

RESOLUTION NO. 2026-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 3 OF THE CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND APPROVING A CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC TYPE-41) AT A NEW RESTAURANT TO BE LOCATED AT 21 WEST 7TH STREET.

WHEREAS, the City Council of the City of National City considered a Conditional Use Permit for on-site beer and wine sales at a new restaurant to be located at 21 West 7th Street (APN 555-052-15); and

WHEREAS, at said public hearing the City Council considered the staff report contained in Case File No. 2025-27 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS, the Planning Commission of the City of National City considered the Conditional Use Permit application at a duly advertised public hearing held on February 2, 2026, at which time the Commission recommended approval of the Conditional Use Permit; and

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

NOW, THEREFORE, THE CITY COUNCIL OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby determines that the evidence presented supports the following findings:

1. That 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 are allowable within Development Zone 1B, 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 a new restaurant use in a mixed-use area.
2. That the proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code permits alcohol sales, subject to a CUP, which is consistent with the General Plan. In addition, a restaurant with alcohol sales is consistent with the Development Zone 1B land use designation contained in the Downtown Specific Plan.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the site is developed below the prescribed density in the specific plan and will be occupied by a small 2,090 square-foot clubhouse from which the restaurant will operate. The intensity of development was previously analyzed for Development Zone 1B at the time the Downtown Specific Plan was approved. The proposed alcohol sales would be incidental to the primary use of food sales.
4. That site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because only a small

EXHIBIT J

building is proposed for the use, which is below the prescribed intensity of uses for Development Zone 1B. The proposed alcohol sales would be incidental to the primary use of food sales.

5. That the granting of this Conditional Use 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. No live entertainment is proposed on site.
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 3, Section 15303 (New Construction or Conversion of Small Structures) 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 for a new restaurant to be operated out of a proposed 2,090 square foot commercial structure and the use is similar to other commercial uses in the area, which are permitted in Development Zone 1B.
7. That the proposed use is deemed essential and desirable to the public convenience or necessity, because the restaurant, a permitted use in Development Zone 1B, will benefit from the sale of alcohol by providing for a wider diversity of businesses that add to the character and vibrancy of the area.
8. Based on findings 1 through 7, the proposed use is deemed essential and desirable to the public convenience or necessity, because the restaurant, a permitted use in Development Zone 1B, will benefit from the sale of alcohol by providing for a wider diversity of businesses that add to the character and vibrancy of the area

Section 2: That the City Council hereby approves the Conditional Use Permit subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a new restaurant to be located at 21 West 7th Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2025-27 CUP, dated 11/11/2025.
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 or applicable law.
7. *Within four (4) days* of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the San Diego County Clerk and submitted to the National City Planning Department.

Planning

8. No alcohol sales or consumption shall be permitted until the applicant has been issued a Type 41 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 8:00 a.m. to 11:00 p.m. daily.
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. Permittee shall post signs in the dining area, including outdoor areas, indicating that alcoholic beverages must be consumed inside the designated area and may not be taken off-premises.
15. No live entertainment is permitted without modification of this CUP or issuance of a Temporary Use Permit.
16. All activities shall comply with the noise limits contained in Table III of Title 12 of the National City Municipal Code.
17. The operator shall provide a security guard on-site between the hours of 5 p.m. to 11 p.m. daily. The security guard shall be available to both patrol the site and, at the request of patrons, provide complimentary escorts to vehicles parked within a one block radius of the facility.
18. The operator shall maintain and operate on-site security cameras with the capability to monitor both on site activities and adjacent sidewalks on Roosevelt Avenue and West 7th Street. The presence of cameras shall be made known to passersby by the installation of visible signage.

19. The restaurant shall display language in plain sight that requests patrons to refrain from consuming alcohol prior to engaging in sports activities to reduce the risk of injuries or accidents.
20. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

21. 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.

Section 3: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 17th day of March, 2026.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Heidi Skinner, Interim City Attorney