



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A TOBACCO SPECIALTY BUSINESS TO BE LOCATED AT 1635 SWEETWATER RD. STE. D

Case File No.: 2022-17 CUP

Location: Sweetwater Plaza shopping center on the north side of Sweetwater Road, between Grove Street and Prospect Street

Assessor's Parcel Nos.: 563-161-70

Staff report by: David Welch – Associate Planner

Applicant: Jessy Tooma

Zoning designation: Major Mixed-Use District (MXD-2)

Adjacent use and zoning:

- North: Single-family residential / San Diego County
- East: Sweetwater Plaza West shopping center / MXD-2
- South: Sweetwater Crossing shopping center / MXD-2
- West: Sweetwater Medical Plaza and National City Golf Course / MXD-2

Environmental review: 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.

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request to operate a tobacco specialty business, subject to the attached recommended conditions. A tobacco specialty business is a conditionally-allowed use within the MXD-2 zone.

Executive Summary

The applicant proposes to operate a tobacco specialty business within an existing 1,290 square-foot commercial suite. The previous business in the suite was a sports nutrition shop. The new business will be a retail store selling smoking and vaping products with two employees. Proposed hours of operation are 9:00 a.m. to 12:00 a.m. daily.

Site Characteristics

The project site is located in an existing shopping center along Sweetwater Road. The property is approximately 1.77 acres in size and houses a variety of business including restaurants, offices, personal services, and a tire shop. The suite is approximately 1,290 square feet in size and is within one of four multi-tenant buildings on the property. The area is mostly commercial in nature and the site is adjacent to two other multi-tenant commercial properties, Sweetwater Plaza West and Sweetwater Medical Plaza, as well as across Sweetwater Road from Sweetwater Crossings. The National City Golf Course is also across Grove Street to the west. To the north of the property there are single-family residences that are within unincorporated San Diego County.

Proposed Use

The applicant is proposing to sell tobacco products and paraphernalia in an existing 1,290 square-foot commercial retail suite. Proposed operation hours are 9:00 a.m. to 12:00 a.m. daily.

Analysis

Section 18.30.230 of the Land Use Code (LUC) allows for tobacco specialty businesses with an approved Conditional Use Permit (CUP). Additional requirements for a tobacco specialty business CUP include distance requirements, a restriction on the selling of alcohol or food, and a restriction on allowing minors on the premises without a parent or legal guardian.

Traditional tobacco products, such as cigarettes and cigars, are well-known to have harmful health effects. Newer products, such as electronic cigarettes used for vaping, may also be sold under a CUP for a tobacco specialty business. The

health effects of electronic cigarettes and similar products are a concern to the FDA due to the exposure to the risks of tobacco-related disease and death. In addition, safety problems have been reported including overheating, fires, and explosions, lung injuries, and seizure and other neurological symptoms. “A drastic increase in youth use of e-cigarette products in recent years” has led the FDA to increase prevention efforts.¹

The Health and Environmental Justice (HEJ) element of the National City General Plan states that the rates of asthma and chronic obstructive pulmonary disease (COPD) are higher in the 91950 zip code than the rest of San Diego County. These diseases are tied to environmental air quality with risk factors stemming from both outdoor air pollution and cigarette smoke. One goal and one policy from the HEJ element are related to air quality and tobacco usage:

Goal HEJ-2: Improved air quality to protect human and environmental health and minimized air quality impacts on sensitive population groups.

Policy HEJ-2.8: Encourage smoke-free workplaces, multi-family housing, parks, and other outdoor gathering places to reduce exposure to second-hand smoke.

The above goal and policy do not specifically address the sale of tobacco or tobacco-related products. However, they are intended to reduce exposure of the public to the harmful effects of poor air quality and smoking. Conditions of approval are proposed to reduce this risk with restrictions related to products and advertising that may lead to youth initiation such as e-cigarettes and flavored cigars.

Land Use – A tobacco specialty business is defined as any business the primary use of which is the use and/or sale of tobacco products or paraphernalia. At least 40% of the floor area must be dedicated to the sale of these items to be considered this use. The proposed business is requesting retail sales of these items in excess of 40% of the floor area. The subject property is located within the MXD-2 zone. A commercial business, including retail sales, is a permitted use in this zone.

¹ U.S. Food and Drug Administration website (<https://www.fda.gov/tobacco-products/products-ingredients-components/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends#Are%20You%20Looking%20for%20General%20Health%20Information%20about%20ENDS%20Products?>)

Additional Requirements – Section 18.030.230 of the LUC requires a one thousand-foot distance from any school, playground, recreation center or facility, childcare center, or library in the City. No such land uses are within one thousand feet of the subject property. No alcohol or food sales are proposed for this business. Conditions of approval prohibiting the sale of alcohol and food are attached.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for CUP applications. Notice of this public hearing was sent to 60 occupants and owners. No comments from neighbors have been received as of the drafting of this report.

Department Comments

Comments were received from the Building Division. These comments are related to physical improvements of the commercial suite and have been included as conditions of approval. The applicant has not proposed any commercial tenant improvements for the property at this time. In addition, the Institute for Public Strategies had no comments on this application.

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

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.

The use is permitted within the MXD-2 zone pursuant to a CUP and the proposed use meets the required standards in the Land Use Code for a tobacco specialty business, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Tobacco specialty businesses are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. Commercial businesses are a permitted use in the MXD-2 zone.

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.

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.

The site has sufficient access to streets and highways that are adequate in width and pavement type of traffic generated by the proposed use, since Sweetwater Road is classified as an arterial street in the Circulation Element, and the use will be within an existing retail suite and thus is not expected to result in an appreciable increase in traffic.

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.

The proposed use will not have an adverse effect upon adjacent or abutting properties, since the proposed retail use is compatible with nearby businesses; and since the proposed use will be subject to conditions that limit the sale and display of tobacco products and/or electronic cigarettes to minors.

6. The proposed project has been reviewed in compliance with the 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.

Finding for Denial

Due to the health risks of tobacco usage, there is also a finding for denial as follows:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, since the proposed use for the sale and display of tobacco products and paraphernalia may lead to more people trying the products, which are known to cause disease and lead to premature death.

Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to the operation of a tobacco specialty business.

Summary

A tobacco specialty store is a retail use, permitted with the issuance of a CUP in the MXD-2 zone. Concerns related to advertising and sales to minors or of incidental drug use are addressed by Conditions of Approval. The business would also be required to comply with all applicable federal government regulations.

Options

1. Approve 2022-17 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2022-17 CUP based on the attached finding 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. Recommended Findings for Approval/Denial
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2022-17 CUP, dated 5/5/2022)
5. Notice of Exemption
6. Public Hearing Notice (Sent to 60 property owners & occupants)
7. Resolutions

David Welch

DAVID WELCH
Associate Planner

ARMANDO VERGARA
Director of Community Development

RECOMMENDED FINDINGS FOR APPROVAL

2022-17 CUP – Tobacco specialty business at 1635 Sweetwater Rd. Ste. D

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is permitted within the MXD-2 zone pursuant to a CUP and the proposed use meets the required standards in the Land Use Code for a tobacco specialty business, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because tobacco specialty businesses are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. Commercial businesses are a permitted use in the MXD-2 zone.
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 the site has sufficient access to streets and highways that are adequate in width and pavement type of traffic generated by the proposed use, since Sweetwater Road is classified as an arterial street in the Circulation Element, and the use will be within an existing retail suite and thus is not expected to result in an appreciable increase in traffic.
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 not have an adverse effect upon adjacent or abutting properties, since the proposed retail use is compatible with nearby businesses; and since the proposed use will be subject to conditions that limit the sale and display of tobacco products and/or electronic cigarettes to minors.
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.

RECOMMENDED FINDING FOR DENIAL

2022-17 CUP – Tobacco specialty business at 1635 Sweetwater Rd. Ste. D

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, since the proposed use for the sale and display of tobacco products and paraphernalia may lead to more people trying the products, which are known to cause disease and lead to premature death.

RECOMMENDED CONDITIONS OF APPROVAL

2022-17 CUP – Tobacco specialty business at 1635 Sweetwater Rd. Ste. D

General

1. This Conditional Use Permit authorizes the sale tobacco and tobacco related products and paraphernalia at a retail store located at 1635 Sweetwater Rd. Ste. D. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-17 CUP, dated 5/5/2022.
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 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 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. *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 *County Clerk* and submitted to the National City Planning Department.
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.

Building

7. Building plans and permits shall be required to meet the 2019 California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes if submitted prior to the end of the City working calendar year.

Planning

8. No tobacco sales are permitted until the applicant has been issued a Cigarette and Tobacco Products Retailer's License from the California Department of Tax and Fee Administration.
9. The sale of tobacco and tobacco related products and paraphernalia shall only be permitted between the hours of 9:00 a.m. and 12:00 a.m. daily.
10. The business shall not permit persons under the age of 21 to be on the premises.
11. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
12. A permit shall be obtained for any new signage associated with the proposed business. Contact the Planning Division for information on sign regulations in National City.
13. Excepting business identification signage, exterior advertising and signs of all types, promoting or indicating the availability of electronic cigarettes (e-cigarettes), personal vaporizers (PV), or electronic nicotine delivery systems (ENDS), collectively known as electronic cigarettes, flavored tobacco products, or traditional tobacco products, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of electronic cigarettes, flavored tobacco products and signs, which are clearly visible to the exterior, shall constitute a violation of this condition
14. No sales of tobacco products, electronic cigarettes, personal vaporizers, or any other electronic or non-electronic nicotine delivery systems are permitted to minors.
15. No alcohol or food may be sold on the premises.
16. No products containing tetrahydrocannabinol (THC), cannabidiol (CBD), or any other cannabinoid, may be sold on the premises.
17. No smoking shall be allowed inside of the business at any time, per California law.
18. No employee of the business may smoke within 20 feet of the main entrance.
19. The business shall comply with all requirements of the U.S. Food and Drug Administration (FDA) related to electronic cigarettes (e-cigarettes), personal vaporizers (PV), electronic nicotine delivery systems (ENDS), or any tobacco or tobacco-related products sold at the store.

20. The permittee shall comply with all applicable law, including regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of tobacco products.

2022-17 CUP – 1635 Sweetwater Rd. Ste. D – Overhead

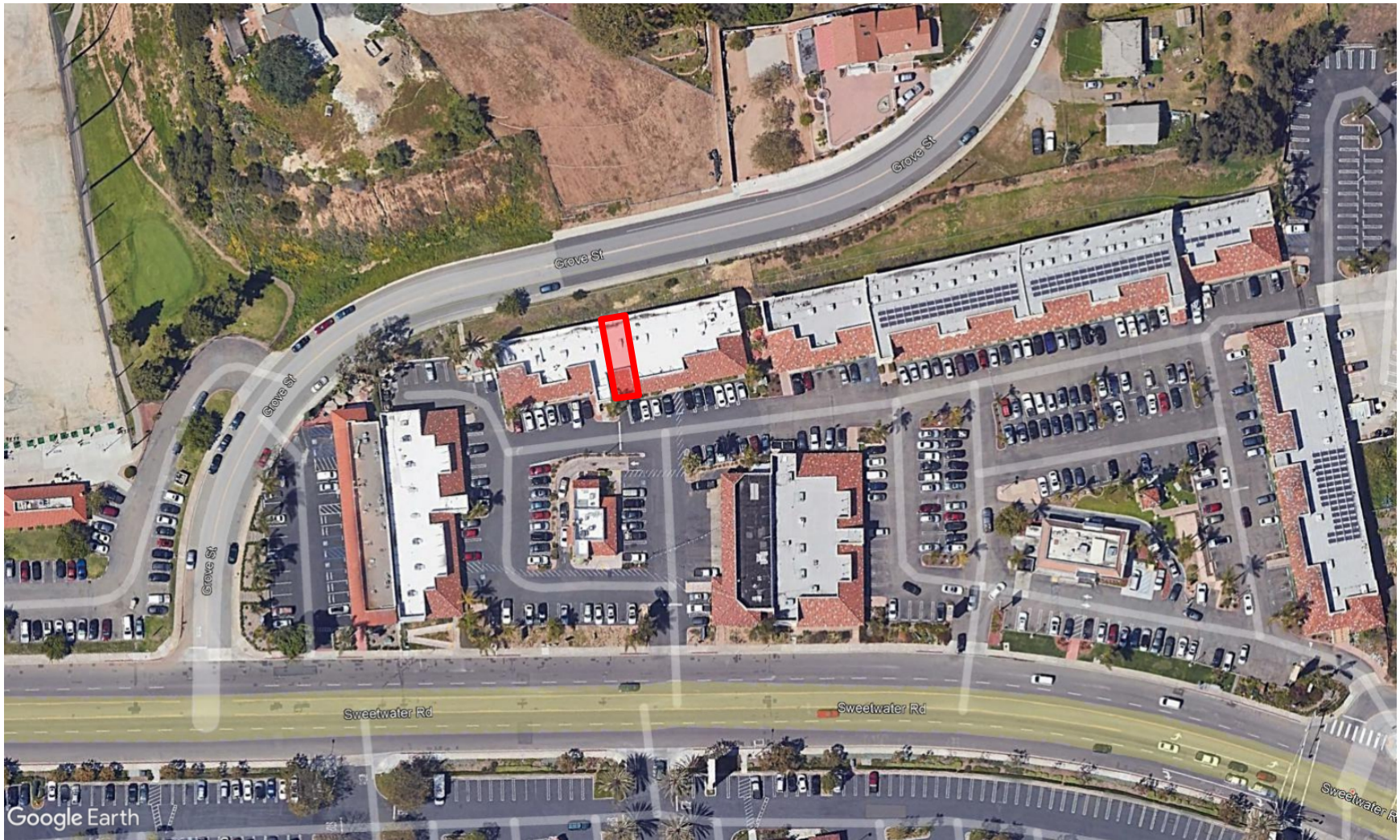
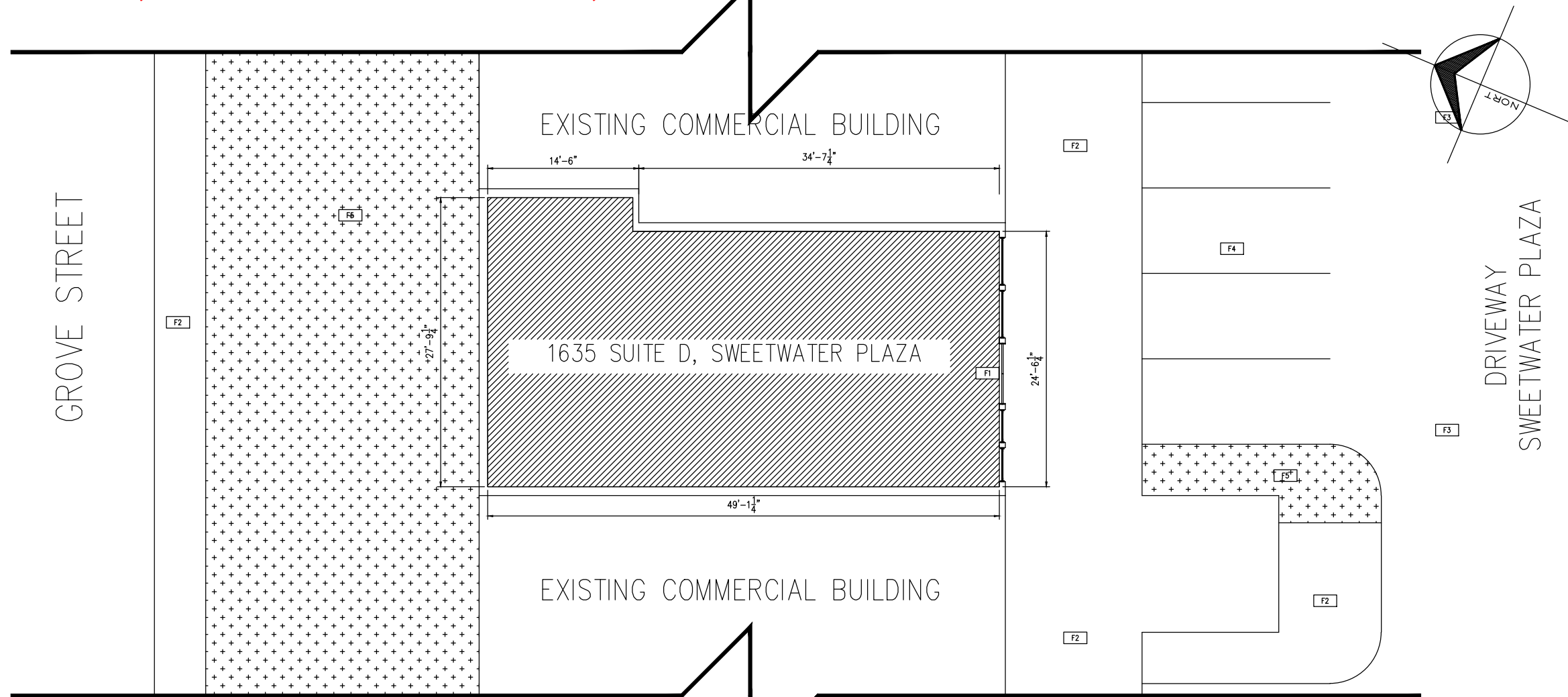


EXHIBIT A, CASE FILE NO. 2022-17 CUP, 5/5/2022



PROJECT:
COMMERCIAL OFFICES

LOCATION:
1635 SWEETWATER ROAD, STE. D
NATIONAL CITY, CA 91950

OWNER:

REVISIONS:

No.	DESCRIPTION	DATE

PROJECT DATA:
OFFICE NATIONAL CITY

PROJECT NUMBER:
2022-04001

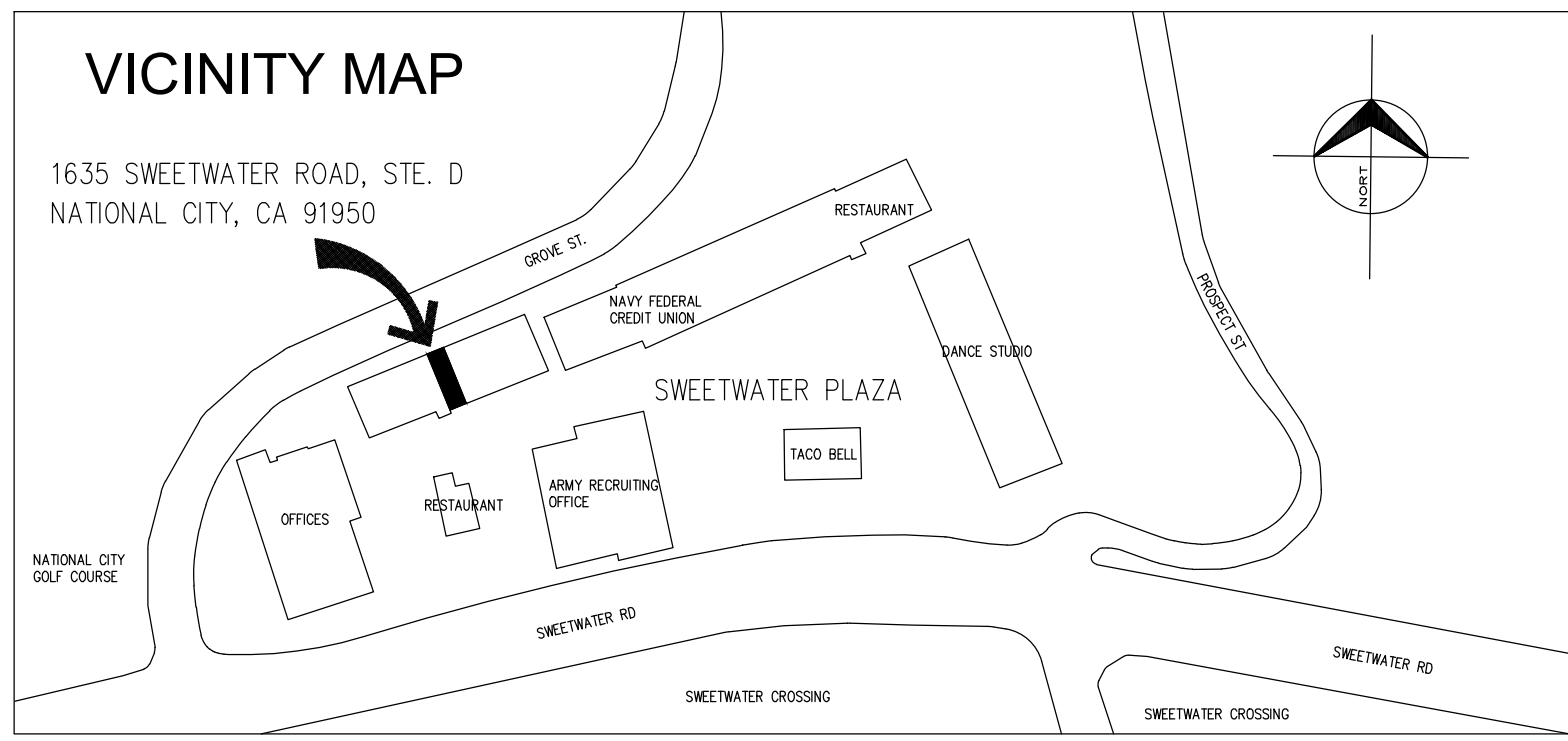
ARCHIVE NUMBER:
04001

DIMENSIONS: FT	SCALE: 1/8"
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CONTENTS:
SITE PLAN

PLANE NUMBER
A-03

DATE
APRIL 7, 2022



- F1 ENTRY/EXIT
- F2 CONCRETE DRIVEWAY
- F3 ASPHALT PAVEMENT
- F4 PARKING SPACES
- F5 GREEN AREA



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

NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego, CA 92101
MS: A-33

Project Title: 2022-17 CUP

Project Location: 1635 Sweetwater Rd. Ste. D National City, CA 91950

Lead Agency: City of National City

Contact Person: David Welch **Telephone Number:** (619) 336-4224

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit for a tobacco specialty business to be located at 1635 Sweetwater Rd. Ste. D

Applicant:
Jessy Tooma
P.O. Box 489
El Cajon, CA 92022

Telephone Number:
(619) 654-2222

Exempt Status:

Categorical Exemption - Class 1 Section 15301 Existing Facilities

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since the use will reside in an existing facility and would basically be the same as the current uses of the site.

Date:

DAVID WELCH, Associate Planner



CITY OF NATIONAL CITY - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A
TOBACCO SPECIALTY BUSINESS TO BE
LOCATED AT 1635 SWEETWATER RD. STE. D
CASE FILE NO.: 2022-17 CUP
APN: 563-161-70

The National City Planning Commission will hold a public hearing at their regular meeting after the hour of 6:00 p.m. **Monday, August 15, 2022**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jessy Tooma)

The applicant is proposing to operate a new tobacco specialty business within an existing 1,290 square-foot commercial suite. The business proposes to operate a retail store with tobacco and tobacco-related products and paraphernalia for smoking and vaping. Operating hours will be from 9:00 am to 12:00 am daily.

Plans are 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 4:00 p.m., **August 15, 2022** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff who 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.

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA
Director of Community Development

RESOLUTION NO. 2022-21

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A CONDITIONAL USE PERMIT FOR A TOBACCO SPECIALTY
BUSINESS TO BE LOCATED AT 1635 SWEETWATER RD. STE. D
CASE FILE NO. 2022-17 CUP
APN: 563-161-70

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a tobacco specialty business in an existing commercial suite located at 1635 Sweetwater Rd. Ste. D at a duly advertised public hearing held on August 15, 2022, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2022-17 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 August 15, 2022, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is permitted within the MXD-2 zone pursuant to a CUP and the proposed use meets the required standards in the Land Use Code for a tobacco specialty business, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because tobacco specialty businesses are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. Commercial businesses are a permitted use in the MXD-2 zone.
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 the site has sufficient access to streets and highways that are adequate in width and pavement type of traffic generated by the proposed use, since Sweetwater Road is classified as an arterial street in the Circulation Element, and the use will be within an existing retail suite and thus is not expected to result in an appreciable increase in traffic.
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 not have an adverse effect upon adjacent or abutting properties, since the proposed retail use is compatible with nearby businesses; and since the proposed use will be subject to conditions that limit the sale and display of tobacco products and/or electronic cigarettes to minors.
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.

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 tobacco and tobacco related products and paraphernalia at a retail store located at 1635 Sweetwater Rd. Ste. D. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-17 CUP, dated 5/5/2022.
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 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 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. *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 *County Clerk* and submitted to the National City Planning Department.
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.

Building

7. Building plans and permits shall be required to meet the 2019 California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes if submitted prior to the end of the City working calendar year.

Planning

8. No tobacco sales are permitted until the applicant has been issued a Cigarette and Tobacco Products Retailer's License from the California Department of Tax and Fee Administration.
9. The sale of tobacco and tobacco related products and paraphernalia shall only be permitted between the hours of 9:00 a.m. and 12:00 a.m. daily.
10. The business shall not permit persons under the age of 21 to be on the premises.
11. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
12. A permit shall be obtained for any new signage associated with the proposed business. Contact the Planning Division for information on sign regulations in National City.

13. Excepting business identification signage, exterior advertising and signs of all types, promoting or indicating the availability of electronic cigarettes (e-cigarettes), personal vaporizers (PV), or electronic nicotine delivery systems (ENDS), collectively known as electronic cigarettes, flavored tobacco products, or traditional tobacco products, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of electronic cigarettes, flavored tobacco products and signs, which are clearly visible to the exterior, shall constitute a violation of this condition
14. No sales of tobacco products, electronic cigarettes, personal vaporizers, or any other electronic or non-electronic nicotine delivery systems are permitted to minors.
15. No alcohol or food may be sold on the premises.
16. No products containing tetrahydrocannabinol (THC), cannabidiol (CBD), or any other cannabinoid, may be sold on the premises.
17. No smoking shall be allowed inside of the business at any time, per California law.
18. No employee of the business may smoke within 20 feet of the main entrance.
19. The business shall comply with all requirements of the U.S. Food and Drug Administration (FDA) related to electronic cigarettes (e-cigarettes), personal vaporizers (PV), electronic nicotine delivery systems (ENDS), or any tobacco or tobacco-related products sold at the store.
20. The permittee shall comply with all applicable law, including the regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of tobacco products.

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 August 15, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2022-21

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT FOR A TOBACCO SPECIALTY BUSINESS
TO BE LOCATED AT 1635 SWEETWATER RD. STE. D
CASE FILE NO. 2022-17 CUP
APN: 563-161-70

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a tobacco specialty business in an existing commercial suite located at 1635 Sweetwater Rd. Ste. D at a duly advertised public hearing held on August 15, 2022, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2022-17 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 August 15, 2022, support the following finding:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, since the proposed use for the sale and display of tobacco products and paraphernalia may lead to more people trying the products, which are known to cause disease and lead to premature death.

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 August 15, 2022, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON