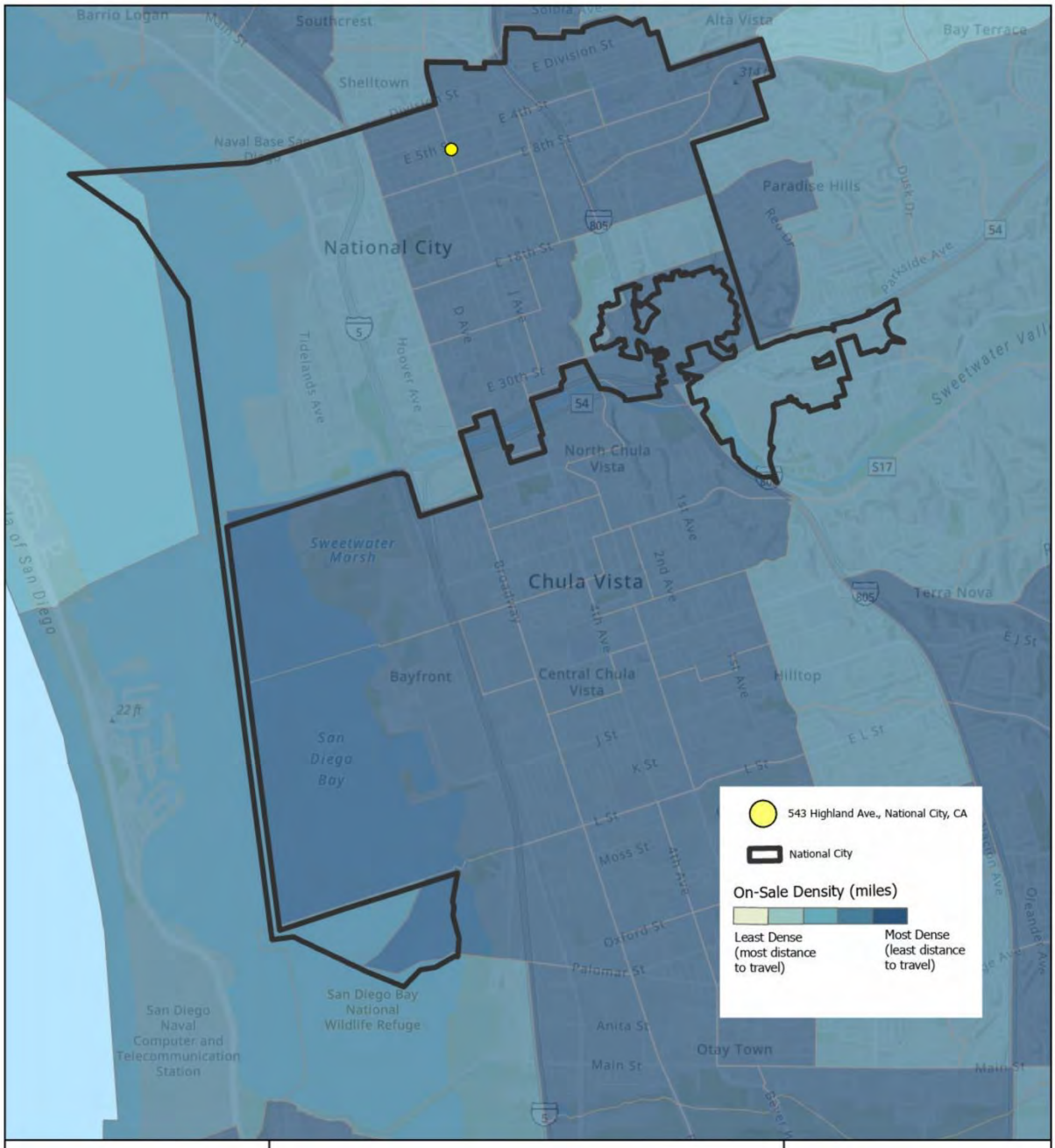
Online Reviews

- Lack of parking
- Google page indicates live music and karaoke are already offered
- Blasting music until 2 a.m. every weekend (5 months ago)
- Kitchen closed at 9:30 a.m. while hours posted as open until 2 a.m. (6 months ago)
- Music blares through neighborhood all day (1 year ago)
- Placed an order online, then told no food served at establishment (1 year ago)

Community Input

Local business owner: Over the past 5-6 years, has seen numerous fights at the location. Reported that restaurant management shuts the establishment down when there is a fight. Also observes restaurant staff frequently removing trash from the front of the location.

Nearby community resident: Stated she was surprised to learn the applicant is currently applying for live entertainment because she has regularly heard loud music coming from the location at all hours for several years. Stated she regularly sees alcohol bottles, food waste and other trash all around the location, and this is of greater concern to her than the noise.



IPS SOUTH BAY

BUDI BINGE & UNDERAGE DRINKING INITIATIVE

On-Sale Alcohol Density
Census Tract 118.02
543 Highland Ave., National City, CA

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

Data from ABC as of 4/30/2024
Map produced 10/18/2024

N

0 0.25 0.5 1 Miles

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."

Considerations

The following are considerations:

1. Require that staff and management attend an in-person Responsible Beverage Sales and Service training.
2. Require an ID scanner to prevent sales to underage youth.
3. To prevent the establishment from transforming into a night club, which could increase crime and nuisance problems, require that the restaurant always provide breakfast, lunch and dinner and have hours of operation end by 12:00 am daily.
4. Require that the establishment must submit receipts as evidence of food sales offered along with alcohol before annual renewal of license.

MARISCOS EL TIBURON

September 24, 2024

Socorro Vazquez
Mariscos El Tiburon
543 Highland Ave
National City CA 91950

Dear National City Community Members,

My name is Socorro Vazquez, I am the owner of the restaurant Mariscos El Tiburon right on Highland Ave National City. I would like to invite you all to meet at my business on Wednesday October 02, 2024 at 9am in which we will discuss our new plans for my business.

I am excited to extend our food Service hours from 7am to 1am Monday to Sunday and i will also be adding live music Fridays-Sundays 4pm to 1am, this will include live bands and karaoke nights.

Please join me and my Family to answer any of your questions and concerns regarding my plan of action.

Sincerely yours,

Socorro Vazquez

[redacted]

Publicaciones Fotos Reels

Mariscos El Tiburon está con **Juan Nieves** y **70 personas más** en **Mariscos El Tiburon**.

19 h ·

Mariscos El Tiburon Mariscos El Tiburon y nuestra familia le hace la invitación a nuestra junta que te daremos el 10-02-2024 a las 9am para ablar de nuestro nuevo proyecto de comida kareoke y Musica en vivo nos interesa su opinión para dar un buen servicio a todos nuestros clientes y vecinos de Maris... Ver más

MARISCOS EL TIBURON

[redacted]

[redacted]

Dear National City Community Members

My name is Socorro Vazquez, I am the owner of the restaurant Mariscos El Tiburon right on Highland Ave National City. I would like to invite you all to meet at my business on Wednesday October 02 2024 at 9am in which we will discuss our new plans for my business.

I am excited to extend our food Service hours from 7am to 1am Monday to Sunday and I will also be adding live music Fridays Sundays 4pm to 1am. this will include live bands and karaoke nights.

Please join me and my family to answer any of your questions and concerns regarding my plan of action.

Sincerely yours

Socorro Vazquez

[redacted]

Item no. 5
November 18, 2024

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

PLANNING COMMISSION STAFF REPORT

Title:	REQUEST TO INITATE A GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR A PROPERTY LOCATED AT 3040 EAST 16TH STREET AND NEIGHBORING PARCELS TO CHANGE THE ZONING FROM RS-2 TO MXC-1
Case File No.:	2024-18 GPA, ZC
Location:	3040 East 16th Street, et al.
Assessor's Parcel Nos.:	558-162-18, 558-220-06, 558-220-07, 558-220-35, 558-220-42
Staff report by:	David Welch, Associate Planner
Applicant:	Sushmitha Kudari
Zoning designation:	Small Lot Residential (RS-2)
Adjacent use and zoning:	
North:	Single-Family Residential (RS-2)
East:	Single-Family Residential and Office (RS-2)
South:	Single and Multi-Family Residential in Minor Mixed-Use Corridor (MXC-1)
West:	Single-Family Residential (RS-2)
Environmental review:	Categorically exempt from environmental review pursuant to Class 6, Section 15306 (Information Collection)
Staff recommendation:	Initiate the General Plan Amendment and Zone Change

Staff Recommendation

Staff recommends the initiation of the proceedings to amend the land use designation to change the subject properties from Low-Medium Density Residential to Medium, Mixed-Use, and to change the zoning designation from RS-2 to MXC-1 in order to develop a medium-density multi-family residential project.

Executive Summary

The applicant is proposing to develop the property at 3040 East 16th Street with a five-unit multi-family residential building. The proposed development requires the existing single-family zoning to be changed to a zone that permits multi-family dwellings. For consistency with the existing development pattern and zoning in the area, the applicant has included neighboring properties with this request. This type of change requires a General Plan Amendment (GPA) and Zone Change (ZC), which is initiated by the Planning Commission. The developer has applied for and is requesting the initiation.

Site Characteristics

The applicant intends to develop a 0.45 acres property located in the Small Lot Residential (RS-2) zone at 3040 East 16th Street. The block of East 16th Street, between South Lanoitan Avenue and Rachael Avenue, is unique in that it is bounded to the south by an undeveloped or "paper" street, East 17th Street. The applicant's property is 66 feet wide and 295 feet deep, but has no useable right-of-way access at the rear. Most of the properties with frontage along East 17th Street have not made the necessary dedications for the right-of-way to be improved making it infeasible to utilize this frontage. In addition, the applicant's property and the surrounding area generally slopes up to the east and down toward East 17th Street. The front of the applicant's property is also a few feet higher than East 16th Street.

In addition to the applicant's property, four neighboring properties in the RS-2 zone are included in the request for the Zone Change. The purpose for the inclusion is for consistency with the requested zone, Minor, Mixed Use Corridor (MXC-1), and the creation of a cohesive district. All properties are also in close proximity to MTS bus stops at East 16th and South Harbison Avenue, which contribute to potential corridor development. Each property is currently occupied by a use that would currently be considered non-conforming in the RS-2 zone. The additional properties are as follows:

- 3042-3046 East 16th Street

- 3102-3104 East 16th Street
- 3106-3108 East 16th Street
- 1540 South Harbison Avenue

3042-3046 East 16th Street and the adjacent 3102-3104 East 16th Street are currently occupied by multi-family residential buildings, which are not permitted within the RS-2 zone. The structures are considered legal, non-conforming. The applicant's property is adjacent to 3042-3046 East 16th Street and is proposed to have a similar development. 3102-3104 East 16th Street is also occupied by a legal, non-conforming multi-family residential use, which takes up the majority of the lot. 3106-3108 East 16th Street is a mixed-use property with a legal, non-conforming liquor store with attached housing unit. 1540 South Harbison Avenue is across East 16th Street from the other properties and is occupied by a legal, non-conforming preschool. The applicant's proposal for a zone change would expand an existing MXC-1 district to the south of the aforementioned properties across the undeveloped East 17th Street right-of-way. The current boundaries of this district is East 17th Street to the north, Rachael Avenue to the east, East 19th Street to the south, and Interstate 805 to the west.

Proposed Use

The applicant intends to construct a five-unit, multi-family dwelling on the property located at 3040 East 16th Street. Multi-unit dwellings are not permitted in the RS-2 zone and the applicant is requesting a General Plan Amendment to the Medium, Mixed-Use designation and a Zone Change to the MXC-1 zone, which would permit the use. Should the property be re-zoned, the development would need to conform to all applicable standards of the zone as well as other applicable codes. Of note, the Fire Department has identified requirements related to fire access that would restrict the location and height of proposed structure on the site. The applicant is only proposing a two-story building with five units to comply with comments provided by the Fire Department. No additional development is proposed for the other four properties in this request. However, the change in zoning could potentially allow for additional land uses or future development proposals in conformance with the standards of the proposed zone.

Analysis

When deciding to initiate a General Plan Amendment and Zone Change, the Planning Commission must take into account the surrounding land uses and neighborhood makeup, as well as consistency with the General Plan and other governing documents.

There are relatively few properties in the project area and surrounding blocks which are developed with uses other than single-family residential. To describe the neighborhood makeup, it would be helpful to look at the densities of the properties within their existing use categories starting with the predominant land use: single-family residential. Staff examined several blocks including and adjacent to the project area and had the following findings:

- The south side of East 16th Street, between South Lanoitan Avenue and Rachael Avenue, has an average lot size of 14,003 square feet resulting in a density of 3.1 dwelling units per acre. The block face is currently zoned RS-2.
- The north side of East 18th Street, between South Lanoitan Avenue and Rachael Avenue, has an average lot size of 13,607 square feet resulting in a density of 3.2 dwelling units per acre. The block face is currently zoned MXC-1.
- The north side of East 16th Street, between South Lanoitan Avenue and Rachael Avenue, has an average lot size of 8,471 square feet resulting in a density of 5.3 dwelling units per acre.
- The block comprised of the east side of Earle Drive and the west side of Harbison Avenue has an average lot size of 8,921 square feet resulting in a density of 5 dwelling units per acre.
- The east side of Harbison Avenue, between East Plaza Boulevard and East 16th Street has an average lot size of 17,368 square feet resulting in a density of 2.5 dwelling units per acre.

The land use designation Low-Medium Density Residential allows for residential development of up to nine dwelling units per acre. The current development pattern in the area, excluding multi-family and commercial uses, conforms with, and is below, the prescribed density of this General Plan designation as well as the standards of the RS-2 zone. The RS-2 zone generally allows one single-family residence per lot, although State law provides for opportunities to add up to three additional units.

There are relatively few properties occupied by commercial uses within the area. These include the liquor store and preschool within the area proposed for the Zone Change, a small office property located at the corner of East 16th Street and Rachael Avenue, and another liquor store and SDG&E substation located on

South Lanoitan Avenue, between East 17th Street and East 18th Street. Most commercial land uses in the area are located half a mile to the north along East Plaza Boulevard. It is notable that the applicant's proposal would incorporate two of the three commercial properties within the RS-2 zone within the proposed Zone Change. Should this area be rezoned, they would also comply with the maximum floor area ratio requirement.

Finally, the area also has a few properties that are currently occupied by multi-unit residential properties. The only existing multi-family properties in the RS-2 zone with three or more units are included in the proposed area for the Zone Change. Approximately seven properties along East 18th Street in the MXC-1 zone have at least three units. The General Plan land use designation for this area, Medium-Mixed Use, as well as the zone district allow for up to 48 dwelling units per acre. The site with the most units and the highest density in the area is located at 3103-3107 East 18th Street with 24 units and a density of 29 dwelling units per acre. This development is within the existing MXC-1 zone and below the permitted density. The two multi-family properties proposed within the zone change area have six and seven units and range from 14 to 15 dwelling units per acre. The applicant's proposed project would have a density of approximately 11 dwelling units per acre.

While the existing density of the surrounding blocks is much lower than most of National City, the applicant's proposal is unique in that it intends to incorporate properties that are inconsistent with their current zone district, the RS-2 zone. The City has already, through the General Plan and Zoning Map, established a Minor, Mixed-Use Corridor district in the area that is heavily under-utilized from a development perspective. By adding five properties to this zone, there will be relatively little change to the overall character and makeup of the neighborhood.

General Plan

There are several General Plan Policies within the Housing and Land Use Elements that are pertinent to this proposal, specifically:

> **Policy H 1.1**: Provide an adequate supply of land zoned for residential development to meet the projected housing need.
>
> **Policy H 2.1**: Promote residential development on underutilized land and remove barriers to infill development.

Policy LU-2.1: Facilitate the development of a variety of housing types to meet the Regional Housing Needs Assessment allocations while enhancing the City's community character.

Policy LU 3.1: Support the creation and expansion of mixed-use, commercial, and higher density residential development in transit priority areas and along mixed-use corridors.

The applicant's property is currently vacant and lacks the street frontage that would be required for a subdivision consisting of multiple lots. The proposed Zone Change would allow for a medium density infill project on a property that would otherwise be undeveloped or underutilized and increase the amount of land in the City zoned for this type of housing. The area already has some diversity with regard to residential housing types as well as commercial buildings – there are apartment buildings, businesses, and single-family residences that comprise the area in which the project is located. Adjacent to the site to the east and south are medium density apartments. The proposed expansion of the MXC-1 district will help promote the viability of this district as well as allow for more development in close proximity to public transit.

Land Use Code

The conceptual site plan provided by the applicant lacks the information needed to review for conformance with all aspects of Land Use Code. However, the proposed project does conform with most of the development standards related to a multi-unit development within the MXC-1 zone. The one exception to this is the street wall requirement for new development, which is 75%. The applicant would not be able to meet this requirement while providing access to the property with a two-way driveway. The project could be revised to comply with the street wall requirement or the applicant has the options of pursuing a Zone Variance for the development proposal or utilizing California Density Bonus Law for relief from this standard.

California Environmental Quality Act (CEQA)

At this stage of the application process, the project is considered exempt from CEQA under Class 6, Section 15306 (Information Collection). This class includes (among others) basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes or as part of a study leading to an action, which a public agency has not yet

approved or adopted. If initiated, staff will perform the necessary environmental analysis as part of the full General Plan and zoning amendments.

Summary

The applicant's property is currently vacant and suitable for infill development. While the property could potentially be subdivided under the current zoning designation, the requested General Plan Amendment and Zone Change would allow for a multi-unit residential development on the property that is consistent with General Plan policies related to infill development and expanding housing opportunities. While the surrounding area is predominantly low density, single-family residential in character, the properties in close proximity to the applicant's property are consistent with the Minor, Mixed-Use Corridor zone district. The inclusion of the four neighboring properties with this request expands this district in a logical manner and provides for corridor development in close proximity to an existing transit route.

Options

1. Initiate proceedings to amend the land use designation to change the subject properties from Low-Medium Density Residential to Medium, Mixed-Use, and to change the zoning designation from RS-2 to MXC-1 in order to develop a medium-density multi-family residential project; or,

2. File the report and deny the request.

Attachments

1. Overhead
2. Site Photos
3. Map of Proposed Zone Change
4. Conceptual Site Plan

2024-18 GPA, ZC – 3040 East 16th Street, et al. – Overhead

N

Site Photos

Image 1: Aerial View of site and neighboring properties that would be affected by re-zone.

Image 2: Aerial View of site and neighboring properties that would be affected by re-zone.

Image 3: Aerial View of site and neighboring properties that would be affected by re-zone.

Image 4: 3D view of site and neighboring properties that would be affected by re-zone.

Image 5: 3D view of site and neighboring properties that would be affected by re-zone.

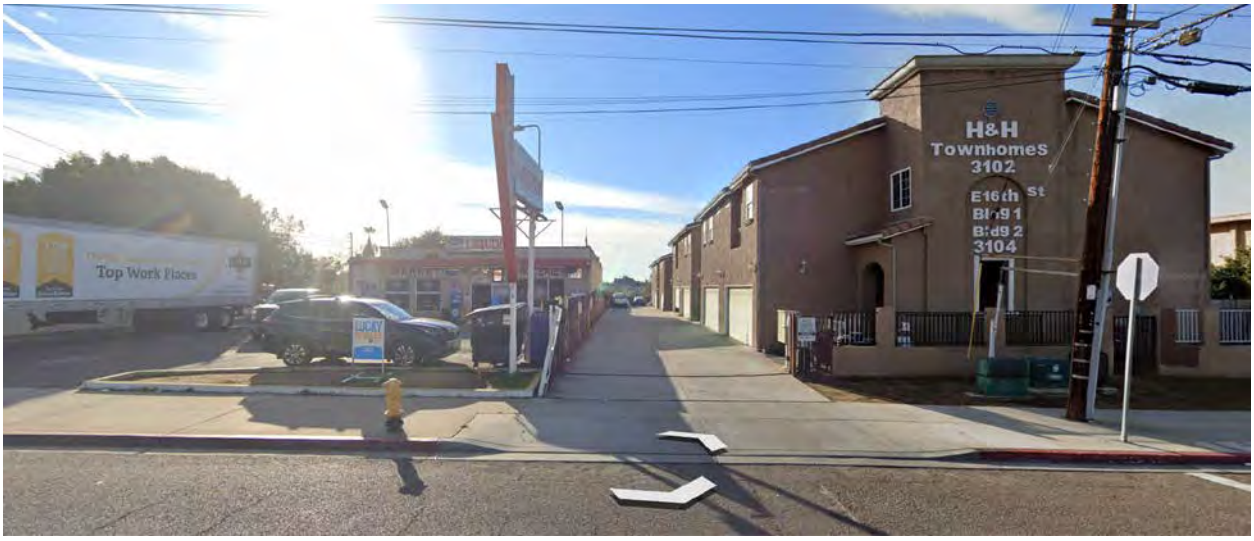


Image 6 (top) and 7 (bottom): Top -- Front view of H & H Townhomes and Imperial Liquor

currently legally non-conforming in RS-2 zoning. *Bottom* -- H and H townhomes and other multi-unit complexes next to 3040 E 16th.

Image 8: Front view of 3040 E 16th Street with RS-2 zoned neighbor.

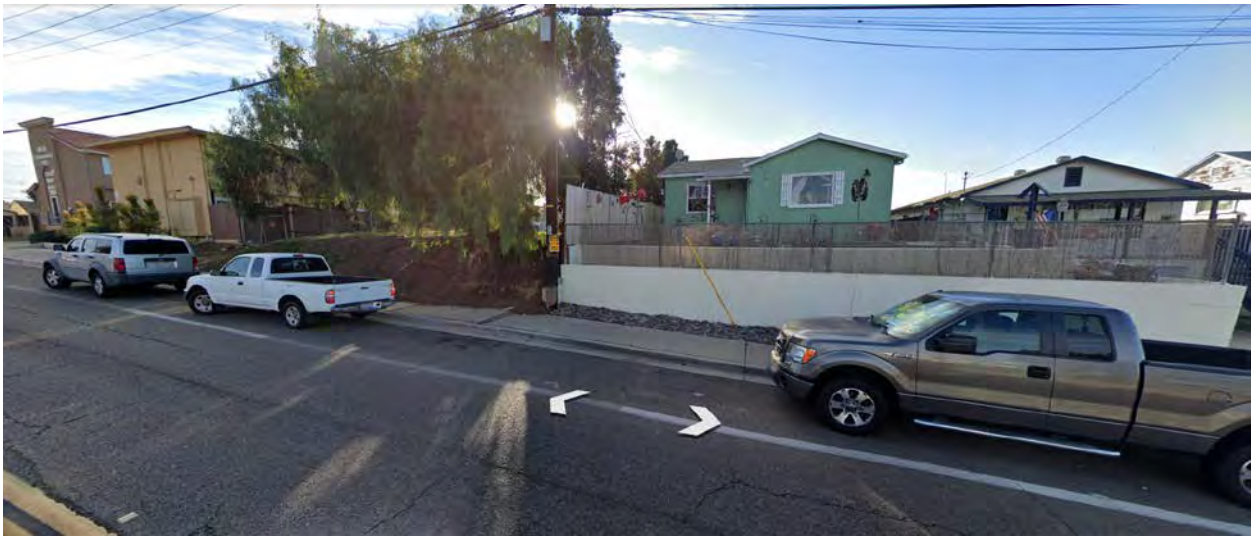
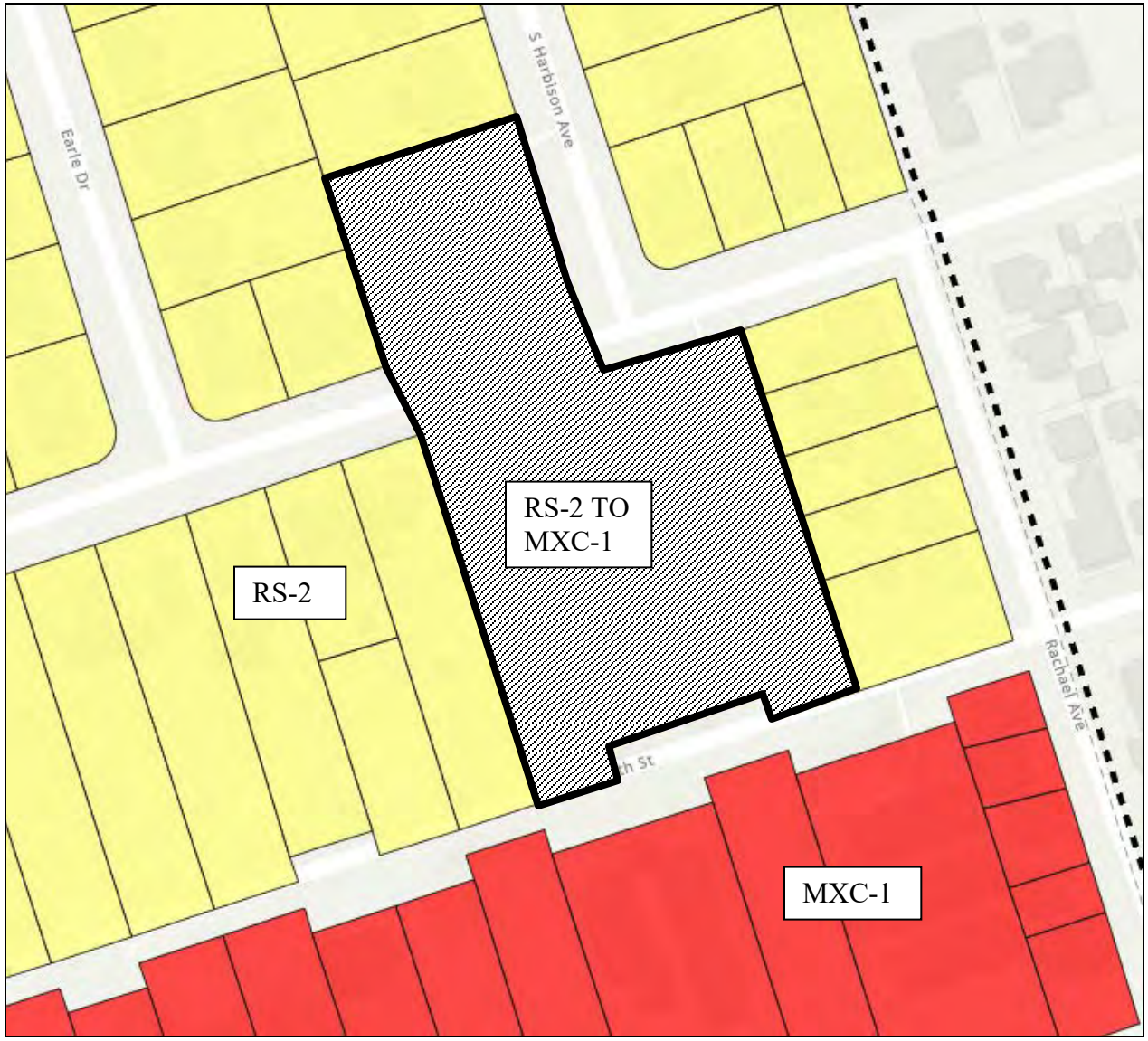


Image 9: ECS HARBISON HEAD START Preschool across the street from the proposed site.

Image 10: Parcel Map of 3040 E 16th and neighbors.

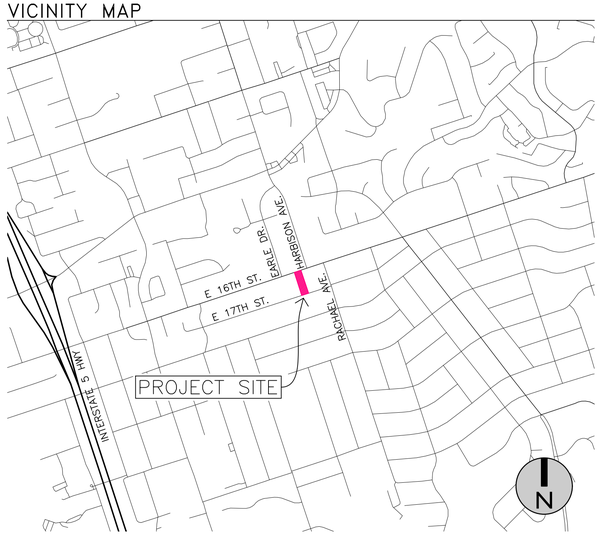
Alley
St
65'
301'
301'
64'
E 17th St
Rachael Ave
100 feet

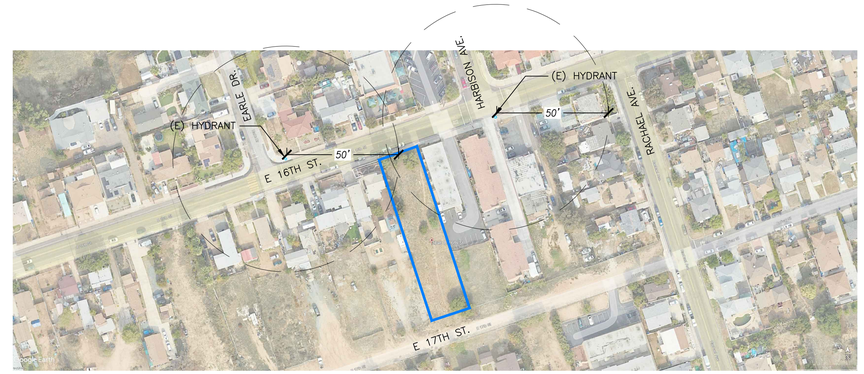
2024-18 GPA, ZC – 3040 East 16th Street, et al. – Map of Zone Districts



CONCEPTUAL SITE PLAN

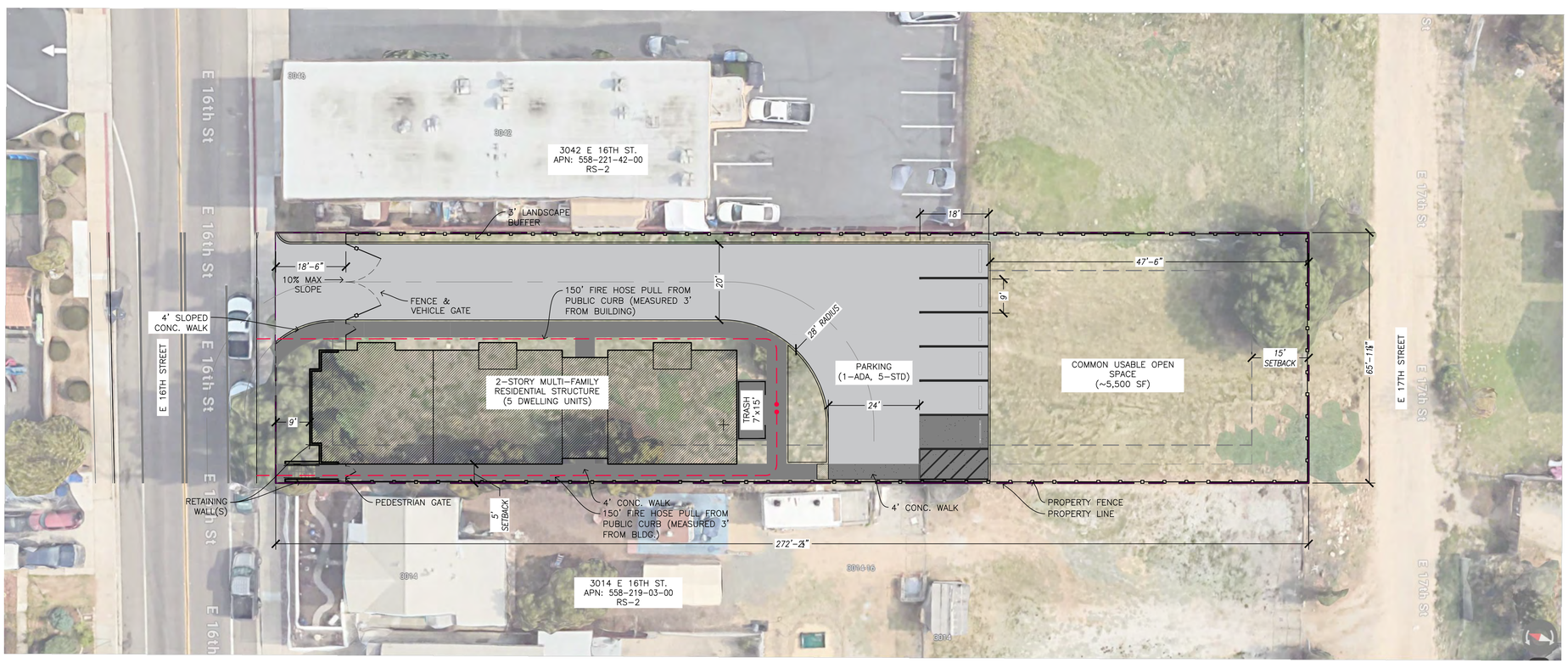
VICINITY MAP





HYDRANT LOCATIONS

SCALE AT USER136: N.T.S.



3041 E 16TH ST. SITE PLAN

SCALE AT ARCH EXPAND D (36.00 X 24.00 INCHES): 0 8 16 32 — 1/16" = 1'-0"

SHEET NOTES

PROPERTY INFORMATION

LOT INFORMATION

PARCEL ADDRESS:	3040 E 16TH ST.
CITY:	NATIONAL CITY (AHJ)
ZIP:	91950
COUNTY:	SAN DIEGO
APN:	558-220-35-00
LOT SIZE:	19,319 S.F. = 0.45 ACRES
ZONING TYPE:	RS-2 (SFM RESIDENTIAL)(1)

LOT COVERAGE

BUILDING FOOTPRINT:	3,348 S.F.
TOTAL DRIVEWAY/PARKING AREA:	5,724 S.F.
TOTAL HARDSCAPE AREA:	1,426 S.F.
TOTAL LOT COVERAGE AREA:	10,498 S.F. (54.3% of lot)

BUILDING INFORMATION

GROSS BUILDING AREA:	6,696 SQ FT
NET RENTABLE AREA:	5,356 SQ FT
OCCUPANCY GROUP:	R2

FOOTNOTES:
1. SCOPE INCLUDES CHANGE IN ZONING FROM RS-2 TO MXC-1

DEVELOPMENT STANDARDS (MXC-1):

PER NATIONAL CITY MUNICIPAL CODE
TABLE 18.21.040A MXC-1 BUILDING FORM AND PLACEMENT
ASSUMES MINIMUM 75% STREET WALL COVERAGE(1)

FRONT:	0'
SIDE:	SAME AS ADJACENT RS ZONE (5')
OTHER:	0'

MAX. BLDG. HGT.: SAME AS ADJACENT RS ZONE (35')
MAX. BLDG. STORIES: 3 (2 STORIES PROPOSED)
3RD STORY STEPBACK: 15' (FROM ADJACENT RS ZONE)
BUILDING SEPARATION: 6'
MAXIMUM DENSITY: NONE

18.41.040 – COMMON USABLE OPEN SPACE REQUIREMENTS

MIN. OPEN SPACE: 300 S.F./DU

7 DU X 300 SF =	2,100 SF
PRIVATE OPEN SPACE:	-700 SF
TOTAL OPEN SPACE REQ:	1,600 SF

TOTAL OPEN SPACE PROVIDED: 5,500 SF

18.44.090 – MIN. PERCENTAGE OF NET LOT AREA TO BE LANDSCAPED

THE MINIMUM AREA OF EACH SITE TO BE LANDSCAPED WITH TREES, SHRUBS, GROUNDCOVER, OR TURF LAWN SHALL BE TWENTY PERCENT OF THE NET SITE AREA:

19,319 SF * 0.20 = 3,864 SF

FOOTNOTES:
1. SCOPE INCLUDES REQUEST FOR WAIVER OF MIN. STREET WALL COVERAGE DUE TO NEED FOR FIRE APPARATUS ACCESS ROAD/DRIVEWAY.

BUILDING OVERVIEW:

1. APARTMENT UNIT COUNT: FIVE (5) UNITS TOTAL;
2. 2 STORIES; TYPE V-B CONSTRUCTION

BUILDING #1:

1st LEVEL:
(1) ONE 3-BED/3-BATH ADAPTABLE UNIT (2-STORY)
(2) ONE 2-BED/1-BATH ADAPTABLE UNIT

2nd LEVEL:
(2) ONE 2-BED/1-BATH UNIT

3. BUILDINGS SHALL BE EQUIPPED WITH A ROOF-MOUNTED PV SYSTEM IN COMPLIANCE WITH CALGREEN CODE FOR RESIDENTIAL BUILDINGS.
4. BUILDINGS SHALL BE EQUIPPED WITH A NFPA 13R AUTOMATIC SPRINKLER SYSTEM.
5. HVAC: SINGLE DUCTLESS ELECTRIC HVAC HEAT PUMP SYSTEM PER UNIT.
6. WATER HEATER: ELECTRIC TANK WATER HEATER PER UNIT.
7. LAUNDRY: IN-UNIT WASHER DRYER FOR ALL UNITS.

OAR WORKSHOP
ARCHITECTURE + PLANNING

SRIKANTH RAO
PMP, LEED AP, CASp
248-895-5026
OARWORKSHOP@GMAIL.COM

DESIGNER SIGNATURE:

[redacted]

Signed By: SRIKANTH RAO

DISCLAIMER

This drawing is provided for informational purposes only, unless signed and dated with proper approvals from the authority having jurisdiction (AHJ). OAR Workshop assumes no responsibility or liability for this drawing if used in construction without approval from the designer and AHJ. All dimensions, materials, products, and specifications should be verified prior to the start of construction. The contractor assumes all responsibility for understanding and applying the applicable codes and regulations that govern this work.

OWNER INFORMATION

KIRAN KUDARI
736 BLUESTONE CIRCLE
FOLSOM, CA 95630

DRAWING INFO

S.RAO
OCTOBER 17, 2024

REVISIONS

SITE PLAN

MULTI-FAMILY RESIDENCES
3040 E 16. ST. NATIONAL CITY, CA 91950

24.003

A-001

01 / 01

ATTACHMENT 4