

**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT FOR A DRIVETHROUGH FAST FOOD RESTAURANT TO BE LOCATED AT 1900 EAST PLAZA BOULEVARD CASE FILE NO. 2021-11 CUP APN: 557-420-31**

**WHEREAS**, the Planning Commission of the City of National City considered a Conditional Use Permit for a drive-through fast food restaurant to be located at 1900 East Plaza Boulevard at a duly advertised public hearing held on August 1, 2022, at which time the Commission denied the Conditional Use Permit; and,

**WHEREAS**, subsequent to the Planning Commission denial of the Conditional Use Permit, the applicant (“APPELLANT”) appealed the decision of the Planning to the City Council; and

**WHEREAS**, the City Council of the City of National City considered the appeal of the Planning Commission’s denial of the Conditional Use Permit at a duly advertised public hearing held on September 6, 2022, at which time oral and documentary evidence was presented; and,

**WHEREAS**, at said public hearing the City Council considered the staff report contained in Case File No. 2021-11 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

**BE IT FURTHER RESOLVED** that the City Council hereby denies the appellants’ appeal of and upholds the Planning Commission’s decision to deny Conditional Use Permit No. 2021-11 CUP for a drive-through fast food restaurant to be located at 1900 East Plaza Boulevard.

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of National City, California, that the evidence presented to the City Council at the public hearing held on September 6, 2022, support the following findings:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are four other drive-through eating places within a half-mile of the site: Dunkin' Donuts, McDonald's, Popeyes Louisiana Kitchen, and Starbucks.
2. 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 it would contribute to a concentration of unhealthy fast food eating places.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective, final, and conclusive on the day following the City Council meeting where this Resolution is adopted. The time within which judicial review of this decision may be sought is governed by the provisions of Code of Civil Procedures Section 1094.6.

PASSED and ADOPTED this 6<sup>th</sup> day of September, 2022.

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Alejandra Sotelo-Solis, Mayor

ATTEST:

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Luz Molina, City Clerk

APPROVED AS TO FORM:

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Barry J. Schultz  
Interim City Attorney