



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), FOR A COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (LA MALQUERIDA BY DOLCHE) LOCATED AT 1524 MCKINLEY AVENUE IN THE COASTAL ZONE.

Case File No.: 2025-12 CUP CDP

Location: North end of McKinley Avenue near West 14<sup>th</sup> Street

Assessor's Parcel Nos.: 557-055-08

Staff report by: Sophia Depew, Assistant Planner

Applicant: Elena Gallardo

Zoning designation: Medium Manufacturing/Coastal Zone (MM/CZ)

Adjacent use and zoning:

North: Industrial, Residential / MM-CZ

East: Interstate 5

South: Industrial / MM-CZ

West: Industrial / MM-CZ

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 on-site beer and wine sales and live entertainment, subject to the recommended conditions in the attached resolution and a determination that the project is exempt from CEQA. The sale of alcohol and live entertainment are conditionally-allowed uses in the Medium Manufacturing zone and would be accessory to food sales at the restaurant.

### Executive Summary

The operator of La Malquerida by Dolche restaurant has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer on-site beer and wine sales. The applicant is proposing alcohol sales from 8:00 a.m. to midnight daily. The applicant is also requesting live entertainment indoors from 8:00 a.m. to 11:30 p.m. and outdoors from 8:00 a.m. to 10:00 p.m. daily.

### Site Characteristics

The 2,500 square foot property is located on the northwest end of McKinley Avenue between West 14<sup>th</sup> and West 18<sup>th</sup> Street. The property is zoned Medium Manufacturing (MM) and is located within the City's Coastal Zone (typically the area west of Interstate 5). The zoning map indicates the lot as Medium Industrial (IM). However, the most recent comprehensive Land Use Code Update (2011) is not yet active in the Coastal Zone. Therefore, the City's previous zoning (MM) would apply.

The restaurant is approximately 1,400 square feet, with a 700 square-foot outdoor patio and seating in the back. The applicant is proposing live entertainment on the outside patio. The outdoor patio is surrounded on all sides by walls and fences. The building is situated between two industrial businesses, Handy Metal Mart and Walashek Industrial. The surrounding area is almost entirely industrial, except for one residential use two properties to the north. All of the properties in the vicinity of the restaurant are zoned Medium Manufacturing.

### Proposed Use

The applicant is proposing beer and wine sales (ABC Type-41) and live entertainment at the restaurant. Proposed hours for alcohol sales are from 8:00 a.m. to midnight daily. Proposed hours for live entertainment are indoors from 8:00 a.m. to 11:30 p.m. and outdoors from 8:00 a.m. to 10:00 p.m. daily.

### 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

La Malquerida by Dolche is proposing to sell beer and wine from 8:00 a.m. to midnight daily. They are also proposing live entertainment (DJs, bands, guitarist, mariachi, etc.) indoors from 8:00 a.m. to 11:30 p.m. and outdoors from 8:00 a.m. to 10:00 p.m. daily.

The site, previously known as Westside Story, had an approved CUP in 2018 to sell beer and wine and have live entertainment from 10:00 a.m. to 10:00 p.m. daily. The use has since been discontinued.

Restaurants with on-site alcohol sales and live entertainment have been approved with varying hours throughout the city. Most recently, Mariscos El Tiburon (543 Highland Avenue) was approved for alcohol sales from 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. Friday through Saturday and live entertainment was approved from 4:00 p.m. to 10:00 p.m. Friday & Saturday and 4:00 p.m. to 9:00 p.m. Sunday. This business was located in a more residential area than the subject restaurant, La Malquerida by Dolche.

In 2024, Mariscos La Capital was approved for alcohol sales from 8:00 a.m. to 11:30 p.m. daily, although the restaurant did not include live entertainment. 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 from 12:00 p.m. to 10:00 p.m. Sunday through Thursday and 12:00 p.m. to 11:30 p.m. Friday through Saturday. Similarly, in 2022, Market on 8<sup>th</sup> was approved for on-site alcohol sales until 1:00 a.m. daily and live entertainment until 11:30 p.m. on weekends. The approval for Market on 8<sup>th</sup> included live entertainment on the outdoor patio until 9:00 p.m. on weekends.

Based on the recently approved hours for restaurants with alcohol sales and live entertainment and the location of the restaurant, staff is recommending modified hours for live entertainment. The hours for live entertainment proposed by the applicant are indoors from 8:00 a.m. to 11:30 p.m. and outdoors from 8:00 a.m. to 10:00 p.m. daily; However, staff is recommending indoor live entertainment from 10:00 a.m. to 11:30 p.m. and outdoor live entertainment from 10:00 a.m. to 10:00 p.m. in accordance with the noise ordinance. Proposed hours for alcohol

sales are from 8:00 a.m. to midnight daily. These hours are consistent with previous approvals and the location of the restaurant. 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.

Concerns related to live entertainment usually involve noise impacts to surrounding non-commercial uses. While the subject property is in a primarily industrial area, conditions are included to address noise. Conditions include compliance with the limitations contained in Title 12 (Noise) of the Municipal Code and specified hours of operation.

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 55 occupants and owners. No public comment has been received 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 Thursday, May 8<sup>th</sup>, 2025 at 6:00 p.m. at the subject restaurant. The meeting advertisement is attached (Attachment 8); No community members attended the meeting.

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 half of its floor area devoted to seating.

#### Coastal Zone

As previously noted, the business location is within the Coastal Zone. Under normal (non-discretionary permit) circumstances, no Coastal Development Permit (CDP) would be required. However, the need for a discretionary approval in this case (CUP) also triggers a CDP. The only difference with this application would be the need for an additional finding related to consistency with the Local Coastal Plan, which is included with the attached Resolution (Attachment 1).

#### Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are 17 on-site licenses in census tract 219, where a maximum of three are

recommended. Therefore, the census tract is considered to be overconcentrated by ABC with regard to on-site alcohol sales outlets. Census Tract 219 is the area west of National City Boulevard from Division Street to the southern City boundary. The site was previously approved for an on-site license.

#### Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 15 points, which places it in the Medium Risk category (Medium Risk is considered 13-18 points). The Risk Assessment is included as Attachment 6. The assessment indicted a concern related to lighting. A condition has been added to address the comment.

#### Institute for Public Strategies

Comments were received from IPS with the following considerations:

1. Require that staff and management attend an in-person LEAD training or an in-person Responsible Beverage Sales and Service training from an ABC-authorized provider. In-person trainings offer interactive and hands-on learning which are recommended over online trainings.
2. 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 through 12:00 a.m. daily.
3. 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.

#### Findings for Approval

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

1. Size and Shape: The site for the proposed use is adequate in size and shape, because there will be no physical change to the existing business as a result of this approval that would expand the current use beyond its current capacity. Alcohol sales and live entertainment would be incidental the primary use of food service

2. Access: The site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, because there will be no physical change to the existing business as a result of this approval that would impact adjacent streets. The proposal involves an existing commercial space and no expansion of the building is proposed.
3. No Adverse Effects: The proposed use will not have an adverse effect upon adjacent or abutting properties, because the project is a use consistent with the Medium Manufacturing (MM) zone and the proposed use will be subject to conditions that limit the sale of alcohol and live entertainment. 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.
4. Public Convenience and Necessity: The proposed use is deemed essential and desirable to the public convenience or welfare, because the restaurant, a permitted use in the Medium Manufacturing 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.
5. Local Coastal Program: The granting of this Conditional Use Permit is consistent with and implements the Certified Local Coastal Program, because the project is located within an area generally exempt from a Coastal Development Permit; involves a service use, which is conditionally allowed in the MM-CZ zone; and will not prohibit coastal access or obstruct views.
6. 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 restaurant is an allowed use in the Medium Manufacturing zone.

#### Findings for Denial

The following are findings for denial:

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 addition of on-site alcohol sales and live entertainment may increase the propensity for over-consumption of alcohol and increase the potential for impacts to the surrounding area.
2. The proposed use is not deemed essential to the public necessity, as there are already 17 other outlets in the same census tract that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for on-site sale of alcoholic beverages and live entertainment 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.). Conditions related to live entertainment have been included as well.

#### 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 Medium Manufacturing zone; alcohol sales and live entertainment will be accessory to the existing restaurant use in an established industrial area; beer and wine will only be available with the sale of food; the census tract in which the restaurant is located is 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 2025-12 CUP CDP, 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 2025-12 CUP CPD 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 Resolution
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2025-12 CUP CDP, dated 05/06/2025)
4. Public Hearing Notice (Sent to 55 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. Institute for Public Strategies Comments
8. Community Meeting Information

RESOLUTION NO. 2025-07

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) FOR A COASTAL  
DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT FOR BEER AND WINE  
SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT AN EXISTING  
RESTAURANT (LA MALQUERIDA BY DOLCHE) LOCATED AT 1524 MCKINLEY  
AVENUE IN THE COASTAL ZONE.  
CASE FILE NO. 2025-12 CUP CDP  
APN: 557-055-08

WHEREAS, the Planning Commission of the City of National City considered a Coastal Development Permit and Conditional Use Permit for on-site beer and wine sales and live entertainment at an existing restaurant (La Malquerida by Dolche) located at 1524 McKinley Avenue. At a duly advertised public hearing held on July 21, 2025, 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. 2025-12 CUP CDP 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 July 21, 2025, support the following findings:

1. That the site for the proposed use is adequate in size and shape, because there will be no physical change to the existing business as a result of this approval that would expand the current use beyond its current capacity. Alcohol sales and live entertainment would be incidental the primary use of food service.
2. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, because there will be no physical change to the existing business as a result of this approval that would impact adjacent streets. The proposal involves an existing commercial space and no expansion of the building is proposed.

3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, because the project is a use consistent with the Medium Manufacturing (MM) zone and the proposed use will be subject to conditions that limit the sale of alcohol and live entertainment. 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.
4. That the proposed use is deemed essential and desirable to the public convenience or welfare, because the restaurant, a permitted use in the Medium Manufacturing 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.
5. That the granting of this Conditional Use Permit is consistent with and implements the Certified Local Coastal Program, because the project is located within an area generally exempt from a Coastal Development Permit; involves a service use, which is conditionally allowed in the MM-CZ zone; and will not prohibit coastal access or obstruct views.
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 restaurant is a permitted use in the Medium Manufacturing zone.
7. Based on findings 1 through 6 above, public convenience and necessity will be served by a proposed use of the property for on-site sales of alcoholic beverages and live entertainment 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 (La Malquerida by

Dolche) located at 1524 McKinley Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2025-12 CUP CDP, dated 05/06/2025.

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 County Clerk and submitted to the National City Planning Department.

## 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 8:00 a.m. and 10:00 p.m. daily.
10. Indoor live entertainment shall only be permitted between the hours of 10:00 a.m. to 11:30 p.m. daily.
11. Outdoor live entertainment shall only be permitted between the hours of 10:00 to 10:00 p.m. daily.
12. 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.
13. Alcohol shall be available only in conjunction with the purchase of food.
14. The restaurant shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio and may not be taken off-premises.
15. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
16. 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.
17. All entry and exit doors, including windows, shall remain closed during inside live entertainment activities.
18. All activities shall comply with the noise limits contained in Table III of Title 12 of the National City Municipal Code.
19. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division.
20. Outdoor areas, including the front of the building, shall be well lit so as to provide safe pedestrian access and to eliminate dark areas.
21. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

22. 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 July 21, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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CHAIRPERSON

RESOLUTION NO. 2025-07

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
DENYING A COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT  
FOR BEER AND WINE SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT AN  
EXISTING RESTAURANT (LA MALQUERIDA BY DOLCHE) LOCATED AT 1524  
MCKINLEY AVENUE IN THE COASTAL ZONE.  
CASE FILE NO. 2025-12 CUP CDP  
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WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2025-12 CUP CDP 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 July 21, 2025, 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 addition of on-site alcohol sales and live entertainment may increase the propensity for over-consumption of alcohol and increase the potential for impacts to the surrounding area.
2. The proposed use is not deemed essential to the public necessity, as there are already 17 other outlets in the same census tract that serve alcohol.

3. 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.

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AYES:

NAYS:

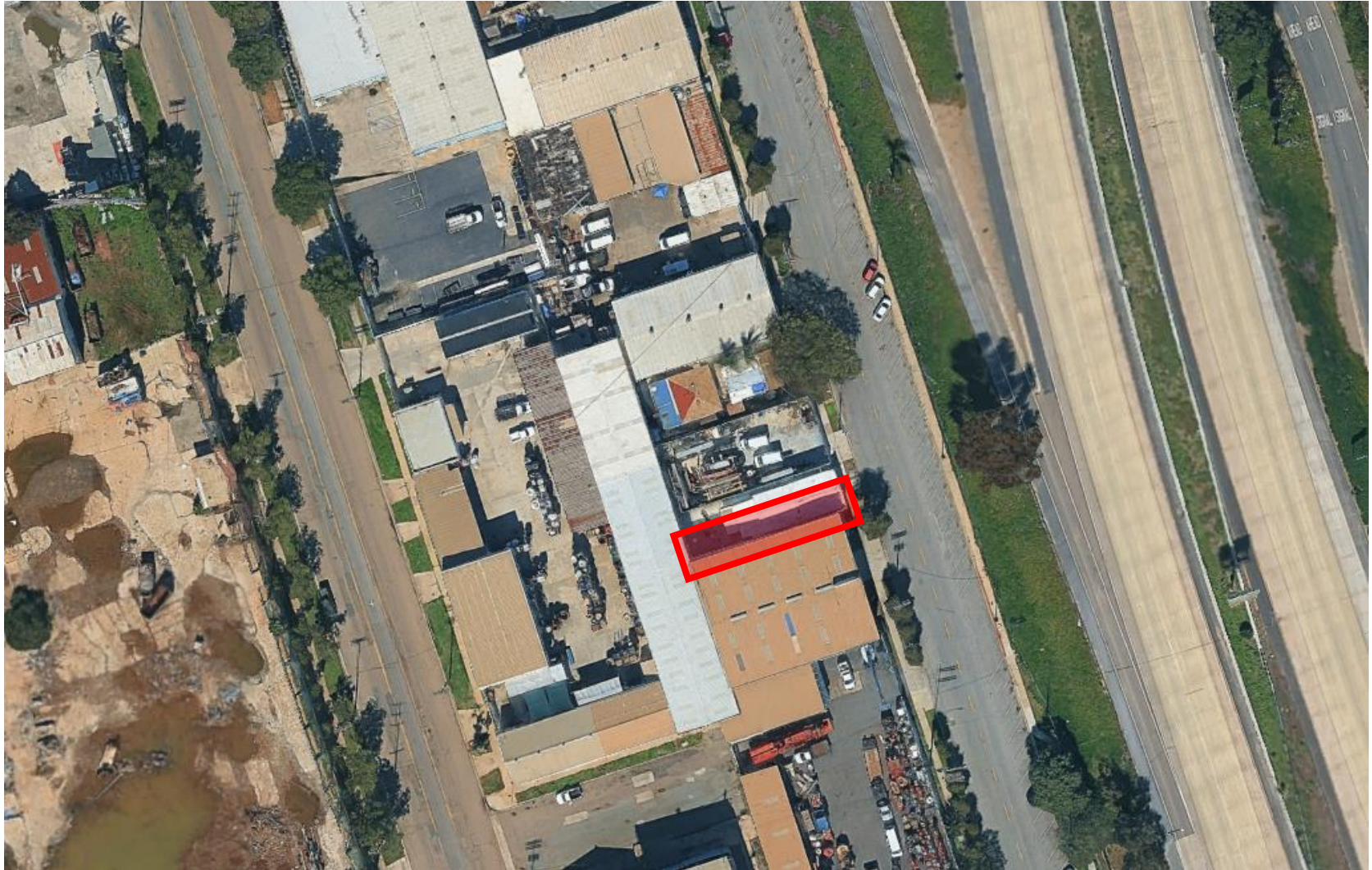
ABSENT:

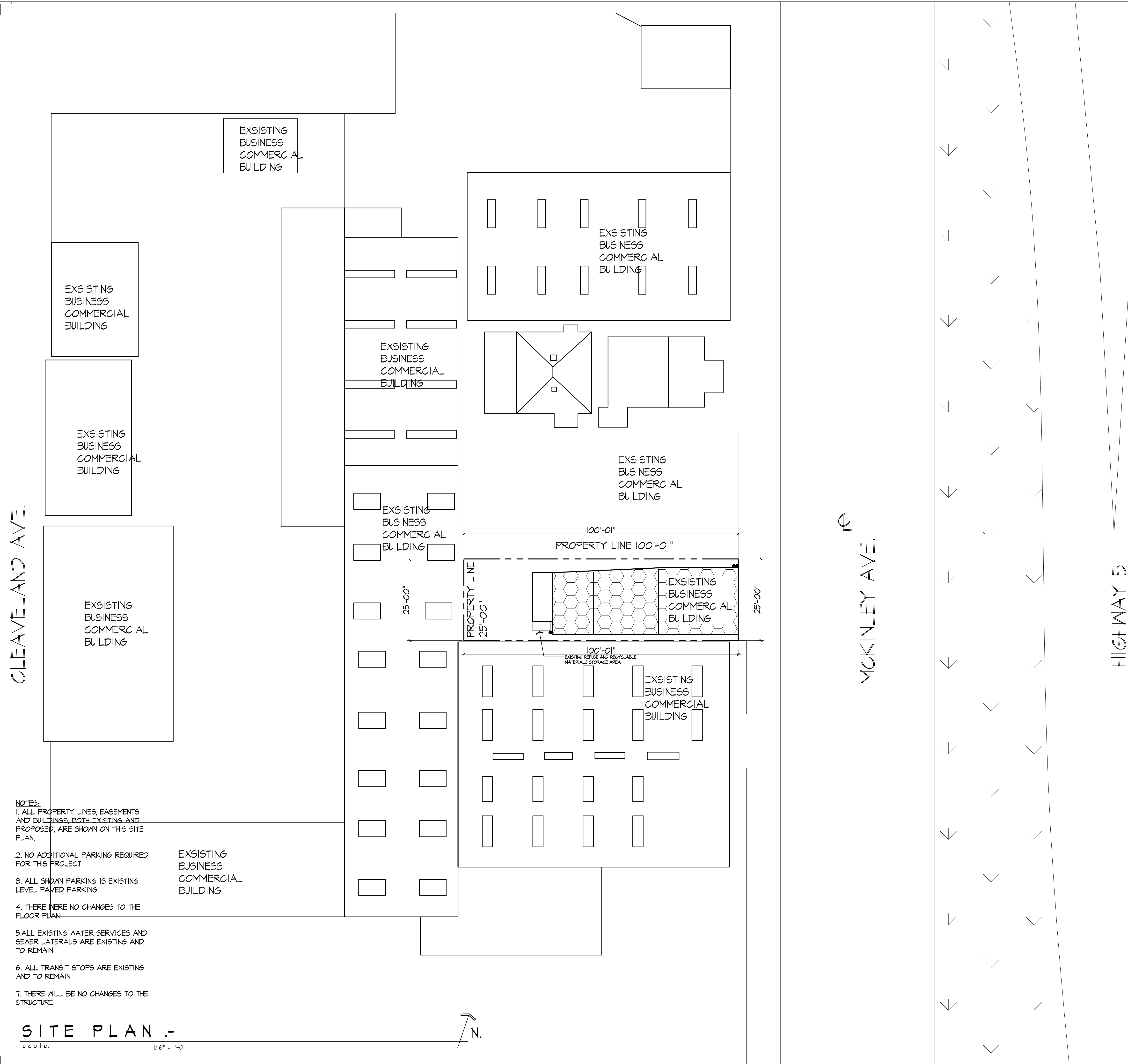
ABSTAIN:

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CHAIRPERSON

2025-12 CUP CDP – 1524 McKinley Avenue – Overhead

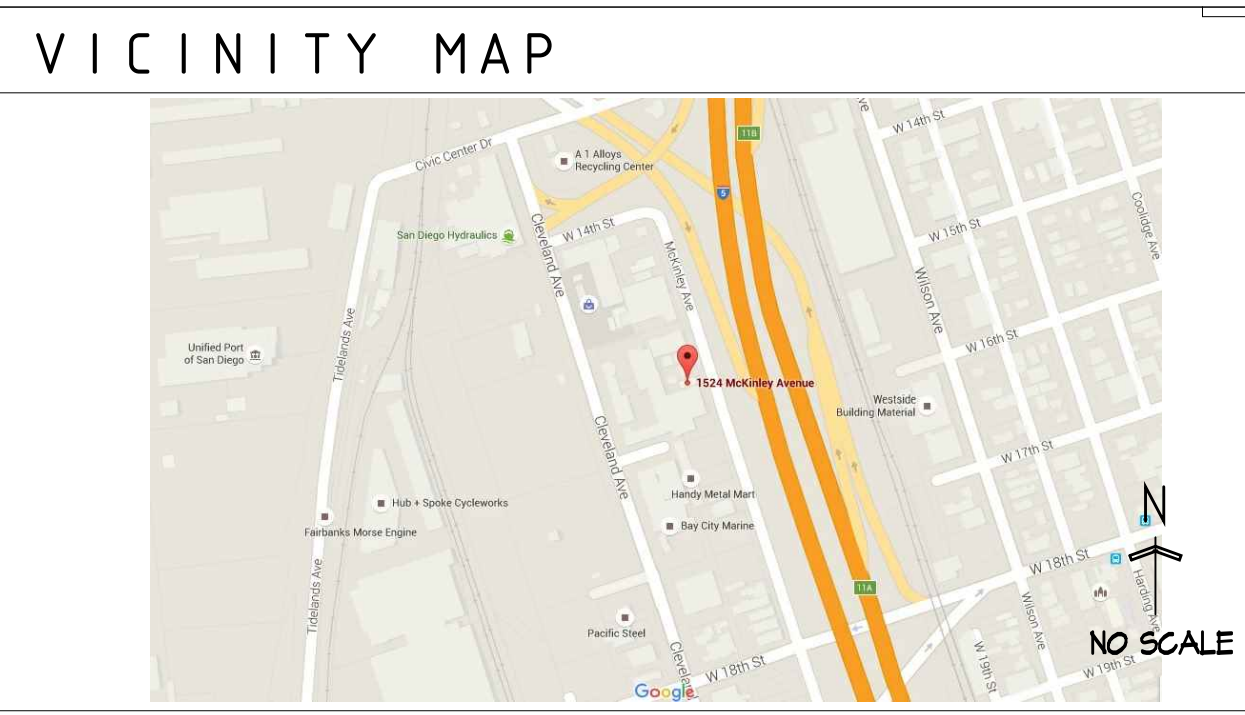




- NOTES:
1. ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.
  2. NO ADDITIONAL PARKING REQUIRED FOR THIS PROJECT
  3. ALL SHOWN PARKING IS EXISTING LEVEL PAVED PARKING
  4. THERE WERE NO CHANGES TO THE FLOOR PLAN
  5. ALL EXISTING WATER SERVICES AND SEWER LATERALS ARE EXISTING AND TO REMAIN
  6. ALL TRANSIT STOPS ARE EXISTING AND TO REMAIN
  7. THERE WILL BE NO CHANGES TO THE STRUCTURE

EXISTING BUSINESS COMMERCIAL BUILDING

**SITE PLAN -**  
Scale: 1/16" = 1'-0"



**SCOPE OF WORK**  
CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT FROM 8 AM TO 12 AM (MIDNIGHT) DAILY & A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE 41 OR 47 LICENSE

**DEVELOPMENT SUMMARY**

ASSESSOR'S PARCEL NUMBER: 554-055-08-00	PROPERTY OWNER: BEAUTIFUL NATIONAL CITY LLC PO BOX 18506 CORONADO CA 92118
ADDRESS: 1524 MCKINLEY AVE NATIONAL CITY CA 91950	APPLICANT: DOLCHE CAFE AUTHENTIC LATIN FUSION INC
LEGAL DESCRIPTION: TR 348 BLK 241 LOT 11*	CONTACT PERSON: Marco Polo Cortés MP PERMITS, INC. 640 West Beech Street, Ste. 3-B San Diego, CA 92101 (619) 852-4640 marco@corcescommunication
USE TYPE: RESTAURANT	
ZONE: MH HIGH INDUSTRIAL	
OCCUPANCY: B	
BUILDING TYPE: VB	
RESTAURANT AREA: 1,491 SQ. FT.	
LOT AREA: 2,505 SQFT	
PROJECT NUMBER: TBD	

**INDEX**  
T-01 TITLE SHEET  
A1-01 FLOOR PLAN

**BUILDING CODE DATA**  
THIS PROJECT MUST COMPLY WITH:  
2023 CALIFORNIA BUILDING CODE  
2023 EDITION OF CALIFORNIA RESIDENTIAL CODE  
2023 EDITION OF CALIFORNIA PLUMBING CODE  
2023 EDITION OF CALIFORNIA ELECTRICAL CODE

**LEGEND**

	EXISTING WALL
	INDICATES DOOR PER SCHEDULE SHEET A3-01
	INDICATES WINDOW PER SCHEDULE SHEET A3-01

**CITY TITLE BLOCK**  
CITY OF SAN DIEGO  
PERMIT NO. \_\_\_\_\_

APPLICANT NAME: DOLCHE CAFE AUTHENTIC LATIN FUSION INC  
ASSESSOR PARCEL NO(S): 554-055-08-00

REQUEST: CONDITIONAL USE PERMIT  
PC RESOLUTION No. \_\_\_\_\_ APPROVED BY: \_\_\_\_\_  
CC RESOLUTION No. \_\_\_\_\_  
ORDINANCE No. \_\_\_\_\_ DATE: \_\_\_\_\_

LA MALQUERIDA

1524 McKinley Ave.  
San Diego CA 92195

PLAN FILE NUMBER  
A

DATE  
04.02.2025

JOB NUMBER  
005\_MCKINLEY DRAWN BY  
MARIMAR

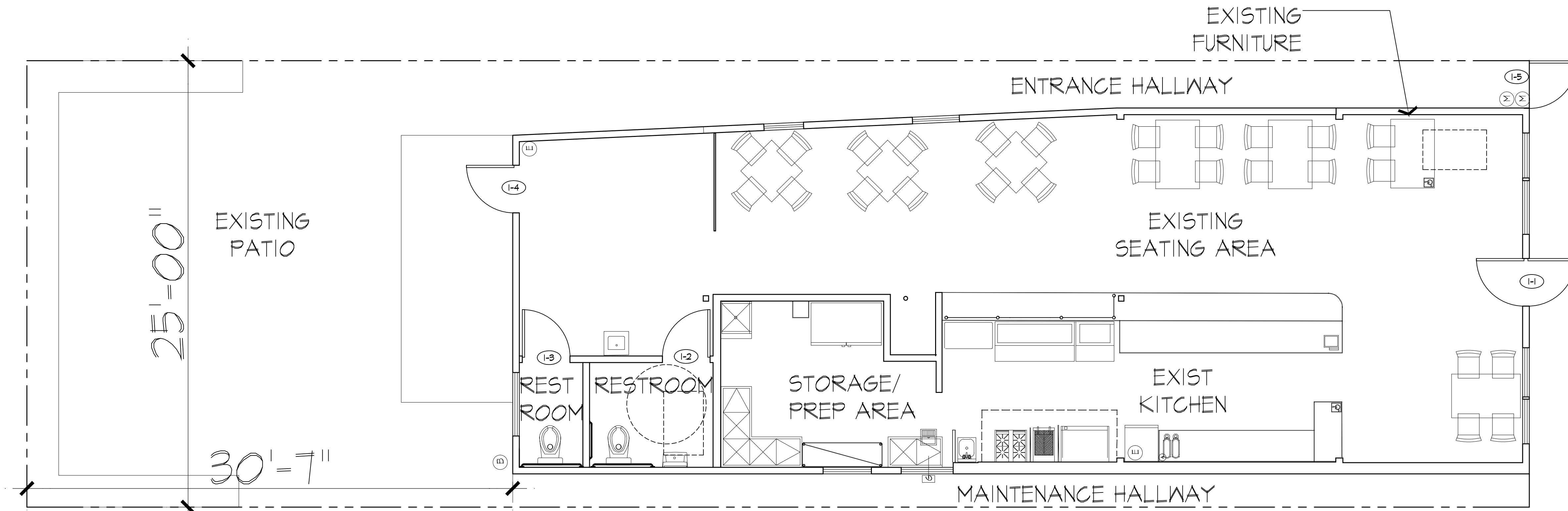
REVISIONS

SHEET NAME • No. \_\_\_\_\_

TITLE SHEET

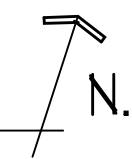
T-01

- NOTES:
1. ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.
  2. NO ADDITIONAL PARKING REQUIRED FOR THIS PROJECT
  3. ALL SHOWN PARKING IS EXISTING LEVEL PAVED PARKING
  4. THERE WERE NO CHANGES TO THE FLOOR PLAN
  5. ALL EXISTING WATER SERVICES AND SEWER LATERALS ARE EXISTING AND TO BE REMIANED

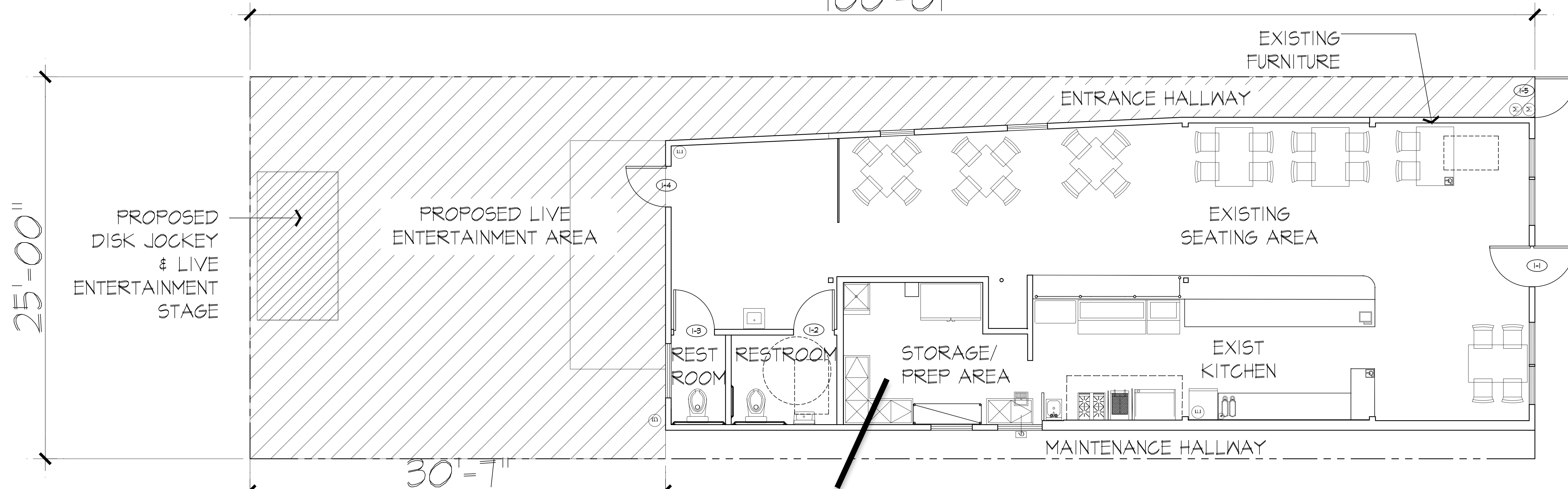


EXISTING FLOOR PLAN .-

scale: 1/4" = 1'-0"

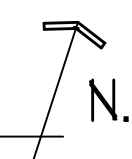


100'-0"



PROPOSED FLOOR PLAN .-

scale: 1/4" = 1'-0"





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) FOR A COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (ABC TYPE-41 LICENSE) AND LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (LA MALQUERIDA BY DOLCHE) LOCATED AT 1524 MCKINLEY AVENUE IN THE COASTAL ZONE.

CASE FILE NO.: 2025-12 CUP CDP

APN: 557-055-08

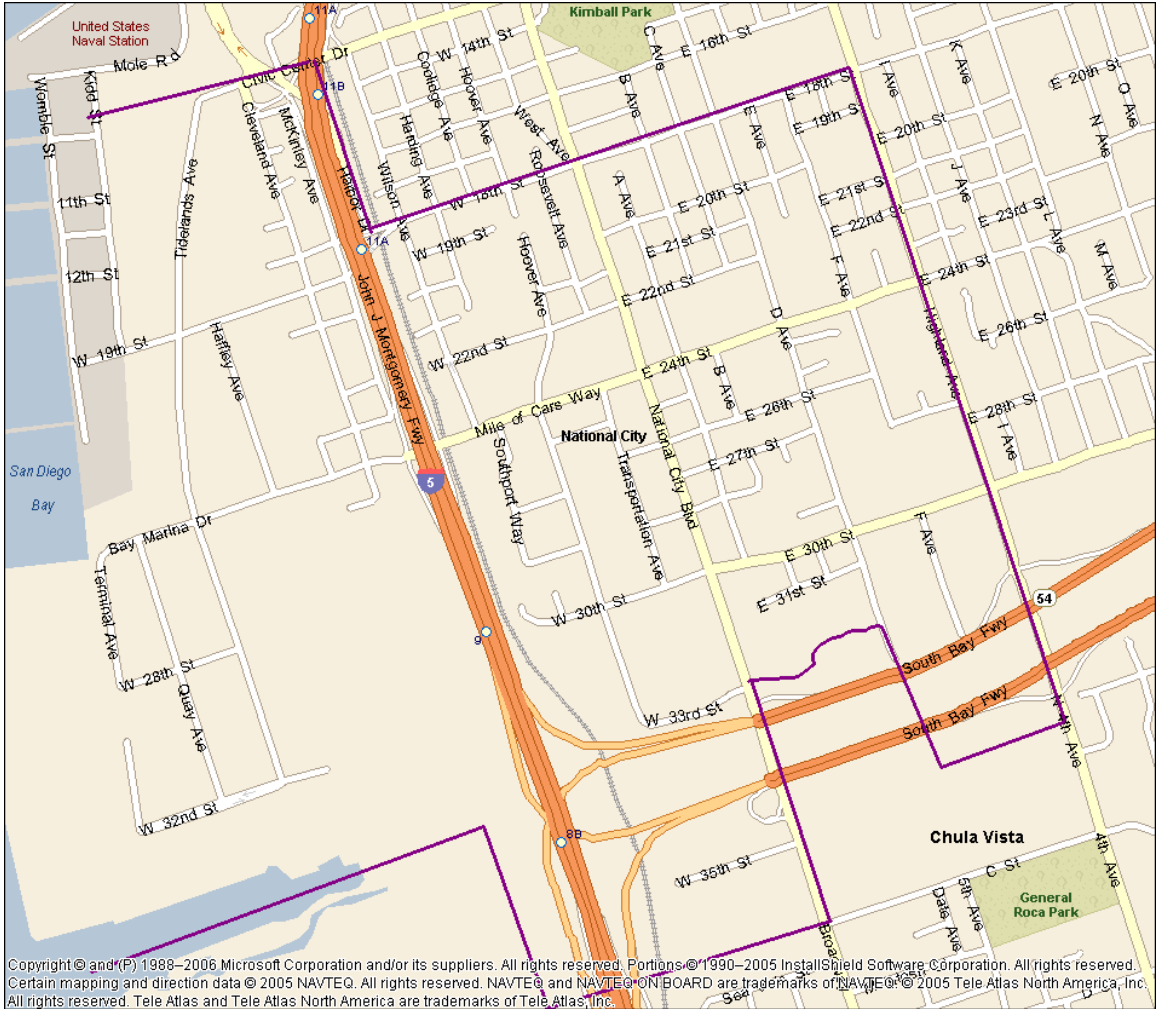
NOTICE IS HEREBY GIVEN that the National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, July 21, 2025**, in the City Council Chambers, located at the Civic Center, 1243 National City Boulevard, National City, California, on the following item:

The applicant (Applicant: Elena Gallardo) is proposing to sell on-site beer and wine (ABC Type 41) in conjunction with food sales at the existing restaurant (La Malquerida by Dolche). The restaurant is proposing alcohol sales from 8:00 a.m. to midnight daily. Additionally, the applicant is requesting live entertainment indoors from 8:00 a.m. to 11:30 p.m. and outdoors from 8:00 a.m. to 10:00 p.m. daily. 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 orally at the hearing or in writing. Written comments should be received by the Planning Division on or before 2:00 p.m., **July 21, 2025** 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).

Under California Government Code section 65009, 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.





# City of National City Beat 24

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



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**  
**Conditional Use Permit (CUP) for alcohol sales (Beer & Wine) and**  
**live entertainment at an existing restaurant**

1524 McKinley Ave., National City, CA 91950

Conducted: April 22, 2025



Photo of the proposed location

An environmental scan was conducted at 1 p.m. on Tuesday, April 22, 2025, for alcohol sales (Beer & Wine) and live entertainment at an existing restaurant. The location is between Handy Metal Mart to the south and Walashek Industrial & Marine Inc. to the north. It is surrounded by numerous other similar commercial uses. The restaurant was closed at the time the environmental scan was conducted.

**Proposed hours**

**Live Entertainment:** 10 a.m. to 11:30 p.m. daily

**Alcohol Sales:** 8 a.m. to 12 a.m. daily

*Funded by the San Diego County Health and Human Services Agency*  
8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

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

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

- A small residential structure was approximately 150 feet away.
- A Circle K service station was approximately 500 feet away.
- A multiple-story apartment complex, McKinley Apartments, approximately 1,000 feet away on McKinley Avenue, with graffiti on the fence between these two locations.

## **Youth Sensitive Areas/Other Vulnerable Locations**

Kimball Elementary School, approximately 1,500 feet away

## **Churches**

St. Anthony of Pardia, Missionary Church of God, and First Christian Spiritualist, (each approximately 1,500 feet away) are the closest ones 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, extended hours and alcohol sales.

## **Online Reviews**

- Lack of parking and large crowds during breakfast hours when the restaurant is currently open (8 a.m. – 2 p.m.)

## **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 below, the darker the census tract, the less distance a person has to travel to their closest alcohol retailer.

IPS has begun utilizing the following scale to more clearly define outlet density.

Least Dense (lightest color)

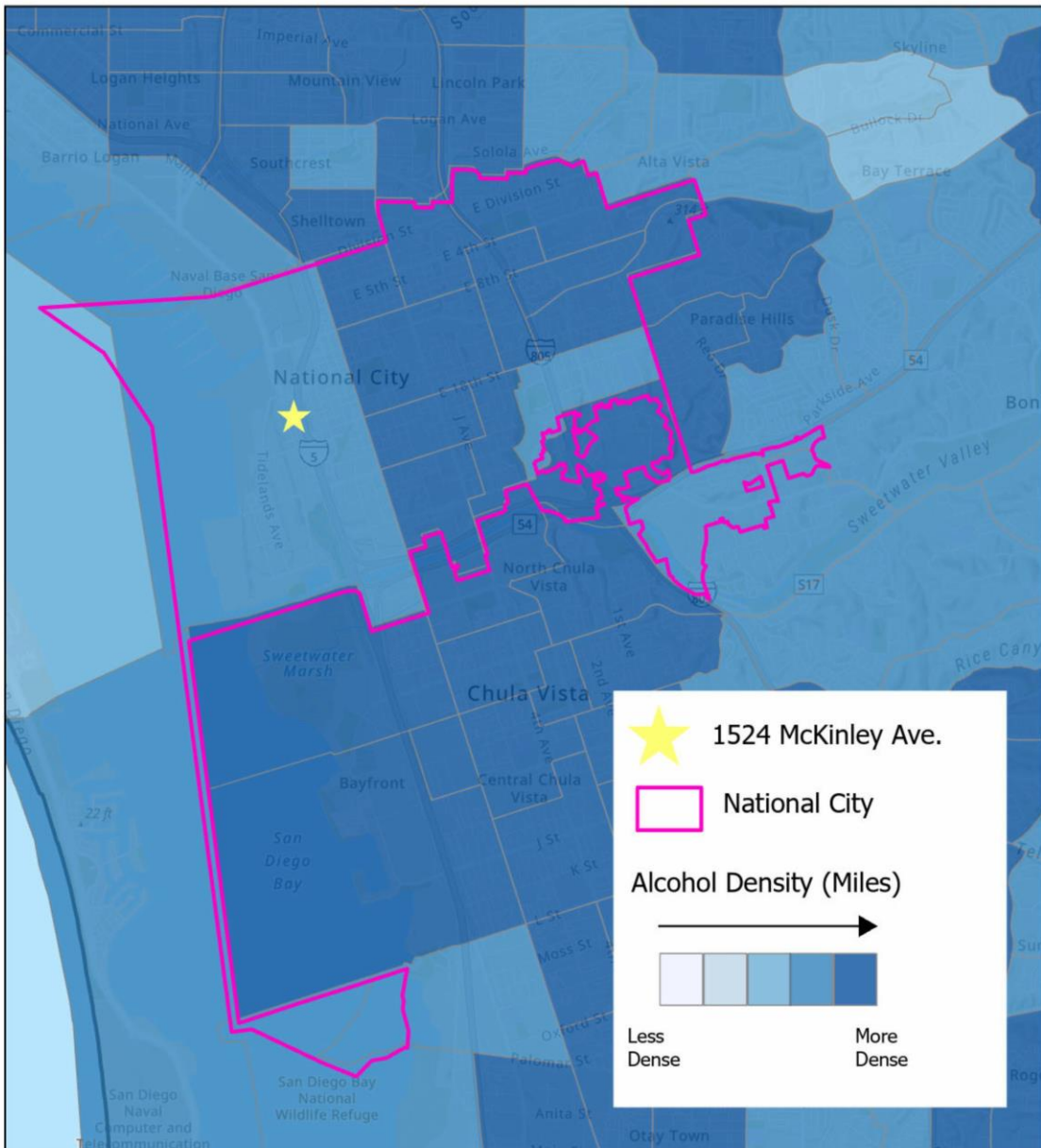


Somewhat Dense

Dense



Very Dense

Extremely Dense (darkest color)

The proposed location is defined as “Very Dense.”

**Alcohol On-Sale Density**  
 1524 McKinley Ave., National City, CA  
 Alcohol Density = Average Distance between a Person and their Closest Alcohol Retailer (CDC Guide for Measuring Alcohol Outlet Density)  
 ABC data as of 4/25/2025; Map created 4/25/2025

## **Considerations**

The following are considerations:

1. Require that staff and management attend an in-person LEAD training or an in-person RBS training from an ABC-authorized training provider. In-person trainings offer interactive and hands-on learning which are recommended over online trainings.
2. 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 through 12:00 am.
3. Require that the establishment must submit receipts as evidence of food sales offered along with alcohol before annual renewal of license.

April 30, 2025

Dear Resident / Business Owner:

You are cordially invited to attend a community meeting regarding a Conditional Use Permit (CUP) with the city of National City by Elena Gallardo (*Doing Business As – La Malquerida By Dolce*) for a California Department of Alcoholic Beverage Control (ABC) Type-41 license (beer and wine) to compliment their existing restaurant.

THURSDAY, MAY 8, 2025  
6:00pm to 7:00pm  
La Malquerida By Dolce  
1524 McKinley Avenue  
National City, CA 91950

The applicant will provide an overview of their request and have a question and answer session shortly thereafter.

If you have any questions please feel free to contact Marco Cortes at (619) 852-4690 (or at [marco@cortescommunications.com](mailto:marco@cortescommunications.com)).



May 12, 2025

Sophia Depew  
Planning Technician  
Community Development Department  
City of National City  
1243 National City Boulevard  
National City, CA 91950

**RE: ELENA GALLARDO (DBA – LA MALQUERIDA BY DOLCHE) REPORT FOR COMMUNITY MEETING;**

Ms. Depew:

On behalf of Elena Gallardo (DBA – La Malquerida By Dolche), I am submitting a summary of the Community Meeting that was held on Thursday, May 8, 2025 from 6:00pm to 7:00pm at La Malquerida By Dolche located at 1524 McKinley Avenue, National City, CA 91950.

The applicant and I were present and began the meeting at 6:00pm. Unfortunately, nobody attended the meeting and the meeting was adjourned at 7:00pm.

Thank you for your consideration, if I can be of further assistance please feel free to contact me directly at (619) 852-4690.

Kind regards,

*Marco Polo Cortes*

Marco Polo Cortés  
President