



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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR ALCOHOL SALES (ABC TYPE 47) AT A PROPOSED RESTAURANT (TEXAS ROADHOUSE) TO BE CONSTRUCTED AT 1908 SWEETWATER ROAD.

Case File No.: 2022-33 CUP

Location: 1908 Sweetwater Rd. - Sweetwater Crossing

Assessor's Parcel Nos.: 563-231-41

Staff report by: David Welch – Associate Planner

Applicant: TXRH National City, LLC

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

Adjacent use and zoning:

- North: Denny's restaurant / MXD-2
- East: I-805 ramps / Caltrans R.O.W.
- South: Home Coffee and Heart Revolution Church / MXD-2
- West: Various commercial and retail / 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 2, Section 15302 (Replacement or Reconstruction) 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 sale of on-site beer, wine, and distilled spirits in conjunction with a restaurant, subject to the attached recommended conditions. The sale of alcohol is a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone and would be accessory to food sales at the restaurant.

### Executive Summary

The proposed restaurant (Texas Roadhouse) is applying for a California Department of Alcoholic Beverage Control (ABC) Type 47 license to sell beer, wine, and distilled spirits with food at the subject restaurant. Requested hours of operation are from 11:00 a.m. to 11:00 p.m. daily.

### Site Characteristics

Texas Roadhouse restaurant would replace an existing 8,200 square-foot two-story building located in the Sweetwater Crossing shopping center at 1908 Sweetwater Road. The building proposed for demolition was originally built as a Big Yellow House restaurant and has most recently been occupied with office uses. The site location is a 0.87-acre parcel within the larger shopping center. 29 parking spaces will be provided on the property with an additional 23 spaces reconfigured into 28 spaces within the adjacent shopping center. The overall center currently has 227 excess spaces. To the north of the proposed restaurant is a drainage channel and Denny's restaurant, to the east is I-805 right-of-way, to the south is Home Coffee and Heart Revolution Church, and to the west is the remainder of the shopping center comprised of a variety of commercial uses.

### Proposed Use

The applicant is proposing to sell alcohol (ABC Type 47) in conjunction with on-site food sales in the 8,652 square-foot restaurant. Proposed hours of operation are 11:00 a.m. to 11:00 p.m. daily. The applicant will initially operate on more limited hours. The seating area will be comprised of 5,485 square feet that is all located indoors. No live entertainment is proposed and the dining area can support up to 359 occupants.

### Analysis

Section 18.30.050 of the Land Use Code (LUC) allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements.

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the MXD-2 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed below. It is incidental to the proposed restaurant use in a commercial area.
2. General Plan Consistency – The restaurant use is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan. There is no Specific Plan for the area. In addition, a restaurant use is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan.
3. Compatibility, LUC and Traffic – The proposed restaurant building is similar in size and use as the existing building on the site that will be demolished. The new restaurant will have to be built in compliance with the City's LUC and all applicable building and fire codes. Since the existing building was previously analyzed for traffic impacts when it was constructed, there will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
4. Suitability – 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 proposed alcohol sales would be incidental to the primary use of food sales and the proposed restaurant replaces a similar existing building.
5. No Nuisance – 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, wine, and distilled spirits as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.
6. California Environmental Quality Act (CEQA) — The project has been determined to be exempt from environmental review under Class 2,

Section 15302 (Replacement or Reconstruction). The reason for the exemption is that the new restaurant building will replace a commercial building of a similar size. The use would essentially be the same as the original use of the existing structure and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.

7. Desirability - The proposed use is essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of the restaurant, an allowed use in the MXD-2 zone.
  
8. Public Convenience and Necessity – If the Commission makes findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for 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 dining experience.

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 102 occupants and owners.

Community Meeting – A community meeting was held on Monday, November 14, 2022 from 5:00 p.m. to 6:00 p.m. at a commercial suite in the shopping center pursuant to Section 18.30.050 (C) of the National City Zoning Code. The meeting advertisement is attached (Attachment 9); there were no attendees. The applicant stated that the same owners and occupants that were notified of the Planning Commission meeting were notified of the community meeting.

Distance Requirements – In accordance with Chapter 18.030.050 (D) of the National City Zoning Code, restaurants must be 660 feet away from any public school. The proposed restaurant is not within 660 feet of a school and would be exempt from this requirement since more than 30% of the proposed floor space is dedicated to seating area.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there is currently one on-site license in census tract 122 where a maximum of four are recommended, meaning that the census tract is not considered by ABC to be

over-saturated with regard to alcohol sales outlets. The additional outlet can be deemed essential and desirable to the public convenience or necessity because the additional outlet will contribute to the viability of the restaurant. The area along Sweetwater Road east of N. 2<sup>nd</sup> Avenue, along with unincorporated Lincoln Acres, is included in Census Tract 122.

#### Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 8 points, which places it in the Low Risk category (Low Risk is considered 12 points or less). The risk assessment is included as Attachment 7.

#### Department Comments

Comments were provided by the Engineering Department related to standard requirements for new developments. All comments have been incorporated as conditions of approval for the CUP. Conditions of approval related to Building and Fire codes are also included.

#### Institute for Public Strategies (IPS)

An environmental scan and comments were received from IPS. They recommended in-person Responsible Beverage Sales and Service (RBSS) training for all staff, hours of operation no later than 12:00 a.m., and that the restaurant always provide food service during operation. The requirement for RBSS training is addressed through standard conditions of approval, consistent with City Council Policy 707, that are included with this report.

#### Findings and Conditions of Approval

The attached draft resolution contains the recommended findings and conditions of approval. The findings are discussed in items 1 through 8 in this report. 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.). The conditions are proposed to ensure the use will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for a quality dining experience.

#### Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the MXD-2 zone. The proposed use would be incidental to the proposed restaurant use in a commercial

area. The addition of on-site beer, wine, and distilled spirits sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area. The census tract in which the restaurant is located is not over-concentrated with regard to on-sale alcohol licenses, alcohol will only be available with the sale of food, and the Police Department has ranked the business in the Low Risk category.

Options

1. Approve 2022-33 CUP subject to the conditions listed within, or other conditions, based on the attached findings, or findings to be determined by the Planning Commission; or,
2. Deny 2022-33 CUP based on 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. Overhead
2. Applicant's Plans (Exhibit A, Case File No. 2022-33 CUP, dated 10/20/2022)
3. Public Hearing Notice (Sent to 102 property owners & occupants)
4. Census Tract & Police Beat Maps
5. Police Department Comments
6. IPS Comments
7. Community Meeting Advertisement
8. Draft Resolution

*David Welch*

DAVID WELCH  
Associate Planner

ARMANDO VERGARA  
Director of Community Development



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR ALCOHOL SALES (ABC TYPE 47) AT A  
PROPOSED RESTAURANT (TEXAS ROADHOUSE) TO BE  
CONSTRUCTED AT 1908 SWEETWATER ROAD  
CASE FILE NO.: 2022-33 CUP  
APN: 563-231-41

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, January 2, 2023**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: TXRH National City, LLC)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), City Council Chambers are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

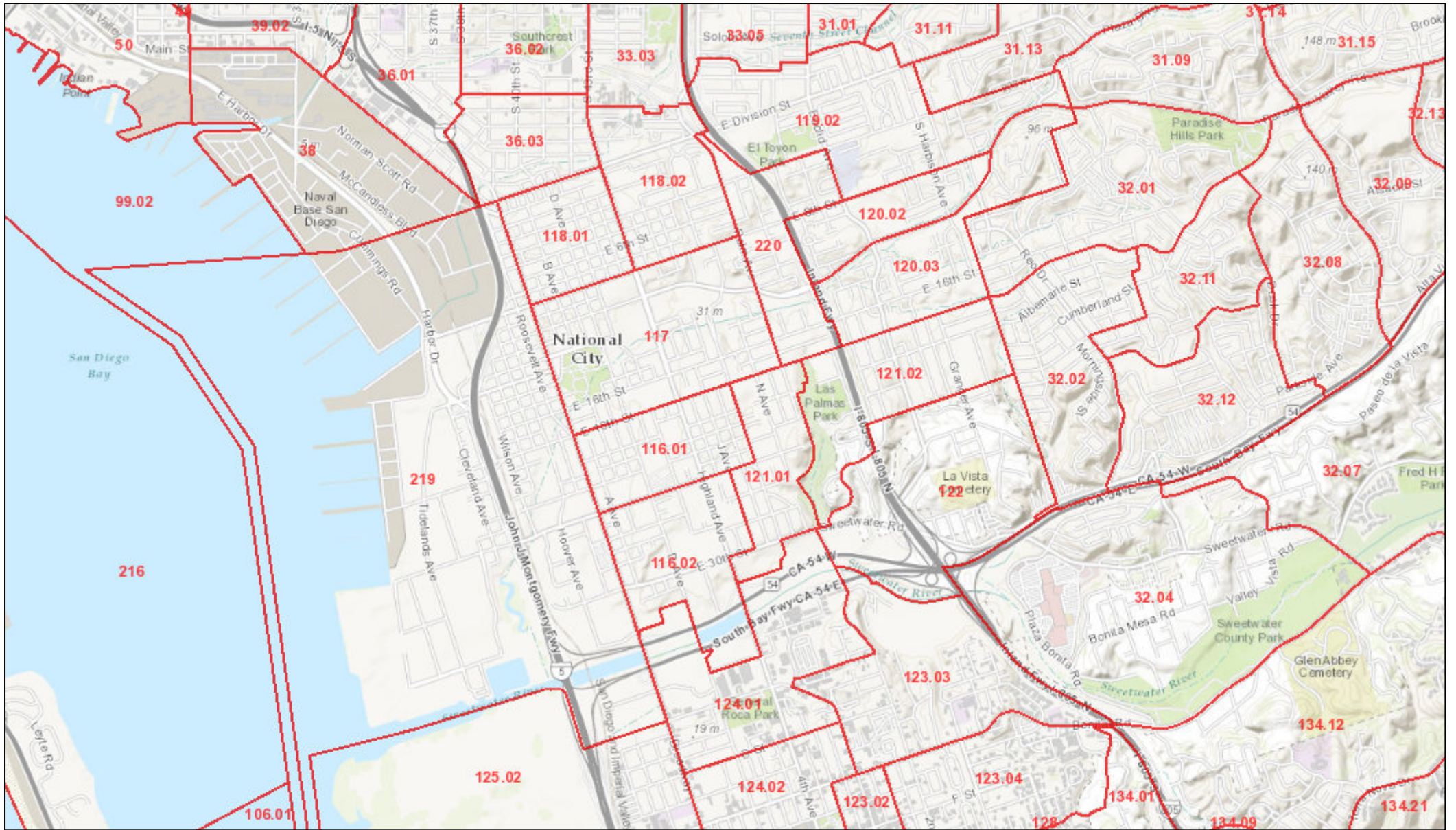
The applicant proposes to sell beer, wine, and distilled spirits (ABC Type 47) at a new 8,652 square-foot restaurant (Texas Roadhouse) replacing an existing two-story building. Proposed hours of operation are 11:00 a.m. to 11:00 p.m. daily. The restaurant will have indoor seating for approximately 260 persons. No live entertainment is requested with this permit.

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 4:00 p.m., **January 2, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto: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

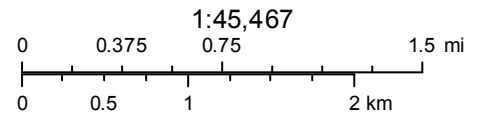
ARMANDO VERGARA  
Director of Community Development



August 25, 2014

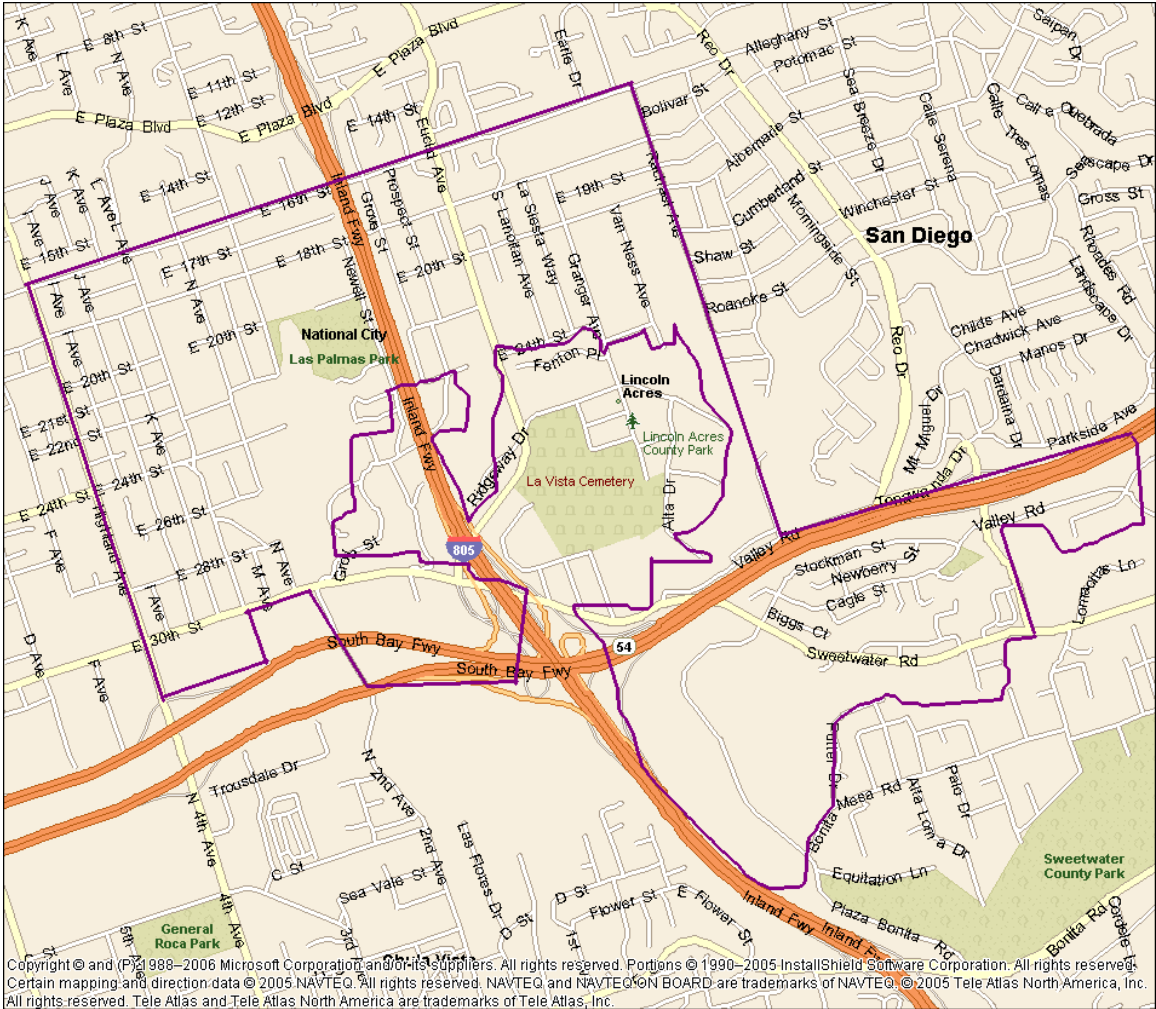
Census Tracts 2010

ATTACHMENT 4



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





## City of National City Beat 23



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)

Low Risk ( 12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts)  <b>Total Points</b> _____
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VIII. Owner(s) records check

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

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

**Recommendation:**

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Completed by: \_\_\_\_\_ Badge ID: \_\_\_\_\_

## **Environmental Scan for Proposed Type 47 Alcohol CUP**

1908 Sweetwater Road, National City, CA 91950

Conducted: November 17, 2022



Photo of the proposed location and Heart Revolution Church.

An environmental scan was conducted on Thursday, November 17 for a proposed Type 47 on-sale alcohol license at 1908 Sweetwater Road in National City.

*Funded by the San Diego County Health and Human Services Agency*  
2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

[www.publicstrategies.org](http://www.publicstrategies.org)

ATTACHMENT 6

According to ABC officials that were contacted on November 17, 2022, no application has been submitted to them to date or is active within their database that matches this address.

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

- The business is located in a predominantly commercial area.
- The business is in close proximity to Heart Revolution Church which is located immediately south of the proposed location and share the same parking lot.

### **Youth Sensitive Areas**

La Vista Memorial Park (1,489 feet away)

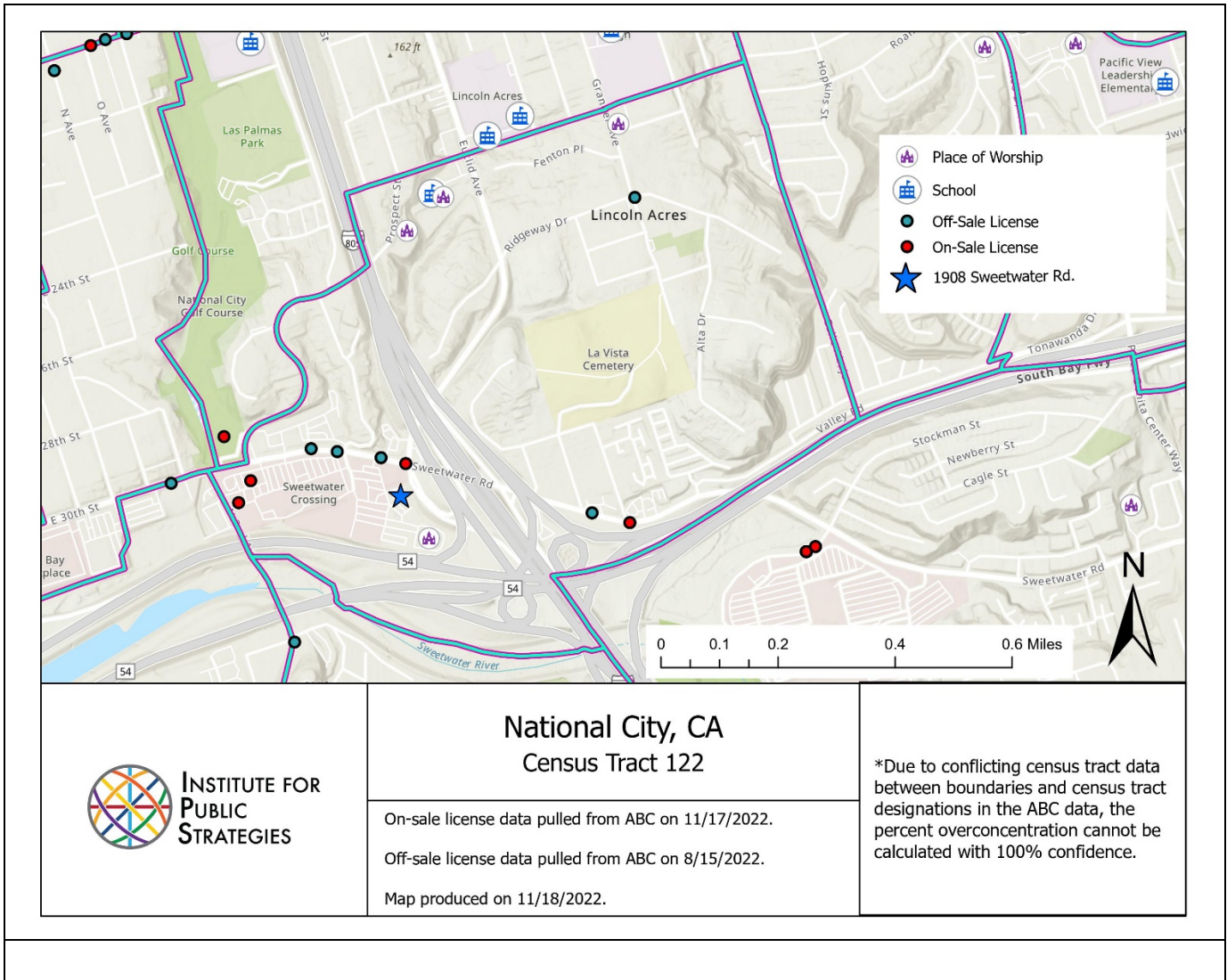
Kuyper Christian Prep School (2,715 feet away)

### **Churches**

Heart Revolution Church (438 feet away) is the closest one to this location.

### **Outlet Density**

According to the ABC, four (4) on-sale licenses are authorized for Census Tract **122**, which is the census track where 1908 Sweetwater Road, National City is located. **There are already four on-sale licenses for this census tract according to ABC records.**



## Census Tracts

	<b>Off-Sale</b>	<b>On-Sale</b>
<p><b>Census Tract 112</b> <i>Establishment is within this tract</i></p>	<p>Allowed: (2) <b>Currently there are: (5)</b> The census tract is currently <b>250% overconcentrated</b></p>	<p>Allowed: (4) <b>Currently there are: (4)</b> This census tract is <b>currently maxed out on allowable licenses per ABC guidelines</b></p>

## Community Input

- The owner and staff at Home Coffee, which is located next to Heart Revolution Church offered input regarding the proposed restaurant during the site visit on November 17. No one expressed any concerns at this time.

## **Crime Rate**

The crime rate is unknown for this location. A follow up request for this information from personnel within the City of National City Police Department, may result in obtaining the crime rate for this location.

## **Considerations**

The following are considerations if a CUP is issued:

1. Require that staff, management, and owner to attend an **in-person** Responsible Beverage Sales and Service training. Below is the Alcohol Beverage Control website for future trainings.  
<https://www.abc.ca.gov/education/rbs/>
2. To prevent the establishment from transforming into a night club, which could increase crime and nuisance problems, require that the restaurant always provide lunch and dinner and have hours of operation end by 12:00 am daily.

You are invited to attend a:

**COMMUNITY MEETING**

**Date:** Monday, November 14, 2022

**Time:** 5 PM – 6 PM

**Meeting Address:** 1536-D Sweetwater Rd, National City, CA

**Re:** Proposed Texas Roadhouse Restaurant - 1908 Sweetwater Rd, National City, CA

This meeting is to inform citizens of a use permit application to sell beer, wine, and distilled spirits for on-site consumption (ABC Type 47 License) within a new 8,652 sq ft Texas Roadhouse restaurant. The proposed hours of operation are 11 am to 11 pm daily.

We are looking forward to meeting you and discussing any concerns or questions you may have regarding the proposed operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Steve Rawlings, the Applicant's representative, at 951-667-5152 or via email at [SER@Rawlingspm.com](mailto:SER@Rawlingspm.com).

*This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.*

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