



AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY
ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST
COUNCIL CHAMBERS
CIVIC CENTER

1243 NATIONAL CITY BOULEVARD

NATIONAL CITY, CALIFORNIA

TUESDAY, NOVEMBER 2, 2021 – 6:00 PM

ALEJANDRA SOTELO-SOLIS
Mayor

JOSE RODRIGUEZ
Vice Mayor

MARCUS BUSH
Councilmember

RON MORRISON
Councilmember

MONA RIOS
Councilmember

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the City Council Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at www.nationalcityca.gov. For Public Comments see "PUBLIC COMMENTS" section below

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review on the City's website at www.nationalcityca.gov. Regular Meetings of the Elected Body are webcast and archived on the City's website at www.nationalcityca.gov.

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our City Council as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email PublicComment@nationalcityca.gov, provide the agenda item number and title of the item in the subject line of your email. Public comments or testimony is limited to up to three (3) minutes. If the comment is not related to a specific agenda item,

1243 National City Blvd.
National City, CA 91950
619-336-4240

Meeting agendas and
minutes available on the
City's website at
WWW.NATIONALCITYCA.GOV

indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be emailed to the City Council Members and made a part of the official record.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/publiccomment> by 4:00 p.m. on the day of the regular meeting to join the City Council Meeting.

***Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

***Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon. Public microphones will be muted until it is your turn to comment.

Each speaker is allowed up to three (3) minutes to address the City Council. Please be aware that the Mayor may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated.

All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the City Council as a whole and avoid personal attacks against members of the public, City Council, and city staff.

Questions about public comment or City Council protocols? Please contact the City Clerk's Office at (619) 336-4228 or via email at Clerk@nationalcityca.gov.

INTERPRETATION SERVICES: To use the Zoom interpretation feature you must first Pre-Register on Zoom. Once logged into Zoom to use the interpretation feature, please scroll to the bottom of the Zoom screen (where the meeting controls are), click on the interpretation icon (world), and select English as your language. If you are joining using the Zoom mobile app (cell phone, tablet, etc.), please press the ellipsis (...), then Interpretation, and then choose your language.

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please

contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AVISO: La salud y el bienestar de los residentes, visitantes y empleados de National City durante el brote de COVID-19 sigue siendo nuestra máxima prioridad. El Ayuntamiento de la Ciudad de National City se está coordinando con la Agencia de Salud y Servicios Humanos del Condado de San Diego y otras agencias para tomar medidas con el fin de monitorear y reducir la propagación del nuevo coronavirus (COVID-19). La Organización Mundial de la Salud declaró el brote como una pandemia global y se han manifestado emergencias locales y estatales que resultan en la suspensión de ciertas leyes de reuniones públicas, tal como la Ley Brown.

Como resultado de ello, la junta del Concejo Municipal del Ayuntamiento se llevará a cabo solamente en línea para garantizar la seguridad de los residentes, empleados y comunidades locales que atendemos. Se podrá ver una transmisión en vivo de la junta en el sitio web del Ayuntamiento en www.nationalcityca.gov. Para comentarios públicos, vea la sección “COMENTARIOS PÚBLICOS” más adelante.

ORDEN DEL DÍA: Las sesiones públicas de todas las juntas ordinarias del Concejo Municipal/Comisión de Desarrollo Comunitario - Autoridad de Vivienda (en lo sucesivo denominado Órgano Electo) inician a las 6:00 p.m. el primer y tercer martes de cada mes. Las audiencias públicas inician a las 6:00 p.m., a menos que se indique lo contrario. Las juntas cerradas inician en sesión abierta a las 5:00 p.m. o en cualquier otro momento que se indique, y tras anunciar los temas de la sesión cerrada, la junta se realiza como sesión cerrada. Si se programa una reunión de discusión y análisis, el tema y la hora de la misma aparecerán en la agenda. La Alcaldesa y los Concejales se reúnen por igual que el Presidente y los integrantes del Consejo de la Comisión de Desarrollo Comunitario.

INFORMES: Todos los temas e informes de la agenda de la sesión abierta, así como todos los documentos y escritos entregados al Órgano Electo menos de 72 horas antes de la sesión, aparecerán en el sitio web del Ayuntamiento. Las juntas ordinarias del Órgano Electo se transmiten por Internet y se archivan en el sitio web del Ayuntamiento en www.nationalcityca.gov.

COMENTARIOS PÚBLICOS: Hay varias formas en las que puede asegurarse de que sus opiniones sean escuchadas y consideradas por nuestro Concejo Municipal como se describe a continuación:

Envíe su comentario público antes de la sesión: Para enviar un comentario por escrito, envíe un correo electrónico a PublicComment@nationalcityca.gov, proporcione el número del tema o asunto de la agenda y el título del tema o asunto en la línea de asunto de su correo electrónico. Los comentarios o testimonios públicos se limitan a tres (3) minutos. Si el comentario no se relaciona con un tema o asunto específico de la agenda, indique Comentario Público General en la línea de asunto. Todos los comentarios por correo electrónico recibidos antes de las 4:00 p.m. del día de la sesión se enviarán por correo electrónico a los miembros del Concejo Municipal y formarán parte del acta oficial.

Regístrese en línea y participe en los comentarios públicos en vivo durante la sesión: Para proporcionar comentarios públicos en vivo durante la sesión, debe registrarse previamente en el sitio web del Ayuntamiento en

<https://www.nationalcityca.gov/publiccomment> **antes de las 4:00 p.m.** del día de la junta ordinaria para incorporarse a la sesión del Concejo Municipal.

***Tenga presente que no necesita registrarse previamente para ver la sesión en línea, pero debe registrarse previamente si desea hablar.

Una vez registrado, recibirá un correo electrónico con un enlace de Zoom para integrarse a la sesión en vivo. Puede participar por teléfono o por computadora. Tómese el tiempo necesario para iniciar la reunión en Zoom antes del inicio de la sesión para asegurarse de no encontrar dificultades técnicas de último momento.

***Tenga presente que las personas del público no se mostrarán en vídeo; podrán observar, escuchar y hablar cuando se les solicite. Los micrófonos públicos se silenciarán hasta que sea su turno de comentar.

Cada orador tiene hasta tres (3) minutos para dirigirse al Concejo Municipal. Tenga en cuenta que la Alcaldesa puede limitar la extensión de los comentarios debido a la cantidad de personas que deseen hablar o si los comentarios se vuelven repetitivos o no relacionados.

Todos los comentarios están sujetos a las mismas reglas que de otro modo regirían los comentarios de los oradores en la sesión. Se pide a los oradores que sean respetuosos y corteses. Dirija sus comentarios al Concejo Municipal en su conjunto y evite ataques personales contra personas del público, el Concejo Municipal y el personal del Ayuntamiento.

¿Preguntas sobre comentarios públicos o protocolos del Concejo Municipal?
Comuníquese con la Oficina de la Secretaria del Ayuntamiento al teléfono (619) 336-4228, o por correo electrónico a Clerk@nationalcityca.gov.

SERVICIO DE INTERPRETACIÓN: Para utilizar la función de interpretación zoom primero debe registrarse previamente en el sitio web de Zoom. Una vez que haya iniciado sesión en zoom para utilizar la función de interpretación, favor de desplazarse a la parte inferior de la pantalla de Zoom (donde aparecen los controles). Haga clic en el ícono de interpretación (globo terráqueo), y seleccione "*Spanish*" (español). Si está utilizando la aplicación móvil de Zoom (celular, tableta, etc.), presione los puntos suspensivos (...), luego "*interpretation*" y luego el idioma.

AGENDA ESCRITA: Con contadas excepciones, el Órgano Electo puede tomar medidas únicamente sobre los temas que aparecen en la agenda escrita. Los temas que no aparezcan en la agenda deben aparecer en una agenda subsecuente, a menos que sean de emergencia o urgencia demostrada, y la necesidad de tomar medidas sobre esos temas haya surgido después de haber sido publicada la agenda.

CALENDARIO DE CONSENTIMIENTO: Los temas del calendario de consentimiento implican cuestiones de naturaleza rutinaria o no controvertida. Todos los temas de consentimiento se adoptan mediante la aprobación de una sola moción del Concejo Municipal. Antes de la aprobación, cualquier tema puede eliminarse de la parte de consentimiento de la agenda y considerarse aparte, a petición de un concejal, individuo del personal del Ayuntamiento o persona del público.

Previa solicitud, esta agenda puede estar disponible en formatos alternativos apropiados para personas con discapacidades, en observancia de la Ley de Estadounidenses con Discapacidades. Llame al teléfono (619) 336-4228 de la Oficina del Secretario del Ayuntamiento para solicitar una modificación o adaptación de acceso relativa a la discapacidad. Notificar 24 horas antes de la sesión permitirá al Ayuntamiento hacer arreglos razonables para garantizar la accesibilidad a esta junta.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS AND CERTIFICATES

1. [National City Celebrates Sister-City Tecate in their 129th Anniversary.](#)

AWARDS AND RECOGNITIONS

PRESENTATIONS (FIVE-MINUTE TIME LIMIT)

2. [Robert Wood Johnson Foundation Culture of Health Prize Award.](#)

INTERVIEWS / APPOINTMENTS

REGIONAL BOARDS AND COMMITTEE REPORTS (FIVE-MINUTE TIME LIMIT)

CONSENT CALENDAR

3. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
4. [Resolution of the City Council of the City of National City acknowledging receipt of a report made by the Chief of Emergency Services of the National City Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code. \(Fire\)](#)
5. [Resolution of the City Council of the City of National City accepting and acknowledging the Robert Wood Johnson Foundation Culture of Health Prize of \\$55,500 and the establishment of General Fund appropriations of \\$55,500 and corresponding revenue budget with no matching funds required. \(City Manager\)](#)
6. [Resolution of the City Council of the City of National City approving an application for authorization to access state and federal level summary](#)

criminal history information for cannabis employment, contractors, licensing or certification purposes. (City Manager)

7. Resolution of the City Council of City of National City authorizing an application for Year One and Year Two funding of the Permanent Local Housing Allocation (PLHA) Program Plan and reapproving the First Amendment to the PLHA Program Plan to incorporate homeless outreach, case management, emergency housing, and other housing services for homeless individuals and families or those at risk of becoming homeless. (Housing Authority)
8. Resolution of the City Council of the City of National City to authorize the City Manager to enter into a ten year Agreement with the County of San Diego for the National City Police Department to use the San Diego Sheriff's Department's Firing Range and Firearm's Facilities. The total cost for the ten years is not to exceed \$75,000 or \$7,500 per year. (Police)
9. Adoption of a Resolution declaring findings to continue teleconference meetings to November 16, 2021 as required by AB 361. (City Clerk)
10. Warrant Register #12 for the period of 9/15/21 through 9/21/21 in the amount of \$2,059,529.88. (Finance)
11. Warrant Register #13 for the period of 9/22/21 through 9/28/21 in the amount of \$741,831.40. (Finance)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

12. Public Hearing and Introduction of an Ordinance of the City Council of the City of National City amending Chapter 11.52 (Bicycles) of the National City Municipal Code. (Applicant City-Initiated) (Case File 2021-03 A) (Planning)
13. Public Hearing and Adoption of a Resolution of the City Council of the City of National City certifying an Environmental Impact Report (EIR) for, and approving, a General Plan Amendment, Zone Change, Code Amendment, and Conditional Use Permit for construction of a Carmax dealership on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805 and authorizing the filing of a Notice of Determination. (Applicant: Carmax) (Case File No. 2016-30 GPA, ZC, A, CUP, IS) (Planning)
14. Introduction of an Ordinance of the City Council of the City of National City, California, approving a Zone Change from Major Mixed-Use District (MXD-2) to Service Commercial (CS) and Open Space (OS), and amendment to Chapter 18.22.020 of the Municipal Code to allow for used auto sales in the CS zone for construction of a Carmax dealership on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805. (Applicant: Carmax) (Case File No. 2016-30 ZC, A) (Planning)

15. [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending Sections 18.20.020, 18.21.040, 18.21.050, 18.45, and 18.50, and addition of Sections 18.30.380 and 18.30.390 of Title 18 \(Zoning\) of the National City Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units. \(Applicant City-Initiated\) \(Case File 2021-18 A\) \(Planning\)](#)
16. [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City establishing Community Choice Aggregation \(CCA\) in the City of National City. \(Engineering/Public Works\)](#)

NON CONSENT RESOLUTIONS

NEW BUSINESS

17. [Resolution of the City Council of the City of National City authorizing the Mayor to execute a Joint Powers Agency Agreement \(JPA\) and current amendments with the San Diego Community Power \(SDCP\) Community Choice Aggregation \(CCA\). \(Engineering/Public Works\)](#)
18. [City Council consideration of a City Council Policy for the Naming of City Assets and Streets. \(City Manager\)](#)

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

19. [City Manager Report. \(City Manager\)](#)

MAYOR AND CITY COUNCIL

20. [Discussion on the potential naming of a new park Dolores Huerta Park and Community Garden. \(City Manager\)](#)

CLOSED SESSION

CLOSED SESSION REPORT

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - November 16, 2021 - 6:00 p.m. - Council Chambers - National City, California.

The following page(s) contain the backup material for Agenda Item: [National City Celebrates Sister-City Tecate in their 129th Anniversary.](#)

Please scroll down to view the backup material.

Item # ____
11/02/21

**National City Celebrates Sister-City Tecate
in their 129th Anniversary**

The following page(s) contain the backup material for Agenda Item: [Robert Wood Johnson Foundation Culture of Health Prize Award](#).

Please scroll down to view the backup material.

Item # ____
11/02/21

**Robert Wood Johnson Foundation Culture of Health
Prize Award**

The following page(s) contain the backup material for Agenda Item: [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # ____
11/02/21

MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES OR RESOLUTIONS THAT ARE HAVING A PUBLIC HEARING CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES OR RESOLUTIONS SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY.

(City Clerk)

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City acknowledging receipt of a report made by the Chief of Emergency Services of the National City Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code. \(Fire\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City acknowledging receipt of a report made by the Chief of Emergency Services of the National City Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code. (Fire)

PREPARED BY: Frank Parra

DEPARTMENT: Fire

PHONE: (619) 336-4551

APPROVED BY: 

EXPLANATION:

See attached Staff Report.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

No City match required.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

No CEQA Exemption - This action is not subject to review under the California Environmental Quality Act (CEQA)

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Approve the Resolution.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. Staff Report
2. Resolution

EXHIBIT "A"

STAFF REPORT

SUBJECT: ACKNOWLEDGE THE NATIONAL CITY FIRE DEPARTMENT'S REPORT REGARDING PERFORMANCE OF ANNUAL INSPECTIONS PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule; and
2. Adopt the resolution recognizing the National City Fire Department's level of compliance with California Health and Safety Code Sections 13146.2 and 13146.3.

BACKGROUND:

California Senate Bill 1205 (SB 1205) was signed into law on September 27, 2018, after the tragic Ghost Ship Fire (December 2016) brought national attention to California and put a spotlight on fire safety laws as well as the performance of fire inspections. This law amends preceding law such that an annual report on state mandated inspections is now required to be submitted to the governing body of each jurisdiction having authority for inspections. The law also requires the report to be given when the administering authority discusses its annual budget and receipt of the report must be acknowledged in a resolution or similar formal document.

State mandated inspections were enacted by the California Health & Safety Code Sections 13146.2 and 13146.3 and requires all fire departments that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards. The California Health & Safety Code Sections 13146.2 and 13146.3 did not require fire departments to report or demonstrate compliance as the new law (SB 1205) does.

Although there are no penalties identified in the law, adoption of the resolution will establish the City of National City's intent to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the National City Fire Department's compliance with California Health and Safety Code Sections 13146.2 and 13146.3, which identifies the state mandated inspections above and further described below.

Public and private schools are generally classified as Educational Group E occupancies. They are schools used by more than six persons at any one time, for educational purposes through the 12th grade. Within the City of National City, there are 22 Group E occupancies, buildings, structures and facilities.

An inspection of schools in our district presented an obvious challenge as staff and children were not present during these inspections due to COVID. However, the prevention bureau was creative in coordinating with school officials and custodial staff to assist with these inspections.

During fiscal year 2020-21, the National City Fire Department completed the annual inspection of 20 Group E occupancies, buildings, structures, and facilities. This represents a compliance rate of 91%. There were two dedicated fire inspectors assigned to these occupancy types and the performance for fiscal year 2021-2022 will trend upwards with an anticipated completion of 100% of the required inspections. This department will also continue to improve coordination and cooperation with school administration and maintenance staff, which will result in a reduction in violations that would require re-inspection. Although all schools were closed due to COVID, fire safety

inspections were still completed with custodial staff on twenty (20) of the twenty two (22) schools found here in our district.

Currently, the National City Fire Department continues to promote its Fire Safe School of the Year Award, presented to the safest elementary school in the National School District. The award established in 2002, continues to promote friendly competition between schools while making our schools a safer place.

Hotels, motels, apartments (three units or more), and other residential occupancies that contain sleeping units (including some residential care facilities) are generally classified as Residential Group R occupancies. The residential care facilities have various sub-classifications and may contain residents or clients that have a range of needs, such as, custodial care, mobility impairments, cognitive disabilities, and more. The residents may also be non-ambulatory.

In an effort to increase overall performance and compliance with the State mandate, the Department was successful in actively working through the City Manager's Office, Human Resources, and the Finance Department, to hire one (1) Fire Inspector to assist with the overall two thousand nine hundred (2,900) business and residential fire inspections. With the addition of the new inspector, overall annual inspections have increased from five hundred and ninety nine (599) to one thousand thirty five (1035). The combined effort is trending to increase the Department's compliance rate of the mandated inspections for fiscal year 2021-2022.

Within the City of National City, there were 665 Group R (and their associated sub-categories) occupancies. During fiscal year 2020-2021, the National City Fire Department completed the annual inspection of 429 Group R occupancies, buildings, structures, and facilities. This is a compliance rate of 76 %. Residential occupancy inspections have been achieved by the Fire Prevention Bureau with one (1) new Fire Inspector.

As COVID-19 descended upon this nation, state, and National City, the fire prevention bureau worked tirelessly meeting with distraught and confused business owners and the general public, providing face to face current information as our City's COVID Hot Team. As the COVID Temporary Outdoor Permit Program (CTOP) begin to flourish resulting in two hundred and ninety six (296) businesses visited with approximately 54 CTOP permits issued, new State, Occupational Safety and Health Administration (OSHA), and Center for Disease Control (CDC) information continued to flow into this office daily. Ever changing information received, resulted in well over one thousand (1000) re-visits to all of these businesses, in order to provide current information on parklets, dinning tents, weather canopies, and the Activate the Right of Way Program (AROW).

As businesses in our city continued to close and inspections began to decrease, the bureau actively participated in almost every vaccine clinic which included the National City Library, Sweetwater High School, National School District/Las Palmas UCSD vaccine clinic, Saint Anthony's Church vaccine clinic, and homeless camp vaccine outreach. Our efforts were an aggressive attempt to get more of our city residents vaccinated. Administration staff consisting of a part time senior office assistant and an acting administrative secretary, worked diligently in support of the inspection staff, answered COVID vaccine site questions, assisted with COVID schedules, processed inspection requests, and prepared C-Top permits in an effort to assist the citizens and business in unprecedented times.

ENVIRONMENTAL ANALYSIS:

Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b) (3), the general rule.

COUNCIL POLICY CONSIDERATION:

This action supports the City Council's strategic goal to ensure public safety.

FISCAL IMPACT:

There is no fiscal impact as a result of acknowledging the National City Fire Department's compliance with certain State mandated fire inspections. The report seeks to communicate with the governing authority about the level of compliance with state mandated safety inspections. This report should assist the National City Fire Department and governing authority in planning and prioritizing available resources to appropriately staff and carry out state mandated inspections.

RESOLUTION NO. 2021 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE CHIEF OF EMERGENCY SERVICES OF THE NATIONAL CITY FIRE DEPARTMENT REGARDING THE INSPECTION OF CERTAIN OCCUPANCIES REQUIRED TO PERFORM ANNUAL INSPECTIONS IN SUCH OCCUPANCIES PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018; and

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments, including the National City Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards, as provided; and

WHEREAS, California Health & Safety Code Section 13146.4 requires all fire departments, including the National City Fire Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

WHEREAS, the City Council of the City of National City intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the National City Fire Department's compliance with California Health and Sections 13146.2 and 13146.3.

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

Section 1: Acknowledges the measure of compliance of the National City Fire Department in accordance with California Health and Safety Code Sections 13146.2 and 13146.3 in the area encompassed by the City/County, as reflected in the Staff Report attached hereto marked as Exhibit "A".

Section 2. That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

EXHIBIT "A"

STAFF REPORT

SUBJECT: ACKNOWLEDGE THE NATIONAL CITY FIRE DEPARTMENT'S REPORT REGARDING PERFORMANCE OF ANNUAL INSPECTIONS PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule; and
2. Adopt the resolution recognizing the National City Fire Department's level of compliance with California Health and Safety Code Sections 13146.2 and 13146.3.

BACKGROUND:

California Senate Bill 1205 (SB 1205) was signed into law on September 27, 2018, after the tragic Ghost Ship Fire (December 2016) brought national attention to California and put a spotlight on fire safety laws as well as the performance of fire inspections. This law amends preceding law such that an annual report on state mandated inspections is now required to be submitted to the governing body of each jurisdiction having authority for inspections. The law also requires the report to be given when the administering authority discusses its annual budget and receipt of the report must be acknowledged in a resolution or similar formal document.

State mandated inspections were enacted by the California Health & Safety Code Sections 13146.2 and 13146.3 and requires all fire departments that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards. The California Health & Safety Code Sections 13146.2 and 13146.3 did not require fire departments to report or demonstrate compliance as the new law (SB 1205) does.

Although there are no penalties identified in the law, adoption of the resolution will establish the City of National City's intent to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the National City Fire Department's compliance with California Health and Safety Code Sections 13146.2 and 13146.3, which identifies the state mandated inspections above and further described below.

Public and private schools are generally classified as Educational Group E occupancies. They are schools used by more than six persons at any one time, for educational purposes through the 12th grade. Within the City of National City, there are 22 Group E occupancies, buildings, structures and facilities.

An inspection of schools in our district presented an obvious challenge as staff and children were not present during these inspections due to COVID. However, the prevention bureau was creative in coordinating with school officials and custodial staff to assist with these inspections.

During fiscal year 2020-21, the National City Fire Department completed the annual inspection of 20 Group E occupancies, buildings, structures, and facilities. This represents a compliance rate of 91%. There were two dedicated fire inspectors assigned to these occupancy types and the performance for fiscal year 2021-2022 will trend upwards with an anticipated completion of 100% of the required inspections. This department will also continue to improve coordination and cooperation with school administration and maintenance staff, which will result in a reduction in violations that would require re-inspection. Although all schools were closed due to COVID, fire safety

inspections were still completed with custodial staff on twenty (20) of the twenty two (22) schools found here in our district.

Currently, the National City Fire Department continues to promote its Fire Safe School of the Year Award, presented to the safest elementary school in the National School District. The award established in 2002, continues to promote friendly competition between schools while making our schools a safer place.

Hotels, motels, apartments (three units or more), and other residential occupancies that contain sleeping units (including some residential care facilities) are generally classified as Residential Group R occupancies. The residential care facilities have various sub-classifications and may contain residents or clients that have a range of needs, such as, custodial care, mobility impairments, cognitive disabilities, and more. The residents may also be non-ambulatory.

In an effort to increase overall performance and compliance with the State mandate, the Department was successful in actively working through the City Manager's Office, Human Resources, and the Finance Department, to hire one (1) Fire Inspector to assist with the overall two thousand nine hundred (2,900) business and residential fire inspections. With the addition of the new inspector, overall annual inspections have increased from five hundred and ninety nine (599) to one thousand thirty five (1035). The combined effort is trending to increase the Department's compliance rate of the mandated inspections for fiscal year 2021-2022.

Within the City of National City, there were 665 Group R (and their associated sub-categories) occupancies. During fiscal year 2020-2021, the National City Fire Department completed the annual inspection of 429 Group R occupancies, buildings, structures, and facilities. This is a compliance rate of 76 %. Residential occupancy inspections have been achieved by the Fire Prevention Bureau with one (1) new Fire Inspector.

As COVID-19 descended upon this nation, state, and National City, the fire prevention bureau worked tirelessly meeting with distraught and confused business owners and the general public, providing face to face current information as our City's COVID Hot Team. As the COVID Temporary Outdoor Permit Program (CTOP) begin to flourish resulting in two hundred and ninety six (296) businesses visited with approximately 54 CTOP permits issued, new State, Occupational Safety and Health Administration (OSHA), and Center for Disease Control (CDC) information continued to flow into this office daily. Ever changing information received, resulted in well over one thousand (1000) re-visits to all of these businesses, in order to provide current information on parklets, dinning tents, weather canopies, and the Activate the Right of Way Program (AROW).

As businesses in our city continued to close and inspections began to decrease, the bureau actively participated in almost every vaccine clinic which included the National City Library, Sweetwater High School, National School District/Las Palmas UCSD vaccine clinic, Saint Anthony's Church vaccine clinic, and homeless camp vaccine outreach. Our efforts were an aggressive attempt to get more of our city residents vaccinated. Administration staff consisting of a part time senior office assistant and an acting administrative secretary, worked diligently in support of the inspection staff, answered COVID vaccine site questions, assisted with COVID schedules, processed inspection requests, and prepared C-Top permits in an effort to assist the citizens and business in unprecedented times.

ENVIRONMENTAL ANALYSIS:

Find that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b) (3), the general rule.

COUNCIL POLICY CONSIDERATION:

This action supports the City Council's strategic goal to ensure public safety.

FISCAL IMPACT:

There is no fiscal impact as a result of acknowledging the National City Fire Department's compliance with certain State mandated fire inspections. The report seeks to communicate with the governing authority about the level of compliance with state mandated safety inspections. This report should assist the National City Fire Department and governing authority in planning and prioritizing available resources to appropriately staff and carry out state mandated inspections.

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City accepting and acknowledging the Robert Wood Johnson Foundation Culture of Health Prize of \\$55,500 and the establishment of General Fund appropriations of \\$55,500 and corresponding revenue budget with no matching funds required. \(City Manager\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City accepting and acknowledging the Robert Wood Johnson Foundation Culture of Health Prize of \$55,500 and the establishment of General Fund appropriations of \$55,500 and corresponding revenue budget with no matching funds required.

PREPARED BY:

Megan Gamwell, Economic Development Specialist

PHONE: 619-336-4216

DEPARTMENT:

City Manager's Office

APPROVED BY:



EXPLANATION:

See attached.

FINANCIAL STATEMENT:

APPROVED: _____



Finance

ACCOUNT NO. Revenue: 001-000003637: Donations

APPROVED: _____

MIS

Of the \$55,500 from the RWJF, the \$25,000 Prize Funds will go the general fund; \$25,000 will be used in marketing and communications; \$5,000 will be used to offset general fund expenditures for the Paradise Creek Ribbon Cutting Celebration and \$500 will be to host a virtual celebration accepting the award.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Staff recommends that the City Council accept the \$55,500 award funds from the Robert Wood Johnson Foundation.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. City Staff Report



CITY COUNCIL STAFF REPORT

AGENDA ITEM

Resolution of the City Council of the City of National City accepting and acknowledging the Robert Wood Johnson Foundation Culture of Health Prize of \$55,500 and the establishment of General Fund appropriations of \$55,500 and corresponding revenue budget with no matching funds required.

BACKGROUND REPORT

The City of National City has been selected as one of ten winners of the 2020-2021 RWJF Culture of Health Prize for its innovative efforts in creating a thriving community. The Prize honors and elevates communities for working at the forefront of advancing health, opportunity, and equity.

National City is being nationally recognized for pursuing innovative ideas and bringing partners together to rally around a shared vision of health. Together the City, the Environmental Health Coalition and Olivewood Gardens have been working over the last year to help tell National City's story to the RWJF and jointly nominated the City for the prize recognition.

National City will receive a \$25,000 prize to join a network of Prize-winning communities, and have its inspiring accomplishments shared throughout the nation. The other nine winning communities are: Addison, Ill.; Alamosa County, Colo.; Chickaloon Native Village; Drew, Miss.; Howard County, Md.; National City, Calif.; Palm Beach County, Fla.; Rocky Mount, N.C.; Thunder Valley Community—Oglala Lakota Nation (Oceti Sakowin Territory), and Worcester, Mass. National City now joins Gonzales, Santa Cruz County, Santa Monica, and San Pablo as the fifth California community to win the distinguished Prize.

To become an RWJF Culture of Health Prize winner, National City had to demonstrate how it excelled in the following six criteria:

- Defining health in the broadest possible terms.
- Committing to sustainable systems changes and policy-oriented long-term solutions.
- Creating conditions that give everyone a fair and just opportunity to reach their best possible health.

- Maximizing the collective power of leaders, partners, and community members.
- Securing and making the most of available resources.
- Measuring and sharing progress and results.

The Foundation will honor this year's winners, November 9-10, during a virtual RWJF Culture of Health Prize Celebration and Learning Event. During the event, representatives from the Prize communities will talk through the different ways they are leveraging their strengths and bringing partners together to expand opportunity. The 10 new winners will also connect with their 44 fellow Prize Alumni communities.

City Staff is also planning to celebrate this national recognition on November 6, 2021 at the official grand opening of Paradise Creek Educational Park and Community Garden. The event will take place from 10:00am-12:00pm between W. 22nd Street and W. 19th Street.

City Staff is requesting the City Council accept the Robert Wood Johnson Foundation Culture of Health Prize of \$55,500 and establish General Fund appropriations of \$55,500 and corresponding revenue budget with no matching funds required.

The RWJF funds are broken down as follows:

- Prize Funds: \$25,000
- Marketing/Communication Funds: \$25,000
- Award announcement/ Celebration funds: \$5,000
- Virtual Award Celebration: \$500

Prize Fund expenditures have yet to be determined.

The *Marketing and Communication Funds* will be used to support the existing *RMG Communications* contract which was approved by the City Council on April 6, 2021 for communication, branding and marketing, to help promote National City's accomplishments as a RWJF Culture of Health Prize winner.

The *Award Announcement and Celebration Funds* will be used to support the November 6, 2021 celebration at Paradise Creek hosted by the Community Services Department.

Olivewood Gardens and the Environmental Health Coalition will also be receiving \$6,000 each for their work in organizing the various marketing and communication efforts associated with the nomination and ultimate awarding of the RWJF Culture of Health Prize.

RESOLUTION NO. 2021 -

RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ACCEPTING AND ACKNOWLEDGING THE ROBERT WOOD JOHNSON FOUNDATION CULTURE OF HEALTH PRIZE OF \$55,500 AND THE ESTABLISHMENT OF GENERAL FUND APPROPRIATIONS OF \$55,500 AND CORRESPONDING REVENUE BUDGET WITH NO MATCHING FUNDS REQUIRED

WHEREAS, the Robert Wood Johnson Foundation (“RWJF”) selected the City of National City (“City”) as one of ten winners for 2020-2021 for its Culture of Health Prize for the City’s innovative efforts in creating a thriving community; and

WHEREAS, the Prize honors and elevates communities for working at the forefront of advancing health, opportunity, and equity; and

WHEREAS, the City is being nationally recognized for pursuing innovative ideas and bringing partners together to rally around a shared vision of health; and

WHEREAS, the City will receive a \$55,500 prize joining a network of Prize-winning communities, and have its inspiring accomplishments shared throughout the nation; and

WHEREAS, City Staff is requesting the City Council accept the RWJF Culture of Health Prize of \$55,500 and establish General Fund appropriations of \$55,500 and corresponding revenue budget with no matching funds required.

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

Section 1: Accepts and acknowledges the Robert Wood Johnson Foundation Culture of Health Prize of \$55,500 and the establishment of General Fund appropriations of \$55,500 and corresponding revenue budget with no matching funds required.

///

Section 2. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City approving an application for authorization to access state and federal level summary criminal history information for cannabis employment, contractors, licensing or certification purposes. \(City Manager\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

A Resolution of the City Council of the City of National City approving an application for authorization to access state and federal level summary criminal history information for cannabis employment, contractors, licensing or certification purposes. (City Manager)

PREPARED BY:

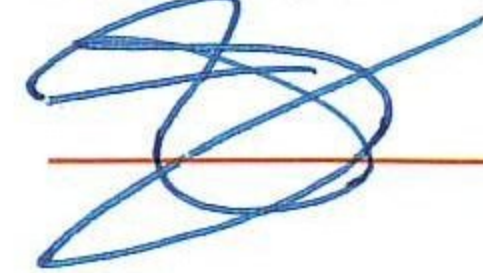
Megan Gamwell, Economic Development Specialist

PHONE: 619-336-4216

DEPARTMENT:

City Manager's Office

APPROVED BY:



EXPLANATION:

Consistent with direction given by the City Council on May 4, 2021 to adopt a Cannabis Ordinance staff is recommending that the National City Police Department be authorized to access state and federal level summary criminal history information for cannabis employment, including contract employees, licensing and certification of commercial cannabis operations including retail, testing, and manufacturing purposes. In order to access such data the City Council must first authorize the City to request access from the California Department of Justice to be transmitted to the Federal Bureau of Investigation as described in Penal Code sections 11105(b)(11) and 13300(b)(11).

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

n/a

ORDINANCE:

INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Staff recommends adopting the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 2021 -

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,
SETTING THE NUMBER OF COMMERCIAL CANNABIS LICENSES AUTHORIZED TO
OPERATE IN THE CITY OF NATIONAL CITY**

WHEREAS, Section 9.60.080 of the National City Municipal Code creates a process in determining the maximum number of commercial cannabis businesses that may be issued permits to operate in the City of National City (“City”) under each category; and

WHEREAS, the number of each type of commercial cannabis business that shall be permitted to operate in the City shall be established by Resolution by the City Council; and

WHEREAS, consistent with the direction given by the City Council on September 17, 2019, and on February 18, 2020, City staff recommends adopting a resolution setting the number of commercial cannabis licenses authorized to operate in the City to six (6).

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

Section 1: Sets the number of authorized commercial cannabis licenses allowed to operate in the City of National City to six (6).

Section 2. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of City of National City authorizing an application for Year One and Year Two funding of the Permanent Local Housing Allocation \(PLHA\) Program Plan and reapproving the First Amendment to the PLHA Program Plan to incorporate homeless outreach, case management, emergency housing, and other housing services for homeless individuals and families or those at risk of becoming homeless. \(Housing Authority\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of The City Council of City of National City, California, authorizing an application for Year One and Year Two funding of the Permanent Local Housing Allocation (PLHA) Program Plan and reapproving the First Amendment to the PLHA Program Plan to incorporate homeless outreach, case management, emergency housing, and other housing services for homeless individuals and families or those at risk of becoming homeless.

PREPARED BY: Myra Martinez,
Housing Programs Specialist II

DEPARTMENT: Housing Authority

PHONE: (619) 336-4301

APPROVED BY: 

EXPLANATION:

See attached explanation.

FINANCIAL STATEMENT:

APPROVED:  **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

Year One Appropriations approved on 06/15/2021 by City Resolution: 2021-90

Revenue Account: 501-45477-3463 - Permanent Local Housing Allocation - \$393,191

Expenditure Account: 501-419-477-* - Permanent Local Housing Allocation- \$393,191

There is no match required from the City's General Fund. The City is eligible to receive \$393,191 in the first program year and grant revenue over the five years is projected at \$2,359,146 to be used for eligible housing activities. Year Two Appropriations have not been made and will depend on Year Two activities selected.

ENVIRONMENTAL REVIEW:

No CEQA Exemption - This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

Not applicable to this report.

ATTACHMENTS:

1. Explanation
2. PLHA 5 Year Plan
3. Application
4. Resolution

City of National City
November 2, 2021
Staff Report Explanation

Resolution of The City Council of City of National City, California, authorizing an application for Year One and Year Two funding of the Permanent Local Housing Allocation (PLHA) Program Plan and reapproving the First Amendment to the PLHA Program Plan to incorporate homeless outreach, case management, emergency housing, and other housing services for homeless individuals and families or those at risk of becoming homeless.

Background

The Permanent Local Housing Allocation (PLHA) Program funding is made possible through California Senate Bill (SB) 2 of 2017. The PLHA is a non-competitive entitlement fund to support local affordable housing and homeless services initiatives. SB2 intended to provide a permanent, ongoing source of funding to local governments for housing-related projects and programs that address the unmet housing and homelessness needs of their local communities. PLHA Program revenue is generated through recording fees on real estate transactions on an annual basis.

On February 26, 2020, the California Department of Housing and Community Development released a NOFA for the PLHA Grant Program, providing jurisdictions funding to further their affordable housing productions and facilitate compliance with a city's housing goals over five years.

City staff prepared and submitted an application on July 27, 2020, which included a plan to fund emergency rental assistance for the first and second year of the five-year program, to fund pre-development costs and/or provide gap financing for future rental housing projects and to consider funding a new program to provide loans to assist in the construction of accessory dwelling units for low-income households. The programs funded as part of the plan were consistent with the goals of the City's Housing Element of the General Plan.

The PLHA program provides an ongoing funding source that can be paired with other one-time State and Federal funding sources; however, no match is required from the City. The City of National City is eligible to receive \$393,191 in the first year, and ongoing funding to the City over the next five years is projected at \$2,359,146. However, this initial projection for PLHA Program funding was created by the California Department of Housing and Community Development (HCD) prior to COVID-19 and may be less than expected. The City's PLHA grant application is included as attachment number two (2) of this staff report.

On August 18, 2020, City Council adopted a resolution to ratify the PLHA application and appropriate the first year of funding for emergency rental assistance that may be used to assist households impacted by COVID-19, which are currently experiencing

homelessness, or at risk of becoming homeless. In January of 2021, San Diego County received an estimated \$52.5 million in state funding and \$49 million in funding from the federal government to assist County residents whom COVID-19 has economically impacted with housing and utility payments. The program serves the County's residents in unincorporated areas and 16 cities within the region, including National City. To date, the County has received over \$201 million with utility and rent payments.

On June 15, 2021, staff recommended amending the PLHA approved Plan for years one and two to propose its PLHA funds towards housing opportunities, including basic and emergency services for the homeless, including outreach, case management, homeless prevention, emergency housing, and rental assistance. The original Plan funded emergency rental assistance; however, given the current availability of funding from the County of San Diego for COVID-19 related rental assistance, the PLHA funds would be better utilized to provide housing and case management services to homeless families and individuals or those at risk of becoming homeless.

The approved PLHA Plan §302(c)(4)(A) states as its first of three priorities:

The City of National City is proposing 100% of its PLHA funds towards housing opportunities for those earning 60% of the San Diego County Area Median Income (AMI) through three types of activities in order of priority as follows: 1) to begin as Emergency Rental Assistance Program that will help families with low income in the City of National City who experiences financial hardship due to an emergency

The First Amendment revised the first priority of §302(c)(4)(A) to state:

In Years One and Two, funds will be used to assist households experiencing or at-risk of homelessness, including but not limited to providing outreach rapid rehousing, supportive/case management services to allow people to obtain and retain housing, and operating and capital cost for navigation centers and emergency shelters. In Years Three, Four, and Five, the City of National City will use its PLHA Funds for the pre-development, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including accessory dwelling units (ADUs), which meet the needs of a growing workforce earning up to 150 percent of AMI. ADUs shall be available for occupancy for a term of no less than 30 days.

The City Council of National City approved the amendment and authorized the applications, but the Department of Housing and Community Development (HCD) requested that the First Amendment be reapproved in the form of the resolution that reflected the Department's approved template that was satisfactory to the HCD's legal counsel.

PLHA Formula 5-year Plan - Amendment		Rev. 5/7/21
Eligible Activities, §301		
§301(a) Eligible activities are limited to the following:	Included?	
§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to Extremely low-, Very low-, Low-, or Moderate-income households, including necessary operating subsidies.	<input type="checkbox"/> YES	
§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.	<input checked="" type="checkbox"/> YES	
§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.	<input type="checkbox"/> YES	
§301(a)(4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.	<input type="checkbox"/> YES	
§301(a)(5) Capitalized Reserves for services connected to the preservation and creation of new permanent supportive housing.	<input type="checkbox"/> YES	
§301(a)(6) Assisting persons who are experiencing or At-risk of homelessness, including, but not limited to, providing rapid re-housing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.	<input checked="" type="checkbox"/> YES	
§301(a)(7) Accessibility modifications in Lower-income Owner-occupied housing.	<input type="checkbox"/> YES	
§301(a)(8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.	<input type="checkbox"/> YES	
§301(a)(9) Homeownership opportunities, including, but not limited to, down payment assistance.	<input type="checkbox"/> YES	
§301(a)(10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing Projects, or matching funds invested by a county in an affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the affordable housing Project.	<input type="checkbox"/> YES	

§302(c)(4) Plan											Rev. 5/7/21				
<p>§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities.</p> <p>In Years One and Two, funds will be used to assist households experiencing or at-risk of homelessness, including but not limited to providing outreach rapid rehousing, supportive/case management services to allow people to obtain and retain housing, and operating and capital cost for navigation centers and emergency shelters. In Years Three, Four, and Five, the City of National City will use its PLHA Funds for the predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including accessory dwelling units (ADUs), which meet the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs will be available for occupancy for a term of no less than 30 days.</p>															
<p>§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income (AMI).</p> <p>PLHA Funding will be allocated to activities seeking to benefit households that are homeless or at risk of homelessness. Household income will be at or less than 60% of the AMI. The City has experience leveraging HOME funds serving households at 30% to 60% AMI funded with tax credits. Therefore, the City and its Housing Authority propose to combine its available CDBG and HOME funds with PLHA Funds.</p>															
<p>§302(c)(4)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element.</p> <p>The City of National City's current Housing Element complies with the State of California. The City is drafting a new Housing Element and Housing Strategic Plan, finalized in 2021-2022. Allocated funding will be used in accordance with the Housing Element's priorities. It will focus on activities including but not limited to assisting new development or rehabilitation housing projects that target extremely low-, very low-, low or moderate-income households, including necessary operating subsidies; provide for the preservation of affordable housing, including the development of ADU's for a growing workforce at or below 60% AMI, and assist households experiencing homeless through critical homeless services.</p>															
Activities Detail (Activities Detail (Must Make a Selection on Formula Allocation Application worksheet under Eligible Activities, §301))															
<p>§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.</p>															
<p>§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.</p>															
<p>§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for each proposed Affordable Rental and Ownership Housing Activity.</p>											<p>Percentage of Funds Allocated for Affordable Owner-occupied Workforce Housing</p>				
<p>PLHA Funds will be used for the predevelopment, development, rehabilitation, and preservation of affordable rental and ownership housing, including, Accessory Dwelling Units (ADUs) that meet the needs of a growing workforce, earning at 150% or less of the AMI in San Diego County. ADUs will be available for occupancy for a term of no less than 30 days</p>															
<p>Complete the table below for each proposed Affordable Rental and Ownership Housing Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).</p>															
Funding Allocation Year	2021	2021	2021	2022	2022	2022	2023	2023	2023						
Type of Affordable Housing Activity	Rental: Rehabilitation	Ownership: Rehabilitation	ADU	Rental: Rehabilitation	Ownership: Rehabilitation	ADU	Rental: Rehabilitation	Ownership: Rehabilitation	ADU						
§302(c)(4)(E)(ii) Area Median Income Level Served	150%	150%	150%	150%	150%	150%	150%	150%	150%						TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level Note: complete for year 2019 & 2020 only	0	0	0	0	0	0	0	0	0						0
§302(c)(4)(E)(i) Percentage of Funds Allocated for Each Affordable Housing Activity	30%	30%	35%	30%	30%	35%	30%	30%	35%						
§302(c)(4)(E)(ii) Projected Number of Households Served	10	10	10	10	10	10	10	10	10						90

§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	55	55	55	55	55	55	55	55	55							
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of each Affordable Rental and Ownership Housing project.																
For years Four and Five, Once the initial notifications have occurred and an interest list is developed, the City will screen each potential candidate to assess viability and willingness to participate.																
§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.																
§301(a)(4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.																
§301(a)(5) Capitalized Reserves for Services connected to the preservation and creation of new permanent supportive housing.																
§301(a)(6) Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.																
§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for the proposed Activity.																
The funding will be used to assist households experiencing or at risk of homelessness who are at or below 30% AMI by providing rapid rehousing, rental assistance, and supportive/case management services that allow people to obtain and retain housing. Rapid Rehousing will be used to provide housing relocation and stabilization services and short and/or medium rental assistance as necessary to house households as quickly as possible into permanent housing and achieve stability. Rental assistance will be available to households for at least six (6) months. Street Outreach funds will be used to provide essential services necessary to reach out to unsheltered homeless people and connect them with emergency shelter, housing, or critical service. The PLHA funding will also cover Supportive/Case Management by assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participants (24 CFR Section 576.101).																
Complete the table below for each proposed Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).																
Funding Allocation Year	2019	2019	2019	2020	2020	2020	2020									
Type of Activity for Persons Experiencing or At Risk of Homelessness	Rental Assistance (term of six months)	Supportive /Case Management Services	Street Outreach	Rental Assistance (term of six months)	Supportive /Case Management Services	Street Outreach										
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity	20.00%	55.00%	20.00%	30.00%	60.00%	5.00%										
§302(c)(4)(E)(ii) Area Median Income Level Served	30%	30%	30%	30%	30%	30%										TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level Note: complete for year 2019 & 2020 only	420	0	0	0	0	0										420
§302(c)(4)(E)(ii) Projected Number of Households Served	5	10	10	10	10	10										55
§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	55	55	55	55	55	55										
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity.																
During the first year, funding will be available to agencies or non-profits who provide an array of human services that meet the Plan's goals and objectives. Once the initial notifications have occurred and an interest list is developed, the City will screen each potential candidate to assess viability and willingness to participate.																
§301(a)(7) Accessibility modifications in Lower-income Owner-occupied housing.																
§301(a)(8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.																
§301(a)(9) Homeownership opportunities, including, but not limited to, down payment assistance.																

§301(a)(10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing Projects, or matching funds invested by a county in an affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the affordable housing Project.

Application Development Team (ADT) Support Form								Rev. 5/7/21
Please complete the "yellow" cells in the form below and email a copy to: AppSupport@hcd.ca.gov . and PLHA@hcd.ca.gov . A member of the Application Development Team will respond to your request within ASAP.								
Full Name:				Date Requested:		Application Version Date:		
Organization:			Email:			Contact Phone:		
Justification:								
Issue #	Program Name &	Tab	Section	Cell#	Update/Comment	Urgency	ADT Status	Status Date
1								
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Local Government Formula Allocation

Rev. 4/1/21

This streamlined application form is limited to Applicants who applied for and received an award from the 2020 Formula Allocation NOFA.

Did Applicant receive an award from the 2020 Formula Allocation NOFA? Yes

Eligible Applicant Type: Entitlement

Local Government Recipient of PLHA Formula Allocation: National City

2021 PLHA Formula Allocation Amount: \$611,141 **Allowable Local Admin (5%):** \$30,557.00

Instructions: If the Local Government Recipient of the PLHA Formula Allocation delegated its PLHA formula allocation to another Local Government in its 2020 application, the Applicant (for which information is required below) continues to be the administering Local Government, which received the award. The PLHA award will be made to the Applicant (upon meeting threshold requirements) and the Applicant is responsible for meeting all program requirements throughout the term of the Standard Agreement.

Eligible Applicants §300

§300(a) and (b) Eligible Applicants for the Entitlement and Non-Entitlement formula component described in Section §100(b)(1) and (2) are limited to the metropolitan cities and urban counties allocated a grant for the federal fiscal year 2017 pursuant to the federal CDBG formula specified in 42 USC, Section §5306 and Non-entitlement local governments.

Applicant: City of National City

Address: 1243 National City Blvd.

City: National City **State:** CA **Zip:** 91950 **County:** San Diego

Auth Rep Name: Carlos Aguirre **Title:** Housing Authority Director **Auth Rep. Email:** caguirre@nationalcityca.gov **Phone:** 619-336-4391

Address: 140 E. 12th Street, Suite B **City:** National City **State:** CA **Zip Code:** 91950

Contact Name: Myra Martinez **Title:** Housing Programs Specialist **Contact Email:** mmartinez@nationalcityca.gov **Contact Phone:** 619-336-4301

Address: 140 E. 12th Street, Suite B **City:** National City **State:** CA **Zip Code:** 91950

Threshold Requirements

§302(a) Housing Element compliance: Applicant and Delegating Local Government's if applicable Housing Element was adopted by the Local Government's governing body by the application submittal date and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to Government Code Section Yes

§302(b) Applicant and Delegating Local Government have submitted the current or prior year's Annual Progress Report to the Department of Housing and Community Development pursuant to Government Code Section 65400. Yes

§302(c)(2) Applicant certifies that submission of the application was authorized by the governing board of the Applicant. Yes

§302(c)(5) Applicant certifies that the Plan has not reallocated more than 10 percent of funds among Activities from the approved 5-year Plan included in the PLHA program Standard Agreement, Exhibit E. No

§300(e) Applicant does not have uncommitted PLHA funds greater than permitted by Section 300(e). Yes


§503(b) Applicant has submitted the PLHA Annual Report by July 31, 2021. Yes

§302(c)(8) If a program income reuse plan was not submitted with the 2020 application, has Applicant attached a program income reuse plan describing how repaid loans and/or accrued interest will be reused for eligible activities specified in Section 301? N/A

File Name: Reuse Plan **Program Income Reuse Plan describing how repaid loans or accrued interest will be used for eligible activities in Section 301.** **Narrative uploaded to HCD?** N/A

Certifications

On behalf of the entity identified below, I certify that: The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct and I possess the legal authority to submit this application on behalf of the entity identified in the signature block.

Brad Raulston	City Manager		
Authorized Representative Printed Name	Title	Signature	Date

RESOLUTION NO. 2021 -

RESOLUTION OF THE CITY COUNCIL OF CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING AN APPLICATION FOR YEAR ONE AND YEAR TWO FUNDING OF THE PLHA PROGRAM PLAN AND REAPPROVING THE FIRST AMENDMENT TO THE PLHA PROGRAM PLAN TO INCORPORATE HOMELESS OUTREACH, CASE MANAGEMENT, EMERGENCY HOUSING, AND OTHER HOUSING SERVICES FOR HOMELESS INDIVIDUALS AND FAMILIES OR THOSE AT RISK OF BECOMING HOMELESS

WHEREAS, the State of California Department of Housing and Community Development (“Department”) is authorized to provide up to \$304 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (“SB 2”)); and

WHEREAS, the Department issued a Notice of Funding Availability (“NOFA”) dated May 3, 2021, under the Permanent Local Housing Allocation (“PLHA”) Program; and

WHEREAS, the City of National City (“City”) is an eligible local government that applied for program funds to administer one or more eligible activities or a Local or Regional Housing Trust Fund to whom an eligible local government delegated its PLHA formula allocation; and

WHEREAS, the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients; and

WHEREAS, the approved PLHA Plan §302(c)(4)(A) adopted by City Council Resolution 2020-164 on August 18, 2020 states as the first of three priorities: “The City of National City is proposing 100% of its PLHA funds towards housing opportunities for those earning 60% of the San Diego County Area Median Income (AMI) through three types of activities in order of priority as follows: 1) to begin as Emergency Rental Assistance Program that will help families with low income in the City of National City who experience financial hardship due to an emergency”; and

WHEREAS, on June 15, 2021, City staff recommended amending the PLHA approved Plan for year one and year two to propose 100% of its PLHA funds towards housing opportunities for those earning 60% of the San Diego County Area Median Income (AMI), including basic and emergency services for the homeless, including outreach, case management, homeless prevention, emergency housing, and rental assistance

WHEREAS, the City Council approved the First Amendment on June 15, 2021 by City Resolution 2021-90; and

WHEREAS, the Department is now requesting that the First Amendment be reapproved in the form of the resolution that reflected the Department’s approved template and that was satisfactory to the Department’s legal counsel; and

WHEREAS, City staff requests that City Council reapprove the First Amendment to the PLHA in the form of the resolution that reflects the Department’s approved template and that was satisfactory to the Department’s legal counsel.

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

Section 1: Authorizes the application and submittal of the application to the Department for years one and two.

Section 2: Reapproves the First Amendment to the §302(c)(4) Plan.

Section 3: If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.

Section 4: Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA in accordance with all applicable rules and laws.

Section 5: Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules, and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.

Section 6: Pursuant to Section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for the 2019-2023 Allocations is attached to this resolution, and Applicant hereby adopts this PLHA Plan and certifies compliance with all public notice, public comment, and public hearing requirements in accordance with the Guidelines.

Section 7: Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.

Section 8: Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.

Section 9: Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible activities consistent with all program requirements.

Section 10: Applicant certifies that, if funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).

Section 11: Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory

Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.

Section 12: Applicant shall be subject to the terms and conditions specified in the Standard Agreement, the PLHA Program Guidelines, and any other applicable SB 2 Guidelines published by the Department.

Section 13: City Manager or City Manager’s designee is authorized to execute the PLHA Program Application, the PLHA Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

Section 14: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 2nd day of November 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City to authorize the City Manager to enter into a ten year Agreement with the County of San Diego for the National City Police Department to use the San Diego Sheriff's Department's Firing Range and Firearm's Facilities. The total cost for the ten years is not to exceed \\$75,000 or \\$7,500 per year. \(Police\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City to authorize the City Manager to enter into a ten year Agreement with the County of San Diego for the National City Police Department to use the San Diego Sheriff's Department's Firing Range and Firearm's Facilities. The total cost for the ten years is not to exceed \$75,000 or \$7,500 per year.

PREPARED BY: Jose Tellez, Chief of Police


PHONE: (619) 336-4411

EXPLANATION:

See Attached Explanation

DEPARTMENT: Police

APPROVED BY: _____



FINANCIAL STATEMENT:

APPROVED: _____ *Mollyton* _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

The costs remain the same as the previous agreement and not to exceed \$7,500 per year or a total of \$75,000 for the ten years of the agreement. Costs of facility are listed in Exhibit B, and are accounted for in the fiscal year 2022 adopted budget.

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Approve the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

County of San Diego Firearms Range Use Agreement
Exhibit A – Facility Map, Exhibit B – Fee Schedule, Exhibit C – Rules and Regulations, Exhibit D – Range Safety Officer Qualifications, Exhibit E – Range Safety Policy
City of National City required insurance coverage documents.

EXPLANATION:

The National City Police Department requests the City Council authorize the City Manager to enter into an agreement to use the San Diego Sheriff Department's Training Facility located at 440 Alta Road, San Diego, and to approve all future extensions of the agreement under the same terms and conditions of the current agreement. This agreement includes an indemnification and self-insurance provision to the use the firearms range and training facility as specified. The costs of using the facility is listed in the agreement under Exhibit B and is limited to an amount not to exceed \$7,500 per year. The costs to use the facility are standard and have been in place from the previous agreement.

The agreement to use the regional facility is needed as the city is in the process of updating the ventilation system of the police facility indoor firearms / training range. Updating the ventilation system was needed as the county conducted an inspection and determined the current ventilation no longer met the todays' safety standard. The anticipated completion date for the required work is the Spring / Summer of 2022. While the indoor facility is crucial to maintain training standards, access to the Sheriff's Training Facility affords the police department the use of other training facilities that include: classrooms, long rifle firearms range, and training structures that allow for the practice of tactical movements. If the City Council approves this resolution, it will provide the police department with a second outside option for training. The first training facility approved by City Council is the Donovan State Prison Firearms Training Facility.

Providing the police department with an additional training facility site is essential as there are scheduling challenges caused by other law enforcement agencies using the same training facilities.

**LICENSE
SAN DIEGO REGIONAL FIREARMS TRAINING CENTER**

This license agreement ("License") is entered into between the County of San Diego, a political subdivision of the State of California ("County"), and the City of National City Police Department ("Licensee").

RECITALS

- A. County owns and maintains a training facility (defined as "Facility" in Section 1) on County-owned property located at 440 Alta Road, San Diego, California.
- B. Licensee is a public entity that desires permission for the use of the Facility.
- C. The Director, Department of General Services ("Director"), finds that grant of a license to Licensee for use of the Facility is in the public interest of promoting public safety and use of the training facility by Licensee will not substantially conflict or interfere with the use of the Facility by the County as the Licensee's use is non-exclusive.
- D. County agrees to the use of the Facility and grants permission for use of the training facility by Licensee upon the following terms and conditions.

LICENSE

- 1. **Facility.** The property subject to this License is located at 440 Alta Road, San Diego, California and includes land for shooting ranges ("Range") and structures ("Training Rooms") that comprise the "San Diego Regional Firearms Training Center" ("Facility"). The Facility is further described in EXHIBIT "A" FACILITY MAP of this License
- 2. **Use.** Licensee is hereby given a non-exclusive license to use the Facility for meeting and training purposes only upon the terms and conditions contained in this License.
- 3. **Term.** The term ("Term") of this License shall commence upon execution of this License by the Director ("Commencement Date"), and shall expire ten (10) years from the Commencement Date unless earlier terminated by County or Licensee upon ten (10) days written notice to the other party.
- 4. **Facility Reservations.** Licensee shall request in writing specific days and specific times for the use of the Facility at least ten (10) days prior to the date of requested use. Written requests shall be e-mailed to the San Diego Regional Firearms Training Center at rangerequest.otay@sdsheriff.org or made by telephone at 619-661-2757 or 619-661-2758. County will provide a written confirmation of a reservation, provided the Facility is available for use at the day and time requested. If the day and time requested is not available, notification will be provided to the Licensee within three (3) business days via e-mail or telephone. Licensee agrees and understands that the Facility may be reserved only if the Facility is not in use by

County or other parties under a license with County and that reasonable accommodation of all parties using the Facility is the desired objective. Reservations for Structured Training Events (defined in EXHIBIT "C") will require additional information as described in EXHIBIT "C" RULES AND REGULATIONS of this License.

5. Fees. Licensee shall pay fees for use of the Facility as described in EXHIBIT "B" FEE SCHEDULE of this License. County reserves the right to revise the fee schedule from time to time during the Term. County shall provide ninety (90) days written notice to Licensee of any change to the fee schedule.

6. County Use of Facility. County reserves the right to use the Facility at all times and to close the Facility during times of emergency or when needed for County activities.

7. Access. Licensee and Licensee's employees, guests and invitees shall not impede the flow of vehicular traffic on, or restrict public access to or from, the Facility. Licensee shall not interfere with County operations at the Facility. When on the Facility, Licensee and Licensee's employees, guests and invitees shall drive only on established roadways and driveways.

8. License. This License is not a lease, does not create or convey an easement and does not convey any interest or estate in real property to Licensee. County may enter the Facility covered by this License at any time during the Term.

9. Maintenance, Cleanup and Repair. Licensee shall conduct Licensee's operations in an orderly manner and shall leave the Facility in as clean and good a condition as when Licensee first entered the Facility pursuant to this License. If Licensee damages any County property or facilities or incurs excessive cleanup of the Facility, Licensee shall promptly inform the Range office and shall promptly reimburse County for the full costs that County incurs to clean the Facility, repair the damage, or replace the damaged property.

10. Storage. Licensee shall not store or leave any personal property or equipment on or in the Facility without obtaining the prior written consent of the Range office.

11. License on Site. Licensee shall have a copy of this License available at all times when Licensee is using the Facility. Licensee shall show a copy of this License to County staff upon request.

12. Compliance with Laws. Licensee shall comply with all federal, state and local laws, statutes, ordinances, rules or regulations, including all provisions of the Occupational Safety and Health Act of 1979 ("Act") and all amendments to the Act, that apply to Licensee's use of the Facility.

13. Rules and Regulations. Licensee shall comply with the rules and regulations for the Facility attached as EXHIBIT "C" RULES AND REGULATIONS of this License.

14. Safety. Lessee shall comply with all applicable federal, state and local safety

regulations including the regulations attached as EXHIBIT "C" RULES AND REGULATIONS, EXHIBIT "D" RANGE SAFETY OFFICER QUALIFICATIONS and EXHIBIT "E" RANGE SAFETY POLICY of this License.

15. Compliance with Stormwater Laws. Licensee's use of the Facility is subject to all present or future federal, state and local laws, statutes, regulations, ordinances, policies, guidelines and orders ("Stormwater Laws") regarding the discharge of pollutants into the stormwater conveyance system. As applicable to the Licensee's use of the Facilities, Licensee's compliance with Stormwater Laws may include requirements for Licensee to develop, install, implement and maintain pollution prevention measures, source control measures and Best Management Practices ("BMPs"). BMPs can include operational practices, water or pollutant management practices, physical site features, or devices to remove pollutants from stormwater, to affect the flow of stormwater or to infiltrate stormwater to the ground. BMPs applicable to Licensee's use of the Facility may include a requirement that all materials, wastes or equipment with the potential to pollute urban runoff be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal. Licensee is required to and shall use, operate, maintain, develop, redevelop and retrofit the Facility, as necessary, in accordance with Stormwater Laws restricting the discharge of non-stormwater at or from the Facility and Stormwater Laws requiring pollution prevention measures, source control measures, or the installation or use of BMPs. Licensee shall develop, install, implement and/or maintain at Licensee's sole cost and expense, any BMPs or similar pollution control devices required by Stormwater Laws and any implementing regulations or guidance. Licensee understands and acknowledges that the Stormwater Laws applicable to Licensee's use of the Facility may be changed from time to time by federal, state and/or local authorities, and that additional requirements may become applicable based on changes in Licensee's activities or development or redevelopment by Licensee or County. Licensee shall conduct stormwater training and perform regular stormwater self-inspections, and maintain records of all stormwater training and self-inspections and provide all necessary documentation to County upon request. Licensee shall develop, install, implement, and maintain any additional BMPs and/or other pollution control practices at the Facility at Licensee's sole expense. To the extent there is a conflict between any federal, state or local law, Licensee shall comply with the more restrictive provision. If County receives any fine or fines from any regulatory agency as a result of Licensee's failure to comply with Stormwater Laws, Licensee shall reimburse County for the entire amount of the fine(s).

16. Hazardous Substances. Licensee shall be solely responsible for fully complying with all present or future federal, state and local laws, statutes, regulations, ordinances, policies, guidelines and orders of any governmental entity regarding contaminated soils, hazardous materials or environmental cleanup, regardless of whether or not the obligation to comply is an obligation of the landowner. If any hazardous substance spills, leaks or is discharged from any facility on the Facility, Licensee shall immediately make all repairs necessary to prevent further spills, leaks or discharges and shall immediately clean up and promptly dispose of the spilled hazardous substance and any soil contaminated by the spill. If Licensee fails to make the required repairs, to clean up the spill or to properly dispose of any contaminated soil, County may after written notice to Licensee take all steps County deems necessary to make the necessary repairs, to clean up the spill and to dispose of any contaminated soil. Licensee shall

reimburse County for the cost of all repair and cleanup work performed by County. Licensee shall reimburse the County for the cost of any work, plus administrative expenses, within thirty (30) days of receiving a bill for the work from the County. Licensee shall be solely responsible for paying all fines, damages and penalties imposed by any governmental agency regarding the production, storage, distribution, processing, handling, disposing, spilling, leaking or discharging of any hazardous substance. Without limiting Licensee's indemnification obligations to County under Section 18 and excluding material expended from ammunition or ordnance by Licensee pursuant to the terms and conditions of this License, Licensee shall indemnify, defend, reimburse and hold harmless County, its elected officials, officers, employees and agents from any and all liability, claims, damages or injuries to any person, including injury to the County or any of County's elected officials, officers, employees, agents, representatives, guests, licensees, invitees, patrons, or of any other person, and all expenses of investigating and defending against all liability, claims, damages or injuries, arising from or alleged to have arisen from or in connection with the presence of hazardous substances, toxic materials or hazardous waste upon, about or beneath the Facility or migrating to or from the Facility or arising in any manner out of the violation of any governmental regulation pertaining to hazardous substances, toxic materials or hazardous waste which condition exists after the execution of this License.

17. County Access. County, or County's representatives or agents, may enter the Facility at any and all reasonable times during the Term of this License for the purpose of determining whether Licensee is complying with the terms and conditions of this License, or for any other purpose incidental to the rights of County.

18. Indemnification. County shall not be liable for, and Licensee shall defend and indemnify County and County's elected officials, officers, employees and agents (collectively "County Parties") against, any and all claims, demands, liability, judgments, awards, fines, mechanics liens or other liens, labor disputes, losses, damages, expenses, charges or costs of any kind or character, including attorneys' fees and court costs (collectively "Claims"), related to this License or Licensee's use of the Facility and arising either directly or indirectly from any act, error, omission or negligence of Licensee or its contractors, agents, volunteers, servants or employees, including, without limitation, Claims caused by the concurrent negligent act, error or omission, whether active or passive, of County Parties. Licensee shall have no obligation, however, to defend or indemnify County Parties from a Claim if it is determined by a court of competent jurisdiction that the Claim was caused by the sole negligence or willful misconduct of County Parties.

19. Insurance.

a. Self-insurance. Licensee is fully self-insured for damage resulting from liability of Licensee or any of Licensee's agents or employees. Licensee's utilization of self-insurance shall not in any way limit liabilities assumed by Licensee under this License. If Licensee ceases to be self-insured during the Term of this License, Licensee shall furnish to County proof of insurance in form and amounts satisfactory to County. County's requirements shall be reasonable, but shall be designed to insure protection from risks that exist at the time a change in insurance is required.

b. Workers Compensation Insurance. Licensee shall provide Workers

Compensation insurance at Licensee's sole cost and expense. Licensee and its insurance carrier shall not be entitled to recover any costs, settlements or expenses of Workers Compensation claims arising out this License. If Licensee is a Federal Agency, the Federal Employees Compensation Act (FECA) would be acceptable to County's Risk Management Division regarding this coverage.

20. Accidents. If a death, serious personal injury or substantial property damage occurs in connection with the performance of this License, Licensee shall immediately notify the Sheriff's Communication Center at 858-565-5030. Licensee shall promptly submit to County a written report, in any form required by County, of any accidents that occur in connection with this License. The report must include the following information: (i) the name and address of the injured or deceased person(s); (ii) the name and address of Licensee's liability insurance carrier; and (iii) a detailed description of the accident and whether any of County's equipment, tools, material or staff was involved.

21. Assignment. Licensee shall not assign or transfer any interest in this License.

22. Notices. Any notice, other than the Facility reservations described in Section 4 of this License, that is required or permitted to be given pursuant to this License shall be written and shall be effective (i) when personally delivered to the recipient or sent by facsimile transmission, or (ii) on the third business day after being sent by the United States Postal Service, postage prepaid and addressed to the party as follows:

If to County: Sheriff Weapons Training Unit
440 Alta Road
San Diego, California 92154

With a copy to: County of San Diego
Department of General Services
Asset Management Division
5560 Overland Avenue
Suite 410
San Diego, California 92123

If to Licensee: City of National City Police Department
Attention: Captain Graham Young
1200 National City Boulevard
National City, California 91950

Telephone Number: 619-336-4514
Email: gyoung@nationalcityca.gov

If Licensee's contact information changes during the term of this License, Licensee shall notify County in writing within five (5) business days of the change.

23. Entire Agreement. This License constitutes the entire agreement between County

and Licensee with respect to the subject matter of this License, and all prior or contemporaneous agreements, understandings and representations, oral or written, are superseded.

24. Interpretation. This License shall be governed by the laws of the State of California. However, the provisions of this License shall be strictly construed against Licensee.

25. Authority to Sign. Licensee represents and warrants that Licensee has full power and authority to execute and fully perform Licensee's obligations under this License without the need for any further action, and that the person executing this License on behalf of Licensee is the duly designated agent of Licensee and is authorized to act on behalf of Licensee.

26. Business Days. The term "business days" as used in this License means any calendar day other than a Saturday, Sunday, or official County holiday.

27. Exhibits. All exhibits referred to in this License are attached to this License and incorporated into this License by reference.

28. Effective Date. County and Licensee have executed this License as of the day and year written below. This License shall be effective as of the date of its execution by the Director.

29. Counterparts; Electronic Transmittal; Electronic Signatures. This License may be executed in counterparts, and County and Licensee agree that each counterpart shall constitute one agreement binding on County and Licensee, notwithstanding that County and Licensee are not signatory to an original or same counterpart. Executed counterparts of this License may be transmitted electronically, and County and Licensee agree that each counterpart of a fully executed License transmitted electronically via pdf attachment shall be binding as if the signatures transmitted electronically were original signatures. This License may be executed using electronic signatures, and County and Licensee agree that each electronic signature shall have the same legal effect and enforceability as a manually executed signature to the extent provided for in the Uniform Electronic Transactions Act codified in State of California Civil Code Sections 1633.1 - 1633.17.

**THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.
THE SIGNATURES ARE ON THE FOLLOWING PAGE.**

SIGNATURES

Licensee:

City of National City

By:

Brad Raulston, City Manager

Date: _____

County:

County of San Diego, a political
subdivision of the State of California

By:

Marko Medved, P.E., CEM, Director,
Department of General Services

Date: _____

EXHIBIT "A"
FACILITY MAP
Site Plan

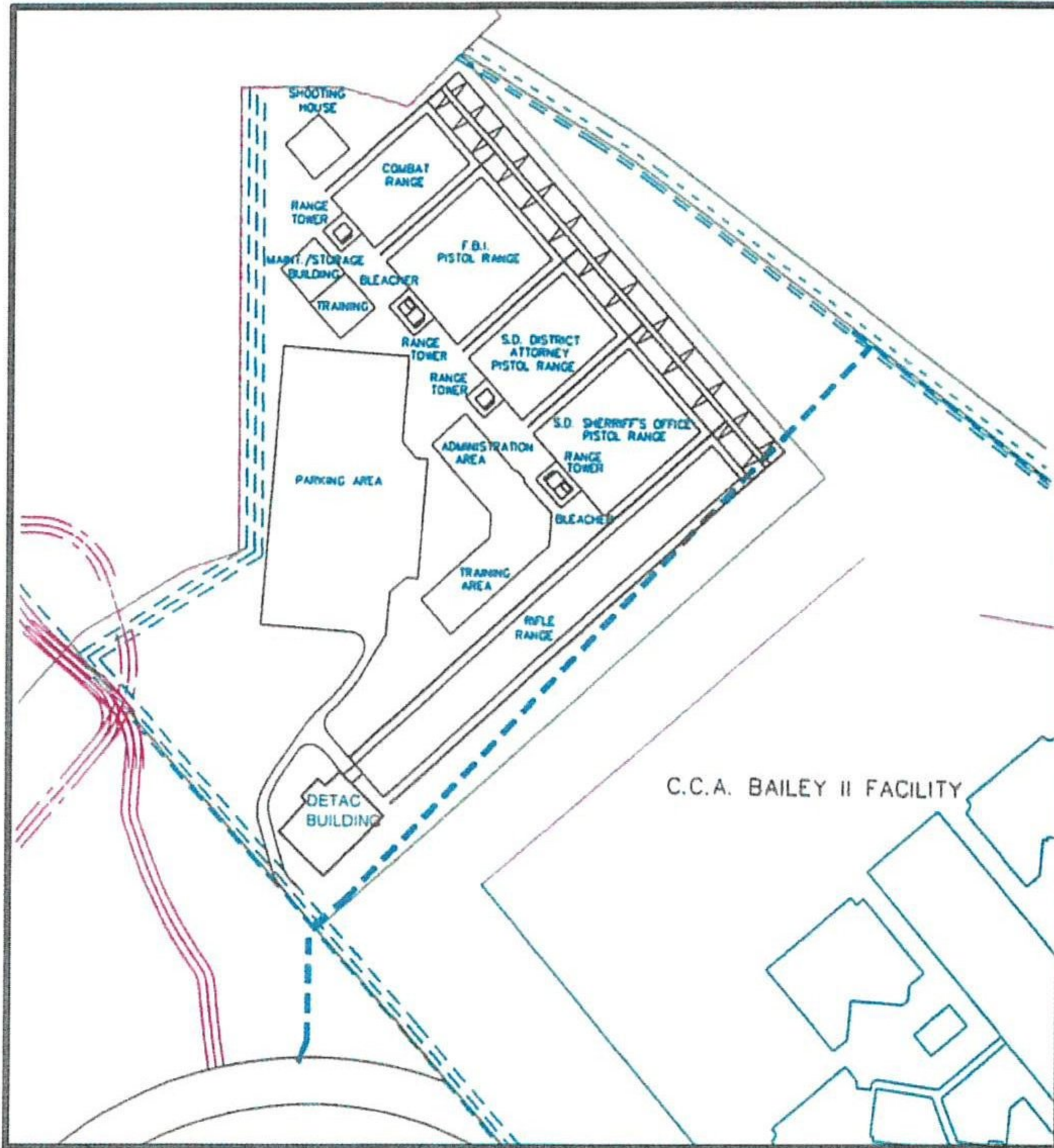


EXHIBIT "B"
FEE SCHEDULE

SAN DIEGO REGIONAL FIREARMS TRAINING CENTER EFFECTIVE 12/04/2017

STRUCTURED TRAINING EVENTS	4-hours	8-hours
Range 1 Combat/Drive-on, 50-yard range	\$200.00	\$300.00
Range 2, Range 3, Range 4 Turning Target, 50-year ranges	\$200.00	\$300.00
Range 5 200-yard Rifle Range	\$200.00	\$300.00
** Night Shoot/After Hours Premium (16:30 - 21:30 Monday to Friday by appointment only)	\$300.00	N/A

	4-hours	8-hours
SIMS House	\$200.00	\$300.00
Live Fire House	\$200.00	\$300.00
Defensive Tactics House	\$200.00	\$300.00

	4-hours	8-hours
Auditorium (Maximum - 200 occupancy)	\$100.00	\$150.00
Classroom A (Maximum - 25 occupancy)	\$100.00	\$150.00
Classroom B (Maximum - 25 occupancy)	\$100.00	\$150.00
Classroom C (Maximum - 25 occupancy)	\$100.00	\$150.00
Classroom D (Maximum - 25 occupancy)	\$100.00	\$150.00
Classroom E (Maximum - 25 occupancy)	\$100.00	\$150.00

OPEN SHOOTING (see Exhibit "C" for Open Shoot definition)	1-hour	Additional hours upon availability
All Ranges (when available)	No charge	No charge

Revised 12/04/2017

EXHIBIT "C"
RULES AND REGULATIONS

Use of the Facility falls into two categories: (i) "Open Shooting" (individual shooting) and (ii) "Structured Training Events" (group training). The use of the Facility is subject to the rules and regulations below, which is subject to change during the Term of this License. Any changes will be communicated by County personnel at the Range office at the time when appointments are made and/or at check-in for Range use.

Open Shooting

Open Shooting is designed to allow law enforcement officers the opportunity to train individually. The officer must adhere to the following protocols when using the Range. Failure to adhere to the protocols may result in loss of Range privileges and notification of the loss of shooting range privileges to the officer's employer. If more than three individual Open Shooters of Licensee use the Range at the same time, the use will be categorized as a group and shall require payment of Structured Training Reservation fees.

1. The officer shall report to the Range office prior to shooting.
2. The officer shall read and acknowledge the Range safety rules.
3. All firearms being used during training shall be listed on the sign-in log.
4. The officer may be required to provide eye and ear protection and tape at the time of check-in.
5. Open shooting shall only be conducted on the Range designated by the Range office.
6. Only stationery, presented targets shall be used.
7. The officer shall provide cardboard target backing.
8. No steel shooting is allowed without prior coordination with the Range office and approval from the Sheriff's Weapons Training Lieutenant.
9. No automatic firearms shall be fired during open shooting without prior coordination with the Range office and approval from the Sheriff's Weapons Training Lieutenant.
10. The officer shall check out with the Range office prior to leaving the Facility.
11. All damage and injuries must be reported to Range office at the time of check out and reported pursuant to Section 22 of this License.
12. Licensee and its employees, guests, and invitees shall not clean weapons at the Facility using solvents or other hazardous substances. The Facility does not provide disposal of

rags or other materials used for cleaning weapons. Pursuant to Section 16 of this license, the Licensee is responsible for fully complying with all federal, state, and local laws pertaining to hazardous substances.

Structured Training Events

To reserve a Range or use a Training Room for a Structured Training Event, the requesting agency must:

1. Contact the Facility's scheduling office to check availability at 619-661-2757 or 619-661-2758.
2. Submit a request via email at rangerequest.otay@sdsheriff.org or to 619-661-2757 or 619-661-2758 a minimum of two (2) weeks prior to requested date. The written request must include the following information:
 - a. Name of the Range Safety Officer (defined in EXHIBIT "D") who will oversee the training.
 - b. Identification of the Range or Training Room being requested.
 - c. Date and time of requested use and number of trainees.
 - d. Synopsis of the course of fire or nature of training or event being conducted.
 - e. Types of firearms and ammunition to be used.
 - f. Indication if automatic weapons are to be used. This must be approved by Range office prior to the training.
3. Confirm that that Range Safety Officer that will oversee the training meets the qualifications listed in EXHIBIT "D" RANGE SAFETY OFFICER QUALIFICATIONS.
4. The Range Safety Officer shall conduct a pre-use inspection of the Facility. Any maintenance discrepancy should be brought to the attention of the Range office prior to use.
5. The Range Safety Officer, at the conclusion of training, shall sign out at the Range office. Any damage or injuries shall be reported prior to leaving the Facility out and reported pursuant to Section 22 of this License.

EXHIBIT "D"
RANGE SAFETY OFFICER QUALIFICATIONS

Any agency wanting to schedule the use of a Range at the Facility for a Structured Training Activity shall:

1. Be a law enforcement agency or military entity authorized to use the Facility.
2. Have a "Range Safety Officer" who has completed a "Police Officer Standards and Training" [POST] approved firearms instructor certification course or equivalent.
3. Submit a letter indicating the certification course attended by the Range Safety Officer and the date of the certification.
4. Have the Range Safety Officer attend an annual update course or review of updated Facility policy as dictated by the Sheriff's "Range Master".

EXHIBIT "E"
RANGE SAFETY POLICY

It is the responsibility of the Sheriff's Range Master, Facility staff and the Licensee's Range Safety Officer to ensure a safe training environment by enforcing and obeying the following safety guidelines:

General Safety Rules

1. Safety is everyone's responsibility.
2. Authorization to use the Facility is restricted to law enforcement and military personnel only.
3. Civilian guests, accompanied by a law enforcement/military host, may use the Facility. However, this use must be scheduled in advance and supervised by Weapons Training Unit staff.
4. Signing in and out at the Range office is mandatory.
5. No person under the age of 18 will be allowed on the facility without prior authorization of Range office.
6. Any person displaying symptoms of intoxication will not be allowed at the Facility. Any person using prescription drugs must report this to the Range Safety Officer or Facility staff prior to using the Range. If the individual's sobriety or ability to operate weapons safely is questionable, Facility staff will reserve the right to deny access to the Facility. The individual will be released to a competent guardian and shall leave the Facility.
7. Smoking is not allowed at the Facility.
8. Individuals using the Range are restricted to a 90-minute use period when other personnel are waiting to use the Range.
9. Aiming, discharging and all loading and unloading of weapons must be done on the firing line of the Range and not in the parking area of the Facility, with the firearm pointed in a safe direction (down range).
10. Automatic firearms will be fired only during supervised training and only after notifying Range office.
11. Use of eye and ear protection is required of all personnel while shooting is in progress.
12. All expended ammunition casings and trash will be cleared from the Range following use.

13. Pursuant to Section 9 and Section 22 of this license, all damage must be promptly reported to the Range office.
14. All injuries must be reported to the Range office immediately. Any response to medical emergencies shall be in compliance with the "Medical Response Procedures" set forth in the San Diego County Regional Firearms Training Center Policy & Procedures Manual.
15. No ammunition is allowed in firearms cleaning areas.
16. No diversionary devices (flash bangs) are allowed at the Facility, unless authorized in advance by Facility staff.
17. No chemical agents may be used at any time.
18. No walking is allowed on any dirt impact area or protective berms at any time.
19. No dogs are allowed at the Facility, unless they are enclosed/secured within a law enforcement vehicle. Dogs shall not leave a vehicle while at the Facility. No "breaking" of a dog will be allowed at the Facility.
20. All vehicles will be driven in a safe and reasonable manner not to exceed 15 miles per hour.

In addition to the general safety rules, the following rules apply to the use of the specified ranges:

Range One (Combat Range)

1. Steel target systems are to be used only after being approved by the Range office. Firing only at authorized targets is allowed.
2. Vehicles may be brought onto the range for training purposes upon prior approval of the Range office.
3. Use of eye and ear protection is mandatory for all personnel while shooting is in progress. A baseball-style cap is recommended.
4. At no time shall a shooter fire at steel targets closer than 10-yards and the shooters must be as close to a 90-degree angle to the target as possible, to avoid damage and deflection.

Range Two, Range Three, Range Four (Pistol Ranges)

1. Rifle training is permitted only in a semiautomatic mode. No firing at moving targets or

shooting on the move is allowed. No caliber greater than .223 is allowed on any pistol range.

2. No steel target systems are allowed.
3. No vehicles are allowed on the Range.
4. Automatic fire (controlled), unless otherwise authorized, will be conducted within 15 yards of the targets.

Range Five (Rifle Range)

1. All targets will be posted at the 200-yard target system. The 100-yard system shall not be used.
2. No vehicles are allowed on the Range.
3. No steel target systems are allowed.
4. Only firing at authorized targets is allowed.
5. Automatic fire (controlled), unless otherwise authorized, will be conducted within 25 yards of the targets.

CERTIFICATE NO.

ISSUE DATE

GL1-17454	AI	CERTIFICATE OF COVERAGE	09/23/2021
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**Public Risk Innovation,
Solutions, and Management**

C/O ALLIANT INSURANCE SERVICES, INC.
PO BOX 6450
NEWPORT BEACH, CA 92658-6450
PHONE (949) 756-0271 / FAX (619) 699-0901
LICENSE #0C36861

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BELOW. THIS CERTIFICATE OF COVERAGE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED and/or requesting a WAIVER OF SUBROGATION, the Memorandums of Coverage must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

COVERAGE AFFORDED **A- Public Risk Innovation, Solutions, and Management**

Member

CITY OF NATIONAL CITY
MICHAEL GOMEZ
1243 NATIONAL CITY BLVD.
NATIONAL CITY, CA 91950

COVERAGE AFFORDED **B**

COVERAGE AFFORDED **C**

COVERAGE AFFORDED **D**

Coverages

THIS IS TO CERTIFY THAT THE MEMORANDUMS OF COVERAGE LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER NAMED ABOVE FOR THE PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE MEMORANDUMS DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUMS. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF COVERAGE	MEMORANDUM NUMBER	COVERAGE EFFECTIVE DATE	COVERAGE EXPIRATION DATE	LIABILITY LIMITS
A	<input checked="" type="checkbox"/> Excess General Liability <input checked="" type="checkbox"/> General Liability Aggregate <input checked="" type="checkbox"/> Auto Liability	PRISM PE 21 EL-102	07/01/2021	07/01/2022	\$1,000,000 \$2,000,000 \$1,000,000 Limits inclusive of the Member's Self-Insured Retention of \$250,000

Description of Operations/Locations/Vehicles/Special Items:

AS RESPECTS LICENSE AGREEMENT BETWEEN CITY OF NATIONAL CITY POLICE DEPARTMENT AND SAN DIEGO COUNTY FOR USE OF PROPERTY LOCATED AT 440 ALTA ROAD, SAN DIEGO, CA AND INCLUDES LAND FOR SHOOTING RANGES AND STRUCTURES THAT COMPRISE SAN DIEGO REGIONAL FIREARMS TRAINING CENTER.

SAN DIEGO COUNTY IS INCLUDED AS AN ADDITIONAL COVERED PARTY, BUT ONLY INSOFAR AS THE OPERATIONS UNDER THIS CONTRACT ARE CONCERNED.

THE AUTHORITY WAIVES ITS RIGHTS OF SUBROGATION AGAINST THE ADDITIONAL COVERED PARTY(IES) PURSUANT TO ENDORSEMENT NUMBER U-8.

Certificate Holder

SAN DIEGO COUNTY
DEPARTMENT OF GENERAL SERVICES
ASSET MANAGEMENT DIVISION
5560 OVERLAND AVE, STE 410
SAN DIEGO, CA 92123

Cancellation

SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUMS OF COVERAGES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE MEMORANDUMS OF COVERAGE PROVISIONS

AUTHORIZED REPRESENTATIVE

Gina Dear

Public Risk Innovation, Solutions, and Management

ENDORSEMENT NO. U-1

PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT
GENERAL LIABILITY 1
ADDITIONAL COVERED PARTY AMENDATORY ENDORSEMENT

It is agreed that the "Covered Party, Covered Persons or Entities" section of the Memorandum is amended to include the person or organization named on the Certificate of Coverage, but only with respect to liability arising out of premises owned by or rented to the Member, or operations performed by or on behalf of the Member or such person or organization so designated.

Coverage provided under this endorsement is limited to the lesser of the limits stated on the Certificate of Coverage or the minimum limits required by contract.

ADDITIONAL COVERED PARTY

NAME OF PERSON OR ORGANIZATION SCHEDULED PER ATTACHED CERTIFICATE OF COVERAGE

AS RESPECTS:

PER ATTACHED CERTIFICATE OF COVERAGE

It is further agreed that nothing herein shall act to increase PRISM's limit of liability.

This endorsement is part of the Memorandum and takes effect on the effective date of the Memorandum unless another effective date is shown below. All other terms and conditions remain unchanged.

Effective Date _____

Memorandum No. PRISM 21 EL-00

Issued to: ALL MEMBERS

Issue Date: June 25, 2021



Authorized Representative
Public Risk Innovation, Solutions, and Management

ENDORSEMENT NO. U-8

**PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT
GENERAL LIABILITY 1**

AMENDATORY ENDORSEMENT - WAIVER OF SUBROGATION

It is understood and agreed that Condition 8. SUBROGATION, of the Memorandum to which it is attached, is deleted in its entirety and replaced by the following:

8. SUBROGATION

PRISM shall be subrogated to the extent of any payment hereunder to all the **covered party's** rights of recovery therefore; and the covered party shall do nothing after loss to prejudice such rights and shall do everything necessary to secure such rights. Any amount so recovered shall be apportioned as follows:

Any interest (including the **covered party's**) having paid an amount in excess of the self-insured retention, plus the limit of liability, hereunder shall be reimbursed first to the extent of actual payment. PRISM shall be reimbursed next to the extent of its actual payment hereunder. If any balance then remains unpaid, it shall be applied to reimburse the covered party. The expenses of all such recovery proceedings shall be apportioned in the ratio of respective recoveries. If there is no recovery in proceedings conducted solely by PRISM, it shall bear the expenses thereof.

Notwithstanding the above, PRISM waives its rights of subrogation against any person or organization with whom the **covered party** has entered into a written agreement that includes a waiver of subrogation, but only if the agreement is in effect before the injury, damage or liability occurs.

It is further agreed that nothing herein shall act to increase PRISM's limit of liability.

This endorsement is part of the Memorandum and takes effect on the effective date of the Memorandum unless another effective date is shown below. All other terms and conditions remain unchanged.

Effective Date:

Memorandum No. PRISM 21 EL-00

Issued To: ALL MEMBERS

Issue Date: June 25, 2021



Authorized Representative
Public Risk Innovation, Solutions, and Management

CERTIFICATE NO.

ISSUE DATE

WC-4239	CERTIFICATE OF COVERAGE	09/23/2021
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PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT C/O ALLIANT INSURANCE SERVICES, INC. PO BOX 6450 NEWPORT BEACH, CA 92658-6450 PHONE (949) 756-0271 / FAX (619) 699-0901 LICENSE #0C36861	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BELOW. THIS CERTIFICATE OF COVERAGE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER
	IMPORTANT: If the certificate holder is requesting a WAIVER OF SUBROGATION, the Memorandums of Coverage must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).
	COVERAGE AFFORDED A - See attached schedule of insurers

Member: CITY OF NATIONAL CITY MICHAEL GOMEZ 1243 NATIONAL CITY BLVD. NATIONAL CITY, CA 91950	COVERAGE AFFORDED B
	COVERAGE AFFORDED C
	COVERAGE AFFORDED D


Coverages
 THIS IS TO CERTIFY THAT THE MEMORANDUMS OF COVERAGE AND POLICIES LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER NAMED ABOVE FOR THE PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE MEMORANDUMS AND POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUMS AND POLICIES.

CO LTR	TYPE OF COVERAGE	MEMORANDUM/ POLICY NUMBER	COVERAGE EFFECTIVE DATE	COVERAGE EXPIRATION DATE	LIABILITY LIMITS
A	EXCESS WORKERS' COMPENSATION & EMPLOYER'S LIABILITY	See attached Schedule of Insurers for policy numbers	07/01/2021	07/01/2022	WORKERS' COMPENSATION: Difference between Statutory and Member's \$500,000 Retention EMPLOYERS' LIABILITY: Difference between \$5,000,000 and Member's Retention

LIMITS APPLY PER OCCURRENCE FOR ALL PROGRAM MEMBERS COMBINED.

Description of Operations/Locations/Vehicles/Special Items
 AS RESPECTS EVIDENCE OF COVERAGE FOR LICENSE AGREEMENT BETWEEN CITY OF NATIONAL CITY POLICE DEPARTMENT AND SAN DIEGO COUNTY FOR USE OF PROPERTY LOCATED AT 440 ALTA ROAD, SAN DIEGO, CA AND INCLUDES LAND FOR SHOOTING RANGES AND STRUCTURES THAT COMPRISE SAN DIEGO REGIONAL FIREARMS TRAINING CENTER.

THE AUTHORITY WAIVES ITS RIGHTS OF SUBROGATION AGAINST SAN DIEGO COUNTY PURSUANT TO ENDORSEMENT NUMBER U-2.

Certificate Holder SAN DIEGO COUNTY DEPARTMENT OF GENERAL SERVICES ASSET MANAGEMENT DIVISION 5560 OVERLAND AVE, STE 410 SAN DIEGO, CA 92123	Cancellation SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUMS OF COVERAGE/POLICIES BE CANCELLED BEFORE THE EXPIRATION THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE MEMORANDUMS OF COVERAGE/POLICIES PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Public Risk Innovation, Solutions, and Management

**PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT
EXCESS WORKERS' COMPENSATION PROGRAM
2021/2022 SCHEDULE OF INSURERS
CITY OF NATIONAL CITY**

PROVIDER	MEMORANDUM / POLICY NUMBER	LIMIT
Public Risk Innovation, Solutions, and Management	PRISM PE 21 EWC-58	<p>Workers' Compensation: \$50,000,000 each accident/each employee for disease (Difference between \$50,000,000 and the individual member's retention)</p> <p>Employers' Liability: \$5,000,000 each accident/each employee for disease (Difference between \$5,000,000 and the individual member's retention)</p>
Liberty Insurance Corporation	EW7-64N-444785-011	<p>Statutory each accident/each employee for disease excess of \$50,000,000</p>

**ENDORSEMENT NO. U-2
PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT
EXCESS WORKERS' COMPENSATION**

WAIVER OF SUBROGATION ENDORSEMENT

It is understood and agreed that Section VIII. **SUBROGATION** of the **CONDITIONS** section of the Memorandum of Coverage is deleted in its entirety and replaced by the following:

VIII. **SUBROGATION**: In the event of any payment under this Memorandum, PRISM shall be subrogated, to the extent of such payment, to all the **Covered Party's** rights of recovery therefore, and the **Covered Party** shall execute all papers required and shall do everything that may be necessary to secure such rights. Any amount recovered as a result of such proceedings, together with all expenses necessary to the recovery of any such amount shall be apportioned as follows: PRISM shall first be reimbursed to the extent of its actual payment hereunder. If any balance then remains, said balance shall be applied to reimburse the **Covered Party**. The expenses of all proceedings necessary to the recovery of such amount shall be apportioned between the **Covered Party** and PRISM in the ratio of their respective recoveries as finally settled. If there should be no recovery in proceedings instituted solely on the initiative of PRISM, the expenses thereof shall be borne by PRISM.

However, in the event of any loss payment under this Memorandum for which you have waived the right of recovery in a written contract entered into prior to the loss, we hereby agree to also waive our right of recovery but only with respect to such loss.


It is further agreed that nothing herein shall act to increase PRISM's limit of indemnity.

This endorsement is part of the Memorandum of Coverage and takes effect on the effective date of the Memorandum of Coverage unless another effective date is shown below. All other terms and conditions remain unchanged.

Effective Date: **Memorandum No.:** PRISM 21 EWC-00

Issued to: ALL MEMBERS

Issue Date: June 25, 2021



Authorized Representative
Public Risk Innovation, Solutions, and Management

RESOLUTION NO. 2021 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SAN DIEGO TO USE THE SAN DIEGO COUNTY SHERIFF DEPARTMENT'S FIRING RANGE AND FIREARM'S FACILITIES

WHEREAS, the City of National City Police Department ("NCPD") is required to provide training to its police personnel in firearms and less-lethal weapons; and

WHEREAS, the NCPD indoor Training Range is currently inaccessible as it is undergoing upgrades to meet required environmental standards; and

WHEREAS, the anticipated completion date for the NCPD indoor firearms/training range is Spring/Summer of 2022; and

WHEREAS, approval of this agreement will provide the NCPD with an option for providing the required firearms and less-lethal weapons training; and

WHEREAS, City staff requests City Council authorize the City Manager to enter into an Agreement with the County of San Diego to use the San Diego County Sheriff Department's Firing Range and Firearm's Facilities and to approve all future extensions of the agreement in the not-to-exceed amount of \$7,500 per year.

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

Section 1: Authorizes the City Manager to enter into an Agreement with the County of San Diego to use the San Diego County Sheriff Department's Firing Range and Firearm's Facilities in the not-to-exceed amount of \$7,500 per year.

Section 2: Authorizes the City Manager to execute all future extensions of the agreement under the same terms and conditions.

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

///

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Adoption of a Resolution declaring findings to continue teleconference meetings to November 16, 2021 as required by AB 361. \(City Clerk\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. |

ITEM TITLE:

Adoption of a Resolution Declaring Findings to Continue Teleconference Meetings to November 16, 2021, as required by AB 361 (City Clerk)

PREPARED BY: Shelley Chapel, MMC, Deputy City Clerk **DEPARTMENT:** City Clerk

PHONE: (619) 336-4225

APPROVED BY: Shelley Chapel

EXPLANATION:

Adoption of the resolution would allow the City Council and the City Boards, Commissions and Committees to continue teleconference meetings via Zoom past the September 30, 2021, expiration date of the Governors Executive Order N-08-21. The State of Emergency continues as the COVID-19 Delta Variant has emerged causing a spike in cases throughout the world. The City complies with the County of San Diego County Health Department and Cal OSHA requirements to ensure the health and safety of its staff and the public.

Adopting this resolution would allow the City Council to reevaluate this declaration of findings every 30 days for ongoing continuation or further action.

The bill requires the declaration to be reviewed every 30 days. Because the City Council Meetings of November 2 and December 7 are than 30 days apart, staff will return to the City Council with a report and declaration of findings November 16, 2021.

See Attachment A – Explanation regarding Assembly Bill No. 361 |

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

None.

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA)

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt a resolution making the findings required by AB 361 to continue teleconference meetings of the City Council and the City Boards, Commissions and Committees after September 30, 2021 for a period of 30 days from the date of this meeting to be considered again by the City Council for ongoing continuation or further action.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

A – Resolution

RESOLUTION NO. 2021 -

RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, MAKING THE FINDINGS REQUIRED BY AB 361 TO CONTINUE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND THE CITY BOARDS, COMMISSIONS, AND COMMITTEES AFTER SEPTEMBER 30, 2021 FOR A PERIOD OF 30 DAYS

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a global pandemic and local and state emergencies have been declared providing relieve from certain public meeting laws such as the Brown Act; and

WHEREAS, beginning March 2020, California Governor Newsom executed Executive Order N-29-20 including additional updates as the pandemic progressed and extending into 2021; and

WHEREAS, the most recent Executive Order N-08-21, issued June 11, 2021 waived all physical presence requirements under the Ralph M. Brown Act as a means of limiting the spread of COVID-19; and

WHEREAS, Executive Order N-08-21 is set to expire on September 30, 2021 due to the date being predicted at a time when hopes were that agencies could begin to transition back to public meetings held in full compliance with the Ralph M. Brown Act; and

WHEREAS, on September 16, 2021, California Governor Newsom signed into law Assembly Bill (AB) 361, which extends the authority of public agencies to conduct meetings by teleconference, including video conference, while the state of emergency resulting from the COVID-19 pandemic and accompanying recommendations for social distancing remain in place; and

WHEREAS, on October 5, 2021, City Council adopted Resolution No. 2021-147 was adopted declaring findings to continue to teleconference for an additional 30 days.

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

Section 1: Makes the findings required by AB 361 to continue teleconference meetings of the Legislative Body and its appointed Boards, Commissions, and Committees.

Section 2. Makes the findings that the City of National City meets the requirements to continue holding meeting remotely in order to ensure the health and safety of its staff and the public.

///

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

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Warrant Register #12 for the period of 9/15/21 through 9/21/21 in the amount of \\$2,059,529.88. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #12 for the period of 9/15/21 through 9/21/21 in the amount of \$2,059,529.88.
(Finance)

PREPARED BY: Karla Apalategui, Senior Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 9/15/21 - 9/21/21. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
City of Vista	354705	60,565.95	Environmental Enhancement Fund Dist21
Portillo Concrete	354740	67,450.01	CIP 18-10 Euclid Ace Bike & Ped Enhance
Tri-Group Cons	354758	213,122.08	CIP 19-19 Roosevelt Smart-Growth

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$2,059,529.88.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify Warrants Totaling \$2,059,529.88

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 12



**WARRANT REGISTER # 12
9/21/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ALDEMCO	FOOD AS NEEDED FOR NUTRITION CENTER	354683	9/21/21	1,796.55
ALLSTATE SECURITY SERVICES INC	SECURITY GUARD SERVICES FY22/LIBRARY	354684	9/21/21	2,447.64
AMAZON	LOGITECH WIRELESS COMBO MK345-4 PACK	354685	9/21/21	9,308.36
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	354686	9/21/21	12,563.39
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	354687	9/21/21	781.74
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	354688	9/21/21	27.46
BAKER & TAYLOR	BOOKS FOR FY22/LIBRARY	354689	9/21/21	168.95
BENTLEY SYSTEMS, INCORPORATED	OPENROADS SIGNCAD-TRAFFIC SIGN DESIGN SOFTWARE	354690	9/21/21	908.00
BOOT WORLD	MOP 64096 SAFETY WEARING APPAREL - PW	354691	9/21/21	340.28
BROADWAY AUTO GLASS	OFF-SITE WINDOW TINT, REPAIR	354692	9/21/21	241.63
CAL PACIFIC TRUCK CENTER, LLC	RENEWED QLS SENSOR, 5 GALLON, WITH COVER	354693	9/21/21	266.21
CALIFA GROUP	CALIFA ANNUAL MEMBERSHIP RENEWAL/LIBRARY	354694	9/21/21	400.00
CDWG	VEEAM BACKUP LICENSING~	354695	9/21/21	12,460.00
CENTER FOR PUBLIC SAFETY	OPERATIONAL OBSERVATION STUDY SAFETY DEPT	354696	9/21/21	26,108.80
CHEN RYAN ASSOCIATES INC	CIP 21-25 W. 19TH ST GREENWAY - ENG/PW	354697	9/21/21	45,949.29
CITRIX SYSTEMS INC	CITRIX RENEWAL~	354698	9/21/21	675.00
CITY OF DEL MAR	HHW EDUCATIONAL FY 21/22	354699	9/21/21	10,659.55
CITY OF ENCINITAS	ENVIRONMENTAL ENHANCEMENT FUND DIST FY 2	354700	9/21/21	40,647.92
CITY OF ESCONDIDO	HHW EDUCATIONAL FY 21/22	354701	9/21/21	7,000.00
CITY OF NATIONAL CITY	ENVIRONMENTAL ENHANCEMENT FUND DIST FY 21	354702	9/21/21	30,297.62
CITY OF POWAY	ENVIRONMENTAL ENHANCEMENT FUND DIST FY 21	354703	9/21/21	36,642.58
CITY OF SOLANA BEACH	HHW EDUCATIONAL FY 21/22	354704	9/21/21	13,186.38
CITY OF VISTA	ENVIRONMENTAL ENHANCEMENT FUND DIST FY 21	354705	9/21/21	60,565.95
CLEAN HARBORS ENVIRONMENTAL	HOUSEHOLD HAZARDOUS WASTE	354706	9/21/21	1,441.37
CLF WAREHOUSE INC	MOP 80331 AUTO SUPPLIES - PW	354707	9/21/21	310.14
COMMERCIAL AQUATIC SERVICE INC	MUNICIPAL POOL SUPPLIES & PARTS	354708	9/21/21	1,625.67
COUNTY OF SAN DIEGO	NOTICE OF EXEMPTION FOR PARADISE CREEK	354709	9/21/21	150.00
COX COMMUNICATIONS	COX DATA VIDEO SERVICES FOR FY22	354710	9/21/21	798.66
DATEL SYSTEMS INCORPORATED	BARRACUDA SPAM FILTER EMAIL ARCHIVE	354711	9/21/21	21,352.50
D-MAX ENGINEERING INC	CIP 21-28 OPC PROP 1 GRANT APPLICATION	354712	9/21/21	5,996.44
D-MAX ENGINEERING INC	T&A 90352 - 1827 C AVE - ENG/PW	354713	9/21/21	1,005.60
DURON	REIMBURSEMENT CA STATE PARAMEDIC LICENSE	354714	9/21/21	250.00
EBSO INFORMATION SERVICES	PRINT MAGAZINE SUBSCRIPTION RENEWAL/LIB	354715	9/21/21	5,603.12
ENTERPRISE FLEET MANAGEMENT	ENTERPRISE FLEET LEASE - ENG/PW	354716	9/21/21	15,595.10
FACTORY MOTOR PARTS	MOP 45758 GENERAL AUTO SUPPLIES - PW	354717	9/21/21	19.11
GEOSYNTEC CONSULTANTS INC	CNC COMPLIANCE WORK	354718	9/21/21	7,424.75
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES NEEDED FOR PARKS	354719	9/21/21	362.04
INNOVATIVE CONSTRUCTION	CIP 19-19 ROOSEVELT SMART GROWTH - ENG/PW	354720	9/21/21	28,233.50
KEYSER MARSTON ASSOCIATES INC	KIMBALL/SOUTHERN HIGHLANDS PRF SVCS	354721	9/21/21	4,606.25
KIMLEY HORN AND	8TH AND ROOSEVELT ATP - ENG/PW	354722	9/21/21	45,590.43
KNOX SERVICES	KNOX ATTORNEY SERVICES / CAO	354723	9/21/21	524.40
KRONOS INC	KRONOS ANNUAL MAINTENANCE AND LICENSING	354724	9/21/21	89.74
LASER SAVER INC	PRINTER CONSUMABLES	354725	9/21/21	402.16
METEAU JR	SPHR - HUMAN RESOUCCE CERTIFICATION	354726	9/21/21	203.15
MEYERS, NAVE, RIBACK, SILVER	PROFESSIONAL SERVICES / CAO	354727	9/21/21	3,932.00
NATIONAL CITY CAR WASH	CARWASH SERVICES FOR FLEET FY 2022	354728	9/21/21	375.00
NEWSBANK INC	DATABASE ANNUAL SUBSCRIPTION FY22/LIBRARY	354730	9/21/21	5,372.00



**WARRANT REGISTER # 12
9/21/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
NV5 INC	T&A 90412, 90446, 90449, 90347 - ENG/PW	354731	9/21/21	7,020.00
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES / SECTION 8	354732	9/21/21	687.05
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	354733	9/21/21	91.53
PACIFIC AUTO REPAIR	SMOG CERTIFICATION / REPAIRS FOR CITY	354734	9/21/21	1,100.00
PACIFIC PRODUCTS & SERVICES	SUPPLIES FOR PW'S	354735	9/21/21	1,496.40
PADRE JANITORIAL SUPPLIES	FOR CONSUMABLES AS NEEDED FOR NUTRITION	354736	9/21/21	108.70
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	354737	9/21/21	236.27
PENSKE FORD	R&M CITY VEHICLES FY 2022	354738	9/21/21	203.01
PERRY FORD	MOP 45703 AUTO SUPPLIES - PW	354739	9/21/21	125.00
PORTILLO CONCRETE INC	CIP 18-10 EUCLID AVE BIKE AND PED ENHANC	354740	9/21/21	67,450.01
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES TO REPLENISH STOCK	354741	9/21/21	110.51
PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES / NSD	354742	9/21/21	1,836.36
PROFESSIONAL SEARCH GROUP LLC	TEMP SVCS/FINANCE/CATHERINE BAUTISTA/WK	354743	9/21/21	5,395.12
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	354744	9/21/21	507.01
RANDALL LAMB ASSOCIATES INC	CIP 20-04 NCPD STANDBY POWER CONVERSION	354745	9/21/21	1,750.00
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY22	354746	9/21/21	3,099.41
SHARP ELECTRONICS CORPORATION	MAINTENANCE 20 SHARP COPIERS FOR FY22	354747	9/21/21	2,606.39
SILVER & WRIGHT LLP	PROFESSIONAL SERVICES / CAO	354748	9/21/21	4,295.77
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	354749	9/21/21	559.11
SMART & FINAL	MOP 45756 NC MOVIE NIGHT CONCESSIONS/COM	354750	9/21/21	743.30
SOLANA CENTER FOR	SB 1383 COMPLIANCE SUPPORT SVCS/ AUG 1-3	354751	9/21/21	14,390.00
SOUTH COAST EMERGENCY	FIRE VEHICLE ACCIDENT REPAIRS -	354752	9/21/21	14,098.97
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES - PW	354753	9/21/21	494.32
SUPERIOR READY MIX	ASPHALT, TACK 3/8 SHEET FOR FY 2022	354754	9/21/21	128.23
SWAGIT PRODUCTION LLC	SWAGIT WEBCAST FY22	354755	9/21/21	1,920.83
SYSCO SAN DIEGO INC	FOOD AS NEEDED FOR NUTRITION CENTER	354756	9/21/21	1,670.80
THE SHERWIN WILLIAMS CO	MOP 77816 PAINT SUPPLIES / NSD	354757	9/21/21	91.07
TRI-GROUP CONSTRUCTION AND DEV	CIP 19-19 ROOSEVELT SMART GROWTH - ENG/PW	354758	9/21/21	213,122.08
U S BANK	US BANK CARD PAYMENT	354759	9/21/21	4,027.52
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT FY 2022	354760	9/21/21	470.68
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS AND MAINTENANCE	354761	9/21/21	816.05
VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY22	354762	9/21/21	9,279.50
VISTA PAINT	MOP 68834 PAINT SUPPLIES / NSD	354763	9/21/21	1,189.38
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES	354764	9/21/21	1,810.12
WEST COAST ARBORISTS	ONGOING TREE TRIMMING SERVICE	354765	9/21/21	19,846.00
WEST COAST ARBORISTS INC	CIP 21-24 CALFIRE GRANT PLANTING - ENG/PW	354766	9/21/21	8,400.00
WILLY'S ELECTRONIC SUPPLY	ELECTRONIC ACCESSORIES	354767	9/21/21	108.31
WOODRUFF, SPRADLIN & SMART APC	GENERAL MGR MONTHLY INV - AUGUST 2021	354768	9/21/21	2,750.00
WOODRUFF, SPRADLIN & SMART APC	REIMBURSEMENT TRAVEL COST/INFORMA CONF	354769	9/21/21	1,345.00
WOODRUFF, SPRADLIN & SMART APC	LEGAL SVCS THROUGH JULY 31, 2021	354770	9/21/21	735.48
WORLD OIL ENVIRONMENTAL	USED OIL SERVICE CHARGE	354771	9/21/21	95.00
WSP USA INC	NAT CITY BIKE MASTER PLAN - ENG/PW	354772	9/21/21	585.50
YANO	REIMBURSEMENT - APWA CONFERENCE	354773	9/21/21	778.36
Z A P MANUFACTURING INC	SUPPLIES FOR PUBLIC WORKS	354774	9/21/21	3,790.32
A/P Total				866,070.90



**WARRANT REGISTER # 12
9/21/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SECTION 8 HAPS	Start Date 9/15/2021	End Date 9/21/2021		6,491.00
PAYROLL	Start Date 8/24/2021	End Date 9/6/2021	Check Date 9/15/2021	1,186,967.98
Pay period 18				
		GRAND TOTAL		<u>\$ 2,059,529.88</u>

The following page(s) contain the backup material for Agenda Item: [Warrant Register #13 for the period of 9/22/21 through 9/28/21 in the amount of \\$741,831.40. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #13 for the period of 9/22/21 through 9/28/21 in the amount of \$741,831.40. (Finance)

PREPARED BY: Karla Apalategui, Senior Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 9/22/21 - 9/28/21. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Blue Pacific Eng	354785	260,831.06	CIP 18-14 Sweetwater Bikeway Connect
Ca Dept of Tax & Fee	354786	95,000.00	Paradise Creek Park Project
Health Net Inc	354811	76,410.54	Grp#R1192A – October 2021
Sweetwater Authority	354853	85,423.63	Water bill for Facilities FY 2022

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$741,831.40.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify Warrants Totaling \$741,831.40

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 13



**WARRANT REGISTER # 13
9/28/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
VIDEO TRACK LLC	EDITING SVC VARIOUS VIDEO/AUDIO MEDIA PLATFORMS	354775	9/28/21	3,554.00
24 HOUR ELEVATOR INC	CITY WIDE ELEVATOR SERVICE AND REPAIRS	354776	9/28/21	30,487.50
ADMINSURE INC	MONTHLY SVCS - WORKERS' COMP	354777	9/28/21	8,109.00
ALDEMCO	FOOD AS NEEDED FOR NUTRITION CENTER	354778	9/28/21	3,712.53
ALL FRESH PRODUCTS	FOOD AS NEEDED FOR NUTRITION CENTER	354779	9/28/21	520.89
ALL FRESH PRODUCTS	FOOD AS NEEDED FOR NUTRITION CENTER	354780	9/28/21	128.97
ALLIANT INSURANCE SERVICES INC	SPCL LIABILITY INS POLICY / EFF 09/29/21	354781	9/28/21	5,224.53
ALLSTAR FIRE EQUIPMENT INC	LION VICTORY STRUCTURAL FIRE GLOVES	354782	9/28/21	1,750.13
ARJIS	ARJIS FY 2021	354783	9/28/21	17,185.80
AYDELOTTE	REIMB LV 10-16 AYDELOTTE /PD	354784	9/28/21	300.00
BLUE PACIFIC ENGINEERING	CIP 18-14 SWEETWATER BIKEWAY CONNECTION	354785	9/28/21	260,831.06
CALIFORNIA DEPARTMENT OF TAX AND FEE	PARADISE CREEK PARK PROJECT	354786	9/28/21	95,000.00
CARDOZA	TRAINING REIM FOR CALIFORNIA HOMICIDE / PD	354787	9/28/21	157.42
CHEN RYAN ASSOCIATES INC	ON-CALL PROJECT SUPPORT SERVICES	354788	9/28/21	999.00
CLF WAREHOUSE INC	MOP 80331 AUTO SUPPLIES-PW	354789	9/28/21	107.34
CODDINGTON LOCK AND SECURITY	CITYWIDE ON-SITE ELECTRONIC DOOR, LOCK	354790	9/28/21	1,656.53
COMMERCIAL AQUATIC SERVICE INC	MUNICIPAL POOL SUPPLIES, PARTS	354791	9/28/21	2,921.05
COUNTY OF SAN DIEGO	NATIONAL CITY DUCK POND, DEH2020-CAMD-00	354792	9/28/21	229.50
COUNTY OF SAN DIEGO	COUNTY MAIL SERVICES - SECTION 8 HOUSING	354793	9/28/21	2,215.53
CPOA	CHIEF TELLEZ & CAPT. YOUNG MEMBERSHIP LD	354794	9/28/21	1,000.00
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY 2022~	354795	9/28/21	1,889.42
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	354796	9/28/21	5,440.00
DELTA DENTAL	GRP #05-0908600000 / OCTOBER 2021	354797	9/28/21	13,942.36
DELTA DENTAL	GRP #05-0908601002 / OCTOBER 2021	354798	9/28/21	134.71
DELTA DENTAL INSURANCE CO	GRP #05-7029600000 - OCTOBER 2021	354799	9/28/21	2,397.78
DEMCO INC	SUPPLIES FY22/LIBRARY	354800	9/28/21	384.35
DEPARTMENT OF JUSTICE	NEW EMPLOYEE FINGERPRINT TEST RESULTS -	354801	9/28/21	192.00
DEVANEY PATE MORRIS & CAMERON	LEGAL SERVICES- PORT OF SAN DIEGO BALANC	354802	9/28/21	11,550.00
ESGIL CORPORATION	PLAN CHECKS FOR FIRE DEPARTMENT FOR FY22	354803	9/28/21	824.70
FIRE ETC	FIRE SAFETY STATION BOOTS/FOOTWEAR, FY 22	354804	9/28/21	1,066.72
GONZALEZ	EDUCATION REIMBURSEMENT	354805	9/28/21	157.00
GRAINGER	BUILDING SUPPLIES AND EQUIPMENT FY 22	354806	9/28/21	990.83
HEALTH NET	GRP #N7176A - OCTOBER 2021	354807	9/28/21	5,488.08
HEALTH NET	GRP #N7176F - OCTOBER 2021	354808	9/28/21	1,598.46
HEALTH NET	GRP #N7177A - OCTOBER 2021	354809	9/28/21	1,240.24
HEALTH NET	GRP #R1192R - OCTOBER 2021	354810	9/28/21	832.36
HEALTH NET INC	GRP #R1192A - OCTOBER 2021	354811	9/28/21	76,410.54
HEALTH NET INC	GRP #57135A - OCTOBER 2021	354812	9/28/21	5,008.61
HEALTH NET INC	GRP #LB439A - OCTOBER 2021	354813	9/28/21	2,469.88
HEALTH NET INC	GRP #LB439F - OCTOBER 2021	354814	9/28/21	714.18
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES AS NEEDED FOR BUILDING	354815	9/28/21	715.59
IDEMIA IDENTITY & SECURITY USA	NEW EMPLOYEE FINGERPRINT SUBMISSION - AUG	354816	9/28/21	12.00
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING,	354817	9/28/21	290.00
JONES	REIMBURSEMENT - CALPERS OVER DEDUCTION	354818	9/28/21	2,390.94
KREISBERG LAW FIRM	AUGUST 2021 FEE	354819	9/28/21	4,000.00
LIEBERT CASSIDY WHITMORE	WEBINAR - COVID-19 SUPPLEMENTAL PAID SIC	354820	9/28/21	100.00
MOSSY NISSAN	MOP 80703 AUTO SUPPLIES--PW	354821	9/28/21	33.48



**WARRANT REGISTER # 13
9/28/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
NAN MCKAY AND ASSOCIATES INC	3 DAY WEBINAR HCV FOR IRMA ARIAS SECTION8	354822	9/28/21	800.00
NATIONAL CITY AUTO TRIM	R&M CITY VEHICLES AS NEEDED FY 2022	354823	9/28/21	300.31
NATIONAL CITY MOTORCYCLES	SERVICE AND REPAIR FOR EMERGENCY	354824	9/28/21	2,363.35
NV5 INC	T&A 90347 - 1819 E. 9TH ST - ENG/PW	354825	9/28/21	3,590.00
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES / FINANCE	354826	9/28/21	100.27
PACIFIC REFRIGERATION INC	NUTRITION CENTER PREVENTIVE MAINTANCE	354827	9/28/21	1,899.00
PACIFIC REFRIGERATION INC	NUTRITION CENTER A/C SERVICES	354828	9/28/21	945.00
PADRE JANITORIAL SUPPLIES	FOR CONSUMABLES AS NEEDED FOR NUTRITION	354829	9/28/21	176.47
PADRE JANITORIAL SUPPLIES	FOR CONSUMABLES AS NEEDED FOR NUTRITION	354830	9/28/21	108.70
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	354831	9/28/21	297.00
PENSKE FORD	R&M CITY VEHICLES FY 2022	354832	9/28/21	416.40
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES TO REPLENISH STOCK	354833	9/28/21	1,437.72
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES-PW	354834	9/28/21	984.02
PROFESSIONAL SEARCH GROUP LLC	TEMP SVCS - AP- CATHERINE BAUTISTA	354835	9/28/21	5,088.16
PRUDENTIAL OVERALL SUPPLY	FOR UNIFORM CLEANING SERVICE / NUTRITION	354836	9/28/21	137.09
PRUDENTIAL OVERALL SUPPLY	NUTRITION CENTER LAUNDRY & CLEANING SERV	354837	9/28/21	1,080.76
QUIROGA	TRAINING REIM FOR CALIFORNIA HOMICIDE IN	354838	9/28/21	259.63
RUFFIAN SPECIALTIES	40-01-0200. FIREFIGHTER BELT W/AIRLOCK	354839	9/28/21	430.41
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY	354840	9/28/21	280.00
SAN DIEGO POLICE EQUIPMENT	BALLISTIC VEST CHELIUS	354841	9/28/21	890.67
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	354842	9/28/21	12,935.68
SEAPORT MEAT COMPANY	FOR FOOD AS NEEDED FOR NUTRITION CENTER	354843	9/28/21	1,796.90
SHARP REES STEALY MED GROUP	PRE-EMPLOYMENT PHYSICALS & DMV EXAM	354844	9/28/21	811.00
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	354845	9/28/21	1,353.27
SMART & FINAL	MOP 45756 EMPLOYEE BBQ PICNIC	354846	9/28/21	816.73
SMART SOURCE OF CALIFORNIA LLC	MOP#63845 B.CARD FOR RYAN/DEFAZIO/LIBRARY	354847	9/28/21	109.70
STANICH	TRAINING REIM FOR CALIFORNIA HOMICIDE IN	354848	9/28/21	1,301.52
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES PD	354849	9/28/21	1,662.75
SULLIVAN	TRAINING REIM FOR LOS ANGELES PD LEADERS	354850	9/28/21	328.67
SUPERIOR READY MIX	CONCRETE FOR FY 2022	354851	9/28/21	537.19
SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES FY 2022	354853	9/28/21	85,423.63
SYSCO SAN DIEGO INC	FOR FOOD AS NEEDED FOR NUTRITION CENTER	354854	9/28/21	4,037.28
T MAN TRAFFIC SUPPLY	MOP 76666 TRAFFIC SUPPLIES - PW	354855	9/28/21	452.67
TECHNOLOGY INTEGRATION GROUP	SUPPLIES NOT COVERED BY CITY FOR FY 21/ MIS PD	354856	9/28/21	6,906.19
TERMINIX INTERNATIONAL	ON-SITE PEST CONTROL SERVICES AS NEEDED	354857	9/28/21	3,997.00
THE COUNSELING TEAM INTERNATIO	EMPLOYEE SUPPORT SERVICES / FIRE	354858	9/28/21	675.00
THE LINCOLN NATIONAL LIFE INS	GRP #415491 - OCTOBER 2021~	354859	9/28/21	9,382.75
THE SHERWIN WILLIAMS CO	MOP 77816 GENERAL SUPPLIES - PW	354860	9/28/21	341.03
THE STAR NEWS	LEGAL NOTICES - CITY CLERKS OFFICE - BBC	354861	9/28/21	1,711.79
TRANS-LANG	TRANSLATION SERVICES - INTERPRETER - CC	354862	9/28/21	2,558.50
U S BANK	CREDIT CARD EXPENSES/ FIRE, KREPPS, B	354863	9/28/21	831.71
VELOCITY TRUCK CENTERS	ENGINE AND TRANSMISSION PARTS AS NEEDED	354864	9/28/21	163.96
VILLARIASA	RETIREE HEALTH BENEFITS - SEPTEMBER 2021	354865	9/28/21	480.00
VILLARIASA	RETIREE HEALTH BENEFITS - OCTOBER 2021	354866	9/28/21	480.00
VISION SERVICE PLAN	SEPTEMBER 2021 - VSP (CA)	354867	9/28/21	387.31
WEST PAYMENT CENTER	WEST INVESTIGATIVE SERVICE	354868	9/28/21	633.22
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	354869	9/28/21	15.56



**WARRANT REGISTER # 13
9/28/2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
WETMORES	MOP 80333 AUTO SUPPLIES - PW	354870	9/28/21	56.90
WILLY'S ELECTRONIC SUPPLY	MOP 45763 MOTOR START CAP /FIRE	354871	9/28/21	11.40
WSP USA INC	WSP USA NTP FOR THE NATIONAL CITY	354872	9/28/21	1,839.05
WSP USA INC	FOCUSED GENERAL PLAN UPDATE TO INCLUDE	354873	9/28/21	793.07
GATES PLANNING STRATEGIES	CONSULTANT TO PROVIDE LAND USE	354874	9/28/21	1,050.00
			A/P Total	741,831.40
	GRAND TOTAL			<u>\$ 741,831.40</u>

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Introduction of an Ordinance of the City Council of the City of National City amending Chapter 11.52 \(Bicycles\) of the National City Municipal Code. \(Applicant City-Initiated\) \(Case File 2021-03 A\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing and Introduction of an Ordinance of the City Council of the City of National City amending Chapter 11.52 (Bicycles) of the National City Municipal Code. (Applicant City-Initiated) (Case File 2021-03 A)

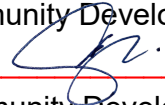
PREPARED BY: Martin Reeder, AICP



PHONE: 619-336-4313

DEPARTMENT: Community Development

APPROVED BY: _____



Director of Community Development

EXPLANATION:

In 1972 the City Council adopted an Ordinance adding Chapter 11.52 to Title 11 of the National City Municipal Code (NCMC) to require licenses for bicycles in the City. The individual adopted license fees were \$1.40 for registration, \$1.00 for transfer of ownership, and \$0.50 for a replacement license. The purpose of the Ordinance was to deter bicycle theft and establish violations. Since adoption of the Ordinance, licenses were issued by the National City Police Department (NCPD); however, licenses have not been issued since the mid-1990s. Bicycle registration and licensing is less efficient than the use of serial numbers for the purposes of theft deterrence and the penalties for violations in the Ordinance are onerous, ranging from misdemeanor to impounding a bicycle. Many cities have repealed their bicycle license requirements completely, including San Diego in 2013 and Chula Vista in 2019 in an effort to become more bicycle-friendly. The proposed amendment removes any reference to bicycle licenses, but leaves the sections related to definitions, traffic regulations, and violations. The amendments to Chapter 11.52 will have no fiscal impact on the City since no fees are collected. NCPD is supportive of the amendments.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Not a project per the California Environmental Quality Act.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Repeal NCMC Chapter 11.52 (Bicycles)

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Existing Chapter 11.52 (Bicycles)
2. Proposed Language
3. Public Hearing Notice
4. Ordinance

Chapter 11.52 - BICYCLES

Sections:

11.52.010 - Bicycle defined.

A "bicycle" is any device upon which a person may ride, which is propelled by human power through the assistance of belts, chains or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

(Ord. 1457 § 1, 1975; Ord. 1298 (part), 1972)

11.52.020 - License—Required.

It is unlawful for any person to operate or use a bicycle upon any of the streets, alleys or highways in the city without first obtaining a license therefor.

(Ord. 1298 (part), 1972)

11.52.030 - License—Issuance—Term—Effect.

The city is authorized and directed to issue, upon written application, a bicycle license which shall be effective during the period of time such licensee retains title to such bicycle, but, in no event longer than ten years, which license when issued entitles the licensee to operate such bicycle upon the streets, alleys and public highways in the city in accordance with traffic regulations.

(Ord. 1298 (part), 1972)

11.52.040 - License—Plates—Records.

- A. The city shall obtain licenses from the California Department of Motor Vehicles in accordance with Vehicle Code Section 39001.
- B. The metallic license plates or seals and registration cards shall have numbers stamped thereon.
- C. Such metallic license plates or seals shall be stamped in numerical order and the letters N.C.P.D. stamped thereon.
- D. Metallic license plates or seals shall be suitable for attachment upon the frames of bicycles.
- E. One metallic license plate or seal shall be attached to the frame of each bicycle, and a corresponding registration card shall be issued to the licensee upon payment of the license fees herein provided.
- F. The metallic license plate or seal shall remain attached during the existence of such license.
- G. The chief of police shall keep a record of the date of issue of each license, to whom issued, and

the number thereof.

(Ord. 1457 § 2, 1975; Ord. 1298 (part), 1972)

11.52.050 - License—Tampering prohibited.

- A. It is unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the numbers of any bicycle frame licensed pursuant to this chapter.
- B. It is unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate is operative.
- C. Nothing in this chapter shall prohibit the stamping of numbers on the frame of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

(Ord. 1298 (part), 1972)

11.52.060 - License—Fees.

- A. The license fee to be paid for registration and licensing of a bicycle shall be one dollar and forty cents.
- B. For registration and licensing when there is a transfer of ownership, the new owner shall pay one dollar.
- C. For lost or destroyed license plate or seal a new number shall be issued for which the owner shall pay fifty cents.
- D. All fees shall be paid in advance.

(Ord. 1374 § 1, 1973; Ord. 1298 (part), 1972)

11.52.061 - License Fees—Revenues.

All revenues from license fees shall be retained in a special fund established by the city to be used for the purpose of administering the city's bicycle licensing program, improving bicycle safety programs in the city and establishing bicycle facilities in the city.

(Ord. 1457 § 3, 1975; Ord. 1298 (part), 1972)

11.52.070 - Transfer of ownership—Report.

It is the duty of every person who sells or transfers ownership on any bicycle, to report such sale or transfer by returning to the chief of police the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle was sold, or transferred, and such report shall be made within five days of the date of said sale or transfer.

(Ord. 1298 (part), 1972)

11.52.080 - Transfer of ownership—Registration.

It is the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor, within five days of said sale or transfer.

(Ord. 1298 (part), 1972)

11.52.090 - Sales—Retail secondhand.

Every person engaged in the business of buying or selling of new or secondhand bicycles in the city shall file with the chief of police a monthly report, giving:

- A. The name and address of the person from whom or to whom a bicycle is purchased or sold;
- B. The description thereof;
- C. The frame number thereof; and
- D. The number of the license plate, if any, attached to said bicycle.

(Ord. 1298 (part), 1972)

11.52.100 - Traffic regulations.

- A. It is unlawful for any person to ride a bicycle upon a sidewalk within any business or residence district of the city, with the exception herein stated.
- B. The council may, by resolution duly adopted, authorize the riding of bicycles on the sidewalks of such residential districts or area with such limitations as to hours and specific purposes as they may deem proper.
- C. It is a misdemeanor for any person to violate any of the terms or provisions of this chapter or to use a bicycle in and upon any street, alley, park or other public place in this city, or upon any path or lane set aside for the exclusive use of bicycles within this city, without complying in all respects with the terms and provisions of this chapter.
- D. It is a misdemeanor for any parent or guardian of any child or of anyone who has the custody or control of any child in this city to knowingly permit such child to use a bicycle in this city in violation of the terms and provisions of this chapter.

(Ord. 1298 (part), 1972)

11.52.110 - Violation—Penalties.

- A. Every person convicted of a violation of any provisions of this chapter is guilty of an infraction and is punishable as prescribed in Section 1.20.010 or by removal or suspension of the license to operate a bicycle within this city for a period not to exceed thirty days, or by impounding the

bicycle of the person convicted for a period not to exceed thirty days, or by any or all said penalties or any combination thereof.

- B. The chief of police shall also have authority, in the event that any juvenile or person under the age of twenty-one years is found violating any provision of this chapter to take and impound the bicycle of such juvenile or minor so found violating such chapter, and to hold the same for a period not to exceed thirty days, during which said time the chief of police shall notify the parents or guardian or other person having the custody and control of said juvenile or minor of such offense.

(Ord. 1621, 1978; Ord. 1358 § 2 (part), 1973; Ord. 1297 (part), 1972)

Chapter 11.52 - BICYCLES

Sections:

11.52.010 - Bicycle defined.

A "bicycle" is any device upon which a person may ride, which is propelled by human power through the assistance of belts, chains or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

~~11.52.020 - License - Required.~~

~~It is unlawful for any person to operate or use a bicycle upon any of the streets, alleys or highways in the city without first obtaining a license therefore.~~

~~11.52.030 - License - Issuance - Term - Effect.~~

~~The city is authorized and directed to issue, upon written application, a bicycle license which shall be effective during the period of time such licensee retains title to such bicycle, but, in no event longer than ten years, which license when issued entitles the licensee to operate such bicycle upon the streets, alleys and public highways in the city in accordance with traffic regulations.~~

~~11.52.040 - License - Plates - Records.~~

- ~~A. The city shall obtain licenses from the California Department of Motor Vehicles in accordance with Vehicle Code Section 39001.~~
- ~~B. The metallic license plates or seals and registration cards shall have numbers stamped thereon.~~
- ~~C. Such metallic license plates or seals shall be stamped in numerical order and the letters N.C.P.D. stamped thereon.~~
- ~~D. Metallic license plates or seals shall be suitable for attachment upon the frames of bicycles.~~
- ~~E. One metallic license plate or seal shall be attached to the frame of each bicycle, and a corresponding registration card shall be issued to the licensee upon payment of the license fees herein provided.~~
- ~~F. The metallic license plate or seal shall remain attached during the existence of such license.~~
- ~~G. The chief of police shall keep a record of the date of issue of each license, to whom issued, and the number thereof.~~

~~11.52.050 - License - Tampering prohibited.~~

~~It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the numbers of any bicycle frame licensed pursuant to this chapter.~~

~~It is unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate is operative.~~

~~Nothing in this chapter shall prohibit the stamping of numbers on the frame of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.~~

~~11.52.060—License—Fees.~~

- ~~A. The license fee to be paid for registration and licensing of a bicycle shall be one dollar and forty cents.~~
- ~~B. For registration and licensing when there is a transfer of ownership, the new owner shall pay one dollar.~~
- ~~C. For lost or destroyed license plate or seal a new number shall be issued for which the owner shall pay fifty cents.~~
- ~~D. All fees shall be paid in advance.~~

~~11.52.061—License Fees—Revenues.~~

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~~11.52.080—Transfer of ownership—Registration.~~

~~It is the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefore, within five days of said sale or transfer.~~

~~11.52.090—Sales—Retail secondhand.~~

~~Every person engaged in the business of buying or selling of new or secondhand bicycles in the city shall file with the chief of police a monthly report, giving:~~

- ~~A. The name and address of the person from whom or to whom a bicycle is purchased or sold;~~
- ~~B. The description thereof;~~
- ~~C. The frame number thereof; and~~
- ~~D. The number of the license plate, if any, attached to said bicycle.~~

11.52.[020](#) - Traffic regulations.

- A. It is unlawful for any person to ride a bicycle upon a sidewalk within any business or residence district of the city, with the exception herein stated.

- B. The council may, by resolution duly adopted, authorize the riding of bicycles on the sidewalks of such residential districts or area with such limitations as to hours and specific purposes as they may deem proper.
- C. It is an infraction ~~misdemeanor~~ for any person to violate any of the terms or provisions of this chapter or to use a bicycle in and upon any street, alley, park or other public place in this city, or upon any path or lane set aside for the exclusive use of bicycles within this city, without complying in all respects with the terms and provisions of this chapter.
- D. It is an infraction ~~misdemeanor~~ for any parent or guardian of any child or of anyone who has the custody or control of any child in this city to knowingly permit such child to use a bicycle in this city in violation of the terms and provisions of this chapter.

11.52.030 - Violation—Penalties.

- A. Every person convicted of a violation of any provisions of this chapter is guilty of an infraction and is punishable as prescribed in Section 1.20.010 ~~or by removal or suspension of the license to operate a bicycle within this city for a period not to exceed thirty days,~~ or by impounding the bicycle of the person convicted for a period not to exceed thirty days, or by any or all said penalties or any combination thereof.
- B. The chief of police shall also have authority, in the event that any juvenile or person under the age of twenty-one years is found violating any provision of this chapter to take and impound the bicycle of such juvenile or minor so found violating such chapter, and to hold the same for a period not to exceed thirty days, during which said time the chief of police shall notify the parents or guardian or other person having the custody and control of said juvenile or minor of such offense.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., **Tuesday, November 2, 2021**, via **LIVE WEBCAST** from the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider:

INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CHAPTER 11.52 (BICYCLES) OF THE NATIONAL CITY MUNICIPAL CODE.

Due to the precautions taken to combat the spread of coronavirus (COVID-19), the City Council Chambers, are closed to the public. Anyone interested in this Public Hearing may view the City Council Meeting on the City's webpage at <https://www.nationalcityca.gov/webcast>

Interested parties may register to speak during the City Council zoom meeting, but must register by 4:00 p.m. the day of the meeting. The City Council will also accept written public comments regarding this matter via e-mail sent to clerk@nationalcityca.gov. Written comments from the public (limited to a maximum of three minutes) must be submitted via e-mail by 4:00 p.m. on the day of the City Council Meeting. For information on registering to speak or on submitting written comments, please visit the City Clerk's webpage at <https://www.nationalcityca.gov/government/city-clerk/public-comments>.

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 via e-mail, or through written correspondence delivered to the undersigned prior to the Public Hearing.

October 19, 2021

Shelley Chapel, Deputy City Clerk

Published in the Star News: Friday, October 22, 2021.

ATTACHMENT 3

ORDINANCE NO. 2021 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING CHAPTER 11.52 (BICYCLES) OF THE NATIONAL CITY MUNICIPAL CODE

WHEREAS, the City of National City (the “City”), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact or amend laws which promote the public health, safety, and general welfare of its residents; and

WHEREAS, bicycle registration and licensing has been proven to be less efficient than the use of serial numbers for the purposes of theft deterrence, no bicycle licenses have been issued since the mid-1990s, and the penalties for violations in the Chapter 11.52 are onerous, ranging from misdemeanor to impounding a bicycle; and

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code.

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

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section 2. Chapter 11.52 (Bicycles) is hereby modified to read as follows:

Chapter 11.52 - BICYCLES

Sections:

11.52.010 - Bicycle defined.

A "bicycle" is any device upon which a person may ride, which is propelled by human power through the assistance of belts, chains or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

11.52.020 - Traffic regulations.

- A. It is unlawful for any person to ride a bicycle upon a sidewalk within any business or residence district of the city, with the exception herein stated.

- B. The council may, by resolution duly adopted, authorize the riding of bicycles on the sidewalks of such residential districts or area with such limitations as to hours and specific purposes as they may deem proper.
- C. It is an infraction for any person to violate any of the terms or provisions of this chapter or to use a bicycle in and upon any street, alley, park or other public place in this city, or upon any path or lane set aside for the exclusive use of bicycles within this city, without complying in all respects with the terms and provisions of this chapter.
- D. It is an infraction for any parent or guardian of any child or of anyone who has the custody or control of any child in this city to knowingly permit such child to use a bicycle in this city in violation of the terms and provisions of this chapter.

11.52.030 - Violation—Penalties.

- A. Every person convicted of a violation of any provisions of this chapter is guilty of an infraction and is punishable as prescribed in Section 1.20 or by impounding the bicycle of the person convicted for a period not to exceed thirty days, or by any or all said penalties or any combination thereof.
- B. The Chief of Police shall also have authority, in the event that any juvenile or person under the age of twenty-one years is found violating any provision of this chapter to take and impound the bicycle of such juvenile or minor so found violating such chapter, and to hold the same for a period not to exceed thirty days, during which said time the Chief of Police shall notify the parents or guardian or other person having the custody and control of said juvenile or minor of such offense.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

PASSED and ADOPTED this 16th day of November 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of a Resolution of the City Council of the City of National City certifying an Environmental Impact Report \(EIR\) for, and approving, a General Plan Amendment, Zone Change, Code Amendment, and Conditional Use Permit for construction of a Carmax dealership on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805 and authorizing the filing of a Notice of Determination. \(Applicant: Carmax\) \(Case File No. 2016-30 GPA, ZC, A, CUP, IS\) \(Planning\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. |

ITEM TITLE: Public Hearing and Adoption of a Resolution of the City Council of the City of National City, California certifying an Environmental Impact Report (EIR) for, and approving, a General Plan Amendment, Zone Change, Code Amendment, and Conditional Use Permit for construction of a Carmax dealership on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805 and authorizing the filing of a Notice of Determination. (Applicant: Carmax) (Case File No. 2016-30 GPA, ZC, A, CUP, IS)

PREPARED BY: Martin Reeder, AICP 

DEPARTMENT: Community Development

PHONE: 619-336-4313

APPROVED BY: 
Director of Community Development

EXPLANATION:

The applicant is proposing a Carmax pre-owned automobile dealership, service building, and non-public carwash on the subject property. The business is expected to generate 65-85 full and part times jobs. In order to construct the project, the zone of the property needs to be changed from Major Mixed-Use District (MXD-2) to Service Commercial (CS) and Open Space (OS), and a Code Amendment is required to allow used auto sales in the CS zone. Used auto sales would subsequently require a Conditional Use Permit (CUP), which was applied for in conjunction with the amendments. A Tentative Parcel Map for the 15.08-acre property was approved by the Planning Commission, subdividing the property into two to accommodate the dealership (7.19 acres) and associated stormwater detention pond and realigned channel (7.89 acres).

The attached background report describes the project in detail.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Environmental Impact Report (SCH# 2016111035)

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the project.

Vote: Ayes – Natividad, Sanchez, Sendt, Valenzuela

Noes: DelaPaz, Roman, Yamane

ATTACHMENTS:

- | | |
|---------------------------|--|
| 1. Background Report | 6. Applicant's Plans |
| 2. Recommended Findings | 7. Public Hearing Notice |
| 3. Recommended Conditions | 8. EIR and Mitigation Monitoring Reporting Program |
| 4. Overhead | 9. Planning Commission Resolution 2021-10 |
| 5. Site Photos | 10. Resolution |

BACKGROUND REPORT

Staff Recommendation

Staff is recommending approval of the Carmax project as it will develop an economically viable automobile sales business that would provide additional commercial opportunities for the City and the San Diego region, generate revenue for the City through sales tax and property tax, and increase commercial activity at Westfield Plaza Bonita.

Executive Summary

The project would construct a Carmax pre-owned automobile dealership, service building, and non-public carwash with associated access drives, parking lots and landscaped areas within approximately 7.19 acres of the project parcel. The Carmax facility buildings would total approximately 18,774 square feet and include 157 parking spaces for customers and employees. The applicant estimates that 60-68 full time and 15-17 part times jobs would be generated by the dealership. The facility would also include 401 vehicle stalls in a sales inventory lot, and a 0.9-acre vehicle staging area. The project would re-contour and redirect approximately 2,012 linear feet of an unnamed creek located on the project parcel by constructing an earthen channel that would traverse the northwestern boundary of the property. The project would also relocate existing water and sewer facilities that traverse the project site into the centerline of Plaza Bonita Road.

The Planning Commission considered the project at their meeting of October 18, 2021 and recommended approval of the associated discretionary permits to the City Council. The associated Tentative Parcel Map subdividing the property was approved by the Commission.

Site Characteristics

The project site is located at the southeast corner of Interstate 805, State Route 54 and Sweetwater Road, along Plaza Bonita Road. The site is approximately 15 acres in size. The site is undeveloped and is surrounded by highways to the north and east, Westfield Plaza Bonita to the south and the Sweetwater River to the west.

History

The subject property has historically been an open space area and the location of a County of San Diego open space easement. The property was entitled for a Costco warehouse and gas station in 2007, although the project never came to fruition. The site was rezoned to Major Mixed-Use District (MXD-2) as part of the 2011/2012 Land Use Update. Carmax worked with staff for two years on their due diligence research of the

ATTACHMENT 1

property prior to initiation of the project, which occurred in 2016. The Planning Commission initiated a General Plan Amendment, Zone Change, and Code Amendment.

Proposal

The proposed development consists of the construction of a Carmax Auto Superstore on 7.19 acres and a stormwater detention pond and a realigned channel on approximately 7.89 acres. The proposed site plan (attached) is a result of numerous meetings with the resource agencies that aims to: (1) respect the proper river constraints, with the realigned channel along the north boundary of the development, and (2) to protect the natural resources on the site to the maximum extent possible. The Carmax site is proposed to be zoned as Service Commercial (CS) and the realigned channel and detention area zoned as Open Space (OS).

The existing channel that currently bisects the site will be re-routed around the dealership and tie-in within the downstream portion of the existing channel. The Project proposes to restore approximately 3.7 acres of jurisdictional waters and enhance up to 0.81 acres of existing jurisdictional waters by re-routing and widening a total of 2,012 linear feet of channel.

Analysis

The following discretionary land use entitlements are being sought to permit the Carmax development.

1. *General Plan Amendment.* The project requires an amendment to the General Plan to change the land use designations on the General Plan Land Use Map from Major Mixed Use to **Service Commercial** and **Open Space** respectively.
2. *Zone Change.* The project site is zoned MXD-2, which does not allow for used auto sales. The site will need to be rezoned from MXD-2 to **CS**. The CS zoning designation will allow for development of retail and other general commercial uses. The detention and channel parcel will be zoned **OS** in order to preserve and maintain the area in perpetuity.
3. *Municipal Code Amendment.* Title 18 (Zoning) needs be amended to permit the sale of used automobiles within the CS zone. The proposed amendment would allow used auto sales subject to a Conditional Use Permit (CUP).
4. *Conditional Use Permit.* With the code text amendment, the project will need to be granted a CUP to operate as a used auto sales business.

5. *Tentative Parcel Map.* The 15-acre property is proposed to be subdivided into two separate parcels: the 7.19-acre Carmax site and the 7.89-acre detention and channel area.

General Plan Amendment

The current General Plan Land Use designation for the property is Major Mixed-Use, which only allows development consistent with Major Mixed-Use Corridor (MXC-2) and MXD-2 zoning. In order to change the zone to CS, the Land Use designation will also need to be changed to **Service Commercial**. In this case, the land use and zoning designations are the same and no other zones are permitted under this land use description. Likewise, the channel area would be designated as **Open Space**, both in land use and zoning designation.

Zone Change

As mentioned above, the current land use designation only permits MXC-2 and MXD-2 zoning. These zones permit residential development up to 75 units per acre and commercial uses consistent with retail and service areas (as well as permitting a mix of the two). While the property could technically accommodate a significant number of housing units, the adopted 2021-2029 Sixth Cycle Housing Element designates adequate areas for development that would satisfy the City's Regional Housing Needs Allocation (RHNA) commitments.

The purpose of the CS zone is described in the Municipal Code as “[providing] for intensive commercial activities; specialized service establishments; light manufacturing, wholesaling, and distribution uses that operate in a clean and quiet manner; and supporting and complimentary uses.” Typically-permitted uses in the CS zone include auto-related businesses, restaurants, recreation, and retail commercial sales. Other uses would require a CUP. Used auto sales are not currently permitted in the CS zone, but would be permitted in the future if the associated Code Amendment is approved.

The purpose of the OS zone is to provide for public and private improved and unimproved open space. Allowed land uses include urban agriculture and recreational areas such as parks, golf courses, athletic fields, playgrounds, community gardens and farms, recreational trails, nature and **wildlife preserves**, marshes and wetlands, **water bodies**, public utility areas, **flood control channels**, and other scenic and open space areas. The re-routed channel and detention pond area would be consistent with this description.

Code Amendment

Chapter 18.22.020 (Allowed land uses and permit requirements) does not currently permit used auto sales in the CS zone. Such sales are permitted in the Commercial Automotive (CA) zone, but only when part of a new vehicle dealership and located on contiguous land. This land use would not apply well to the CS zone in the project area, as no new vehicle dealerships are located nearby, nor are planned to be. Therefore, a standalone land use (used auto sales) would need to be added. Staff is proposing that the use be conditionally-allowed (subject to a CUP) in order to allow review on a case-by-case basis.

Land Use	Zone		Specific Use Regulations
	CA	CS	
Used auto sales		P	

Conditional Use Permit

The intention of the CUP requirement is to ensure that any impacts on the surrounding area resulting from the use are considered and mitigated through conditions of approval. While environmental impacts are analyzed in the EIR section below, CUP impacts are addressed through the six required findings.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required 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.

The CUP will be conditioned such that the Code Amendment permitting auto sales in the CS zone must be complete prior to the CUP being active. With the amendment in place the use will comply with the Land Use Code, subject to approval of the CUP.

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

The CUP will be conditioned such that the General Plan Amendment and Zone Change must be complete prior to the CUP being active. With the amendments in place the use will be consistent with the General Plan, subject to approval of the CUP. No specific plan covers this area.

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.

The Carmax dealership has been designed in such a way as to not unduly impact adjacent City streets and to function as a complementary use to Westfield Plaza Bonita, which is located across the street from the proposed project. The Final EIR concluded that the project would have no significant impacts and require no mitigation measures associated with aesthetics, land use, transportation, or utilities and service systems.

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 property is currently vacant and is being developed at a built intensity of less than 3%. Access to the property will be via three driveways (two public). All existing utilities will be maintained or rerouted to the satisfaction of the respective utility provider. New utilities are proposed, consistent with City and utility provider regulations.

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 property is currently vacant and suffers from chronic issues associated with trespassing, dumping, and illegal encampments – there were 99 calls for service reported by the Police Department since January 2020, most of which (48) were related to fires started in the area. Rerouting and protecting the existing drainage course and developing the property with a sales tax and job-creating use will be beneficial to the City and the region and will reduce the calls for service.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

An EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

Tentative Parcel Map

The applicant is proposing to subdivide the existing 15.08-acre parcel into two new parcels, separating the primary project parcel from the drainage and water retention area.

Parcel 1 – 7.19 acres (approximately 313,200 square feet). This will be the primary parcel and the location of the proposed 18,774 square-foot Carmax facility and associated parking lot. This parcel will be zoned CS.

Parcel 2 – 7.89 acres (approximately 343,700 square feet). This will be the re-routed unnamed creek and drainage/open space/habitat area. The earthen channel that would traverse the northwestern boundary of the property will be located on this parcel, which will be zoned OS.

The Planning Commission approves Tentative Parcel Maps (for four or less lots). This tentative map was approved by the Commission on October 18, 2021.

General Plan consistency

As described in Section 3.1 of the Final EIR, the following primary objectives are identified for the project:

- Develop an economically viable automobile sales (Carmax) facility that would create jobs and provide additional commercial opportunities for National City and the region.
- Generate revenue for the City through sales tax and property tax.
- Increase commercial activity at Westfield Plaza Bonita and the surrounding area by introducing a new commercial use nearby.
- Develop a project that is architecturally compatible with the surrounding properties.

There are several General Plan Policies that are pertinent to this proposal and the above-noted objectives, specifically:

Policy LU-2.9: Designate land for commercial, office, and service uses sufficient to meet future city needs.

Policy LU-5.6: Support the expansion and revitalization of the Plaza Bonita Shopping Center.

Policy LU-7.1: Establish incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.

Policy OS-1.3: Encourage the removal of invasive plant species and the planting of native plants in and near open space preserves to maintain the biological integrity of these areas.

Policy OS-1.4: Apply appropriate land use and development regulations to limit development of open spaces such as floodplains, sensitive biological areas including wetlands, steep hillsides, canyons, and coastal lands.

The area is vacant and prime for development. Having a comprehensive commercial project in this area will contribute to the City's job and revenue generation needs. The General Fund in particular is heavily dependent on sales tax revenue. The project will complement the commercial nature of the area, with the business providing additional exposure for Westfield Plaza Bonita (and vice versa).

California Environmental Quality Act (CEQA)

Table S-1, located at the end of the attached EIR, summarizes the significant environmental effects identified during the environmental analysis completed for the project and the mitigation measures that would reduce or avoid the environmental effects, with a conclusion as to the significance of the impact after mitigation. The mitigation measures listed in Table S-1 are also discussed within each applicable section of the EIR. After analysis, potentially significant impacts requiring mitigation were identified for **biological resources, cultural and tribal cultural resources, noise, and paleontological resources**. The environmental analysis concluded that all potentially significant impacts associated with these issue areas would be avoided or reduced to below a level of significance through implementation of recommended mitigation measures.

Areas of controversy associated with the project primarily relate to the suitability of the site for the proposed development, impacts to the biological and wetland resources on-site, encroachment into the 100-year floodplain, and proposed improvements to the drainage channel.

In reviewing the findings of the EIR, the Planning Commission will need to decide if the significant impacts associated with the environmental issues related to biological resources, cultural and tribal cultural resources, and paleontological resources have been fully mitigated to below a level of significance. The Commission must also decide,

if the project conforms to regulations and policies, such as those in the General Plan and the City's Municipal Code. Lastly, the Commission must determine whether any alternative might meet the key objectives of the project while reducing its environmental impact.

Five project alternatives were considered in the EIR. Three alternatives were considered but rejected:

- Alternate Location Alternative – rejected due to lack of available locations to develop.
- Project with Hotel Alternative – rejected due to mitigation requirements for hotel portion.
- No Project/Plan and Zone Consistent Alternative – rejected as project objectives would not be met.

Two other alternatives were considered:

- No Project/No Development Alternative – eliminated as project objectives would not be met.
- Reduced Development Alternative (Environmentally Superior Alternative)

The Reduced Development Alternative (proposed project) was selected as the environmentally superior alternative due to its ability to reduce the severity of impacts to biological resources, cultural and tribal cultural resources, and paleontological resources. This alternative would also reduce impacts related to aesthetics, air quality, energy, greenhouse gases, hydrology and water quality, noise, transportation, and utilities and services systems compared to the project. All other project impacts associated with this alternative would be less than significant.

While the current project proposal would provide additional commercial opportunities for the City and the San Diego region, generating revenue for the City through sales tax and property tax, and increasing commercial activity at the Westfield Plaza Bonita Mall, the reduced size of the Carmax facility would not achieve these objectives to the same degree as the project due to reduced volume of sales and reduced commercial activity that would occur under the Reduced Development Alternative (as opposed to the Project with Hotel Alternative).

Mitigation Monitoring and Reporting Program (MMRP)

In order to mitigate impacts of biological resources, cultural and tribal cultural resources, and paleontological resources due to the project, the EIR has identified specific

mitigation measures. These measures are contained in the MMRP, which is attached along with the EIR (Attachment 7).

Conditions of Approval

Conditions include requirements from the Building and Fire Departments (building and fire code), the Engineering Department (stormwater, grading and drainage, final map requirements), and Planning Division (MMRP measures).

Summary

The proposed Carmax used car dealership will be an economically viable business that will provide additional commercial opportunities for the City and the San Diego County region, which will generate revenue for the City through sales tax and property tax, and increase commercial activity at Westfield Plaza Bonita. The project will produce as many as 85 full and part time jobs, consistent with the goals of the General Plan, and the sales tax generated will meet the City's revenue generation needs for the General Fund, which funds essential services throughout the City.

OPTIONS

1. Approve 2016-30 GPA, ZC, A, CUP, IS, subject to the conditions listed within, based on the attached findings, or findings to be determined by the City Council; or
2. Deny 2016-30 GPA, ZC, A, CUP, IS, based on findings to be determined by the City Council; or,
3. Continue the item to a specific date in order to obtain additional information.

RECOMMENDED FINDINGS FOR
CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

2016-30 IS – Carmax

564-471-11

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “lead agency” for the project.
2. The Draft EIR and Final EIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
3. The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City.
4. An MMRP has been prepared for the project, which the City has adopted or made a condition of approval of the project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the project.
5. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
6. In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
7. The impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
8. The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts associated with the project. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR.
 - a. The responses to comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
9. The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.

ATTACHMENT 2

- 10. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
- 11. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and finds as stated in these Findings.

RECOMMENDED FINDING FOR APPROVAL
OF THE GENERAL PLAN AMENDMENT AND ZONE CHANGE

2016-30 GPA, ZC – Carmax
564-471-11

- 1. The proposed development is consistent with General Plan Land Use and Open Space Policies LU-2.9, LU 5.6, LU-7.1, OS-1.3, and OS-1.4, because the area is vacant and prime for development. Having a comprehensive commercial project in this area will contribute to the City’s job and revenue generation needs. The project will complement the commercial nature of the area, with the business providing additional exposure for Westfield Plaza Bonita.

RECOMMENDED FINDING FOR APPROVAL
OF THE CODE AMENDMENT

2016-30 A – Carmax
564-471-11

- 1. That the proposed amendment to section 18.22.020 is consistent with the General Plan, as Land Use Policy LU-7.1 encourages incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.
- 2. That the proposed amendments have been reviewed and been found to comply with the California Environmental Quality Act (CEQA); An EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT

2016-30 CUP – Carmax
564-471-11

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 CUP will be conditioned such that the Code Amendment permitting auto sales in the CS zone must be complete prior to the CUP being active. With the amendment in place the use will comply with the Land Use Code, subject to approval of the CUP.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the CUP will be conditioned such that the General Plan Amendment and Zone Change must be complete prior to the CUP being active. With the amendments in place the use will be consistent with the General Plan, subject to approval of the CUP. No specific plan covers this area.
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 the Carmax dealership has been designed in such a way as to not unduly impact adjacent City streets and to function as a complementary use to Westfield Plaza Bonita, which is located across the street from the proposed project. The Final EIR concluded that the project would have no significant impacts and require no mitigation measures associated with aesthetics, land use, transportation, or utilities and service systems.
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 property is currently vacant and is being developed at a built intensity of less than 3%. Access to the property will be via three driveways (two public). All existing utilities will be maintained or rerouted to the satisfaction of the respective utility provider. New utilities are proposed consistent with City and utility provider regulations.
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 property is currently vacant and suffers from chronic issues associated with trespassing, dumping, and illegal encampments. Rerouting and protecting the existing drainage course and developing the property with a sales tax and job-creating use will be beneficial to the City and the region.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act; an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

RECOMMENDED CONDITIONS OF APPROVAL

2016-30 GPA, ZC, A, CUP, LS, IS – Carmax
564-471-11

General

1. This *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, and Tentative Parcel Map* authorize a Carmax used car dealership on 7.19 acres with 7.98 acres of open space and drainage area on the north side of Plaza Bonita Road south of Sweetwater Road and across from Westfield Plaza Bonita. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibits A, B, and C, Case File No. 2016-30 GPA, ZC, A, CUP, LS, IS, dated March 5 & 6, 2020).
2. This *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, Tentative Parcel Map* shall not become effective until the Environmental Impact Report associated with the project has been certified and the Notice of Determination filed.
3. The *Conditional Use Permit* shall not become effective until the General Plan Amendment, Zone Change, and Code Amendment have been approved.
4. Before this *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, and Tentative Parcel Map* shall become effective, the applicant and/or the property owner both shall 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 General Plan Amendment, Zone Change, and 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 *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, and Tentative Parcel Map* 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 City Manager or assign prior to recordation.
5. *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.** The current fee to record the Notice of

ATTACHMENT 3

Determination for an Environmental Impact Report is \$3,343.25, but may be subject to change.

Building

6. No building permits shall be approved until all discretionary permit processes associated with this project have been completed.
7. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

8. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
9. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
10. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
11. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.

12. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
13. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.
14. All existing and proposed curb inlets on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
15. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be six inches in diameter with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
16. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
17. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
18. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced.
19. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.

20. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work, and a Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
21. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
22. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
23. A title report shall be submitted to the Engineering Department, after the City Council approval, for review of all existing easements and the ownership at the property.
24. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
25. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
26. The developer shall bond for the public improvements and the on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to the beginning of construction.
27. SUSMP documentation, as necessary, must be submitted and approved.
28. The final parcel map shall meet all of the requirements of the Subdivision Map Act, and the City of National City Municipal Codes including certification, acknowledgement, complete boundary information and monumentation.
29. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.
30. All utilities distribution facilities within the boundaries of the subdivision, and within the half street abutting the new subdivision, shall be placed underground.
31. The final map shall be recorded prior to issuance of any building permit.

32. All new property line survey monuments shall be set on private property, unless otherwise approved.
33. The parcel map/final map shall use the California Coordinate System for its “Basis of Bearings” and express all measured and calculated bearings in terms of the system. The angle of grid divergence from a true meridian, and the north point shall appear on the map. Two measured ties from the boundary of the property to existing horizontal control stations shall be shown.
34. The map shall provide for utility and drainage easements.

Fire

35. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations at the time of plan submittal.

Planning

36. Impacts to wildlife species and sensitive habitats shall be mitigated through restoration and revegetation of native habitat within the channel area of the project site, as identified in mitigation measure (MM) BIO-1 of the Mitigation Monitoring and Reporting Program (MMRP).
37. To avoid and minimize impacts to nesting birds and raptors, vegetation removal and grading shall occur outside of the nesting bird season (February 1 through August 31). If the breeding season cannot be avoided, the measures identified in MM-BIO-2 of the MMRP shall be implemented in coordination with the CDFW and USFWS.
38. A qualified Biologist shall be responsible for monitoring the limits of construction activity, mitigation measures, design considerations, and project conditions during all phases of the project, as identified in MM-BIO-3 of the MMRP.
39. To avoid the bat maternity season, impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between October 15 and- March 1, unless a focused survey is conducted within 30 days of vegetation removal activities by a qualified bat biologist. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that project areas are currently used or are likely to be used as a bat maternity roost, and tree removal activities must occur between October 15 and March 1, a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark), as identified in MM-BIO-4 of the MMRP.

40. The Project Proponent shall implement the measures identified in MM-BIO-5 of the MMRP to reduce the potential for spreading Invasive Shothole Borers due to project activities.
41. Impacts to jurisdictional wetlands and waters shall be mitigated on-site by constructing a 4.39-acre earthen channel traversing the northwestern boundary of the project site and connecting to the existing storm drain that outlets to the Sweetwater River, as identified in MM-BIO-6 of the MMRP.
42. An archaeological resources monitoring program shall be implemented, as identified in MM-CUL-1 of the MMRP.
43. All measures identified in MM-PAL-1 of the MMRP shall be implemented.
44. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting) and 18.42.040 (Screening mechanical equipment and elevator housing).
45. Plans submitted for construction shall comply with the guidelines stated in Land Use Code Section 18.42.050 (Commercial and institutional building design standards).
46. All trash containers shall be located within a walled enclosure with a roof or cover that is designed to match the proposed dealership buildings in material and color. The enclosure design shall be in compliance with Municipal Code Title 7, Section 7.10.080 (Enclosures required), including the use of flame retardant materials

2016-30 GPA, ZC, A, CUP, LS, IS – Carmax – Overhead





Looking southwest from Sweetwater Road



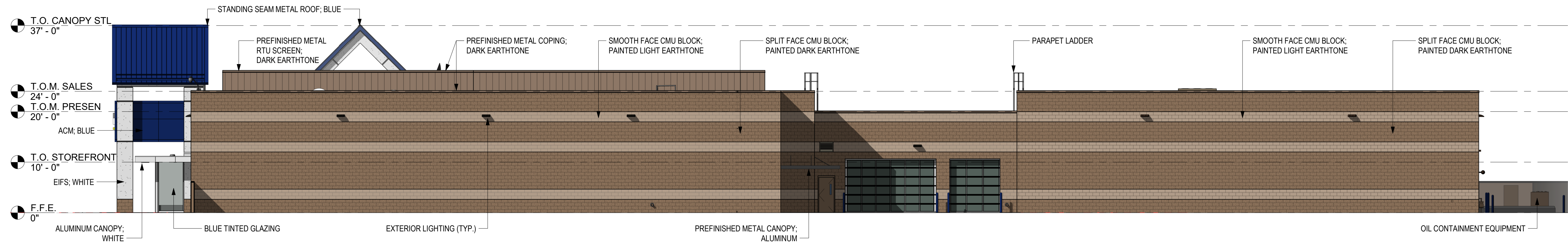
Looking east-northeast from Interstate 805



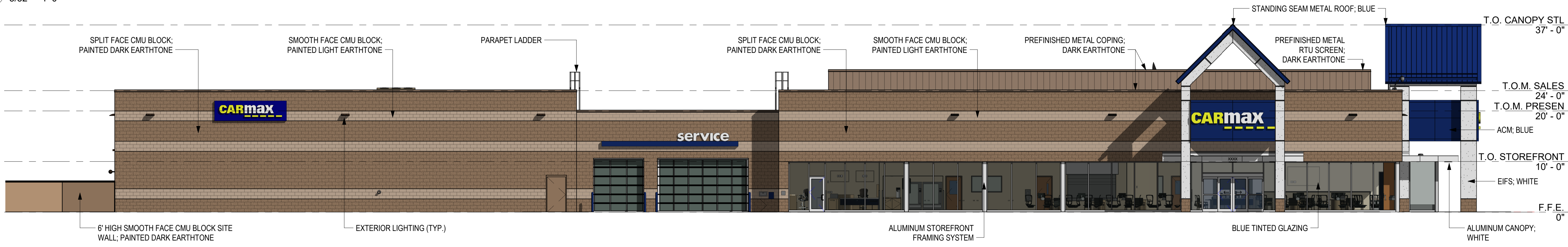
Looking north from county trail south of property



Looking north-northwest from Plaza Bonita Road



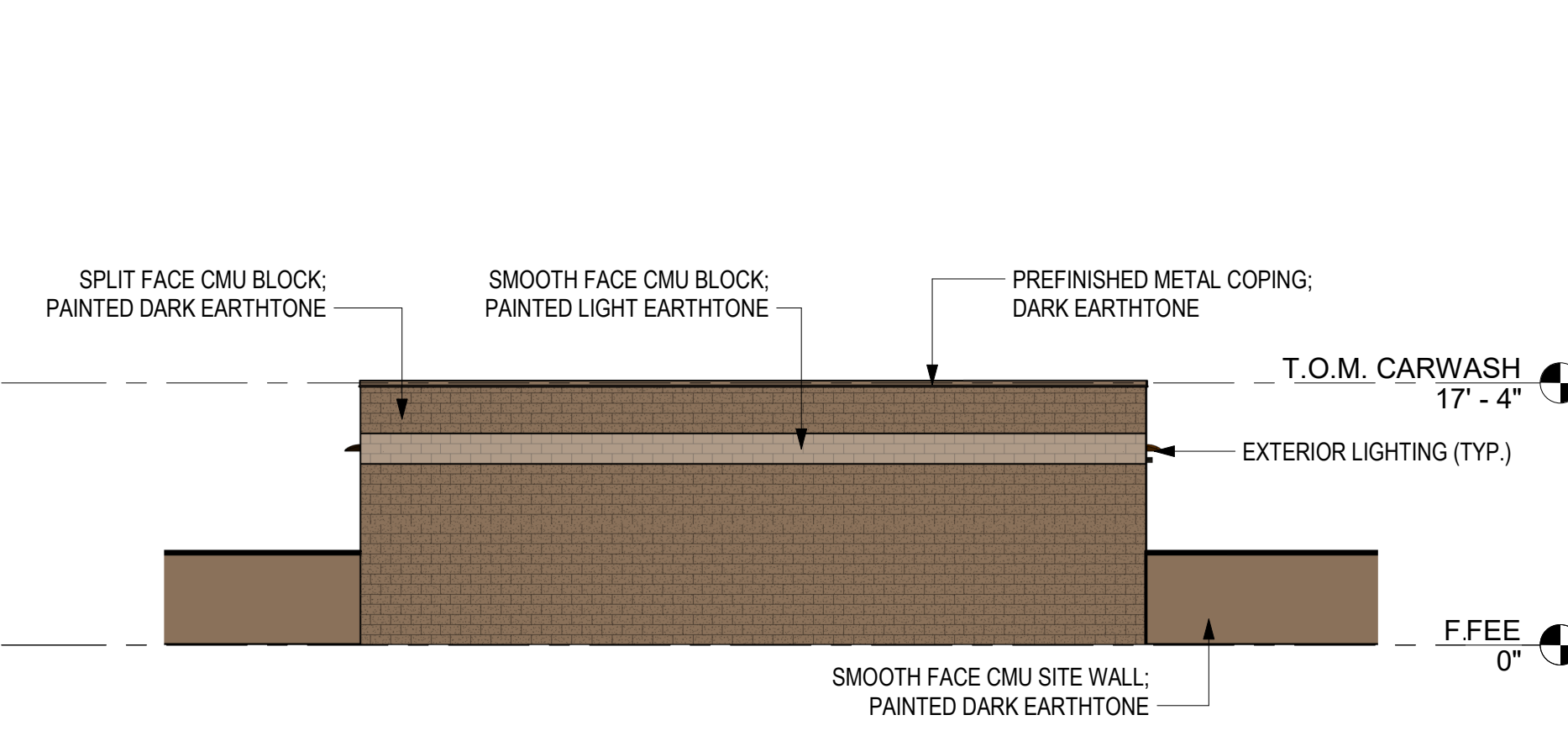
1 SALES & SERVICE - NORTH
A 2.1 3/32" = 1'-0"



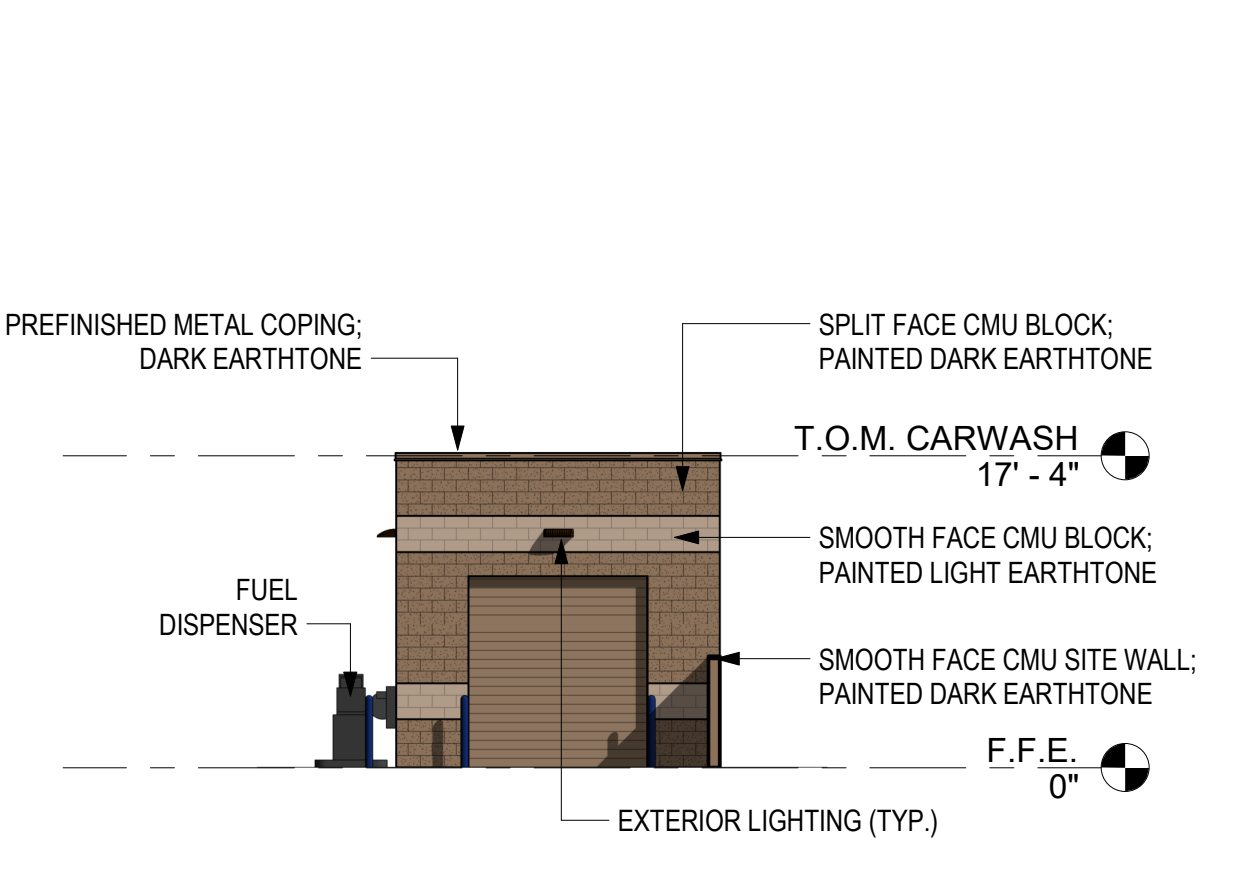
2 SALES & SERVICE - SOUTH
A 2.1 3/32" = 1'-0"



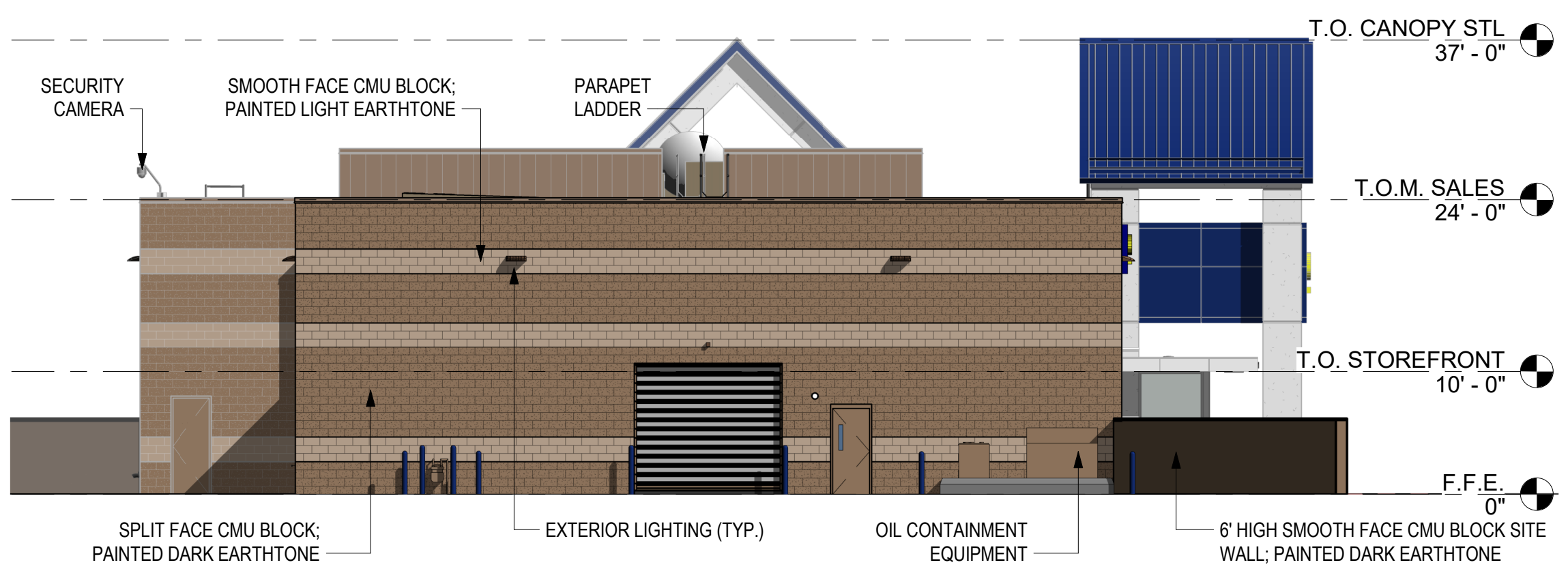
3 SALES & SERVICE - EAST
A 2.1 3/32" = 1'-0"



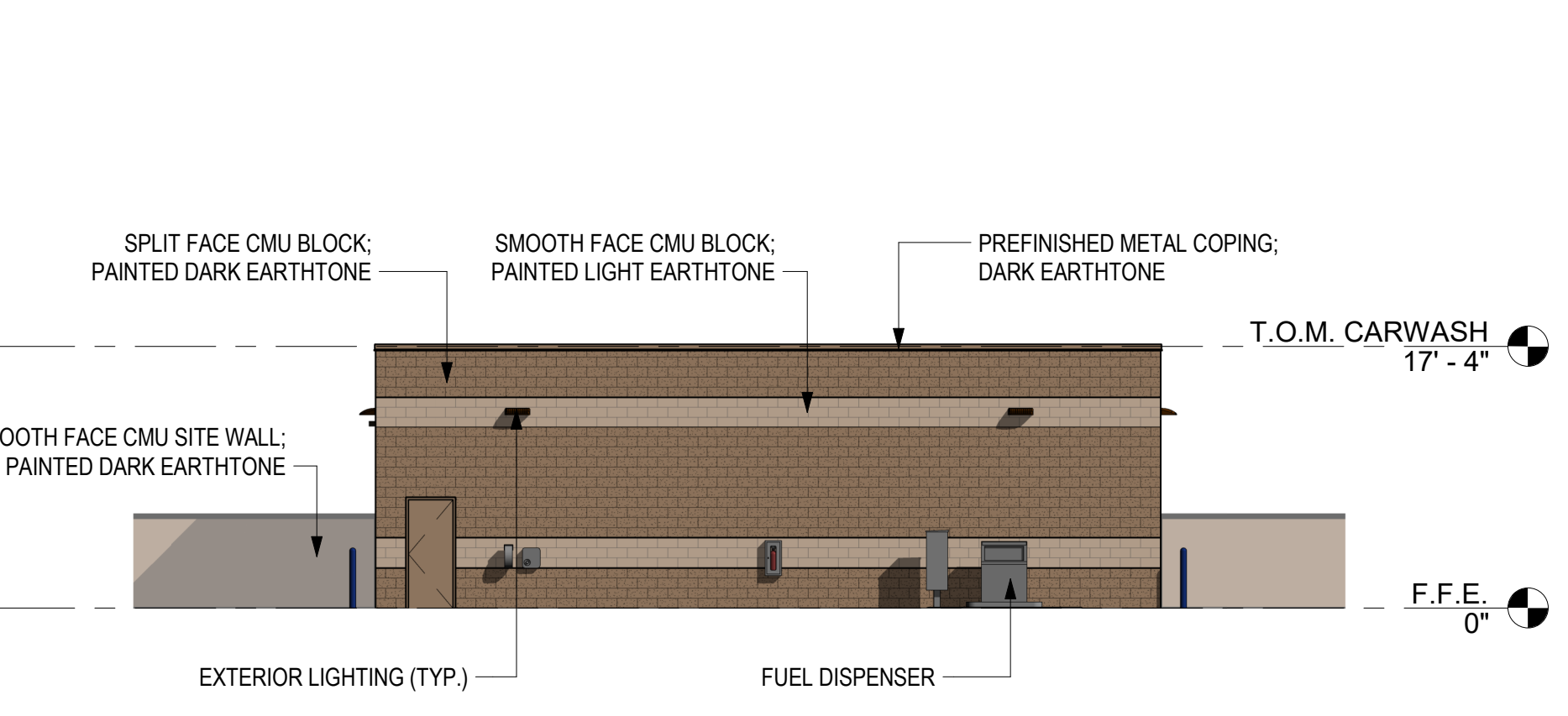
5 CARWASH - NORTH
A 2.1 3/32" = 1'-0"



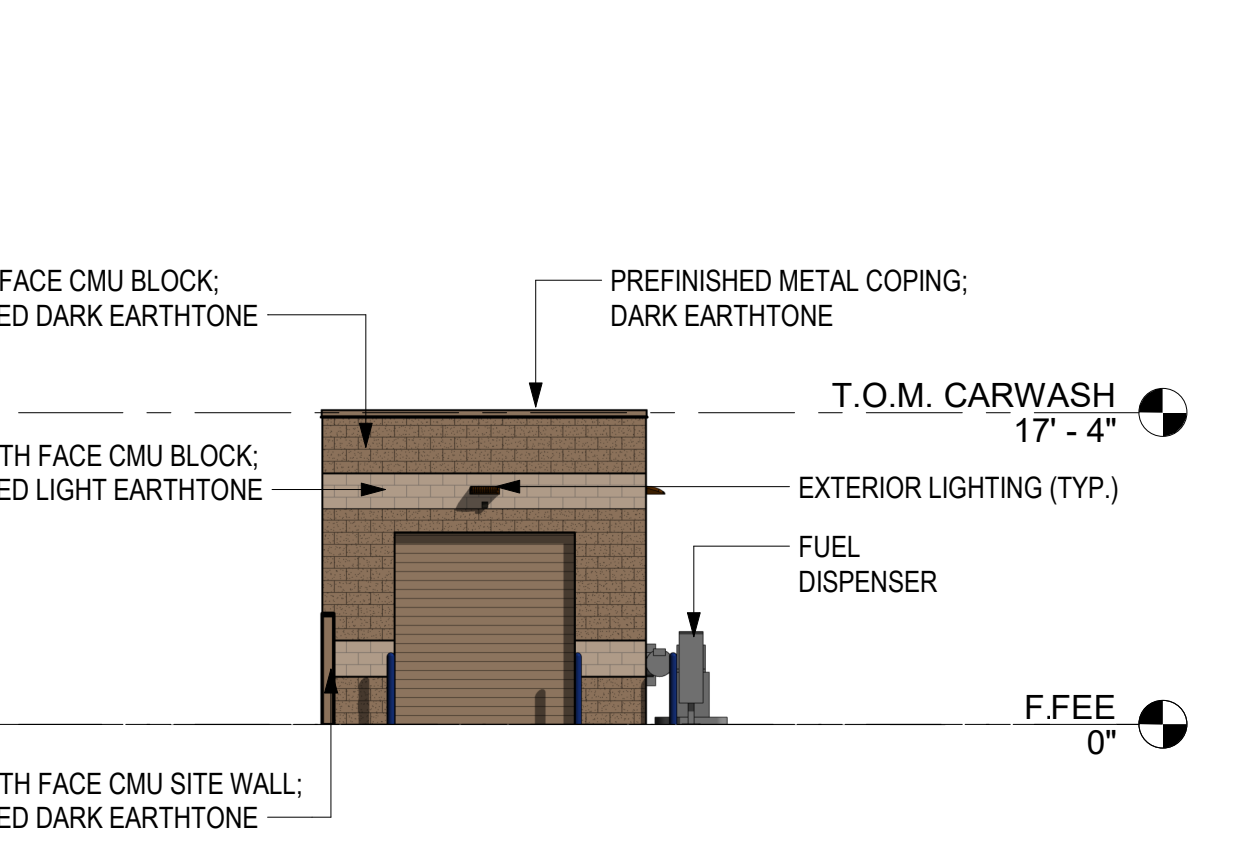
7 CARWASH - EAST
A 2.1 3/32" = 1'-0"



4 SALES & SERVICE - WEST
A 2.1 3/32" = 1'-0"

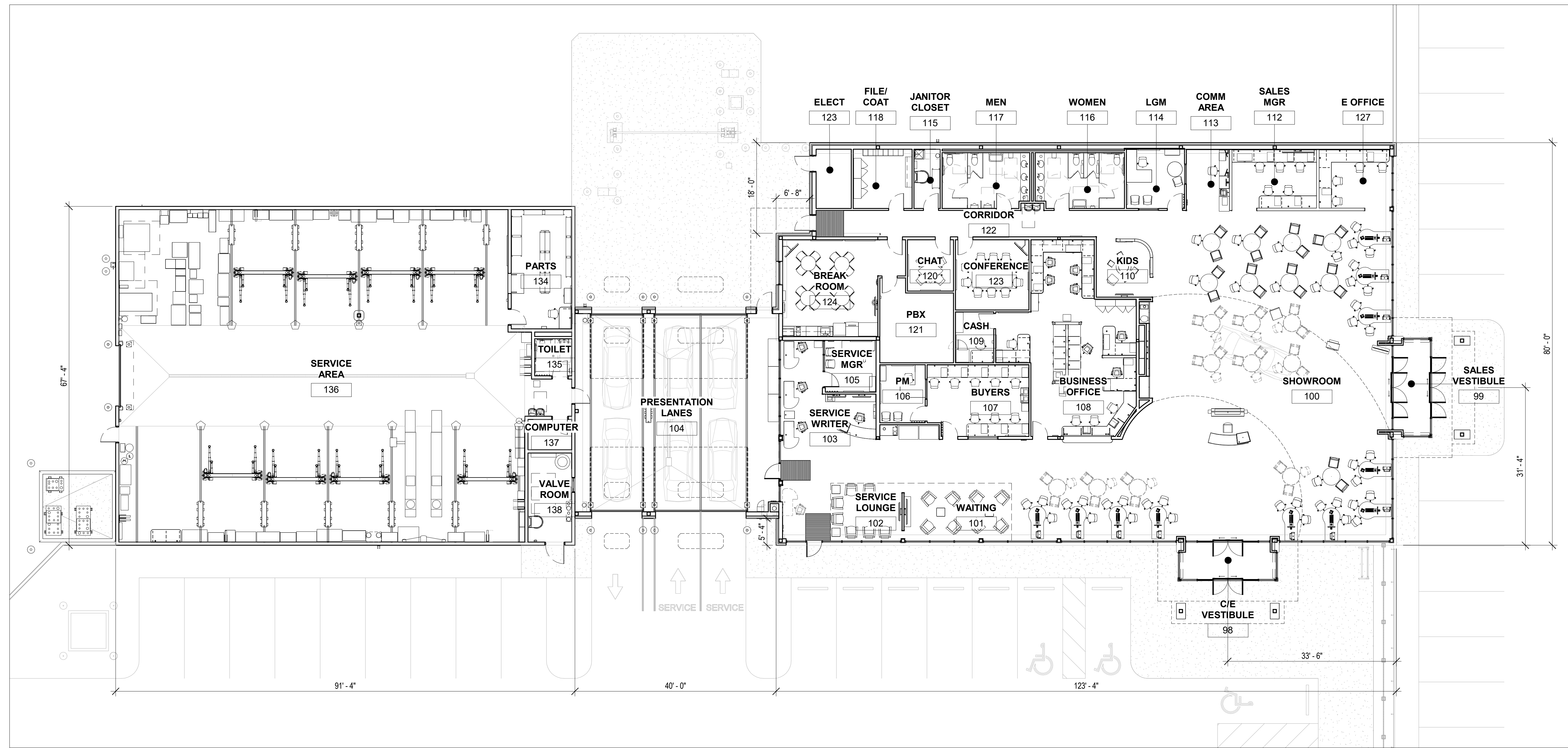


6 CARWASH - SOUTH
A 2.1 3/32" = 1'-0"

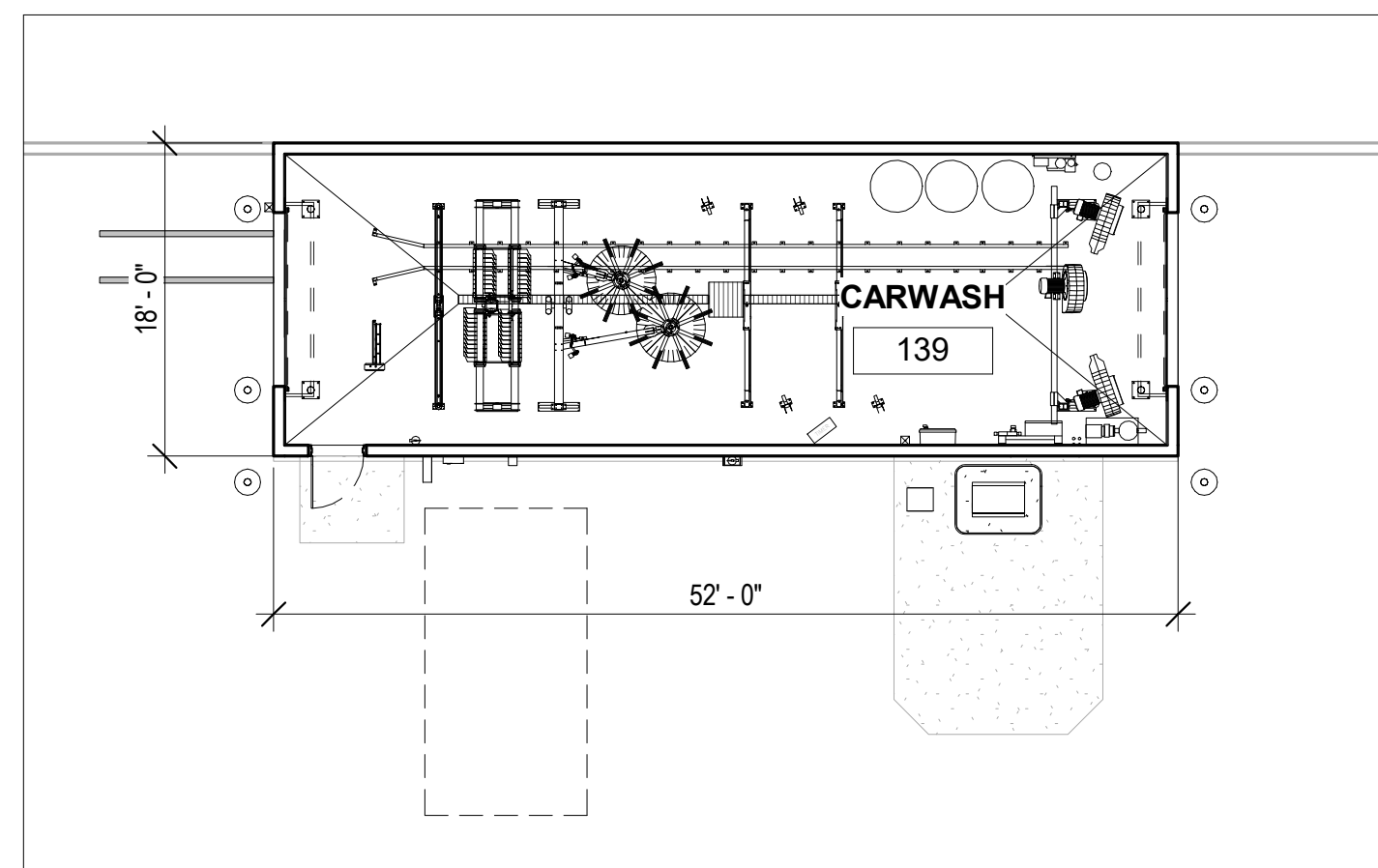


8 CARWASH - WEST
A 2.1 3/32" = 1'-0"





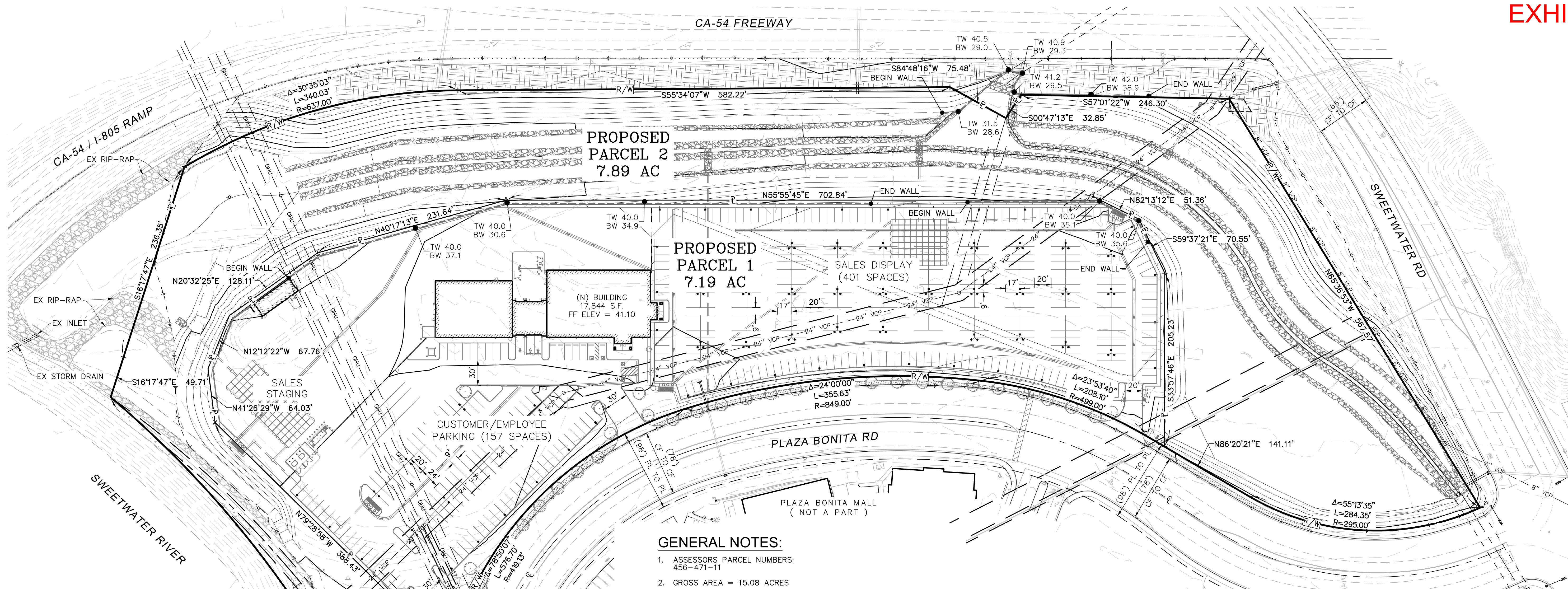
1 SALES & SERVICE PLAN
A 2.0 3/32" = 1'-0"



2 CARWASH PLAN
A 2.0 3/32" = 1'-0"

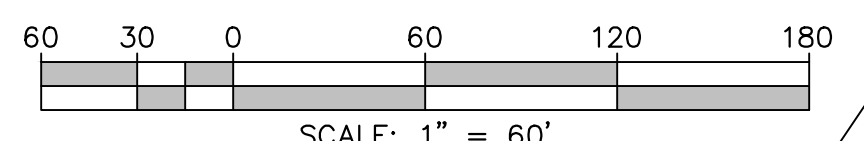
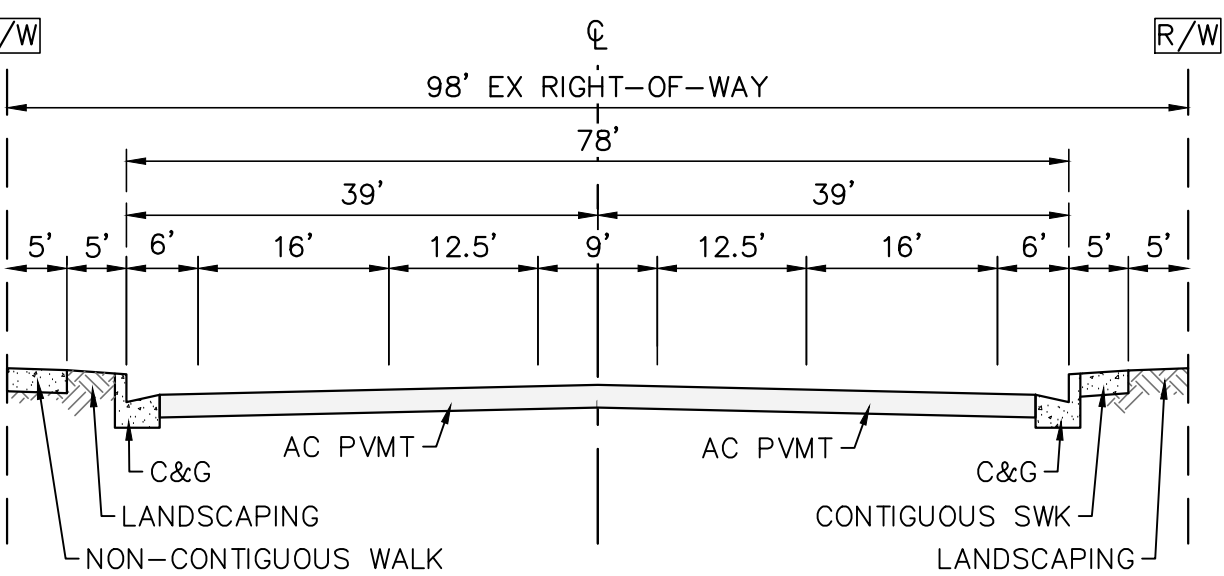






EASEMENT NOTES

- (E) EXISTING ; (N) NEW / PROPOSED
- (E) 20' SEWER EASEMENT PER REC. NO. 60173 APRIL 7, 1970. 20' UNDERGROUND ELECTRICAL CONDUITS, DUCTS AND METERING STATIONS EASEMENT PER REC. NO. 67780 DATED APRIL 20, 1970
- (E) 20' SEWER EASEMENT PER RECORD NO. 28928 DATED FEBRUARY 17, 1970
- (E) 20' SEWER EASEMENT PER RECORD NO. 60172 DATED APRIL 7, 1970
- (E) 15' SEWER EASEMENT AS SHOWN ON DWG 4936D, PLANS FOR IMPROVEMENT OF PLAZA BONITA ROAD DATED DECEMBER 7, 1979
- (E) 15' WATER EASEMENT PER REC. NO. 1997-0558504 DATED NOVEMBER 5, 1997
- (E) 12' UTILITY EASEMENT AS SHOWN IN BOOK 5502 PAGE 25 OF OFFICIAL RECORDS DATED JANUARY 19, 1955
- (E) 10' ELECTRICAL EASEMENT PER REC. NO. 67782 DATED APRIL 10, 1970
- (E) 30' WATER EASEMENT PER REC. NO. 80-256399 DATED AUGUST 12, 1980
- (E) SEWER EASEMENT PER REC. NO. 40129 DATED MARCH 3, 1971



GENERAL NOTES:

- 1. ASSESSORS PARCEL NUMBERS: 456-471-11
- 2. GROSS AREA = 15.08 ACRES
- 3. NUMBER OF PROPOSED LOT: 2 COMMERCIAL LOTS
- 4. MINIMUM LOT SIZE: PARCEL 1 = 7.19 ACRES ; PARCEL 2 = 7.89 ACRES
- 5. EXISTING ZONING: COMMERCIAL
- 6. STREET LIGHTS TO BE INSTALLED IN ACCORDANCE WITH CITY STANDARDS.
- 7. TOPOGRAPHY OBTAINED FROM: AEROTECH MAPPING, 29970 TECHNOLOGY DRIVE, SUITE 220-C MURRIETA, CA 92563
- 8. SEWER SERVICE: COUNTY OF SAN DIEGO PUBLIC WORKS
- 9. WATER SERVICE: SWEETWATER AUTHORITY
- 10. FIRE PROTECTION SERVICE: NATIONAL CITY FIRE DEPARTMENT
- 11. ALL CUT AND FILL SLOPES ARE 2:1 UNLESS OTHERWISE NOTED.
- 12. ALL EXISTING STRUCTURES TO BE DEMOLISHED (AS NOTED)
- 13. STORM DRAIN DETENTION FACILITIES SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENT OF THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS.

LEGAL DESCRIPTION

PORTIONS OF LOTS 5, 6, 7, 8 AND 10 IN BLOCK 47 OF THE SUBDIVISION OF THE "S" TRACT OF RANCHO EL CAJON, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF RECORDED IN BOOK 170, PAGE 71 OF DEEDS, RECORDS OF SAN DIEGO COUNTY.

SOLAR ACCESS STATEMENT:

ALL UNITS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100 SQ. FT. OF SOLAR ACCESS FOR EACH FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION.

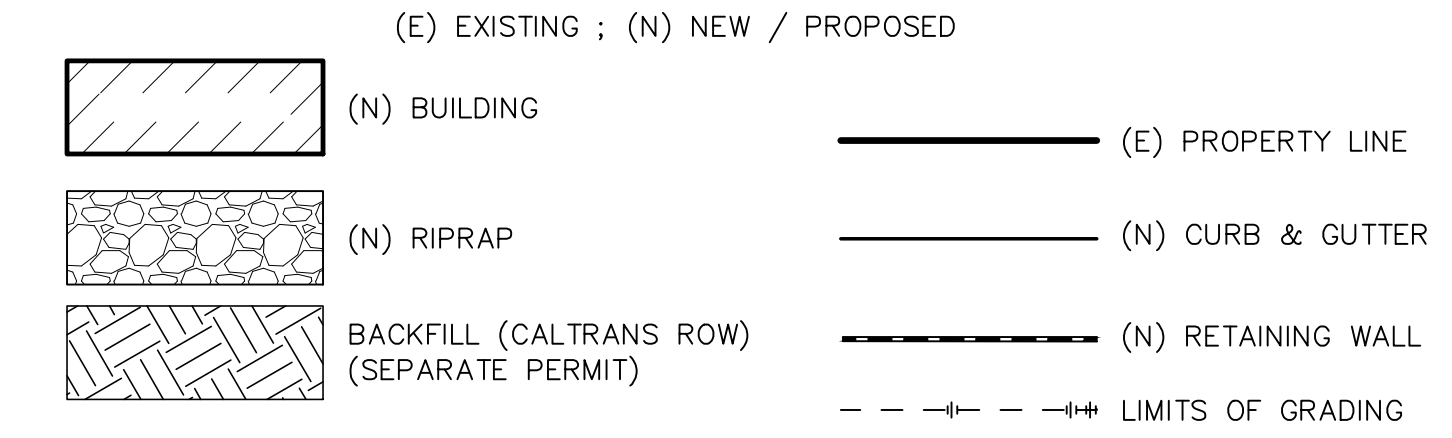
STREET LIGHT STATEMENT:

THE SUBDIVIDER INTENDS TO COMPLY WITH, THE STREET LIGHT REQUIREMENTS AS SPECIFIED IN THE COUNTY STANDARDS. THIS SUBDIVISION IS PROPOSING ONLY PRIVATE STREETS.

PLAN NOTE:

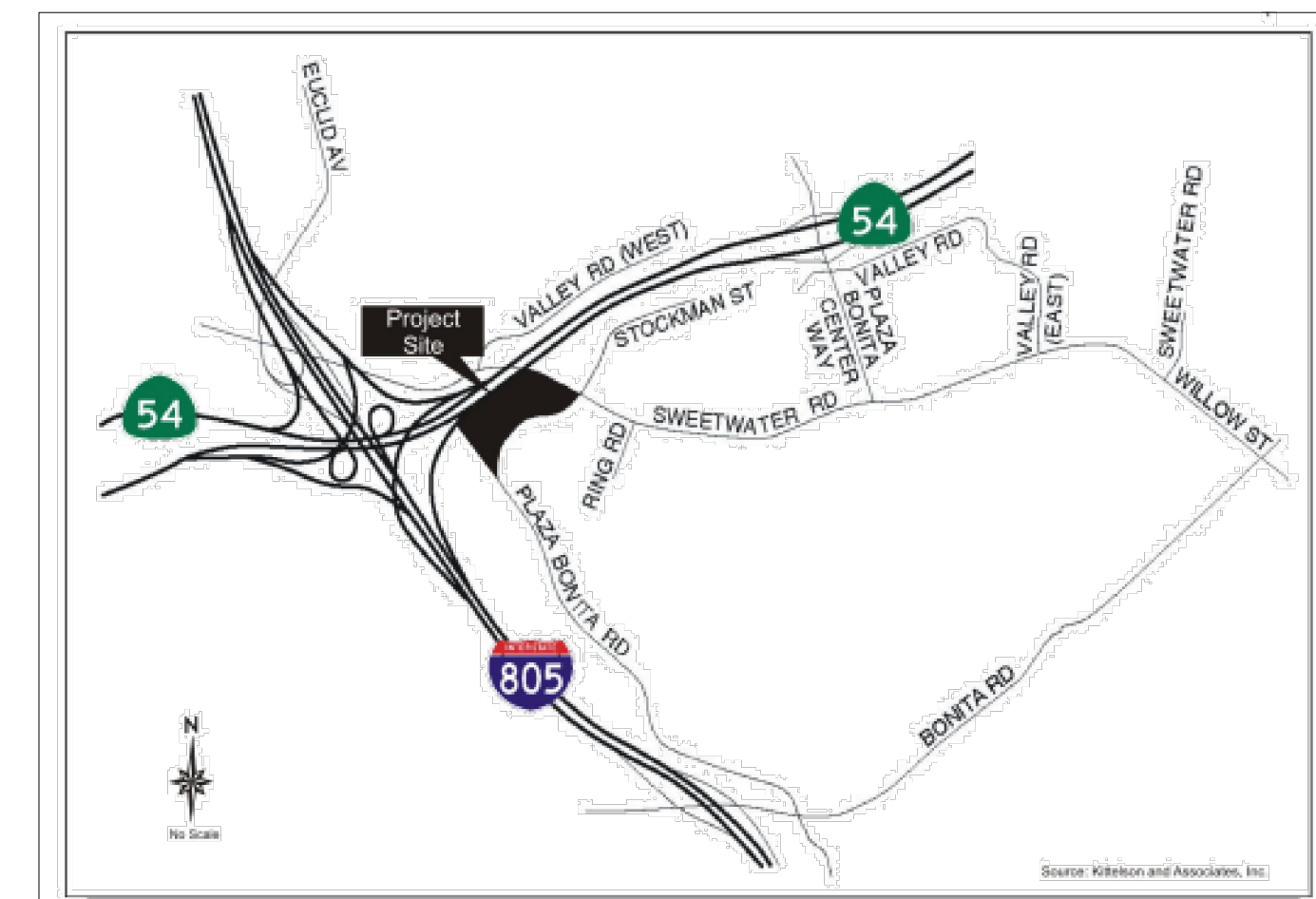
THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY GRADING SHOWN HEREON, AND AGREES TO OBTAIN VALID GRADING PERMISSIONS BEFORE COMMENCING SUCH ACTIVITY

LEGEND



QUANTITIES

Table with 2 columns: QUANTITIES and PARKING SPACE AREAS. Includes rows for EARTHWORK (FILL, CUT, IMPORT), OVERALL PARCEL AREA, DISTURBED AREA, CARMAX PARCEL AREA, MAIN BUILDING AREA, CARWASH, and TOTAL BUILDING AREA. Also includes PARKING COUNT and PARKING SPACE AREAS (CUSTOMER PARKING, SALES LOT SMALL SPACE, SALES LOT LARGE SPACE).



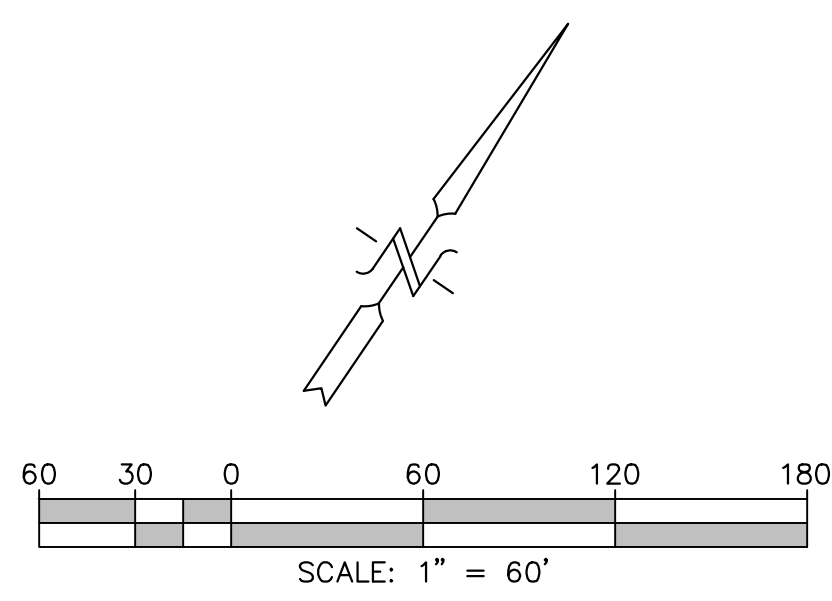
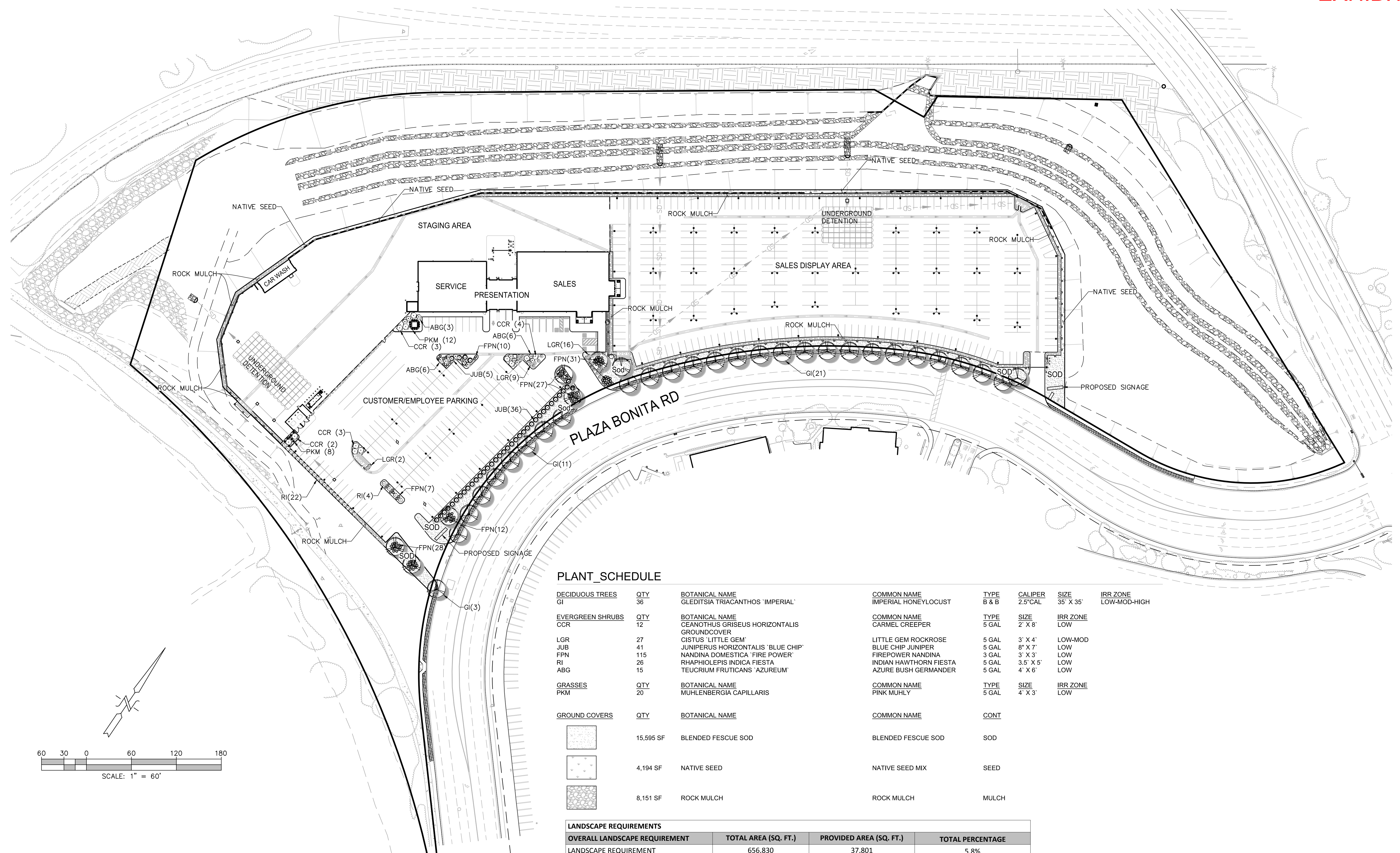
NOT RELEASED FOR CONSTRUCTION

Table with columns: REVISIONS, SP. NO., DATE, DESCRIPTION.

Carmax logo and address: 12800 TUCKAHOE CREEK PKWY RICHMOND, VA 23238. 804-747-0422 | CARMAX.COM. NATIONAL CITY, CALIFORNIA

PROJECT NO. DATE March 6, 2020 SHEET TITLE TENTATIVE MAP

SHEET NO. C9.0



PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	CALIPER	SIZE	IRR ZONE
GI	36	GLEDITSIA TRIACANTHOS 'IMPERIAL'	IMPERIAL HONEYLOCUST	B & B	2.5" CAL	35' X 35'	LOW-MOD-HIGH
EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	TYPE	SIZE	IRR ZONE	
CCR	12	CEANOTHUS GRISEUS HORIZONTALIS GROUNDCOVER	CARMEL CREEPER	5 GAL	2' X 8'	LOW	
LGR	27	CISTUS 'LITTLE GEM'	LITTLE GEM ROCKROSE	5 GAL	3' X 4'	LOW-MOD	
JUB	41	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP JUNIPER	5 GAL	8" X 7"	LOW	
FPN	115	NANDINA DOMESTICA 'FIRE POWER'	FIREPOWER NANDINA	3 GAL	3' X 3'	LOW	
RI	26	RHAPHIOLEPIS INDICA FIESTA	INDIAN HAWTHORN FIESTA	5 GAL	3.5' X 5'	LOW	
ABG	15	TEUCRIUM FRUTICANS 'AZUREUM'	AZURE BUSH GERMANDER	5 GAL	4' X 6'	LOW	
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	TYPE	SIZE	IRR ZONE	
PKM	20	MUHLENBERGIA CAPILLARIS	PINK MUHLY	5 GAL	4' X 3'	LOW	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT			
	15,595 SF	BLENDED FESCUE SOD	BLENDED FESCUE SOD	SOD			
	4,194 SF	NATIVE SEED	NATIVE SEED MIX	SEED			
	8,151 SF	ROCK MULCH	ROCK MULCH	MULCH			

LANDSCAPE REQUIREMENTS			
OVERALL LANDSCAPE REQUIREMENT	TOTAL AREA (SQ. FT.)	PROVIDED AREA (SQ. FT.)	TOTAL PERCENTAGE
LANDSCAPE REQUIREMENT	656,830	37,801	5.8%
INTERIOR PARKING LOT REQUIREMENT	TOTAL AREA (SQ. FT.)	PROVIDED AREA (SQ. FT.)	TOTAL PERCENTAGE
LANDSCAPE REQUIREMENT	192,097	19,057	9.9%
PARKING LOT TREE REQUIREMENT	TOTAL PARKING STALLS	PROVIDED TREES	
TREE REQUIREMENT*	558	6	
STREET TREE REQUIREMENT	TOTAL LINEAR FEET	PROVIDED TREES	
TREE REQUIREMENT	1,006	30	

* SOME REQUIRED PARKING LOT TREES HAVE BEEN TRANSFERRED TO THE PERIMETER OF THE PARKING LOT DUE TO THE UTILITY LAYOUT.

NOT RELEASED FOR CONSTRUCTION

REVISIONS	SP. NO.	DATE	DESCRIPTION



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

NOTICE OF PUBLIC HEARING

A FINAL ENVIRONMENTAL IMPACT REPORT TO ASSESS PROJECT IMPACTS OF A GENERAL PLAN AMENDMENT AND ZONE CHANGE FROM MAJOR MIXED-USE DISTRICT (MXD-2) TO SERVICE COMMERCIAL (CS) AND OPEN SPACE (OS), A CODE AMENDMENT TO ALLOW USED AUTO SALES IN THE CS ZONE, CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A CARMAX DEALERSHIP, AND TENTATIVE PARCEL MAP FOR THE SUBDIVISION OF A 15.08-ACRE VACANT PARCEL INTO TWO ON PROPERTY LOCATED ON THE NORTH SIDE OF PLAZA BONITA ROAD, WEST OF SWEETWATER ROAD, AND EAST OF INTERSTATE 805.

CASE FILE NO: 2016- 30 GPA, ZC, A, CUP, LS, IS
APN: 564-471-11

ENVIRONMENTAL IMPACT REPORT SCH# **2016111035**

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, October 18, 2021** on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chamber, 1243 National City Boulevard, National City, California. (Applicant: Carmax Auto Superstores)

Due to the precautions taken to combat the 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://www.nationalcityca.gov/government/city-clerk/council-webcast>.

The project would construct a CarMax pre-owned automobile dealership, service building, and non-public carwash with associated access drives, parking lots and landscaped areas within approximately 7.19 acres of the project parcel. The CarMax facility buildings would total approximately 18,774 square feet and include 157 parking spaces for customers and employees. The facility would also include 401 vehicle stalls in a sales inventory lot, and a 0.9-acre vehicle staging area. The project would re-contour and redirect approximately 2,012 linear feet of an unnamed creek located on the project parcel by constructing an earthen channel that would traverse the northwestern boundary of the property. The project would also relocate existing water and sewer facilities that traverse the project site into the centerline of Plaza Bonita Road. The Planning Commission will also consider findings

ATTACHMENT 7

presented in the Final Environmental Impact Report (EIR) that the potential impacts of the proposed project impacts may be mitigated to below a level of significance.

Members of the public are invited to comment. Written comment should be received by the Planning Division on or before 4 p.m., **October 18, 2021** by submitting it to PlcPubComment@nationalcityca.gov . Planning Division staff may 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

A handwritten signature in blue ink, appearing to read 'Armando Vergara', with a stylized flourish at the end.

ARMANDO VERGARA
Director of Community Development



**Final
Environmental Impact Report for the
National City CarMax Project
National City, California
SCH #2016111035
September 2021**

ATTACHMENT 8



**Final Environmental Impact Report
for the National City CarMax Project
National City, California
SCH #2016111035**

Prepared for
Centerpoint Integrated Solutions
355 Union Boulevard, Suite 301
Lakewood, CO 80228

Prepared by
RECON Environmental, Inc.
3111 Camino del Rio North, Suite 600
San Diego, CA 92108
P 619.308.9333

RECON Number 7761
September 22, 2021

Final Environmental Impact Report for the National City CarMax Project SCH #2016111035

Letters of Comment and Responses

The following letters of comment were received from agencies, organizations, and individuals during the Public Review period (November 6, 2020 to December 21, 2020) of the Draft EIR. A copy of each comment letter along with corresponding staff responses is included here. Some of the comments did not address the adequacy of the environmental document; however, staff has attempted to provide appropriate responses to all comments as a courtesy to the commenter. Some of the comments received resulted in changes to the Draft EIR text. These text changes are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings in the Final EIR text. Revisions to the Draft EIR are intended to correct minor discrepancies and provide additional clarification. The revisions do not affect the conclusions of the document.

Letter	Author	Page Number
A	California Department of Fish and Wildlife	RTC-2
B	California Department of Transportation	RTC-27
C	Sweetwater Authority	RTC-50
D	Coast Law Group	RTC-53
E	San Diego Audubon Society	RTC-64

Since Public Review of the Draft EIR, the project has been redesigned to eliminate all earthwork activities and revegetation from California Department of Transportation (Caltrans) and City right-of-way (ROW). The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the Interstate 805 ramp. The following figures have been updated in the Final EIR based on this project redesign:

- 2-2: Project Location on USGS Map
- 2-3: Project Location on Aerial Photograph
- 3-1: Overall Site Plan
- 3-3: Conceptual Landscape Plan
- 4.11-1: Noise Measurement Locations

The Final EIR and Appendix C Biological Technical Report have been updated to document new acreages of impacts and new acreages of restoration and revegetation of native habitat both on- and off-site based on this project redesign. Additionally, a new technical report titled Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City was completed after Public Review of the Draft EIR and has been added as Appendix J-2 of the Final EIR. This technical report determined that the project would not impact Caltrans drainage facilities. All revisions based on the redesigned project and new technical report are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings in the Final EIR text.

Letter A

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
City, CA 92123
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 21, 2020

Martin Reeder
Planning Division, National City
1243 National City Boulevard
National City, CA 91950

**Subject: PROJECT National City CarMax Project (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2016111035**

Dear Mr. Reeder:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of National City (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR, on December 16, 2016.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. National City does not participate in the

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

A-1 Introductory comment. Responses to specific comments in this letter are provided below.

Martin Reeder
Principal Planner, Planning Division
The City of National City
December 21, 2020
Page 2 of 23

NCCP program. The County of San Diego participates in the NCCP program by implementing its approved City Multiple Species Conservation Program (MSCP) through implementation of the County of San Diego South County MSCP Subarea Plan (SAP). The Metro Lakeside Jamul Segment of the County's SAP overlaps the Project boundary in the southwest corner. National City is not signatory to the SAP, and is neither bound to the requirements, nor does it have coverage for covered species.

PROJECT DESCRIPTION SUMMARY

Proponent: Centerpoint Integrated Solutions

Objective: The objective of the Project is to develop an economically viable automobile sales (CarMax) facility that would provide additional commercial opportunities for the City and the San Diego region. Primary Project activities include construction of the CarMax facilities, and redirection of the unnamed creek located on the project parcel by constructing an earthen channel that would traverse the northwestern boundary of the property. The earthen channel would connect to the existing storm drain that outlets to the Sweetwater River. The Project also includes extending the current drainage in the northeast corner and installing riprap dissipaters at the drainage outlets within the proposed channel, construction of retaining walls and underground storage, and development and maintenance of an access road along the downstream segment of the proposed channel.

Location: The project site is in southwestern San Diego County within the City. Regional access to the project site is provided by Interstate 805 (I-805) which is located west of the project site and State Route 54 (SR-54) located adjacent to the northern boundary of the project site. The project site is situated along the Sweetwater River channel and is bordered to the west by I-805, to the north by SR-54 and Sweetwater Road, to the east by Plaza Bonita Road and Westfield Plaza Bonita Mall, and to the south by the vegetated channel of the Sweetwater River. The Project site would be accessed by two public access driveways and one restricted access driveway that would connect to Plaza Bonita Road.

The Project site consists of two distinct pieces of land: The 15.08-acre Project parcel (assessor's parcel number 564-471-11) and the 2.90-acre off-site area. The proposed CarMax facility and earthen channel would be constructed on the 15.08-acre Project parcel, while the 2.90-acre Offsite Area consists of California Department of Transportation (Caltrans) and City right-of-way (ROW) that would be temporarily impacted during construction.

Biological Setting: Fifteen vegetation communities and other land cover types were mapped within the study area: arroyo willow thickets, cattail marshes, cottonwood trees, coyote bush scrub, mule-fat thickets, red willow thicket, San Diego sunflower scrub, sycamore trees, disturbed habitat, eucalyptus groves, giant reed breaks, nonnative riparian, nonnative woodland, urban/developed, and naturalized warm-temperate riparian and wetland semi-natural stands. One pair of Federal Endangered Species Act (FESA)- and California Endangered Species Act (CESA)-listed and Fully Protected light-footed Ridgway's rail (*Rallus obsoletus levipipes*) was detected in the southern cattail marsh located southwest of the project area within the Sweetwater River. Two bird Species of Special Concern were noted on site: yellow breasted chat (*Icteria virens*) and yellow warbler (*Setophaga petechia*). Three species of hawks were also observed on site. Three other FESA- and/or CESA-listed bird species have the potential to be on site or adjacent to the project; these include least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii*

Martin Reeder
Principal Planner, Planning Division
The City of National City
December 21, 2020
Page 3 of 23

extimus), and coastal California gnatcatcher (*Poliophtia californica californica*). Protocol level surveys for these species were conducted in 2015 and were negative. There are three special status plant species on site that are ranked California Native Plant Rank (CNPR) 4.2; these include San Diego sunflower (*Bahioopsis laciniata*), southwestern spiny rush (*Juncus acutus ssp. leopoldii*), and Southern California black walnut (*Juglans californica*).

Permanent direct impacts are anticipated to arroyo willow thickets (0.56 acre), cattail marsh (0.07 acre), mule-fat thickets, (0.07 acre), San Diego sunflower scrub (0.01 acre), and nonnative habitats (6.45 acres). Temporary direct impacts are anticipated to arroyo willow thickets (0.17 acre), coyote bush scrub (0.02 acre), mule-fat thickets (0.01 acre), San Diego sunflower scrub (0.07 acre), sycamore trees (0.08 acre), and nonnative habitats (7.64 acres). Restoration is proposed for on-site impacts to sensitive vegetation community riparian habitats at a 3:1 ratio, and a 2:1 ratio for impacts to San Diego sunflower.

Timeframe: A timeframe was not provided for the Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist National City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

A-2

I. Listed and Fully Protected Species

COMMENT #1:

Light-footed Ridgway's Rail

Section # EIR 4.3.1.3 (b) Table S-1, Page #4.3-9

Issue: The Project proposes permanent and temporary impacts within 500 feet of known observations of light-footed Ridgway's rail, and does not require consultation or provide a sufficient avoidance measure to avoid indirect impacts that could lead to take. Light-footed Ridgway's rail is a California Fully Protected Species and listed as a state and federally endangered species. Fully Protected Species may not be taken or possessed at any time and no licenses or permits may be issued for their take, with the exception of scientific collection or predation issues, neither of which apply to the Project.

Specific impact: The EIR lists Light-footed Ridgway's rail under Section (b) of 4.3.1.3, "[Species] Not Observed", but then in that same section notes that a pair of rails has been observed directly adjacent to the Project, within the Study Area, over multiple years. Although rails were not observed within the Project area, they should still be noted as observed within the Study Area.

Why impact would occur: Although the Project assumes presence of Ridgway's rails within the Project area, permanent Project impacts, including the CarMax facilities and access road,

A-2

Pages S-2 and 4-16 of Biological Technical Report (BTR) and page 4.3-7 of the Final EIR have been revised to clarify that light-footed Ridgway's rails were observed outside of the project footprint but within the survey area. In addition, page 6-5 of the BTR has been revised to clarify the need for consultation with United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (collectively, the Wildlife Agencies), as appropriate. The following statements have been added to mitigation measure MM-BIO-2 of the Final EIR:

Added to MM-BIO-2 Bullet 1:

Impacts on occupied habitat for listed species (e.g., coastal California gnatcatcher, least Bell's vireo and/or Ridgway's rail) will be mitigated through the FESA and/or CESA permitting process (e.g., Section 7, Section 2081) and implementation of all required permit conditions and conservation measures therein.

Added to MM-BIO-2 Bullet 3:

Final avoidance buffers required during construction, pre-construction surveys, as well as avoidance and minimization measures specific to this species, will be set in coordination with USFWS and/or CDFW. As a result, impacts on listed species would be less than significant with mitigation incorporated.

Additionally, updated protocol-level surveys commenced in spring 2021 to re-verify the presence of this species within the project study area, as identified in the BTR.

The proposed **Mitigation Measure #CDFW-BIO-1** was not included in the Final EIR. Consultation with USFWS and/or CDFW would be required if Ridgway's rails are determined to be present consistent with MM-BIO-2. Bullet 1 of MM-BIO-2 in the Final EIR has been revised in the Final EIR to state the following:

Updated protocol-level surveys for light-footed Ridgway's rail, southwestern willow flycatcher, coastal California gnatcatcher, and least Bell's vireo will occur during the spring prior to the start of construction commenced in spring 2021 to determine the presence or absence of these species. If any of these species are determined to be

A-2 (cont.)

present, additional avoidance and minimization measures would be implemented consistent with bullets 2 and 3 below and in consultation with the USFWS during the Section 7 permitting process, as well as with CDFW, if state-listed species are present and the breeding season cannot be avoided. Impacts on occupied habitat for listed species (e.g., coastal California gnatcatcher, least Bell's vireo and/or Ridgway's rail) will be mitigated through the FESA and/or CESA permitting process (e.g., Section 7, Section 2081) and implementation of all required permit conditions and conservation measures therein.

This mitigation will ensure that measures acceptable to the Wildlife Agencies are developed and reduce any discrepancy issues between species-specific measures developed for the CEQA document from those ultimately required in permits obtained from USFWS and/or CDFW. This mitigation measure ensures impacts to Ridgway's rails would be reduced to a level less than significant.

The location of the proposed access road presented in the Draft EIR was incorporated into the site plan at the behest of both the County of San Diego and San Diego Gas & Electric (SDG&E). The intent of the access road is to provide a pathway to both the SDG&E facilities and the existing inlet for maintenance purposes. Any other location for the access road would not provide the necessary pathway to these facilities. It should be noted that all impacts to biological resources associated with the project, including those associated with the access road, would be mitigated to a level less than significant.

Changes or additions to the mitigation measure identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Martin Reeder
Principal Planner, Planning Division
The City of National City
December 21, 2020
Page 4 of 23

are within 100 feet of the documented rail location. Mitigation measure MM-BIO-2 lists mitigation measures which call for protocol surveys and pre-construction surveys, but only calls for a 300-foot nesting buffer and does not require consultation with the Wildlife Agencies. This is not sufficient to ensure that temporary and permanent indirect impacts to a Fully Protected Species is completely avoided. As proposed, the Ridgway's rails may be impacted by the Project, both temporarily during construction and permanently by vehicle and human disturbance. The 300-foot buffer during construction is not sufficient to demonstrate complete avoidance of take. CDFW strongly recommends that a minimum buffer of 500 feet be employed to ensure avoidance of take of this Fully Protected Species.

Additionally, consultation with U.S. Fish and Wildlife Service (USFWS) is required for impacts to this rail species and its habitat. This measure and any resulting conditions from USFWS should be included in the impact analysis and appropriate mitigation for the Project.

Evidence impact would be significant: Appendix G of the CEQA Guidelines notes that an impact to listed species would be significant, and mitigation measure MM-BIO-2 does not provide sufficient avoidance reduce the impact below significance. Also, Section 3511 of the Fish and Game Code covers Fully Protected bird species. Light-footed Ridgway's rail is listed under Section 3511; therefore, all take must be avoided (please see editorial comments for more information on Fully Protected Species).

Recommended Potentially Feasible Mitigation Measure(s)

To minimize significant impacts:

Recommendation # CDFW-REC-1:

Please consider alternate alignments for the access road that provide a greater buffer between the road and areas occupied by light-footed Ridgway's rail. Additionally, there should be a full discussion of alternate alignments for the access road in the Final EIR. Also, impacts to potentially occupied Ridgway's rail habitat should trigger consultation with USFWS. Take of Ridgway's rails, as defined by the Fish and Game Code, must be avoided.

Mitigation Measure # CDFW-BIO-1

To avoid take, incidental or otherwise, of light-footed Ridgway's rail, the City or Project proponent shall implement the following measures when conducting work during the bird nesting season, or as required by USFWS during consultation for the species:

- a. when initiating activities within 500 feet of light-footed Ridgway's rail suitable habitat, a qualified biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by 2 weeks starting March 1 prior to ground disturbance. The results of the surveys shall be reported to the City. If light-footed Ridgway's rail is noted on site or immediately adjacent within 500 feet of Project impacts, USFWS and CDFW, collectively known as the Wildlife Agencies, will be contacted; no work will begin until the Wildlife Agencies have been notified and appropriate buffers are established
- b. when conducting work within or adjacent to suitable habitat, the Project biologist or designated biological monitor shall be on site during construction to ensure that any

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CESA-listed species and/or their nests are not agitated, killed, or injured. The monitoring schedule may be modified with Wildlife Agency approval; and,

- c. if nesting light-footed Ridgway's rail are detected, the City or Project proponent shall establish, flag, and implement a 500-foot no operations buffer around any active nest. The buffer shall remain in place until the nest has fledged or is no longer active.

A-3 II. Mitigation Shortcoming for Sensitive Habitats, and Potential Impacts to Listed Species

COMMENT #2:

Insufficient Arroyo Willow Scrub Mitigation, and Loss of Potential Least Bell's Vireo Habitat

Section # 4.3-4, Page # 4.3-25

Issue: Direct, indirect, and cumulative impacts to sensitive species and their habitats may not be offset by the mitigation proposed in the DEIR.

Specific impact: The Project does not propose full mitigation per the proposed mitigation ratios for impacts to Arroyo willow scrub, which is also suitable habitat for FESA- and CESA-listed least Bell's vireo and southwestern willow flycatcher. Table 4.3-4 notes that there will be a 0.86-acre deficit in the mitigation per the proposed ratio for Arroyo willow scrub. This will also lead to a potential deficit of habitat mitigation for listed species, as well as type convert wetland habitat as part of the restoration. There will also be a 0.06-acre deficit of required mitigation of Coyote brush scrub.

Why impact would occur: Without sufficient mitigation for these habitats, there may be indirect and/or cumulative impacts to the above-referenced species through loss of nesting habitat. Although National City does not have codified mitigation ratios, the Project shows proposed ratios equivalent to the County's SAP, but it neither offers mitigation per those recommended ratios, nor does it offer additional mitigation. Therefore, the EIR does not propose sufficient mitigation to offset these impacts. Furthermore, if work is conducted during the breeding season and CESA-listed birds (e.g. least Bell's vireo) are noted on site during preconstruction surveys, then direct impacts may occur without species specific mitigation measures.

Evidence impact would be significant: Impacts to sensitive habitats and listed species is significant per Appendix G of the CEQA guidelines, and the Project does not propose sufficient mitigation to reduce those impacts below significance.

Recommended Potentially Feasible Mitigation Measure(s)

To minimize significant impacts:

Recommendation # CDFW-REC-2:

- A. Please revise Table 4.3-4 and provide mitigation per the proposed mitigation ratios, or as required through consultation with the Wildlife Agencies.

A-3 Based on coordination efforts with USFWS, updated protocol-level surveys for all federally listed avian species are underway this spring/summer of 2021.

Based on 2015 protocol-level surveys, least Bell's vireo (LBV) and southwestern willow flycatcher (SWFL) were not present within the study area. It is anticipated that these species will still be absent given the disturbed nature of the habitat on-site.

Mitigation Measure # CDFW-BIO-2 was not included in the Final EIR because updated protocol-level surveys for LBV are underway this spring/summer of 2021. If updated surveys document an absence of this species, then no LBV specific measures are required. If these surveys document a presence of this species, then avoidance and minimization measures will be developed in coordination with USFWS and/or CDFW during the consultation process consistent with MM-BIO-2. This will ensure that measures acceptable to the Wildlife Agencies are developed and reduce any discrepancy issues between requirements set forth in the CEQA document from those ultimately required in permits obtained from USFWS and/or CDFW.

Additionally, off-site mitigation is also proposed to offset unavoidable impacts due to the construction of the project. Mitigation measure MM-BIO-1 of the BTR, which is presented as mitigation measure MM-BIO-6 of the Final EIR, has been revised to clarify that the purchase of off-site mitigation credits is also proposed. Final mitigation acreage purchased off-site is still in negotiation and will be set in coordination with United States Army Corps of Engineers (USACE), San Diego Regional Water Quality Control Board (RWQCB), CDFW, and USFWS.

National City does not have regulations containing mitigation ratios. Mitigation for the project will be agreed upon in coordination with the agencies. County of San Diego mitigation ratios were used in Table 7-1 of the BTR and Table 4.3-4 of the Final EIR as a guide. Significant impacts on sensitive native communities resulting from the project will be mitigated for by restoration and revegetation of native habitat both on- and off-site per Final EIR mitigation measure MM-BIO-1. Some mitigation proposed on-site will be out-of-kind due to the restructuring of the channel and therefore, not all vegetation

A-3 (cont.)

communities (i.e., arroyo willow scrub and sycamore trees) will be fully mitigated at the proposed 3:1 ratio. However, because the site currently supports an abundance of non-native and disturbed vegetation, there will be an overall net gain of 2.09 acres of native habitat following habitat restoration as all non-native habitat within the project area will be revegetated/replaced with native plant species. Some vegetation communities such as coyote brush and San Diego sunflower scrub will be incorporated into the coastal sage scrub habitat proposed to be restored. Mitigation measure MM-BIO1 of the BTR, which is presented as mitigation measure MM-BIO-6 of the Final EIR, has been revised to clarify that the amount of offsite mitigation to offset occupied habitat and jurisdictional waters will be determined through consultation with the agencies. The combination of on- and off-site mitigation will reduce project-related impacts to sensitive vegetation to a level of less than significant.

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B. Impacts to suitable habitat require consultation with USFWS, and consultation with USFWS for FESA-listed species should also be included. If the breeding season cannot be avoided, consultation with CDFW is also recommended for CESA-listed species.

Mitigation Measure # CDFW-BIO-2:

To avoid take, incidental or otherwise, of least Bell's vireo, the City or Project proponent shall implement the following measures when conducting work during the bird nesting season, or as required by the Wildlife Agencies during consultation for the species:

- a. when initiating activities within 300 feet of least Bell's vireo suitable habitat, a qualified Project biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by 2 weeks starting April 1 prior to ground disturbance. The results of the surveys shall be reported to the City. If nesting least Bell's vireos are noted on site or immediately adjacent within 300 feet of Project impacts, Wildlife Agencies will be contacted; no work will shall begin until the Wildlife Agencies have been notified and appropriate buffers are established
- b. when conducting work within suitable habitat the Project biologist or designated biological monitor shall be on-site during construction to ensure that any listed species and/or their nests are not agitated, killed, or injured. The monitoring schedule may be modified with approval of both Wildlife Agencies
- c. if nesting least Bell's vireos are detected, the City or Project proponent shall establish, flag, and implement a 300-foot no operations buffer around any active nest. The buffer shall remain in place until the nest has fledged or is no longer active, or,
 - ii. the City or Project proponent shall cease work within 500 feet of the active nest and consult with the Wildlife Agencies

A-4 COMMENT #3:

Coastal Sage Scrub and Coastal California Gnatcatcher

Section #4.3.1.1 (g), Page #4.3-4, 4.3-25

Issue: The Project DEIR identifies San Diego Sunflower Alliance on site but does not identify that San Diego sunflower is usually a component of California Sage Scrub (CSS) habitat for mitigation purposes. CSS habitat is the primary habitat of the FESA-listed coastal California gnatcatcher (gnatcatcher), which has been noted incidentally on-site during surveys for other species. The Project proposes mitigation measures to address impacts to coastal California gnatcatcher, but does require consultation or sufficient mitigation measures to ensure that impacts to the gnatcatcher or CSS are adequately accounted for.

Specific impact: The BTR and DEIR identify the San Diego Sunflower Alliance on site. The DEIR states, "[s]everal small patches of this species were detected within coastal sage scrub habitat near the western edge of the BSA." The text of the document recognizes that San Diego sunflower is a component of CSS, but then Table 4.3-4 does not show it as an impacted habitat type. If San Diego sunflower will be impacted, CSS will also likely be impacted.

A-4 Page 4-5, Table 5-1, and Table 7-1 of the BTR and page 4.3-5, Table 4.3-1, and Table 4.3-4 of the Final EIR have been revised to clarify that the San Diego sunflower scrub is a component of coastal sage scrub. The mapped San Diego sunflower scrub is the extent of this vegetation community. No additional coastal sage scrub exists on-site. Because San Diego sunflower is a CRPR 4.2 species, the vegetation community as mapped will remain unchanged.

As shown on Figure 6 of the BTR and Figure 4.3-1 of the Final EIR, only a small area of San Diego sunflower scrub occurs within the project site and study area. No additional coastal sage scrub occurs adjacent to this area. Therefore, there would be no impacts to the surrounding coastal sage scrub due to disturbance to San Diego sunflower as no additional coastal sage scrub exists in this immediate area.

Table 7-1 of the BTR and Table 4.3-4 of the Final EIR have been revised to clarify the total gain of coastal sage scrub accounting for the loss of San Diego sunflower scrub. Additionally, both tables have been revised to present the acreage of restoration within and outside of existing easements and the amount of mitigation credit has been revised to account for restoration occurring outside of existing easements.

Based on coordination efforts with USFWS, updated protocol-level surveys for all federally listed avian species are underway this spring/summer of 2021.

Based on 2015 protocol-level surveys, coastal California gnatcatcher were not present within the study area. It is anticipated that this species will still be absent given the disturbed nature of the habitat on-site.

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The Western San Diego Vegetation manual notes that the only association within the San Diego Sunflower Alliance is the *Bahiopsis laciniata-Artemisia californica-Eriogonum fasciculatum* Association (Sproul et al., 2011). This association is very similar to the broader category of CSS. Appendix G of the BTR lists California sagebrush (*Artemisia californica*) and California buckwheat (*Eriogonum fasciculatum*), which are primary components of CSS. For the purposes of mitigation and impacts to potentially suitable habitat for California gnatcatcher, San Diego Sunflower habitat should be more broadly characterized as CSS.

Why impact would occur: Impacts to CSS, including San Diego Sunflower Alliance, may indirectly impact gnatcatcher through take of habitat or directly through physical take. The Project identifies direct impacts to San Diego Sunflower habitat, but then does not fully recognize these as impacts to the surrounding CSS. Table 4.3-4 shows that there would be a 1.44-acre gain in CSS but does not remove the direct impacts to the San Diego Sunflower Alliance, therefore this is an inaccurate representation of mitigation obligations. Furthermore, some of the restoration will be in Caltrans right ROW, which may be impacted in the future due to its location. Although it notes that these areas would be subtracted from the overall acreage totals, the removal of the acreage is not evident in any table or figure (see Comment #5 for more information), as it is included in the mitigation totals in Table 4.3-4.

Evidence impact would be significant: Appendix G of the CEQA guidelines notes that impacts to sensitive natural communities identified in local and regional plans, policies, or regulations by CDFW and USFWS, such as CSS, would be significant even though impacts to the specific species, such as San Diego sunflower may not be considered significant.

Recommended Potentially Feasible Mitigation Measure(s)

To minimize significant impacts:

Recommendation # CDFW-REC-3:

- A. The amount of direct impacts to San Diego sunflower habitat should be subtracted from the CSS component of the mitigation obligations in Table 4.3-4.
- B. A table that depicts what habitats would potentially be subject to maintenance or future modification should be provided. Permanent impacts must be mitigated with permanent preservation so these habitats should not be showing in the mitigation totals in Table 4.3-4.

Mitigation Measure # CDFW-BIO-3:

To avoid take, incidental or otherwise, of coastal California gnatcatcher, the City or Project proponent shall implement the following measures when conducting work during the bird nesting season, or as required by USFVWS during consultation for the species:

- a. when initiating activities within 300 feet of coastal California gnatcatcher suitable habitat, a qualified Project biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by 2 weeks starting March 1 prior to ground disturbance. The results of the surveys shall be reported to the City. If

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nesting coastal California gnatcatcher are noted on-site or immediately adjacent within 300 feet of Project impacts, Wildlife Agencies will be contacted; no work will shall begin until the Wildlife Agencies have been notified and appropriate buffers are established;

- b. when conducting work within suitable habitat, the Project biologist or designated biological monitor shall be on-site during construction to ensure that any listed species and/or their nests are not agitated, killed, or injured. The monitoring schedule may be modified with Wildlife Agency approval; and,
- c. if nesting coastal California gnatcatcher are detected, the City or Project proponent shall implement one of the following: establish, flag, and implement a 300-foot no operations buffer around any active nest. The buffer shall remain in place until the nest has fledged or is no longer active, or the Lead Agency or Project proponent shall cease work within 300 feet of the active nest and consult with the Wildlife Agencies.

A-5 III. Mitigation Measures and Related Impact Shortcomings

COMMENT # 4:

Potential Impacts to Tree Roosting Bat Species

Section # BTR Appendix G and J,

Issue: The DEIR does not provide avoidance and minimization measures for bat species, even though there is potential for them to roost and forage on site.

Specific impact: The BTR notes that there are Mexican fan palms on site in Appendix G, and notes that there is a low potential for many bat species in the Appendix J and no physical bat surveys were conducted. The Project is located directly adjacent to the Sweetwater River, which is local migration corridor for several bat species, and provides potential foraging and roosting habitat for many species. The BTR identifies suitable habitat such as Mexican fan palms on site and a potential for bat presence but does not provide any avoidance measures if the habitat is occupied.

Why impact would occur: If the site is occupied by tree roosting bat species, they could be directly impacted by the removal of fan palm trees, especially if work is conducted during the maternity season which is generally from March - October (Drew Stokes, pers comm. 12/2/20). Surveys for bat species were not conducted, and are not proposed for the Project; therefore, bats may be present on site, and may be impacted by the Project.

Evidence impact would be significant: As noted in Appendix G of the CEQA guidelines, an impact would be significant if it would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or CDFW and USFWS. Many bat species that have the potential to occur are also considered California Species of Special Concern by CDFW. Direct impacts to bat species during maternity season would be considered a substantial adverse effect.

A-5 A discussion of potentially significant impacts on bat species resulting from vegetation removal has been added to page 6-4 of the BTR and page 4.3-24 of the Final EIR. A new mitigation measure has been added to page 6-8 of the BTR as MM-BIO5 and page 4.3-31 of the Final EIR as MM-BIO-4 based on the mitigation measure presented in this comment. Implementation of this mitigation measure would reduce impacts to roosting bats to a level less than significant.

The information added to the Final EIR and the additional mitigation measure identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

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Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # CDFW-BIO-4A:

To reduce impacts to less than significant:

A preconstruction survey shall be conducted by a qualified bat biologist within 60 days prior to construction to assess potential bat habitat that would be disturbed during construction. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that habitat is occupied by special-status bats or is likely to be used as a bat maternity roost, and may be affected by construction, then Mitigation Measure CDFW BIO-4B will be implemented.

Mitigation Measure # CDFW-BIO-4B:

To avoid the bat maternity season, in order to minimize impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between October 15 - March 1, unless a focused survey conducted by a qualified bat biologist per Mitigation Measure CDFW BIO-4A determines that no bats are present in tree(s) to be removed:

- a) a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark) unless a focused survey conducted by a qualified bat biologist determines that no bats are present in tree(s) to be removed. The two-stage tree removal process is as follows:
 - i. Step 1: small branches and small limbs containing no cavity, crevice or exfoliating bark are removed with chainsaws under field supervision by a qualified bat biologist; and,
 - ii. Step 2: the remainder of the tree is to be removed the following day. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree; and,
- b) if bat roosts cannot be avoided or if it is determined that construction activities or site development may cause roost abandonment, such activities shall not commence until roost sites have been replaced. To replace tree roosts, elevated bat houses shall be installed outside of, but near, the construction area. Placement and height will be determined by a qualified wildlife biologist, but the bat house would be at least 15 feet high. The number of bat houses required will depend on the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient size and number to accommodate each colony of bats to be relocated.

A-6 COMMENT # 5:

Subtraction of Easement and Areas Required for Maintenance from Mitigation Acreages

Section # Table 4.3-4, Figure 4.3-6, BTR 7.4 and Table 7-1 Page # DEIR 4.3-25-26, 7-3, 4, 5

A-6 Table 7-1 of the BTR and Table 4.3-4 of the Final EIR have been revised to present the acreage of restoration within and outside of existing easements. Additionally, the amount of mitigation credit has been revised in Table 7-1 of the BTR and Table 4.3-4 of the Final EIR to account for restoration occurring outside of existing easements.

All culverts and riprap within the channel are presented as permanent impacts and therefore are not included in the acreage for on-site restoration.

Mitigation measure MM-BIO1 of the BTR, which is presented as mitigation measure MM-BIO-6 of the Final EIR, has been revised to clarify that a land protection mechanism is proposed over the site, as well as long-term funding to protect and manage the on-site mitigation in-perpetuity, by adding the following statement:

On-site mitigation would be protected in-perpetuity, recording a land protection mechanism over the site. On-site mitigation would enter into long-term management once 5-year success criteria are met. CarMax would be responsible for funding the long-term management through the funding of a non-wasting endowment.

The type of land protection mechanism will be determined in coordination with USACE, RWQCB, CDFW, and USFW (as appropriate).

Additionally, off-site mitigation is also proposed to offset unavoidable impacts due to the construction of the project. Mitigation measure MM-BIO1 of the BTR, which is presented as mitigation measure MM-BIO-6 of the Final EIR, has been revised as follows to clarify that the purchase of off-site mitigation credits is also proposed:

In addition to the on-site restoration activities, a minimum of 0.78 acre of off-site mitigation may also be in the form of waters of the U.S and State restoration and enhancement credits would also be purchased at an Approved Mitigation Bank. Final off-site mitigation requirements will be determined through the approval process with the resource agencies.

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Issue: As noted in Comment #3, restored areas that will be subject to future disturbance should not be included in mitigation totals used to demonstrate Project impacts minimization.

Specific impact: Footnote #2 in Table 4.3-4 of the DEIR states, "[r]estoration in offsite areas will be maintained and monitored; however, because the areas are within Caltrans ROW there is a potential for impacts in the future. All areas on site will be protected in perpetuity." Figure 4.3-6 shows multiple other easements, as well as the culvert, which will require future maintenance or possible future work. The BTR notes that multiple utility easements cross the proposed restored channel and that the riprap dissipaters at the culvert outlets will require future maintenance. The footnote at the bottom of page 7-5 says, "[a]ll temporary impacts will be restored to conditions better than existing conditions. Additionally, a portion of the proposed channel will occur within rights-of-way and cannot be counted towards mitigation credits; that acreage has been removed from the mitigation credit presented in this document."

The removal of these areas from the mitigation totals is neither clear in the BTR nor the DEIR. Table 7-1 of the BTR includes off-site restoration within the Caltrans ROW in the mitigation totals, these numbers are also reflected in Table 4.3-4. The mitigation totals in the provided tables include the off-site restoration area, which may be impacted in the future; it is unclear from the Tables if the other easements are also included in these numbers. As noted in the BTR, areas that are subject to future disturbance should not be included in the mitigation totals. The acreage amount of these easement areas should be identified and removed from the mitigation totals.

Why impact would occur: Mitigation for habitat should be preserved in perpetuity by an appropriate land preservation mechanism that will protect the area from future disturbance. When considering mitigation that will adequately offset Project impacts to below significant, areas subject to repeated or future maintenance should not be considered for restoration; rather, mitigation and should only occur in areas that will provide permanent resource value or in areas considered to be impact neutral.

Evidence impact would be significant: CDFW considers impacts to sensitive habitat significant. The mitigation totals provided may not be an accurate reflection of the mitigation area that will be preserved in perpetuity. Without a clear analysis of permanent and temporary impacts and subsequent mitigation that will be preserved in perpetuity, CDFW cannot determine if significant impacts have been adequately mitigated.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # CDFW-REC-5

To reduce impacts to less than significant: Please include a Table in the Final EIR that clearly identifies the utility easements, ROW areas, culverts, and dissipaters that are subject to future maintenance; these areas should be removed from the mitigation totals. A discussion of mitigation considerations with respect to impacts analysis and in-perpetuity preservation (or lack thereof) should also be included.

A-6 (cont.)

Final mitigation amounts and ratios purchased off-site is still in negotiation and will be set in coordination with USACE, RWQCB, CDFW, and USFWS.

Changes or additions to the mitigation measure identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

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A-7 COMMENT # 6:

Lack of Riparian Buffer and Future Lake and Streambed Alteration Coordination

Section # Table S-1, 3.2.2.2, 4.9.5.2, Page # 3-6, 4.9-11

Issue: Mitigation measure MM-BIO-1 states that adequate wetland buffers will be provided through coordination; however, the text of the DEIR states that an additional buffer increase would not be possible: "[t]he planting design shall also include adequate wetland buffers as determined in consultation with the agencies." Page 3-6 states,

"[I]n consultation with the Wildlife Agencies, the project footprint has been reduced to minimize impacts on jurisdictional waters and to allow for a small buffer between proposed habitat and the development footprint. Further reductions of the development area would cause the project to be infeasible. Buffers between wetland and riparian habitat that would be established within the proposed channel and the project would be limited and range from 5 to 25 feet wide."

Specific impact: While CDFW concurs that adequate wetland buffers should be determined through permitting, Section 3.2.2.2 states that determination of the buffers has already occurred and will be as little as 5 feet in some places. The buffer and the CarMax facilities are also within the 100-year flood area in some places.

Why impact would occur: Although appropriate wetland buffers are determined on a case by case basis determined by functions, values, and sensitivities of the wetland in question, as well as the type of development, the general standard is a 100-foot buffer. The Project does not propose a 100-foot wetland buffer, nor does it allow for further coordination with CDFW for an additional buffer.

Evidence impact would be significant: The analysis of the significance of this impact in the BTR is unclear and is not discussed at all in the DEIR. BTR Section 8.2C states, "[t]he proposed project includes work within waters of the U.S./CDFW jurisdictional waters, and by its nature will not have a wetland buffer. Impacts on this jurisdictional habitat would be considered significant...[t]he proposed project would not result in significant impacts." Working within CDFW-regulated waters does not preclude the need for an appropriate wetland buffer post construction, nor does it negate the significance of the impact.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # CDFW-REC-6:

To minimize significant impacts: Please revise the BTR and DEIR to include a clear discussion of the significant impacts potentially caused by the reduced wetland buffer. The DEIR should also acknowledge that the buffer size and restoration design will be determined through the permitting process. CDFW recommends that additional modification to the proposed Project design be considered in order to increase the wetland buffer.

A-7 The project applicant has been working closely with the agencies (USACE, RWQCB, and CDFW) since 2015 on the project to reduce impacts and increase riparian habitat on-site. After several iterations, the project has been reduced to the smallest size feasible and no further reduction can occur.

The project would provide on-site and off-site compensatory mitigation for impacts on wetlands in accordance with state and federal laws. As required by law, the project would conform to the conditions identified in the Streambed Alteration Agreement. National City does not specify that wetland buffers are required. However, the project's Habitat Mitigation and Monitoring Plan requires the restoration planting design to include adequate wetland buffers as determined in consultation with the agencies. Therefore, no revisions have been made to the BTR or Final EIR per this comment.

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A-8 COMMENT # 7:

Polyphagous and Kuroshio Shot Hole Borers (SHBs)

Section # NA, Page # NA

Issue: The DEIR did not include a discussion of the Polyphagous and Kuroshio Shot Hole Borers (SHBs), which are invasive ambrosia beetles that introduce fungi and other pathogens into host trees, as requested by CDFW in our comments on the Notice of Preparation (NOP) for this Project dated December 13, 2016.

Specific impact: CDFW responded to the NOP, and requested a thorough discussion on direct, indirect, and cumulative impacts that can occur from the spread of SHBs. The DEIR did not include any discussion of this issue, and possible impact(s).

Why impact would occur: The SHB adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause Fusarium Dieback disease, which interrupts the transport of water and nutrients in at least 43 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences throughout southern California, the spread of SHBs could have significant impacts in local ecosystems. SHBs are present in other nearby watersheds such as the Tijuana River, and have caused large die backs of riparian vegetation, especially arroyo willows (*Salix lasiolepis*). As this project is located directly adjacent to the Sweetwater River, and has riparian vegetation including arroyo willows on site, and will be restoring riparian vegetation, there is the potential to spread SHBs.

Evidence impact would be significant: Introduction of SHB's would be considered significant as it would directly impact riparian vegetation which would be significant.

Please refer to UC Riverside's Eskalen lab website for more information regarding SHBs:
<https://ucanr.edu/sites/eskalenlab/>.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # CDFW-BIO-6

To reduce impacts to less than significant:

To reduce impacts of Polyphagous and Kuroshio Shot Hole Borers (SHBs), the Project Proponent and/or City shall implement the following measures:

- a. a qualified Biologist shall be responsible for monitoring for signs of infestation from SHBs on site, directly adjacent, and on restoration materials:
- b. the Biologist shall conduct an education seminar for on-site workers regarding SHB and its spread:

A-8 A discussion of potentially significant impacts that could result if ISHB were allowed to spread as a result of project activities has been added to page 5-4 of the BTR and pages 4.3-24 of the Final EIR. A new mitigation measure has been added to pages 7-7 and 7-8 of the BTR as MM-BIO6 and pages 4.3-31 and 4.3-32 of the Final EIR as MM-BIO-5 based on the mitigation measure presented in this comment.

The information added to the Final EIR and the additional mitigation measure identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

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- c. signs of SHB infestation shall be reported to CDFW and UCR's Eskalen Lab (eskalenlab.ucr.edu); this includes sugary exudate ("weeping") on trunks or branches and SHB entry/exit-holes (about the size of the tip of a ballpoint pen); and,
- d. if signs of SHB infestation are noted on site, additional BMP's shall be required and may include but are not limited to:
 - i. equipment disinfection
 - ii. pruning in infested areas where project activities may occur
 - iii. avoidance and minimization of transport of potential host tree materials
 - iv. chipping potential host materials to less than one inch (<1"), prior to delivering to a landfill
 - v. chipping potential host materials to less than one inch (<1"), prior to composting on site; and,
 - vi. solarization of cut logs; and/or burning of potential host tree materials.

A-9 IV. Editorial Comments and/or Suggestions

- a. Section 4.3.1.6 discusses the Project's regulatory framework for biological resources but does not discuss Fish and Game Code Section 3511 Fully Protected Bird Species, which is relevant for the Project. The BTR discusses Fully Protected Species, but uses Fish and Game Code Section 4700, which is Fully Protected Mammals, which is not relevant to the Project. It also discusses Section 2081.7, which addresses take of species resulting from impacts to implementation of a quantified settlement agreement; this is also not applicable to the Project. The DEIR also notes that Fish and Game Code Section 2835 pertains to NCCPs; CDFW only authorizes take of Fully Protected species through an approved NCCP, and National City is not a participating entity in the NCCP program. Inclusion of these unrelated Sections of the Fish and Game Code may contribute to confusion on behalf of the public. Please revise this section and remove Fish and Game Code Sections that do not relate to the Project.

- A-10 b. Appendix J of the Biological Technical Report (BTR) notes that both rails and suitable rail habitat are absent from the Study Area; however, the text of the BTR and DEIR discuss presence of rails and rail habitat in the Study Area. Please revise accordingly.

- A-11 c. The DEIR, Section 4.3.1.6(g) states, "CDFW jurisdiction does not include tidal areas or isolated resources." This is not reflective of the regulatory authority of CDFW under Fish and Game Code Section 1600 *et seq.*, which regulates a substantial change or use of any material from the bed, channel or bank of any river, stream, or lake, or deposition into any of the above. As some rivers and streams have tidally influenced reaches in coastal areas, riparian habitat associated with these areas may also be regulated under Section 1600 *et seq.* While CDFW also has regulatory authority over marine biological resources under different legislation, the above statement should be revised to indicate that marine habitats are not subject to Fish and Game Code Section 1600 *et seq.*

ENVIRONMENTAL DATA

- A-9 Section 2.2.2 of the BTR has been revised to address this comment as it relates to Fully Protected Species. The revised discussion of Fully Protected Species (California. Fish and Game Code, Sections 3511, 5050, and 5515) in the BTR has been added to page 4.3-17 of the Final EIR. No changes to the BTR were made to address comments regarding the NCCP process because the BTR's discussion on this topic is accurate.

- A-10 Appendix J has been corrected to be consistent with the text presented in the BTR.

- A-11 The statement "CDFW jurisdiction does not include tidal areas or isolated resources" has been removed from page 2-3 of the BTR and page 4.3-17 of the Final EIR.

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A-12 CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

A-13 **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

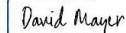
A-14 **CONCLUSION**

CDFW appreciates the opportunity to comment on the DEIR to assist the City of National City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Elyse Levy, Senior Environmental Scientist at Elyse.Levy@wildlife.ca.gov.

Sincerely,

DocuSigned by:



David A. Mayer
Environmental Program Manager

cc: David Mayer – David.Mayer@wildlife.ca.gov
Jennifer Turner – Jennifer.Turner@wildlife.ca.gov
Jennifer Ludovissy – Jennifer.Ludovissy@wildlife.ca.gov
Susan Howell – Susan.Howell@wildlife.ca.gov
Jonathan Snyder – Jonathan.Snyder@fws.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

A-12 The project applicant will provide the California Natural Diversity Database data for the project using the links provided in this comment.

A-13 The project applicant will pay the filing fee for an Environmental Impact Report when it files the Notice of Determination with the County Recorder's Office as required by CEQA and the California Fish & Game Code.

A-14 Comment noted.

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REFERENCES

1. California Office of Planning and Research. 2019 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, CEQA Guidelines § 15126.4, § 15381, § 15386, Appendix G.
2. Fish & Game Code § 1600, § 2080, § 3503, § 3511.
3. Sproul, F. *et al.* 2011. Vegetation Classification Manual for Western San Diego County. SANDAG. Available from: https://sdmmp.com/upload/projects/20160330_2357_94.pdf
4. Drew Stokes, San Diego Natural History Museum. 2020. Personal communication regarding bat roost locations on the Sweetwater River. On file, California Department of Fish and Wildlife, South Coast Region Office. December 2, 2020.
5. Eskalen Lab. Division of Agriculture and Natural Resources, University of California. 2020. [cited 2020 Dec. 4]. Available from: <https://ucanr.edu/sites/eskalenlab/>
6. . The Ecology and Management of the Kuroshio Shot Hole Borer in the Tijuana River Valley Tijuana River National Estuarine Research Reserve 2020. [cited 2020 Dec. 4]. Available from: <https://trnerr.org/kshb/>

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Attachment A:

CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations

Biological Resources			
	Mitigation Measures	Timing	Responsible Party
CDFW-BIO-1	<p>To avoid take, incidental or otherwise, of light-footed Ridgway's rail, the City or Project proponent shall implement the following measures when conducting work during the bird nesting season, or as required by USFWS during consultation for the species:</p> <p>a. when initiating activities within 500 feet of light-footed Ridgway's rail suitable habitat, a qualified biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by 2 weeks starting March 1 prior to ground disturbance. The results of the surveys shall be reported to the City. If light-footed Ridgway's rail is noted on-site or immediately adjacent within 500 of Project impacts, USFWS and CDFW, collectively known as the Wildlife Agencies, will be contacted; no work will shall begin until the Wildlife Agencies have been notified and appropriate buffers are established</p> <p>b. when conducting work within or adjacent to suitable habitat, the Project biologist or designated biological monitor shall be on site during construction to ensure that any CESA-listed species and/or their nests are not agitated, killed, or injured. The monitoring schedule may be modified with Wildlife Agency approval; and,</p>	Prior to and During Construction	National City/Project Proponent

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	<p>c. if nesting light-footed Ridgway's rail are detected, the City or Project proponent shall establish, flag, and implement a 500-foot no operations buffer around any active nest. The buffer shall remain in place until the nest has fledged or is no longer active.</p>		
<p>CDFW-BIO-2</p>	<p>To avoid take, incidental or otherwise, of least Bell's vireo, the City or Project proponent shall implement the following measures when conducting work during the bird nesting season, or as required by the Wildlife Agencies during consultation for the species:</p> <p>a. when initiating activities within 300 feet of least Bell's vireo suitable habitat, a qualified Project biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by 2 weeks starting April 1 prior to ground disturbance. The results of the surveys shall be reported to City. If nesting least Bell's vireos are noted on-site or immediately adjacent within 300 feet of Project impacts, Wildlife Agencies will be contacted; no work will shall begin until the Wildlife Agencies have been notified and appropriate buffers are established</p> <p>b. when conducting work within suitable habitat the Project biologist or designated biological monitor shall be on site during construction to ensure that any listed species and/or their nests are not agitated, killed, or injured. The monitoring schedule may be modified with Wildlife Agency approval</p> <p>c. if nesting least Bell's vireos are detected, the City or Project proponent shall establish, flag, and implement a 300-foot no operations buffer around any active nest. The buffer shall remain in</p>	<p>Prior to and During Construction</p>	<p>National City/Project Proponent</p>

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	<p>place until the nest has fledged or is no longer active, or,</p> <p>d. the City or Project proponent shall cease work within 300 feet of the active nest and consult with the Wildlife Agencies</p>		
CDFW-BIO-3	<p>To avoid take, incidental or otherwise, of coastal California gnatcatcher, the City or Project proponent shall implement the following measures when conducting work during the bird nesting season, or as required by USFWS during consultation for the species:</p> <p>a. when initiating activities within 300 feet of coastal California gnatcatcher suitable habitat, a qualified Project biologist shall conduct surveys prior to activity initiation. Surveys shall consist of three visits separated by 2 weeks starting March 1 prior to ground disturbance. The results of the surveys shall be reported to the City. If nesting coastal California gnatcatcher are noted on-site or immediately adjacent within 300 feet of Project impacts, Wildlife Agencies will be contacted; no work will shall begin until the Wildlife Agencies have been notified and appropriate buffers are established</p> <p>b. when conducting work within suitable habitat the Project biologist or designated biological monitor shall be on site during construction to ensure that any listed species and/or their nests are not agitated, killed, or injured. The monitoring schedule may be modified with Wildlife Agency approval; and,</p> <p>c. if nesting coastal California gnatcatcher are detected, the City or Project proponent shall implement one of the following: establish, flag, and</p>	Prior to and During Construction	National City/Project Proponent

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	<p>implement a 500-foot no operations buffer around any active nest. The buffer shall remain in place until the nest has fledged or is no longer active; or the Lead Agency or Project proponent shall cease work within 500 feet of the active nest and consult with the Wildlife Agencies.</p>		
<p>CDFW-BIO-4A & B</p>	<p>A. A preconstruction survey shall be conducted by a qualified bat biologist within 60 days prior to construction to assess potential bat habitat that would be disturbed during construction. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that habitat is occupied by special-status bats or is likely to be used as a bat maternity roost, and may be affected by construction, then Mitigation Measure CDFW BIO-4B will be implemented.</p> <p>B. To avoid the bat maternity season, in order to minimize impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between Oct 15-March 1, unless a focused survey conducted by a qualified bat biologist per Mitigation Measure CDFW BIO-4A determines that no bats are present in tree(s) to be removed:</p> <p>i. a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark) unless a focused survey conducted by a qualified bat biologist determines that no bats are present in tree(s) to be</p>	<p>Prior to and During Construction</p>	<p>Project Proponent</p>

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	<p>removed. The two-stage tree removal process is as follows:</p> <ul style="list-style-type: none"> ii. step 1: small branches and small limbs containing no cavity, crevice or exfoliating bark are removed with chainsaws under field supervision by a qualified bat biologist; and, iii. step 2: the remainder of the tree is to be removed the following day. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree; and, iv. if bat roosts cannot be avoided or if it is determined that construction activities or site development may cause roost abandonment, such activities shall not commence until roost sites have been replaced. To replace tree roosts, elevated bat houses shall be installed outside of, but near, the construction area. Placement and height will be determined by a qualified wildlife biologist, but the bat house would be at least 15 feet high. The number of bat houses required will depend on the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient size and number to accommodate each colony of bats to be relocated. 		
<p>CDFW- BIO-6</p>	<p>To reduce impacts of Polyphagous and Kuroshio Shot Hole Borers (SHBs), the Project Proponent and/or City shall:</p> <ul style="list-style-type: none"> a. a qualified Biologist shall be responsible for monitoring for signs of 	<p>Prior to and During Construction</p>	<p>Project Proponent</p>

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	<p>infestation from SHBs on site, directly adjacent, and on restoration materials</p> <p>b. the Biologist shall conduct an education seminar for on-site workers regarding SHB and its spread</p> <p>c. signs of SHB infestation shall be reported to CDFW and UCR's Eskalen Lab (eskalenlab.ucr.edu); this includes sugary exudate ("weeping") on trunks or branches and SHB entry/exit-holes (about the size of the tip of a ballpoint pen); and,</p> <p>d. if signs of SHB infestation are noted on site, additional BMP's shall be required and may include but are not limited to:</p> <ul style="list-style-type: none"> vii. equipment disinfection viii. pruning in infested areas where project activities may occur ix. avoidance and minimization of transport of potential host tree materials x. chipping potential host materials to less than one inch (<1"), prior to delivering to a landfill xi. chipping potential host materials to less than one inch (<1"), prior to composting on site; and, xii. solarization of cut logs; and/or burning of potential host tree materials. 		
	Recommendations	Timing	Responsible Party
CDFW-REC-1	Please consider alternate alignments for the access road that provide a greater buffer between the road and areas occupied by Fully Protected Species.	Prior to certification of Final	National City

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	Please include a full discussion of alternate alignments for the access road in the Final EIR. Also, impacts to potentially occupied habitat require consultation with USFWS; please include consultation with USFWS for FESA-listed species. Take of rails, as defined by the Fish and Game Code, must be avoided.	Environment al Document	
CDFW- REC-2	A. Revise Table 4.3-4 and provide mitigation per the proposed mitigation ratios, or as required through consultation with the Wildlife Agencies. B. Impacts to suitable habitat require consultation with USFWS; include consultation with USFWS for FESA-listed species. If the breeding season cannot be avoided, consultation with CDFW is also recommended for CESA-listed species.	Prior to certification of Final Environment al Document	National City
CDFW- REC-3	A. The amount of direct impacts to San Diego sunflower habitat should be subtracted from the CSS component of the mitigation obligations in table 4.3-4. B. A table that depicts what habitats would potentially be subject to maintenance or future modification should be provided. This should not include these habitats in the mitigation totals in Table 4.3-4 because mitigation for permanent impacts must be preserved in perpetuity.	Prior to certification of Final Environment al Document	National City
CDFW- REC-5	Include a table in the Final EIR that clearly shows the utility easements, ROW areas, culverts, and dissipators that are subject to future maintenance, and the remove these areas from the mitigation totals. A discussion of mitigation considerations with respect to impacts analysis and in-perpetuity preservation (or lack thereof) should also be included.	Prior to certification of Final Environment al Document	National City

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CDFW- REC-6	Revise the BTR and DEIR to include a clear discussion of the significant impacts potentially caused by the reduced wetland buffer. The DEIR should also acknowledge that the buffer size and restoration design will be determined through the permitting process and should not preclude further discussion of additional modification to the proposed design in order to potentially increase the wetland buffer.	Prior to certification of Final Environmental Document	National City/project proponent
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Letter B

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-3137
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www.dot.ca.gov



Making Conservation
a California Way of Life.

December 22, 2020

11-SD-54,805

PM VAR

National City CarMax Project
DEIR/SCH#2016111035

Mr. Martin Reeder
Principal Planner
City of National City – Planning Department
1243 National City Blvd.
National City, CA 91950

Dear Mr. Reeder:

B-1 Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the CarMax Project located near Interstate 805 (I-805) and State Route 54 (SR-54) in National City. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

B-2 Traffic Engineering Analysis

- In accordance with Senate Bill (SB) 743 as of July 1, 2020, public agencies are required to use vehicle miles traveled (VMT) as the metric to evaluate transportation impacts associated with future developments. Please provide a VMT-based traffic impact study using the Caltrans Vehicles Miles Traveled-Focused Transportation Impact Study Guide dated May 20, 2020.
- In addition to a VMT analysis, a VMT based traffic impact study (TIS) will also be required to review all safety and operations impacts along SR-54. Please include the intersections and segments at SR-54/Reo Dr./Plaza Bonita Center Way and SR-54/Bonita Rd. Please use the Governor's Office of Planning and Research (OPR) Guidance to identify VMT related impacts.

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B-1 Introductory comment. Responses to specific comments in this letter are provided below.

B-2 A Vehicle Miles Traveled (VMT) Screen-line Analysis was prepared for the project pursuant to Senate Bill (SB) 743 that replaced level of service (LOS) analysis that is included as Appendix M of the Draft EIR. The VMT Screen-line Analysis determined that the proposed CarMax would consist of less than 50,000 square feet of development. Consequently, based on the Governor's Office of Planning and Research (OPR) guidance, the project is considered to be local-serving, and National City, as the lead agency, may presume such development would result in impacts related to VMT that would be less than significant. Therefore, the VMT Screen-line Analysis prepared for the project satisfies OPR requirements, and a VMT based transportation impact study (TIS) using the *Caltrans Vehicles Miles Traveled-Focused Transportation Impact Study Guide* dated May 20, 2020 is not warranted.

Furthermore, Section 4.14.3.1.a of the Draft EIR states the following:

As described in Section 4.2.3.1, the 15.08-acre project parcel could generate approximately 3,016 to 30,160 daily trips if it were developed consistent with the existing Major Mixed-Use land use designation. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 daily trips, which would be less than what would be generated by a project consistent with existing land use designation. Consequently, the proposed General Plan Amendment and Rezone would result in a less intensive use compared to the existing land use designation that was evaluated in the City's General Plan. Therefore, the proposed CarMax facility would generate fewer vehicle trips at the project site than was originally anticipated in the City's General Plan Circulation Element roadway network.

Consequently, the project would generate fewer vehicle trips than were previously anticipated in regional long range planning projections that were developed based on the original land use designation, which in turn would result in fewer vehicle trips

B-2 (cont.)

traveling on SR-54, I-805, and local roadways than would occur under the existing land use designation. Furthermore, the 939 daily trips that would be generated by the project would result in fewer than 50 daily trips during the AM and PM peak hours. Consequently, the project would not generate enough trips in the AM and PM peak hours to affect roadway safety. Therefore, the project would not adversely affect traffic operations or safety on any Caltrans facilities or local roadways, and the additional VMT based TIS requested in bullets 2 and 3 of this comment is not warranted.

- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

B-3 • During the COVID-19 pandemic, vehicle volumes along California's highways and local arterials have decreased. Ideally, the State would accept traffic volumes collected within the last two years. However, if traffic counts have not been recently collected (prior to March 13, 2020) it has been determined that utilizing historical traffic data as foundation from past projects and partner agencies may be used to replace existing traffic counts, subject to sound engineering justification. Volumes older than 2 years will be allowed if accompanied by justification and/or an appropriate growth rate for this traffic study. Traffic counts collected during the COVID-19 pandemic will not be accepted unless historical or alternative traffic data is not available, and a justified increase factor is applied.

B-4 • All improvements within Caltrans Right of Way (R/W) will be required to comply with Caltrans Highway Design Manual (HDM) guidelines and standards. Please provide proposed improvement plans for review.

- Please submit an estimate of the proposed backfill construction work and retaining wall that is proposed to be on Caltrans R/W line and within Caltrans R/W only. It is recommended that all backfill construction work be done away from the SR-54 main lanes and connectors, so traffic operations and safety are not impacted.
- Any roadwork, retaining wall structures, striping, and traffic control encroaching within Caltrans R/W will require an approved Caltrans Encroachment Permit. Please see attached marked up site plan for comments and details.

B-5 Hydrology and Drainage Studies

1. Provide a detailed Hydrology and Hydraulics (H&H) Study for the modification to the Caltrans drainage facilities using the current Caltrans HDM criteria.

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B-3 Comment noted. As described in Section 4.14.4.1 of the Draft EIR, "The VMT metric became officially required for implementation on July 1, 2020." Therefore, CEQA no longer requires an evaluation of traffic volumes, and the project prepared a VMT Screen-line Analysis (Appendix M), which determined that impacts would be less than significant. Even if LOS were evaluated, the 939 daily trips that would be generated by the project would result in fewer than 50 daily trips during the AM and PM peak hours. Consequently, the project would not generate enough trips in the AM and PM peak hours to affect roadway safety. The City follows guidance from the Institute of Transportation Engineers for impacts related to roadway and intersection operations. ITE guideline state that a project that generates fewer than 50 daily trips during the AM and PM peak hours would have impacts that are less than significant and do not warrant an evaluation.

B-4 The project has been redesigned to eliminate all earthwork activities and revegetation from Caltrans right-of-way (ROW). Please see the revised site plan in Figure 3-1 of the Final EIR. Therefore, the construction work identified in the comment would no longer take place within Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the Interstate 805 (I-805) ramp. An encroachment permit will be obtained prior to commencement of this substantially reduced and limited work effort.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-5 Please see the Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR. This report has been prepared consistent with Caltrans H&H design criteria and the other requirements listed in the comment. It should be noted, there are no ditches being proposed with this design. All plans of the existing Caltrans drainage systems have been included in the Hydraulic Analysis. The current approved FIRM panel (which includes the FEMA approved regulated water surface elevations was used to develop a HEC-RAS model for the proposed improvements to the

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- a. Consult Caltrans HDM chapters 800-890. The H&H Study shall contain existing and proposed watershed basin maps with individual basins for each affected Caltrans pipe system.
 - b. Provide water surface profiles for the Caltrans drainage facilities in both existing and proposed conditions.
 - c. Consult NOAA Atlas 14 for rainfall intensities and precipitation depth values.
 - d. Provide ditch size calculations, if applicable.
 - e. Include copy of drainage related plans and records within the Study (i.e. As-builts, record drawings, etc.).
 - f. Include copy of referenced information from other approved development reports.
 - g. Caltrans offsite drainage facilities are designed using the 100-year storm event.
- B-6 2. Use the County of San Diego/City of National City's final approved (post project) Federal Emergency Management Agency (FEMA) regulated water surface for tail-water condition.
- B-7 3. Consult HEC-22 Tables 7-4 c and d for pipe expansion coefficients.
- B-8 4. For channelized runoff using roadway embankment and retaining wall within and adjacent to Caltrans R/W or easement- provide SRH 2D Scour Analysis per Caltrans and Federal Highway Administration (FHWA) Guidance.
- B-9 5. Provide City/FEMA approved HEC-RAS model.
- B-10 6. Provide concurrence from the Floodplain Manager(s) for final Floodplain/Floodway design with FEMA approved Base Flood Elevations.
- B-11 7. Caltrans maintains that a floodway should not be created within State R/W or Easement.
- B-12 8. Provide existing and proposed conditions map with the 100-year Water Surface Elevation (WSE).
- B-13 9. Will this improvement remap the flood plain boundary to a new location that is outside of State R/W or (Slope) Easement?
- B-12 10. If a slope easement is required for the I-805/SR-54 roadway embankment which alters or resides within the existing/proposed floodplain, the developer is obliging Caltrans to alter a floodplain for a third-party benefit. From a Caltrans Hydraulics perspective, this does not constitute a benefit to the State.
- B-13 11. The developer cannot submit a CLOMR nor a LOMR on Caltrans' behalf.

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B-5 (cont.)

unamend tributary channel adjacent to the CarMax project site. The tailwater for the HEC-RAS models was obtained from this FEMA documentation accordingly. HEC-22 was consulted and used in the Hydraulic Analysis provided within Appendix J-2.

- B-6 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, no wall is proposed along the Caltrans ROW.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

- B-7 National City has reviewed the HEC-RAS analyses, which are included as Attachment A of the Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR.

- B-8 There is neither a floodplain nor a floodway at the discharge of Caltrans systems. The floodplain delineated in FEMA panels is related to the Sweetwater River and there is no delineation related to the unnamed creek where Caltrans systems discharge. In order to provide water surface elevation at the systems discharge locations, a HEC-RAS model approved by National City has been provided for your review within the Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR.

- B-9 Currently, per the Flood Insurance Rate Map (FIRM) Panel, the floodway is contained within the Sweetwater River. Per the current FIRM Panel, the on-site area is considered to be part of the floodplain from the Sweetwater River and does not contain the floodway nor any proposed changes to the floodway. The FIRM Panel will be updated to revise the floodplain per the new development. A Conditional Letter of map Revision (CLOMR)/Letter of Map Revision (LOMR) will be processed for this use.

	<p>B-10 The exhibits requested in this comment are included under Attachment A of the Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR.</p> <p>B-11 It is anticipated that the floodplain would require revision based upon the improvements to the project site because the floodplain source per FEMA is the adjacent Sweetwater River and not the on-site discharge locations. The changes to the floodplain would not impact their existing location on Caltrans property as the grading impacts to Sweetwater River are upstream of Caltrans property and no rise has been shown on Caltrans property.</p> <p>B-12 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, the project would not require a slope easement.</p> <p>The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.</p> <p>B-13 Comment noted. The project engineer will submit a CLOMR and LOMR on behalf of the developer/property owner, not Caltrans. The CLOMR and LOMR will then be submitted to National City for review and approval of the Community Floodplain Manager per the requirement of FEMA MT-2 Forms. FEMA will then review and approve the documentation for both documents. As part of the CLOMR/LOMR, Caltrans will be notified of any revisions to the floodplain per FEMA requirements.</p>
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Comments for the DEIR

- B-14
- B-15
- B-16
- B-17
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1. S1.1 Paragraph (2) – Revise the statement that says Caltrans would be "temporarily" impacted during construction. Project proposes permanent grading impacts to Caltrans R/W and facilities.
 2. S.3 Paragraph (1) – Include Floodplain Encroachment as an Area of Controversy.
 3. S.4 Paragraph (1) – The City needs to resolve if the floodplain encroachment is acceptable.
 4. Chapter 1 Pg. 1-1 Paragraph (2) – Revise the statement that Caltrans would be "temporarily" impacted during construction. The Project proposes permanent grading impacts to Caltrans R/W and facilities.
 5. Developer has not proven that proposed grading in the floodplain will not adversely impact existing Caltrans drainage facilities.
 6. 1.2.2 Pg. 1-2 The Project proposes alteration to FEMA mapped floodplain. Should FEMA be included as a responsible agency?
 7. 1.3.1 Pg. 1-4 Paragraph (2) – Include Floodplain as a significant impact.
 8. 2.3.4 Pg. 2-6 Paragraph (1) – Verify that the Project lies within the Sweetwater River "Floodway."
 9. 3.2.2.2 Pg. 5-6 Paragraph (1) – Address FEMA Floodplain impacts.
 10. 3.2.2.3 Pg. 5-6 Paragraph (1) – Impacts to Caltrans R/W include permanent grading and fill and are not temporary.
 11. 3.2.6.1 Pg. 5-9 Paragraph (1) – Address FEMA Floodplain impacts.
 12. Project proposes to realign and channelize the "Unnamed Channel" with a flowrate of 1389.7 cfs adjacent to Caltrans roadway embankment and proposed site development. Will the City designate the new flood control channel as a Floodway pursuant to FEMA Regulations?
 13. Provide a City and FEMA approved Floodplain study.
 14. Show FEMA floodplain existing and proposed limits on grading plan with State R/W for SR-54 and I-805.
 15. DEIR Figures: Verify/revise R/W callouts. Examples 4.3-6, 4.3-9, 4.3-10, etc.

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B-14 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Section S.1.1 of the Draft EIR has been revised to reflect these changes in project design.

The changes to the project design do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-15 Section S.3 of the Final EIR has been revised to include "encroachment into the 100-year floodplain".

B-16 Comment noted. Section 4.9.6.1 of the Draft EIR determined that impacts associated with the 100-year floodplain would be less than significant. Consequently, hydrology/water quality, including impacts to the floodplain, do not require mitigation per CEQA, and therefore are not an issue to be Resolved by the City acting as the Decision-Making Body (CEQA Lead Agency).

B-17 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Page 1-1 of the Final EIR has been revised to reflect these changes in project design.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-18 Please see the Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR. This report has been prepared consistent with Caltrans H&H design criteria and the other requirements listed in the comment. Section 4.9.5.1 of the Final EIR has been revised based on the results of the Appendix J-2 to state the following:

B-18 (cont.)

~~The project is currently evaluating all drainage systems discharging into the proposed earthen channel to confirm the following:~~

- ~~• That the minor increase in water elevation downstream (at their discharge end) would not negatively impact the conveyance capacity of those systems, or~~
- ~~• That the discharge structure of any system that is impacted by the increase in water elevation would be improved in such a way that the hydraulic improvement of the discharge structure would compensate for the minor additional water elevation the system needs to discharge after the project is completed.~~

A hydraulic analysis was subsequently conducted to evaluate whether the resulting tailwater would affect the Caltrans drainage system(s) and City conveyance system(s) that are currently discharging into the existing unnamed creek. (Appendix J-2). This analysis utilized an HEC-RAS hydraulic model to calculate the existing and proposed water surface elevations for the following stormwater facilities that drain into the existing unnamed creek:

- A 36-inch pipe discharge that starts at Sweetwater Road and drains some ramps of the complex intersection between I-805 and SR-54.
- A 30-inch pipe discharge that starts at Valley Road, continues to Valley Road/Sweetwater Road, and drains adjacent to the ramps of the intersection between I-805 and SR-54.
- A 6-foot by 10-foot culvert that drains a significant portion of Valley Road and that originates the change in flow evaluated in the HEC-RAS model.

A 24-inch and 18-inch pipe system draining a section of SR-54 (downstream of the 30-inch pipe discharge that starts at Valley Road) and a landscape area adjacent to it.

The Hydraulic Analysis determined that the water elevation at the discharge points listed above would increase from 0.01 to 0.11 feet. The Hydraulic Analysis then conducted a hydraulic grade line (HGL) analysis, which determined that the HGL of the unchanged flows for all four discharge points would increase from 0.00 to 0.11 feet. The Hydraulic Analysis determined that these increases in HGL

	<p>B-18 (cont.) <u>would not adversely affect the ability of any of these existing storm drainage systems to safely convey peak runoff (Appendix J-2).</u></p> <p>This revision provides further evidence that the project would not impact Caltrans facilities.</p> <p>B-19 FEMA has been added to the list of Responsible and Trustee Agencies in Section 1.2.2 of the Final EIR.</p> <p>B-20 Section 1.3.1 of the Draft EIR lists those environmental categories from the CEQA checklist that were determined to be potentially impacted during scoping activities. Floodplain is a subcategory under “Hydrology/Water Quality” that is included in this list. Impacts associated with the 100-year floodplain are evaluated in Section 4.9.6.1 of the Draft EIR.</p> <p>B-21 The project is not located within the floodway of the adjacent Sweetwater River per FIRM Panels 06073C1914G and 06073C1912G effective May 16, 2012, which are still the most up to date and current information for this floodway. Section 2.3.4 of the Final EIR has been revised to clarify that the project is not located within the floodway of the adjacent Sweetwater River.</p> <p>B-22 A new subsection describing the project’s relationship to the 100-year floodplain has been added to pages 3-6 and 3-7 of the Final EIR. Potential impacts associated with the 100-year floodplain were evaluated in Section 4.9.6.1 of the Draft EIR.</p> <p>B-23 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Section S.1.1 of the Final EIR has been revised to reflect these changes in project design. Therefore, Section 3.2.2.3 Offsite Area has been deleted in the Final EIR.</p> <p>The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.</p>
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- B-24 A new subsection describing the project's relationship to the 100-year floodplain has been added to pages 3-6 and 3-7 of the Final EIR. Potential impacts associated with the 100-year floodplain were evaluated in Section 4.9.6.1 of the Draft EIR. Therefore, no changes to section 3.2.6.1 are required.
- B-25 The unnamed channel is not currently mapped by FEMA given that the tributary area is small and that the large adjacent Sweetwater River backwaters the area. As such, the current FIRM Panel depicts the flooding source as the Sweetwater River; there is no floodway within the "Unnamed Channel" as this is, effectively, an ineffective flow area. This area will not be designated as a floodway given these constraints.
- B-26 Please refer to the Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR.
- B-27 Figure 3-1 of the Final EIR has been revised to include the information requested in this comment.
- B-28 The project has been redesigned to eliminate all earthwork activities and revegetation from Caltrans ROW. Please see the revised site plan in Figure 3-1 of the Final EIR which shows the location of Caltrans ROW.
- The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comments for the Site Plan C-01 (7/2/2020)/Full Preliminary Grading Plan

- B-29 1. Site Plan provided with the DEIR is inconsistent with the Site Plan (7/2/2020) submitted to Caltrans.
- B-30 2. Site grading plan does not account for existing Caltrans 36" and 30" CSP culvert outlets (As-built 11-110184). Fill elevations at slope catch point (27.5' – 30.5') are above culvert outlets 24.7'+- (NGVD 29- 22.5').
- B-31 3. Show FEMA floodplain existing and proposed limits on grading plan with State R/W for SR-54 and I-805.
- B-32 4. Roadway embankment slope adjacent to Caltrans R/W may require a Slope Easement.
- B-32 5. For Roadway Embankment and Retaining Wall within and adjacent to Caltrans R/W or Easement- Provide SRH 2D Scour Analysis per Caltrans and FHWA Guidance.
- B-33 6. Wall design at Caltrans 10' x 6' RCB outlet will need Headquarters Structure Design concurrence.
- B-33 7. Is the RSP at Caltrans 10' x 6' RCB outlet to be reconfigured or remain in place?
- B-34 8. Caltrans 24" RCP aligned under Sweetwater Road shows no callout for extension or realignment.
- B-34 9. Show and label (size, type, etc.) all Caltrans drainage facilities within and adjacent to the Project footprint.
- B-35 10. A junction structure/cleanout at R/W line prior to entering the proposed site for Caltrans 24" RCP aligned under Sweetwater Road is required.
- B-36 11. Coordinate with Caltrans' Survey Branch to obtain SR-54 and I-805 R/W to be shown and labeled on all plans and maps containing SR-54 and I-805. Clearly label Caltrans R/W vs City/County R/W vs Private R/W.
- B-37 12. Coordinate with Caltrans' Survey Branch to obtain SR-54 and I-805 stationing, centerline, and alignment name to be shown and labeled on all plans and maps containing SR-54 and I-805.

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B-29 Figure 3-1 of the Final EIR has been updated per the redesigned project.

B-30 The grading plan has been revised to incorporate this information.

B-31 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, the project would not require a slope easement.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-32 The project is not proposing a roadway embankment and/or retaining wall. Therefore, 2D scour analyses are not required, and the project would not affect the Caltrans 10' x 6' RCB outlet.

B-33 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, the 10'x6' box will remain in place and the project would not change the Caltrans 24" RCP aligned under Sweetwater Road.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-34 Figure 3-1 of the Final EIR has been revised to include the information requested in this comment.

B-35 All proposed earthwork has been eliminated from Caltrans ROW. The Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, which has been added as Appendix J-2 of the Final EIR, determined that the project would not impact Caltrans drainage facilities. Therefore, a junction structure/cleanout at R/W line prior to entering the proposed site for Caltrans 24" RCP aligned under Sweetwater Road would not be required.

B-36 The project engineer has coordinated with the Caltrans' Survey Branch to obtain this information.

B-37 Figure 3-1 of the Final EIR has been revised to include the information requested in this comment.

B-38 **Comments on the Benefit Analysis to the State Technical Write-Up for CarMax of National City (2/18/18)**

The Benefit Analysis to the State refers to a previous design. Please provide an updated Benefit Analysis technical write-up that is consistent with current proposed site plan and design.

B-39 **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego or other lead agency, is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation system integrated through applicable "smart growth" type land use planning and policies. The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction, as well as coordinate with Caltrans as development proceeds and funds become

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B-38 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, there is no further need for a Benefit Analyses for Caltrans Encroachment.

B-39 Comment noted. Overall, the project applicant agrees with the statements contained within this comment. This comment does not raise an issue or potential inadequacy related to the content of the Draft EIR and no further response is required.

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available to ensure that the capacity of on-ramps and off-ramps is adequate, and that queues attributable to the development do not cause safety issues.

B-40 **Traffic Control Plan/Hauling**

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway System. Additional information is provided online at: <http://www.dot.ca.gov/trafficops/permits/index.html>

A Traffic Control Plan may need to be submitted to Caltrans District 11, including the interchanges at SR-54 and I-805, at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.

Potential impacts to the highway facilities (SR-54 and I-805) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

B-41 **Glare**

As stated on Section 4.1.6.1 of the DEIR, the project proposes new lighting sources including interior lighting, exterior lighting, and parking lot lighting.

The proximity of the project site to SR-54 and I-805 raises some concerns regarding potential glare that could pose a potential risk to motorists. General information was provided in the DEIR describing the reflective characteristics of these types of facilities, which is described as minimal. The project's potential glare characteristics should be considered as part of the City's/County's Permit approval. Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on SR-54 and I-805.

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B-40 Comment noted. All trucks and trailers making deliveries to the project site will comply with the California Vehicle Code and Caltrans requirements.

Although Section 4.13.1 of the Draft EIR documents that the project would implement a traffic control plan to maintain one lane of traffic in each direction on Plaza Bonita Road during relocation of the sewer line, it is not anticipated that a traffic control plan would be needed on any of the state highway facilities.

B-41 Section 4.1.6.1 of the Final EIR has been revised to state the following:

As described in Section 3.2.2.1.a, light-emitting diode (LED) lamp technologies in lighting fixtures that are full cut off with a flat lens and downcast to reduce light spill onto adjacent properties would be used on-site. This type of lighting is mounted on 26-foot-tall light poles for visibility and security. Exterior lighting would be reduced after operating hours. Implementation of these lighting features would ensure that project lighting would not affect motorist traveling on SR-54 and I-805. ~~With~~ Therefore, project lighting design and adherence to existing lighting requirements, would ensure that the project would not create a new source of substantial light and glare, and impacts would be less than significant.

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Environmental

B-42 Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

B-43 An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the DEIR.

B-44 **CULTURAL RESOURCES**

No historical resources were found within Caltrans' R/W. Based on this review, it is unlikely that the proposed undertaking has potential to affect historical resources, and therefore the proposed undertaking is exempt from further review. No additional studies are required at this time, and the CEQA cultural resource component and Public Resources Code Section 5024 compliance are complete.

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B-42 Comment noted. Coordination between the project applicant and Caltrans is expected and appreciated.

B-43 All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, no impacts would occur within Caltrans ROW requiring mitigation. Therefore, no further mitigation is required.

B-44 Comment noted.

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HAZARDOUS WASTE/MATERIALS

B-45

Phase I ESA

An Aerially Deposited Lead (ADL) study is required for disturbed soil areas both within and outside of Caltrans R/W:

- Within Caltrans R/W: Work within Caltrans R/W (via encroachment permit) will involve soil disturbance. The Permittee is responsible for proper identification (including sampling and analysis) and management of any excess soil that is removed and/or excavated from the work site. It is the Permittee's responsibility to comply with the California Department of Toxic Substances Control (DTSC) ADL requirements for soil management. "Hazardous materials and Hazardous Waste Management Special Provisions" (TR-0408) must be included in the Permit (See Appendix K of Caltrans Encroachment Permit Manual).
- A Lead Compliance plan, prepared by a Certified Industrial Hygienist (CIH), must be prepared and implemented for all workers handling the soil.
- Outside Caltrans R/W: ADL testing of soils to determine appropriate handling, transportation, and disposal requirements per regulations of the California Department of Toxic Substances Control.

B-46

STEWARDSHIP/PERMITS

Have the following permits been applied for and received by the project proponent? The following should be included in the Encroachment Permit application:

- Clean Water Act Section 404 Standard Individual Permit
- Clean Water Act Section 401 Water Quality Certification
- Clean Water Act Section 408 Public Works Permit
- Fish and Game Code 1602 Lake and Streambed Alteration Agreement

B-47

VISUAL RESOURCES

To avoid and/or minimize potential visual impacts the design permit shall perform the following:

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B-45

All proposed earthwork has been eliminated from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. These limited activities would not disturb soils within Caltrans ROW. Furthermore, as documented in Section 4.8.1.1.a of the Draft EIR, a Phase I ESA was prepared for the project to assess the presence or likely presence of any hazardous substances or petroleum products. As documented in Section 4.8.5.1 of the Draft EIR, the Phase I ESA determined that the project site is not listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5. Additionally, no known or suspected recognized environmental conditions (RECs), controlled RECs, or Historical RECs were identified on the project site or adjacent properties. The Phase I ESA determined that the potential exists for previous and current buried/concealed/hidden hazardous materials by-products, both below and above ground on the project site. However, the undocumented fill soils on-site would be removed in accordance with applicable regulations during site preparation and grading. Compliance with these applicable regulations would ensure that any aerially deposited lead (ADL) that may be present on-site would be handled consistent with Department of Toxic Substances Control requirements related to ADL.

B-46

Clean Water Act Section 404 Standard Individual Permit and Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement have been submitted and are under evaluation by the USACE and CDFW, respectively.

Clean Water Act Section 401 Water Quality Certification will be resubmitted upon the finalization of the EIR as CEQA is required to continue that permit process. The Clean Water Act Section 408 Public Works Permit is no longer required because the project has been redesigned and would not alter the existing berm and outlet structure.

B-47

Introductory comment. See responses to specific comments below.

Vegetation Protection

B-48 Protect vegetation outside of the work area limits by prohibiting material storage, parking and construction access in vegetated areas and especially under the dripline of tree canopies.

B-49 **Concrete Features**

- Integrally color drainage headwalls, ditches, channels and aprons tan;
- Retaining walls shall be integrally colored tan and be textured;

Weed Control

B-50

- Clear the Project work area of weeds before disturbing soil. Kill and remove invasive exotic plants as described below;
- Minimize soil disturbance outside the slope stake limits. Monitor and control any disturbed area from weed invasion, and revegetate the disturbed areas;
- Monitor gravel, rock, borrow, and imported topsoil being used on the Project for weeds and control weed growth with post-emergent herbicides;
- Prior to planting or seeding, germinate, kill and remove weeds;
- After planting, eradicate all weeds by use of selective, and nonselective herbicides. Hand pull weeds in plant basins;
- Kill weeds before the weeds reach the seed stage of growth or exceed 6" in height whichever occurs first;
- If using chemical weed control, it must be applied by a Qualified Applicator licensed by the California Department of Pesticide Regulations. Ensure that the product will not damage or kill the surrounding desirable plant material.

B-51 The Permittee shall kill and remove Invasive exotic plants as follows:

- All seed stalks and flower heads shall be bagged for disposal immediately after being removed.
- All above ground plant mass shall be cut and removed prior to removal of stumps, roots or rhizomes.
- Plant stumps, roots or rhizomes may be removed by chemical or manual means.
- Chemical removal shall include cutting plants off 2" above the ground and applying pesticide immediately (within one minute) to the cut.

B-48 Most of the parcel will be modified, either directly impacted by the development or modified for the construction of the on-site channel. Native vegetation within the proposed channel limits will be avoided as much as practical and fencing such as silt fencing will be installed in areas proposed for avoidance. Upon the start of construction, designated staging and parking areas will be established.

B-49 The project has been redesigned and would not alter the existing concrete features.

B-50 All ground disturbing work has been eliminated from Caltrans ROW, including revegetation activities. Therefore, most of this comment is no longer applicable to the updated project design. The project applicant will need to remove all invasive plant species from the adjacent Caltrans ROW to ensure the success of the revegetation efforts proposed within the project site. The project applicant will ensure that the Habitat Mitigation and Monitoring Plan (HMMP) for the on-site revegetation effort within Caltrans ROW is consistent with the weed control specifications in this comment.

B-51 The project applicant will ensure that the weed management within Caltrans ROW described in the HMMP for the on-site revegetation effort is consistent with the weed control specifications in this comment.

- Manual removal shall include removing the entire root crown or mass and rhizomes.
- Plant or root pieces shall not be left in or on the soil following removal.
- Stolon type weeds shall be killed with glyphosate.
- Tumbleweeds shall be removed by hand pulling before the tumbleweeds reach a height of six inches.
- Removed material shall be disposed of outside the highway R/W.

B-52 **Existing Irrigation Facilities**

- The permittee shall maintain water supply and automatic irrigation to all existing irrigation systems during the life of the contract. Water supply and control systems cannot be disrupted. Clearing, grubbing, and earthwork operations shall not be performed in areas where existing irrigation facilities (such as mainline, sprinkler control wire and irrigation crossovers) are to remain in place until existing irrigation facilities have been checked for proper operation in conformance with the provisions in "Existing Highway Irrigation Facilities" of the standard specifications.
- Existing irrigation facilities outside of work areas that are affected by the constructing work shall be checked for missing or damaged components and proper operation prior to performing clearing and grubbing or earthwork operations. The permittee shall correct deficiencies found by checking the existing facilities.
- Locate existing irrigation water line crossovers and conduits prior to working on the irrigation system. Either repair irrigation crossovers or install new ones to maintain water supply to existing irrigation systems.

B-53 **Sequence for Slope Preparation and Landscape Work**

1. Kill and remove weeds.
2. Grade slope per plan. Slopes shall be 2:1 or flatter.
3. Apply a 2" layer of compost to the newly graded area.
4. Rip the area to a 12" depth.
5. Grade to the proposed slope gradient and lightly compact.
6. Hydraulically apply straw to the slope and sheep foot punch to a 4" depth and lightly compact.
7. Install a temporary, below-grade automatic irrigation system connected to a private water meter and irrigation controller.

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B-52 All ground disturbing work has been eliminated from the Caltrans ROW, including revegetation activities. Weed removal activities are still proposed within Caltrans ROW, which is not anticipated to impact existing irrigation systems within Caltrans ROW, if present. Prior to work within Caltrans ROW, the project applicant will work with Caltrans and field crews to identify all irrigation systems, mark their locations, and ensure that no impacts occur to these systems. The project applicant will ensure that the HMMP discusses the potential for existing irrigation systems and the process to identify and avoid them.

B-53 All ground disturbing work has been eliminated from the Caltrans ROW, including establishment of slopes within Caltrans ROW. Therefore, this comment is no longer applicable to the updated project design.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

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8. Install compost socks or permanent fiber rolls.
9. Germinate and kill weeds prior to planting.
10. Plant native trees and shrubs.
11. Hydraulically-apply Biotic Erosion Control Matrix (BECM) with a native seed mix to all disturbed areas and 1/2" compost to the surface. Avoid directly spraying onto plants.
12. Hose off or irrigate plants within a week after applying BECM.

B-54 **Erosion Control Materials**

All above grade temporary and permanent erosion control measures such as fiber rolls, netting, rope, jute mesh, blankets are to be biodegradable. Photodegradable plastics may not be used. Metal stakes may not be used.

B-55 **Irrigation**

- Permittee shall provide a water source and an automatic, below-grade irrigation spray system for new slope plantings and hydroseeded areas within Caltrans R/W. These areas would be temporarily irrigated with the goal of turning water off after a **three-year** plant establishment period. Locate remote control valves within Private R/W. Install a gate valve for each remote-control valve inside Caltrans R/W with a paddle marker labeled "Caltrans Water Shut-Off" for use by Caltrans maintenance. Permanently irrigate trees beyond the plant establishment period via a separate bubbler system connected to a separate shut off gate valve.
- Spray systems shall utilize rotor type heads. Use largest radius head for the space. Spray heads on the same lateral circuit shall be balanced for matched precipitation rates. Use pop-up sprinklers on the edge in flat areas (not on a slope). Do not use pop-ups when behind guardrail or barriers. Eliminate or minimize the use of shrub sprays – only use when necessary. Drip systems are not recommended.
- Sprinklers shall incorporate flow shutoff device on risers to automatically and instantly stop the flow of water from a riser when the riser is broken on the downstream side of the device.
- Layout sprinkler systems along contours (a system on bottom of slope, a system mid slope and a system on the top). Separate half heads and full heads on their own valves. Center feed each sprinkler system. Go around

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B-54 This comment is noted. All temporary and permanent erosion control measures will be biodegradable.

B-55 The project would not require installation of a temporary irrigation system within Caltrans ROW. Hydroseed will be applied within Caltrans ROW in the fall to take advantage of natural precipitation, which would be supplemented with hand watering in discrete areas if needed. The project applicant will ensure that the irrigation section included in the HMMP for the Caltrans ROW is consistent with this response to comment.

walls wherever possible. Avoid going through walls. Install isolation gate valves when there is a long run of mainline.

- Use bubbler systems with underground bubblers for all trees. Use District 11 C-2 modified sprinklers (underground) detail for all bubblers.
- Provide irrigation crossovers where irrigation lines cross under paved surfaces such as slope paving, bike paths and maintenance access roads. Install a gate valve before (upstream) of each crossover.

Planting

B-56

Permittee shall provide the following planting to all disturbed areas:

- Planting – Coastal Sage Scrub (1 gallon): Plant entire disturbed area with the following shrubs at 8 feet on center triangular spacing: 20% California Sagebrush (*Artemisia californica*), 20% Bush Sunflower *Encelia californica*, 20% California Buckwheat *Eriogonum fasciculatum*, 20% Iva hayesiana (Poverty Weed) and 20% Black Sage (*Salvia mellifera*).
- Planting – Large Shrubs (5 gallon): Plant Lemonade berry (*Rhus integrifolia*) and Toyon (*Heteromeles arbutifolia*) near top of slope in random clusters of 3 and 5 plants. Total quantity is one shrub per 400 square feet of entire disturbed area.
- Planting – Trees (15-gallon minimum size): Plant one tree per 400 square feet of entire disturbed area. Plant upland trees such as Coastal Live Oak (*Quercus agrifolia*) at mid-slope. Plant riparian Trees such as Western Sycamore (*Platanus racemosa*) and Western Elderberry (*Sambucus Mexicana*) near toe of slope.

B-57

- Hydroseed Mix: Apply hydroseed to entire disturbed area. Seed mix shall contain a minimum of 8 southern California native plant species. Seed shall be from 25-35 lbs. Pure Live Seed/acre. Suggested seed species include: *Acmispon glaber* (Deerweed); *Deinandra fasciculata* (Fascicled Tarweed); *Encelia californica* (Bush Sunflower); *Eriogonum fasciculatum* var, *fasciculatum* (Flat-topped Buckwheat); *Eschscholzia californica* (California Poppy); *Lasthenia californica* (Dwarf Goldfields), *Lupinus bicolor* (Pygmy-Leaf Lupine); *Lupinus succulentus* (Arroyo Lupine); *Nasella pulchra* (Purple Needlegrass), and *Bahiopsis (Viguirea) laciniata* (San Diego Sunflower). Mixes are subject to the approval of the Department.

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B-56

All ground disturbing work has been eliminated from Caltrans ROW, including planting revegetation efforts on Caltrans ROW. Therefore, this comment is no longer applicable to the updated project design.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-57

Activities within the Caltrans ROW is limited to the removal of invasive species to ensure the success of the revegetation effort on the project site. If required, Caltrans ROW will be hydroseeded with a native seed mix. The project applicant will ensure that the hydroseeding specifications and seed mix for the Caltrans ROW included in the HMMP for the on-site revegetation effort is consistent with this comment.

B-58 **Plant Establishment**

- Plant Establishment shall be Type 2 for a period of **three years**.
- Weeds within plant basins, native sod and groundcover areas shall be controlled by pulling. Weeds in mulch areas and outside of basins, sod and groundcover areas shall be controlled by killing.
- Weeds within pavement, curbs, sidewalks, textured paving, guardrail and other surfaced areas shall be controlled by killing.

B-59

PLAN REVIEW COMMENTS

B-60

- Please include information on the proposed retaining wall type including easement for footings and other below grade features. Please include information on proposed architectural texture treatment, cable barrier protection and replacement of impacted chain link fencing.

B-61

- Please provide Landscape Design Plans by a qualified landscape architect; and coordinated with Caltrans for full planting, hydroseeding and irrigation of impacted areas within State R/W.

Mitigation

B-62

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the CEQA and NEPA standards.

Caltrans recommends consideration of "fair share" funds towards future improvements associated with the SR-54 corridor. Since the CarMax in National City Project's cumulative impact is considered significant, feasible mitigation measures to State facilities should be identified in the TIS and DEIR. Impacts that are significant and unmitigated/unavoidable need to have an alternative mitigation identified in the DEIR and TIS.

Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the

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B-58 All ground disturbing work has been eliminated from the Caltrans ROW, including revegetation efforts within Caltrans ROW. Therefore, this comment is no longer applicable to the updated project design.

The project design changes identified above do not require recirculation of the EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

B-59 No sidewalks, curbs, or surface areas outlined in this comment occur within Caltrans ROW adjacent to the project. Therefore, this comment is not applicable to the project.

B-60 All proposed work has been eliminated from the Caltrans ROW. Please see the revised site plan presented in Figure 3-1 of the Final EIR. Applicant to provide Drainage Report per Caltrans requirements determining no or minimal impact to Caltrans facilities. Please note while no construction is proposed within the ROW the existing transmission pole on-site may need to be relocated, in this case the transmission lines crossing the I-805 ramp may need to be relocated. The project applicant would also remove all invasive plant species from the adjacent Caltrans property for the survival of plants on-site. An encroachment permit will be obtained for this work.

B-61 All revegetation efforts within Caltrans ROW have been eliminated from the project. Therefore, Landscape Design Plans are no longer required for Caltrans ROW and will not be developed. Non-native species removal and hydroseeding within Caltrans ROW will be included in the HMMP prepared by a qualified restoration ecologist.

B-62 See response to comment B-2 above. Impacts related to the circulation network and VMT would be less than significant, and no mitigation would be required. See Sections 4.14.3.1.a and 4.14.4.1 of the Draft EIR for a further discussion of why impacts would be less than significant. It should also be noted that the San Diego Forward 2021 Regional Plan anticipates constructing additional High Occupancy Vehicle/Managed Lanes along SR-54, which would improve operations on this highway. Furthermore, Caltrans currently does not have a nexus collect fees outside of those that are already collected via TransNet in order to fund implement projects identified in the San Diego Forward 2021 Regional Plan.

Mr. Martin Reeder
December 22, 2020
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appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans may negotiate and execute a Traffic Mitigation Agreement.

B-63 **Design**

1. The following policy points from the Project Development Procedures Manual (PDPM), Chapter 17, Article 2, "Encroachments Policies" may apply to the proposed grading within Caltrans R/W.
 - a. Encroachments Prohibited by State Constitution – Caltrans has no authority to allow use of highway R/W that would be a betterment to adjacent parcels or entity or for a proposed development to be viable without equal or comparable benefit or compensation.
 - b. Encroachments Prohibited Under any Circumstance – Removal of material solely to benefit a developer or individual, such as to eliminate the need by the developer or individual to import material to their private property or to improve visibility to a development, as this is considered a gift of public funds (see the heading "Earthwork" under "Non-Utility Encroachments" in this article for more information).
 - a. Non-Utility Encroachments, Earthwork – Grading, placement, or removal of material by others in the State R/W is prohibited.
 - b. Preliminary investigation of the R/W along the northern boundary of the project site has shown that I-805 R/W, as well as SR-54 R/W, may be involved, and, therefore, any evaluation and/or required documentation regarding non-compliance with PDPM encroachment policies would involve District 11, Caltrans Headquarters, and FHWA.
 - c. A NEPA environmental determination/documentation for those areas within interstate R/W would be required.
2. Based on the information provided in the previous comment, the following policy point from PDPM, Chapter 17, Article 4, "Federal Highway Administration (FHWA) approvals may also apply to the proposed grading within the R/W."

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B-63 The project has been redesigned to eliminate all earthwork activities and vegetation from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. An encroachment permit will be obtained for this substantially reduced and limited work effort.

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- a. Non-Utility Encroachments – FHWA approval is required for all non-utility encroachments on an Interstate highway facility, including: Use of highway R/W for grading or removal of materials by other public agencies, developers, or private individuals (see bullet point 3).
- b. Per PDPM Chapter 17, Article 2, "Encroachments Policies," Encroachments Prohibited without an Approved Policy Exception– Potential drainage diversions within Caltrans R/W would require submittal of an encroachment policy exception.
- c. Proposed structures and their associated foundations, such as retaining walls, headwalls and other such features, should be located outside of Caltrans R/W.
- d. Based on the complexity and/or project cost within the Caltrans R/W, the project may be designated as an Oversight Project, which would require a highway improvement agreement (HIA). Please refer to the Encroachment Permit Manual, Section 108.1 "Oversight Projects vs Encroachment Permit Projects" for additional information.

Geotechnical Design

B-64

- There is a proposed retaining wall at the northeast side of the project area, along the Caltrans R/W. Per the Geotechnical Report, the underlying ground has high groundwater and very loose liquefiable sand. The wall will be likely founded on piles. The applicant doesn't have a Foundation time. Piling may have associated environmental impact.

Right-of-Way

B-65

- Where is the footing for the wall that is showing on the plans? Is the plan to place the footing along Caltrans R/W, and what type of wall is being proposed? The DEIR is showing a retaining wall and wing wall to be placed within Caltrans R/W as part of this project. The plans appear to propose not just grading, but a permanent structure within Caltrans R/W. Generally, Caltrans does not permit permanent structures for private land uses to be placed within Caltrans R/W.
- The outlet being modified is part of a huge drainage system. With the proposed modifications, there may be a need for an easement outside of Caltrans R/W, as the proposed improvement and modification to the outlet extends outside of Caltrans R/W.

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B-64

The project has been redesigned to remove all earthwork activities and revegetation from Caltrans ROW. Please see the revised site plan in Figure 3-1 of the Final EIR. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, the project would no longer require a retaining wall.

B-65

The project has been redesigned to eliminate all earthwork activities and revegetation from Caltrans ROW. Please see the revised site plan in Figure 3-1 of the Final EIR. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. Therefore, the project would no longer modify a Caltrans drainage outlet.

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Page 17

- B-66**
- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- B-67**
- Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <http://www.dot.ca.gov/trafficops/ep/index.html>. Early coordination with Caltrans is strongly advised for all encroachment permits.

- B-68**
- If you have any questions, please contact Charlie Lecourtois, of the Caltrans Development Review Branch, at (619) 985-4766 or by e-mail sent to Charlie.Lecourtois@dot.ca.gov.

Sincerely,

electronically signed by

MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review

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to enhance California's economy and livability"*

- B-66** Comment noted. All monuments disturbed during construction of the project are required to be replaced in kind and a Record of Survey will be filed by a licensed land surveyor.

- B-67** The project has been redesigned to eliminate all earthwork activities and revegetation from Caltrans ROW. The redesigned project would limit work within Caltrans ROW to manual removal of invasive plant species and the possible relocation of transmission lines crossing the I-805 ramp. An encroachment permit will be obtained for this substantially reduced and limited work effort.

- B-68** Comment noted.

Letter C



SWEETWATER AUTHORITY

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December 16, 2020

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Martin Reeder, AICP
Principal Planner
City of National City, Planning Department
1243 National City Boulevard
National City, CA 91950

Subject: Response to Draft Environmental Impact Report for the National City
Car-Max Project
SWA File: (Dev) Car-Max

Dear Mr. Reeder:

C-1

Sweetwater Authority (Authority) has received a Notice of Intent and Availability (NOI/NOA) for environmental review and comment on the Draft Environmental Impact Report (DEIR) for the National City Car-Max (Project), within the City of National City. Per the provided Project Description in the DEIR, the Project would construct a pre-owned automobile dealership, service building, and non-public carwash with associated drives, parking lots and landscaped areas within approximately 7.13 acres of the 15.09-acre site. Some areas within the site would be used as open space and for passive water treatment facilities (e.g. green stormwater infrastructure). The Project would be located just north of the lower Sweetwater River channel, west of Plaza Bonita Road, and south of Sweetwater Road. The Authority provides the following comments and requests:

C-2

PUBLIC UTILITIES / WATER FACILITIES

1. The existing 30-foot wide easement recorded on August 12, 1980 for water facilities, located east of the project site, is owned by the Authority. A critical 18-inch water transmission main exists within this water easement. The area within this easement cannot be used as a habitat mitigation site. The Authority requests that the easement area not be restored with trees or shrubs, as this may potentially adversely impact the pipeline and/or conflict with future maintenance needs, repairs, or emergency actions taken by the Authority. While low growing, non-sensitive vegetation may be used to provide erosion control, it is preferred that the project proponent install non-biological erosion control materials within the impacted water easement area.
2. Grading within the water easement requires the approval of the Authority. Grading plans shall be submitted to the Authority for approval prior to any grading activities

A public water agency serving National City, Chula Vista and Bonita



C-1

Introductory comment. Responses to specific comments in this letter are provided below.

C-2

Comment noted. The project's Grading Plans will be submitted to the Sweetwater Authority for review. Due to Agency review and comments, the project would not disturb the area of the site where the pipe crosses the property. There would be no impacts to this area, so the project would not be responsible for the relocation of this pipe.

to check final depth of cover over the existing water transmission main, especially under the proposed channel on the east side of the project site, and to identify temporary or permanent measures which may be necessary to protect the pipeline. A minimum ground cover of 4 feet above the top of the existing pipeline will be required.

- C-3 3. If 1 and 2 above cannot be accomplished by the project proponent, the Authority requests that the water main within the 30-foot easement be relocated to the public Right-of-Way (ROW) on Plaza Bonita Road and be reconnected to the existing 18-inch water main in Sweetwater Road at the expense of the project proponent and subject to the design and construction standards of the Authority.
- C-4 4. The Project would require the installation of new water facilities (i.e., service laterals and water meters). New water facilities shall be placed in public ROW and meet Authority design and construction standards. This requirement will be verified as part of the plan review process when water service is requested.
- C-5 5. The adequacy of the proposed facilities to supply water for domestic and fire protection use will be determined at the time of plan submittal and application for water service. Fire flow requirements shall be established by the National City Fire Department. A design requirements letter was provided to Centerpoint Integrated Solutions on November 21, 2019.

HYDROLOGY / WATER QUALITY

- C-6 6. To fully prevent hydrocarbons from entering the groundwater aquifer and the stormwater conveyance, stormwater Best Management Practices (BMPs) for the Project shall be required to be consistent with the City of National City's (City) BMP Design Manual and in compliance with the applicable MS4 permit and/or other applicable State General Permit(s) for discharges of stormwater.
- C-7 7. The Project includes the installation of an above ground storage tank for gasoline. The Authority requests that the design of this above ground storage tank includes secondary containment to minimize the potential of groundwater or stormwater contamination. The absence of secondary containments may be considered a potential risk and an impact to groundwater resources managed by the Authority.
8. In December 2016, the Authority provided comments to the City as part of the review period for the Notice of Preparation of the DEIR for the subject Project. In its 2016 letter, the Authority requested the installation of a monitoring well to monitor groundwater quality and ensure that Car-Max operations do not result in

C-3 Comment noted. The project would be able to accomplish 1 and 2. See Response to Comment C-2 above.

C-4 Comment noted.

C-5 Comment noted. The project is proposing underground storage and modular wetlands for treatment of the stormwater runoff. Additionally, the project would have an aboveground fuel storage tank with a double wall design and a fuel dispenser. A grease trap for the carwash and fuel dispenser will also be installed.

C-6 The aboveground fuel storage tank will have a double wall design to provide an additional level of containment protection. The aboveground tank will have a secondary containment pit and will be equipped with an alarm system for detection of spills and leaks. The aboveground tank will be fully permitted in compliance with the County of San Diego Department of Environmental Health (DEH) standards. Regular inspections will be performed in accordance with DEH requirements.

C-7 Comment noted. A sampling location at the discharge of the on-site modular wetland and underground storage will be provided. Any necessary water samples may be taken directly from the project site's discharge point.

Martin Reeder
Re: Response to DEIR for the National City Car-Max Project
December 16, 2020
Page 3 of 3

the deterioration of groundwater quality. As noted in the DEIR Section 4.9.1.1, the Authority owns multiple wells in the vicinity of the project site, the proposed Project can be considered a potentially contaminant activity to wells and groundwater if implemented and operated without the appropriate mitigation measures and monitoring. The Authority requests the installation of a monitoring well just downstream of the discharge point of the project site to continue ensuring groundwater quality protection.

C-8 Thank you for providing a copy of the NOI/NOA for the DEIR for the Project. If you have any questions, please contact Luis Valdez, Engineering Manager, at (619) 409-6751, or lvaldez@sweetwater.org.

Sincerely,

SWEETWATER AUTHORITY



Ron R. Mosher, P.E.
Director of Engineering

RM:IM:ah

cc: Jennifer Sabine, Sweetwater Authority
Luis Valdez, Sweetwater Authority
Erick Del Bosque, Sweetwater Authority
Mark Hatcher, Sweetwater Authority
Israel Marquez, Sweetwater Authority

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C-8 Comment noted.



Letter D

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December 21, 2020

Martin Reeder, AICP
Principal Planner, Planning Division
1243 National City Boulevard
National City, CA 91950

Via Electronic Mail
mreeder@nationalcityca.gov

RE: National City CarMax Project
Draft EIR Comments

Dear Mr. Reeder:

D-1

Please accept the following comments regarding the proposed National City CarMax project (Project) on behalf of our clients San Diego Coastkeeper (Coastkeeper) and Coastal Environmental Rights Foundation (CERF). Coastkeeper is a non-profit public benefit corporation with its main office in San Diego, California. Coastkeeper is committed to protecting and restoring the San Diego region's water quality and supply. A member of the international Waterkeeper Alliance, San Diego Coastkeeper's main purpose is to preserve, enhance, and protect San Diego's marine sanctuaries, coastal estuaries, wetlands and bays from illegal dumping, hazardous spills, toxic discharges, and habitat degradation. Similarly, CERF is a non-profit public benefit corporation with its office located in Encinitas, California. CERF was founded by surfers in North San Diego County and is active throughout California's coastal communities. CERF was established to advocate for the protection and enhancement of coastal natural resources and the quality of life for coastal residents. One of CERF's primary areas of advocacy is water quality protection and enhancement.

After initial public opposition and agency denials, the proposed Project has seemingly been resurrected without a hotel component. Nonetheless, serious environmental issues remain. The Sweetwater River and San Diego Bay are impaired for numerous constituents under the Clean Water Act. Altering its natural course and locating a commercial enterprise of this nature directly adjacent to Sweetwater River will result in negative environmental impacts. As detailed below, CERF and Coastkeeper urge the City to update the Draft Environmental Impact Report (DEIR) to foster informed decision-making and public participation.

I. CEQA is Intended to Be Interpreted Broadly

The Supreme Court has repeatedly observed that the Legislature intended CEQA to be interpreted to afford the fullest possible protection to the environment within the

D-1

Introductory comment. Responses to specific comments in this letter are provided below.

reasonable scope of the statutory language. (See, e.g., *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563–564). Central to CEQA is the EIR, which has as its purpose informing the public and government officials of the environmental consequences of decisions before they are made. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392, 253). “Political accountability, informed self-government and environmental protection are promoted by the information and disclosure functions of CEQA.” (*POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 715, fn. 23).

Here, the draft EIR fails to sufficiently analyze all of the Project’s significant environmental impacts.

II. The DEIR Fails to Adequately Analyze the Projects Impacts

A. Hydrology and Water Quality

- D-2 As a reworked environmental document, relies of the originally proposed Project remain. (See, DEIR, p. S-5 [No project alternative would not meet objective of “providing tourist opportunities through development of a hotel.”]; p. 4.6-7 [“Similarly, the future hotel would also be susceptible to lateral spreading in the event of the design earthquake.”]). The reworked DEIR contains numerous typos, undermining the credibility of the document as a thoughtful and thorough reflection of the Project’s potential impacts. For example, the water quality analysis Issue 3 is missing the fourth bullet point for analysis (“impede or redirect flood flows”).¹ (DEIR, p. 4.9-10; see also, p. 4.9-5). More importantly, the analysis itself is seriously lacking. The Project would alter the existing course of a creek just above the point of confluence with the Sweetwater River. The DEIR summarily states:
- D-3
- D-4

The project would alter the existing drainage pattern by constructing an earthen channel that would traverse the northwestern boundary of the property. Although the proposed earthen channel would be smaller than the existing unnamed creek floodplain/ponding area, this alteration would be minor because the inflow points and outflow points would remain the same, and the earthen channel would be designed with adequate flow velocities to avoid erosion or overflows. (DEIR, p. 4.9-10).

Appendix J purportedly supports the DEIR’s drainage pattern impact analysis, which focuses on the 24 hour/100 year peak year storm event. (*Id.*). Appendix J reveals the analysis is quantified in a “regional manner” and “no attempt will be made to analyze in detail how the 7.2 acre CarMax development runoff is routed to the proposed channel but

¹ Because of the typographical omission for Issue 3, the DEIR fails to include analysis of the Project’s impacts to impede or redirect flood flows.



D-2 The references to the hotel identified in this comment have been deleted from the Final EIR.

D-3 The fourth bullet point from issue 3 was inadvertently omitted and has now been added to Section 4.9.5 of the Final EIR. Regardless of the non-substantive, typographical omissions, Section 4.9.5 of the Draft EIR did evaluate potential impacts associated with flooding and showed that the project would not impede or redirect flood flow. The channel will continue to accept runoff from all existing outlet points into the channel and the unnamed creek will continue to discharge into Sweetwater River at the same location. Section 4.9.5 of the Draft EIR documents that the project would not impede or redirect flood flows by stating the following:

Although the proposed earthen channel would be smaller than the existing unnamed creek floodplain/ponding area, this alteration would be minor because the inflow points and outflow points would remain the same, and the earthen channel would be designed with adequate flow velocities to avoid erosion or overflows. This earthen channel would preserve the existing drainage pattern where feasible, and would connect to the existing 48-inch storm drain that outlets to the Sweetwater River to convey storm water to the San Diego Bay.

Additionally, the project would also construct a storm water conveyance system from the proposed CarMax facility to the proposed earthen channel that would consist of a modular wetland system, an underground detention system, a green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. During the occurrence of a 24 hour/100 year storm event, the proposed conveyance system would reduce the overall stormwater peak flow of the unnamed creek from 1,390.4 cubic feet per second (cfs) in the existing condition to 1,389.7 cfs in the post-project condition. Although the post-project runoff volume would slightly increase from 380.7 acre-feet (ac-ft) in the existing condition to 382.0 ac-ft in the post-project condition during a 24 hour/100 year storm event, this increase would represent less than one percent of water volume under existing conditions, and water would overtop the existing levee separating the project site from the Sweetwater River in the same manner as it currently does under existing conditions (see Appendix J-1).

D-3 (cont.)

Section 4.9.5.2 of the Final EIR has been revised to state the following:

Therefore, the project would not substantially alter the existing drainage pattern in a manner that would result in substantial erosion or siltation, result in flooding on- or off-site, ~~or~~ exceed the capacity of existing or planned stormwater drainage systems, or impede or redirect flood flows, and impacts would be less than significant.

Therefore, the EIR documented that the project would not impede or redirect flood flows, and has been revised to present the applicable threshold that was inadvertently omitted.

D-4

Due to the small size of the project development in relation to the contributing drainage basin and the multiple discharge points into the Creek, it is more appropriate to perform a confluence analysis of each of the three major discharge points into the Creek. The runoff from the project development is included in one of these sub-basin tributary to the Creek (DMA-3). See the Hydrology Study (Regional) – “Hydrology Analysis for CarMax at National City.

A separate Hydraulic Study was prepared in Final Engineering, titled Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, that has been added to the Final EIR as Appendix J-2. This evaluated how the project would affect the Caltrans drainage system(s) and City conveyance system(s) that are currently discharging into the existing unnamed creek. Section 4.9.5.1 of the Final EIR has been revised to state the following:

~~The project is currently evaluating all drainage systems discharging into the proposed earthen channel to confirm the following:~~

- ~~• That the minor increase in water elevation downstream (at their discharge end) would not negatively impact the conveyance capacity of those systems, or~~*
- That the discharge structure of any system that is impacted by the increase in water elevation would be improved in such a way that the hydraulic improvement of the discharge structure would compensate for the minor additional water elevation the system needs to discharge after the project is completed.*

D-4 (cont.)

A hydraulic analysis was subsequently conducted to evaluate whether the resulting tailwater would affect the Caltrans drainage system(s) and City conveyance system(s) that are currently discharging into the existing unnamed creek (Appendix J-2). This analysis utilized an HEC-RAS hydraulic model to calculate the existing and proposed water surface elevations for the following stormwater facilities that drain into the existing unnamed creek:

- A 36-inch pipe discharge that starts at Sweetwater Road and drains some ramps of the complex intersection between I-805 and SR-54.
- A 30-inch pipe discharge that starts at Valley Road, continues to Valley Road/Sweetwater Road, and drains adjacent to the ramps of the intersection between I-805 and SR-54.
- A 6-foot by 10-foot culvert that drains a significant portion of Valley Road and that originates the change in flow evaluated in the HEC-RAS model.
- A 24-inch and 18-inch pipe system draining a section of SR-54 (downstream of the 30-inch pipe discharge that starts at Valley Road) and a landscape area adjacent to it.

The Hydraulic Analysis determined that the water elevation at the discharge points listed above would increase from 0.01 to 0.11 feet. The Hydraulic Analysis then conducted a hydraulic grade line (HGL) analysis, which determined that the HGL of the unchanged flows for all four discharge points would increase from 0.00 to 0.11 feet. The Hydraulic Analysis determined that these increases in HGL would not adversely affect the ability of any of these existing storm drainage systems to safely convey peak runoff (Appendix J-2).

Therefore, the project would not adversely affect the ability of any of the existing storm drainage systems to safely convey peak runoff.

D-5 rather how this development occupying less than 0.4% of the total contributing area impacts the unnamed creek in both peak flow and runoff volume.” (DEIR, Appendix J, p.2). This analysis appears to focus on the size of the Project as a percentage of the contributing area, as opposed to the size of the Creek and its inundation zone and the proposed significant reduction in its size. The Project would “recounter and redirect” 2,012 linear feet of the Creek, in violation of the General Plan Conservation and Sustainability and Open Space and Agriculture Elements and displace over 7 acres of the Creek and its floodplain. (DEIR, p. S-2, Table 4.10-1 Policy CS-3.1, OS-2.2). Moreover, with climate change the historical flood zones as well as the 100-year storm modeling must be updated. Just last year San Diego County experienced several high intensity storms in a short period of time, undermining the use of the 24-hour/100-year storm as the benchmark.

D-6 Further, within Appendix J an analysis performed by DMAX includes a comment that “the hydraulic impacts associated with the storm drain systems at the upstream end appear to be more critical due to the higher water surface elevation change. At a minimum, provide a brief narrative describing the hydraulic impacts and how they may be mitigated, if necessary, during the final engineering process.” (Appendix J, Appendix 5, DMAX Comments, p. 3). Without support, the DEIR simply states the raised water elevation at the upstream end of the channel would remain contained within the proposed earthen channel and would not cause uncontrolled flooding. (DEIR, p. 4.9-11). Nonetheless, the DEIR acknowledges flooding and drainage impacts have not been fully analyzed because the Project is “currently evaluating all drainage systems discharging into the proposed earthen channel to confirm the following:

- That the minor increase in water elevation downstream (at their discharge end) would not negatively impact the conveyance capacity of those systems, or
- That the discharge structure of any system that is impacted by the increase in water elevation would be improved in such a way that the hydraulic improvement of the discharge structure would compensate for the minor additional water elevation the system needs to discharge after the project is completed.” (DEIR, p. 4.9-11).

“Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate...does not constitute substantial evidence.” (CEQA Guidelines §15384(a)). As a result, the DEIR fails to provide sufficient discussion to facilitate informed public participation. There must be a disclosure of the analytic route the agency travels from evidence to action. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 513). The DEIR’s conclusory statements are not adequately supported by facts and analysis contained therein. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83). As a result, the DEIR fails as an informational document.

D-7 Moreover, the DEIR completely ignores the increased pollutant loading that will result from the Project. First, the Project itself will result in an increase in nutrients, metals,



D-5 The project would be consistent with General Plan Policy CS-3.1’s goal to “Protect rivers, watersheds, reservoirs and groundwater as a water supply source through flood control measures and the use of stormwater best management practices (BMPs) that protect water quality.” The unnamed creek does not serve as a water supply source and the project would implement water quality BMPs identified in the SWQMP prepared for the project that are described in Draft EIR Section 4.9.3-1. The project is coordinating with CDFW to establish appropriate mitigation consistent with General Plan Policy OS-2-2’s goal to “Preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by working with California Department of Fish and Game.”

The drainage analysis presented in the Hydrology Analysis, which has been renumbered as Appendix J-1, was prepared utilizing the Rational Method and NRCS Method in accordance with the San Diego County Hydrology Manual. These are the only approved drainage analysis methods in San Diego County. The 100-year storm is also considered the national benchmark in which most drainage facilities are sized for.

Instead of using precipitation values from the 2003 San Diego County Hydrology Manual, the analysis utilized precipitation values from the National Oceanic and Atmospheric Administration (NOAA), which are the most up-to-date precipitation values available and are considered to be more accurate than the County precipitation values.

D-6 A detailed analysis of the channel was performed in the report titled Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City that has been added to the Final EIR as Appendix J-2. This Appendix J-2, and the EIR, constitutes substantial evidence to support the conclusions identified in the EIR.

See response to comment D-4 above.

D-7 The project would utilize Modular Wetland Systems, a proprietary biofiltration device developed by Bio Clean, to treat runoff leaving the project site. Modular Wetland Systems have a proven track record in treating storm water runoff and is approved for use in California, as well as the RWQCB. The underground storage tanks downstream from the Modular Wetland Systems will have an open bottom to allow for infiltration. This infiltration will provide further treatment opportunities before project site runoff is discharged into the Creek. These BMPs fully comply with the National City BMP Design Manual and RWQCB Order No. R9-2013-0001 (as amended). Furthermore, the project incorporates a grease interceptor to collect and direct pollutants from the car wash and fuel station to the sewer to prevent contamination of storm water runoff.

There is substantial evidence in the record to support the conclusions identified in the EIR as it relates to the treatment of potential pollutants.

D-8 particulates and dissolved solids as a result of Project operations, including the car wash, service station and above-ground fuel storage tank. (DEIR, pp. 3-2-3-5). The DEIR presumes simply employing best management practices (BMPs) such as modular wetlands will reduce pollutant loading to a less than significant level. (See, DEIR, Appendix I). However, the DEIR fails to analyze the Project's impact on water quality due to the substantial fill and alteration of the natural drainage course. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 ["In each instance, notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant."]).

The Project proposes over 166,000 cubic yards of fill. (DEIR, p. 4.9-12). As a result, a substantial portion of the Creek and its floodplain will no longer filter pollutants during dry weather or smaller storms. This will adversely affect water quality by reducing the ability of sediment and vegetation within this area to remove and retain urban pollutants from surface water. Vegetation and sediment have the ability to remove urban pollutants through absorption and/or adsorption. The Project's impact to 15.12 acres of vegetation communities and land cover will result in significant negative impact to water quality in Sweetwater River.

D-9 B. Biological Resources

The Project's biological impacts will purportedly be mitigated to a less than significant level through habitat restoration and mitigation. However, the Project DEIR does not analyze the impacts of the proposed restoration and enhancement activities on established non-native vegetation, which still provides both habitat and water quality benefits through pollutant uptake. (See, CEQA Guidelines §15126.4(a)(1)(d) ["If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)"]. In addition, the proposed mitigation is will only be maintained and monitored for up to five years. (DEIR, p. 4.3-24). The Project, and its impacts, will last much longer than five years. (See, DEIR, p. 4.7-12). The DEIR also acknowledges Caltrans owns some of the offsite restoration acres and therefore they may be impacted in the future. (DEIR, p. 4.3-25). Thus, these mitigation measures are insufficient to reduce the Project's impacts to a less than significant level.

D-10 C. Geology and Soils

D-11 The DEIR found the Project site may be prone to earthquake-induced settlement and that the onsite deposit materials are unsuitable to support the CarMax facility. (DEIR, p. 4.6-7). However, the DEIR does not discuss how the Project proposes to address the potential liquefaction, lateral spreading or earthquake hazards. Rather, it points to a geotechnical evaluations and site preparation recommendations in Appendix F. (*Id.*).



D-8 The portion of the creek being filled as a result of the development is *de minimis* in relation to the upstream drainage area and treatment opportunities (only 0.4 percent of drainage basin area). An area of this size cannot provide significant treatment. The project site as it currently exists is not intended to be a regional BMP to treat upstream runoff. All on-site runoff will be treated prior to discharging into the channel in accordance with the National City BMP Design Manual and RWQCB Order No. R9-2013-0001 (as amended). Furthermore, the proposed on-site drainage is being rehabilitated with native vegetation to create a more beneficial habitat than currently exists on-site.

There is substantial evidence in the record to support the conclusions identified in the EIR as it relates to the hydrology and water quality impacts.

D-9 The project's impacts on non-native habitats do not require mitigation or restoration activities. National City does not have codified mitigation ratios. Therefore, the County of San Diego mitigation ratios were used as a guide, which do not require mitigation for non-native habitats. As such, the non-native habitats that occur within the project area do not require mitigation (County of San Diego. 2010. Biological Mitigation Ordinance, Attachment M). The vast majority of the impacted area occurs within nonnative habitats. Impacted nonnative habitats will be revegetated with native wetland, riparian, and upland habitats with the exception of the urban/developed areas. Therefore, no revisions are required per this comment.

There is substantial evidence in the record to support the conclusions identified in the EIR as it relates to the biological resource impacts.

D-10 The on-site mitigation will be maintained and monitored for a minimum of 5 years until the success criteria have been met. Once success criteria are met, the on-site mitigation will then enter long-term management and maintained in perpetuity. CarMax will be responsible for funding the long-term management in the form of a non-wasting endowment. Therefore, the on-site mitigation will continue to be maintained in-perpetuity to ensure that the site continues to flourish. Mitigation measure MM-BIO1 of the BTR, which is presented as mitigation measure MM-BIO-6 of the Final EIR, has been revised to clarify that a land protection mechanism is

D-10 (cont.)

proposed over the site, as well as long-term funding to protect and manage the on-site mitigation in-perpetuity, by adding the following statement:

On-site mitigation would be protected in-perpetuity, recording a land protection mechanism over the site. On-site mitigation would enter into long-term management once 5-year success criteria are met. CarMax would be responsible for funding the long-term management through the funding of a non-wasting endowment.

In addition to the on-site restoration activities, a minimum of 0.78 acre of off-site ~~Mitigation may also be~~ in the form of waters of the U.S and State restoration and enhancement credits would also be purchased at an Approved Mitigation Bank. Final off-site mitigation requirements will be determined through the approval process with the resource agencies.

D-11 See above response for D-9.

Additionally, all Caltrans ROW and existing easements have been removed from the acreages reported for mitigation in Table 7-1 of the BTR and Table 4.3-4 of the Final EIR. Although these areas will still be restored and maintained, they are not being counted as mitigation for this project. The combination of the on-site restoration and the additional off-site mitigation will sufficiently reduce the project's impacts to a level less than significant.

D-12 The City sent the Geotechnical Evaluation to the Coast Law Group for review on June 28, 2021 and requested that they provide comments by July 15, 2021.

However, Appendix F was not provided with the DEIR and only made available upon request. Upon request for the information, Coast Law Group received a message that City Hall was furloughed from December 21, 2020 to December 31, 2020. Therefore, informed public participation on this issue is impeded.

D. Greenhouse Gas Impacts

D-13 Lastly, the Project's greenhouse gas analysis presumes default vehicle emission factors for year 2022 and an average trip length of 7.48 miles. (DEIR, p. 4.7-10). However, more recent SANDAG data shows average trip length is between 10 and 12.1 miles. (See, https://sdforward.com/docs/default-source/2021-regional-plan/critical-connections-webinar-slides_final.pdf?sfvrsn=24a3f865_2). Further, the Project is inconsistent with the City's Climate Action Plan. (DEIR, Table 4.7-7). The Project converts open, green space into impervious fill, replacing a carbon sink with a used car sales facility. Specifically, the Project is inconsistent with the CAP's Transportation and Land Use policies, resulting in increased use of polluting vehicles and increased parking, and disincentivizing the use of walking, bicycling, and public transit. (CAP, p.4-4).

D-15 The Project's GHG impacts are not only under-represented in the DEIR, but the significance threshold applied hides the Project's true impacts. Rather, at a minimum, the Project should assess its compliance with the CARB Scoping Plan Update. "Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (2017 CARB Scoping Plan Update, p. 102). Where a new development completely replaces open space and habitat, including natural habitat with sequestration potential, a no net increase is a more appropriate project-level threshold.

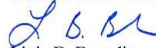
III. Conclusion

D-16 As explained above, the draft EIR fails to adequately analyze all of the Project's significant impacts. In light of the site's historical use, issues with encampments, and development restrictions, the Project site should be maintained and restored. The proposed Project should be relocated to an alternative location, such as the former Harbor Drive-In site adjacent to the swap meet location, where its impacts are truly minimized.

D-17 Thank you in advance for your consideration of our comments.

Sincerely,

COAST LAW GROUP LLP


Livia B. Beaudin



D-13 The source of the data provided in the webinar slides is unclear and does not appear to be an official source. Therefore, it does not constitute reliable evidence for the evaluation of potential impacts associated with GHG.

However, even taking the data presented in the slides into account, the conclusion related to GHG impacts does not change. The slides suggest that the average trip length for National City is 10 miles. The project's GHG emissions modeling was based on EMFAC 2017 regional trip lengths prepared by California Air Resources Board, which is the official source that can be relied upon for GHG emissions modeling. Since preparation of the GHG analysis and circulation of the Draft EIR, a newer version of EMFAC has been released. EMFAC2021 shows that the average trip length for the County would be 7.63 miles in 2022 (<https://arb.ca.gov/emfac/emissions-inventory/>). Using an average trip length of 7.63 miles would increase the vehicle emissions calculated in the GHG analysis by 2.0 percent, or approximately 8 metric tons for a project total of 566 metric tons. Using an average trip length of 10 miles as suggested in this comment would increase the vehicle emissions by 33.4 percent, or 129 metric tons, which would result in a project total of 687 metric tons. In both cases, emissions would still be less than the applicable threshold of 3,000 metric tons. Furthermore, the SANDAG SB 743 VMT map (<https://www.arcgis.com/apps/webappviewer/index.html?id=5b4af92bc0dd4b7babbce21a7423402a>) indicates that the VMT per capita is 91.0 percent of the regional mean for the project area and the VMT per employee is 85.1 percent of the regional mean. Based on this data, GHG emissions would not exceed the applicable screening threshold and would be less than significant.

D-14 As summarized in Table 4.7-7 of the Draft EIR, the project is consistent with the CAP's transportation and land use policies, specifically policy A2.a.1 which promotes Smart Growth by fostering land use intensity near, along with connectivity to, retail and employment centers and services to reduce VMT.

D-14 (cont.)

While the project site is currently undeveloped, development of the project site does not specifically conflict with CAP GHG reduction goals. The CAP goal to conserve open space applies to government operations and is not specifically applicable to the project site. The CAP assumed future development within the City would occur based on existing land use designations within the City's approved General Plan when it was prepared in 2011. Therefore, the CAP inventory assumed the project site would be developed based on the original Major Mixed-Use land use designation that existed in 2011. The project proposes a General Plan Amendment to change the existing land use designation of the CarMax portion of the project parcel from Major Mixed-Use to Service Commercial. Therefore, the project would generate fewer vehicle trips than was assumed under the existing land designation when the CAP Inventory was prepared in 2011. Furthermore, the project does not interfere with CAP implementation since the CAP has already achieved its 2020 GHG reduction goal, and it sets the City on a trajectory towards post-2020 reductions. Therefore, no revisions have been made per this comment.

D-15

An evaluation of the project's consistency with the 2017 Scoping Plan has been added to pages 23 and 26 of the Greenhouse Gas Analysis and page 4.7-16 of the Final EIR. While the Scoping Plan does identify the no net increase as one threshold option, it is not the only threshold that can be applied for analyzing a project's significance related to cumulative GHG impacts. In fact, the 2017 Scoping Plan goes on to state that "Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science" (2017 Scoping Plan p. 102). The footnote provided with this statement goes on to state "CARB provided some guidance on development project thresholds in a paper issued in October 2008, which included a concept utilizing a bright-line mass numeric threshold based on capturing approximately 90 percent of emissions

D-15 (cont.)

in that sector and a concept of minimum performance based standards. Some districts built upon that work to develop thresholds.” As stated in Section 4.7.2 of the Final EIR, the 3,000 metric ton screening threshold is based on this 90 percent capture rate.

D-16 Comment noted. Alternative sites have been evaluated and rejected consistent with the CEQA process. All project impacts have been disclosed and it is within the purview of the City decision makers to approve the project.

D-17 Comment noted.



Letter E

December 26, 2020

Martin Reeder
Principal Planner, Planning Division
1243 National City Boulevard
National City, CA 91950

via email: mreeder@nationalcityca.gov

SUBJECT: San Diego Audubon Comments on Draft EIR for National City CARMAX Project

Dear Mr. Reeder,

E-1 Please accept these comments on behalf of the San Diego Audubon Society and our 3,000+ members, about the adequacy of this EIR and the suitability of the project for this site based on the information provided in the EIR

E-2 The wetland and riparian habitat of this area have been degraded over the decades because of poor management and inappropriate use. The EIR appears to use that poor management as an excuse to justify destroying its potential habitat value.

E-3 The EIR points out that this portion of the River is used by yellow warblers and yellow-breasted chat, important riparian species, and endangered wetland species Ridgway's rails. Therefore, this is a very important location. The EIR claims that after reducing the open space area to 2.8 acres from 15 acres, that remaining open space area will still have comparable wildlife support value. It makes this claim in the basis that the project will restore native vegetation on the site and maintain it for five years after the restoration. As such, the project would not provide any additional mitigation for the loss of about 81% of the open space area.

A number of factors suggest that the remaining 2.8 acres of open space would actually have far less wildlife support value than the current 15 acres. Being realistic, something like 15 acres of mitigation should be provided, or the project should be rejected and relocated to a less environmentally sensitive location.

The EIR claims that the site improvements will improve the quality of the habitat and thus its value to wildlife. However the EIR proposes to only maintain the habitat for five years. It does not mention that after the five years, the 2.8 acres would probably return to a inappropriate uses and degraded condition, as the 15 acres is now. However, the drainage from the unnamed creek will be flowing through the 2.8 acres instead of the 15 acres making the concentration of trash, pollutants, weed seeds, etc. much higher than its present condition. It is likely that the 2.8 acres would probably end up in a more degraded condition than the current condition, and certainly not eight times more productive as the EIR claims.

E-4 The project will suffer significant edge-effects that would diminish the wildlife support value of the remaining 2.8 acres. The EIR states that the buffer between the development and the wetland channel would vary from 5 to 25 feet. A buffer of 100 feet is normally considered appropriate to

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E-1 Introductory comment. Responses to specific comments in this letter are provided below.

E-2 The importance of all habitats regardless of its degradation is acknowledged, but mitigation obligations are based on the existing quality of habitat at the time the baseline is established for the project, as required by CEQA. In order to provide an accurate description of baseline conditions, the degradation of wetland and riparian habitat has been discussed including the causes of that degradation. CarMax has worked with the Resource Agencies (USACE, RWQCB, and CDFW) to identify the remaining habitat value of the on-site habitat and provide project design features and mitigation measures that will reduce and minimize project impacts as much as is practicable. Additionally, the project includes the development of an on-site channel to ensure that remaining habitat is retained on-site, to the greatest degree feasible.

E-3 A total of 7.16 acres of habitat will be permanently impacted by the project (see Table 5-1 and 7-1 of the BTR and Table 4.3-1 and Table 4.3-4 of the Final EIR), which would result in a loss of 47 percent of open space area. Of the 15.08-acre parcel, 7.99 acres will be restored and remain as habitat post-construction. The 2.80 acres referred to in this comment is the net gain of native habitat that would be restored on-site above what is anticipated to be required for mitigation.

Therefore, more than half (53 percent) of the project site would remain as open space. All temporarily impacted habitat would be revegetated and included in the 5 years of maintenance and monitoring. Once the 5-year success criteria are met, the project's HMMP requires long-term management where the habitat will be maintained in perpetuity, as well as the funding of a non-wasting endowment. Therefore, the restored habitat will not revert to its former degraded state and, instead, will continue to be actively managed in perpetuity. MM-BIO1 of the BTR, which is presented as mitigation measure MM-BIO-6 of the Final EIR, has been revised to clarify that a land protection mechanism is proposed over the site, as well as long-term funding to protect and manage the on-site mitigation in-perpetuity, by adding the following statement:

E-3 (cont.)

On-site mitigation would be protected in-perpetuity, recording a land protection mechanism over the site. On-site mitigation would enter into long-term management once 5-year success criteria are met. CarMax would be responsible for funding the long-term management through the funding of a non-wasting endowment.

In addition to the on-site restoration activities, a minimum of 0.78 acre of offsite ~~Mitigation may also be~~ in the form of waters of the U.S and State restoration and enhancement credits would also be purchased at an Approved Mitigation Bank. Final offsite mitigation requirements will be determined through the approval process with the resource agencies.

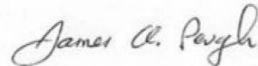
E-4

The project would provide on-site and off-site compensatory mitigation for impacts on wetlands in accordance with state and federal laws. National City does not specify that wetland buffers are required; however, the Project's HMMP requires the restoration planting design to include adequate wetland buffers as determined in consultation with the Resource Agencies. Therefore, no revisions are required per this comment.

preserve the habitat value of a wetland. This buffer certainly would not.

- E-5 Over much of the length of the project a building will be adjacent to the east side of the habitat area. This would mean that animals in the habitat area would not be able to see avian predators coming from the east at a distance and would be much more vulnerable to predation. Or, if the wildlife sense that vulnerability and avoid using that side of the habitat area, the effective habitat area would be made much smaller than the 2.8 acres.
- E-6 Similarly, the project site will be illuminated by light fixtures that are 26.5 feet high. The illumination from that sort of lighting will be scattered far into the habitat area at night and will give nocturnal predators a dramatic advantage over wildlife in much of the habitat area. This will significantly reduce the survivability of wildlife in the habitat area and therefore reduce the wildlife support value of the remaining 2.8 acres of habitat even more.
- E-7 It is extremely inappropriate to pretend that this very vulnerable habitat area would be appropriate as habitat for a Federally Endangered Species such as the Ridgway's Rail.
- E-8 The bypass channel will have limited value for wildlife. It will have some degree of hardening to keep it from eroding. This hardening will reduce the growth of wetland vegetation, which typically does better in soft soil. In addition, the vegetation of the bypass channel would be removed periodically to maintain water flow and to prevent flooding of the proposed project. This vegetation reduction will reduce its habitat value.
- E-9
- E-10 Once the CARMAX facility is in place, much of the vegetation on the east side of the habitat area will be removed to protect the facility from wildfires. The removals to protect the facility from fire will reduce the remaining habitat value even more.
- E-11 The EIR's assertion that the 2.88 acres can replace the value of the 15 acres is not supportable for all these reasons. Being realistic, something like 15 acres of mitigation elsewhere would be required to offset the actual wildlife impacts of the project when edge-effects are considered. We urge that this EIR be withdrawn and rewritten to factually address the potential habitat value of the 2.8 acres in view of the edge-effects that would impact it. A much better solution would be for this EIR to not be approved and the project to be relocated to a much less environmentally sensitive location and the property receive the enforcement, cleanup, enhancement, and management that it needs.
- E-12 Please keep us informed of future milestones, hearings, documents, opportunities to comment, and decision points about this project. In case of questions or follow-up, I can be reached at peugh@cox.net or 619-224-4591.

Sincerely,



James A. Peugh
Conservation Chair

E-5 The building is at least 50 feet away and quite a bit higher in elevation than the wetland area in question. These types of impacts would not constitute a significant impact using even the most detailed (i.e., County) significance standards. Therefore, no revisions are required per this comment.

E-6 Project lighting would not be out of character with the existing sources of light and would be subject to the requirements of Title 18 of the National City Municipal Code (Municipal Code). Adherence to Title 18 of the Municipal Code would ensure that future project lighting does not spill into the portion of the Sweetwater River designated as the County of San Diego Sweetwater Regional Park located south of the Project. Additionally, Section 3.2.2.1 (b) of the Final EIR has been revised to clarify project lighting:

CarMax uses "shoebox" type lighting fixturesLight-emitting diode (LED) lamp technologies in lighting fixtures that are full cut off with a flat lens and downcast to reduce light spill onto adjacent properties would be used on-site. These lights would be mounted on 26-foot-tall light poles for visibility and security. ~~Fixtures use a flat lens and are downcast to reduce light spill onto adjacent properties.~~ Exterior lighting would be reduced after operating hours. CarMax typically does not use on-site security guards, but uses interior and exterior security cameras for safety and inventory protection.

Therefore, no revisions are required per this comment.

E-7 As described in section 4.3.1.3 (b) of the Draft EIR, surveys for Ridgway's rail were conducted within the project site and adjacent Study Area to determine habitat suitability and presence/absence of Ridgway's Rail. On-site restoration areas are not envisioned as habitat for Ridgway's rail after restoration activities are complete. The restoration design will incorporate rail refuge design components into the channel design. If Ridgway's rails start using the on-site restoration area in the future, then there are refuge areas for them should a flood occur. Therefore, no revisions are required per this comment.

	<p>E-8 All hardening is depicted on the figures presented in the BTR and Section 4.3 of the Final EIR, which are limited to the three outfall areas. No further hardening is proposed within the channel as the focus has been to reduce the project footprint as much as practicable in order to create as natural of a channel as possible with minimal hardening structures. Therefore, no revisions are required per this comment.</p> <p>E-9 Only the low-flow channel would require maintenance, which would be limited to the amount needed (5 feet wide or less). The project applicant proposed to actively plant vegetation that would promote diversity and limit vegetation that would cause sedimentation and flooding issues such as cattails. Any maintenance activities in regards to positive flow would be limited to a narrow area in the understory. Therefore, no revisions are required per this comment.</p> <p>E-10 The project would not subsequently require a firebreak that would result in the removal of additional vegetation that has not already been accounted for in the EIR. All impacts and mitigation have been accurately accounted for in the EIR. Therefore, no revisions have been made per this comment</p> <p>E-11 Please see Table 7-1 of the BTR and Table 4.3-4 of the Final EIR for context. Impacts on sensitive natural communities would be determine in consultation with the Resource Agencies, and are estimated at a 3:1 or 2:1 ratios depending on the habitat type. Impacts on non-native habitats do not require mitigation. Given this and the fact the majority of the impacts will occur within non-native habitats, no revisions are required per this comment.</p> <p>E-12 Comment noted.</p>
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A:	NOP and Comments
B:	Air Quality Analysis
C:	Biological Technical Report <u>(Revised)</u>
D:	Draft Cultural Resources Inventory and Evaluation Report
E:	Energy Calculations
F:	Geotechnical Evaluation
G:	Greenhouse Gas Analysis <u>(Revised)</u>
H:	Phase I Environmental Site Assessment
I:	Storm Water Quality Management Plan
J-1:	Hydrology Analysis
J-2:	<u>Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax, National City</u>
K:	Noise Analysis
L:	Paleontological Records Search
M:	Vehicle Miles Traveled Screen-line Analysis

List of Abbreviated Terms

°F	degrees Fahrenheit
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ACC	Advanced Clean Cars
ac-ft	acre-feet
ADT	average daily trips
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above mean sea level
AQIA	Air Quality Impact Analysis
AUL	activity and use limitations
Basin Plan	Water Quality Control Plan for the San Diego Basin
BAU	business as usual
BMO	Biological Mitigation Ordinance
BMP	Best Management Practices
BP	Before Present
BSA	biological study area
BTU	British thermal units
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAGN	Coastal California Gnatcatcher
CalEEMod	California Emissions Estimator Model
CalGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CED	California Energy Demand
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFO	Clean Fuels Outlet
CFR	Code of Federal Regulations
cfs	Cubic feet per second
<u>CGP</u>	<u>Construction General Permit</u>
City	City of National City
CMA	Congestion Management Agency
CMP	Congestion Management Program
CNEL	community noise equivalent level

CNPS	California Native Plant Society
CO	carbon monoxide
County	County of San Diego
CPUC	California Public Utilities Commission
CREC	Controlled recognized environmental condition
CRHR	California Register of Historic Resources
CS	Service Commercial
CUP	Conditional Use Permit
CWA	Clean Water Act
dB(A)	A-weighted decibel
DEH	Department of Environmental Health
DPM	Diesel particulate matters
EIR	Environmental Impact Report
EMS	Energy Management System
EO	Executive Order
ESA	Environmental Site Assessment
GHG	greenhouse gas
GLA	Glenn Lukos and Associates
gpm	Gallons per minute
GWP	global warming potential
HA	hydrologic areas
HCM	Highway Capacity Manual
<u>HGL</u>	<u>hydraulic grade line</u>
HMP	Habitat Management Plan
HREC	Historical Recognized Environmental Conditions
HU	hydrologic units
HVAC	heating, ventilation, and air conditioning
I-805	Interstate 805
ICLEI	International Council on Environmental Initiatives
IPCC	Intergovernmental Panel on Climate Change
IRWMP	Integrated Regional Water Management Plan
ITE	Institute of Transportation Engineers
JPA	Joint Powers Authority
JRMP	Jurisdictional Runoff Management Program
JURMP	Jurisdictional Urban Runoff Management Program
kWh	kilowatt hour
LBV	Least Bell's vireo
LCFS	Low Carbon Fuel Standard
LCP	Local Coastal Program
L _{eq}	hourly equivalent sound level
LEV	low emissions vehicle
LEV III	low emission vehicle III
LID	Low impact development
LOS	level of service
LTPP	Long-Term Procurement Plan
LUC	Land Use Code
MBTA	Migratory Bird Treaty Act
mgd	Million gallons per day
MLD	Most Likely Descendent

MMRP	Mitigation Monitoring and Reporting Program
MMT CO ₂ E	million metric tons of carbon dioxide equivalent
mpg	miles per gallon
mph	miles per hour
MPO	Metropolitan Planning Organization
MS4	municipal separate storm sewer system
MSCP	Multiple Species Conservation Program
MT CO ₂ E	metric tons carbon dioxide equivalent
MW	megawatt
MXD-2	Major Mixed-Use District
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NAS	Naval Air Station
NCCP	Natural Community Conservation Planning
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NO _x	nitrous oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWR	National Wildlife Refuge
OSHA	Occupational Safety and Health Administration
PLWTP	Point Loma Wastewater Treatment Plant
PM _{2.5}	Particulate matter less than 2.5 microns in diameter
PM ₁₀	particulate matter less than 10 microns in diameter
PRC	public resources code
RAQS	Regional Air Quality Strategy
REC	recognized environmental condition
RES	Regional Energy Strategy
ROG	Reactive organic gases
ROW	right-of-way
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SANTEC	San Diego Traffic Engineers' Council
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SBID	South Bay Irrigation District
SCAQMD	South Coast Air Quality Management District
SCIC	South Coast Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego County Air Pollution Control District
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas & Electric
SIP	State Implementation Plan
SO ₂	sulfur dioxide
SR-54	State Route 54
SSMP	Sewer System Management Plan
SUSMP	Standard Urban Storm Water Management Plan

SWFL	Southwestern willow flycatcher
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
SWRCB	State Water Resources Control Board
TCM	Transportation Control Measure
TIA	Traffic Impact Analysis
TMDLs	Total Maximum Daily Loads
U.S. EPA	United States Environmental Policy Act
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service
UST	Underground storage tank
VMT	Vehicles miles traveled
WURMP	Watershed Urban Runoff Management Program
ZEV	zero emission vehicle



Executive Summary

S.1 Project Synopsis

This summary provides a brief synopsis of: (1) the proposed National City CarMax Project (project), (2) the results of the environmental analysis contained within this draft Environmental Impact Report (EIR), (3) the alternatives to the project that were considered, and (4) the major areas of controversy and issues to be resolved by decision-makers. This summary does not contain the extensive background and analysis found in the document. Therefore, the reader should review the entire document to fully understand the project and its environmental consequences.

S.1.1 Project Location and Setting

The project site is located in southwestern San Diego County within the City of National City (City). Regional access to the project site is provided by Interstate 805 (I-805) which is located west of the project site and State Route 54 (SR-54) located adjacent to the northern boundary of the project site. The project site would be accessed by two public access driveways and one restricted access driveway that would connect to Plaza Bonita Road.

The project site is situated along the Sweetwater River channel and is bordered to the west by I-805, to the north by SR-54 and Sweetwater Road, to the east by Plaza Bonita Road and Westfield Plaza Bonita Mall, and to the south by the vegetated channel of the Sweetwater River. ~~The project site would consist of two distinct pieces of land: The 15.08-acre project parcel (assessor's parcel number 564 471 11) and the 2.90-acre Offsite Area. The proposed CarMax facility and earthen channel would be constructed on the 15.08-acre project parcel, while the 2.90-acre Offsite Area consists of.~~ The project would also make frontage improvements along Plaza Bonita Road to add a sidewalk, and would relocate an existing sewer line that traverses the project site into the centerline of Plaza Bonita Road. The project would also manually remove invasive plant species from a portion of California Department of Transportation (Caltrans) and City right-of-way (ROW) that would be temporarily impacted immediately adjacent to the southwestern project boundary, and possibly relocate transmission lines crossing the I-805 ramp during construction. No permanent impacts would occur within Caltrans ROW.

S.1.2 Project Objectives

The following are the primary objectives for the project:

1. Develop an economically viable automobile sales (CarMax) facility that would create jobs and provide additional commercial opportunities for the City and the San Diego region.
2. Generate revenue for the City through sales tax and property tax.
3. Increase commercial activity at the Westfield Plaza Bonita Mall and surrounding area by introducing a new commercial use nearby.
4. Develop a project that is architecturally compatible with the surrounding properties.

S.1.3 Project Description

The project would construct a CarMax pre-owned automobile dealership, service building and non-public carwash with associated access drives, parking lots and landscaped areas within approximately 7.19 acres on the project parcel. The CarMax facility buildings would total approximately 18,774 square feet and include 157 parking spaces for customers and employees. The CarMax facility would also include 401 vehicle stalls in a sales inventory lot, and the facility reserves 0.9 acre for vehicle staging where cars are stored while waiting to be serviced.

The project proposes two public access driveways and one restricted access driveway that would connect to Plaza Bonita Road. The first public access driveway would be the main CarMax entrance and would be centered on the project frontage along Plaza Bonita Road. The second public access driveway would be located at the southern end of the project frontage along Plaza Bonita Road, closer to Sweetwater River. The restricted access driveway would be located at the northern end of the project frontage along Plaza Bonita Road. This restricted access driveway would be located immediately northeast of the Westfield parking access roadway connection to Plaza Bonita Road on the other side of the roadway. This restricted access driveway would be limited to use by CarMax employees and vehicle test drives. Emergency access would be provided within the internal project access roads as required by the local fire department. The project would also make frontage improvements along Plaza Bonita Road to add a sidewalk, and would relocate an existing sewer line that traverses the project site into the centerline of Plaza Bonita Road.

The project would recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project parcel by constructing an earthen channel that would traverse the northwestern boundary of the property. This earthen channel would connect to the existing storm drain that outlets to the Sweetwater River. The project would construct a storm water conveyance system that would consist of a modular wetland system, underground storage system, green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. The modular wetland system, underground storage system, and green street vegetated swale would include filtration components to treat stormwater before discharging to the earthen channel or infiltrating to groundwater. The

project would also relocate existing water and sewer facilities that traverse the project site into the centerline of Plaza Bonita Road.

The project would require the following discretionary actions:

1. General Plan Amendment to change the existing land use designation of the CarMax portion of the project site from Major Mixed-Use to Service Commercial. The proposed General Plan Amendment would also change the existing land use designation of the earthen channel portion of the project parcel ~~and the Offsite Area~~ from Major Mixed-Use to Open Space.
2. Rezone to change the existing zoning designation of the CarMax portion of the project site from Major Mixed-Use District (MXD-2) to Service Commercial (CS). The Rezone would also change the existing zoning designation of the earthen channel portion of the project parcel ~~and the Offsite Area~~ from MXD-2 to Open Space (OS).
3. Land Use Code Amendment to allow auto sales in the CS zone subject to approval of a Conditional Use Permit.
4. Tentative Parcel Map to subdivide the project parcel into two separate parcels for the CarMax Facility and the earthen channel.
5. Conditional Use Permit to allow development of the CarMax facility.

S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects

Table S-1, located at the end of this section, summarizes the significant environmental effects identified during the environmental analysis completed for the project and the mitigation measures that would reduce or avoid the environmental effects, with a conclusion as to the significance of the impact after mitigation. The mitigation measures listed in Table S-1 are also discussed within each applicable section of this EIR.

After analysis, potentially significant impacts requiring mitigation were identified for biological resources, cultural and tribal cultural resources, noise, and paleontological resources. The environmental analysis concluded that all potentially significant impacts associated with these issue areas would be avoided or reduced to below a level of significance through implementation of recommended mitigation measures.

S.3 Areas of Controversy

Areas of controversy associated with the project primarily relate to the suitability of the site for the proposed development, impacts to the biological and wetland resources on-site, encroachment into the 100-year floodplain, and proposed improvements to the drainage channel.

S.4 Issues to be Resolved by the Decision-Making Body

The City will need to decide in a public hearing if the significant impacts associated with the environmental issues related to biological resources, cultural and tribal cultural resources, and paleontological resources have been fully mitigated to below a level of significance. The City will also decide, if the project conforms to regulations and policies, such as those in the General Plan and the City’s Municipal Code. Lastly, the City will determine whether any alternative might meet the key objectives of the project while reducing its environmental impact.

S.5 Project Alternatives

To fully evaluate the environmental effects of projects, the California Environmental Quality Act (CEQA) mandates that alternatives to the project be analyzed. Section 15126.6 of the CEQA Guidelines requires the discussion of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to “focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project,” even if these alternatives would impede to some degree the attainment of the project objectives.

The alternatives identified below are intended to reduce or avoid significant environmental effects of the project. The EIR addresses Alternatives Considered but Rejected, No Project/No Development Alternative, and a Reduced Development Alternative. Each major issue area included in the impact analysis of this EIR has been given consideration in the alternatives analysis. Alternatives to the project are evaluated in full in Chapter 9 of this EIR.

S.5.1 Alternatives Considered but Rejected

Two alternatives to the project were considered but rejected. Among factors used to eliminate alternatives from detailed consideration in the EIR is failure to meet most of the basic project objectives or inability to avoid significant environmental effects.

S.5.1.1 Alternate Location Alternative

An Alternate Location Alternative was considered by the City. Under this alternative, an alternate site would be developed to avoid all potentially significant impacts. This alternative was rejected because no other City-owned properties were identified that could accommodate the project while meeting major project objectives. Development of a non-City owned project site would not meet one of the main project objectives of providing financial benefit to the City through lease revenue. This alternative was not considered for further analysis.

S.5.1.2 Project with Hotel Alternative

Development of a CarMax facility with a hotel on the project site was considered as an alternative. This alternative would require a general plan amendment, rezone, and conditional use permits, as well as expanding the land use code amendment to include hotel uses. This alternative would require development of structures and parking on the project site, similar to the project. The development footprint and grading requirements would be larger than the project. Biological resource impacts would be greater due to the larger grading footprint. Aesthetics impacts would be similar due to the conversion of an undeveloped site to residential and commercial uses. The potential for impacts to unknown cultural and tribal cultural resources and paleontological resources would likely be similar.

However, this alternative was eliminated from further review because mitigation requirements for the larger footprint were considered infeasible. This alternative proposed mitigation that included on-site creation of an channel and additional onsite enhancement. Preliminary coordination with wildlife agencies determined that this proposed mitigation strategy would not be acceptable, and the increased mitigation requirements proposed by the wildlife agencies were considered infeasible.

S.5.1.3 No Project/Plan and Zone Consistent Alternative

Development of a mixed use residential and commercial facility on the project site was considered as an alternative that would be consistent with the existing Plan and Zone and would not require a General Plan Amendment, Rezone, Land Use Code Amendment, or Conditional Use Permit. This alternative was eliminated from further review because it would not meet the main project objectives of developing an economically viable automobile sales (CarMax) facility or providing tourist opportunities through development of a hotel.

S.5.2 Alternatives Considered

S.5.2.1 No Project/No Development Alternative

The No Project/No Development Alternative would maintain the site in its current undeveloped condition and would be equivalent to the existing environmental setting. This alternative would avoid the project's potentially significant impacts associated with biological resources, cultural and tribal cultural resources, noise, and paleontological resources. While adoption of the No Project/No Development Alternative would maintain the existing undeveloped condition of the site and avoid impacts associated with the project (as described throughout Chapter 4), none of the project objectives would be attained.

S.5.2.2 Reduced Development Alternative

The Reduced Development Alternative would construct a reduced size CarMax facility and the earthen channel. Impacts associated with the Reduced Development Alternative would be less than those associated with the project for the issues of aesthetics, air quality, energy, greenhouse gases, hydrology and water quality, noise, transportation, and utilities and

services systems. The project's significant impacts associated with biological, cultural and tribal cultural resources, and paleontological resources would still occur under this alternative, but would be slightly reduced due to the smaller project footprint. All other impacts under the Reduced Development Alternative would be the same as the project.

S.5.3 Environmentally Superior Alternative

The Reduced Development Alternative is selected as the environmentally superior alternative due to its ability to reduce the severity of impacts to biological resources, cultural and tribal cultural resources, and paleontological resources. The Reduced Development Alternative would also reduce impacts related to aesthetics, air quality, energy, greenhouse gases, hydrology and water quality, noise, transportation, and utilities and services systems compared to the project. All other project impacts associated with this alternative would be less than significant, the same as the project. However, the Reduced Development Alternative would not completely meet all project alternatives. The Reduced Development Alternative would only partially meet the objectives of developing an economically viable automobile sales (CarMax) facility that would provide additional commercial opportunities for the City and the San Diego region, generating revenue for the City through sales tax and property tax, and increasing commercial activity at the Westfield Plaza Bonita Mall and surrounding area by introducing new commercial use nearby. The reduced size of the CarMax facility would not achieve these objectives to the same degree as the project due to reduced volume of sales and reduced commercial activity that would occur under the Reduced Development Alternative.

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
BIOLOGICAL RESOURCES			
<p>Would the project result in a substantial adverse impact, either directly or through habitat modifications, to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?</p>	<p>The project would impact 1.39 acres of riparian woodland habitat that may function as suitable habitat for least Bell's vireo and coastal California gnatcatcher. Additionally, this riparian woodland habitat is located near the cattail marsh habitat where light-footed Ridgway's rail was observed. Furthermore, due to the time that has passed since the original protocol surveys in 2015 and 2017, it is possible that the presence or absence of SWFL, LBV, CAGN, and light-footed Ridgway may have changed. Consequently, the Draft EIR has assumed presence of all four species. Therefore, the project will conduct updated protocol-level surveys during the spring prior to construction to confirm presence or absence of these species. Direct and indirect impacts to habitat that may support southwestern willow flycatcher, least Bell's vireo, coastal California gnatcatcher, and light-footed Ridgway's rail would be potentially significant.</p> <p>The project may impact the nesting success of tree-nesting raptors if grading, vegetation clearing, and/or noise generating activities such as construction are conducted during the breeding season for these taxa (February 15–August 31). Such impacts could result in removal of active nests of tree-nesting birds or raptors or disruption in breeding success due to disturbance of breeding behaviors. These impacts would be potentially significant.</p> <p><u>Project construction may impact roosting bats that may occur within palms or other trees within the development footprint if vegetation removal activities occurred during bat roosting season, which is generally between March 1 and October 14. Such actions would result in the disruption of maternal roosting behavior and/or mortality of immature bats. These impacts would be potentially significant.</u></p> <p><u>Potential increased exposure of vegetation communities to non-native exotic plant species would have the potential to impact special status wildlife species who rely on these potentially affected vegetation communities as habitat. These impacts would be potentially significant.</u></p> <p><u>Potential increased exposure of vegetation communities to ISBH would have the potential to impact special status wildlife species who rely on these potentially affected vegetation communities as habitat. These impacts would be potentially significant.</u></p>	<p>MM-BIO-1 Habitat Restoration & Habitat Mitigation and Monitoring Plan</p> <p>Impacts to wildlife species and sensitive habitats would be mitigated through restoration and revegetation of native habitat within the channel area of the project site. The following habitats and acreages would be created:</p> <ul style="list-style-type: none"> • 1.33<u>1.24</u> acres of arroyo willow thickets habitat • 1.44 acres of coastal sage scrub • 2.62<u>2.36</u> acres of cattail marshes • 0.46<u>0.38</u> acre of mule-fat thickets • <u>1.16 acres of San Diego sunflower scrub/coastal sage scrub</u> <p>All non-native habitat within the channel area would be revegetated with native plant species. Because the channel area currently supports non-native and disturbed vegetation, there would be a net gain of 2.80<u>2.09</u> acres of native habitat following habitat restoration. In order to ensure successful revegetation/creation of self-sustaining riparian and upland habitats, a Habitat Mitigation and Monitoring Plan shall be prepared to ensure the ecological functions and values of the impacted habitats are restored.</p> <p>The Habitat Mitigation and Monitoring Plan shall include:</p> <ul style="list-style-type: none"> • Sufficient restoration or creation of habitat to fulfill the mitigation obligations. • The planting plan shall be designed to ensure that the appropriate restored/created habitat is suitable for the coastal California gnatcatcher and least Bell's vireo, and allows for wildlife movement (e.g., appropriate width and vegetative cover). • The planting design shall also include adequate wetland buffers as determined in consultation with the agencies. • A native planting palette appropriate for each vegetation type being mitigated and appropriate to local conditions. No non-native plant species shall be planted in the project site. • Irrigation for upland and wetland habitat types for the first two to three years following installation. Irrigation is to be removed during the final 2 years of restoration to ensure that the habitat is self-sustaining. • A 120-day plant establishment period plus five-year restoration maintenance period (or until success criteria are met). • Qualitative and quantitative monitoring methods to ensure that success criteria are met. • Five-year maintenance methods. • Success criteria for establishment period and years 1–5. • Responsibilities and qualifications of restoration and maintenance contractor(s) and restoration ecologist. <p>MM-BIO-2 Protocol and Pre-construction Surveys</p> <p>To avoid and minimize impacts to nesting birds and raptors, vegetation removal and grading shall occur outside of the nesting bird season (February 1 through August 31). If the breeding season cannot be avoided, the following measures shall be implemented in coordination with the CDFW and USFWS:</p> <ol style="list-style-type: none"> 1. Updated protocol-level surveys for light-footed Ridgway's rail, southwestern willow flycatcher, coastal California gnatcatcher, and least Bell's vireo will occur during the spring prior to the start of construction<u>commenced in spring 2021</u> to determine the presence or absence of these species. If any of these species are determined to be present, 	<p>Less than Significant</p>

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
		<p>additional avoidance and minimization measures would be implemented consistent with bullets 2 and 3 below <u>and in consultation with the USFWS during the Section 7 permitting process, as well as with CDFW, if state-listed species are present and the breeding season cannot be avoided. Impacts on occupied habitat for listed species (e.g., coastal California gnatcatcher, least Bell's vireo, and/or Ridgway's rail) will be mitigated through the FESA and/or CESA permitting process (e.g., Section 7, Section 2081) and implementation of all required permit conditions and conservation measures therein.</u></p> <ol style="list-style-type: none"> 2. During the avian breeding season, a qualified Project Biologist shall conduct a preconstruction avian nesting survey no more than 3 days prior to vegetation disturbance or site clearing. If there is a break of 5 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before these activities begin again. 3. The preconstruction survey shall cover all reasonably potential nesting locations on and within 300 feet of the proposed construction activities areas, including off-site areas. If an active nest is found during the preconstruction avian nesting survey, a qualified Project Biologist shall implement a 300-foot minimum avoidance buffer for light-footed Ridgway's rail, southwestern willow flycatcher, coastal California gnatcatcher, least Bell's vireo, and other passerine birds, and a 500-foot minimum avoidance buffer for all raptor species. The nest site area shall not be disturbed until the nest becomes inactive or the young have fledged. <u>Final avoidance buffers required during construction, pre-construction surveys, as well as avoidance and minimization measures specific to this species, will be set in coordination with USFWS and/or CDFW.</u> <p>MM-BIO-3 Construction Activities Oversight</p> <p>A qualified Biologist shall be responsible for monitoring the limits of construction activity, mitigation measures, design considerations, and project conditions during all phases of the project. The Project Biologist shall conduct the following:</p> <ol style="list-style-type: none"> 1. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading. 2. Conduct worker training prior to all phases of construction; this shall include meetings with the contractor and other key construction personnel to explain the importance of restricting work to designated areas prior to clearing, grubbing, or grading. Discussions shall include procedures for minimizing harm to or harassment of wildlife encountered during construction activities prior to clearing, grubbing, and/or grading. 3. Conduct pre-construction clearance surveys to detect the presence of nesting birds and sensitive terrestrial wildlife species, such as coast horned lizard, orange-throated whiptail, and two-striped garter snake. 4. Be present on-site to monitor initial vegetation clearing, grubbing, and grading to ensure that mitigation measures are being appropriately followed. 5. Periodically monitor the limits of construction as needed to ensure that the construction boundaries are marked and not breached. 6. Prepare a post-construction monitoring report for submittal to the City. The report shall substantiate the supervision of the clearing, grubbing, and/or grading activities, and shall provide a final assessment of biological impacts. 	

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
		<p><u>MM-BIO-4 Bat Avoidance Measures</u></p> <p><u>To avoid the bat maternity season, impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between October 15 and- March 1, unless a focused survey is conducted within 30 days of vegetation removal activities by a qualified bat biologist. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that project areas are currently used or are likely to be used as a bat maternity roost, and tree removal activities must occur between October 15 and March 1, a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark):</u></p> <p><u>Step 1: Small branches and small limbs containing no cavity, crevice, or exfoliating bark are removed with chainsaws under field supervision by a qualified bat biologist; and,</u></p> <p><u>Step 2: The remainder of the tree is to be removed the following day. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree.</u></p> <p><u>If these procedures are followed and it is determined that construction activities or site development still may cause roost abandonment, vegetation removal activities shall cease and not commence until roost sites have been replaced. To replace tree roosts, elevated bat houses shall be installed outside of, but near, the construction area. Placement and height will be determined by a qualified wildlife biologist, but the bat house would be at least 15 feet high. The number of bat houses required will depend on the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient size and number to accommodate each colony of bats to be relocated.</u></p> <p><u>MM-BIO-5 Invasive Shot Hole Borer Avoidance Measure</u></p> <p><u>The Project Proponent and/or City shall implement the following measures to reduce the potential for spreading ISHBs because of project activities:</u></p> <ol style="list-style-type: none"> <u>1. A qualified Biologist shall be responsible for monitoring for signs of infestation from ISHBs on site, within 500 feet of the project site, and within restoration materials used for restoration activities:</u> <u>2. The Biologist shall conduct an environmental awareness training prior to vegetation clearing and prior to the commencement of restoration activities for on-site workers regarding ISHB and its spread.</u> <u>3. Signs of ISHB infestation shall be reported to CDFW and University of Riverside’s Eskalen Lab (eskalenlab.ucr.edu); this includes sugary exudate (“weeping”) on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen).</u> <u>4. If signs of ISHB infestation are noted on site, additional Best Management Practices shall be required, including but not limited to:</u> <ul style="list-style-type: none"> <u>• Equipment disinfection.</u> <u>• Pruning in infested areas where project activities may occur.</u> <u>• Avoidance and minimization of transport of potential host tree materials.</u> <u>• Chipping potential host materials to less than 1 inch prior to delivering to a landfill.</u> 	

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
		<ul style="list-style-type: none"> • <u>Chipping potential host materials to less than 1 inch prior to composting on site.</u> • <u>Solarization of cut logs and/or burning of potential host tree materials.</u> 	
<p>Would the project result in a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?</p>	<p>Project grading, clearing, and other construction-related activities would result in temporary and permanent impacts to sensitive riparian habitats that would consist of 0.73 acres of arroyo willow thickets, 0.07 of cattail marsh, 0.02 acre of coyote brush scrub, 0.07 acre of mule fat thickets, 0.07 acre of San Diego sunflower scrub, and 0.08 acre of sycamore trees. These impacts would be potentially significant.</p>	<p>See mitigation measures MM-BIO-1 and MM-BIO-3 above.</p>	<p>Less than Significant</p>
<p>Would the project result in a substantial adverse impact on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>The project would impact would impact 1.23 acres of USACE/RWQCB non-wetland waters (0.63 acre permanent and 0.60 acre temporary), 1.68 acres of waters of the State under RWQCB jurisdiction (0.78 acre of permanent and 0.90 acre of temporary), and 2.49 acres of CDFW jurisdictional waters (1.02 acres permanent and 1.47 acres temporary). These impacts would be potentially significant.</p>	<p>MM-BIO-46 Wetlands Restoration Compensatory Mitigation for Jurisdictional Waters</p> <p>Impacts to jurisdictional wetlands and waters shall be mitigated on-site by constructing a 4.39-acre earthen channel traversing the northwestern boundary of the project site and connecting to the existing storm drain that outlets to the Sweetwater River. This earthen channel shall recontour and redirect approximately 2,012 linear feet of the unnamed creek, preserve the existing drainage pattern and jurisdictional wetlands and waters resources where feasible, and mitigate temporary and permanent impacts through compensatory mitigation.</p> <p>Direct impacts on jurisdictional wetlands and waters shall be mitigated through implementation of the Habitat Mitigation and Monitoring Plan described in MM-BIO-1, resulting in habitat creation and restoration of higher quality than the habitat that is being impacted. Up to 0.49 acre of waters of the U.S. and an additional 0.60 acre of waters of the State is proposed for rehabilitation. Additionally, a total of 1.22 acres of CDFW jurisdictional waters is also proposed for rehabilitation. Restoration credits are proposed for the remainder of the restored channel. Up to 4.04 acres of waters of the U.S. and State and up to 4.72 acres of CDFW jurisdictional waters will be re-established. <u>On-site mitigation would be protected in-perpetuity, recording a land protection mechanism over the site. On-site mitigation would enter into long-term management once 5-year success criteria are met. CarMax would be responsible for funding the long-term management through the funding of a non-wasting endowment.</u></p> <p><u>In addition to the on-site restoration activities, a minimum of 0.78 acre of offsite Mmitigation may also be in the form of waters of the U.S and State restoration and enhancement credits would also be purchased at an Approved Mitigation Bank. Final offsite mitigation requirements will be determined through the approval process with the resource agencies.</u></p>	<p>Less than Significant</p>
CULTURAL RESOURCES			
<p>Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</p>	<p>The potential exists for earth work activities to unearth unknown archaeological and tribal cultural resources during construction. Discovery of archaeological or tribal cultural resources during construction would potentially result in a significant impact.</p>	<p>CUL-1: Archaeological Monitoring</p> <p>An archaeological resources monitoring program shall be implemented, which shall include the following:</p> <ol style="list-style-type: none"> 1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of National City that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program. 2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. 	<p>Less than Significant</p>

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
		<ol style="list-style-type: none"> 3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s), including a Native American monitor, shall be on-site full time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. 4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed. 5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency, then carried out using professional archaeological methods. 6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis. 7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. 8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms. 9. In the event of the discovery or recognition of any human remains, protocols and procedures noted in the Public Resources Code Section 5097.98, the California Government Code Section 27491, the Health and Safety Code Section 7050.5, and the County of San Diego Historical Resources Guidelines for the treatment of human remains encountered at archaeological sites will be followed, as summarized below: <ol style="list-style-type: none"> a. There shall be no further excavation or disturbance of the burial location and a reasonable distance around the burial until: <ol style="list-style-type: none"> i. A City official is contacted; ii. The coroner is contacted to determine that no investigation of the cause of death is required; and iii. If the coroner determines the remains are Native American, the coroner shall contact the NAHC within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the City regarding the excavation work. b. Native American human remains and associated funerary items that are removed from the project area of potential effect may be reburied at a location mutually agreed upon by 	

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
		<p>the City, the project applicant/developer, and the MLD. If reinternment of human remains cannot be accomplished at the time of discovery, the MLD shall either take temporary possession of the remains or identify a location for the temporary, but secure, storage of the remains.</p> <p>c. For the purposes of this document, human remains are defined as:</p> <ul style="list-style-type: none"> i. Cremations including the soil surrounding the deposit; ii. Interments including the soil surrounding the deposit; or iii. Associated funerary items. 	
PALEONTOLOGICAL RESOURCES			
<p>Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>	<p>Excavation activities within the portions of the project site underlain by areas assigned a high paleontological sensitivity would have the potential to unearth unknown paleontological resources. Similarly, project grading within areas assigned a high paleontological sensitivity would also have the potential to unearth unknown paleontological resources. Discovery of paleontological resources during construction would potentially result in significant impact.</p>	<p>PAL-1: Paleontological Monitoring</p> <ol style="list-style-type: none"> 1. Monitoring Plan <ul style="list-style-type: none"> Prior to any grading on any portion of the project site, a qualified paleontologist shall be retained by the City of National City (City) to prepare a Monitoring Plan. A qualified paleontologist is an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques. No grading permits shall be issued until the monitoring plan has been approved by the Planning Director. 2. Pre-Grading Conference and Paleontological Monitor <ul style="list-style-type: none"> a. A qualified paleontological monitor shall be present at a pre-grading conference with the developer, grading contractor, and the environmental review coordinator. The purpose of this meeting will be to consult and coordinate the role of the paleontologist in the grading of the site. A qualified paleontologist is an individual with adequate knowledge and experience with fossilized remains likely to be present to identify them in the field and is adequately experienced to remove the resources for further study. b. A paleontologist or designate shall be present during those relative phases of grading as determined at the pre-grading conference. The monitor shall have the authority to temporarily direct, divert or halt grading to allow recovery of fossil remains. At the discretion of the monitor, recovery may include washing and picking of soil samples for micro-vertebrate bone and teeth. The developer shall authorize the deposit of any resources found on the project site in an institution staffed by qualified paleontologists as may be determined by the Planning Director. The contractor shall be aware of the random nature of fossil occurrences and the possibility of a discovery of remains of such scientific and/or educational importance which might warrant a long-term salvage operation or preservation. Any conflicts regarding the role of the paleontologist and/or recovery times shall be resolved by the Planning Director. 3. Fossil Recovery and Curation <ul style="list-style-type: none"> a. If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (such as complete large mammal skeleton) may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains, such as isolated mammal teeth, it may be necessary in certain instances, to set up a screen-washing operation on the site. 	<p>Less than Significant</p>

**Table S-1
Summary of Significant Environmental Effects and Mitigation Measures**

Environmental Issue	Results of Impact Analysis	Mitigation Measure	Impact Level After Mitigation
		<ul style="list-style-type: none"> b. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged. c. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall either be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum or retained by the City and displayed to the public at an appropriate location such as a library or City Hall. <p>4. Monitoring Report</p> <p>Prior to occupancy of any buildings a paleontological monitoring report shall be submitted to the Planning Director. This report shall describe all the materials recovered and provide a tabulation of the number of hours spent by paleontological monitors on the site.</p>	

Chapter 1

Introduction

This Environmental Impact Report (EIR) addresses the potential environmental effects of the proposed National City CarMax Project (project) and has been prepared by the City of National City (City) in compliance with the California Environmental Quality Act (CEQA) and Guidelines (Public Resources Code, Section 21000, et seq. and California Code of Regulations, Title 14, Section 15000, et seq.).

The project site is located in southwestern San Diego County within the City. The project site is situated along the Sweetwater River channel and is bordered to the west by Interstate 805, to the north by State Route 54 and Sweetwater Road, to the east by Plaza Bonita Road and Westfield Plaza Bonita Mall, and to the south by the vegetated channel of the Sweetwater River. ~~The project site would consist of two distinct pieces of land: The 15.08-acre project parcel (assessor's parcel number 564-471-11) and the 2.90-acre Offsite Area. The proposed CarMax facility and earthen channel would be constructed on the 15.08-acre project parcel (assessor's parcel number 564-471-11), while the 2.90-acre Offsite Area consists of California Department of Transportation (Caltrans) and City right-of-way that would be temporarily impacted during construction.~~

On the project parcel, the project proposes to construct a CarMax pre-owned automobile dealership, service building, non-public carwash, a customer/employee parking lot, a sales inventory lot, a staging lot, two public access driveways, one restricted access driveway, and landscaped areas within approximately 7.19 acres. The CarMax facility buildings would total approximately 18,774 square feet and include 157 parking spaces for customers and employees. The CarMax facility would also include 401 vehicle stalls in a sales inventory lot, and the facility reserves 0.9 acre for vehicle staging where cars are stored while waiting to be serviced. The project would also make frontage improvements along Plaza Bonita Road to add a sidewalk, and would relocate an existing sewer line that traverses the project site into the centerline of Plaza Bonita Road. Additionally, the project would recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project parcel by constructing an earthen channel that would traverse the northwestern boundary of the property. A tentative parcel map is proposed to subdivide the project parcel into two lots so that the CarMax facility and the earthen channel would be on separate parcels.

The project would manually remove invasive plant species from a portion of California Department of Transportation (Caltrans) right-of-way (ROW) immediately adjacent to the southwestern project boundary, and possibly relocate transmission lines crossing the I-805 ramp during construction. Removal of invasive plant species from this offsite location would ensure the success of biological mitigation completed on the project site. The applicant would obtain an encroachment permit for this work within Caltrans ROW. No permanent impacts would occur within Caltrans ROW.

The project includes a General Plan Amendment and Rezone to change the existing land use designation and zoning of the CarMax portion of the project parcel from the Major Mixed-Use designation and Major Mixed-Use District (MXD-2) zone to the Service Commercial land use designation and zone. The proposed General Plan Amendment and Rezone would also change the existing land use designation and zoning of the earthen channel portion of the project parcel ~~and the Offsite Area~~ from the Major Mixed-Use designation and the MXD-2 zone to the Open Space land use designation and zone.

Discretionary actions required to implement the project include the following:

- General Plan Amendment
- Rezone
- Land Use Code Amendment
- Tentative Parcel Map
- Conditional Use Permit

1.1 EIR Purpose and Intended Uses

The EIR is informational in nature and is intended for use by City decision makers, other agencies, and the public in evaluating the potential environmental effects, mitigation measures, and alternatives of the project.

By recognizing the environmental impacts of the project, decision makers will have a better understanding of the physical and environmental changes that would accompany approval of the project. The EIR includes recommended mitigation measures which, when implemented, would lessen or avoid significant effects of the project, whenever feasible. Alternatives to the project are presented that could further reduce or avoid significant impacts associated with the project.

1.2 EIR Legal Authority

1.2.1 Lead Agency

The City is the Lead Agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving the project. As Lead Agency, National City conducted a preliminary review of the

project and determined that an EIR was required. The analysis and findings in this document reflect the independent, impartial conclusions of the City.

1.2.2 Responsible and Trustee Agencies

State law requires that all EIRs be reviewed by Responsible and Trustee Agencies. A Responsible Agency, defined pursuant to CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency which have discretionary approval power over the project. A Trustee Agency is defined in Section 15386 of the CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California.

Implementation of the project would require consultation with the following Responsible and Trustee Agencies, as described below.

California Department of Transportation (Caltrans): Caltrans manages California's highway and freeway lanes, provides inter-city rail services, permits public-use airports and special-use hospital heliports, and works with local agencies. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under, or over the state highway right-of-way. Authority for Caltrans to control encroachments within the state highway right-of-way is contained in the California Streets and Highways Code starting with Section 660. A Caltrans encroachment permit is required for project implementation.

Native American Heritage Commission (NAHC): The NAHC is a state of California Trustee Agency for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code Section 21070. Government Code Section 65352.3 requires local governments to consult with California Native American tribes identified by the NAHC for the purpose of protecting and/or mitigating impacts to cultural places when general plans or specific plans are amended.

San Diego County Air Pollution Control District (SDAPCD): The County of San Diego (County) Board of Supervisors sits as the Board of the SDAPCD, which is an agency that regulates sources of air pollution within the County. This is accomplished through an integrated monitoring, engineering, and compliance operation, each of which is a separate division within the SDAPCD, and each is designed to protect the public from the adverse impacts of polluted air. The SDAPCD would be responsible for issuing permits for construction and operation of the project.

San Diego Regional Water Quality Control Board (RWQCB): The San Diego RWQCB regulates water quality through the Section 401 certification process and oversees the National Pollutant Discharge Elimination System (NPDES) Permit No. CA 0108758, which consists of wastewater discharge requirements. The RWQCB would be both a Responsible and Trustee Agency, as it has discretionary approval power over the project and holds regional water quality in its trust through the NPDES compliance review process.

United States Army Corps of Engineers (USACE): The USACE regulates the discharge (temporary or permanent) of dredged or fill material into waters of the U.S., including

wetlands, pursuant to Section 404 of the Clean Water Act. A discharge of fill material includes, but is not limited to, grading, placing riprap for erosion control, pouring concrete, laying sod, and stockpiling excavated material into waters of the U.S.. USACE is also responsible for granting permission for the alteration, occupation, or use of a USACE civil works project under Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 United States Code 408 (commonly referred to as “Section 408”) if it is determined that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

United States Fish and Wildlife Service (USFWS): Acting under the federal Endangered Species Act (ESA), the USFWS is responsible for ensuring that an action is not likely to jeopardize the continued existence of listed species or modify their critical habitat. Accordingly, the USFWS would provide input to the USACE as part of the Section 404 process. Additionally, the project is required to submit to a formal consultation with USFWS to assess potential impacts to listed species (including plants) or its critical habitat as the result of a development project, pursuant to Sections 7 and 10 of the federal ESA. USFWS may issue an incidental take statement, following consultation and the issuance of a Biological Opinion, which allows for take of the species that is incidental to another authorized activity, provided that the action will not adversely affect the existence of the species.

California Department of Fish and Wildlife (CDFW): The CDFW has the authority to reach an agreement with an agency or private party proposing to alter the bed, banks, or floor of any watercourse/stream, pursuant to Section 1600 et seq. of the state Fish and Game Code. The CDFW generally evaluates information gathered during preparation of the environmental documentation, and attempts to satisfy their permit concerns in these documents. Additionally, the California Fish and Game Commission and/or CDFW are responsible for issuing permits for the take or possession of protected species.

Federal Emergency Management Agency (FEMA): FEMA is the primary agency in charge of administering programs and coordinating with communities to establish effective floodplain management standards. FEMA is responsible for delineating areas of flood hazards by producing Flood Hazard Boundary Maps, Flood Insurance Rate Maps, and Flood Boundary and Floodway Maps. FEMA would review the project encroachment into the Sweetwater Creek floodplain, who would initially issue a Conditional Letter of Map Revision, followed by a Letter of Map Revision, documenting that the project would be constructed on elevations outside of the 100-year floodplain upon approval and construction.

1.3 EIR Scope and Content and Format

1.3.1 Scope

The scope of analysis for this EIR was determined by the City as a result of initial project review and consideration of comments received in response to a Notice of Preparation (NOP) circulated for the project from November 14 to December 14, 2016. The NOP and associated comments are included in Appendix A of this EIR.

Through these scoping activities, the project was determined to have the potential to result in potentially significant impacts related to the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Paleontological Resources
- Public Services and Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

1.3.2 Type of EIR

This EIR has been prepared as a Project EIR, as defined in Section 15161 of the CEQA Guidelines. In accordance with CEQA, this Project EIR examines the environmental impacts of a specific development project, and focuses on the physical changes in the environment that would result from the project.

1.3.3 EIR Content

The intent of this EIR is to determine whether implementation of the project would have a significant effect on the environment through analysis of the issues identified during the scoping process (see Section 1.3.1 above). Pursuant to CEQA Guidelines Section 15126, all phases of the project are considered in this EIR when evaluating its potential impacts on the environment, including the planning, acquisition, development, and operation phases. Impacts are identified as direct or indirect, short-term or long-term, and assessed on a “plan-to-ground” basis. The “plan-to-ground” analysis addresses the changes or impacts that would result from implementation of the project compared to existing conditions.

1.3.4 EIR Format

1.3.4.1 Organization

The format and order of contents of this EIR follow the organization listed below, with a brief overview of the purpose of various sections of this EIR:

Executive Summary. Provides a summary of the EIR, a brief description of the project, identification of areas of controversy, and a summary table identifying significant impacts, proposed mitigation measures, and level of impact after mitigation. A summary of the analyzed project alternatives and a comparison of the potential impacts of the alternatives with those of the project are also provided.

Chapter 1.0, Introduction. Contains an overview of the purpose and intended uses of the EIR; Lead, Responsible, and Trustee Agencies; a discussion of the scope and format of the EIR, and the CEQA environmental review process.

Chapter 2.0, Environmental Setting. Provides a description of the project's regional context, location, and existing physical characteristics and land use. Available public infrastructure and services, as well as relationship to relevant plans, are also provided in this section.

Chapter 3.0, Project Description. Provides a detailed discussion of the project, including objectives, key features, and environmental design considerations. The discretionary actions required to implement the project are also included.

Chapter 4.0, Environmental Analysis. Provides a detailed evaluation of potential environmental impacts. Chapter 4.0 begins with the issue of aesthetics, followed by the remaining issues in alphabetical order. Each issue area in Chapter 4.0, Environmental Analysis, includes a description of the existing conditions relevant to each environmental topic; presentation of threshold(s) of significance for the particular issue area under evaluation; identification of an issue statement; an assessment of any impacts associated with implementation of the project; a summary of the significance of any project impacts; recommendations for mitigation measures and mitigation monitoring and reporting for each significant issue area, and a conclusion regarding the significance of the impact after mitigation, where applicable.

Chapter 5.0, Significant Unavoidable Environmental Effects/Significant Irreversible Environmental Changes. Discusses the significant unavoidable impacts of the project, including those that can be mitigated but not reduced to below a level of significance. This section also describes the potentially significant irreversible changes that may be expected with development of the project and addresses the use of nonrenewable resources during its construction and operational life.

Chapter 6.0, Growth Inducement. Evaluates the potential influence the project may have on economic or population growth within the project area as well as the region, either directly or indirectly.

Chapter 7.0, Cumulative Impacts. Identifies the impact of the project in combination with other planned and future development in the region.

Chapter 8.0, Effects Found Not to Be Significant. Identifies all of the issues determined in the scoping and preliminary environmental review process to be not significant and briefly summarizes the basis for these determinations.

Chapter 9.0, Alternatives. Provides a description of alternatives to the project and compares impacts to those of the project.

Chapter 10.0, Mitigation Monitoring and Reporting Program (MMRP). Documents all the mitigation measures identified in the EIR and required as part of the project.

Chapter 11.0, References Cited . Lists all of the reference materials cited in the EIR.

Chapter 12.0, Report Authors. Identifies the individuals responsible for the preparation of the EIR.

1.3.4.2 Technical Appendices

Technical appendices, used as a basis for much of the environmental analysis in the EIR, have been summarized in the EIR and are printed under separate cover as part of the EIR. The technical appendices are available for review at the City Planning Department, 1243 National City Boulevard, National City, California 91950.

1.3.4.3 Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this EIR has referenced several technical studies and reports, including the City’s General Plan EIR. Information from these documents has been briefly summarized in this EIR, and its relationship to this EIR is described. These documents are included in Chapter 11.0, References Cited and Agencies Consulted, are hereby incorporated by reference, and are available for review at the City Planning Department, 1243 National City Boulevard, National City, California 91950.

1.4 EIR Process

The EIR review process occurs in two stages. The first stage is the Draft EIR, which offers the public the opportunity to comment on the document, while the second stage is the Final EIR, which provides the basis for approving the project.

1.4.1 Draft EIR

In accordance with Sections 15085 and 15087(a)(1) of the CEQA Guidelines, upon completion of the Draft EIR a Notice of Completion is filed with the state Office of Planning and Research, and notice of availability of the Draft EIR issued in a newspaper of general circulation in the area.

The Draft EIR is distributed for review to the public and interested and affected agencies for the purpose of providing comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided and mitigated” (Section 15204, CEQA Guidelines).

This Draft EIR and all related technical studies are available for review during the public review period at the offices of the City Planning Department, located at 1243 National City Boulevard, National City, California 91950. Copies of the Draft EIR are also available at the public library:

National City Public Library
1401 National City Boulevard
National City, CA 91950

2

Chapter 2 Environmental Setting

2.1 Regional Setting

The project site is located in southwestern San Diego County within the City of National City (City). Regional access to the project site is provided by Interstate 805 (I-805) which is located west of the project site and State Route 54 (SR-54) located adjacent to the northern boundary of the project site. San Diego Bay lies 2.6 miles west of the project site. Figure 2-1 provides the regional location of the project site and Figure 2-2 shows the project location on a United States Geographic Survey (USGS) topographic map.

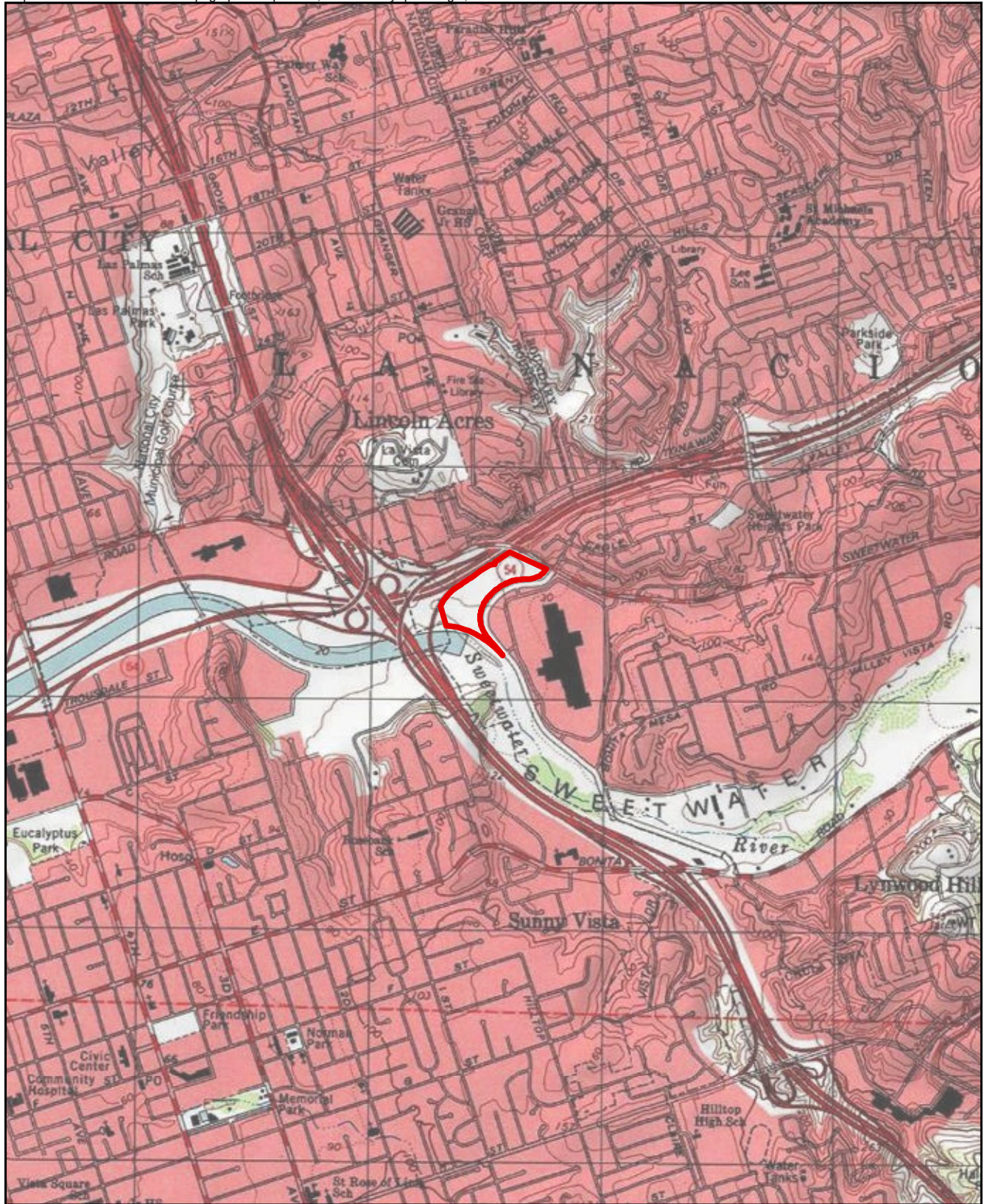
2.2 Project Location

The project site is situated along the Sweetwater River channel and is bordered to the west by I-805, to the north by SR-54 and Sweetwater Road, to the east by Plaza Bonita Road and Westfield Plaza Bonita Mall, and to the south by the vegetated channel of the Sweetwater River. ~~The project site would consist of two distinct pieces of land: The 15.08-acre project parcel and the 2.90-acre Offsite Area. The CarMax facility and earthen channel would be constructed on the 15.08-acre project parcel (assessor parcel number 564-471-11), while the 2.90-acre Offsite Area consists of California Department of Transportation and City right-of-way (ROW) that would be temporarily impacted during construction.~~ The project would also make frontage improvements along Plaza Bonita Road to add a sidewalk, and would relocate an existing sewer line that traverses the project site into the centerline of Plaza Bonita Road. The project would also manually remove invasive plant species from a portion of California Department of Transportation right-of-way immediately adjacent to the southwestern project boundary, and possibly relocate transmission lines crossing the I-805 ramp during construction. The project site and surrounding land uses are shown in Figure 2-3.



***** Project Location

FIGURE 2-1
Regional Location



 Parcel Boundary

FIGURE 2-2

Project Location on USGS Map



- Parcel Boundary
- Invasives Removal
- Utility Relocation
- Frontage Improvement



FIGURE 2-3

Project Location on Aerial Photograph

2.3 Physical Environment

2.3.1 Land Use

The site is currently undeveloped and consists of a vegetation-covered floodplain and a small unnamed creek with two channels. Historically, the project site was within the floodplain of the Sweetwater River. However, a concrete levee currently separates the project site from the Sweetwater River. Several unofficial trails are located on the project site, including cleared dirt paths that traverse the property and several footpaths that have been cleared through the heavily vegetated drainage channel which traverses the northwestern portion of the project site.

The project site has been subject to inhabitation by the homeless population. A variety of trash and debris including shopping carts, tarps, old clothing and wood scraps are present on-site, with much of the trash and debris located in the stream features. Additionally, it appears that the project site has been used as a recreation site for paintball. Disturbances to the landscape and soils are extensive and include freeway construction, maintenance of the Sweetwater River channel, erosion control/retaining rocks, grading for a previous project which was never completed, signs of a recent brush fire, rodent activity, and vegetation clearing.

2.3.2 Transportation

The regional transportation network consists of I-805 which is located adjacent to the western boundary of the project site and SR-54 and Sweetwater Road located on the northern boundary of the project site. The project site would be accessed by two future driveways that would connect to Plaza Bonita Road.

The Metropolitan Transit System provides bus service near the project site with routes 705, 961, and 963. Bus routes 961 and 963 serve bus stops at the intersection of Sweetwater Road and Plaza Bonita Road, located approximately 1,300 feet from the center of the project site. Bus route 705 serves a bus stop on the east side of the Westfield Plaza Bonita Mall, which is about 2,900 feet from the center of the project site.

A segment of the Class I Sweetwater River Bikeway is located along the project's southern boundary. The easternmost portion of this segment runs parallel along the project's southernmost boundary with Plaza Bonita Road, and then transitions into a concrete path that crosses the southeastern portion of the project parcel. The remainder of this segment then continues west along the project's southern boundary as a concrete path atop the levee separating the project site from the Sweetwater Regional Park. Another concrete path beginning at the Plaza Bonita Road edge of pavement traverses the southeastern portion of the project parcel and connects to the Class I Sweetwater River Bikeway.

2.3.3 Topography/Landcover

The project site varies slightly in elevation, from approximately 20–30 feet above mean sea level. The majority of the project site consists of vegetated areas that historically have been subjected to disturbances such as flooding and periodic human use. Current vegetation on the project site is largely non-native, consisting of dry grasses, Russian thistle, ice plant, and riparian reeds and grasses. Groves of eucalyptus, palm, and pepper trees are also present within the project site. Soils in the area are generally sandy, silty, alluvial and lagoon deposits. The alluvium is underlain at substantial depth by Quaternary and Tertiary sedimentary bedrock. Paved surfaces are limited to the segment of the Class I Sweetwater River Bikeway, and the concrete path that connects this bikeway to Plaza Bonita Road, in the southeastern portion of the project parcel described in Section 2.3.2 above.

2.3.4 Drainage

The project site is located the Sweetwater River floodplain, and approximately 3.22 square miles of contributing area drains to the project site. Before discharging into the Sweetwater River, water traverses the project site through an unnamed creek with two channels that flow from northeast to southwest. These two channels converge together in the southwestern portion of the project site and then continue to flow southwest to a storm drain within the concrete levee which outlets to the Sweetwater River at the southwestern corner of the property. Water that flows through the levee and into the Sweetwater River ultimately discharges to the San Diego Bay. The project site is not located within the 100-year floodway of the Sweetwater River—and, However, the entire project site is located within the Sweetwater Dam inundation area.

2.3.5 Air Quality/Climate

The project site is within the San Diego Air Basin (SDAB), as defined by the California Air Resources Board and the San Diego Air Pollution Control District (SDAPCD). The eastern portion of the SDAB is surrounded by mountains to the north, east, and south. These mountains tend to restrict airflow and concentrate pollutants in the valleys and low-lying areas below.

The project site, like the rest of San Diego County's coastal areas, has a Mediterranean climate characterized by warm, dry summers and mild, wet winters. The dominant meteorological feature affecting the region is the Pacific High Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that which occurs at the base of the coastal mountain range.

The SDAB is currently classified as a federal and state non-attainment area for ozone and a state non-attainment area for particulate matter less than 10 microns, particulate matter less than 2.5 microns, and ozone, and a federal maintenance area for carbon monoxide. Air pollutants transported into the basin from the adjacent South Coast Air Basin (encompassing

Los Angeles and Orange County) substantially contribute to the non-attainment conditions in the SDAB.

2.4 Public Utilities

The following provides a brief description of the existing public water and wastewater facilities that are available to serve the project. Sections 4.13 and 4.15 of this EIR provide a more detailed discussion of public services and recreation and utilities and service systems, including evaluation of infrastructure capacity and project needs.

2.4.1 Wastewater Systems

A 45-year-old City of San Diego 24-inch vitrified clay sewer line (and a 20-foot easement) runs through the project site. Additionally, the Wastewater Division of the National City Public Works Department provides sewer service to the City by maintaining approximately 97 miles of publicly owned sanitary sewer mains that consist primarily of 6- and 8-inch lines.

2.4.2 Storm Water Systems

The Wastewater Division of the National City Public Works Department maintains approximately 45 miles of closed storm water collection systems. Storm water on the project site currently flows through an unnamed creek with two channels. These two channels converge together in the southwestern portion of the project site and then continue on to a storm drain that outlets to the Sweetwater River at the southwestern corner of the property, and then travels to the San Diego Bay.

2.4.3 Water Systems

Water service would be provided to the project site by the Sweetwater Authority, which provides water service to the entire National City Planning Area, as well as the western and central portions of Chula Vista and the unincorporated San Diego County community of Bonita. Sweetwater Authority's service area covers 36.5 square miles and provides water service to approximately 188,000 people through approximately 33,000 service connections. The project would connect to the existing water pipeline that crosses the northeastern portion of the project site.

2.5 Planning Context

Development projects in the City are generally guided by the City's General Plan and Municipal Code. A brief description of these applicable plans is provided below. A detailed evaluation of the project's consistency with relevant plans and ordinances is provided in Section 4.9, Land Use, of this EIR.

City General Plan: The City's General Plan sets forth a comprehensive framework that serves as the foundation for all planning decisions in National City. It is a policy document

that sets the goals and policies that steer the City in a desired direction that will respond to the needs of its diverse citizenry. The General Plan includes the following elements: Land Use and Community Character, Circulation, Housing, Safety, Noise and Nuisance, Open Space and Agriculture, Conservation and Sustainability, Health and Environmental Justice, and Education and Public Participation.

National City Municipal Code: Title 18 of the Municipal Code is the City's Zoning Ordinance and Land Use Code and serves as the primary tool for implementing the General Plan. The Land Use Code provides detailed development standards, including what types of uses are permitted in a particular zone, minimum lot size, height restrictions, building setbacks, parking requirements, wall heights, sign criteria and other standards.

3

Chapter 3 Project Description

3.1 Project Objectives

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15124, the following primary objectives support the purpose of the project, assist the lead agency in developing a reasonable range of alternatives to be evaluated in this Environmental Impact Report (EIR), and ultimately aid decision-makers in preparing Findings and Overriding Considerations, if necessary.

- Develop an economically viable automobile sales (CarMax) facility that would create jobs and provide additional commercial opportunities for National City (City) and the San Diego region.
- Generate revenue for the City through sales tax and property tax.
- Increase commercial activity at the Westfield Plaza Bonita Mall and surrounding area by introducing a new commercial use nearby.
- Develop a project that is architecturally compatible with the surrounding properties.

3.2 Project Description

3.2.1 Overview

~~The project site would consist of two distinct pieces of land: The 15.08-acre project parcel (assessor's parcel number 564-471-11) and the 2.90-acre Offsite Area. The proposed CarMax facility and earthen channel would be constructed on the 15.08-acre project parcel (assessor's parcel number 564-471-11), while the 2.90-acre Offsite Area consists of California Department of Transportation (Caltrans) and City right of way (ROW) that would be temporarily impacted during construction.~~ On the project parcel, the project proposes to construct an approximately 18,774-square-foot CarMax facility and associated parking lot on approximately 7.19 acres. The project would also make frontage improvements along Plaza Bonita Road to add a sidewalk, and would relocate an existing sewer line that traverses the project site into the centerline of Plaza Bonita Road. Additionally, the project would recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project site

by constructing an earthen channel that would traverse the northwestern boundary of the property. The overall project site plan is presented in Figure 3-1. Due to the elevation and adjacency to the unnamed creek, development of the project parcel would require grading of the property resulting in a net import of up to approximately 166,379 cubic yards.

The project would manually remove invasive plant species from a portion of California Department of Transportation (Caltrans) right-of-way (ROW) immediately adjacent to the southwestern project boundary, and possibly relocate transmission lines crossing the I-805 ramp during construction. Removal of invasive plant species from this offsite location would ensure the success of biological mitigation completed on the project site. The applicant would obtain an encroachment permit for this work within Caltrans ROW. No permanent impacts would occur within Caltrans ROW.

The project includes a General Plan Amendment, Rezone, Tentative Parcel Map, Land Use Code (LUC) Amendment, and Conditional Use Permit (CUP) to allow development of a CarMax pre-owned automobile dealership, service building, non-public carwash, a customer/employee parking lot, a sales inventory lot, a staging lot, two public access driveways, one restricted access driveway, and landscaped areas.

The proposed General Plan Amendment and Rezone would change the existing land use designation and zoning of the CarMax facility portion of the project parcel from the Major Mixed-Use designation and the Major Mixed-Use District (MXD-2) zone to the Service Commercial land use designation and zone. The proposed General Plan Amendment and Rezone would also change the existing land use designation and zoning of the earthen channel portion of the project parcel ~~and the Offsite Area~~ from the Major Mixed-Use designation and the MXD-2 zone to the Open Space land use designation and zone. The LUC amendment is proposed to make automobile sales an allowed use in the CS zone subject to approval of a CUP. The project includes a CUP for the proposed CarMax facility. A tentative parcel map is proposed to subdivide the project parcel into two lots so that the proposed CarMax facility and the earthen channel would be on separate parcels.

3.2.2 Project Components

3.2.2.1 CarMax Facility

The project would construct a CarMax pre-owned automobile dealership, service building and non-public carwash with associated access drives, parking lots and landscaped areas within approximately 7.19 acres. The CarMax facility buildings would total approximately 18,774 square feet and include 157 parking spaces for customers and employees. The CarMax facility would also include 401 vehicle stalls in a sales inventory lot, and the facility reserves 0.9 acre for vehicle staging where cars are stored while waiting to be serviced. Elevations and renderings of the CarMax facility are presented in Figure 3-2.

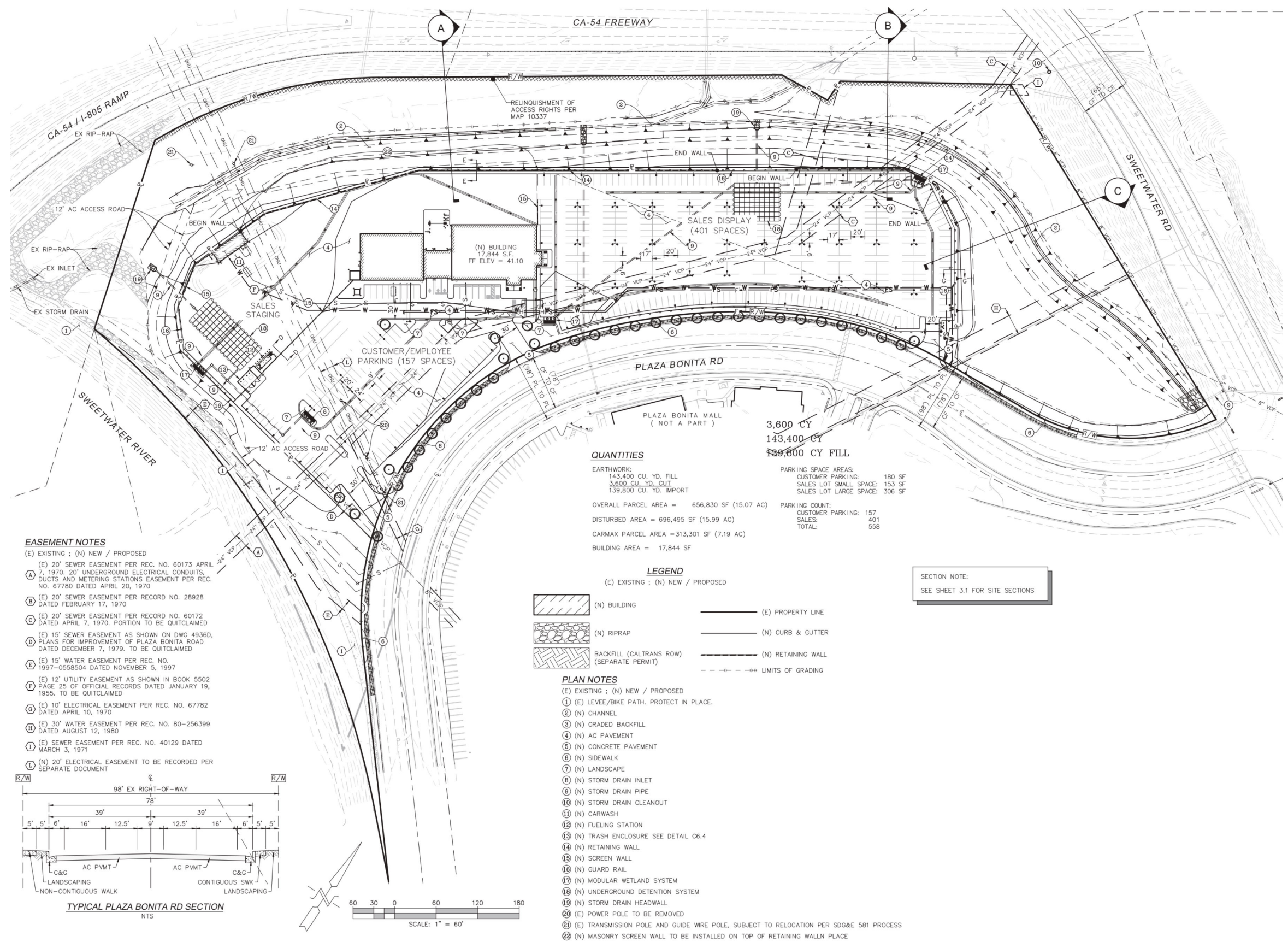


FIGURE 3-1
Overall Site Plan

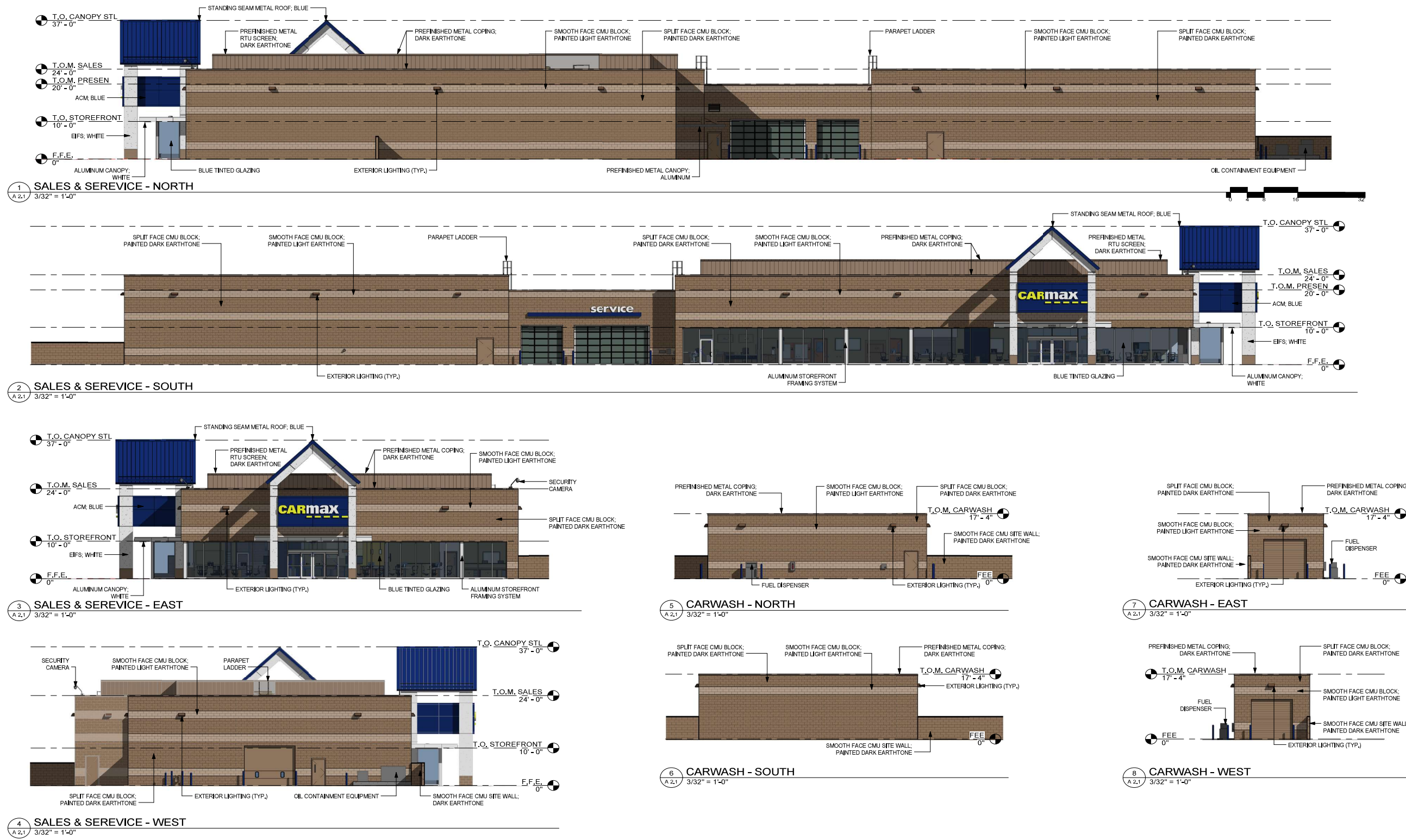


FIGURE 3-2
CarMax Facility Elevations

The non-public carwash would be located in the secured staging area and used only by CarMax associates before vehicles are either placed in the vehicle display area or presented to customers. The carwash would use recycled water that would be filtered prior to drainage directly to the sewer system. The carwash would be inspected regularly to ensure that storm water does not flow towards the car wash area and to ensure that potable water/wash water/rinse water is not allowed to enter the storm drain.

An above-ground fuel storage tank with a non-public fuel pump is also proposed to serve CarMax inventory vehicles as needed. The fueling area would be fenced, located on an impermeable surface, and covered with a canopy. The tank and fuel pump would be located inside the secured vehicle staging area adjacent to the carwash.

Retail service vehicles and vehicles awaiting transfer offsite would be stored in a secured non-public staging area on a temporary basis. As a visual screen and to provide security for these vehicles, the staging area would be surrounded by a chain link fence with privacy six-foot-high masonry wall. Vehicular access to that area would be strictly controlled through the use of embassy-style security gates.

As an accessory use, vehicles purchased through the CarMax in-store appraisal process that do not meet the CarMax retail quality standards are sold through onsite non-public wholesale auctions. Auctions would generally be held weekly or every other week; however, frequency at a given location is determined by the number of vehicles to be auctioned. Auctions would be conducted within the enclosed building area. Participation in the wholesale auction is restricted to pre-qualified licensed automobile dealers only, the majority of whom are independent dealers. While some larger dealers may bring vehicle carriers to the sale to transport their purchased vehicles, most would bring drivers to take individual vehicles away. Vehicles purchased during wholesale auctions must be removed from the site within 48 hours.

a. Typical Operations

An integral part of the CarMax operation is the reconditioning process that is performed on all vehicles offered for sale. This process includes a comprehensive inspection of the engine and all major systems. This process would occur within the proposed enclosed service area. Most routine mechanical and cosmetic repairs required to bring the vehicle up to the CarMax quality standards would be performed at the facility; however, for some reconditioning services, third parties specializing in those services are engaged.

The proposed onsite service area would provide limited retail vehicle service (routine maintenance, tires, diagnostic and mileage services) and would provide repairs of vehicles covered by their extended service plans. All service work would be performed inside air-conditioned buildings equipped with rollup doors. The service area drainage would be self-contained with the entire area draining directly to the sewer system and not the storm water conveyance system. All drainage would be filtered prior to entering the sanitary sewer system.

CarMax operates differently from traditional car dealerships in that it physically separates its inventory area from customer and employee parking. This is both for loss prevention control as well as operational efficiency and safety. All inventory display areas would be separated from the general public by means of guardrails, gates, and fencing. Ornamental wrought-iron fencing would be used to separate the customer and employee parking from the display area.

CarMax does not use outdoor loudspeakers, as associates carry pagers and/or cell phones for communications. In addition, CarMax does not use flags, balloons, inflatables, placards in open car hoods, painted window lettering or the like in its marketing.

Although hours would be set closer to the opening day by CarMax management, typical CarMax locations are open to the public Monday through Saturday from 9:00 a.m. to 9:00 p.m. with limited hours on Sundays, if permitted by local law. The retail service areas are typically open to the public Monday through Friday from 7:30 a.m. to 6:00 p.m. Associates would be present at the store several hours before and after the public operating hours.

b. Site Lighting and Security

~~CarMax uses “shoebox” type lighting fixtures~~ Light-emitting diode (LED) lamp technologies in lighting fixtures that are full cut off with a flat lens and downcast to reduce light spill onto adjacent properties would be used on-site. These lights would be mounted on 26-foot-tall light poles for visibility and security. Fixtures use a flat lens and are downcast to reduce light spill onto adjacent properties. Exterior lighting would be reduced after operating hours. CarMax typically does not use onsite security guards, but uses interior and exterior security cameras for safety and inventory protection.

3.2.2.2 Earthen Channel

As part of the project, jurisdictional waters located within the project parcel would be re-routed around the proposed CarMax development and widened to maintain the sites’ flood capacity and create additional jurisdictional waters and habitat on-site that would be used to offset permanent impacts on jurisdictional waters and wetlands. In consultation with the Wildlife Agencies, the project footprint has been reduced to minimize impacts on jurisdictional waters and to allow for a small buffer between proposed habitat and the development footprint. Further reductions of the development area would cause the project to be infeasible. Buffers between wetland and riparian habitat that would be established within the proposed channel and the project would be limited and range from 5 to 25 feet wide. The upland buffer would consist of coastal sage scrub.

3.2.2.3 100-Year Floodplain

Review of the Safety Element of the General Plan determined that the western portion of the project site is located within the 100-year floodplain. Consequently, project construction would require a net import of up to approximately 166,379 cubic yards in order to increase elevations at the project site by 5 to 10 feet. The proposed elevation increases would raise all

portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain. The only portions of the project parcel that would remain within the 100-year floodplain would be associated with the earthen channel that would connect to the existing storm drain which outlets to the Sweetwater River. Furthermore, the project would prohibit access to these portions of the project site that would remain within the 100-year floodplain.

3.2.2.3 Offsite Area

~~Construction of the earthen channel would require temporary impacts within the 2.90-acre Offsite Area that consists of Caltrans and City ROW adjacent to the project parcel. The majority of these temporary impacts would occur within Caltrans ROW associated with State Route 54 adjacent to the northwestern boundary of the project parcel, while temporary impacts to City ROW associated with Sweetwater Road would occur adjacent to the northern boundary of the project parcel. The Offsite Area would be graded and all existing vegetation would be removed during construction. Grading work proposed in the Caltrans ROW requires an encroachment permit.~~

3.2.3 Landscape Design

The conceptual landscape plan for the CarMax facility is presented in Figure 3-3. Landscape materials would include deciduous trees, deciduous shrubs, groundcover, and grasses. The majority of the proposed landscaping would occur within a 5-foot-wide landscaping strip along Plaza Bonita Road, with some internal landscaping proposed in the parking areas. No trees would be placed within 10 feet of onsite sewer easement area. Adjacent to the proposed revegetated channel area, native vegetation would be installed. All landscape areas would be privately maintained by the owner of the facilities.

3.2.4 Access and Site Uses

The project proposes two public access driveways and one restricted access driveway that would connect to Plaza Bonita Road. The first public access driveway would be the main CarMax entrance and would be centered on the project frontage along Plaza Bonita Road. The second public access driveway would be located at the southern end of the project frontage along Plaza Bonita Road, closer to Sweetwater River. The restricted access driveway would be located at the northern end of the project frontage along Plaza Bonita Road. This restricted access driveway would be located immediately northeast of the Westfield parking access roadway connection to Plaza Bonita Road on the other side of the roadway. This restricted access driveway would be limited to use by CarMax employees and vehicle test drives. Emergency access would be provided within the internal project access roads as required by the local fire department. The project would also make frontage improvements along Plaza Bonita Road to add a sidewalk, and would introduce a pedestrian crossing to provide access to the Westfield Plaza Bonita Shopping Center.

The sales inventory area would be located at the eastern portion of the property nearest Sweetwater Road and would be secured by highway guardrail and embassy-style security gates for security purposes. A vehicle test drive gate would be constructed on the southern side of the sales lot that would be used by CarMax for vehicle test drives only and would provide direct access to the customer/employee parking lot. Customer and employee parking would be located along Plaza Bonita Road, along the southern side of the site. The sales and presentation buildings would be located west of the display area with customer access from the parking lot on the south side of the building. The service building would be located adjacent to the sales building south of the display area. The main sales staging area would be located north of the service building and would be surrounded by a combination of chain link fence with slats and guard rail fencing for screening and security purposes. The staging areas would also be secured with embassy-style security gates.

Vehicular access to the display areas would be controlled by embassy-style security gates through the use of a secured key-card. Prospective customers would be accompanied by an employee when they are in the display area. Only employees would be permitted to drive cars within the display area.

3.2.4.1 Deliveries

Deliveries of vehicles, parts, and supplies would be made onsite and require the presence of associates to receive the delivery. Vehicle carriers would enter the site through the main access and load and unload vehicles in the designated area on the east side of the customer and employee parking lot. Unloaded vehicles would be driven by employees from the parking lot into the staging area to await preparation for resale or disposition through the wholesale auction process.

3.2.5 Grading and Site Preparation

Site grading would require up to approximately 5,536 cubic yards of cut and up to approximately 171,915 cubic yards of fill, resulting in a net import of up to approximately 166,379 cubic yards. Existing elevations at the property range from approximately 25 feet above mean sea level (AMSL) (southwestern portions) to approximately 40 feet AMSL (northeastern portions) and would increase by 5 to 10 feet based on the net fill/import required for project grading.

~~Construction of the earthen channel would require grading earthwork within Caltrans ROW along the slope adjacent to State Route 54 (Offsite Area). Grading of the slope adjacent to State Route 54 would increase the stability of the slope by decreasing the steepness and increasing the vegetative cover. Grading work proposed in the Caltrans ROW requires an encroachment permit.~~

3.2.6 Infrastructure

3.2.6.1 Drainage

The project would recontour and redirect approximately 2,012 linear feet of the unnamed creek located on the project parcel by constructing a 4.39-acre earthen channel that would traverse the northwestern boundary of the property. This earthen channel would preserve the existing drainage pattern where feasible and connect to the existing storm drain that outlets to the Sweetwater River to convey stormwater to the San Diego Bay. The project would also potentially make modifications to the outlet structure of any existing drainage system impacted by the small water surface elevation increment caused by the channelization of the unnamed creek in order to compensate for the minor potential reduction of the conveyance capacity of the existing drainage system, in such a way that the final result is a no negative impact in any system draining to the proposed earthen channel.

The project would construct a storm water conveyance system that would consist of a modular wetland system, underground storage system, green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. The modular wetland system, underground storage system, and green street vegetated swale would include filtration components to treat stormwater before discharging to the earthen channel or infiltrating to groundwater.

3.2.6.2 Water

Water services would be provided to the project site by the Sweetwater Authority, which is a Joint Powers Authority formed by National City and the South Bay Irrigation District in order to deliver water to the service areas of both agencies. The project would connect to an existing water transmission main that traverses the project site. Water would remain in continuous service during construction.

3.2.6.3 Wastewater

A 45-year-old City of San Diego 24-inch vitrified clay sewer line (and a 20-foot easement) traverses the project site. The project would relocate this existing sewer into the centerline of Plaza Bonita Road. Wastewater service for the project would be provided by the City of San Diego. The project would implement a traffic control plan during relocation of the sewer line to maintain one lane of traffic in each direction on Plaza Bonita Road.

3.2.6.4 Utilities

San Diego Gas & Electric would provide electricity and natural gas to the project. Utilities necessary to serve the proposed uses would be installed in conjunction with development of the site.

3.2.6.5 Solid Waste

Construction and operation of the project would generate waste requiring disposal. Recycling would be conducted during construction, and project design would include recycle bins and dedicated trash enclosures which would be serviced by EDCO. In addition, the project would comply with all applicable regulations pertaining to solid waste during both the construction and operational phases of the project. Solid waste that is not recycled would be hauled to the Otay Landfill.

3.2.7 Environmental Design Considerations

The project would implement the following sustainable project design features. These project design features would become conditions of project approval and would be implemented as a part of the project.

- **Water:** The CarMax facility would utilize low-flow plumbing fixtures and conduct water use monitoring. The CarMax facility would also utilize water reclaim tanks for the carwash and oil/water separators. Eighty-five percent of the carwash water would be recycled.
- **Energy Management System (EMS):** The CarMax facility would utilize an EMS to manage operating times, use efficiency, and cost efficiency for lighting, heating, ventilation, and air conditioning (HVAC) systems and computer systems. The EMS would also manage power load during peak hours to minimize energy use to prevent utilities from having to provide temporary additional power during peak time).
- **Recycling:** The CarMax facility would implement operational recycling for oil, anti-freeze, oil filters, tires, battery cores, scrap metal on a case by case basis, paint waste.

3.3 Discretionary Actions

Discretionary actions are those actions taken by an agency that call for the exercise of judgment in deciding whether to approve or how to carry out a project. The discretionary actions described below would be considered by the City Council.

3.3.1 General Plan Amendment

A General Plan Amendment is proposed to change the existing land use designation of the CarMax portion of the project parcel from Major Mixed-Use to Service Commercial. The Service Commercial designation provides for intensive commercial activities, specialized service establishments, and other compatible uses. Light manufacturing, wholesaling, and distribution uses are restricted to those that can be operated in a clean and quiet manner. The Service Commercial designation allows for a floor area ratio of 1.5. The General Plan designation for the earthen channel portion of the project parcel would be amended to Open Space for consistency with the proposed preservation of this area. ~~The General Plan designation for the Offsite Area would also be amended to Open Space.~~

3.3.2 Rezone

A rezone is proposed to change the existing Major Mixed-Use District (MXD-2) zone on the CarMax portion of the project parcel to Service Commercial (CS). The CS zone provides for intensive commercial activities; specialized service establishments; light manufacturing, wholesaling, and distribution uses that operate in a clean and quiet manner; and supporting and complimentary uses. The purpose of the CS zone, along with other commercial zones, is to:

1. Provide areas in which business may be conducted, goods sold and distributed, public and private services rendered, and such other activities provided which are related to the function of commercial development;
2. Ensure compatibility of the various commercial areas with adjacent land uses; and
3. Implement the General Plan by concentrating the locations of intensive commercial uses.

The earthen channel portion of the project parcel would be rezoned to Open Space (OS) for consistency with the proposed conservation of this area of the site. ~~The Offsite Area would also be rezoned to Open Space.~~

3.3.3 Land Use Code Amendment

The LUC is the City's zoning code (Municipal Code Title 18 Zoning), which establishes regulations for the use and development of land. The project includes an amendment to the LUC, specifically to Table 18.22.020, Allowed Land Uses Commercial Zones to allow auto sales in the CS zone subject to approval of a CUP.

3.3.4 Tentative Parcel Map

A Tentative Parcel Map is proposed to subdivide the project parcel into two separate lots. The proposed CarMax facility and earthen channel would be located on separate parcels.

3.3.5 Conditional Use Permit

Consistent with the proposed General Plan Amendment, Rezone and LUC Amendment, a CUP would be required to allow development of the CarMax facility.

3.4 Other Agency Approvals Required

- Caltrans - Longitudinal Encroachment Permit
- Federal Emergency Management Agency - Conditional Letter of Map Revision/Letter of Map Revision
- United States Army Corp of Engineer

- Section 404 Standard Individual Permit
- National Environmental Policy Act Environmental Assessment/404(b)(1) Alternatives Analysis
- Section 106 (Cultural) Consultation Assistance
- Section 408 Permit (County of San Diego to submit application on behalf of CarMax)
- Regional Water Quality Control Board - 401 Water Quality Certification
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife (CDFW) - CDFW Section 1600 et seq. Lake and Streambed Alteration Agreement

3.5 Federal/State Consultation

3.5.1 Native American Heritage Commission

Government Code Section 65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places when General Plans or Specific Plans are amended. On November 11, 2015, ICF Archaeologist Karolina Chmiel contacted the NAHC requesting a review of its Sacred Lands Files. The NAHC responded on November 30, 2015, stating that the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided a list of 15 Native American individuals and organizations that may have knowledge of cultural resources in the project area. On December 16, 2015, ICF sent project letters to all 15 individuals identified by the NAHC. No responses have been received to date.

4

Chapter 4 Environmental Analysis

The following sections analyze the potential environmental impacts that may occur as a result of project implementation. The environmental issues addressed in the following sections, in alphabetical order, include:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Paleontological Resources
- Public Services and Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

Each issue analysis section is formatted to include a description of existing conditions, the criteria for the determination of impact significance, evaluation of potential impacts, mitigation measures if applicable, and conclusion of significance after mitigation for impacts identified as requiring mitigation. All potential direct and indirect impacts in Chapter 4 are evaluated in relation to applicable City of National City, state, and federal standards.

4.1 Aesthetics

This section addresses the potential visual impacts of the project and project compatibility in terms of the visual character and compatibility with existing and planned land uses.

4.1.1 Existing Conditions

4.1.1.1 Existing Visual Landscape

a. Landform

The project site is currently vacant and consists of a vegetation-covered floodplain and a small unnamed creek with two channels. Historically, the project site was within the floodplain of the Sweetwater River. However, a concrete levee currently separates the project site from the Sweetwater River. Several unofficial trails are located on the project site, including cleared dirt paths that traverse the property and a concrete path atop the levee on the southern boundary separating the project site from the Sweetwater Regional Park.

b. Neighborhood Character

Land uses surrounding the project site primarily consist of transportation and commercial land uses including Interstate 805 (I-805) to the west, State Route 54 (SR-54) and Sweetwater Road to the north, and Plaza Bonita Road and Westfield Plaza Bonita Mall to the east. A portion of the Sweetwater River designated as the County of San Diego Sweetwater Regional Park is located south of the project site and is separated from the project site by a concrete levee. This portion of the Sweetwater Regional Park south of the project site includes a segment of the Sweetwater Loop and River Trail that follows the path of the Sweetwater River. Residential development is located northeast of the project site beyond Sweetwater Road and northwest beyond SR-54.

c. Light and Glare

The project site is vacant and does not have any sources of light or glare. The primary source of light and glare from adjacent uses comes from vehicles traveling on SR-54 and Sweetwater Road north of the project site at night. Additionally, street lighting on SR-54 and Sweetwater Road, as well as parking lot lighting associated with Westfield Plaza Bonita Mall, create additional sources of light and glare.

4.1.1.2 Views

The project site is a low point in relation to the I-805/SR-54 off-ramp, SR-54, and most of Sweetwater Road. Conversely, the project site is a high point in relation to the Sweetwater Regional Park south of the project site, and views from this location are obscured by its lower elevation and the existing concrete levee. Views of the project site from the Westfield Plaza Bonita Mall consist primarily of existing trees and vegetation on the eastern border of the project site.

The project site is not visible from any officially designated scenic roadways; in addition, no highways in National City (City) are included on the California Department of Transportation (Caltrans) list of officially designated or eligible scenic highways.

4.1.1.3 Scenic Resources

Scenic resources within the project area are limited to the open space and vegetation associated with the Sweetwater River south of the project site. The project site, while undeveloped and vegetated, contains no scenic resources.

4.1.1.4 Applicable Policies and Regulations

Several existing policies and development regulations relate to visual quality and scenic resources, as detailed below.

a. California Scenic Highway Program

The California Scenic Highway Program, maintained by Caltrans, protects scenic state highway corridors from changes which would diminish the aesthetic value of lands adjacent to the highways. According to the California Scenic Highway Program, there are no state-designated scenic highways within the vicinity of the project site.

b. National City General Plan

The Land Use and Community Character Element Goal LU-12 calls for the preservation of National City's scenic resources and significant viewsheds. Policy LU-12.1 protects views of the San Diego Bay, open space and other scenic resources by encouraging building placement, orientation, height, and mass to maintain and enhance views. Policy LU-12.3 encourages the retention and enhancement of natural hillsides. Additionally, Policy OS-1.1 of the Open Space and Agriculture Element calls for the protection and conservation of open spaces that provide public views/vistas.

c. National City Municipal Code

Title 18 of the Municipal Code (Land Use Code) provides specific requirements for development in the City in order to achieve the general arrangement of land uses identified in the General Plan. Primary objectives of the Land Use Code include the regulation of

building form, placement, and density, and the provision of sufficient parking and open spaces in conjunction with development.

4.1.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to aesthetics are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact related to aesthetics would occur if the project would:

- 1) Have a substantial adverse effect on a scenic vista, such as the Pacific Ocean and coastline, by blocking views or substantially altering views;
- 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- 3) Substantially degrade the existing visual character or quality of public views of the site and its surroundings; (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? or
- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.1.3 Issue 1: Scenic Vistas

Would the project have a substantial adverse effect on a scenic vista?

4.1.3.1 Impact Analysis

A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. There are no officially designated scenic vistas in the immediate project vicinity, and San Diego Bay is not visible from the project site. Similarly, the project site is not considered a scenic vista since it is surrounded by existing transportation and commercial land uses and does not possess any highly valued scenic resources.

4.1.3.2 Significance of Impacts

There are no officially designated scenic vistas in the immediate project vicinity, and San Diego Bay is not visible from the project site. Similarly, the project site is not considered a scenic vista. Therefore, the project would not have a substantial adverse effect on a scenic vista, and impacts would be less than significant.

4.1.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.1.4 Issue 2: Scenic Resources

Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

4.1.4.1 Impact Analysis

The project site does not contain any rock outcroppings or historic buildings and is not visible from a state scenic highway. The existing trees and other vegetation do not qualify as scenic resources because the project site is surrounded by existing transportation and commercial land uses and there are no scenic views of the project site. The project would introduce landscaping materials, including palm trees, deciduous trees, deciduous shrubs, groundcover, and grasses. The majority of the proposed landscaping would occur within a 5-foot-wide landscaping strip along Plaza Bonita Road that would provide a visual landscape buffer between the surrounding roadways and the project site. The conceptual landscape plan would also introduce some features within the interior of the project site (see Figure 3-4). Figures 4.1-1 and 4.1-2 present renderings of the future CarMax facility and associated landscaping.

4.1.4.2 Significance of Impacts

The project site is not visible from a state scenic highway and does not contain any scenic resources. Therefore, the project would not substantially damage scenic resources would be less than significant.

4.1.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.



FIGURE 4.1-1
CarMax Facility Rendering 1



FIGURE 4.1-2
CarMax Facility Rendering 2

4.1.5 Issue 3: Visual Character or Quality

Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

4.1.5.1 Impact Analysis

Visual Character

The existing visual character and quality of the project site is characterized by the surrounding transportation land uses to the north and west and commercial land uses to the east. The proposed CarMax pre-owned automobile dealership, service building, and non-public carwash with associated access drives, parking lots, inventory space, and landscaped areas would be consistent with the character of the Westfield Plaza Bonita Mall east of the project site. Additionally, the project would introduce landscape materials, including palm trees, deciduous trees, deciduous shrubs, groundcover, and grasses (see Figures 4.1-1 and 4.1-2).

The proposed CarMax would contrast with the portion of the Sweetwater River designated as the County of San Diego Sweetwater Regional Park located south of the project site. The project site is currently undeveloped and possesses trees and other vegetation similar to the adjacent Sweetwater River. However, conversion of a portion of the project site to a commercial land use would not substantially degrade the surrounding existing visual character because the nearby segment of the Sweetwater River is already surrounded by urban development including the Westfield Plaza Bonita Mall, I-805, and Plaza Bonita Road (see Figure 2-3). Furthermore, the project would maintain a significant portion of the site in open space to allow for construction and restoration of an earthen channel along the northwestern boundary of the project site to improve the on-site drainage that connects to the Sweetwater River. The CarMax facility would be similar in character to the Westfield Plaza Bonita Mall adjacent to the Sweetwater River. Therefore, the project would not substantially degrade the existing visual character or quality of the site and its surroundings, and impacts would be less than significant.

4.1.5.2 Significance of Impacts

The project would be consistent with the character and quality of the surrounding environment. Impacts would be less than significant.

4.1.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.1.6 Issue 4: Light or Glare

Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

4.1.6.1 Impact Analysis

The project would necessitate the use of lighting that would contribute to existing conditions of light and glare. These existing sources of light and glare within the project vicinity include vehicles traveling on SR-54 and Sweetwater Road at night, as well as street lighting on SR-54 and Sweetwater Road and parking lot lighting associated with Westfield Plaza Bonita Mall. Proposed new light sources would include interior and exterior lighting, as well as parking lot lighting. Project lighting would not be out of character with the existing sources of light and would be subject to the requirements of Title 18 of the Municipal Code (Land Use Code). Adherence to Title 18 of the Municipal Code would ensure that future project lighting does not spill into the portion of the Sweetwater River designated as the County of San Diego Sweetwater Regional Park located south of the project. As described in Section 3.2.2.1.a, Light-emitting diode (LED) lamp technologies in lighting fixtures that are full cut off with a flat lens and downcast to reduce light spill onto adjacent properties would be used on-site. These lights would be mounted on 26-foot-tall light poles for visibility and security. Exterior lighting would be reduced after operating hours. Implementation of these lighting features would ensure that project lighting would not affect motorist traveling on SR-54 and I-805. ~~With~~ Therefore, project lighting design and adherence to existing lighting requirements, would ensure that the project would not create a new source of substantial light and glare, and impacts would be less than significant.

4.1.6.2 Significance of Impacts

Adherence to existing lighting requirements presented in Title 18 of the Municipal Code would ensure impacts related to light and glare would be less than significant.

4.1.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.2 Air Quality

This section addresses the potential for the project to emit air pollutants during project construction and post-construction daily project operations. The analysis is based on the following technical document included as an appendix to the Environmental Impact Report (EIR):

- Air Quality Technical Report for the National City CarMax Project, National City, California (Appendix B; RECON 2020a).

4.2.1 Existing Conditions

The project site lies within the San Diego Air Basin (SDAB), which is regulated locally by the San Diego Air Pollution Control District (SDAPCD). The eastern portion of the SDAB is surrounded by mountains to the north, east, and south. These mountains tend to restrict airflow and concentrate pollutants in the valleys and low-lying areas below. The project area, like the rest of San Diego County, has a Mediterranean climate characterized by warm, dry summers and mild winters. The mean annual temperature for the project area is 61 degrees Fahrenheit (°F). The average annual precipitation is 10 inches, falling primarily from November to April. Winter low temperatures in the project area average about 45°F, and summer high temperatures average about 72°F. The average relative humidity is 69 percent and is based on the yearly average humidity at Lindbergh Field (Western Regional Climate Center 2020).

4.2.1.1 Existing Regulatory Framework

a. Federal Clean Air Act

The federal Clean Air Act (CAA) was enacted in 1970 and amended in 1977 and 1990 [42 United States Code (USC) 7401] for the purposes of protecting and enhancing the quality of the nation's air resources to benefit public health, welfare, and productivity. In 1971, in order to achieve the purposes of Section 109 of the CAA [42 USC 7409], the U.S. Environmental Protection Agency (EPA) developed primary and secondary National Ambient Air Quality Standards (NAAQS).

Six criteria pollutants of primary concern have been designated: ozone, carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), lead (Pb), and respirable particulate matter (PM₁₀ and PM_{2.5}). The primary NAAQS “. . . in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health . . .” and the secondary standards “. . . protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in

the ambient air” [42 USC 7409(b)(2)]. The primary NAAQS were established, with a margin of safety, considering long-term exposure for the most sensitive groups in the general population (i.e., children, senior citizens, and people with breathing difficulties). The NAAQS are presented in Table 4.2-1 (California Air Resources Board [CARB] 2016).

If an air basin is not in either federal or state attainment for a particular pollutant, the basin is classified as non-attainment area for that pollutant. The SDAB is currently classified as a federal non-attainment area for ozone.

b. California Air Resources Board

The CARB has developed the California Ambient Air Quality Standards (CAAQS) and generally has set more stringent limits on the criteria pollutants than the NAAQS (see Table 4.2-1). In addition to the federal criteria pollutants, the CAAQS also specify standards for visibility-reducing particles, sulfates, hydrogen sulfide, and vinyl chloride (see Table 4.2-1).

Similar to the federal CAA, the state classifies either “attainment” or “non-attainment” areas for each pollutant based on the comparison of measured data with the CAAQS. The SDAB is a non-attainment area for the state ozone standards, the state PM₁₀ standard, and the state PM_{2.5} standard. The California CAA, which became effective on January 1, 1989, requires all areas of the state to attain the CAAQS at the earliest practicable date. The California CAA has specific air quality management strategies that must be adopted by the agency responsible for the non-attainment area. In the case of the SDAB, the responsible agency is the SDAPCD.

c. Toxic Air Contaminants

The public’s exposure to toxic air contaminants (TACs) is a significant public health issue in California. Diesel-exhaust particulate matter emissions have been established as TACs. In 1983, the California Legislature enacted a program to identify the health effects of TACs and to reduce exposure to these contaminants to protect the public health (Assembly Bill [AB] 1807: Health and Safety Code Sections 39650–39674). The Legislature established a two-step process to address the potential health effects from TACs. The first step is the risk assessment (or identification) phase. The second step is the risk management (or control) phase of the process.

The California Air Toxics Program establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk. Additionally, the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly Bill) was enacted in 1987 and requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

Table 4.2-1 Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone ⁸	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	–	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.07 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)		
Respirable Particulate Matter (PM ₁₀) ⁹	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		–		
Fine Particulate Matter (PM _{2.5}) ⁹	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12 µg/m ³		
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-dispersive Infrared Photometry	35 ppm (40 mg/m ³)	–	Non-dispersive Infrared Photometry
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	–	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		–	–	
Nitrogen Dioxide (NO ₂) ¹⁰	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemi- luminescence	100 ppb (188 µg/m ³)	–	Gas Phase Chemi- luminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		0.053 ppm (100 µg/m ³)	Same as Primary Standard	
Sulfur Dioxide (SO ₂) ¹¹	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	–	Ultraviolet Fluorescence; Spectro- photometry (Pararosaniline Method)
	3 Hour	–		–	0.5 ppm (1,300 µg/m ³)	
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ¹¹	–	
	Annual Arithmetic Mean	–		0.030 ppm (for certain areas) ¹¹	–	
Lead ^{12,13}	30 Day Average	1.5 µg/m ³	Atomic Absorption	–	–	High Volume Sampler and Atomic Absorption
	Calendar Quarter	–		1.5 µg/m ³ (for certain areas) ¹²	Same as Primary Standard	
	Rolling 3-Month Average	–		0.15 µg/m ³		
Visibility Reducing Particles ¹⁴	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m ³	Ion Chroma- tography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride ¹²	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chroma- tography			

See footnotes on next page.

ppm = parts per million; ppb = parts per billion; $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter; – = not applicable.

- ¹ California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, particulate matter (PM_{10} , $\text{PM}_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- ² National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10} , the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above $150 \mu\text{g}/\text{m}^3$ is equal to or less than one. For $\text{PM}_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
- ³ Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- ⁴ Any equivalent measurement method which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.
- ⁵ National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- ⁶ National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- ⁷ Reference method as described by the U.S. EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the U.S. EPA.
- ⁸ On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- ⁹ On December 14, 2012, the national annual $\text{PM}_{2.5}$ primary standard was lowered from $15 \mu\text{g}/\text{m}^3$ to $12.0 \mu\text{g}/\text{m}^3$. The existing national 24-hour $\text{PM}_{2.5}$ standards (primary and secondary) were retained at $35 \mu\text{g}/\text{m}^3$, as was the annual secondary standards of $15 \mu\text{g}/\text{m}^3$. The existing 24-hour PM_{10} standards (primary and secondary) of $150 \mu\text{g}/\text{m}^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- ¹⁰ To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- ¹¹ On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- ¹² The ARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- ¹³ The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard ($1.5 \mu\text{g}/\text{m}^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- ¹⁴ In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are “extinction of 0.23 per kilometer” and “extinction of 0.07 per kilometer” for the statewide and Lake Tahoe Air Basin standards, respectively.

SOURCE: CARB 2016.

The Children's Environmental Health Protection Act, California Senate Bill 25 (Chapter 731, Escutia, Statutes of 1999), focuses on children's exposure to air pollutants. The act requires CARB to review its air quality standards from a children's health perspective, evaluate the statewide air monitoring network, and develop any additional air toxic control measures needed to protect children's health. Locally, toxic air pollutants are regulated through the SDAPCD's Regulation XII. Of particular concern statewide are diesel-exhaust particulate matter emissions. Diesel-exhaust particulate matter was established as a TAC in 1998, and is estimated to represent a majority of the cancer risk from TACs statewide (based on the statewide average). Diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB and are listed as carcinogens either under the state's Proposition 65 or under the federal Hazardous Air Pollutants program.

Following the identification of diesel particulate matter (DPM) as a TAC in 1998, CARB has worked on developing strategies and regulations aimed at reducing the risk from DPM. The overall strategy for achieving these reductions is found in the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles* (CARB 2000). A stated goal of the plan is to reduce the statewide cancer risk arising from exposure to DPM by 85 percent by 2020. To monitor the effectiveness of these efforts, CARB has supported field campaigns that measure real-world emissions from heavy-duty vehicles, and results indicate that regulations aimed at reducing emissions of DPM have been successful.

In April 2005, CARB published the *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005). The handbook makes recommendations directed at protecting sensitive land uses from air pollutant emissions while balancing a myriad of other land use issues (e.g., housing, transportation needs, economics, etc.). It notes that the handbook is not regulatory or binding on local agencies and recognizes that application takes a qualitative approach. As reflected in the CARB Handbook, there is currently no adopted standard for the significance of health effects from mobile sources. Therefore, the CARB has provided guidelines for the siting of land uses near heavily traveled roadways. Of pertinence to this study, the CARB guidelines indicate that siting new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles/day should be avoided when possible.

As an ongoing process, CARB will continue to establish new programs and regulations for the control of diesel particulate and other air-toxics emissions as appropriate. The continued development and implementation of these programs and policies will ensure that the public's exposure to DPM will continue to decline.

d. State Implementation Plan

The State Implementation Plan (SIP) is a collection of documents that set forth the state's strategies for achieving the NAAQS. In California, the SIP is a compilation of new and

previously submitted plans, programs (such as air quality management plans, monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. The CARB is the lead agency for all purposes related to the SIP under state law. Local air districts and other agencies, such as the Department of Pesticide Regulation and the Bureau of Automotive Repair, prepare SIP elements and submit them to CARB for review and approval. The CARB then forwards SIP revisions to the EPA for approval and publication in the Federal Register. All of the items included in the California SIP are listed in the Code of Federal Regulations (CFR) at 40 CFR 52.220.

The SDAPCD is responsible for preparing and implementing the portion of the SIP applicable to the SDAB. The SIP plans for San Diego County specifically include the Redesignation Request and Maintenance Plan for the 1997 National Ozone Standard for San Diego County (2012), and the 2004 Revision to the California State Implementation Plan for Carbon Monoxide – Updated Maintenance Plan for Ten Federal Planning Areas.

e. San Diego Air Pollution Control District

The SDAPCD prepared the original 1991/1992 Regional Air Quality Strategy (RAQS) in response to requirements set forth in the California CAA (SDAPCD 1992). The California CAA requires areas that are designated state non-attainment areas for ozone, CO, SO₂, and NO₂ prepare and implement plans to attain the standards by the earliest practicable date. The California CAA does not provide guidance on timing or requirements for attaining the state PM₁₀ and PM_{2.5} standards. Attached as part of the RAQS are the Transportation Control Measures (TCMs) adopted by the San Diego Association of Governments (SANDAG). Updates of the RAQS and corresponding TCM are required every three years. The RAQS and TCM set forth the steps needed to accomplish attainment of NAAQS and CAAQS. The most recent update of the RAQS and TCM occurred in 2016 (SDAPCD 2016).

4.2.1.2 Existing Air Quality in the Project Area

Air quality at a particular location is a function of the kinds, amounts, and dispersal rates of pollutants being emitted into the air locally and throughout the basin. The major factors affecting pollutant dispersion are wind speed and direction, the vertical dispersion of pollutants (which is affected by inversions), and the local topography.

Air quality is commonly expressed as the number of days in which air pollution levels exceed state standards set by the CARB or federal standards set by the EPA. The SDAPCD maintains 11 air quality monitoring stations located throughout the greater San Diego metropolitan region. Air pollutant concentrations and meteorological information are continuously recorded at these stations. Measurements are then used by scientists to help forecast daily air pollution levels.

The Chula Vista monitoring station located at 80 East J Street, approximately two miles south of the project site, is the nearest station to the project site. The Chula Vista monitoring station measures ozone, NO₂, PM₁₀, and PM_{2.5}. Table 4.2-2 provides a summary of measurements collected at the Chula Vista monitoring station for the years 2014 through 2018.

Table 4.2-2 Summary of Air Quality Measurements Recorded at the Chula Vista Monitoring Station					
Pollutant/Standard	2014	2015	2016	2017	2018
Ozone					
Federal Max 8-hr (ppm)	0.072	0.066	0.068	0.074	0.064
Days 2015 Federal 8-hour Standard Exceeded (0.07 ppm)	1	0	0	1	0
Days 2008 Federal 8-hour Standard Exceeded (0.075 ppm)	0	0	0	0	0
State Max 8-hr (ppm)	0.072	0.067	0.069	0.075	0.065
Days State 8-hour Standard Exceeded (0.07 ppm)	1	0	0	1	0
Max. 1-hr (ppm)	0.093	0.088	0.073	0.085	0.076
Days State 1-hour Standard Exceeded (0.09 ppm)	0	0	0	0	0
Nitrogen Dioxide					
Max 1-hr (ppm)	0.055	0.049	0.054	0.057	0.052
Days State 1-hour Standard Exceeded (0.18 ppm)	0	0	0	0	0
Days Federal 1-hour Standard Exceeded (0.100 ppm)	0	0	0	0	0
Annual Average (ppm)	0.011	0.010	0.009	--	0.009
PM₁₀*					
Federal Max. Daily (µg/m ³)	38.0	46.0	48.0	59.0	45.0
Measured Days Federal 24-hour Standard Exceeded (150 µg/m ³)	0	0	0	0	0
Calculated Days Federal 24-hour Standard Exceeded (150 µg/m ³)	0.0	0.0	0.0	0.0	0.0
Federal Annual Average (µg/m ³)	22.9	19.7	21.6	21.4	20.7
State Max. Daily (µg/m ³)	39.0	45.0	48.0	61.0	45.0
Measured Days State 24-hour Standard Exceeded (50 µg/m ³)	0	0	0	1	0
Calculated Days State 24-hour Standard Exceeded (50 µg/m ³)	0.0	0.0	0.0	6.5	--
State Annual Average (µg/m ³)	23.4	19.8	21.8	21.7	--
PM_{2.5}*					
Federal Max. Daily (µg/m ³)	26.5	33.5	23.9	42.7	41.9
Measured Days Federal 24-hour Standard Exceeded (35 µg/m ³)	0	0	0	1	1
Calculated Days Federal 24-hour Standard Exceeded (35 µg/m ³)	0.0	0.0	0.0	--	2.7
Federal Annual Average (µg/m ³)	9.2	8.3	8.7	--	9.9
State Max. Daily (µg/m ³)	26.5	33.5	23.9	42.7	41.9
State Annual Average (µg/m ³)	9.3	8.4	8.7	--	10.0
SOURCE: CARB 2020. ppm = parts per million; µg/m ³ = micrograms per cubic meter; -- = Not available. * Calculated days value. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.					

4.2.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to air quality are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact related to air quality would occur if the project would:

- 1) Conflict with or obstruct implementation of the applicable air quality plan;
- 2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard;
- 3) Expose sensitive receptors to substantial pollutant concentrations; or
- 4) Result in other emissions such as those leading to odors adversely affecting a substantial number of people.

The SDAPCD does not provide specific numeric thresholds for determining the significance of air quality impacts under CEQA. However, the SDAPCD does specify Air Quality Impact Analysis (AQIA) trigger levels for new or modified stationary sources (SDAPCD Rules 20.2 and 20.3). These trigger levels do not generally apply to construction, mobile sources, or general land development projects; however, for comparative purposes, these levels are used to evaluate the increased emissions that would be discharged to the SDAB if the project is approved. SDAPCD Rules 20.2 and 20.3 do not specify thresholds for reactive organic gases (ROG). However, rule 20.1 equates ROG and oxides of nitrogen (NO_x) emissions and applies the same limitation on ROG and NO_x emissions in ozone non-attainment areas, therefore, the ROG threshold is set equal to the NO_x threshold. The air quality thresholds used in this analysis are shown in Table 4.2-3.

Pollutant	Emission Rate (pounds/hour)	Emission Rate (pounds/day)	Emission Rate (tons/year)
NO _x	25	250	40
SO _x	25	250	40
CO	100	550	100
PM ₁₀	--	100	15
Lead	--	3.2	0.6
ROG	--	250	--
PM _{2.5}	--	67	10
SOURCE: SDAPCD, Rules 20.1, 20.2, 20.3			

4.2.3 Issue 1: Air Quality Plan Implementation

Would the project conflict with or obstruct the implementation of the applicable air quality plan?

4.2.3.1 Impact Analysis

The RAQS is the applicable regional air quality plan that sets forth the SDAPCD's strategies for achieving the NAAQS and CAAQS. The SDAB is designated non-attainment for the federal and state ozone standard. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the standards for ozone. The two pollutants addressed in the RAQS are ROG and NO_x, which are precursors to the formation of ozone. Projected increases in motor vehicle usage, population, and growth create challenges in controlling emissions and by extension to maintaining and improving air quality. The RAQS, in conjunction with the TCM, were most recently adopted in 2016 as the air quality plan for the region (SDAPCD 2016).

The growth projections used by the SDAPCD to develop the RAQS emissions budgets are based on the population, vehicle trends, and land use plans developed in General Plans and used by SANDAG in the development of the regional transportation plans and sustainable communities strategy. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the General Plan would not conflict with the RAQS. In the event that a project proposes development that would generate less traffic, population, or employment than anticipated by growth projections, the project would likewise be consistent with the RAQS. In the event a project proposes development that is greater than anticipated in the growth projections, further analysis would be warranted to determine if the project would exceed the growth projections used in the RAQS.

A General Plan Amendment is proposed to change the existing General Plan designation of the CarMax portion of the project parcel from Major Mixed-Use to Service Commercial. The Major Mixed-Use designation allows for a variety of uses including low to mid-rise multiple-family dwellings, retail, restaurants, personal services, professional and administrative offices, public and quasi-public uses, and similar compatible uses. The Service Commercial designation provides for intensive commercial activities, specialized service establishments, and other compatible uses. Light manufacturing, wholesaling, and distribution uses are restricted to those that can be operated in a clean and quiet manner. According to SANDAG's *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, mixed-use projects have trip generation rates ranging from 200 trips per acre for all residential uses to 2,000 trips per acre for all commercial uses (SANDAG 2002). Using these rates, the 15.08-project parcel could generate 3,016 to 30,160 daily trips under the existing Major Mixed-Use land use designation. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 daily trips. This would be less than the number of trips that could be generated by the project parcel under the existing Major Mixed-Use land use designation. Therefore, the project would not exceed the RAQS emissions budgets. Additionally, the project would not add housing. Although the project

would create new jobs, it is assumed that these would be filled by the local labor force rather than require relocation of workers from outside the region. Therefore, the project would be consistent with the growth projections for the region and would not obstruct or conflict with the implementation of the RAQS.

4.2.3.2 Significance of Impacts

The project would generate fewer trips than are currently accounted for in the RAQS and would be consistent with growth projections for the region. Therefore, the project would not obstruct or conflict with the implementation of the RAQS, and impacts would be less than significant.

4.2.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.2.4 Issue 2: Criteria Pollutants

Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?

4.2.4.1 Impact Analysis

The region is classified as attainment for all criterion pollutants except ozone, PM₁₀, and PM_{2.5}. The SDAB is non-attainment for the 8-hour federal and state ozone standards. Ozone is not emitted directly, but is a result of atmospheric activity on precursors. NO_x and ROG are known as the chief “precursors” of ozone. These compounds react in the presence of sunlight to produce ozone. PM_{2.5} includes fine particles that are found in smoke and haze, and are emitted from all types of combustion activities (motor vehicles, power plants, wood burning, etc.) and certain industrial processes. PM₁₀ includes both fine and coarse dust particles, and sources include crushing or grinding operations and dust from paved or unpaved roads.

a. Construction Emissions

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emissions include:

- Fugitive dust from grading activities;
- Construction equipment exhaust;
- Construction-related trips by workers, delivery trucks, and material-hauling trucks; and
- Construction-related power consumption.

Construction-related pollutants result from dust raised during demolition and grading, emissions from construction vehicles, and chemicals used during construction. Fugitive

Construction emissions were modeled with construction activities beginning in January 2021. Primary inputs are the numbers of each piece of equipment and the length of each construction stage. Specific construction phasing and equipment parameters are not available at this time. However, CalEEMod can estimate the required construction equipment when project-specific information is unavailable. The estimates are based on surveys, performed by the SCAQMD and the Sacramento Metropolitan Air Quality Management District, of typical construction projects which provide a basis for scaling equipment needs and schedule with a project's size. Air emission estimates in CalEEMod are based on the duration of construction phases; construction equipment type, quantity, and usage; grading area; season; and ambient temperature, among other parameters. Project construction would occur in five stages: site preparation, grading/excavation, building construction, paving, and architectural coatings. Site grading would require a net import of up to approximately 166,379 cubic yards.

Table 4.2-4 shows the total projected construction maximum daily emission levels for each criteria pollutant.

	Pollutant					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site Preparation	4	41	22	<1	20	12
Grading	4	66	27	<1	11	5
Building Construction	3	24	23	<1	3	1
Paving	2	11	15	<1	1	1
Architectural Coatings	15	1	3	<1	<1	<1
Maximum Daily Emissions	13	66	27	<1	20	12
<i>Significance Threshold</i>	<i>250</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>67</i>

Standard dust control measures would be implemented as a part of project construction in accordance with SDAPCD rules and regulations. Fugitive dust emissions were calculated using CalEEMod default values, and did not take into account the required dust control measures. Thus, the emissions shown in Table 4.2-4 are conservative.

For assessing the significance of the air quality emissions resulting during construction of the project, the construction emissions were compared to the significance thresholds shown in Table 4.2-4. As shown, maximum daily construction emissions are projected to be less than the applicable thresholds for all criteria pollutants.

b. Operation Emissions

Mobile source emissions would originate from traffic generated by the project. Area source emissions would result from the use of natural gas consumer products, and landscaping activities, as well as applying architectural coatings.

using CalEEMod default values, and did not take into account the required dust control measures. Thus, the emissions shown in Table 4.2-4 are conservative.

For assessing the significance of the air quality emissions resulting during construction of the project, the construction emissions were compared to the significance thresholds shown in Table 4.2-4. As shown, maximum daily construction emissions are projected to be less than the applicable thresholds for all criteria pollutants.

b. Operation Emissions

Mobile source emissions would originate from traffic generated by the project. Area source emissions would result from the use of natural gas consumer products, and landscaping activities, as well as applying architectural coatings.

Mobile source operational emissions are based on the trip rate, trip length for each land use type and size. As described in Section 4.2.3.1 above, the 18,774-square-foot CarMax facility would generate 939 daily trips. Based on regional data compiled by CARB as part of the emission factor model (EMFAC2017), the average regional trip length for all trips in San Diego County for the soonest operational year of 2022 is 7.48 miles (CARB 2017a). Default vehicle emission factors for year 2022 were used.

Area source emissions associated with the project include consumer products, natural gas used in space and water heating, architectural coatings, and landscaping equipment. Hearths (fireplaces) and woodstoves are also a source of area emissions; however, the project would not include hearths or woodstoves.

Consumer products are chemically formulated products used by household and institutional consumers, including, but not limited to, detergents, cleaning compounds, polishes, floor finishes, disinfectants, sanitizers, and aerosol paints but not including other paint products, furniture coatings, or architectural coatings. Emissions due to consumer products are calculated using total building area and product emission factors.

Emissions are generated from the combustion of natural gas used in space and water heating. Emissions are based on the Residential Appliance Saturation Survey which is a comprehensive energy use assessment that includes the end use for various climate zones in California.

For architectural coatings, emissions result from evaporation of solvents contained in surface coatings such as in paints and primers. Emissions are based on the building surface area, architectural coating emission factors, and a reapplication rate of 10 percent of area per year.

Landscaping maintenance includes fuel combustion emission from equipment such as lawn mowers, rototillers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers as well as air compressors, generators, and pumps. Emission calculations take into account building area, equipment emission factors, and the number of operational days (summer days).

Table 4.2-5 provides a summary of the operational emissions generated by the project. As shown, project-generated emissions are projected to be less than the City’s significance thresholds for all criteria pollutants.

Table 4.2-5 Summary of Project Operational Emissions (pounds per day)						
	Pollutant					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Sources	1	<1	<1	0	<1	<1
Energy Sources	<1	<1	<1	<1	<1	<1
Mobile Sources	1	4	9	<1	2	1
Total	2	4	9	<1	2	1
<i>Significance Threshold</i>	<i>250</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>67</i>
Note: Totals may vary due to independent rounding.						

4.2.4.2 Significance of Impacts

As shown in Tables 4.2-4 and 4.2-5, emissions of ozone precursors (ROG and NO_x), PM₁₀, and PM_{2.5} from construction and operation would be below the City’s thresholds of significance. These thresholds were developed based on the CAA de minimis level, which are designed to provide limits below which project emissions from an individual project would not significantly affect regional air quality or the timely attainment of the NAAQS and CAAQS. Therefore, the project would not result in a cumulatively considerable net increase in emissions of ozone, PM₁₀, or PM_{2.5}, and impacts would be less than significant.

4.2.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.2.5 Issue 3: Sensitive Receptors

Would the project expose sensitive receptors to substantial pollutant concentrations?

4.2.5.1 Impact Analysis

Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. Residential land uses are located northeast of the project site across Sweetwater Road, and north/northwest of the project site across SR-54.

a. Diesel Particulate Matter – Construction

Construction of the project would result in the generation of diesel-exhaust particulate matter (DPM) emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities and on-road diesel equipment used to bring materials to and from the project site.

Generation of DPM from construction projects typically occurs in a single area for a short period. Construction of the project would occur over an 18 month period. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period of time. According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project (Office of Environmental Health Hazard Assessment 2015). Thus, if the duration of proposed construction activities near any specific sensitive receptor were 18 months, the exposure would be five percent of the total exposure period used for health risk calculation.

Therefore, DPM generated by project construction is not expected to create conditions where the probability is greater than 10 in 1 million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of noncarcinogenic toxic air contaminants that exceed a Hazard Index greater than 1 for the Maximally Exposed Individual. Additionally, with ongoing implementation of U.S. EPA and CARB requirements for cleaner fuels; off-road diesel engine retrofits; and new, low-emission diesel engine types, the DPM emissions of individual equipment would be substantially reduced over the years as the project construction continues. Therefore, project construction would not expose sensitive receptors to substantial pollutant concentrations.

CARB has provided guidelines for the siting of land uses near heavily traveled roadways. The CARB guidelines indicate that siting new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles per day should be avoided when possible. However, the project does not propose sensitive uses.

b. Carbon Monoxide Hot Spots

Localized CO concentration is a direct function of motor vehicle activity at signalized intersections (e.g., idling time and traffic flow conditions), particularly during peak commute hours and meteorological conditions. The SDAB is a CO maintenance area under the federal CAA.

Due to increased requirements for cleaner vehicles, equipment, and fuels, CO levels in the state have dropped substantially. All air basins are attainment or maintenance areas for CO. Therefore, more recent screening procedures based on more current methodologies have been developed. The Sacramento Metropolitan Air Quality Management District developed a screening threshold in 2011, which states that any project involving an intersection experiencing 31,600 vehicles per hour or more will require detailed analysis. In addition, the Bay Area Air Quality Management District developed a screening threshold in 2010 that states that any project involving an intersection experiencing 44,000 vehicles per hour would require detailed analysis. This analysis conservatively assesses potential CO hot spots using the Sacramento Metropolitan Air Quality Management District screening

threshold of 31,600 vehicles per hour. With buildout of the project, intersection turning volumes would be significantly less than this screening level. Therefore, the project is not anticipated to result in a CO hot spot.

4.2.5.2 Significance of Impacts

Project construction would not expose sensitive receptors to substantial pollutant concentrations and does not propose any sensitive uses. Additionally, the project would not result in a CO hot spot. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

4.2.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.2.6 Issue 4: Odors

Would the project result in other emissions such as those leading to odors adversely affecting a substantial number of people?

4.2.6.1 Impact Analysis

The project does not include heavy industrial or agricultural uses that are typically associated with odor complaints. During construction, diesel equipment may generate some nuisance odors. Sensitive receptors near the project site include residential uses to the northeast and to the north/northwest on the opposite side of State Route 54; however, exposure to odors associated with project construction would be short-term and temporary in nature. Once operational, the project would not be a significant source of odors. Therefore, the project would not result in other emissions such as those leading to odors adversely affecting a substantial number of people, and impacts would be less than significant.

4.2.6.2 Significance of Impacts

The project would not create objectionable odors that would affect a substantial number of people. Impacts would be less than significant.

4.2.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.3 Biological Resources

This section addresses potential project impacts to biological resources and is based on a review of the following technical document included as an appendix to the environmental impact report (EIR):

- National City CarMax Project Biological Technical Report prepared by ICF International (Appendix C; ICF International ~~2019~~2021).

The Biological Technical Report includes a number of appendices that provide detailed biological information to support the analysis, including a Jurisdictional Delineation Report, a Wetland California Rapid Assessment Method (CRAM) Analysis Report, and Focused Survey results for Least Bell's Vireo, Southwestern Willow Flycatcher, and Coastal California Gnatcatcher. The Biological Technical Report and Section 4.3 of the Draft EIR originally evaluated impacts associated with a larger project footprint that would temporarily impact land within California Department of Transportation (Caltrans) and City right-of-way (ROW) surrounding the project parcel resulting in significant impacts. The project has been revised so no construction-related activity would occur within Caltrans or City ROW. Chapter 3.0 of the Final EIR has been revised to reflect this change. However, the impact analysis presented in the Biological Technical Report and this section have retained the original impact analysis in order to provide a conservative analysis. Revisions have been made to clarify the impact analysis and proposed mitigation where necessary, including removal of revegetation associated with project mitigation from Caltrans ROW.

4.3.1 Existing Conditions

Surveys, assessments, and literature reviews were conducted in 2015 to identify and evaluate biological resources within the biological study area. Additional surveys were conducted in 2017 and a field verification was conducted with the United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) in 2018. For the purposes of analysis, ICF created a biological study area (BSA) that consists of the project's proposed development footprint and a 100-foot buffer. In total, the BSA covers approximately 27.93 acres, which encompasses the entirety of the project parcel and Offsite Area. Details on the methodologies for the surveys, assessments, and literature reviews conducted for the project are provided in Appendix C.

4.3.1.1 Vegetation Communities

Fifteen vegetation communities and land cover types were mapped within the 27.93- acre BSA (Figure 4.3-1). The acreage of each vegetation community within the BSA is listed in Table 4.3-1. Overall, habitat quality is low due a number of factors, including the presence of a high cover of non-native, invasive plant species; homeless human encampments; feral domestic animals; and habitat isolation from development or transportation infrastructure on three sides of the project boundaries. However, the project contains jurisdictional waters and riparian habitat and is directly adjacent to high-quality riparian habitat on the southwestern border, which also functions as an important regional wildlife corridor.

Vegetation Communities and Land Cover Types	Development Footprint	Offsite Area	Buffer	BSA
Native Vegetation Communities				
Arroyo Willow Thickets	1.49	0.07	0.13	1.69
Cattail Marshes	0.07	0.00	0.36	0.43
Cottonwood Tree	0.08	0.00	0.00	0.08
Coyote Brush Scrub	0.02	0.00	0.00	0.02
Mule Fat Thickets	0.09	0.00	0.00	0.09
Red Willow Thickets	0.00	0.00	1.26	1.26
San Diego Sunflower Scrub/ <u>Coastal Sage Scrub</u>	0.08	0.00	0.03	0.10
Sycamore Tree	0.00	0.08	0.03	0.11
Non-native Vegetation Communities				
Disturbed Habitat	6.04	0.47	0.36	6.87
Eucalyptus Groves	2.90	0.07	0.70	3.67
Giant Reed Breaks	1.89	0.66	0.02	2.57
Naturalized Warm-Temperate Riparian and Wetland	0.14	0.00	0.00	0.14
Non-native Riparian	0.28	0.08	0.00	0.36
Non-native Woodland	0.82	0.28	1.30	2.40
Urban/Developed	0.24	0.21	7.69	8.14
Total	14.13	1.92	11.88	27.93
NOTE: Totals may vary from sum of reported values due to rounding of decimal places. BSA = biological study area				



FIGURE 4.3-1
Existing Vegetation Communities and Rare Plants

a. Arroyo Willow Thickets

Approximately 1.69 acres of the BSA are composed of arroyo willow thickets. Areas supporting this vegetation community are dominated by arroyo willow (*Salix lasiolepis*) and other willows such as Goodding's willow (*Salix gooddingii*) and red willow (*Salix laevigata*). In addition, this vegetation community supports native species such as mule fat (*Baccharis salicifolia*), southern California black walnut (*Juglans californica*), western ragweed (*Ambrosia psilostachya*), and mugwort (*Artemisia douglasiana*). Non-native species within this vegetation community include Canary Island date palm (*Phoenix canariensis*), Mexican fan palm (*Washingtonia robusta*), tree of heaven (*Ailanthus altissima*), and Brazilian pepper tree (*Schinus terebinthifolius*). The majority of this vegetation community is distributed along the intermittent channels that traverse the BSA.

b. Cattail Marshes

Approximately 0.43 acre of the BSA is composed of cattail marshes. Areas supporting this vegetation community are dominated by cattail (*Typha latifolia*). Other species present within this community include bulrush (*Schoenoplectus americanus*), California bulrush (*Schoenoplectus californicus*), mugwort, and bristly ox-tongue (*Helminthotheca echioides*). This vegetation community occurs in several small patches along the intermittent drainage channels that traverse the BSA.

c. Cottonwood Trees

Approximately 0.08 acre of cottonwood trees occurs in the southwestern portion of the BSA. Areas supporting this vegetation community are dominated by black cottonwood (*Populus balsamifera*). The understory of this community consisted of non-native grasses and herbs such as rip-gut brome (*Bromus diandrus*), garland chrysanthemum (*Glebionis coronaria*), and Bermuda grass (*Cynodon dactylon*).

d. Coyote Brush Scrub

Approximately 0.02 acre of coyote brush scrub occurs in the southwestern portion of the BSA. Areas supporting this vegetation community are dominated by coyote brush (*Baccharis pilularis*). Additional species present include garland chrysanthemum, hottentot fig (*Carpobrotus edulis*), and rip-gut brome.

e. Mule Fat Thickets

Approximately 0.09 acre of the BSA is composed of mule fat thickets. Areas supporting this vegetation community are dominated by mule fat but may also include species from adjacent vegetation communities. This community is chiefly associated with the drainage channels in the BSA, but several patches are located in the upland portions of the BSA and not associated with a drainage feature.

f. Red Willow Thickets

Approximately 1.26 acre of the buffer area adjacent to the Sweetwater River is composed of red willow thickets. Areas supporting this vegetation community are dominated by red willow and other willows such as Goodding's willow. In addition, this vegetation community supports native species such as mule fat, western ragweed (*Ambrosia psilostachya*), and mugwort. Non-native species within this vegetation community include Canary Island date palm, Mexican fan palm, tree of heaven, and Brazilian pepper tree.

g. San Diego Sunflower Scrub

Approximately 0.10 acre of the BSA is composed of San Diego Sunflower Scrub. This vegetation community is dominated by San Diego sunflower and is typically a component of coastal sage scrub. Additional plants within this vegetation community include brittlebush (*Encelia farinosa*), garland chrysanthemum, and rip-gut brome. This vegetation community occurs in two small patches in the southern portion of the BSA and has an overstory of eucalyptus (*Eucalyptus polyanthemos/globulus*).

h. Sycamore Trees

Approximately 0.11 acre of sycamore trees occurs in the northwestern portion of the BSA. This vegetation community is dominated by western sycamore (*Platanus racemosa*). Additional plants within this vegetation community include garland chrysanthemum, wild radish (*Raphanus sativa*) and rip-gut brome.

i. Disturbed Habitat

Approximately 6.87 acres of the BSA are composed of disturbed habitat. These areas consist of bare ground in the form of footpaths and other previously disturbed areas that are dominated by ruderal non-native species such as garland chrysanthemum, Russian thistle (*Salsola tragus*), wild oats (*Avena* sp.), and rip-gut brome. This vegetation community occurs throughout the upland portions of the BSA.

j. Eucalyptus Groves

Approximately 3.65 acres of the BSA are dominated by eucalyptus groves. This vegetation community is dominated by Tasmanian blue gum (*Eucalyptus globulus*) and silver dollar gum (*Eucalyptus polyanthemos*). This vegetation community is present throughout the upland portions of the BSA.

k. Giant Reed Breaks

Approximately 2.59 acres of the BSA are composed of giant reed breaks. Areas supporting this vegetation community are dominated by giant reed (*Arundo donax*). Additional plants present within this vegetation type include rip-gut brome, hottentot fig, castor bean (*Ricinus communis*), tamarisk (*Tamarix ramosissima*), and Bermuda grass. The majority of this vegetation type occurs along the drainage channels in the northwestern portion of the BSA.

l. Naturalized Warm-Temperate Riparian and Wetland Semi-Natural Stands

Approximately 0.14 acre of the BSA is composed of naturalized warm-temperate riparian and wetland semi-natural stands. Areas supporting this vegetation community contain a variety of herbaceous grasses and forbs including rabbit's-foot grass (*Polypogon monspeliensis*), tall flat sedge (*Cyperus eragrostis*), perennial rye grass (*Festuca perennis*), curly dock, bristly ox-tongue, and Bermuda grass. Small intermittent patches of cat-tail and bulrush occur throughout the vegetation type. This vegetation type occurs within the drainage channel in the central portion of the BSA.

m. Non-native Riparian

Approximately 0.37 acre of the BSA is composed of non-native riparian vegetation community. This community consists of several woody and herbaceous non-native species including tamarisk, Mexican fan palm, Canary Island date palm, Shamel ash (*Fraxinus uhdei*), Brazilian pepper tree, and castor bean. Herbaceous species can include wild radish, white sweet clover (*Melilotus albus*), curly dock, bristly ox-tongue, and smilo grass (*Stipa miliaceum*). This vegetation community occurs in several small patches throughout the riparian portions of the BSA.

n. Non-native Woodland

Approximately 2.93 acres of the BSA is composed of non-native woodland. The non-native woodland vegetation community consists of several non-native species including Brazilian pepper tree, bottlebrush tree, tree of heaven, acacia, and Mexican fan palm. Herbaceous species include garland chrysanthemum, western ragweed, wild radish, smilo grass, rip-gut brome, perennial rye grass, and Bermuda grass. This vegetation community occurs throughout the upland portions of the BSA.

o. Urban/Developed

Approximately 8.14 acre of the BSA is composed of urban/developed lands. This land use consists of paved pedestrian paths, rip-rap, and box culverts. The majority of the Urban/Developed lands are located in the southern portion of the BSA.

4.3.1.2 Sensitive Plant Species

No federally or state listed plant species are expected to occur within the BSA and none were detected during surveys. Three plant species considered sensitive by the California Native Plant Society (CNPS) were detected within the BSA (see Figure 4.3-1) and are discussed below.

a. San Diego Sunflower

San Diego sunflower (*Bahiopsis laciniata*) is considered a CNPS Rank 4.2 species. This small-to medium-sized shrub occurs on clay soils within chaparral and coastal sage scrub on south-facing slopes from Orange County south to Baja California and Sonora, Mexico. Several small

patches of this species were detected within coastal sage scrub habitat near the western edge of the BSA.

b. Southern California Black Walnut

Southern California black walnut (*Juglans californica*) is considered a CNPS Rank 4.2 species and ranges from Ventura County south to San Diego County. This species is a deciduous tree found in alluvial habitats including chaparral, costal scrub, cismontane woodland, and riparian woodland. Southern California black walnut is found in the northeastern portion of the BSA in an area of arroyo willow thickets.

c. Southwestern Spiny Rush

Southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), which is a CNPS Rank 4.2 species, ranges from southern California south to Baja California, Mexico. Coastal salt marsh, brackish marsh, and alkaline meadows are all suitable habitat for this species (Reiser 2001). Southwestern spiny rush is found near the western edge of the BSA in a low lying area of disturbed habitat.

4.3.1.3 Special Status Wildlife Species

A total of 38 wildlife species were detected within the BSA and an additional 300-foot survey area buffer including 35 bird species and 3 mammal species. Based on searches of the California Natural Diversity Database, 47 special status wildlife species are known from the project vicinity. Of these 47 special status wildlife species, three have a moderate potential to occur and two were detected within the BSA and within the additional 300-foot survey area buffer. These species include least bell's vireo (LBV), southwestern willow flycatcher (SWFL), and coastal California gnatcatcher (CAGN), all federally listed wildlife species with a moderate potential to occur, but not observed. Yellow-breasted chat and yellow warbler were both observed within the biological study area and/or the biological study area plus the additional 300-foot survey area buffer. In addition, previous detections of light-footed Ridgway's rail (*Rallus obsoletus levipes*) are documented ~~off-site to~~ outside of the development footprint within the southwest ~~of~~ portion the BSA within the Sweetwater River. Observations of these species are presented in Figure 4.3-2. The remaining 43 special status wildlife species known from the project vicinity have a probability of "low" or are not reasonably expected to have potential to occur within the BSA and are therefore not discussed further in this document.



FIGURE 4.3-2
Wildlife Observations

a. Observed

Yellow-breasted chat is a CDFW Species of Special Concern. This species is typically found in second growth, shrubby old pastures, thickets, brushy areas, scrub, woodland undergrowth, and fence rows. Yellow-breasted chat is often found in low, wet places near streams, pond edges, or swamps. Nesting yellow-breasted chats occupy early successional riparian habitats with a well-developed shrub layer and an open canopy. Suitable foraging and nesting habitat for yellow-breasted chat occurs within riparian, mule fat, and southern willow scrub habitats within the biological study area and the additional 300-foot survey area buffer. Yellow-breasted chat was observed in riparian habitat at the southwestern terminus of the 300-foot survey area buffer during focused LBV and SWFL surveys (see Figure 4.3-2).

Yellow warbler is a CDFW Species of Special Concern. This species nests in mature riparian woodland from coastal and desert lowlands up to 8,000 feet in elevation. Yellow warbler prefers to nest in mature cottonwood, willow, alder, and ash trees. This species frequents open to medium-density woodlands and forests with a heavy brush understory in breeding season. Suitable foraging and nesting habitat for yellow warbler occurs within riparian, mule fat, and southern willow scrub habitats within the biological study area and the additional 300-foot survey buffer. Yellow warbler was observed in riparian habitat during focused LBV and SWFL surveys in the biological study area and the additional 300-foot survey area buffer (see Figure 4.3-2).

b. Not Observed

Least Bell's vireo is a small, migratory insect gleaner that breeds in mid- to southern California and northern Baja California, with the majority in San Diego County. The LBV was listed by the California Department of Fish and Game (now Wildlife) Commission as state endangered in 1980 and as federally endangered in 1986 with critical habitat for this species designated in 1994. This species selects dense vegetation in riparian zones for nesting. Due to presence of suitable foraging and breeding habitat within the biological study area, focused surveys were conducted for LBV. No LBV were detected during the 2015 surveys. LBV presence was previously documented within the Sweetwater River adjacent to the project in 2003, 2006, and 2010 (CDFW 2017a, USFWS 2016).

Southwestern willow flycatcher (*Empidonax traillii*) occurs in riparian habitats along rivers, streams, or other wetlands, where dense growths of willows, mule fat, arrowweed (*Pluchea* spp.), or other plants are present, often with a scattered overstory of cottonwood (*Populus* spp.). The SWFL as a whole was given protection by the state of California as an endangered species on December 3, 1990, and the SWFL subspecies (*Empidonax traillii extimus*) was federally listed as an endangered species effective March 29, 1995 with critical habitat designated in 2005. Due to presence of suitable foraging and breeding habitat occurring within the biological study area, focused surveys were conducted for SWFL. No SWFL or were detected during the 2015 protocol surveys. SWFL protocol surveys conducted in 2006 by Glenn Lukos and Associates (GLA) were negative (GLA 2006).

Coastal California gnatcatcher is a California Department of Wildlife (CDFW) Species of Special Concern and was listed as federally threatened in 1993 with critical habitat for this

species designated in 2000. CAGN generally inhabits Diegan coastal sage scrub and Riversidian coastal sage scrub dominated by coastal sagebrush and California buckwheat, generally below 1,500 feet in elevation along the coastal slope. Due to the presence of suitable foraging and breeding habitat (total of 0.12 acre comprised of coyote brush scrub and San Diego sunflower scrub) in the study area for CAGN, focused surveys were conducted. Suitable habitat within the BSA is disturbed and occurs only as small patches that may not be large enough to support this species. No CAGN were detected during protocol surveys. CAGN protocol surveys conducted in 2006 by GLA were negative (GLA 2006); however, a foraging juvenile was detected in 2006 on two occasions during protocol surveys for LBV and SWFL. Previous surveys for the Ridgway's rail in the adjacent Sweetwater River noted incidental observation of the CAGN. Other observations of CAGN in the adjacent Sweetwater River were made in 2002 and 2007 (USFWS 2016).

Light-footed Ridgway's rail is listed as endangered under the CESA, is designated as a State Fully Protected Species (CDFW 2017b), and was listed as federally endangered in 1970 (USFWS 2017). Formerly known as the light-footed clapper rail, this species is a permanent resident of coastal salt marsh traversed by tidal sloughs, usually characterized by cordgrass (*Spartina foliosa*) and pickleweed (*Salicornia* spp.; Grinnell and Miller 1944, USFWS 1994). They have also nested in cattail marsh characterized by cattails (*Typha* sp.) and bulrush (*Scirpus* sp.) at Buena Vista, Agua Hedionda, Batiquitos, San Elijo, and San Dieguito lagoons in San Diego County (Zemba et al. 2016); and in spiny rush (*Juncus acutus*) at Naval Air Station (NAS) Point Mugu. They require shallow water and mudflats for foraging, with adjacent higher vegetation for cover during high water. The pair bond among light-footed Ridgway's rails endures throughout the season and often from year to year. Populations have undergone decline in the United States due to the rail's limited distribution and destruction and degradation of coastal salt marsh habitat. The statewide population in 2016 was reported to be 654 pairs in 18 marshes (Zemba et al. 2016), which represents the highest count since the statewide census began in 1980. Fifty percent of these pairs were found in two coastal salt marsh complexes at Upper Newport Bay and the Tijuana Marsh National Wildlife Refuge (NWR). Five other marshes—NAS Point Mugu, Batiquitos Lagoon, San Elijo Lagoon, Seal Beach NWR, and Kendall-Frost Marsh in Mission Bay—had between 16 and 70 pairs each, representing an additional 45 percent of the state total. The remaining 11 marshes had between 1 and 14 pairs, representing 5 percent of the state population.

Described as “formerly common in all coastal marshes” by Grinnell and Miller (1944), the light-footed Ridgway's rail has not been a common bird species at the Sweetwater Marsh over the past 20 years (Zemba et al. 2016). Eight pairs were present in 1996; one pair in 2003; four pairs in 2012, 2013, and 2014; and seven pairs in 2016 (Zemba et al. 2016).

Previous surveys conducted by the Sweetwater River Authority indicated the presence of one or two light-footed Ridgway's rails immediately south of the project site (outside of the development footprint) in the lower Sweetwater River channel; no date of the observations was presented in the source document (GLA 2006). There were no observations of light-footed Ridgway's rails on the project site during any of the biological surveys conducted by GLA in 2003, 2004, or 2006 (GLA 2006). Konecny Biological Services has surveyed the reach of the Sweetwater River between the BSA cattail marsh site and I-5 annually for the past 11 years.

Three pairs were present in 2012, two pairs and a single male were present in 2011, one pair and one advertising male were present in 2010, two pairs in 2009, one pair in 2008, and one pair and an advertising female in 2007 (Konecny 2016, see Appendix C). Except for surveys completed in 2013, 2015, and 2016, one pair has consistently been detected in within the cattail marsh patch by the existing bike path (Konecny 2016).

4.3.1.4 Wetlands

The jurisdictional delineation prepared for the project identified six features (feature 1, 1b, 2, 2b, 2c, and 3) of potential jurisdictional waters within the BSA. This includes 1.56 acres (3,100 linear feet) of waters potentially under USACE/RWQCB jurisdiction and 2.82 acres (3,100 linear feet) of waters potentially under CDFW jurisdiction. Based on negotiations with the RWQCB, waters of the State have been expanded wider than waters of the U.S. limits. These features meet the definition of potential waters of the U.S. and contain areas that meet the definition of a USACE wetland as regulated by USACE under Section 404 of the Clean Water Act (CWA). Consequently, these six features would be regulated by the RWQCB under Section 401 of the CWA and considered a Water of the State under the Porter-Cologne Act. In addition, these features meet the definition of an aquatic feature with a definable bed and banks that are regulated by CDFW under Sections 1600–1616 of the California Fish and Game Code. All six features within the BSA originate from separate culverts and converge into one main feature (Feature 1), which then conveys flows to the Sweetwater River through a box culvert located at the southern boundary of the project site. The Sweetwater River then flows three miles before terminating at San Diego Bay, which is a direct tributary to the Pacific Ocean. The respective jurisdictional limits of these features are shown in Figures 4.3-3 and 4.3-4, and summarized in Table 4.3-2.

Drainage	Non-wetland Waters of the U.S./State (acres)	Wetland Waters of the U.S./State (acres)	Waters of the State RWQCB Only ¹ (acres)	CDFW Un-vegetated Streambed (acres)	CDFW Riparian (acres)	U.S./State/ CDFW (linear feet)
Feature 1	0.50	0.47	--	0.40	1.63	1,809
Feature 1b	0.01	0.03	--	0.01	0.18	266
Feature 2	0.20	--	--	0.26	--	709
Feature 2b	0.01	--	--	0.01	--	55
Feature 2c	--	--	--	--	--	261
Feature 3	--	0.33	--	--	0.33	--
Waters of the State – RWQCB Only			1.68			
Total²	0.73	0.83	1.68	0.68	2.14	3,100

¹Full RWQCB jurisdiction includes waters of the U.S. plus the waters of the State RWQCB only areas.
²Totals may vary from sum of reported values due to rounding of decimal places.



FIGURE 4.3-3
Existing USACE and RWQCB
Jurisdictional Resources

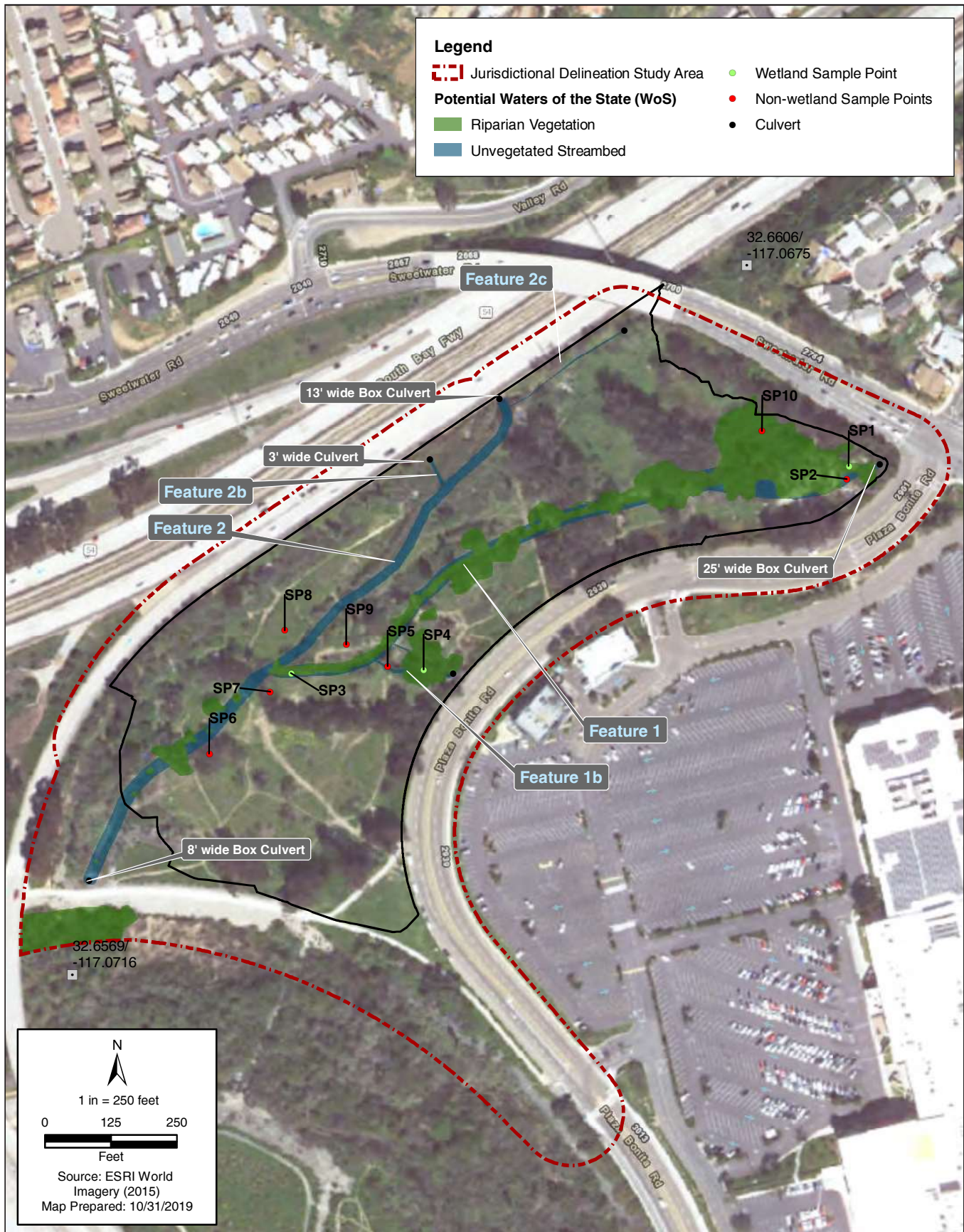


FIGURE 4.3-4
Existing CDFW Jurisdictional Resources

4.3.1.5 Wildlife Movement and Corridors

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by the City of National City (City) and resource and conservation agencies.

The project site is adjacent to open space and provides wildlife habitat but does not serve as a wildlife corridor that connects areas of open space. The BSA is surrounded by developed areas on the east and north and is bordered by a major freeway to the west. The southwestern border of the project site is located immediately adjacent to the Sweetwater River, which is an important undeveloped wildlife habitat area supporting native riparian vegetation communities and functions as an important regional wildlife corridor. The project site does provide wildlife habitat and provides for limited movement of animals in the local vicinity; however, beyond its adjacency to the Sweetwater River, it does not connect to any other suitable habitat areas and thus, does not act as a wildlife corridor. Additionally, the project site provides limited breeding and foraging habitat for wildlife due to the presence of homeless human encampments and regular disturbance.

4.3.1.6 Regulatory Framework

a. Federal Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 (50 Code of Federal Regulations [CFR] 17) is aimed at the protection of plants and animals that have been identified as being at risk of extinction, and classified as either threatened or endangered. The federal ESA also regulates the “taking” of any endangered fish or wildlife species, per Section 9 of the ESA. As development is proposed, the responsible agency or individual landowners is required to submit to a formal consultation with the U.S. Fish and Wildlife Service (USFWS) to assess potential impacts to listed species (including plants) or its critical habitat as the result of a development project, pursuant to Sections 7 and 10 of the federal ESA. USFWS is required to make a determination as to the extent of impact to a particular species a project would have. If it is determined that potential impacts to a species would likely occur, measures to avoid or reduce such impacts must be identified. USFWS may issue an incidental take statement, following consultation and the issuance of a Biological Opinion.

b. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The MBTA, which is enforced by the USFWS, makes it unlawful “by any means or in any manner, to pursue, hunt, take, capture, [or] kill” any migratory bird, or attempt such actions, except as permitted by

regulation. The applicable regulations prohibit the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).

c. Clean Water Act

Pursuant to Section 404 of the CWA, the USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into waters of the U.S. (including wetlands), which include those waters listed in 33 CFR 328.3 (Definitions). USACE, with oversight from the U.S. Environmental Protection Agency (EPA), has the principal authority to issue CWA Section 404 permits. Pursuant to Section 401 of the CWA, the RWQCB certifies that the discharge shall comply with state water quality standards. RWQCB, as delegated by the EPA, has the principal authority to issue a CWA Section 401 water quality certification or waiver.

The National Pollutant Discharge Elimination System (NPDES) is the permitting program for discharge of pollutants into surface waters of the U.S. under Section 402 of the CWA. Substantial impacts to wetlands may require an Individual Permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A water quality certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions.

Waters of the U.S., as defined in Code of Federal Regulations (CFR) title 33, section 328.3, includes the following.

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purpose by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;

- (5) Tributaries of waters identified in paragraphs (1) through (4) of this section;
- (6) The territorial seas;
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this section.
- (8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

The limit of USACE jurisdiction, excluding wetlands and tidal waters, is delineated using the Ordinary High Water Mark (OHWM), defined in CFR 328.3(e) as:

...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as [a] clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

d. Executive Order 11988, Floodplain Management

Executive Order 11988 requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains, and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. This Executive Order provides an eight-step process that agencies carry out as part of their decision-making process for projects that have potential impacts to or within a floodplain.

e. Executive Order 11990, Protection of Wetlands

Pursuant to Executive Order 11990, each federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Executive Order. The purpose of this Executive Order is to “minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.” Each agency, to the extent permitted by law, must avoid undertaking or providing assistance for any activity located in wetlands, unless the head of the agency finds that there is no practical alternative to such activity, and the proposed action includes all practical measures to minimize harm to wetlands that may result from such actions. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. Each agency must also provide opportunity for early public review of any plans or proposals for new construction in wetlands.

f. California Endangered Species Act

The California Endangered Species Act (CESA) prohibits the take of any fish, wildlife, or plant species listed as endangered or threatened, or designated as candidates for listing, under CESA. Take refers to the mortality or injury of the listed species itself and not the modification of listed species habitat. CESA contains a procedure for CDFW to issue a Section 2081 incidental take permit authorizing the take of listed and candidate species incidental to an otherwise lawful activity, subject to specified conditions, including that the impacts of the take are fully mitigated.

g. Fully Protected Species (California Fish and Game Code, Sections 3511, 5050, and 5515)

Prior to the development of the federal and state ESAs, species were listed as “fully protected” by California. Fully protected species, including fish, amphibians, reptiles, birds, and mammals, were identified to allow for the protection of those animals that were rare or that were threatened by potential extinction. The majority of fully protected species have since been listed as threatened or endangered under CESA and/or the Federal Endangered Species Act (FESA). Per the California Fish and Game Code (CFGC), the possession or taking of fully protected species is only allowed as provided in Section 2081 and Section 2835 of the CFGC. This includes fully protected bird species protected under Section 3511 of the CFGC, which is relevant to this project.

The CFGC designates 37 fully protected species and prohibits the take or possession at any time of such species with certain limited exceptions. Fully protected species are described in Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the CFGC. These protections state that “. . . no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected [bird], [mammal], [reptile or amphibian], [fish].”

gh. ~~CFGC California Fish and Game Code~~ – Lake or Streambed Alteration

Pursuant to Division 2, Chapter 6, Section 1602 of the ~~California Fish and Game Code (CFGC)~~, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel or bank of any river, stream or lake that supports fish or wildlife. A Lake or Streambed Alteration Agreement Application must be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW has jurisdiction over riparian habitats associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. ~~CDFW jurisdiction does not include tidal areas or isolated resources.~~ CDFW reviews the proposed actions and, if necessary, submits (to the applicant) a proposal that includes measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and applicant is the Lake or Streambed Alteration Agreement. Additional details regarding regulatory guidance under CESA is provided in Appendix C.

hi. Native Plant Protection Act

The Native Plant Protection Act was adopted in 1977 (California Fish and Game Code Sections 1900–1913) to preserve, protect, and enhance rare and endangered plants. CDFW is responsible for administering the Native Plant Protection Act, while the Fish and Wildlife Commission has the authority to designate native plants as “endangered” or “rare” and provide measures to avoid take.

ij. Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act provides for statewide coordination of water quality regulations. The State Water Resources Control Board (SWRCB) was established as the statewide authority and nine separate RWQCBs were developed to oversee water quality on a day-to-day basis. The SWRCB regulates activities that would involve “discharging waste, or proposing to discharge waste, within any region that could affect waters of the state” (California Water Code 13260(a)), pursuant to provisions of the state Porter-Cologne Act. Waters of the U.S. are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (California Water Code 13050(e)). Such waters may include waters not subject to regulation under Section 404 (i.e., isolated features). These waters may include isolated vernal pools, isolated wetlands, or other aquatic habitats not normally subject to federal regulation under Section 404 of the CWA.

jk. Regional Water Quality Control Board

The RWQCB is the primary agency responsible for protecting water quality in California. The RWQCB regulates discharges to surface waters under the federal CWA and the California Porter-Cologne Water Quality Control Act. The RWQCB’s jurisdiction extends to all waters of the State and to all waters of the U.S., including wetlands (isolated and non-isolated conditions). Through 401 Certification, Section 401 of the CWA allows the RWQCB to regulate any proposed federally permitted activity, which may affect water quality. Such activities include the discharge of dredged or fill material, as permitted by USACE, pursuant to Section 404 of the CWA. The RWQCB is required to provide “certification that there is reasonable assurance that an activity that may result in the discharge to waters of the U.S. will not violate water quality standards,” pursuant to Section 401. Water Quality Certification must be based on the finding that proposed discharge will comply with applicable water quality standards. In addition, pursuant to the Porter-Cologne Water Quality Control Act, the state is given authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body that could affect its water quality must first file a Report of Waste Discharge if a Section 404 does not apply. “Waste” is partially defined as any waste substance associated with human habitation, including fill material discharged into water bodies.

4.1. San Diego County Multiple Species Conservation Program

A small portion of the BSA is outside of National City and within unincorporated lands of San Diego County. This land is within the jurisdiction of the County's Multiple Species Conservation Program (MSCP) Subarea Plan, and is designated as Unincorporated Land within the Metro-Lakeside-Jamul Segment of the MSCP.

The MSCP, completed in 1998, is a program designed to balance development and protection of native habitat in southwestern San Diego. The MSCP is an agreement between the County of San Diego, USFWS, and CDFW, with a primary goal of conserving native species habitat areas and areas of biological importance while allowing property owners to develop other lands without engaging in state and federal environmental permit processes. Local jurisdictions implement the MSCP through subarea plans, which serve as multiple-species federal habitat conservation plans pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act and a state Natural Community Conservation Planning (NCCP) pursuant to the California NCCP Act of 1991 and the State Endangered Species Act. The Biological Mitigation Ordinance (BMO) provides the local regulatory basis for implementing the MSCP plans. The BMO includes specific project design criteria, designed to protect biological resources that must be incorporated into each project in order for the project to conform to the MSCP plan, along with specific provisions that address the need to protect important populations of rare and endangered species. All development projects that are not take-authorized must be in conformance with the MSCP through the BMO. National City is not a participating agency in the MSCP. Therefore, development within National City limits is not subject to the BMO nor is it required to demonstrate compliance with the MSCP. However, the small portion of the BSA that is within unincorporated San Diego County within the Metro-Lakeside-Jamul Segment of the MSCP would be subject to the BMO and would require concurrence by the County of San Diego biology staff. Additionally, a larger portion of the BSA has been identified as important as MSCP Linkage lands. This map layer also extends over lands owned by National City, which is not a participant in the MSCP.

4.3.2 Significance Determination Thresholds

Thresholds used to evaluate impacts to biological resources are based on applicable criteria in the CEQA Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) Result in a substantial adverse impact, either directly or through habitat modifications, to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the CDFW or USFWS;
- 2) Result in a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS;

- 3) Result in a substantial adverse impact on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or
- 5) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.
- 6) Potential conflicts with the provisions of an adopted habitat management plan (HMP), natural community conservation plan (NCCP), or other approved local, regional, or state habitat conservation plan is addressed in Section 4.9.5, Habitat Conservation Plans.

4.3.3 Issue 1: Sensitive Species

Would the project result in a substantial adverse impact, either directly or through habitat modifications, to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the CDFW or USFWS?

4.3.3.1 Impact Analysis

a. Plant Species

No federally or state listed plant species are expected to occur within the BSA and none were detected during surveys. Three plant species considered sensitive by the CNPS were detected within the BSA: San Diego sunflower, southern California black walnut, and southwestern spiny rush. Several small patches of San Diego sunflower were detected within the southern portion of the BSA. Two individuals of southern California black walnut were detected in the northeastern portion of the BSA in an area of arroyo willow thickets. In addition, several individuals of southwestern spiny rush were detected within the southern portion of the BSA. San Diego sunflower, southern California black walnut, and southwestern spiny rush are widespread in this portion of San Diego County, and therefore, loss of these few individual species would not be considered significant. Additionally, on-site salvage is proposed for willow trees, mule-fat, and other native wetland plants as possible to facilitate success of the proposed on-site restoration. Therefore, impacts to sensitive plant species would be less than significant.

b. Wildlife Species

Special Status Wildlife Species

Grading, clearing, and other construction-related activities would result in temporary and permanent impacts to these vegetation communities as detailed in Table 4.3-3 and shown on Figure 4.3-5. The project would impact 1.39 acres of riparian woodland habitat (arroyo willow thickets, cottonwood tree, mule fat thickets, red willow thickets, naturalized warm temperate riparian and wetland semi-natural stands, non-native riparian vegetation communities, and sycamore trees) known to support, or likely to support, sensitive wildlife species.

Focused protocol level surveys were conducted for SWFL (ESA endangered; CESA endangered); LBV (ESA endangered; CESA endangered); and CAGN (ESA threatened; CDFW Species of Special Concern) in 2015. No SWFL, LBV or CAGN were observed. However, LBV and CAGN have been observed adjacent to the BSA within the Sweetwater River during previous surveys. Focused protocol level surveys were conducted for light-footed Ridgway's rail in 2017; the species was documented adjacent to the project site within the cattail marsh patch by the existing bike path adjacent to the Sweetwater River. This population would be directly affected by removal of breeding and foraging habitat, and could be indirectly affected by construction activities. Although none of these species were observed within the project site, the project would impact 1.39 acres of riparian woodland habitat that may function as suitable habitat for LBV and CAGN. Additionally, this riparian woodland habitat is located near the cattail marsh habitat where light-footed Ridgway's rail was observed. Therefore, the project would impact habitat that may support state and federally listed wildlife species. This impact would be significant (Impact BIO-1).

Additionally, yellow-breasted chat and yellow warbler are CDFW Species of Special Concern that were observed in the biological study area during surveys in 2015. These species are associated with riparian woodland habitat that would be impacted by the project. However, based on the limited acreage of riparian woodland habitat that would be permanently impacted by the project (0.92 acre of permanently impact), this would not affect the regional long-term survival of the species. Additionally, the 0.47 acre of temporary impact would be revegetated and restored in the post-project condition. Thus, impacts to CDFW Species of Special Concern would be less than significant.

Raptors and Nesting Birds

The project could result in a loss of functional foraging habitat for raptors. Several raptor species were observed during the surveys and presumably use the site for foraging. The project would have direct, permanent and temporary impacts to 15.12 acres of native and non-native habitats. However, the reduction in foraging habitat is considered less than considered significant due to the degraded condition of the project site and the proximity of the Sweetwater River and availability of adjacent habitat within which raptors can forage and breed. Additionally, native habitat would be restored on-site.

**Table 4.3-3
Permanent and Temporary Impacts to Vegetation Communities and Land Cover Types**

Vegetation Communities and Land Cover Types	Project Boundary (Onsite)				Offsite Areas		Total Impacts for All Areas ⁴		
	Access Road	CarMax Facilities	Channel Onsite ¹		Permanent Impact ²	Temporary Impact	Permanent Impact	Temporary Impact	Total Impact ⁵
	Permanent Impact	Permanent Impact	Temporary Impact	Permanent Impact					
Native Vegetation Communities									
Arroyo Willow Thickets	--	0.56	0.10	0.01	--	0.07	0.56	0.17	0.73
Cattail Marshes	--	0.07	--	--	--	--	0.07	--	0.07
Cottonwood Tree	--	--	--	--	--	--	--	--	0.00
Coyote Brush Scrub	--	--	0.02	--	--	--	--	0.02	0.02
Mule-Fat Thickets	--	0.07	<0.01	--	--	<0.01	0.07	0.01	0.07
Red Willow Thickets	--	--	--	--	--	--	--	--	0.00
San Diego Sunflower Scrub/ Coastal Sage Scrub	--	0.01	0.07	--	--	--	0.01	0.07	0.07
Sycamore Tree	--	--	--	--	--	0.08	--	0.08	0.08
Non-native Vegetation Communities									
Disturbed Habitat	0.05	3.43	2.56	--	--	0.47	3.47	3.03	6.50
Eucalyptus Groves	--	1.67	1.22	0.01	0.01	0.06	1.68	1.27	2.95
Giant Reed Breaks	--	0.36	1.52	0.01	<0.01	0.66	0.38	2.19	2.57
Naturalized Warm-Temperate Riparian and Wetland Semi-Natural Stands	--	0.14	0.00	--	--	--	0.14	<0.01	0.14
Nonnative Riparian	--	0.14	0.14	<0.01	<0.01	0.08	0.15	0.23	0.37
Nonnative Woodland	--	0.55	0.26	0.01	--	0.28	0.56	0.54	1.10
Urban/Developed	0.02	0.05	0.17	--	--	0.21	0.07	0.38	0.45
Total⁴	0.07	7.04	5.98	0.04	0.01	1.91	7.16	7.99	15.12

¹“Channel Onsite” includes channel and riprap dissipater areas. Permanent impacts within “Channel Onsite” areas include only the riprap areas. The remainder of the channel is considered a temporary impact area because restoration/revegetation would occur consistent with permit conditions. Native vegetation communities that occur within the proposed channel bottom would be avoided and incorporated into the proposed channel restoration efforts and are therefore not included in the impact calculations.

²Permanent impacts between the CarMax Facility and Bonita Road are considered “offsite” impacts as they are not within the parcel that would be purchased by CarMax.

³The original impact analysis assumed that a portion of the proposed channel and area that would be built up to be outside of the 100-year floodplain is located within Caltrans ROW. This area would be revegetated with native vegetation and; therefore, is considered temporary offsite impacts. However, the project has been redesigned to avoid all earthwork within Caltrans ROW. Therefore, the impacts presented above represent a conservative analysis.

⁴Totals may vary from sum of reported values due to rounding of decimal places.

⁵Total impacts equals the sum of total permanent and temporary impacts combined.



FIGURE 4.3-5
Project Impacts on Vegetation
Communities and Rare Plants

The project may impact the nesting success of tree-nesting raptors and nesting birds protected by the federal Migratory Bird Treaty Act and the California Fish and Game Code (Section 3500 et seq.) if grading, vegetation clearing, and/or noise generating activities such as construction are conducted during the nesting bird and raptor breeding season (February 1–August 31). Impacts could include removal of active nests of tree-nesting birds or raptors or disruption in breeding success due to disturbance of breeding behaviors. This impact would be significant (Impact BIO-2).

Roosting Bats

Project construction may impact roosting bats that may occur within palms or other trees within the development footprint if vegetation removal activities occurred during bat roosting season, which is generally between March 1 and October 14. Such actions would result in the disruption of maternal roosting behavior and/or mortality of immature bats. These impacts would be potentially significant (Impact BIO-3).

Invasive Species

Project construction would have the potential to increase exposure of vegetation communities to non-native exotic plant species. Non-native exotic plant species are opportunistic and often occupy disturbed soils such as those within areas of exposed bare ground that may occur within the disturbance area. Once introduced, these exotic plant species often outcompete natives for resources, resulting in a reduction in growth, future dispersal, and recruitment of native species, and the eventual degradation of existing vegetation communities. This could impact special status wildlife species who rely on these vegetation communities as habitat. Potential increased exposure of vegetation communities to non-native exotic plant species would be significant (Impact BIO-4).

Project construction may also result in the accidental introduction of emerging tree pests, such as the invasive shot hole borer (ISHB), which refers to two closely-related borer beetles – polyphagous shot-hole borer (*Euwallacea whitfordiodendrus*) and Kuroshio shot-hole borer (*Euwallacea kuroshio*) – and the South American palm weevil (SAPW; *Rhynchophorus palmarum*). ISHB carry fungal pathogens that can cause Fusarium dieback in host tree species. The complex disease association between Fusarium dieback disease and ISHB is an ecological threat that has challenged the survival of important plant species and the health of native riparian and oak woodlands in southern California. ISHBs are present in the nearby Tijuana River, and have caused large die backs of riparian vegetation, especially arroyo willows (*Salix lasiolepis*). The project is located directly adjacent to the Sweetwater River, and if ISHB is present on-site, vegetation removal activities during construction may inadvertently cause ISHB to spread to other sites if construction equipment is not properly cleaned. Furthermore, if the site supports ISHB and infested vegetation material is cleared from the site and transported to off-site areas, ISHB and its associated fungal pathogens could spread further. In addition, if restoration activities associated with the project resulted in the use of already infested plant material being brought onto the site, ISHB could spread into the Sweetwater River from the restoration plantings. These impacts associated with the introduction of ISBH would have the potential to impact special status wildlife species who rely on these potentially affected vegetation communities as habitat. Potential increased

exposure of vegetation communities to non-native exotic plant species and ISBH would be significant (Impact BIO-5).

Short-term construction-related indirect impacts, such as increased dust deposition on leaf surfaces, would be minimal and would not result in a significant impact. Furthermore, construction-related indirect impacts would be minimized or avoided through adherence to existing requirements to minimize fugitive dust (e.g., San Diego Air Pollution Control District Rule 55) and stormwater runoff (e.g., best management practices identified in the Storm Water Quality Management Plan prepared for the project).

4.3.3.2 Significance of Impacts

a. Plant Species

No federally or state listed plant species are expected to occur within the BSA and none were detected during surveys. Impacts to San Diego sunflower, southern California black walnut, and southwestern spiny rush are not considered significant. Therefore, impacts would be less than significant.

b. Wildlife Species

The project would impact 1.39 acres of riparian woodland habitat that may function as suitable habitat for LBV and CAGN. Additionally, this riparian woodland habitat is located near the cattail marsh habitat where light-footed Ridgway's rail was observed. Furthermore, due to the time that has passed since the original protocol surveys in 2015 and 2017, it is possible that the presence or absence of SWFL, LBV, CAGN, and light-footed Ridgway may have changed. Consequently, the Draft EIR has assumed presence of all four species. Therefore, the project will conduct updated protocol-level surveys during the spring prior to construction to confirm presence or absence of these species. Direct and indirect impacts to habitat that may support SWFL, LBV, CAGN, and light-footed Ridgway's rail would be potentially significant (Impact BIO-1).

The project may impact the nesting success of tree-nesting raptors if grading, vegetation clearing, and/or noise generating activities such as construction are conducted during the breeding season for these taxa (February 15–August 31). Such impacts could result in removal of active nests of tree-nesting birds or raptors or disruption in breeding success due to disturbance of breeding behaviors. These impacts would be potentially significant (Impact BIO-2).

Project construction may impact roosting bats that may occur within palms or other trees within the development footprint if vegetation removal activities occurred during bat roosting season, which is generally between March 1 and October 14. Such actions would result in the disruption of maternal roosting behavior and/or mortality of immature bats. These impacts would be potentially significant (Impact BIO-3).

Potential increased exposure of vegetation communities to non-native exotic plant species would have the potential to impact special status wildlife species who rely on these

potentially affected vegetation communities as habitat. These impacts would be potentially significant (Impact BIO-4).

Potential increased exposure of vegetation communities to ISBH would have the potential to impact special status wildlife species who rely on these potentially affected vegetation communities as habitat. These impacts would be potentially significant (Impact BIO-5).

4.3.3.3 Mitigation

a. Plant Species

Impacts to sensitive plant species would be less than significant. No mitigation is required.

b. Wildlife Species

Impacts to wildlife due to habitat loss would be mitigated through restoration and revegetation of native habitat within the project site as detailed in MM-BIO-1. Mitigation ratios and acreage totals are presented in Table 4.3-4 and the location of proposed on-site mitigation is shown on Figure 4.3-6. Impacts to raptors and nesting birds protected by the federal Migratory Bird Treaty Act and the California Fish and Game Code would be mitigated through implementation of MM-BIO-2 and MM-BIO-3. Impacts to roosting bats would be mitigated through implementation of MM-BIO-4. Impacts associated with increased exposure of vegetation communities to non-native exotic plant species would be mitigated through implementation of MM-BIO-1. Impacts associated with increased exposure of vegetation communities to ISBH would be mitigated through implementation of MM-BIO-5.

MM-BIO-1 Habitat Restoration & Habitat Mitigation and Monitoring Plan

Impacts to wildlife species and sensitive habitats would be mitigated through restoration and revegetation of native habitat within the channel area of the project site. The following habitats and acreages would be created:

- ~~1.331.24~~ acres of arroyo willow thickets habitat
- ~~1.44 acres of coastal sage scrub~~
- ~~2.622.36~~ acres of cattail marshes
- ~~0.460.38~~ acre of mule fat thickets
- 1.16 acres of San Diego sunflower scrub/coastal sage scrub

All non-native habitat within the channel area would be revegetated with native plant species. Because the channel area currently supports non-native and disturbed vegetation, there would be a net gain of ~~2.802.09~~ acres of native habitat following habitat restoration. In order to ensure successful revegetation/creation of self-sustaining riparian and upland habitats, a Habitat Mitigation and Monitoring Plan shall be prepared to ensure the ecological functions and values of the impacted habitats are restored.

**Table 4.3-4
Proposed Restoration to Occur within Channel Area**

Habitat Type	Total Permanent Impact (acres)	Total Temporary Impact (acres)	Mitigation Ratio ¹	Mitigation Required (acres)	Proposed On-site Restoration (acres)	Proposed Onsite Restoration Within Easement ² (acres)	Proposed Offsite Restoration ^{2,3} (acres)	Total Proposed Onsite Restoration ⁴ (acres)	Mitigation Deficit or Overage (acres)
Arroyo willow thickets	0.56	0.17	3:1	2.19	1.34 1.24	0.07	0.02	1.33 1.24	-0.86 0.95
Coastal sage scrub	--	--	--	--	1.28		0.16	1.44	+1.44
Coyote brush scrub	--	0.02	3:1	0.06	-- ⁵		--	--	-0.06
Cattail marshes	0.07	--	3:1	0.21	2.57 2.36	0.21	0.05	2.62 2.36	+2.41 2.15
Mule fat thickets	0.07	0.01	3:1	0.21	0.42 0.38	0.04	0.04	0.46 0.38	+0.25 0.17
San Diego sunflower scrub/Coastal Sage Scrub	0.01	0.07	2:1	0.14	-1.16 ⁶	0.12	-0.16	-1.16 ⁶	-0.14+1.02
Sycamore trees	--	0.08	3:1	0.24	-- ⁷		--	-- ⁷	-0.24
Non-native habitats ^{6,8}	6.45	7.64	--	--	--		--	--	--
Total^{7,9}	7.16	7.99		3.05	5.585.14	0.44	0.27	5.855.14	+2.80 <u>2.09</u>

¹National City does not have codified mitigation ratios. Ratios are determined in consultation with the USFWS and CDFW on a project-by-project basis. County of San Diego mitigation ratios were used as a guide.

²Located within the SDG&E, sewer, or water easement. Restoration in these areas will be maintained and monitored; however, because these areas are within an existing easement, there is a potential for impacts in the future.

^{2,3}Restoration in offsite areas will be maintained and monitored; however, because the areas are within Caltrans ROW there is a potential for impacts in the future. All areas onsite will be protected in perpetuity.

⁴Only accounts for onsite restoration outside of existing easements and Caltrans ROW.

⁵Coyote brush (*Baccharis pilularis*) will be incorporated into the coastal sage scrub mitigation area, resulting in a total of at least 0.06 acre of coyote brush comprising the coastal sage scrub mitigation area.

⁶A minimum of 0.14 acre of San Diego sunflower will be established within the proposed coastal sage scrub areas. In addition, San Diego sunflower will be included in the restoration seed mix for coastal sage scrub.

⁷The project will incorporate seed-mix for sycamore trees in the arroyo willow thicket areas as mitigation.

^{6,8}Non-native habitats do not require restoration but will be revegetated with native wetland, riparian, and upland habitats with the exception of the urban/developed areas.

^{7,9}Rounded acreages do not exactly sum to the total area.

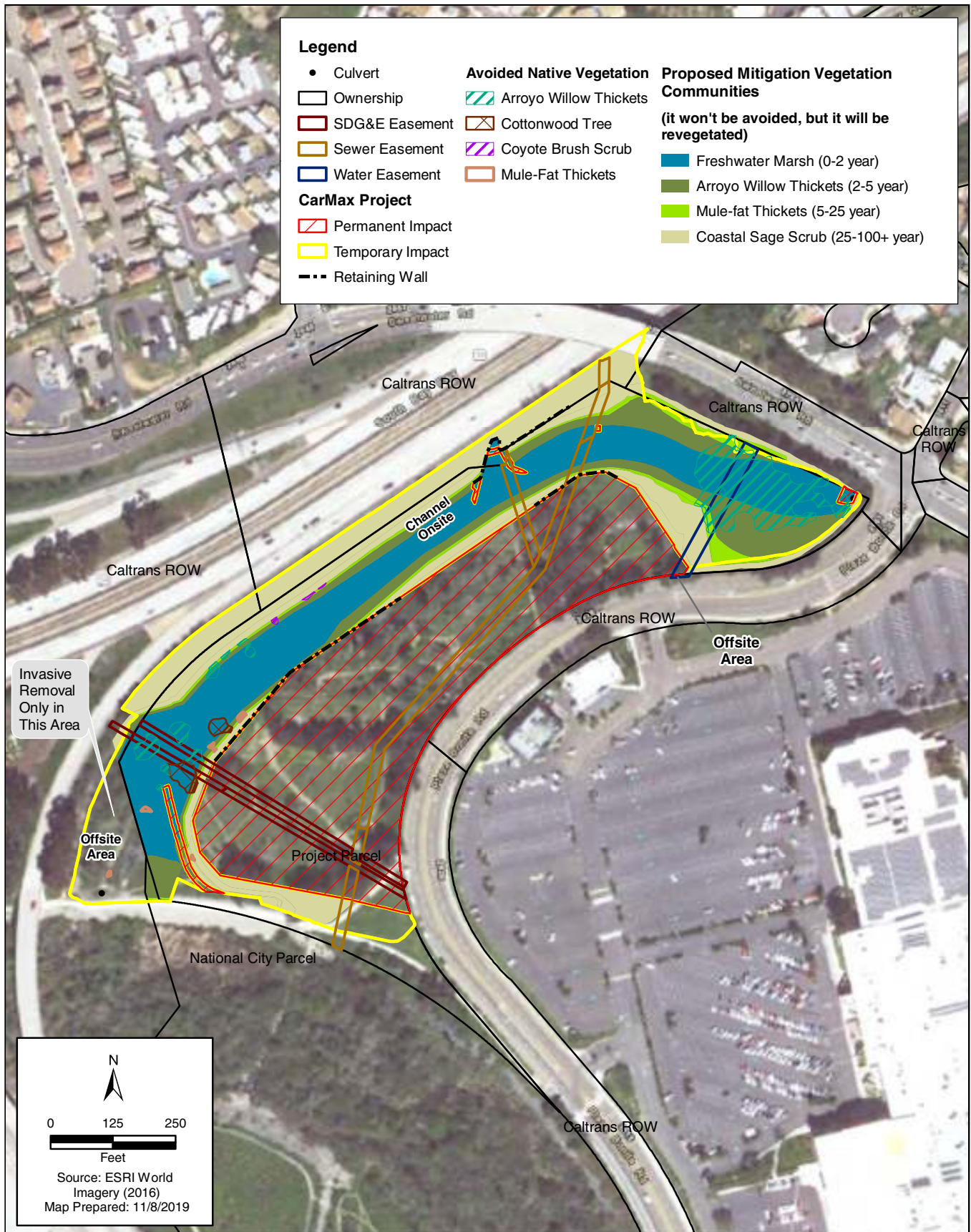


FIGURE 4.3-6

Proposed On-Site Mitigation for Vegetation Communities

The Habitat Mitigation and Monitoring Plan shall include:

- Sufficient restoration or creation of habitat to fulfill the mitigation obligations.
- The planting plan shall be designed to ensure that the appropriate restored/created habitat is suitable for the coastal California gnatcatcher and least Bell's vireo, and allows for wildlife movement (e.g., appropriate width and vegetative cover).
- The planting design shall also include adequate wetland buffers as determined in consultation with the agencies.
- A native planting palette appropriate for each vegetation type being mitigated and appropriate to local conditions. No non-native plant species shall be planted in the project site.
- Irrigation for upland and wetland habitat types for the first two to three years following installation. Irrigation is to be removed during the final 2 years of restoration to ensure that the habitat is self-sustaining.
- A 120-day plant establishment period plus five-year restoration maintenance period (or until success criteria are met).
- Qualitative and quantitative monitoring methods to ensure that success criteria are met.
- Five-year maintenance methods.
- Success criteria for establishment period and years 1–5.
- Responsibilities and qualifications of restoration and maintenance contractor(s) and restoration ecologist.

MM-BIO-2 Protocol and Pre-construction Surveys

To avoid and minimize impacts to nesting birds and raptors, vegetation removal and grading shall occur outside of the nesting bird season (February 1 through August 31). If the breeding season cannot be avoided, the following measures shall be implemented in coordination with the CDFW and USFWS:

1. Updated protocol-level surveys for light-footed Ridgway's rail, southwestern willow flycatcher, coastal California gnatcatcher, and least Bell's vireo ~~will occur during the spring prior to the start of construction~~ commenced in spring 2021 to determine the presence or absence of these species. If any of these species are determined to be present, additional avoidance and minimization measures would be implemented consistent with bullets 2 and 3 below and in consultation with the USFWS during the Section 7 permitting process, as well as with CDFW, if state-listed species are present and the breeding season cannot be avoided. Impacts on occupied habitat for listed species (e.g., coastal California gnatcatcher, least Bell's vireo, and/or Ridgway's rail) will be mitigated through the FESA and/or CESA permitting process (e.g., Section 7, Section 2081) and implementation of all required permit conditions and conservation measures therein.
2. During the avian breeding season, a qualified Project Biologist shall conduct a preconstruction avian nesting survey no more than 3 days prior to vegetation disturbance or site clearing. If there is a break of 5 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before these activities begin again.

3. The preconstruction survey shall cover all reasonably potential nesting locations on and within 300 feet of the proposed construction activities areas, including off-site areas. If an active nest is found during the preconstruction avian nesting survey, a qualified Project Biologist shall implement a 300-foot minimum avoidance buffer for light-footed Ridgway's rail, southwestern willow flycatcher, coastal California gnatcatcher, least Bell's vireo, and other passerine birds, and a 500-foot minimum avoidance buffer for all raptor species. The nest site area shall not be disturbed until the nest becomes inactive or the young have fledged. Final avoidance buffers required during construction, pre-construction surveys, as well as avoidance and minimization measures specific to this species, will be set in coordination with USFWS and/or CDFW.

MM-BIO-3 Construction Activities Oversight

A qualified Biologist shall be responsible for monitoring the limits of construction activity, mitigation measures, design considerations, and project conditions during all phases of the project. The Project Biologist shall conduct the following:

1. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading.
2. Conduct worker training prior to all phases of construction; this shall include meetings with the contractor and other key construction personnel to explain the importance of restricting work to designated areas prior to clearing, grubbing, or grading. Discussions shall include procedures for minimizing harm to or harassment of wildlife encountered during construction activities prior to clearing, grubbing, and/or grading.
3. Conduct pre-construction clearance surveys to detect the presence of nesting birds and sensitive terrestrial wildlife species, such as coast horned lizard, orange-throated whiptail, and two-striped garter snake.
4. Be present on-site to monitor initial vegetation clearing, grubbing, and grading to ensure that mitigation measures are being appropriately followed.
5. Periodically monitor the limits of construction as needed to ensure that the construction boundaries are marked and not breached.
6. Prepare a post-construction monitoring report for submittal to the City. The report shall substantiate the supervision of the clearing, grubbing, and/or grading activities, and shall provide a final assessment of biological impacts.

MM-BIO-4 Bat Avoidance Measures

To avoid the bat maternity season, impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between October 15 and March 1, unless a focused survey is conducted within 30 days of vegetation removal activities by a qualified bat biologist. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that project areas are currently used or are likely to be used as a bat maternity roost, and tree removal activities must occur between October 15 and March 1, a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark):

Step 1: Small branches and small limbs containing no cavity, crevice, or exfoliating bark are removed with chainsaws under field supervision by a qualified bat biologist; and,

Step 2: The remainder of the tree is to be removed the following day. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree.

If these procedures are followed and it is determined that construction activities or site development still may cause roost abandonment, vegetation removal activities shall cease and not commence until roost sites have been replaced. To replace tree roosts, elevated bat houses shall be installed outside of, but near, the construction area. Placement and height will be determined by a qualified wildlife biologist, but the bat house would be at least 15 feet high. The number of bat houses required will depend on the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient size and number to accommodate each colony of bats to be relocated.

MM-BIO-5 Invasive Shot Hole Borer Avoidance Measure

The Project Proponent and/or City shall implement the following measures to reduce the potential for spreading ISHBs because of project activities:

1. A qualified Biologist shall be responsible for monitoring for signs of infestation from ISHBs on-site, within 500 feet of the project site, and within restoration materials used for restoration activities:
2. The Biologist shall conduct an environmental awareness training prior to vegetation clearing and prior to the commencement of restoration activities for on-site workers regarding ISHB and its spread.

3. Signs of ISHB infestation shall be reported to CDFW and University of Riverside's Eskalen Lab (eskalenlab.ucr.edu); this includes sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen).
4. If signs of ISHB infestation are noted on-site, additional Best Management Practices shall be required, including but not limited to:
 - Equipment disinfection.
 - Pruning in infested areas where project activities may occur.
 - Avoidance and minimization of transport of potential host tree materials.
 - Chipping potential host materials to less than 1 inch prior to delivering to a landfill.
 - Chipping potential host materials to less than 1 inch prior to composting on-site.
 - Solarization of cut logs and/or burning of potential host tree materials.

4.3.3.4 Significance of Impacts after Mitigation

Implementation of MM-BIO-1 through MM-BIO-3 would reduce impacts to SWFL, LBV, CAGN, and light-footed Ridgway's rail to a level less than significant. Implementation of MM-BIO-2 and MM-BIO-3 would reduce impacts to nesting birds and raptors to a level less than significant. Implementation of MM-BIO-4 would reduce impacts to roosting bats to a level less than significant. Implementation of MM-BIO-1 would reduce impacts associated with increased exposure of vegetation communities to non-native exotic plant species to a level less than significant. Implementation of MM-BIO-5 would reduce impacts associated with increased exposure of vegetation communities to ISBH to a level less than significant.

4.3.4 Issue 2: Sensitive Riparian Habitats

Would the project result in a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

4.3.4.1 Impact Analysis

Grading, clearing, and other construction-related activities would result in temporary and permanent impacts to sensitive native or naturalized habitat. The locations of temporary and permanent impacts to vegetation communities on the project site are shown in Figure 4.3-5 and the acreages of these temporary and permanent impacts are presented in Table 4.3-3. Temporary and permanent impacts to sensitive riparian habitats would consist of 0.73 acres of arroyo willow thickets, 0.07 of cattail marsh, 0.02 acre of coyote brush scrub, 0.07 acre of mule fat thickets, 0.07 acre of San Diego sunflower scrub, and 0.08 acre of sycamore trees. Temporary and permanent impacts to sensitive riparian habitats would be considered significant (Impact BIO-36).

4.3.4.2 Significance of Impacts

Temporary and permanent impacts to sensitive riparian habitats (as presented in Table 4.3-4) would be significant (Impact BIO-36).

4.3.4.3 Mitigation

Impacts to sensitive riparian habitats would be mitigated through restoration and revegetation of habitat on the project site and proposed construction activities oversight consistent with MM-BIO-1 and MM-BIO-3 described above.

4.3.4.4 Significance of Impacts after Mitigation

Implementation of MM-BIO-1 and MM-BIO-3 would reduce impacts to sensitive habitats to less than significant.

4.3.5 Issue 3: Jurisdictional Wetlands and Waters

Would the project result in a substantial adverse impact on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

4.3.5.1 Impact Analysis

As described in Section 4.3.1.4 above, the Jurisdictional Delineation Report prepared for the project identified six features within the BSA that are potentially subject to USACE, RWQCB, and CDFW jurisdiction. All six features in the BSA originate from separate culverts and confluence into one main feature (Feature 1), which then conveys flows to the Sweetwater River through a box culvert located at the southern end of the project site. The Sweetwater River then flows three miles before terminating at San Diego Bay, which is a direct tributary to the Pacific Ocean. Figures 4.3-7 and 4.3-8 show that the project would impact portions of the unnamed creek and associated jurisdictional waters and wetlands.

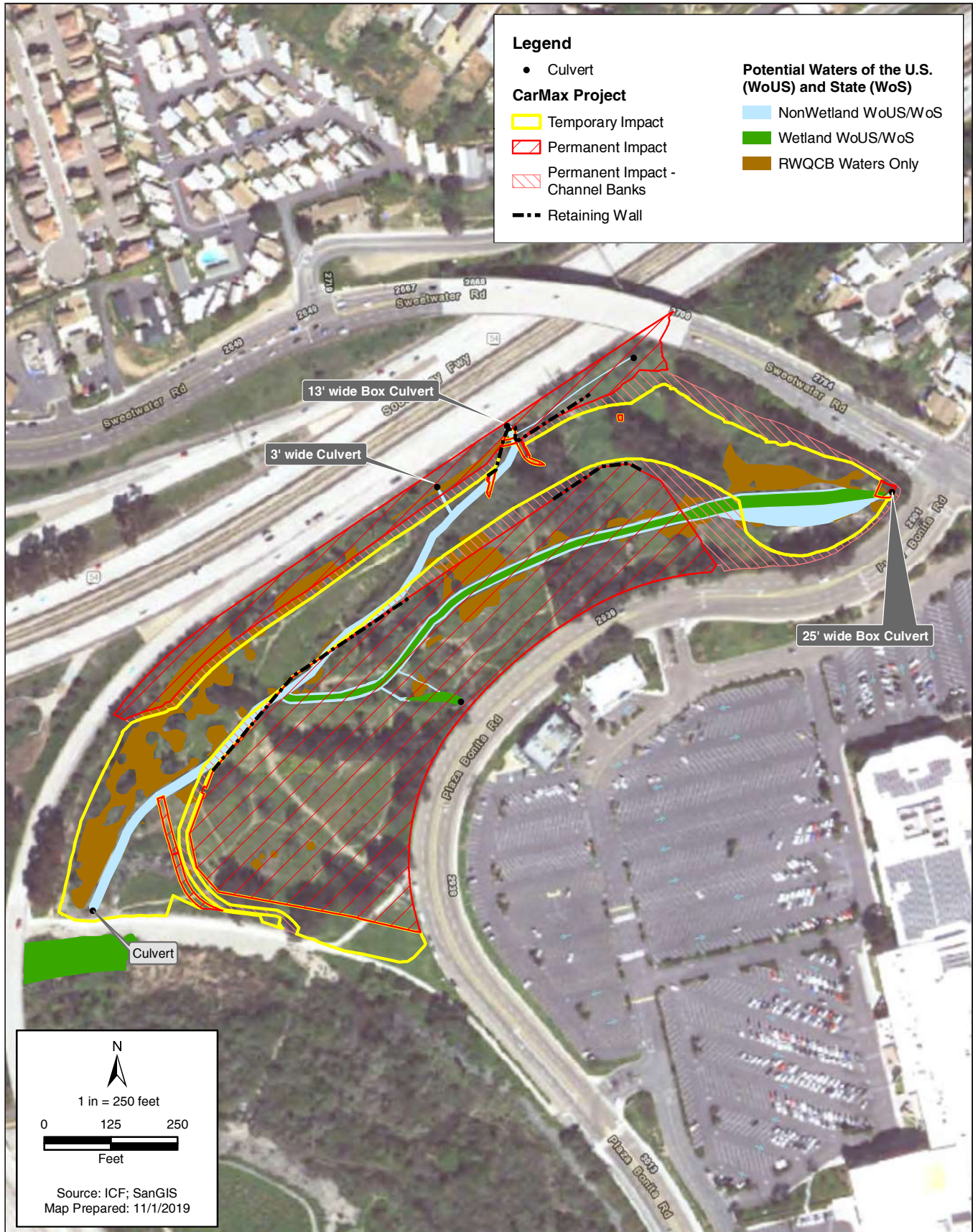


FIGURE 4.3-7
Project Impacts on USACE and RWQCB Jurisdictional Resources



FIGURE 4.3-8
 Project Impacts on CDFW
 Jurisdictional Resources

As part of the project, jurisdictional waters would be re-routed around the proposed CarMax development and widened to maintain the sites' flood capacity and create additional jurisdictional waters and habitat. In consultation with the agencies, the project footprint has been reduced to minimize impacts on jurisdictional waters and to allow for a small buffer between proposed habitat and the development area. Further reductions of the development area would cause the project to be infeasible. Buffers between wetland and riparian habitat that would be established within the proposed channel and the proposed CarMax would range from 5 to 50 feet wide. As shown in Table 4.3-5, project impacts to USACE/RWQCB non-wetland waters would total 1.23 acres (0.63 acre permanent and 0.60 acre temporary). Impacts to waters of the State under RWQCB jurisdiction would total 1.68 acres (0.78 acre of permanent and 0.90 acre of temporary). As shown in Table 4.3-6, the project would impact a total of 2.49 acres (1.02 acres permanent and 1.47 acres temporary) of CDFW jurisdictional waters. These impacts to jurisdictional wetlands and waters would be significant (Impact BIO-47).

4.3.5.2 Significance of Impacts

Temporary and permanent impacts to USACE, RWQCB, and CDFW jurisdictional wetlands and waters (as presented in Tables 4.3-5 and 4.3-6) would be significant (Impact BIO-47).

4.3.5.3 Mitigation

Direct impacts on jurisdictional wetlands and waters shall be mitigated through implementation of wetlands restoration described in MM-BIO-46. The locations of proposed on-site mitigation to jurisdictional wetlands and waters are shown on Figures 4.3-9 and 4.3-10.

MM-BIO-46 Wetlands Restoration Compensatory Mitigation for Jurisdictional Waters

Impacts to jurisdictional wetlands and waters shall be mitigated on-site by constructing a 4.39-acre earthen channel traversing the northwestern boundary of the project site and connecting to the existing storm drain that outlets to the Sweetwater River. This earthen channel shall recontour and redirect approximately 2,012 linear feet of the unnamed creek, preserve the existing drainage pattern and jurisdictional wetlands and waters resources where feasible, and mitigate temporary and permanent impacts through compensatory mitigation.

**Table 4.3-5
Project Impacts on Jurisdictional Waters of the U.S./Waters of the State (USACE/RWQCB)**

Drainage	Habitat Type	Project Boundary (On-site)						Offsite Areas				Total Impacts for All Areas ³	
		CarMax Facilities Permanent Impact		Channel ¹ Temporary Impact		Channel ² Permanent Impact		Temporary Impact ¹		Permanent Impact		Temporary Impact	Permanent Impact
		Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Acres	Acres
Waters of the U.S.													
Feature 1	Non-wetland	884	0.105	460	0.254	302	0.085	163	0.060	--	--	0.313	0.192
	Wetland	--	0.264	--	0.144	--	0.062	--	--	--	--	0.144	0.326
Feature 1b	Non-wetland	152	0.004	--	--	--	--	--	--	--	--	--	0.004
	Wetland	114	0.034	--	--	--	--	--	--	--	--	--	0.034
Feature 2	Non-wetland	127	0.032	410	0.124	110	0.029	40	0.013	22	0.005	0.137	0.067
Feature 2b	Non-wetland	--	--	20	0.002	30	0.003	--	--	5	0.001	0.002	0.004
Feature 2c	Non-wetland	--	--	--	--	--	--	--	--	261	0.006	--	0.006
Total Waters of the U.S.		1,277	0.439	890	0.524	442	0.179	203	0.073	288	0.012	0.597	0.633
Waters of the State													
RWQCB Waters Only		--	0.334	--	0.678	--	0.380	--	0.218	--	0.067	0.896	0.781
Total Waters of the State (RWQCB Only plus Waters of the U.S.)⁴		1,164	0.773	896	1.202	443	0.559	208	0.291	285	0.079	1.493	1.414

¹Where the proposed re-routed channel overlaps with the existing channel onsite, minor grading may occur to allow the entire proposed channel to function properly. Therefore, are considered temporary impacts.

²Permanent impacts within the channel includes the riprap dissipater areas and portions of WOUS that will be re-contoured to channel banks and therefore no longer meet the definition of WOUS.

³Grand total is the full acreage that is regulated by the RWQCB, which includes all waters of the U.S. as well as the additional Waters of the State areas.

⁴Totals may vary from sum of reported values due to rounding of decimal places.

**Table 4.3-6
Project Impacts on Jurisdictional CDFW Waters**

Drainage	Habitat Type	Project Boundary (On-site)						Offsite Areas				Total Impacts for All Areas ³	
		CarMax Facilities Permanent Impact		Channel ¹ Temporary Impact		Channel ² Permanent Impact		Temporary Impact ¹		Permanent Impact		Temporary Impact	Permanent Impact
		Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Acres	Acres
Waters of the U.S.													
Feature 1	Unvegetated Streambed	884	0.101	460	0.206	13	0.001	163	0.090	--	--	0.296	0.102
	Riparian	--	0.657	--	0.957	--	0.006	--	0.001	--	--	0.958	0.664
Feature 1b	Unvegetated Streambed	152	0.008	--	--	--	--	--	--	--	--	--	0.008
	Riparian	114	0.180	--	--	--	--	--	--	--	--	--	0.180
Feature 2	Unvegetated Streambed	127	0.043	410	0.194	13	0.006	40	0.016	22	0.008	0.210	0.057
Feature 2b	Unvegetated Streambed	--	--	17	0.004	11	0.001	--	--	5	0.001	0.004	0.002
Feature 2c	Unvegetated Streambed	--	--	--	--	--	--	--	--	261	0.006	--	0.006
Total		1,277	0.989	890	1.361	37	0.015	203	0.107	288	0.015	1.468	1.022

¹ Where the proposed re-routed channel overlaps with the existing channels onsite, minor grading may occur to allow the entire proposed channel to function properly. Therefore, are considered temporary impacts.

² Permanent impacts within the channel includes the riprap dissipater areas.

³ Totals may vary from sum of reported values due to rounding of decimal places.

⁴Totals may vary from sum of reported values due to rounding of decimal places.

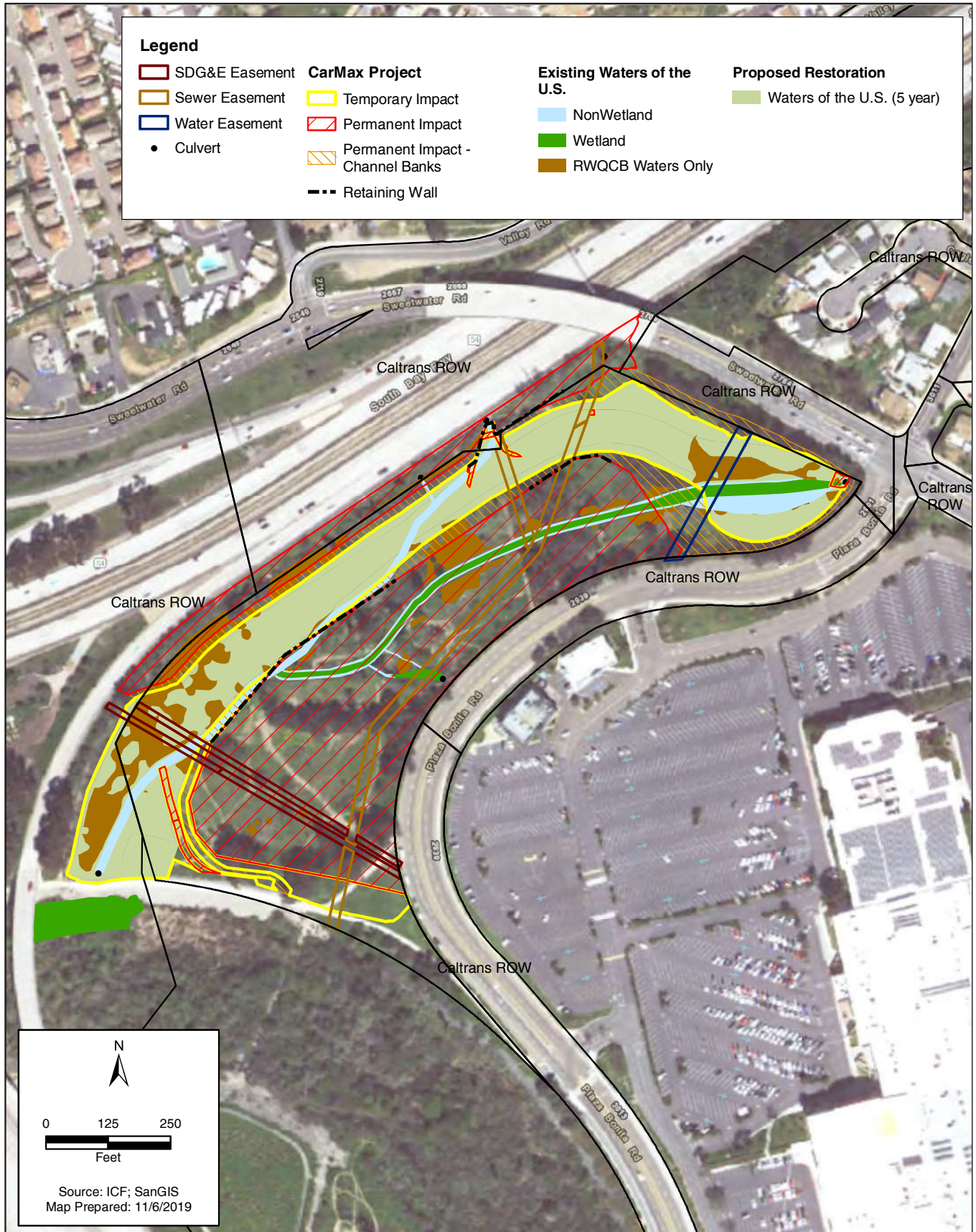


FIGURE 4.3-9
Proposed On-Site Mitigation for USACE and RWQCB Jurisdictional Resources

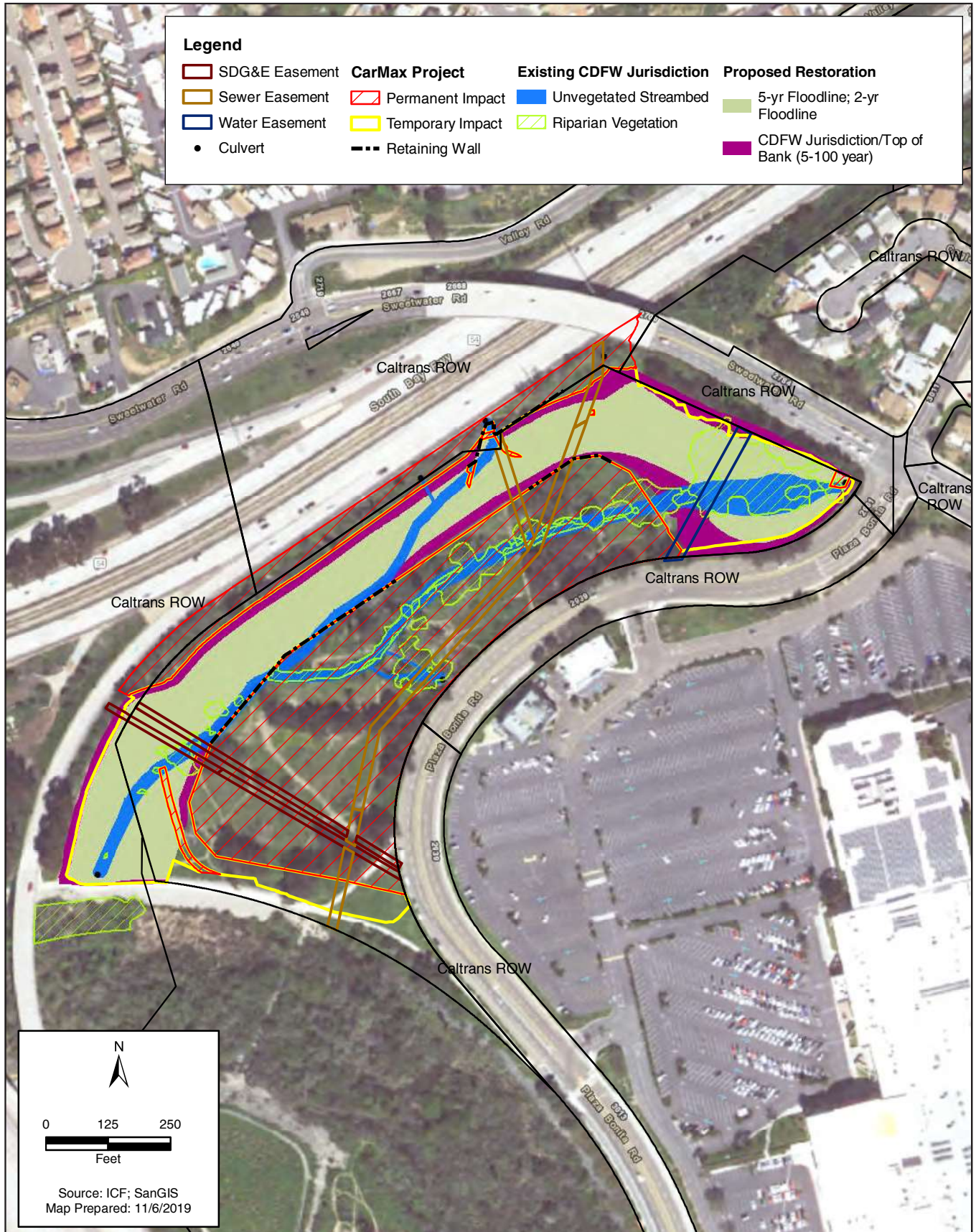


FIGURE 4.3-10
Proposed On-Site Mitigation for
CDFW Jurisdictional Resources

Direct impacts on jurisdictional wetlands and waters shall be mitigated through implementation of the Habitat Mitigation and Monitoring Plan described in MM-BIO-1, resulting in habitat creation and restoration of higher quality than the habitat that is being impacted. Up to 0.49 acre of waters of the U.S. and an additional 0.60 acre of waters of the State is proposed for rehabilitation. Additionally, a total of 1.22 acres of CDFW jurisdictional waters is also proposed for rehabilitation. Restoration credits are proposed for the remainder of the restored channel. Up to 4.04 acres of waters of the U.S. and State and up to 4.72 acres of CDFW jurisdictional waters will be re-established. On-site mitigation would be protected in-perpetuity, recording a land protection mechanism over the site. On-site mitigation would enter into long-term management once 5-year success criteria are met. CarMax would be responsible for funding the long-term management through the funding of a non-wasting endowment.

In addition to the on-site restoration activities, a minimum of 0.78 acre of offsite Mmitigation may also be in the form of waters of the U.S and State restoration and enhancement credits would also be purchased at an Approved Mitigation Bank. Final offsite mitigation requirements will be determined through the approval process with the resource agencies.

4.3.5.4 Significance of Impacts after Mitigation

Implementation of mitigation measure MM-BIO-46 would reduce impacts to jurisdictional wetlands and waters to a level less than significant.

4.3.6 Issue 4: Wildlife Corridors

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

4.3.6.1 Impact Analysis

The project site is adjacent to the Sweetwater River which is considered a core wildlife area. Implementation of the project would temporarily impact 0.47 acre of unincorporated land of San Diego County outside of National City. This land is within the jurisdiction of the County's MSCP Subarea Plan, and is designated as Unincorporated Land within the Metro-Lakeside-Jamul Segment of the MSCP. The project would also temporarily impact 2.09 acres and permanently impact 1.23 acres of land identified as an MSCP Linkage (Figure 4.3-11)¹. Impacts within the Metro-Lakeside-Jamul Segment of the MSCP and MSCP Linkage would

¹The temporarily impacted 0.47 acre of Unincorporated Land within the Metro-Lakeside-Jamul Segment of the MSCP is also classified as MSCP Linkage land. Therefore, these lands are also included in the 2.09 acres of temporary impacts to MSCP Linkage land.

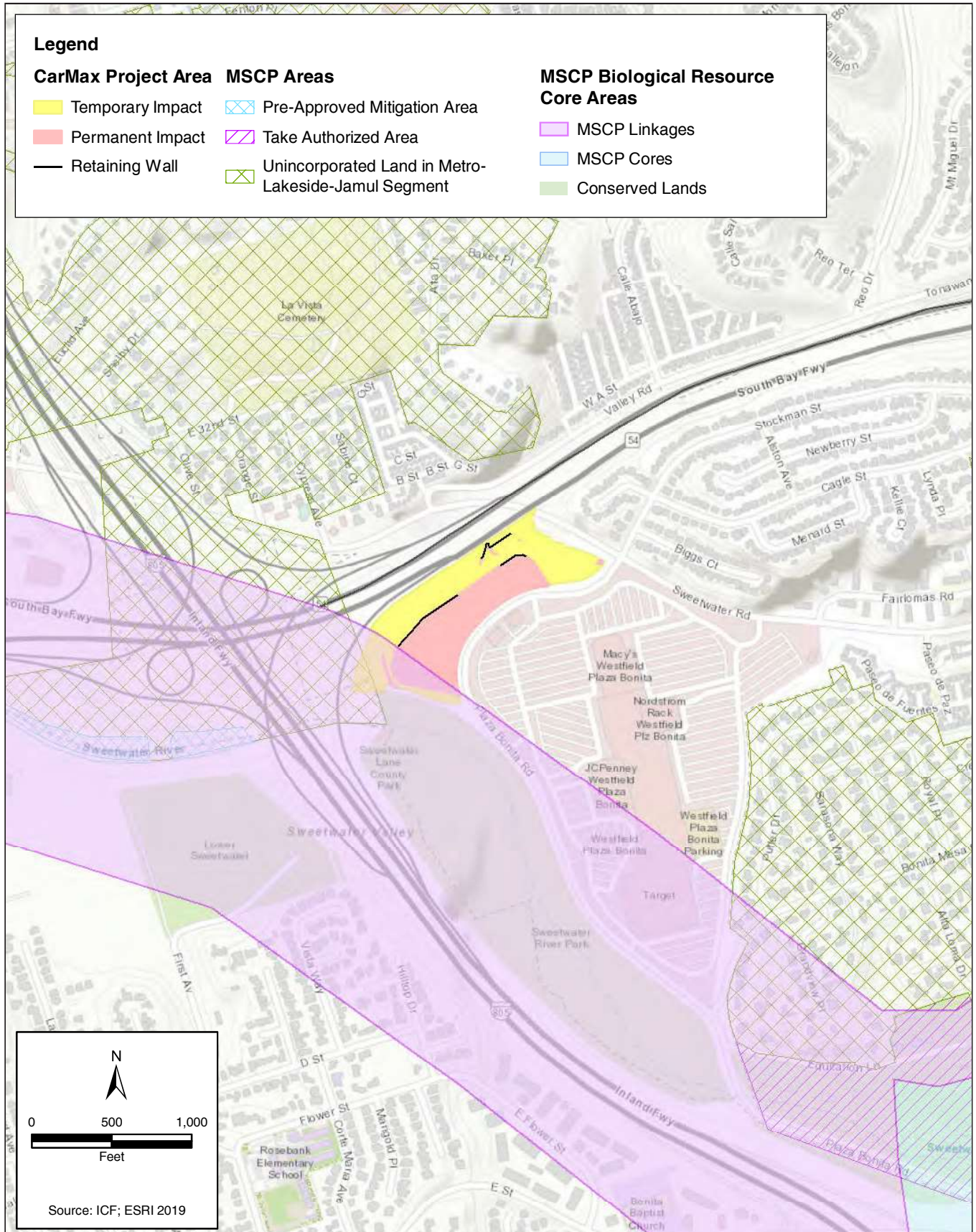


FIGURE 4.3-11
South County MSCP Boundary

occur at the edges of both features. Consequently, the project would not further constrain an already narrow corridor and adequate width for wildlife movement would remain in the post-project condition. Signage and appropriate fencing would be introduced to restrict human access to the Sweetwater River, except along designated trails except along designated trails to minimize potential future impacts on the sensitive habitats. Project design features would minimize edge effects associated with lighting, noise, and runoff. On-site habitat permanently impacted by the project currently exists in a degraded condition and is separated from the Sweetwater River by a concrete and rip-rap levee to the south, and is surrounded by development to the north, east, and west. Habitat temporarily impacted by the project would be mitigated through restoration and revegetation of native habitat within the channel area of the project site (MM BIO-1) and would be available to wildlife for foraging and breeding. Consequently, the project would not impact the viability of the Sweetwater River as a core wildlife area and would not restrict wildlife access to the Sweetwater River. Therefore, implementation of the project would not interfere with the movement of wildlife species, and impacts would be less than significant.

4.3.6.2 Significance of Impacts

The project would not interfere with the movement of wildlife species, and impacts would be less than significant.

4.3.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.3.7 Issue 5: Local Ordinances

Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

4.3.7.1 Impact Analysis

Policy OS-4.3 of the City's General Plan Open Space Element requires the retention of trees of significance, such as heritage trees or landmark trees and groves, wherever possible. The Open Space Element defines Heritage Trees as trees that are of special importance to the City due to their age, size, type, historical association or horticultural value, and defines Landmark Trees as trees that are unusual or have very high aesthetic quality or being a species of tree that rarely occurs in the City. None of the trees on the project site meet the criteria of a Heritage Tree or Landmark Tree. The project site does not have any historical or horticultural value, nor are any of the trees unusual or have very high aesthetic quality. Implementation of mitigation measures MM-BIO-1 through MM-BIO-4 would ensure consistency with all other General Plan policies related to the preservation of biological resources, and impacts related to conflicts with local policies or ordinances protecting biological resources would be less than significant. Potential conflicts with the provisions of an adopted HMP, NCCP, or other approved local, regional, or state habitat conservation plan

is addressed in Section 4.9.5, Habitat Conservation Plans. Thus, potential impacts related to local ordinances would be less than significant.

4.3.7.2 Significance of Impacts

Impacts related to local ordinances protecting biological resources would be less than significant.

4.3.7.3 Mitigation

Impacts related to local ordinances protecting biological resources would be less than significant. No mitigation is required.

4.3.8 Issue 6: Habitat Conservation Plans

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

4.3.8.1 Impact Analysis

The City does not have an adopted MSCP. However, the southwestern portion of the Offsite Area is located within the “Unincorporated Land in Metro-Lakeside-Jamul Segment” of the South County MSCP-. (see Figure 4.3-11). This segment is designated as MSCP Linkage, which is considered a Biological Resource Core Area (BRCA).

As described in Section 4.3.6.1 above, impacts within the Metro-Lakeside-Jamul Segment of the MSCP and MSCP Linkage would occur at the edges of both features. Consequently, the project would not further constrain an already narrow corridor and adequate width for wildlife movement would remain in the post-project condition. Therefore, the project would not preclude connectivity between areas of high habitat value or disrupt habitat linkages, and would be consistent with the BMO.

Temporary impacts to 0.47 acre of the Metro-Lakeside-Jamul Segment of the MSCP would be mitigated through restoration and revegetation of native habitat within the channel area of the project site (MM-BIO-1). All permanent impacts would occur outside the Metro-Lakeside-Jamul Segment of the MSCP in an area separated from the Sweetwater River by a concrete and riprap levee. Additionally, mitigation measures MM-BIO-1 through MM-BIO-46 are consistent with the mitigation requirements set forth in the MSCP and BMO. Therefore, the project would not conflict with goals and policies of the South County MSCP. Furthermore, implementation of mitigation measures MM-BIO-12 through MM-BIO-3 would ensure consistency with the Migratory Bird Treaty Act policies regarding the protection of tree-nesting raptors and other protected birds during the breeding season (approximately February 15 to August 31). Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved local, regional or state habitat conservation plan, and impacts would be less than significant.

4.3.8.2 Significance of Impacts

The project would not conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved local, regional or state habitat conservation plan, and impacts would be less than significant.

4.3.8.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.4 Cultural and Tribal Cultural Resources

This section addresses the potential project impacts to cultural resources and tribal cultural resources and is based on review of the following technical document included as an appendix to the environmental impact report (EIR):

- Cultural Resources Inventory and Evaluation Report for the National City CarMax Project prepared by ICF International (Appendix D; ICF International 2015).

4.4.1 Existing Conditions

4.4.1.1 Cultural Setting

a. Prehistoric Context

The project is within the south coastal cultural region of California. Several cultural chronologies have been developed for the region. This discussion is based on a modified version of the cultural chronology developed by D. R. Gallegos (1985) to help describe patterns in precontact cultural developments in the region; it does not necessarily reflect Native American views.

In the south coastal region of California, the earliest evidence of human occupation has been found on the Channel Islands. This evidence includes a set of human remains dated to approximately 13,000 before present (BP) on Santa Rosa Island, an archaeological site dating to approximately 11,600 BP on San Miguel Island, and at least two archaeological sites along the mainland coast dated prior to 10,000 BP as well. Although no coastal assemblages dated to earlier than 10,000 BP have been documented along the San Diego shoreline, it is inferred that the absence of sites is largely a function of a long-term trend in sea level rise, shoreline erosion, and lagoon infilling in the region. These trends are likely to have obscured and/or destroyed early coastal sites.

Evidence of human occupation of the San Diego region begins to appear at around 10,000 BP in the form of lithic assemblages composed of scrapers, scraper planes, cobble choppers, large blades, large projectile points, and crescentic stones of unknown function. Additionally, at least one archaeological site dated to this period contains both ocean mammal bone and shellfish, indicating that coastal resources were also used. Starting at around 8,000 BP, shell middens with millstone assemblages began to appear along sloughs and lagoons. It appears that after approximately 4,000 BP the frequency of coastal archaeological sites in the San Diego region began to decline.

Starting at approximately 1,300 BP, the archaeological record reflects the emergence of two cultural traditions in the San Diego region thought to reflect the ethnographically observed lifeways of the Kumeyaay and Luiseño peoples. Although these two groups have clear linguistic and cultural distinctions, both appear to have designed their land use patterns around the intensive exploitation of a range of local resources and established permanent to semi-permanent villages from the coast to the mountains and foothills. Both groups also adopted the use of small projectile points, pottery, and intensified use of acorns. Based on ethnographic data, the boundary between the lands of the Kumeyaay (to the south) and Luiseño (to the north) peoples occurred in the vicinity of Agua Hedionda and Batiquitos Lagoon. It is unknown, however, whether this boundary reflects a persistent spatial division between the two groups or the most recently recorded position of a boundary that fluctuated over time.

b. Ethnographic Setting

The project area was traditionally inhabited by the Kumeyaay people (previously referred to as the Diegueño), who spoke the Tipai dialect of the Yuman language. The Kumeyaay inhabited a region that contains present-day southern San Diego County, west and central Imperial County, and the Northern Baja peninsula. Speakers of the Tipai dialect traditionally lived south of the San Diego River, while speakers of the Ipai dialect traditionally lived north of the San Diego River.

The Kumeyaay used a wide range of environments for habitation and resource collection, including the coast, foothills, mountains, and desert. In response to the wide-ranging conditions of these environments, the Kumeyaay used a range of settlement strategies and exploited a range of resources, including (but not limited to) terrestrial mammals, birds, fish, marine invertebrates, grasses, manzanita, sage, sunflowers, lemonade berry, chia, mesquite, agave, and acorns. The latter was particularly important because they could be processed and stored for long periods.

The documentary record for ethnographically named places attributed to the Kumeyaay is sparse, consisting of fewer than 60 named places. Review of the publicly available literature reveals no documented ethnographically named places within the project area. However, consultation with the affected tribes may result in the identification of previously undocumented ethnographically named places.

c. Historic Period

The historic period in California began with the early explorations of Juan Cabrillo in 1542, who came ashore on what is now Point Loma to claim the land for Spain and gave it the name San Miguel. Sixty years passed before another European, Sebastián Vizcaíno, entered the bay on November 10, 1602 and gave it the name San Diego. The original Spanish settlement in San Diego began in 1769 on Presidio Hill and consisted of a presidio (fort) and a chapel that also served as Alta California's first mission. From its original outpost on what is now Presidio Hill, Mission San Diego de Alcalá was moved to roughly its current site in Mission Valley in 1774.

Following Mexico's independence from Spain in 1821, the Mexican period began in San Diego County and lasted until 1848, ending with the conclusion of the Mexican-American War. During this period most Spanish laws and practices continued until shortly before secularization of the missions. Former Presidio soldiers become civilian residents and populated the Pueblo of San Diego, which was established during this period. After years of political instability and several failed efforts to secularize the missions, in 1834 Governor José Figueroa issued a proclamation that initiated thorough secularization and land grants that redistributed the missions' large grazing holdings and ushered in the Rancho Era. Mission lands were distributed mainly to officials and retired soldiers.

At the close of the Mexican-American War in 1848, Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo, which marked the beginning of the American Period. The Kimball brothers, Frank, Warren, and Levi, purchased the rancho from Pioche for \$30,000 in 1868. Led by Frank, the Kimball brothers built a wharf on the bay, cleared and surveyed the land, and began selling home sites. They named the area National Ranch and subsequently changed it again to National City. National City was incorporated in 1887.

During the Southern California land boom of the 1880s, the Santa Fe-controlled San Diego Land and Town Company developed lands acquired from Kimball and raised an existing dam on the Sweetwater River to create a substantial reservoir and develop a new water conveyance system. Incorporated in 1886, the National City & Otay Railroad built a new railroad to haul materials to the dam site that extended from San Diego to National City. Agriculture flourished in the project vicinity during the late nineteenth and early twentieth centuries. Cultivation of lemon orchards became the area's leading agricultural enterprise, and locals also produced grapefruit, oranges, olives, guavas, strawberries, figs, apricots, peaches, pears, and ornamental trees. Local fruit production soon supported a thriving packing industry.

National City experienced rapid growth during World War II, which drew a massive influx of military personnel and defense workers to the San Diego area. This growth continued after World War II as the area's military installations, its expanding aerospace and defense industries, and the baby boom increased local housing demand. National City's development during the decades prior to World War II remained concentrated northwest and southeast of the project area. The project area remained undeveloped into the early 1950s, though its eastern portion was subsequently incorporated into a golf course. Developed after 1967, State Route 54 (SR-54) eliminated the building that had previously stood immediately north of the project area. In 1981 the Bonita Golf Course was relocated to make way for construction of Plaza Bonita immediately east of the project site. Since the development of the Westfield Plaza Bonita Mall and Plaza Bonita Road, the project site has consisted of open space.

4.4.1.2 Existing Resources

a. Records Search

A cultural resources records search was conducted in September 2015 at the South Coastal Information Center. The records search and literature review provides data on the identification of previously documented archaeological, historic, and architectural resources within and near the project area, and is useful for developing a context to frame assessments of resource significance. The following is a summary of the records search results for the project site and a half-mile buffer.

The records search results indicate that a total of 26 cultural resources studies have been conducted within a half-mile of the project site. Seven of these studies cover some portion of the project site. Four cultural resources were previously recorded within a half-mile buffer, one of which (CA-SDI-5344) is located within the project site.

CA-SDI-5344 was originally recorded in 1977 as having small knolls with shell and lithic scatters. The resource was tested in 2009 and the mapping was updated to show that the eastern locus was destroyed and is now located underneath a highway ramp. Shell and three flakes were observed on the surface, but not in their original location. The western location was tested but no subsurface cultural materials were found. Only the eastern locus falls within the project site.

b. Survey Results

On October 27, 2015, the project area was surveyed for archaeological resources. Field survey methods consisted of systematic intensive pedestrian survey and reconnaissance survey. One previously recorded resource (CA-SDI-5344) was located within the project site. The eastern locus of CA-SDI-5344 was revisited on October 27, 2015 to verify its condition and confirmed that it is completely overlain by SR-54. No cultural components were observed within the documented site boundary; however, two weathered shell fragments were identified southeast of the eastern locus. Extensive disturbances were observed in the area including evidence of freeway construction, maintenance of the Sweetwater River channel, erosion control/retaining rocks, grading for a previous project which was never completed, rodent activity, and vegetation clearing. Transient-related grading of campsites, refuse piles, and hand dug latrines were observed throughout the area.

c. Tribal Cultural Consultation

Consultation with potentially affected tribes was initiated early in the environmental review for the project, during initial preparation of the Cultural Resources Report (see Appendix D). The Native American Heritage Commission (NAHC) was contacted to request a review of its Sacred Lands Files. The NAHC responded on November 30, 2015, stating that the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC also provided a list of 15 Native American individuals and organizations that may have knowledge of cultural resources in

the project area. On December 16, 2015, project letters were sent to all 15 individuals identified by the NAHC. No responses have been received to date. Additionally, as the Lead Agency under the California Environmental Quality Act (CEQA), the City of National City (City) sent letters to the same 15 California Native American tribal representatives and organizations that are traditionally and culturally affiliated with the geographic area of the project site informing them of the project and offering them the opportunity to request consultation. The request for consultation was sent to tribal representatives on November 15, 2016.

4.4.1.2 Regulatory Setting

The following summarizes the cultural resources regulations applicable to the project.

a. Federal

Section 106 of the National Historic Preservation Act

The National Historic Preservation Act (NHPA) requires that, before beginning any undertaking, a federal agency must take into account the effects of the undertaking on historic properties and afford the Advisory Council on Historic Preservation an opportunity to comment on these actions (16 United States Code 470f). The Section 106 process consists of five steps.

1. Initiate the process by coordinating with other environmental reviews, consulting with the state historic preservation officer, identifying and consulting with interested parties, and identifying points in the process to seek input from the public and to notify the public of proposed actions.
2. Identify cultural resources and evaluate them for National Register of Historic Places (NRHP) eligibility, resulting in the identification of Historic Properties.
3. Assess effects of the project on Historic Properties.
4. Consult with the state historic preservation officer and interested parties regarding adverse effects on Historic Properties, resulting in a memorandum of agreement.
5. Proceed in accordance with the memorandum of agreement.

National Register of Historic Places

The NRHP was established by the NHPA as “an authoritative guide to be used by federal, state, and local governments; private groups; and citizens to identify the nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.” The NRHP recognizes properties that are significant at the national, state, and local levels.

The NRHP requires that a resource meet specified criteria and that it possess integrity. Integrity is the ability of a property to convey historical significance. The NRHP recognizes

seven aspects or qualities that, in various combinations, define the integrity of a property: location, design, setting, materials, workmanship, feeling, and association.

An adverse effect on a historic property is found when an activity may alter, directly or indirectly, any of the characteristics of the historic property that render it eligible for inclusion in the NRHP. The alteration of characteristics is considered an adverse effect if it may diminish the integrity of the historic property's location, design, setting, materials, workmanship, feeling, or association.

b. State

Senate Bill 18

Senate Bill (SB) 18 (California Government Code Sections 65352.3 and 65352.4) was enacted on March 1, 2005, and requires cities and counties to notify and consult with California Native American tribes regarding proposed local land use planning decisions for the purpose of protecting traditional tribal cultural places (otherwise known as sacred sites), prior to adopting or amending a General Plan or designating land as open space. Once tribes are contacted, they have 90 days to request consultation. Because the project would result in an amendment to the City's General Plan, the project is required to comply with SB 18.

Assembly Bill 52

Assembly Bill (AB) 52 established a new category of resources under CEQA called "tribal cultural resources." AB 52 established that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. The public resources code (PRC) defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in the PRC Section 5020.1(k). Lead agencies are required to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

California Environmental Quality Act

CEQA requires public agencies to evaluate the implications of their project(s) on the environment and includes significant historic resources as part of the environment. A historic resource is considered significant if it meets the definition of historical resource or unique archaeological resource.

The term historical resource includes, but is not limited to any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural,

educational, social, political, military, or cultural annals of California PRC (PRC Section 5020.1(j)). Historical resources may be designated as such through three different processes:

1. Official designation or recognition by a local government pursuant to local ordinance or resolution (PRC Section 5020.1(k)).
2. A local survey conducted pursuant to PRC Section 5024.1(g).
3. The property is listed in or eligible for listing in the NRHP (PRC Section 5024.1(d)(1)).

The process for identifying historical resources is typically accomplished by applying the criteria for listing in the California Register of Historical Resources (CRHR) (California Code of Regulations [CCR] Title 14 Section 4852), which states that a historical resource must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. It is associated with the lives of persons important in our past.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4. It has yielded, or may be likely to yield, information important in prehistory or history. To be considered a historical resource for the purpose of CEQA, the resource must also have integrity, which is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance.

A unique archaeological resource is defined in Section 21083.2 of the California Public Resources Code as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and for which there is a demonstrable public interest.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Even without a formal determination of significance and nomination for listing in the CRHR, the lead agency can determine that a resource is potentially eligible for such listing,

to aid in determining whether a significant impact would occur. The fact that a resource is not listed in the CRHR, or has not been determined eligible for such listing, and is not included in a local register of historic resources, does not preclude an agency from determining that a resource may be a historical resource for the purposes of CEQA.

According to CEQA, a project that causes a substantial adverse change in the significance of a historical resource or a unique archaeological resource has a significant effect on the environment (CCR Title 14 Section 15064.5; PRC Section 21083.2). CEQA defines a substantial adverse change as (CCR Title 14 Section 15064.5(b)):

- Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired; or
- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the lead agency.

Consistent with AB 52, CEQA requires lead agencies to consult with any California Native American tribe traditionally and culturally affiliated with the geographic area of a proposed project that requests consultation. The CEQA guidelines recommends that a lead agency conduct consultation early in the CEQA process to allow “tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process (Public Resources Code Section 21083.3.2.). The CEQA guidelines state that the California Native American Heritage Commission’s Sacred Lands File (Public Resources Code section 5097.96) and the California Historical Resources Information System administered by the California Office of Historic Preservation may have additional information pertaining to tribal cultural resources. CEQA also requires that a lead agency adhere to the confidentiality provisions stipulated in Public Resources Code Section 21082.3(c).

California Government Code Section 65040.2(g)

California Government Code Section 65040.2(g) provides guidelines for consulting with Native American tribes for the following: (1) the preservation of, or the mitigation of impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code; (2) procedures for identifying through the NAHC the appropriate California Native American tribes; (3) procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects; and (4) procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

California Register of Historical Resources

The California Office of Historic Preservation maintains the California Register of Historical Resources. The California Register is the authoritative guide to the state's significant historic and archaeological resources. The program provides for the identification, evaluation, registration and protection of California's historical resources. The California Register encourages public recognition and protection of resources of architectural, historic, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protection to these resources under CEQA.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code, Section 7050.5, requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County Coroner has examined the remains (Section 7050.5b). If the Coroner determines or has reason to believe the remains are those of a Native American, the Coroner must contact the NAHC within 24 hours (Section 7050.5c).

c. Local

National City Land Use Code

Chapter 18.12.160 of the National City Land Use Code establishes a procedure to identify properties of historical significance and ensure that appropriate notice is provided in the event that demolition or significant alteration or conversion is proposed. This chapter provides for the creation of a list of historic properties and the City Council is required to update periodically and provides for the review of permits that would involve demolition, significant alteration, or conversion of historic properties on the list. Prior to the issuance of the proposed permit, the National City Historical Society must be notified and shall review and make recommendations, including approval of the permit, no recommendation, recommendation that the permit be denied, or a request for further time to evaluate the

permit. The City Council may approve the permit, deny the permit if it is determined that the action may result in an adverse effect on the public welfare, or withhold issuance of the permit until all alternative measures have been thoroughly evaluated.

4.4.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to cultural resources are based on applicable criteria in the CEQA Guidelines (CCR Sections 15000-15387), Appendix G. A significant impact related to cultural resources would occur if the project would:

- 1) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 or to tribal cultural resources as defined in PRC Section 21074; or
- 3) Disturb any human remains, including those interred outside of dedicated cemeteries.

Additionally, a significant impact related to tribal cultural resources would occur if the project would:

- 4) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American.

4.4.3 Issue 1: Historic Resources

Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

4.4.3.1 Impact Analysis

A records search of previously documented archaeological, historic, and architectural resources within and near the project site was conducted at the South Coastal Information Center (SCIC). The records search results determined that four cultural resources were previously recorded within a half-mile buffer of the project site, all four of which are prehistoric archaeological sites. No resources were identified on the project site that would meet the definition of a historic resource pursuant to CEQA Guidelines Section 15064.5.

Additional historical research was conducted for the project site utilizing the main branch of the San Diego Public library, San Diego-area history sources, and U.S. Geological Survey's historical topographic maps. No historic archaeological resources, intact buildings, or other built environment features dating to the historic period were identified within the project area. Additionally, no tribal cultural resources listed or eligible tribal for listing in the California Register of Historical Resources or in a local register of historical resources were identified.

4.4.3.2 Significance of Impacts

Based on the results of the record search, literature review, and absence of any resources that meet the criteria for listing on the National Register of Historic Places, the California Register of Historical Resources, or any other local register of historic resources, the project would not cause a substantial adverse change in the significance of a historic resource. No impact would occur.

4.4.3.3 Mitigation

No impacts would occur. No mitigation is required.

4.4.4 Issue 2: Archaeological Resources

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

4.4.4.1 Impact Analysis

The SCIC records search identified one previously recorded archaeological resource (CA-SDI-5344) within the project site. CA-SDI-5344 was originally recorded in 1977 as small knolls with shell and lithic scatters and mapped by the SCIC as two loci, 30 meters apart. The eastern locus of CA-SDI-5344 was destroyed by construction of a State Route 54 on-ramp. During the archaeological survey conducted on the site in October 2015, two

weathered shell fragments were identified outside of the documented boundaries of CA-SDI-5344. Extensive disturbance was observed in the area including evidence of freeway construction, maintenance of the Sweetwater River channel, erosion control/retaining rocks, grading for a previous project that was never completed, rodent activity, and vegetation clearing. Transient-related grading of campsites, refuse piles, and hand-dug latrines were observed throughout the area. Due to the essential destruction of CA-SDI-5344 and the disturbed nature of the area, no changes were made to the documented site boundaries to include the isolated shell fragments. The western locus of the CA-SDI-5344 site was tested in 2009 and no cultural resources were found. No additional cultural resources were found on the project site. As such, CA-SDI-5344 is not eligible for the National Register of Historic Places under Criteria A, B, C or D, and is not eligible for the CRHR under Criteria 1, 2, 3, or 4.

Although no significant archaeological resources were identified within the project site, the potential exists for earth work activities to unearth unknown archaeological resources during grading.

4.4.4.2 Significance of Impacts

Unearthing of unknown buried archaeological resources during construction would have the potential to result in a significant impact.

4.4.4.3 Mitigation

Potential impacts to unknown buried archaeological resources would be mitigated through implementation of MM-CUL-1.

CUL-1 Archaeological Monitoring

An archaeological resources monitoring program shall be implemented, which shall include the following:

1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of National City that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.
2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s), including a Native American monitor, shall be on-site full time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features.

4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.
5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency, then carried out using professional archaeological methods.
6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.
8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.
9. In the event of the discovery or recognition of any human remains, protocols and procedures noted in the Public Resources Code Section 5097.98, the California Government Code Section 27491, the Health and Safety Code Section 7050.5, and the County of San Diego Historical Resources Guidelines for the treatment of human remains encountered at archaeological sites will be followed, as summarized below:
 - a. There shall be no further excavation or disturbance of the burial location and a reasonable distance around the burial until:
 - i. A City official is contacted;
 - ii. The coroner is contacted to determine that no investigation of the cause of death is required; and
 - iii. If the coroner determines the remains are Native American, the coroner shall contact the NAHC within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the City regarding the excavation work.

- b. Native American human remains and associated funerary items that are removed from the project area of potential effect may be reburied at a location mutually agreed upon by the City, the project applicant/developer, and the MLD. If reinternment of human remains cannot be accomplished at the time of discovery, the MLD shall either take temporary possession of the remains or identify a location for the temporary, but secure, storage of the remains.
- c. For the purposes of this document, human remains are defined as:
 - i. Cremations including the soil surrounding the deposit;
 - ii. Interments including the soil surrounding the deposit; or
 - iii. Associated funerary items.

4.4.5 Issue 3: Human Remains

Would the project result in the disturbance of any human remains, including those interred outside of dedicated cemeteries?

4.4.5.1 Impact Analysis

No dedicated cemeteries or human remains are known to be located within the project site, and the potential for encountering human remains during construction activities of the project is very low. In the event that human remains are discovered, construction activities would be halted consistent with Health and Safety Code Section 7050.5 until the San Diego County (County) Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines the remains to be Native American, the NAHC shall be contacted within a reasonable time frame. Subsequently, the NAHC shall identify the most likely descendant. The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

4.4.5.2 Significance of Impacts

In the unlikely event that human remains are discovered during construction, adherence to Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.98 would ensure that impacts to human remains would be less than significant.

4.4.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.4.6 Issue 4: Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American?*

4.4.6.1 Impact Analysis

A Sacred Lands File search was requested from the NAHC on November 30, 2015 which failed to indicate the presence of Native American cultural resources in the immediate project area. However, the NAHC provided a list of 15 Native American individuals and organizations that may have knowledge of cultural resources in the project area. A letter to the 15 Native American individuals and organization was sent on December 16, 2015, notifying them of the proposed project and inviting tribal participation in determining the presence of any tribal cultural resources or identifying concerns or knowledge of cultural resources in the project area. No information about tribal cultural resources has been received from the notified tribes.

Although no significant tribal cultural resources were identified within the project site, the potential exists for earth work activities to unearth unknown tribal cultural resources during grading.

4.4.6.2 Significance of Impacts

Unearthing of unknown buried tribal cultural resources during construction would have the potential to result in a significant impact.

4.4.6.3 Mitigation

Implementation of mitigation measure CUL-1 would reduce potential impacts related to tribal cultural resources to a level less than significant.

4.5 Energy

This section evaluates potential impacts related to energy conservation due to project construction and post-construction daily project operations. Energy use calculations are presented in Appendix E.

4.5.1 Existing Conditions

San Diego Gas & Electric (SDG&E) currently provides natural gas and electricity transmission and distribution infrastructure in San Diego County. SDG&E is regulated by the California Public Utilities Commission (CPUC), which is responsible for making sure that California utilities' customers have safe and reliable utility service. The program's energy needs would be supplied through the various combinations of energy resources available within the program areas, and the analysis in this section takes into account the anticipated future SDG&E energy resource use patterns.

Senate Bill (SB) 1078 established the California Renewables Portfolio Standard (RPS) Program, which required SDG&E and other statewide energy utility providers to achieve a 33 percent renewable energy mix by 2020, which SDG&E achieved. SB 350 increased the goal to a 50 percent renewable energy mix by 2030. Table 4.5-1 summarizes the SDG&E power mix as of 2017. As shown in Table 4.5-1, SDG&E used biomass, solar, and wind sources, and obtained 44 percent of its energy from renewable resources in 2017 (SDG&E 2018).

Energy Source	Power Mix (%)
Renewables	44
Biomass and Bio-waste	2
Solar	21
Wind	21
Natural Gas and Unspecified	56
SOURCE: SDG&E 2018.	

SDG&E supplies customers with electricity generated both locally and outside of the utility's service territory, with local facilities currently capable of generating a total of approximately 3,100 megawatts (MW) of power.

4.5.1.1 Existing Regulatory Framework

a. Federal Regulations

Federal Energy Policy and Conservation Act and Amendments

The Energy Policy and Conservation Act was enacted in 1975. It established a number of federal programs that play a key role in reducing energy use, most notably the Corporate Average Fuel Economy (CAFE) standards and the Energy Conservation Program for Consumer Products. The Energy Conservation Program for Consumer Products sets energy efficiency standards for certain types of appliances, including air conditioners, refrigerators, water heaters, clothes washers, and dishwashers.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act was enacted in 2007 and contains four key titles to promote energy efficiency and renewable energy generation. Titles 1 and 2 increase the federal CAFE standards, promote renewable energy use in vehicles, and create incentive programs for hybrid vehicles. Title 3 strengthens energy efficiency standards for various appliances and light bulbs, including requiring the phasing out of outdated and inefficient incandescent light bulbs. Title 4 promotes energy efficiency in buildings by establishing several educational and incentive programs.

b. State Regulations

SB 1078 (Renewables Portfolio Standard Program)

The RPS program promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "Initial RPS"), the goal was accelerated and increased by Executive Orders S-14-08 and S-21-09 to a goal of 33 percent by 2020, which SDG&E has achieved. In April 2011, SB 2 (1X) codified California's 33 percent RPS goal. In September 2015, the California Legislature passed SB 350, which increases California's renewable energy mix goal to 50 percent by year 2030.

California Code of Regulations, Title 24 – California Building Code

The California Code of Regulations (CCR), Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. The CBC's energy efficiency and green building standards is outlined below.

Title 24, Part 6 – Energy Efficiency Standards

The California Code of Regulations, Title 24, Part 6 is the California Energy Efficiency Standards for Residential and Nonresidential Buildings (also known as the California

Energy Code). This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy consumption. The Energy Code is updated periodically to incorporate and consider new energy-efficient technologies and methodologies as they become available, and incentives in the form of rebates and tax breaks are provided on a sliding scale for buildings achieving energy efficiency above the minimum standards.

The current version of the Energy Code, known as 2019 Title 24, or the 2019 Energy Code, became effective January 1, 2020. The Energy Code provides mandatory energy-efficiency measures as well as voluntary tiers for increased energy efficiency. The California Energy Commission (CEC), in conjunction with the California Public Utilities Commission, has adopted a goal that all new residential and commercial construction achieve zero net energy by 2020 and 2030, respectively. It is expected that achievement of the zero net energy goal will occur via revisions to the Title 24 standards.

New construction and major renovations must demonstrate their compliance with the current Energy Code through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC. The compliance reports must demonstrate a building's energy performance through use of CEC approved energy performance software that shows iterative increases in energy efficiency given the selection of various heating, ventilation, and air conditioning; sealing; glazing; insulation; and other components related to the building envelope.

Title 24, Part 11 – California Green Building Standards Code

The California Green Building Standards Code, referred to as CalGreen, was added to Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 CBC). The most recent 2019 CalGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. Local jurisdictions must enforce the minimum mandatory Green Building Standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- Outdoor water use requirements as outlined in local water efficient landscaping ordinances or current model water efficient landscape ordinance standards, whichever is more stringent;
- Requirements for water conserving plumbing fixtures and fittings;
- 65 percent construction/demolition waste diverted from landfills;
- Infrastructure requirements for electric vehicle charging stations;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Requirements for low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards.

California Energy Plan

The CEC is responsible for preparing the California Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the fewest environmental and energy costs. To further this policy, the plan identifies a number of strategies, including providing assistance to public agencies and fleet operators.

c. Local Regulations

SANDAG 2009 San Diego Regional Energy Strategy

The Regional Energy Strategy (RES) establishes goals for the San Diego region to be more energy efficient, increase use of renewable energy sources, and enhance the region's energy infrastructure in order to meet the growing energy demand. The RES serves as an energy policy guide to support decision-making by the San Diego Association of Governments (SANDAG) and its member agencies as the region strives to meet the energy needs of a growing population, housing stock, and number of workers while maintaining and enhancing regional quality of life and economic stability.

SDG&E Long-Term Procurement Plan

As required by the CPUC, utility companies such as SDG&E must prepare Long-Term Procurement Plans (LTPPs) to ensure that adequate energy supplies are available to maintain a reserve margin of 15 percent above the estimated energy demand. These plans outline future energy needs and how those needs can be met. In December 2006, SDG&E filed its LTPP with the CPUC, which included a 10-year energy resource plan that details its expected portfolio of energy resources over the period of 2007 through 2016. The projections included in the current LTPP were based on the CEC's California Energy Demand (CED) 2008-2018 Forecast, dated November 2007. The 2016-2026 CEC CED projections are now lower than what was anticipated in 2007.

4.5.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to air quality are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact related to energy would occur if the project would:

- 1) Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during program construction or operation; or
- 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.5.3 Issue 1: Energy Resources

Would the project result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources during program construction or operation?

4.5.3.1 Impact Analysis

Construction-Related Energy Use

During construction, energy use would occur in two general categories: fuel use from vehicles used by workers commuting to and from the construction site, and fuel use by vehicles and other equipment to conduct construction activities. The construction worker, equipment, hauling, and delivery trips required for the project were determined as a part of the air quality modeling prepared for the project (see Appendix E). Fuel consumption associated with on-road worker, hauling, and delivery trips were calculated using EMFAC 2017 fuel consumption rates (see Appendix E). Fuel consumption associated with on-site construction equipment was calculated using the equipment quantities and phase lengths calculated in the air quality and greenhouse gas (GHG) modeling and California Air Resources Board (CARB) OFF-ROAD model (see Appendix E). Off-site and on-site fuel consumption that would occur over the entire construction period is summarized in Tables 4.5-2 and 4.5-3, respectively.

Trip Type	Total Vehicle Miles Traveled	Total Fuel Consumption (gallons)	
		Gasoline	Diesel
Workers	443,232	15,412	95
Deliveries	475	--	88
Hauling	415,940	--	77,180
TOTAL	859,647	15,412	77,363

Phase	Phase Length (days)	Equipment	Amount	Total Usage Hours	Total Diesel Fuel Consumption (gallons)
Site Preparation	10	Rubber Tired Dozer	3	240	1,224
		Tractors/Loaders/Backhoes	4	320	659
Grading	130	Excavators	1	1,040	3,224
		Graders	1	1,040	4,116
		Rubber Tired Dozer	1	1,040	5,305
Building Construction	230	Tractors/Loaders/Backhoes	3	3,120	6,427
		Cranes	1	1,610	5,568
		Forklifts	3	5,520	5,639
		Generator Sets	1	1,840	6,564
Paving	20	Tractors/Loaders/Backhoes	3	4,830	9,949
		Welders	1	1,840	2,186
		Pavers	2	320	902
Architectural Coatings	20	Paving Equipment	2	320	785
		Rollers	2	320	558
TOTAL		Air Compressors	1	120	258
TOTAL					53,364

Consistent with federal requirements, all equipment was assumed to meet CARB Tier 3 In-Use Off-Road Diesel Engine Standards. There are no known conditions in the project area that would require nonstandard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the project would not result in the use of excessive amounts of fuel or other forms of energy during construction.

Operation-Related Energy Use

During operation, energy use would be associated with transportation-related fuel use (gasoline, diesel fuel, and electric vehicles), and building-related energy use (electricity and natural gas).

Transportation-Related Energy Use

Buildout of the project and occupation by residents would result in transportation energy use. Trips by individuals traveling to and from the project site would result from use of passenger vehicles or public transit. Passenger vehicles would be mostly powered by gasoline, with some fueled by diesel or electricity. Public transit would be powered by diesel or natural gas, and could potentially be fueled by electricity. As described in Section 4.2.3.1 above, the 18,774-square-foot CarMax facility would generate 939 daily trips. Vehicle emission factors and fleet mix were based on regional averages from the CARB EMFAC2017 model. Based on regional data compiled by CARB as part of the EMFAC2017 model, the average regional trip length for all trips in San Diego County will be 7.48 miles in 2022 (CARB 2017). Total gasoline and diesel fuel consumption was calculated using EMFAC2017 fuel consumption rates and fleet data for light duty autos. The results are summarized in Table 4.5-4.

Fuel Type	Daily VMT	Fuel Efficiency (miles per gallon)	Gallons of Fuel per Day	Electric Efficiency (kWh per mile)*	Electric Vehicle kWh per day
Gasoline	6,802	31.31	217	--	--
Diesel	81	46.63	2	--	--
Electric	140	--	--	3.4	41
TOTAL	7,023	--	219	--	41

VMT = vehicle miles traveled; kWh = kilowatt hour
 *EMFAC does not provide estimates for energy used by electric vehicles. This data was estimated using existing kWh/mile data and estimates of future electric vehicle efficiencies provided by the Federal Highway Administration.

Project fuel consumption would decline over time beyond initial operational year of the project as a result of continued implementation of increased federal and state vehicle efficiency standards. There is no component of the project that would result in unusually high vehicle fuel use during operation. Therefore, operation of the project would not create a land use pattern that would result in wasteful, inefficient, or unnecessary use of energy.

Non-Transportation-Related Energy Use

Non-transportation energy use would be associated with electricity and natural gas. As discussed, RPS promotes diversification of the state’s electricity supply and decreased reliance on fossil fuel energy sources. Once operational, the project would be served by SDG&E. As shown in Table 4.5-1 above, SDG&E has already achieved a 44 percent renewables mix.

Additionally, the project would be constructed in accordance with the 2019 Energy Code and the 2019 CalGreen standards. The project would be required to meet the mandatory energy requirements of 2019 CalGreen and the California Energy Code (Title 24, Part 6 of the California Code of Regulations) and would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water-heating systems, and lighting. Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CalGreen operational water reduction requirements must be demonstrated through completion of water use reporting forms for non-residential buildings. The water use compliance form must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CalGreen or a reduced per-plumbing-fixture water use rate.

Electricity and natural gas service to the project site is provided by SDG&E. Once operational, the CarMax facility would use electricity and natural gas to run various appliances and equipment, including space and water heaters, air conditioners, ventilation equipment, lights, and numerous other devices. Generally, electricity use is higher in the warmer months due to increased air conditioning needs, and natural gas use is highest when the weather is colder as a result of high heating demand. As a part of the air quality modeling prepared for the project (see Appendix B), CalEEMod was used to estimate the total operational electricity and natural gas consumption associated with the project. Table 4.5-5 summarizes the anticipated operational energy and natural gas use.

	Total Use
Electricity	288,347 kWh/Year
Natural Gas	217,027 BTU/Year
kWh = kilowatt hour; BTU = British thermal unit	

4.5.3.2 Significance of Impacts

The project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during program construction or operation, and impacts would be less than significant.

4.5.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.5.4 Issue 2: Conflicts with Plans or Policies

Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

4.5.4.1 Impact Analysis

The applicable state plans that address renewable energy and energy efficiency are CalGreen, the California Energy Code, and RPS. As discussed in Section 4.5.3.1 above, the project would be required to meet the mandatory energy requirements of 2019 CalGreen and the 2019 California Energy Code. The project would not conflict with or obstruct implementation of CalGreen and the California Energy Code, or with SDG&E's implementation of RPS.

4.5.4.2 Significance of Impacts

The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

4.5.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.6 Geology and Soils

This section describes potential impacts related to geology and soils issues and is based on review of the following technical document included as an appendix to the environmental impact report (EIR):

- Geotechnical Evaluation for the National City CarMax Project prepared by EEI Geotechnical and Environmental Solutions (Appendix F; EEI Geotechnical and Environmental Solutions 2015a).

4.6.1 Existing Conditions

4.6.1.1 Environmental Setting

a. Geologic Setting

The project site is located within the Peninsular Ranges Geomorphic Province of southern California. This province consists of a series of ranges separated by northwest-trending valleys; subparallel to branches of the San Andreas Fault Zone. The Peninsular Ranges Geomorphic Province, one of the largest geomorphic units in western North America, extends from the Transverse Ranges geomorphic province and the Los Angeles Basin, south to Baja California. It is bound on the west by the Pacific Ocean, on the south by the Gulf of California, and on the east by the Colorado Desert Province. The Peninsular Ranges are essentially a series of northwest-southeast oriented fault blocks.

Regional geologic maps of the project site and vicinity indicate that it is underlain by Quaternary-aged sedimentary deposits, consisting of Holocene and late Pleistocene-aged young alluvial flood-plain deposits. These alluvial deposits are described as consisting of poorly consolidated, poorly sorted, permeable floodplain deposits of sandy, silty or clay-bearing alluvium.

b. Geologic Materials

Exploratory borings and cone penetration test soundings were conducted to determine the subsurface conditions of the project site. Subsurface conditions consist of artificial fill and Holocene to late Pleistocene-aged young alluvial floodplain deposits. Fill materials were encountered in nearly half of the exploratory borings, and extended to depths ranging from approximately 2 to 8 feet below the ground surface across the subject property where encountered. In general, the fill was composed of loose to medium dense and medium stiff to very stiff, mottled red, yellow, and brown mixed sands, clays, and silts. The young alluvial floodplain deposits were encountered underlying the fill. In general, the alluvial deposits

consisted primarily of very loose to dense sands, silty-sands and clayey-sands, with interbedded layers of very soft to very stiff mixed silts and clays. Fine-grained materials were generally encountered within the upper 30 feet of soil.

c. Geologic Hazards

Faulting and Seismicity

The project site is located within an area of southern California recognized as having a number of active and potentially-active faults located nearby. The closest active fault to the project site is the Rose Canyon Fault Zone, located approximately 5.6 miles northwest of the property. Other faults in the region include the Coronado Bank Fault Zone (approximately 15.7 miles northwest), and the offshore segment of the Newport-Inglewood Fault Zone (approximately 40.3 miles north).

Expansive Soils

Expansive soils are those that are capable of undergoing significant volume changes (shrink or swell) due to variations to moisture content. Where expansive soils exist, changes in moisture content can cause unacceptable ground settlement or heaving. Two bulk samples were taken and tested for expansion potential on the CarMax site. One bulk sample had medium expansion potential, while the other bulk sample had low expansion potential.

Liquefaction

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking or other rapid loading. Liquefaction and related phenomena have been responsible for substantial structural damage in historical earthquakes, and are a design concern under certain conditions. Liquefaction occurs in saturated soils that are soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. Prior to an earthquake, pore water pressure is typically low. However, earthquake motion can cause the pore water pressure to increase to the point where the soil particles can readily move with respect to each other. When liquefaction occurs, the strength of the soil decreases and the ability of a soil deposit to support structural loads are reduced.

Seismically Induced Settlement

Seismically induced settlement can occur due to reorientation of soil particles during strong shaking of unsaturated sands, as well as in response to liquefaction of saturated loose granular soils. EEI evaluated the potential for seismically induced settlement to occur within the upper alluvial deposit materials. The analysis determined that the total maximum seismic-induced settlement that may occur would be on the order of 3.65 inches at isolated locations within the project site. The analysis also determined that the differential earthquake-induced settlements that may occur would be on the order of 1.70 inches across a 50-foot span.

Landslides and Slope Stability

Landslides are deep-seated ground failures that result in a large section of a slope (more than 10 feet) sliding downhill. They can result in damage to structures both above and below the slide area. The project site is relatively flat, with elevation ranges from approximately 25 feet above mean sea level (AMSL) (southwestern portions) to approximately 40 feet AMSL (northeastern portions). Similarly, land surrounding the project site is relatively flat and does not include any mountains, hillsides, or other elevated land features. Therefore, there is a low potential for landslides or slope failure on the project site.

4.6.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to geology and soils are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
 - Strong seismic ground shaking;
 - Seismic-related ground failure, including liquefaction; or
 - Landslides.
- 2) Result in substantial erosion or the loss of topsoil;
- 3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
- 4) Be located on expansive soil, as defined by Building Code, creating substantial risks to life or property; or
- 5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

4.6.3 Issue 1: Seismic Hazards

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;*
- *Strong seismic ground shaking;*
- *Seismic-related ground failure, including liquefaction; or*
- *Landslides?*

4.6.3.1 Impact Analysis

The geotechnical evaluations completed for the project site found the suitability of the on-site soils and geologic conditions to support the proposed development. The analysis completed for the CarMax site (EEI Geotechnical Environmental Solutions, 2015a) provided site-specific analysis for the CarMax development and provides site-specific recommendations that would be implemented during site preparation and grading that would ensure the geologic stability of the site. The following discussion identifies specific geologic considerations applicable to the site.

a. Rupture of a Known Earthquake Fault

There are no known active faults crossing the project site, nor is the project site located within an earthquake fault zone as defined by the state of California. The closest active fault to the project site is the Rose Canyon Fault Zone, located approximately 5.6 miles northwest of the property. Other faults in the region include the Coronado Bank Fault Zone (approximately 15.7 miles northwest), and the offshore segment of the Newport-Inglewood Fault Zone (approximately 40.3 miles north). Therefore, due to the distance of the nearest active and inactive faults, the potential likelihood for surface fault rupture at the project site is low, and impacts would be less than significant.

b. Strong Seismic Ground Shaking

Earthquakes associated with the Rose Canyon Fault Zone (approximately 5.6 miles northwest), the Coronado Bank Fault Zone (approximately 15.7 miles northwest), and the offshore segment of the Newport-Inglewood Fault Zone (approximately 40.3 miles north) could generate strong seismic ground shaking at the project site. The City's Municipal Code has adopted Volumes I and II of the 2019 California Building Code for the purpose of governing the construction of new buildings and/or structures. Per Chapter 18, Division II, Section 1803 Geotechnical Investigations, Subsection 1803.1.1.1.1, "A geotechnical investigation shall be submitted with each application for a building permit for a new

building or addition 500 square feet and larger. The investigation and report shall comply with the requirements of Section 1803 (City of National City 2020a).” EEI has prepared a geotechnical evaluation for the proposed CarMax project consistent with this requirement. The report includes recommendations to address potential impacts associated with strong seismic ground shaking. Such recommendations include, but are not limited to, conducting grading activities consistent with guidelines presented in the 2019 California Building Code and the requirements of the current edition of the County of San Diego Building Code and City of National City Grading Code, over-excavation and re-compaction, and an evaluation by a structural engineer, and other requirements for grading as specified in the geotechnical evaluation (see Appendix F). Therefore, adherence to the recommendations of site-specific geotechnical studies and state and local building code requirements would reduce impacts to a level less than significant.

c. Liquefaction

Review of the applicable Seismic Hazard Zones Map determined that the project site is located within a storm water drainage basin (floodplain) that is considered susceptible to liquefaction. EEI evaluated the potential for liquefaction to occur at the project site in accordance with the procedure recommended by The National Center for Earthquake Engineering Research. The evaluation determined that the project site would be susceptible to considerable amounts of liquefaction, with potentially liquefiable soils beneath the project site consisting of isolated and discontinuous thin lenses of saturated sands, silts, and clays. EEI has prepared a geotechnical evaluation that includes recommendations that must be followed during construction of the CarMax facility to address potential impacts associated with liquefaction (see Appendix F). Adherence to these recommendations would reduce impacts associated with liquefaction to a level less than significant.

d. Landslides

As described in Section 4.6.1.c above, the project site is relatively flat and surrounded by land with similar elevations that do not include any mountains, hillsides, or other elevated land features. Furthermore, review of the National City General Plan determined that the project site is not located within an area identified as having soil slip susceptibility. ~~Grading earthwork within the California Department of Transportation right of way along the slope adjacent to State Route 54 would increase the stability of the slope by decreasing the steepness and increasing the vegetative cover.~~ Therefore, the project would not expose people or structures to landslides, and impacts would be less than significant.

4.6.3.2 Significance of Impacts

Compliance with City regulations, the California Building Code, and adherence to the grading and site preparation recommendations presented in Appendix F would ensure that the project would not expose people or structures to seismic hazards, and impacts would be less than significant.

4.6.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.6.4 Issue 2: Erosion or Loss of Topsoil

Would the project result in substantial erosion or the loss of topsoil?

4.6.4.1 Impact Analysis

Excavation and ground-disturbing activities during construction could potentially create loose soil that would be exposed to the erosive forces of rainfall and high winds, which would increase the potential for soil erosion and loss of topsoil. Prior to construction, a site-specific stormwater pollution prevention plan (SWPPP) shall be prepared in accordance with the State Water Resources Control Board (SWRCB) Construction General Permit. The SWPPP shall describe best management practices (BMPs) to be used during and after construction to prevent discharge of sediment and other pollutants in storm water runoff from the project site. The BMPs would provide erosion and sedimentation control through measures such as silt fences, fiber rolls, or gravel bags.

4.6.4.2 Significance of Impacts

Earth-disturbing activities associated with construction would be temporary and compliance with the General Construction Permit and BMPs outlined in the SWPPP would ensure that impacts related to soil erosion and the loss of topsoil would be less than significant.

4.6.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.6.5 Issue 3: Soil Stability

Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

4.6.5.1 Impact Analysis

As described in Section 4.6.1.1.c, the project site is relatively flat and surrounded by land with similar elevations that do not include any mountains, hillsides, or other elevated land features. Furthermore, review of the National City General Plan determined that the project site is not located within an area identified as having soil slip susceptibility. Therefore, the project would not be exposed to on- or off-site landslides.

As described in Section 4.6.3.1, the project site would be susceptible to considerable amounts of liquefaction, with potentially liquefiable soils beneath the project site consisting of isolated

and discontinuous thin lenses of saturated sands, silts, and clays. As a result of liquefaction, mobility can be triggered by loading in soil deposits with stresses lower than the soil strength. Lateral spreading, a common result of cyclic mobility, can occur on gently sloping and on flat ground close to rivers and lakes. Due to the presence of a Sweetwater River channel located approximately 700 feet southwest of the proposed CarMax building locations, it appears that the subject property is susceptible to lateral spreading in the event of the design earthquake. ~~Similarly, the future hotel would also be susceptible to lateral spreading in the event of the design earthquake.~~

EI evaluated the potential for seismically induced settlement to occur within the upper alluvial deposit materials. The analysis determined that these materials are unsuitable for the support of settlement-sensitive structures in their current condition for both the CarMax facility. The analysis also determined that the site may be prone to earthquake-induced settlement. The geotechnical evaluations identify grading and site preparation recommendations designed to address potential impacts associated with lateral spreading and seismic induced settlement (see Appendix F).

4.6.5.2 Significance of Impacts

Implementation of grading and site preparation recommendations documented in Appendix F would ensure that impacts related to unstable geologic units or soils would be less than significant.

4.6.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.6.6 Issue 4: Expansive Soils

Would the project be located on expansive soil, as defined by Building Code, creating substantial risks to life or property?

4.6.6.1 Impact Analysis

As described in Section 4.6.1.1.c, EI determined that one bulk sample evaluated at the CarMax site had medium expansion potential, while a second bulk sample had low expansion potential. Based on review of these two bulk samples and overall soil conditions of the project site, EI determined that the bulk sample with medium expansion potential represented a localized pocket of clayey materials, and that the majority of soils beneath the project site are anticipated to have very low to low expansive potential. Thus, expansive soils are not anticipated to result in instable geologic conditions on the project site.

4.6.6.2 Significance of Impacts

The majority of soils beneath the project site are anticipated to have very low to low expansive potential. Implementation of grading and site preparation recommendations documented in

Appendix F would further ensure geologic stability at the project site. Therefore, the project would not be located on expansive soil, and impacts would be less than significant.

4.6.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.6.7 Issue 5: Septic Systems

Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

4.6.7.1 Impact Analysis

The project would be served by existing municipal wastewater services. No septic tanks or alternative waste water disposal systems would be used.

4.6.7.2 Significance of Impacts

No impacts would occur.

4.6.7.3 Mitigation

No impacts would occur. No mitigation is required.

4.7 Greenhouse Gas Emissions

The following section addresses effects of the project with regard to greenhouse gas emissions (GHG) emissions and resultant global climate change. The analysis is based on the following technical document included as an appendix to the Environmental Impact Report (EIR):

- Greenhouse Gas Analysis for the National City CarMax and Hotel Project, National City, California (Appendix G; RECON ~~2020b~~2021).

4.7.1 Existing Conditions

4.7.1.1 Regulatory Framework

A summary of some of the key programs and regulations concerning GHG emissions and climate change is presented below. Additional information on other programs and regulations is contained in Appendix G.

a. Federal

Environmental Protection Agency

The United States Environmental Protection Agency (U.S. EPA) has many federal level programs and projects to reduce GHG emissions. The U.S. EPA provides technical expertise and encourages voluntary reductions from the private sector. One of the voluntary programs applicable to the proposed project is the Energy Star program. Energy Star products such as appliances, building products, heating and cooling equipment, and other energy-efficient equipment may be utilized by the project.

Energy Star is a joint program of U.S. EPA and the U.S. Department of Energy, which promotes energy efficient products and practices. Tools and initiatives include the Energy Star Portfolio Manager, which helps track and assess energy and water consumption across an entire portfolio of buildings, and the Energy Star Most Efficient 2020, which provides information on exceptional products which represent the leading edge in energy efficient products in the year 2020 (U.S. EPA 2020a).

The U.S. EPA also collaborates with the public sector, including states, tribes, localities, and resource managers, to encourage smart growth, sustainability preparation, and renewable energy and climate change preparation. These initiatives include the Clean Energy-Environment State Partnership Program, the Climate Ready Water Utilities Initiative, the Climate Ready Estuaries Program, and the Sustainable Communities Partnership (U.S. EPA 2020b).

Corporate Average Fuel Economy Standards

The project would generate additional vehicle trips. These vehicles would consume fuel and would result in GHG emissions. The federal Corporate Average Fuel Economy (CAFE) standards determine the fuel efficiency of certain vehicle classes in the U.S. The first phase of the program applied to passenger cars, new light-duty trucks, and medium-duty passenger cars with model years 2012 through 2016, and required these vehicles to achieve a standard equivalent to 35.5 miles per gallon (mpg). The second phase of the program applies to model years 2017 through 2025 and increased the standards to 54.5 mpg. Separate standards were also established for medium- and heavy-duty vehicles. The first phase applied to model years 2014 through 2018 and the second phase applies to model years 2018 through 2027. With improved gas mileage, fewer gallons of transportation fuel would be combusted to travel the same distance, thereby reducing nationwide GHG emissions associated with vehicle travel.

b. State

The state of California has a number of policies and regulations that are either directly or indirectly related to GHG emissions. Only those most relevant to land use development projects are included in this discussion.

Executive Orders and Statewide GHG Emission Targets

Executive Order S-3-05

This Executive Order (EO) established the following GHG emission reduction targets for the state of California:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels;
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

This EO also directs the secretary of the California Environmental Protection Agency to oversee the efforts made to reach these targets, and to prepare biannual reports on the progress made toward meeting the targets and on the impacts to California related to global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry. With regard to impacts, the report shall also prepare and report on mitigation and adaptation plans to combat the impacts. The first Climate Action Team Assessment Report was produced in March 2006, and has been updated every two years.

Executive Order B-30-15

This EO, issued on April 29, 2015, establishes an interim GHG emission reduction goal for the state of California by 2030 of 40 percent below 1990 levels. This EO also directed all state agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing, long-term 2050 goal identified in EO S-3-05. Additionally, this EO directed the California Air Resources Board (CARB) to update its Climate Change Scoping Plan to address the 2030 goal.

California Global Warming Solutions Act

In response to EO S-3-05, the California Legislature passed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and thereby enacted Sections 38500–38599 of the California Health and Safety Code. The heart of AB 32 is its requirement that CARB establish an emissions cap and adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. AB 32 also required CARB to adopt a plan by January 1, 2009 indicating how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

In 2008, CARB estimated that annual statewide GHG emissions were 427 million metric tons carbon dioxide equivalent (MMT CO₂E) in 1990 and would reach 596 MMT CO₂E by 2020 under a business as usual (BAU) condition (CARB 2008). To achieve the mandate of AB 32, CARB determined that a 169 MMTCO₂E (or approximate 28.5 percent) reduction in BAU emissions was needed by 2020. In 2010, CARB prepared an updated 2020 forecast to account for the recession and slower forecasted growth. CARB determined that the economic downturn reduced the 2020 BAU by 55 MMT CO₂E; as a result, achieving the 1990 emissions level by 2020 would require a reduction in GHG emissions of 21.7 (not 28.5) percent from the 2020 BAU. California has been on track to achieve 1990 levels, and based on the GHG inventories presented in Section 4.7.1.2 below, achieved the goal by 2017.

Approved in September 2016, Senate Bill (SB) 32 updates the California Global Warming Solutions Act of 2006 and enacts EO B-30-15. Under SB 32, the state would reduce its GHG emissions to 40 percent below 1990 levels by 2030. This is equivalent to an emissions level of approximately 260 MMT CO₂E for 2030. In implementing the 40 percent reduction goal, CARB is required to prioritize emissions reductions to consider the social costs of the emissions of GHGs; where “social costs” is defined as “an estimate of the economic damages, including, but not limited to, changes in net agricultural productivity; impacts to public health; climate adaptation impacts, such as property damages from increased flood risk; and changes in energy system costs, per metric ton of greenhouse gas emission per year.”

Climate Change Scoping Plan

As directed by the California Global Warming Solutions Act of 2006, in 2008, CARB adopted the *Climate Change Scoping Plan: A Framework for Change* (2008 Scoping Plan). The 2008 Scoping Plan identifies the main strategies the State of California will implement to achieve the GHG reductions necessary to reduce statewide forecasted BAU GHG emissions in 2020 to the state’s historic 1990 emissions level (CARB 2008). In November 2017, CARB released the 2017 Climate Change Scoping Plan Update, the Strategy for Achieving California’s 2030 Greenhouse Gas Target (2017 Scoping Plan; CARB 2017b). The 2017 Scoping Plan identifies state strategies for achieving the state’s 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan Scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, Renewables Portfolio Standard (RPS), Sustainable Communities Strategy, Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. Additionally, the 2017 Scoping Plan proposes new policies to address GHG emissions from natural and working lands.

Regional Emissions Targets – Senate Bill 375

SB 375, the 2008 Sustainable Communities and Climate Protection Act, was signed into law in September 2008 and requires CARB to set regional targets for reducing passenger vehicle GHG emissions in accordance with the Scoping Plan. The purpose of SB 375 is to align regional transportation planning efforts, regional GHG reduction targets, and fair-share housing allocations under state housing law. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy or Alternative Planning Strategy to address GHG reduction targets from cars and light-duty trucks in the context of that MPO's Regional Transportation Plan. San Diego Association of Governments (SANDAG) is the San Diego region's MPO. The CARB targets for the SANDAG region require a 15 percent reduction in GHG emissions per capita from automobiles and light-duty trucks compared to 2005 levels by 2020, and a 19 percent reduction by 2035.

Renewables Portfolio Standard

The RPS promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "Initial RPS"), the goal has been accelerated and increased by EOs S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, SB 2 (1X) codified California's 33 percent RPS goal. SB 350 (2015) increased California's renewable energy mix goal to 50 percent by year 2030. SB 100 (2018) further increased the standard set by SB 350 establishing the RPS goal of 44 percent by the end of 2024, 52 percent by the end of 2027, and 60 percent by 2030.

~~The RPS promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "Initial RPS"), the goal has been accelerated and increased by EOs S 14 08 and S 21 09 to a goal of 33 percent by 2020. In April 2011, SB 2 (1X) codified California's 33 percent RPS goal. In September 2015, the California Legislature passed SB 350, which increases California's renewable energy mix goal to 50 percent by year 2030. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.~~

Assembly Bill 341 – Solid Waste Diversion

The Commercial Recycling Requirements mandate that businesses (including public entities) that generate 4 cubic yards or more of commercial solid waste per week and multi-family residential with five units or more arrange for recycling services. Businesses can take one or any combination of the following in order to reuse, recycle, compost, or otherwise divert solid waste from disposal. Additionally, AB 341 mandates that 75 percent of the solid waste generated be reduced, recycled, or composted by 2020.

California Code of Regulations, Title 24 – California Building Code

The California Code of Regulations, Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. Of particular relevance to GHG reductions are the CBC's energy efficiency and green building standards.

Title 24, Part 6 – Energy Efficiency Standards

The California Code of Regulations, Title 24, Part 6 is the California Energy Efficiency Standards for Residential and Nonresidential Buildings (also known as the California Energy Code). This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy consumption. The Energy Code is updated periodically to incorporate and consider new energy-efficient technologies and methodologies as they become available, and incentives in the form of rebates and tax breaks are provided on a sliding scale for buildings achieving energy efficiency above the minimum standards.

The current version of the Energy Code, known as 2019 Title 24, or the 2019 Energy Code, became effective January 1, 2020. The Energy Code provides mandatory energy-efficiency measures as well as voluntary tiers for increased energy efficiency. The California Energy Commission (CEC), in conjunction with the California Public Utilities Commission, has adopted a goal that all new residential and commercial construction achieve zero net energy by 2020 and 2030, respectively. It is expected that achievement of the zero net energy goal will occur via revisions to the Title 24 standards.

New construction and major renovations must demonstrate their compliance with the current Energy Code through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC. The compliance reports must demonstrate a building's energy performance through use of CEC approved energy performance software that shows iterative increases in energy efficiency given the selection of various heating, ventilation, and air conditioning; sealing; glazing; insulation; and other components related to the building envelope.

Title 24, Part 11 – California Green Building Standards

The California Green Building Standards Code, referred to as CalGreen, was added to Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 CBC). The most recent 2019 CalGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. Local jurisdictions must enforce the minimum mandatory requirements and may adopt CalGreen with amendments for stricter requirements.

The mandatory standards require:

- Outdoor water use requirements as outlined in local water efficient landscaping ordinances or current model water efficient landscape ordinance standards, whichever is more stringent;
- Requirements for water conserving plumbing fixtures and fittings;
- 65 percent construction/demolition waste diverted from landfills;
- Infrastructure requirements for electric vehicle charging stations;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and
- Requirements for low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards.

Similar to the compliance reporting procedure for demonstrating Energy Code compliance in new buildings and major renovations, compliance with the CalGreen mandatory requirements must be demonstrated through completion of compliance forms and worksheets.

c. Local

General Plan

The National City General Plan contains policies that are intended to support and promote GHG emissions reductions and local initiatives and programs to encourage sustainability (City of National City 2011a). Policies in the Land Use and Community Character Element promote smart growth consistent with statewide and regional planning goals and policies, encourage a mix of land uses and the development of complete neighborhoods that reduce vehicle usage, encourage the development of community green space, and encourage pedestrian and bicycle use through high-quality streetscape design. The Circulation Element provides policies to encourage transit-oriented development, promote use of public transit and provide a safe environment for walking and biking. Policies in the Safety Element are intended to prepare the City for natural disasters that may increase as a result of climate change. The Open Space and Agriculture Element includes policies to preserve existing open space, develop a city-wide urban agriculture program, manage the urban forest and provide adequate park space for all residents. Policies in the Health and Environment Element are intended to provide all residents with access to healthy food and opportunities to lead healthy lifestyles. The Conservation and Sustainability Element contains policies to reduce the City's carbon footprint, energy usage, and waste generation.

Climate Action Plan

The National City Climate Action Plan (CAP) addresses major sources of GHG emissions in the City and sets forth a detailed and long-term strategy that the City and community can implement to achieve GHG emissions reduction targets. Implementation of the CAP supports the state's emission reduction targets. The City has adopted a reduction target of 15 percent below 2005 baseline emission levels by the year 2020, with additional reductions by the year

2030, for both community-wide and government operations. To reach this target, the City must reduce annual community-wide emissions by 119,279 metric tons carbon dioxide equivalent (MT CO₂E) from 2020 BAU levels and government operations emissions must be reduced by 1,459 MT CO₂E from 2020 BAU levels. The CAP includes community-wide GHG reduction measures for the energy, transportation and land use, solid waste, and water and wastewater sectors. In total, implementation of the measures would reduce GHG emissions by 137,137 MT CO₂E from the 2020 BAU forecast. By 2030, implementation of the CAP measures would reduce GHG emissions by 156,127 MT CO₂E from the 2030 BAU forecast (City of National City 2011b).

4.7.1.2 State and Regional GHG Inventories

The CARB performs statewide GHG inventories. The inventory is divided into nine broad sectors of economic activity: agriculture, commercial, electricity generation, forestry, high GWP emitters, industrial, recycling and waste, residential, and transportation. Emissions are quantified in million metric tons of CO₂ equivalent (MMT CO₂E). Table 4.7-1 shows the estimated statewide GHG emissions for the years 1990, the baseline year for established statewide reduction targets, and 2017, the year of the most recent available data.

Sector	1990 ¹ Emissions in MMT CO ₂ E (% total) ²	2017 ³ Emissions in MMT CO ₂ E (% total) ²
Electricity Generation	110.5 (25.7%)	62.6 (14.8%)
Transportation	150.6 (35.0%)	174.3 (41.1%)
Industrial	105.3 (24.4%)	101.1 (23.8%)
Commercial	14.4 (3.4%)	23.3 (5.5%)
Residential	29.7 (6.9%)	30.4 (7.2%)
Agriculture & Forestry	18.9 (4.4%)	32.4 (7.6%)
Not Specified	1.3 (0.3%)	--
TOTAL⁴	430.7	424.1

SOURCE: CARB 2007 and 2019.
¹1990 data was obtained from the CARB 2007 source and are based on IPCC fourth assessment report GWPs.
²Percentages may not total 100 due to rounding.
³2017 data was retrieved from the CARB 2019 source and are based on IPCC fourth assessment report GWPs.
⁴Totals may vary due to independent rounding.

As shown in Table 4.7-1, statewide GHG source emissions totaled approximately 430.7 MMT CO₂E in 1990, and 424.1 MMT CO₂E in 2017. Many factors affect year-to-year changes in GHG emissions, including economic activity, demographic influences, environmental conditions such as drought, and the impact of regulatory efforts to control GHG emissions. As shown in Table 4.7-1, transportation-related emissions consistently contribute to the most GHG emissions.

A 2005 GHG emissions inventory was prepared as a part of preparation of the City's CAP. The inventory was conducted using the International Council on Environmental Initiatives Cities for Climate Protection inventory methodology. Table 4.7-2 summarizes the inventory.

As shown, the primary sources of GHG emissions in National City are energy (electricity and natural gas) and transportation.

Table 4.7-2
National City 2005 Community-wide GHG Emission Inventory

Category	MT CO ₂ E	Percent of Total
Residential Energy	35,082	6.4%
Commercial/Industrial Energy	139,026	25.2%
Transportation	359,029	65.2%
Solid Waste	14,308	2.6%
Water and Wastewater	3,269	0.6%
TOTAL	550,714	100.0%

SOURCE: City of National City 2011b.

An additional GHG emissions inventory was prepared in 2019 for the years 2012 through 2014. Table 4.7-3 summarizes the year 2012 through 2014 inventories.

Table 4.7-3
National City 2012-2014 Community-wide GHG Emission Inventory

Category	2012		2013		2014	
	MT CO ₂ E	Percent of Total	MT CO ₂ E	Percent of Total	MT CO ₂ E	Percent of Total
On-Road Transportation	213,200	62.2%	211,500	62.6%	208,900	64.3%
Electricity	84,000	24.5%	81,200	24.0%	72,700	22.4%
Natural Gas	35,000	10.2%	34,500	10.2%	31,200	9.6%
Solid Waste	8,600	2.5%	8,600	2.5%	8,600	2.6%
Water	1,300	0.4%	1,600	0.5%	2,900	0.9%
Wastewater	600	0.2%	500	0.1%	700	0.2%
TOTAL	342,700	100.0%	337,900	100.0%	325,000	100.0%

SOURCE: Energy Policy Initiative Center 2019.

4.7.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to greenhouse gas emissions are based on applicable criteria in the CEQA Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact related to greenhouse gas emissions would occur if the project would:

- 1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- 2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

No GHG emission threshold has been adopted by the City or San Diego Air Pollution Control District (SDAPCD) for land development projects. Thus, in the absence of a threshold of

significance for GHG emissions, the project is evaluated based on the South Coast Air Quality Management District's (SCAQMD's) recommended/preferred option threshold for all land use types of 3,000 MT CO₂E per year (SCAQMD 2008). This threshold has been used in other cities within San Diego County and is appropriate for addressing potential impacts associated with climate change. According to the SCAQMD, this is the primary threshold used for determining significance. This threshold uses the EO S-3-05 goal as the basis for deriving the screening level. The screening level for stationary sources is based on an emission capture rate of 90 percent for all new or modified projects. The capture of 90 percent of new development establishes a strong basis for demonstrating that cumulative reductions are being achieved across the state to achieve AB 32 goals (CAPCOA 2008). Therefore, for the purposes of this analysis, the City is using a threshold of 3,000 MT CO₂E annually. The project was also evaluated for consistency with the City's CAP implementation measures.

4.7.3 Issue 1: GHG Emissions

Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (based on the SCAQMD screening threshold of 3,000 MT CO₂E per year)?

4.7.3.1 Impact Analysis

The project's GHG emissions were calculated using the CalEEMod Version 2016.3.2 (CAPCOA 2017). The CalEEMod program is a tool used to estimate air emissions resulting from land development projects based on California-specific emission factors. CalEEMod can be used to calculate emissions from mobile (on-road vehicles), area (fireplaces, consumer products [cleansers, aerosols, and solvents], landscape maintenance equipment, architectural coatings), water and wastewater, and solid waste sources. GHG emissions are estimated in terms of total MT CO₂E. Detailed methodology and model results are included in the Greenhouse Gas Analysis (see Appendix G).

a. Construction Emissions

Construction activities emit GHGs primarily through combustion of fuels (mostly diesel) in the engines of off-road construction equipment and through combustion of diesel and gasoline in on-road construction vehicles and in the commuter vehicles of construction workers. Smaller amounts of GHGs are also emitted through energy embodied in water used for fugitive dust control.

Every phase of the construction process, including demolition, grading, paving, and building, emits GHGs in volumes directly related to the quantity and type of construction equipment used. GHG emissions associated with each phase of project construction are calculated by multiplying the total fuel consumed by the construction equipment and worker trips by applicable emission factors. The number and pieces of construction equipment are calculated based on the project-specific design. In the absence of project-specific construction information, equipment for all phases of construction is estimated based on the size of the land use.

b. Vehicle Emissions

GHG emissions from vehicles come from the combustion of fossil fuels in vehicle engines. The vehicle emissions are calculated based on the vehicle type and the trip rate for each land use. The vehicle emission factors and fleet mix used in the current version of CalEEMod are derived from CARB's 2014 Emission Factors model (EMFAC2014; CARB 2014). The project would generate 892 average daily trips (LOS Engineering, Inc. 2018, 2020). Based on regional data compiled by CARB as part of the emission factor model (EMFAC2017), the average regional trip length for all trips in San Diego County for the soonest operational year of 2022 is 7.48 miles (CARB 2017c). Default vehicle emission factors for year 2022 were used.

c. Energy Emissions

GHGs are emitted as a result of activities in buildings for which electricity and natural gas are used as energy sources. GHGs are emitted during the generation of electricity from fossil fuels off-site in power plants. These emissions are considered indirect but are calculated in association with a building's operation. Electric power generation accounts for the second largest sector contributing to both inventoried and projected statewide GHG emissions. Combustion of fossil fuel emits criteria pollutants and GHGs directly into the atmosphere. When this occurs in a building, this is considered a direct emissions source associated with that building. CalEEMod estimates emissions from the direct combustion of natural gas for space and water heating.

CalEEMod estimates GHG emissions from energy use by multiplying average rates of residential and non-residential energy consumption by the quantities of residential units and non-residential square footage entered in the land use module to obtain total projected energy use. This value is then multiplied by electricity and natural gas GHG emission factors applicable to the project location and utility provider.

The project would be served by San Diego Gas & Electric (SDG&E). Therefore, SDG&E's specific energy-intensity factors (i.e., the amount of CO₂, CH₄, and N₂O per kilowatt-hour) are used in the calculations of GHG emissions. As discussed in Section 3.2.2.5, the state mandate for renewable energy is 33 percent by 2020. Based on the most recent annual report, SDG&E has already procured 44 percent (CPUC 2019). However, the energy-intensity factors included in CalEEMod by default only represent a 10.2 percent procurement of renewable energy (SDG&E 2011). To account for the continuing effects of RPS, the energy-intensity factors included in CalEEMod were adjusted to reflect the current procurement of 44 percent renewable energy. SDG&E energy intensity factors are shown in Table 4.7-4.

GHG	2009 (lbs/MWh)	2020 (lbs/MWh)
Carbon Dioxide (CO ₂)	720.49	449.30
Methane (CH ₄)	0.029	0.018
Nitrous Oxide (N ₂ O)	0.006	0.004
SOURCE: SDG&E 2011. lbs = pounds MWh = megawatt hour		

d. Area Source Emissions

Area sources include GHG emissions that would occur from the use of landscaping equipment. The use of landscape equipment emits GHGs associated with the equipment’s fuel combustion. The landscaping equipment emission values were derived from the 2011 In-Use Off-Road Equipment Inventory Model (CARB 2011).

e. Water and Wastewater Emissions

The amount of water used and wastewater generated by a project has indirect GHG emissions associated with it. These emissions are a result of the energy used to supply, distribute, and treat the water and wastewater. In addition to the indirect GHG emissions associated with energy use, wastewater treatment can directly emit both CH₄ and N₂O.

The indoor and outdoor water use consumption data for each land use subtype comes from the Pacific Institute’s *Waste Not, Want Not: The Potential for Urban Water Conservation in California* 2003 (as cited in CAPCOA 2017). Based on that report, a percentage of total water consumption was dedicated to landscape irrigation, which is used to determine outdoor water use. Wastewater generation was similarly based on a reported percentage of total indoor water use (CAPCOA 2017).

The project would be subject to CalGreen, which requires a 20 percent increase in indoor water use efficiency. Thus, in order to demonstrate compliance with CalGreen, a 20 percent reduction in indoor water use was included in the water consumption calculations for the project.

Additional water use would be associated with the proposed carwash. Carwash water use was calculated assuming each wash would use 35 gallons per vehicle (International Carwash Association 2002), and 100 vehicles would be washed per day.

In addition to water reductions under CalGreen, the GHG emissions from the energy used to transport the water are affected by RPS. As discussed previously, to account for the effects of RPS through 2020, the energy-intensity factors included in CalEEMod were adjusted to reflect 44 percent renewable energy (see Table 4.7-4 above).

f. Solid Waste Emissions

The disposal of solid waste produces GHG emissions from anaerobic decomposition in landfills, incineration, and transportation of waste. To calculate the GHG emissions generated by disposing of solid waste for the project, the total volume of solid waste was calculated using waste disposal rates identified by California Department of Resources Recycling and Recovery. The methods for quantifying GHG emissions from solid waste are based on the Intergovernmental Panel on Climate Change method, using the degradable organic content of waste. GHG emissions associated with the project’s waste disposal were calculated using these parameters. According to a California Department of Resources Recycling and Recovery (CalRecycle) report to the Legislature, as of 2013 California has achieved a statewide 50 percent diversion of solid waste from landfills through “reduce/recycle/compost” programs (CalRecycle 2015). However, AB 341 mandates that 75 percent of the solid waste generated be reduced, recycled, or composted by 2020. As a conservative analysis, no reduction in solid waste GHG emissions was assumed. Therefore, to account for the continuing actions of recycling requirements under state law (i.e., AB 341), a 25 percent solid waste diversion rate was included in the model.

h. Total GHG Emissions

Table 4.7-5 provides a summary of the calculation methodology for each emission source calculated. Table 4.7-6 shows that the project would generate a total of ~~510~~558 MT CO₂E annually, which is less than the 3,000 MTCO₂E screening threshold.

Source	Project Emission Calculation
Construction	Construction emissions were amortized over 30 years and added to operational emissions.
Vehicles	Vehicle emissions were calculated using vehicle emission factors for year 2022, 892 average daily trips, and a 7.48-mile trip length.
Energy	As a conservative analysis, GHG emissions were calculated using 2016 Title 24 energy code standards. Additionally, to account for the effects of RPS through 2020, the SDG&E energy-intensity factors were adjusted to reflect the current procurement of 44 percent renewable energy.
Area	Area-source emissions were calculated based on standard landscaping equipment and quantities and consumer product emission factors. The project would not include woodstoves or fireplaces.
Water	A 20 percent increase in indoor water use efficiency was included in the water consumption calculations in accordance with CalGreen standards. Carwash water use was calculated assuming each wash would use 35 gallons per vehicle, and 100 vehicles would be washed per day. Additionally, to account for the effects of RPS through 2020, the SDG&E energy-intensity factors were adjusted to reflect the current procurement of 44 percent renewable energy.
Solid Waste	Emissions were calculated using standard generation rates and emission factors, which are based on CalRecycle waste generation rates.

Table 4.7-6 Project GHG Emissions (MT CO ₂ E per Year)	
Emission Source	Project GHG Emissions
Vehicles	384
Energy Use	71
Area Sources	<1
Water Use	13
Solid Waste Disposal	36
Construction	53
TOTAL	558
Note: Totals may vary due to independent rounding.	

4.7.3.2 Significance of Impacts

The project would generate a total of 558 MT CO₂E annually, which is less than the 3,000 MT CO₂E screening level. By emitting less than 3,000 MT CO₂E, the project’s contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project would not generate GHG emissions, either directly or indirectly, that would adversely affect the environment, and impacts would be less than significant.

4.7.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.7.4 Issue 2: Consistency with Plans, Policies, and Regulations

Would the project conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHG?

4.7.4.1 Impact Analysis

a. Climate Action Plan

As discussed in Section 4.7.1.1.c, the CAP includes community-wide GHG reduction measures for the energy, transportation and land use, solid waste, and water and wastewater sectors. Table 4.7-7 summarizes the project’s consistency with CAP policies applicable to the project. Additionally, based on the updated year 2012 through 2014 inventories summarized in Table 4.7-3 above, the City achieved their 2020 target. Since the project is consistent with CAP policies, the project would not interfere with community-wide GHG reductions post 2020.

**Table 4.7-7
Project Consistency with CAP Policies**

Sector	Policies	Project Consistency
Energy	<p>New Construction</p> <p>A1.b.1 Encourage private development projects to exceed the energy efficiency requirements of CalGreen by providing technical assistance, financial assistance and other incentives.</p> <p>A1.b.2 Encourage LEED certification for all new commercial and industrial buildings.</p> <p>A1.b.3 Increase enforcement of building energy requirements to reduce the rate of noncompliance.</p> <p>Peak Electricity Demand</p> <p>A1.e.1 Provide information and resources about peak demand and climate change, as well as environmental and monetary costs associated with peak electricity demand.</p>	<p>The project would be constructed in accordance with energy efficiency standards effective at the time building permits are issued. The current 2019 Energy Code is estimated to decrease energy consumption by 30 percent for non-residential buildings when compared to the 2016 Title 24 Energy Code. GHG emissions associated with energy use would also decrease due to SANDAG's continued implementation of RPS.</p> <p>Additionally, the CarMax facility would utilize an Energy Management System to manage operating times, use efficiency, and cost efficiency for lighting, heating, ventilation, and air conditioning systems and computer systems. The Energy Management System would also manage power load during peak hours to minimize energy use to prevent utilities from having to provide temporary additional power during peak time).</p>
Transportation and Land Use	<p>Smart Growth</p> <p>A2.a.1 Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles traveled (VMT) and increase the efficiency of delivery of services.</p> <p>Low Carbon Transportation</p> <p>A2.b.2 Implement bicycle corridor improvements and supportive infrastructure.</p> <p>A2.b.3 Implement strategies that prioritize parking for high occupancy vehicles (HOVs) – carpools, vanpools and transit vehicles.</p>	<p>The project site is located within an area developed with a mix of residential and commercial uses, including the Westfield Plaza Bonita Mall. The Metropolitan Transit System provides bus service near the project site with routes 705, 961, and 963. Bus routes 961 and 963 serve bus stops at the intersection of Sweetwater Road and Plaza Bonita Road, located approximately 1,300 feet from the center of the project site. Bus route 705 serves a bus stop on the east side of the Westfield Plaza Bonita Mall, which is about 2,900 feet from the center of the project site. Additionally, the Sweetwater Loop and River Trail which is used for walking and biking is located near the project's southern boundary</p>

**Table 4.7-7
Project Consistency with CAP Policies**

Sector	Policies	Project Consistency
Solid Waste	<p>A3.a.1 Implement a program to reduce, reuse and recycle community construction and demolition waste.</p> <p>A3.a.2 Establish incentives for residents to participate in green waste recycling programs.</p>	<p>Construction of the project would not require demolition of any permanent buildings, concrete, or asphalt that would generate a substantial amount of waste. Recycling would be conducted during construction, and project design would include recycling bins and dedicated trash enclosures which would be serviced by EDCO. In addition, the project would comply with all applicable regulations pertaining to solid waste during both the construction and operational phases of the project including AB 341, which mandates that 75 percent of the solid waste generated be reduced, recycled, or composted by 2020. Additionally, the CarMax facility would implement operational recycling for oil, anti-freeze, oil filters, tires, battery cores, scrap metal on a case-by-case basis, paint waste.</p>
Water and Wastewater	<p>A4.a.1 Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use for new and existing residential and commercial developments.</p> <p>A4.a.2 Support landscape design educational programs to help residential and commercial customers install low water use landscaping, thereby reducing water-related energy use.</p> <p>A4.a.3 Encourage water efficiency audits at point of sale for commercial and residential properties.</p>	<p>The project would be subject to CalGreen, which requires a 20 percent increase in indoor water use efficiency. The CarMax facility would utilize low-flow plumbing fixtures and conduct water use monitoring. The CarMax facility would also utilize water reclaim tanks for the carwash and oil/water separators. Eighty-five percent of the carwash water would be recycled.</p>

b. State Plans, Policies, and Regulations

As discussed in Section 4.7.1.1.b above, EO S-3-05 and EO B-30-15 established GHG emission reduction targets for the state, and AB 32 launched the CARB Climate Change Scoping Plan that outlined the reduction measures needed to reach the 2020 target, which the state has achieved. As required by SB 32, CARB's 2017 Climate Change Scoping Plan outlines reduction measures needed to achieve the interim 2030 target.

As noted in Section 4.7.1.1(b) above, the 2017 Scoping Plan identifies state strategies for achieving the state's 2030 interim GHG emissions reduction target codified by SB 32. Measures under the 2017 Scoping Plan scenario build on existing programs such as the Low Carbon Fuel Standard, Advanced Clean Cars Program, RPS, Sustainable Communities Strategy, Short-Lived Climate Pollutant Reduction Strategy, and the Cap-and-Trade Program. The project would comply with all applicable provisions contained in the 2017 Scoping Plan since the adopted regulations would apply to new development or the emission sectors associated with new development.

- **Transportation** – State regulations and 2017 Scoping Plan measures that would reduce the project's mobile source emissions include the California Light-Duty Vehicle GHG Standards (AB 1493/Pavley I and II), and the Low Carbon Fuel Standard, and the heavy-duty truck regulations. These measures are implemented at the state level and would result in a reduction of project-related mobile source GHG emissions.
- **Energy** – State regulations and 2017 Scoping Plan measures that would reduce the project's energy-related GHG emissions include RPS, Title 24 Energy Efficiency Standards, and CalGreen. The project would be served by SDG&E. GHG emissions associated with energy use would decrease due to SANDAG's continued implementation of RPS. The project's energy related GHG emissions would decrease as SDG&E increases its renewables procurement towards the 2030 goal of 60 percent. Additionally, the project would be constructed in accordance with energy efficiency standards effective at the time building permits are issued. The current 2019 Energy Code is estimated to decrease energy consumption by 30 percent for non-residential buildings when compared to the 2016 Title 24 Energy Code.
- **Water** – State regulations and 2017 Scoping Plan measures that would reduce the project's electricity consumption associated with water supply, treatment, and distribution, and wastewater treatment include RPS, CalGreen, and the Model Water Efficient Landscape Ordinance. The project would be required to reduce indoor water consumption by 20 percent in accordance with CalGreen. Additionally, the project would be subject to all City landscaping ordinance requirements.
- **Waste** – State regulations and 2017 Scoping Plan measures that would reduce the project's solid waste-related GHG emissions are related to landfill methane control, increases efficiency of landfill methane capture, and high recycling/zero waste. The project would be subject to CalGreen, which requires a diversion of construction and demolition waste from landfills. Additionally, the project would include recycling storage and would divert waste from landfills in accordance with AB 341.

The project would not exceed the 3,000 MT CO₂E screening threshold for GHG emissions. This threshold is based on the concept of establishing a 90 percent GHG emission capture rate. A 90 percent emission capture rate means that 90 percent of total emissions from all new or modified stationary source projects would be subject to a CEQA analysis, which includes analyzing feasible alternatives and imposing feasible mitigation measures. The market capture rate is based on guidance from the CAPCOA report CEQA & Climate Change, dated January 2008, which identifies several potential approaches for assessing a project's GHG emissions (CAPCOA 2008). Following the market capture rate approach, a lead agency defines an acceptable capture rate and identifies the corresponding emissions level. Following rationale presented in the CAPCOA Guidance, the aggregate emissions from all projects with individual annual emissions that are equal to or less than the identified market capture rate would not impede achievement of the state GHG emissions reduction targets codified by AB 32 (2006) and SB 32 (2016), and therefore would be considered less than cumulatively considerable under CEQA. A 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that would be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions.

Project GHG emissions would be less than the 3,000 MT CO₂E screening threshold. Furthermore, project emissions would decline beyond the buildout year of the project due to continued implementation of federal, state, and local reduction measures, such as increased federal and state vehicle efficiency standards, and SDG&E's increased renewable sources of energy in accordance with RPS goals. Based on currently available models and regulatory forecasting, project emissions would continue to decline through at least 2050. Given the reasonably anticipated decline in project emissions that would occur post-construction, the project is in line with the GHG reductions needed to achieve the 2050 GHG emission reduction targets identified by EO S-3-05.

4.7.4.2 Significance of Impacts

The project would not conflict with any local or state plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG, and impacts would be less than significant.

4.7.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.8 Hazards and Hazardous Materials

This section describes potential hazards related to hazards and hazardous materials and is based on review of the following technical document included as an appendix to the environmental impact report (EIR).

- Phase I Environmental Site Assessment (ESA) (Appendix H, EEI Geotechnical and Environmental Solutions 2015b).

4.8.1 Existing Conditions

4.8.1.1 Environmental Setting

a. Hazardous Materials

Hazardous materials include a wide variety of substances commonly used in households and businesses. Used motor oil, paint, solvents, lawn care and gardening products, household cleaners, gasoline, and refrigerants are among the diverse range of substances classified as hazardous materials. Nearly all businesses and residences generate some amount of hazardous waste. Certain businesses and industries generate larger amounts of such substances, including gas stations, automotive service and repair shops, printers, dry cleaners, and photo processors. Some hazardous materials present a radiation risk. Radioactive materials, if handled improperly or radiation accidentally released into the environment, can be dangerous because certain types of radiation can cause harmful effects on the human body.

A Phase I ESA was prepared for the proposed project to assess the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment (i.e., recognized environmental condition (REC) as delineated in ASTM E1527-13). The Phase I ESA defines several types of RECs as follows:

Known or suspected RECs – are defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

Controlled RECs (CRECs) – are defined as a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (e.g., as evidenced by the issuance of a NFA letter or

equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, activity and use limitations (AULs), institutional controls, or engineering controls).

Historical Recognized Environmental Conditions (HRECs) – are defined as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (e.g., property use restrictions, AULs, institutional controls, or engineering controls).

De Minimis Conditions – include environmental concerns identified which may warrant discussion but do not qualify as RECs.

The methodology and findings of the Phase I ESA concerning hazardous materials on the project site are summarized below:

- A reconnaissance of the project site was conducted to physically observe the subject property, site structures (if any), and adjoining properties for conditions indicating an existing release, past release, or threatened release of any hazardous substances or petroleum products into structures on the property, or into soil and/or groundwater beneath the property. No evidence of contamination, distressed vegetation, petroleum-hydrocarbon surface staining, waste drums, underground storage tanks, aboveground storage tanks, illegal dumping, or improper waste storage/handling was noted during our site reconnaissance. Additionally, a visual and auto reconnaissance of the adjoining neighborhoods was conducted (to the extent practical) to evaluate the potential for off-site impacts that may affect the subject property. Potential off-site impacts would include evidence of chemical storage or usage, surface staining or leakage, distressed vegetation, or evidence of illegal dumping. None of the adjacent properties were identified as having environmental related issues on any of the databases researched, and are not considered an environmental concern. No service stations, dry cleaners, or industrial properties were located in the immediate vicinity of the project site.
- The Phase I ESA included a Tier 1 Vapor Encroachment Screening evaluation for the project site in order to determine whether a potential Vapor Encroachment Condition exists from chemicals of concern that may migrate as vapors onto a property as a result of contaminated soil and groundwater on or near the property. Based upon the Tier 1 Vapor Encroachment Screening, there are no sites in the vicinity which would pose a potential Vapor Encroachment Condition at the subject property.
- Electronic database listings for possible hazardous waste generating establishments in the vicinity of the project site, as well as adjacent sites with known environmental concerns were reviewed. No waste generating establishments in the vicinity of the project site or adjacent sites with known environmental concerns were identified the

database review. A detailed list of each database review and the results is presented in Appendix H.

- A regulatory agency review with the National City Fire Department, County of San Diego Department of Environmental Health (DEH), Department of Toxic Substances Control, State Water Resources Control Board, Division of Oil, Gas and Geothermal Resources, and National Pipeline Mapping System did not identify any RECs, with the exception of possible undocumented fills soils identified in the Phase I ESA prepared previously for the project site in 2005 listed by the County of San Diego DEH. Similarly, no oil and gas wells or pipelines were identified during review of the Division of Oil, Gas and Geothermal Resources or National Pipeline Mapping System, respectively.
- Aerial photographs and historical topographical maps dating between 1904 and 2014 were reviewed to identify historical land development and any surface conditions which may have impacted the project site. Based on a review of these materials, the subject property remained undeveloped until 1963. Review of a 1963 aerial photograph determined that the project site was used as a golf course that extended into adjacent properties. Adjacent property development began in the mid-1970s, and continued to slowly expand. The Interstate 805 on-ramp to State Route 54 was established by 1974. From 1982 until present time, the property appeared in its current configuration as undeveloped open land. The Westfield Plaza Bonita Mall appeared fully developed by the mid-1980s. Development in the surrounding area consists of a mix of residential and light commercial retail. No environmental concerns were noted.

A prior Phase I ESA dated October 4, 2005 was completed for a Costco Wholesale Warehouse proposed on the project site but never constructed. The 2005 Phase I ESA reached the following additional conclusions:

- A well house (possibly containing electrical pumps) and one wellhead belonging to the Sweetwater Authority are located on the southern portion of the project site.
- Debris (plastic, wood, and metal) was observed on the project site. The majority of the debris was observed in areas of the site near groups of trees and appears to have been dumped at the site by transients. These areas did not appear to contain hazardous wastes.
- There are various deposits of undocumented artificial fill soils present on-site associated with the former golf course, and possibly with backfill of the utility lines traversing the site. While the likelihood is not considered high, there is a potential that some of the fill soils, especially the backfill of the utility lines, could include contaminants from off-site sources. Typically, such contamination, if present, would be expected to be sporadic in occurrence and of the limited extent.
- The assessment revealed no evidence of current RECs in connection with the project site, with the exception of possible undocumented fills soils. The Phase I ESA

recommended performing analytical laboratory testing of a small number of samples of the undocumented fill suspected to contain hazardous materials to screen for potential chemicals of concern in accordance with the requirements of the current County of San Diego DEH Site Assessment and Mitigation Manual.

b. Airport Hazards

The project site is not located near any public use or privately owned airports. The closest public airports include San Diego International Airport located approximately 7.8 miles northwest of the project site and Brown Municipal Airport located approximately 7.8 miles southeast of the project site. The closest privately owned airport is John Nichol's Field Airport located approximately 10.3 miles east of the project site.

c. Fire Hazards

Calculation of threat from wildfire hazard is based on a number of interrelated factors including fuel loading (i.e., vegetation), topography, and climatic conditions, such as wind, humidity, and temperature, as well as the proximity of structures and urban development to fire hazards. Wildland fire hazards are most pronounced in rural–urban interface areas, or where urban development is located close to open space areas where vegetation serves as fuel. Generally, the periods of greatest risk for wildland fire are the late summer and early fall, when vegetation is at its driest.

The project site is located within the southeastern portion of the City of National City's (City's) planning area, which has been identified as having a high fire level risk in the City's General Plan (2011). This elevated fire risk is due to the presence of the Sweetwater Regional Park on the project's southern boundary, which possesses a large amount of native vegetation that could serve as fuel during a wildfire.

4.8.1.2 Regulatory Framework

a. Hazardous Materials

Numerous federal, state, and local laws and regulations regarding hazardous materials have been developed with the intent of protecting public health, the environment, surface water, and groundwater resources. Over the years, the laws and regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances. Relevant laws and regulations include:

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, also known as "Superfund," and the Superfund Amendments and Reauthorization Act (SARA) of 1986 (amended CERCLA, SARA Title III). CERCLA, SARA Title III provide a federal framework for setting priorities for cleanup of hazardous substances releases to air, water, and land. This framework provides for the regulation of the cleanup process, cost recovery, response planning, and communication standards.

- Federal Resource Conservation and Recovery Act of 1976. This act established the authority of the U.S. Environmental Protection Agency (U.S. EPA) to develop regulations to track and control hazardous substances from their production, through their use, to their disposal.
- The California Division of Occupational Safety and Health Administration (OSHA) and federal OSHA define and enforce worker safety standards and require proper handling and disposal of hazardous materials according to OSHA and U.S. EPA and regulations.

These acts established the authority of the U.S. EPA to develop regulations to track and control hazardous substances from their production, through their use, and ultimately to their disposal. These acts also provide a framework for setting priorities for cleanup of hazardous substances and set the precedent for states and local authorities to do the same. Applicable regulatory agencies have kept records on hazardous materials storage, use, and disposal, and make these lists publicly available. Locally, these include the San Diego County Environmental Assessment Listing and the State Department of Toxic Substances Control List.

The City has adopted the County of San Diego ordinance requiring the disclosure of hazardous materials (Chapter 8 commencing with Section 68.801 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances). Similarly, the City has also adopted the County of San Diego ordinance regulating hazardous waste establishments (Chapter 9 commencing with Section 68.901 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances) (City of National City 2020a).

b. Fire Hazards

The City has adopted the 2019 California Fire Code into the City’s Municipal Code, “for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion and establishing a fire prevention bureau” (National City 2020a). Some specific changes and variations to the 2019 California Fire Code were adopted by the City Council in order to address the City’s local climate, geographical, and topographical conditions, primarily related to the age and concentration of structures and associated risk of potential conflagration spread. Prior to receiving project approval, the project proponent must submit project plans to the National City Fire Department for review by the Fire Marshal to ensure consistency with the adopted and amended 2019 California Fire Code.

c. Emergency Response

The City updated and adopted the Emergency Operations Plan in May 2010, which provides a comprehensive emergency management system to implement in response to natural disasters, technological incidents, and nuclear-related incidents. The Emergency Operations Plan specifies overall responsibilities for protecting life and property, provides measures for assuring the overall wellbeing of the City’s population, and identifies potential

sources of outside support from other jurisdictions and the private sector (City of National City 2011a).

4.8.2 Significance Determination Thresholds

Thresholds used to evaluate impacts associated with hazards and hazardous materials are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 4) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;
- 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;
- 6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and
- 7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Due to overlap in the threshold issues and for clarity of analysis, the thresholds evaluated below are grouped into similar headings, where applicable.

4.8.3 Issues 1 and 2: Hazardous Materials Use

Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

4.8.3.1 Impact Analysis

Construction of the project would require the transport, temporary storage, and use of asphalt fuels, paints, and solvents which could potentially be released and result in exposure to these chemicals. During operation, the CarMax facility would require the storage of cleaning supplies and other related chemicals. However, these materials are not acutely hazardous, and the project would handle and store these materials consistent with all applicable federal, state, and local regulations, including California OSHA and DEH, Hazardous Materials Division regulations.

4.8.3.2 Significance of Impacts

The project would comply with all applicable regulations for handling of hazardous materials. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be less than significant.

4.8.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.8.4 Issue 3: Hazards within One-Quarter Mile of a School

Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

4.8.4.1 Impact Analysis

The Charter School of San Diego operates a Resource Center located within the Westfield Plaza Bonita Mall approximately 0.15 mile east of the project site. Westfield Plaza Bonita Mall is a completely enclosed structure, which would shield students from any hazardous materials used during construction and operation of the project. Furthermore, the use and handling of hazardous materials during construction and operation would be required to follow all applicable federal, state, and local regulations, including California OSHA and Department of Environmental Health, Hazardous Materials Division regulations.

4.8.4.2 Significance of Impacts

The Charter School of San Diego Resource Center is located within the completely enclosed Westfield Plaza Bonita Mall. Furthermore, project construction and operation would comply with all applicable regulations for handling of hazardous materials. Therefore, the project would not create a significant hazard associated with hazardous emissions or handling of hazardous substances within one-quarter mile of an existing or proposed school, and impacts would be less than significant.

4.8.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.8.5 Issue 4: Hazardous Materials Sites

Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

4.8.5.1 Impact Analysis

The Phase I ESA determined that the project site is not listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5 (see Appendix H). The Phase I ESA did not identify any known or suspected RECs, CRECs, or HRECs on the project site or adjacent properties. Although not considered to be RECs, the following considerations were identified:

- The 2005 Phase I ESA stated that site observations from a previous report documented water supply wells and/or septic systems on the subject property . Unless the project intends to use these facilities, they must be properly abandoned following state and County Health Department guidelines.
- Various deposits of undocumented artificial fill soils may be present on-site due to the historical use as a golf course. Consequently, the potential exists for previous and current buried/concealed/hidden hazardous materials by-products, both below and above ground on the project site. Any fill from unknown sources, including buried trash/debris, undocumented USTs or other waste encountered during construction must be evaluated by an experienced environmental consultant prior to removal. If stained or suspicious soil is encountered during future grading operations, the material must be evaluated and if deemed necessary, characterized for proper disposal.

During project grading and site preparation, standard BMPs would be implemented to minimize runoff of contaminants, in compliance with the State General Permit for Storm Water Discharges Associated with Construction Activity. These standard BMPs include contaminated soil management and other construction practices implemented by the City.

Compliance with applicable regulations governing the handling of potentially contaminated soils would minimize the potential for a REC during site preparation and grading. Additionally, any existing water supply wells and/or septic systems must be properly abandoned following state and County Health Department guidelines.

4.8.5.2 Significance of Impacts

The project is not listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5. No known or suspected RECs, CRECs, or HRECs were identified on the project site or adjacent properties. The undocumented fill soils and any wells and/or septic systems would be removed in accordance with applicable regulations during site preparation and grading. Therefore, the project would not be located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and impacts would be less than significant.

4.8.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.8.6 Issue 5: Airport Hazards

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

4.8.6.1 Impact Analysis

As described in Section 4.8.1, the closest public use airports include the San Diego International Airport located approximately 7.8 miles northwest of the project site, and Brown Field Municipal Airport located approximately 7.8 miles southeast of the project site. Therefore, the proposed project is not located within two miles of a public airport (or within an Airport Land Use Compatibility Plan [ALUCP]) and would not result in a safety hazard for people residing or working within the project area. No impacts would occur.

4.8.6.2 Significance of Impacts

The project site is not located within two miles of a public airport (or within an ALUCP) or within the vicinity of a private airstrip. No impacts would occur.

4.8.6.3 Mitigation

No impact would result from project implementation. No mitigation is required.

4.8.7 Issue 6: Emergency Response Plans

Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

4.8.7.1 Impact Analysis

Relocation of the sewer line that traverses the project site into Plaza Bonita Road would temporarily affect traffic operations. However, the project would implement a traffic control plan to maintain one lane of traffic in each direction on Plaza Bonita Road during relocation of the sewer line. Plaza Bonita Road would be restored to existing conditions once the relocation is complete. Permanent changes to the existing circulation system would be limited to two new public driveways and one private driveway connecting the project site to Plaza Bonita Road that would not physically interfere with emergency evacuation. Similarly, the Vehicle Miles Traveled Screen-line Analysis determined that the project can be presumed to result in less than significant impacts related to VMT per guidance from the Office of Planning and Research Transportation Technical Advisory. Consequently, the project would not generate traffic congestion that could delay emergency evacuation. Therefore, the project would not interfere with any emergency evacuation routes identified in the City's Emergency Operations Plan.

4.8.7.2 Significance of Impacts

The project would not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans, and impacts would be less than significant.

4.8.7.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.8.8 Issue 7: Wildland Fires

Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

4.8.8.1 Impact Analysis

As described in Section 4.8.1.1, the project site is located within an area identified in the National City General Plan as having a high fire hazard level (City of National City 2011). In order to address this potential risk, the project plans would be reviewed by the Fire Marshal to ensure consistency with the adopted and amended 2019 California Fire Code. Project design would provide emergency access within staging and display areas of the CarMax facility that would be reviewed by the National City Fire Department to ensure compliance with applicable fire codes and emergency access requirements. Upon final approval of the plans by the Fire Marshall, a Fire Department Permit would be issued and

the Fire Marshal would conduct an inspection of the project site. Construction of the proposed project shall not commence without issuance of Fire Department Permit.

Furthermore, the National City Fire Department and the Sweetwater Authority would review the project to verify that the peak load water supply requirement is met prior to project approval or issuance of a building permit. Fire flow requirements for individual projects are determined based on several factors, such as a building's use, size, type of construction, building material, and density. The National City Fire Department would issue a fire flow requirement letter to the project proponent identifying the fire flow requirements for each proposed structure, and the Sweetwater Authority would review and provide comments to ensure that their water mains have available capability to handle the fire flow requirements identified for the proposed project (City of National City 2011). Public water is available to the project site to provide the required water main flow requirements for fire protection.

4.8.8.2 Significance of Impacts

Adherence to City Fire Department requirements would ensure fire safety. Therefore, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, impacts would be less than significant.

4.8.8.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.9 Hydrology and Water Quality

This section addresses the potential project impacts to hydrology and water quality and is based on review of the following technical documents included as appendices to the environmental impact report (EIR):

- Storm Water Quality Management Plan (SWQMP) for CarMax of National City, NWC of Plaza Bonita Road and Sweetwater Road, National City, CA 91950, prepared by REC Consultants (Appendix I; REC Consultants 2020a).
- Hydrology Study - Analysis of the Influence of CarMax Development in the Peak Flows and Water Levels of Unnamed Creek at Its Discharge in Sweetwater River, prepared by REC Consultants (Appendix J-1; REC Consultants 2020b).
- Hydraulic Analysis for Existing Caltrans Drainage Systems Adjacent to CarMax at National City, prepared by REC Consultants (Appendix J-2; REC Consultants 2021).

4.9.1 Existing Conditions

4.9.1.1 Environmental Setting

a. Receiving Waters

The San Diego Regional Water Quality Control Board (RWQCB) prepared the Water Quality Control Plan for the San Diego Basin (Basin Plan; 1994), which identifies the water quality objectives for waters in the basin and further subdivides it into hydrologic units (HUs) and hydrologic areas (HAs). A hydrologic unit is defined as the entire watershed of one or more major streams. Hydrologic areas consist of watersheds of major tributaries and/or major groundwater basins within a hydrologic unit.

The project site is located within the Sweetwater HU (909.00), which encompasses approximately 320 square miles in area extending from the Laguna Mountains in the east to the Pacific Ocean in the west. The Sweetwater River is the primary watercourse within this hydrological unit. Additionally, the Loveland and Sweetwater reservoirs are located along the river, both of which are operated by the Sweetwater Authority. The project site is located within the Lower Sweetwater HA (909.1), which is more urbanized than the Middle and Upper subregions of the watershed.

Beneficial Uses

Section 303(d) of the federal Clean Water Act requires states to periodically prepare a list of all surface waters in the state for which beneficial uses of the water—such as for drinking, recreation, aquatic habitat, and industrial use—are impaired by pollutants. These include water quality limited estuaries, lakes, streams, and coastal regions that fall short of state water quality standards, and are not expected to show improvement in the next two years.

Beneficial uses of the Sweetwater HU include municipal and domestic supply, agricultural supply, industrial service supply, non-contact water recreation, biological habitats of special significance, warm freshwater habitat, cold freshwater habitat, wildlife habitat, and rare, threatened, and endangered species.

303(d) List Status

Under Section 303(d) of the 1972 Clean Water Act, states, territories, and authorized tribes are required to develop a list of water quality limited segments. Waters included on the 303(d) list do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that jurisdictions establish priority rankings to address listed waters within their jurisdiction and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. The Lower Sweetwater River was listed for enterococcus, fecal coliform, phosphorus, selenium, total dissolved solids, total nitrogen as N, toxicity, copper, and polychlorinated biphenyls on the 303(d) list. TMDLs are required for all of these pollutants, and the TMDLs are expected to be completed in 2021.

b. Existing Drainage

The project site is located adjacent to the Sweetwater River, and approximately 3.22 square miles of contributing area drains to the project site before discharging into the Sweetwater River. Based solely on topography, surface runoff generated on the project site flows towards the lower elevations in the southwestern portions of the property through an unnamed creek with two channels that flow from northeast to southwest. These two channels converge together in the southwestern portion of the project site and then continue to flow southwest to a storm drain that outlets to the Sweetwater River at the southwestern corner of the property, which then travels to the San Diego Bay. The project site and Sweetwater River are separated by a concrete levee that acts as an impoundment barrier that causes the project site to pond for the unnamed creek. The levee is undercrossed by a 48-inch pipe, and during the occurrence of very large storm events, the ponding overtops the levee to drain into the Sweetwater River.

c. Groundwater

The Sweetwater Authority pumps groundwater through its wells in the City that contribute to the agency's water supply (see Section 4.15.1.3). Groundwater sources are replenished when rainwater and runoff infiltrate the soil through a process referred to as "recharge." Due

to the highly developed nature of the City, groundwater recharge areas are limited. The largest area for groundwater recharge near the project site is the Sweetwater River.

4.9.1.2 Regulatory Framework

Various federal, state, and local regulations impose requirements on new development for erosion control, control of runoff contaminants, and control of direct discharge of water quality pollutants. These requirements are summarized below.

a. Federal Clean Water Act

The Clean Water Act is the primary federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. The Clean Water Act established basic guidelines for regulating discharges of pollutants into the waters of the U.S. and requires that states adopt water quality standards to protect public health, enhance the quality of water resources, and ensure implementation of the Clean Water Act.

Section 401 of the Clean Water Act requires that any applicant for a federal permit to conduct any activity, including the construction or operation of a facility which may result in the discharge of any pollutant, must obtain certification from the state. Section 402 of the Clean Water Act established the National Pollution Discharge Elimination System (NPDES) to regulate the discharge of pollutants from point sources, and Section 404 established a permit program to regulate the discharge of dredged material into waters of the U.S. Implementation of the Clean Water Act is the responsibility of the U.S. Environmental Protection Agency (EPA), which has delegated much of that authority to the U.S. Army Corps of Engineers, as well as state and regional agencies.

The Section 303(d) process of the Clean Water Act requires states to identify surface waters that have been impaired. Under Section 303(d), states, territories, and authorized tribes are required to develop a list of water quality segments that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. The 303(d) is updated by the RWQCB and State Water Resources Control Board (SWRCB) biannually. As discussed above, the Lower Sweetwater River is listed as an impaired water body in the 2010 303(d) List.

b. Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act established the principal California legal and regulatory framework for water quality control. The Porter-Cologne Water Quality Control Act is embodied in the California Water Code. The California Water Code authorizes the SWRCB to implement the provisions of the federal Clean Water Act. The state of California is divided into nine regions governed by RWQCBs. The RWQCBs implement and enforce provisions of the California Water Code and the Clean Water Act under the oversight of the SWRCB. The City is located within the purview of the San Diego RWQCB (Region 9). The Porter-Cologne Act also provides for the development and periodic review of Water Quality

Control Plans (Basin Plans) that designate beneficial uses of California’s major rivers and groundwater basins and establish water quality objectives for those waters.

c. Water Quality Control Plan for the San Diego Basin

The San Diego Basin encompasses approximately 3,900 square miles, including most of San Diego County and portions of southwestern Riverside and Orange counties. The basin is composed of 11 major HUs, 54 HAs, and 147 hydrologic subareas. Drainage from higher elevations in the east flows to the west, ultimately into the Pacific Ocean. The RWQCB prepared the Basin Plan, which defines existing and potential beneficial uses and water quality objectives for coastal waters, groundwater, surface waters, imported surface waters, and reclaimed waters in the basin.

d. San Diego Integrated Regional Water Management Plan

A complex array of water supply, water management, water quality protection, pollution prevention, habitat protection, flood protection, and recreational needs exist in the San Diego region necessitating the development of numerous water management plans. Jurisdictional and water management conflicts exist among the individual water management plans and have resulted in challenges related to identifying, addressing, and resolving water management issues. The San Diego Integrated Regional Water Management Plan (IRWMP) was developed in 2007 to bring stakeholders together and coordinate a regional approach to water management issues, pursuant to statewide IRWMP Guidelines established by the SWRCB and State of California Department of Water Resources in 2004 and updated in 2007.

e. National City Storm Water Division

The Storm Water Division regulates and enforces the Clean Water Act standards as prescribed by the NPDES permit program that controls water pollution by regulating point sources that discharge pollutants into waterways. National City (City) has developed a Jurisdictional Runoff Management Program (JRMP) that provides guidance for improving water quality in the San Diego Bay and the City’s rivers and creeks by reducing discharges of pollutants to the municipal separate storm sewer system (MS4). The JRMP presents an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable standard, effectively prohibit non-storm water discharges, and protect and improve the quality of water bodies in the City. The JRMP describes operational programs and activities developed to meet the requirements of MS4 Permit. Effective February 16, 2016, the City has adopted new post-construction best management practices (BMP) requirements for all development and redevelopment projects detailed in the City’s BMP Design Manual. Additionally, storm water BMPs are identified in Section 14.22: Storm Water Management and Discharge Control of the City’s Municipal Code.

f. General Plan

The City’s General Plan contains goals and policies for water quality protection in the Conservation and Sustainability Element as identified below.

Policies

CS-3.1: Protect rivers, watersheds, reservoirs and groundwater as a water supply source through flood control measures and the use of stormwater BMPs that protect water quality.

CS-3.3: Promote the use of low-impact development (LID) practices in new and existing development, including the use of bioswales, tree wells, pervious materials for hardscape, and other stormwater management practices to increase groundwater infiltration.

CS-8.1: Control sources of pollutants and improve and maintain urban runoff water quality through storm water protection measures that are at a minimum consistent with the City's NPDES Permit.

4.9.2 Significance Determination Thresholds

Thresholds used to evaluate impacts to hydrology and water quality are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact to hydrology and water quality would occur if the project would:

- 1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- 2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner in which would:
 - i. result in substantial erosion or siltation on- or off-site;
 - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
 - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - iv. impede or redirect flood flows?
- 4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- 5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Due to overlap in the threshold issues and for clarity of analysis, the thresholds evaluated below are grouped into similar headings, where applicable.

4.9.3 Issue 1: Water Quality Standards

Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

4.9.3.1 Impact Analysis

Development projects are required to control storm water runoff during construction and after construction (operation) in order to comply with federal, state, and local water quality standards. Compliance with the City's Municipal Code, JRMP, and BMP Design Manual would ensure that construction and operation of the project would not violate water quality standards. This section describes how the project would achieve these standards and is based on the SWQMP (see Appendix I) prepared for the project.

a. Construction

Project construction activities have the potential to result in erosion, sedimentation downstream, and the discharge of construction debris. Grading activities, for example, could lead to exposed or stockpiled soils susceptible to peak storm water runoff flows.

Project construction activities must comply with the requirements outlined in the City's Municipal Code, JRMP, and BMP Design Manual. Consistent with these requirements, the SWQMP prepared for the project identified the following BMPs to be implemented during construction:

- All applicable construction BMPs and non-storm water discharge BMPs shall be implemented in accordance with the minimum BMP requirements included in the National City Municipal Code and the City's JRMP. All storm water BMPs shall be maintained for the duration of the project.
- Erosion control BMPs shall be implemented for all portions of the project area in which no work has been done or is planned to be done over a period of 14 or more days. All on-site drainage pathways that convey concentrated flows shall be stabilized to prevent erosion.
- Run-on from areas outside the project area shall be diverted around work areas to the extent feasible. Run-on that cannot be diverted shall be managed using appropriate erosion and sediment control BMPs.
- Sediment control BMPs shall be implemented, including providing fiber rolls, gravel bags, or other equally effective BMPs around the perimeter of the project to prevent transport of soil and sediment off-site. Any sediment tracked onto off-site paved areas shall be removed via sweeping at least daily. All BMPs shall be installed and maintained in accordance with the applicable California Stormwater Quality Association (CASQA) fact sheets.

- Trash and other construction wastes shall be placed in a designated area at least daily and shall be disposed of in accordance with applicable requirements.
- Materials shall be stored to avoid being transported in storm water runoff and non-storm water discharges. Concrete washout shall be directed to a washout area designed in accordance with CASQA standards; concrete shall not be washed out to the ground.
- Stockpiles and other sources of pollutants shall be covered when the chance of rain within the next 48 hours is at least 50 percent.

Furthermore, implementation of the construction BMPs described above would get coverage under the State of California Construction General Permit (CGP). This would ensure that the project would meet the requirements of the CGP, in addition to the City's minimum construction BMP requirements. Therefore, adherence to the City's Municipal Code and JRMP and implementation of the construction-related BMPs identified in the SWQMP would ensure that construction-related water quality impacts would be less than significant.

b. Operation

Operation of the project would have the potential to generate pollutants and storm water runoff. The types of pollutants that may be generated from this type of land use activity are typically trash and debris, oxygen-demanding substances, oil and grease, pathogens, pesticides, nutrients, metals, and sediments. The SWQMP prepared for the project identified the following design measures and operation BMPs consistent with the City's BMP Design Manual to address potential impacts associated with pollutants and storm water runoff:

- Project design includes a storm water conveyance system that would consist of a modular wetland system, an underground detention system, a green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. The modular wetland system, underground detention system, and green street vegetated swale would include filtration components to treat stormwater before discharging to the earthen channel to be constructed along the northwestern boundary of the project site or infiltrating to groundwater.
- Landscaped areas shall be designed in accordance with Water Efficient Landscape Ordinance requirements.
- Roof drainage shall be directed to landscaped areas or rain barrels.
- Walkways shall be designed to drain to adjacent landscaped or natural areas or constructed using permeable materials.
- Streets, sidewalks, and parking lot aisles shall be constructed to the minimum width necessary, provided public safety is not compromised.
- Existing trees and natural areas, including but not limited to natural water bodies and natural storage reservoirs or drainage corridors (e.g., topographic depressions, natural swales, and areas of naturally permeable soils), shall be conserved or otherwise protected to the extent feasible.

- The impervious footprint, including roofed areas and paved areas, of the project shall be minimized to the extent applicable and feasible.
- Dumpsters, other trash receptacles, and waste cooking oil containers shall be stored inside buildings or in four-sided enclosures with a structural overhead canopy designed to prevent precipitation from contacting materials stored in the enclosure.
- On-site storm drains shall be stenciled or otherwise permanently labeled with “No Dumping, Drains to Ocean” or other equivalent language approved by the City.
- Outdoor material storage areas and outdoor work areas shall be protected from rainfall, run-on, and wind dispersal.
- All interior floor drains shall be plumbed to the sanitary sewer. These drains shall be inspected and maintained to prevent clogs and spills. There are not any elevator shaft sump pumps associated with the project.
- Landscaping shall be designed with native and/or drought-tolerant species, limited fertilizer needs water efficient irrigation designed to prevent runoff.
- A refuse storage area has been incorporated into the CarMax facility site plan. It includes a permanent structural overhang, berms and screen walls to prevent direct contact with rainfall, run-on and to protect against wind dispersal. All trash and recycled materials shall be stored and properly disposed of in accordance with all applicable local, state and federal regulations.
- The private car wash facility shall be self-contained covered and plumbed to the sanitary sewer. The grading and drainage has been designed to prevent run-on to the car wash area.
- Covered, indoor maintenance bays shall contain spills within the work area. Grading and drainage shall be designed to prevent run-on to the maintenance bay area.
- A Fuel Dispensing Area shall be impermeable with a grade break to prevent run-on and covered with a canopy.

Implementation of these site design measures and source control BMPs would reduce the potential for pollutant discharge off-site, thus avoiding significant adverse water quality impacts following construction.

4.9.3.2 Significance of Impacts

The project would comply with the City’s Municipal Code, JRMP, and BMP Design Manual through implementation of the construction BMPs and post-construction BMPs documented in the SWQMP prepared for the project. Therefore, the project would not violate any water quality standards or waste discharge requirements, and impacts would be less than significant.

4.9.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.9.4 Issue 2: Groundwater Supplies

Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

4.9.4.1 Impact Analysis

Water service for the project would be provided by the Sweetwater Authority through connection to the existing water pipeline that crosses the northeastern portion of the project site. The Sweetwater Authority utilizes a variety of water sources, including local groundwater, a brackish groundwater desalination facility, local surface water, and water purchased from the San Diego County Water Authority. The Sweetwater Authority Urban Water Management Plan determined that the agency would be capable of providing adequate water supply to its customers during a multiple dry year scenario through 2040. Therefore, the water needs of the project have been anticipated in water plans, and the project would not substantially deplete any Sweetwater Authority water sources, including groundwater.

The Sweetwater River was identified in the General Plan as one of the main sources of groundwater recharge within the City. The project would convey storm water to the Sweetwater River through the construction of an earthen channel which would ensure that storm water on the project site would have the opportunity to infiltrate and facilitate groundwater recharge. The project would also introduce an underground storage system within the development footprint that would include two underground infiltration systems that would allow additional opportunities for groundwater recharge.

4.9.4.2 Significance of Impacts

The project would not impact Sweetwater Authority water supplies, including groundwater, and would not interfere with groundwater recharge, and impacts would be less than significant.

4.9.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.9.5 Issue 3: Drainage Patterns

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner in which would:

- i. result in substantial erosion or siltation on or off site;*
- ii. substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; or*
- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
- iv. impede or redirect flood flows?*

4.9.5.1 Impact Analysis

Construction of the project would alter the existing drainage pattern of the existing unnamed creek located on the project site. The unnamed creek enters from the northern and northeastern corners of the project site, spreads over the project site, and discharges through the existing 48-inch storm drain at the southeast corner of the project site that crosses the concrete levee separating the project site from the Sweetwater River. The project would alter the existing drainage pattern by constructing an earthen channel that would traverse the northwestern boundary of the property. Although the proposed earthen channel would be smaller than the existing unnamed creek floodplain/ponding area, this alteration would be minor because the inflow points and outflow points would remain the same, and the earthen channel would be designed with adequate flow velocities to avoid erosion or overflows. This earthen channel would preserve the existing drainage pattern where feasible, and would connect to the existing 48-inch storm drain that outlets to the Sweetwater River to convey storm water to the San Diego Bay.

Additionally, the project would also construct a storm water conveyance system from the proposed CarMax facility to the proposed earthen channel that would consist of a modular wetland system, an underground detention system, a green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. During the occurrence of a 24 hour/100 year storm event, the proposed conveyance system would reduce the overall stormwater peak flow of the unnamed creek from 1,390.4 cubic feet per second (cfs) in the existing condition to 1,389.7 cfs in the post-project condition. Although the post-project runoff volume would slightly increase from 380.7 acre-feet (ac-ft) in the existing condition to 382.0 ac-ft in the post-project condition during a 24 hour/100 year storm event, this increase would represent less than one percent of water volume under existing conditions, and water would overtop the existing levee separating the project site from the Sweetwater River in the same manner as it currently does under existing conditions (see Appendix J-1).

The surface water elevation within the proposed earthen channel during the 24 hour/100 year storm event would be slightly higher compared to the water elevation within the existing unnamed creek due to the reduction in flooding area. The proposed earthen channel would not result in any additional flooding downstream, but would result in approximately 0.53 feet of additional flooding at the upstream end of the channel. However, this additional water elevation would remain contained within the proposed earthen channel and would not cause uncontrolled flooding. This raised water elevation in the proposed earthen channel under the 24-hour/100-year storm event would be associated with tailwater conditions (defined as an increased water elevation at the discharge of a drainage system) at the Caltrans drainage system(s) and City conveyance system(s) that are currently discharging into the existing unnamed creek. ~~The project is currently evaluating all drainage systems discharging into the proposed earthen channel to confirm the following:~~

- ~~• That the minor increase in water elevation downstream (at their discharge end) would not negatively impact the conveyance capacity of those systems, or~~
- ~~• That the discharge structure of any system that is impacted by the increase in water elevation would be improved in such a way that the hydraulic improvement of the discharge structure would compensate for the minor additional water elevation the system needs to discharge after the project is completed.~~

A hydraulic analysis was subsequently conducted to evaluate whether the resulting tailwater would affect the Caltrans drainage system(s) and City conveyance system(s) that are currently discharging into the existing unnamed creek (see Appendix J-2). This analysis utilized an HEC-RAS hydraulic model to calculate the existing and proposed water surface elevations for the following stormwater facilities that drain into the existing unnamed creek:

- A 36-inch pipe discharge that starts at Sweetwater Road and drains some ramps of the complex intersection between I-805 and SR-54.
- A 30-inch pipe discharge that starts at Valley Road, continues to Valley Road/Sweetwater Road, and drains adjacent to the ramps of the intersection between I-805 and SR-54.
- A 6-foot-by-10-foot culvert that drains a significant portion of Valley Road and that originates the change in flow evaluated in the HEC-RAS model.
- A 24-inch and 18-inch pipe system draining a section of SR-54 (downstream of the 30-inch pipe discharge that starts at Valley Road) and a landscape area adjacent to it.

The Hydraulic Analysis determined that the water elevation at the discharge points listed above would increase from 0.01 to 0.11 feet. The Hydraulic Analysis then conducted a hydraulic grade line (HGL) analysis, which determined that the HGL of the unchanged flows for all four discharge points would increase from 0.00 to 0.11 feet. The Hydraulic Analysis determined that these increases in HGL would not adversely affect the ability of any of these existing storm drainage systems to safely convey peak runoff (see Appendix J-2).

4.9.5.2 Significance of Impacts

The project would construct an earthen channel that would preserve the existing drainage pattern where feasible that would connect to the existing 48-inch storm drain that currently outlets to the Sweetwater River. The project would also construct a conveyance system that would consist of a modular wetland system, an underground detention system, a green street vegetated swale, and conveyance pipes discharging in the earthen channel that would adequately convey runoff from the project site to the Sweetwater River. ~~Furthermore, the project would also potentially make modifications to the outlet structure of any existing drainage system impacted by the small water surface elevation increment caused by the channelization of the unnamed creek in order to compensate for the minor potential reduction of the conveyance capacity of the existing drainage system, in such a way that the final result is a no negative impact in any system draining to the proposed earthen channel. The slight increase in water elevation during the 24-hour/100-year storm event is a consequence of the smaller flow section of the proposed channel when compared with the undeveloped property. However, the overtop of the existing levee separating the project site from the Sweetwater River would occur in the same manner in post-development conditions as it currently does under existing conditions, and would not result in uncontrolled flooding. Furthermore, the Hydraulic Analysis completed for the project determined that the project would not adversely affect the ability of any of the existing storm drainage systems to safely convey peak runoff. Therefore, the project would not substantially alter the existing drainage pattern in a manner that would result in substantial erosion or siltation, result in flooding on- or off-site, or exceed the capacity of existing or planned stormwater drainage systems, or impede or redirect flood flows, and impacts would be less than significant.~~

4.9.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.9.6 Issue 4: Flood Hazards

Would the project result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

4.9.6.1 Impact Analysis

Review of the Safety Element of the General Plan determined that the western portion of the project site is located within the 100-year floodplain. Consequently, project construction would require a net import of up to approximately 166,379 cubic yards in order to increase elevations at the project site by 5 to 10 feet. The proposed elevation increases would raise all portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain. The only portions of the project parcel that would remain within the 100-year floodplain would be associated with the earthen channel that would connect to the existing storm drain which outlets to the Sweetwater River. Furthermore, the project would prohibit access to these portions of the project site that would remain within the 100-year floodplain. ~~Project design and construction methods to increase elevations at the project site~~

encroachment into the Sweetwater Creek floodplain would be reviewed by the Federal Emergency Management Agency (FEMA), who would initially issue a Conditional Letter of Map Revision, followed by a Letter of Map Revision, documenting that the project would be constructed on elevations outside of the 100-year floodplain upon approval and construction.

Review of the Safety Element of the General Plan also determined that the western portion of the project site is located within the dam inundation zone associated with the rupture or failure of the Sweetwater Reservoir. The portion of the project site within the dam inundation zone is nearly identical to that within the 100-year floodplain at the scale of this analysis. Therefore, the proposed elevation increases that would raise those portions of the project site out of the 100-year floodplain would also raise the structure out of the dam failure inundation zone.

It is not anticipated that the project would be subject to tsunamis due to the presence of Coronado Island and San Diego Bay between the Pacific Ocean and project site and the elevation of the project. The presence of Coronado Island and San Diego Bay would offer protection during such an event, even a tsunami of historic proportions.

Similarly, it is not anticipated that the project would be subject to seiche because the closest landlocked water body is the Sweetwater Reservoir located approximately 4.2 miles northeast of the project site. Additionally, the San Diego Bay is located approximately 3.0 miles west of the project site. According to the County of San Diego Guidelines for Determining Significance (Hydrology) all land around reservoirs' shorelines are in public holding, such that there is no area of significance subject to seiche in San Diego County and no guidelines have been included for this event. Seiche is very minor in the region, and of no concern for the project.

4.9.6.2 Significance of Impacts

The project would not be susceptible to flooding hazards, tsunamis, or seiche, and impacts would be less than significant.

4.9.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.9.7 Issue 5: Water Quality Control Plan and Groundwater Management Plan

Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

4.9.7.1 Impact Analysis

As described in Section 4.9.3 above, the project would comply with the City's Municipal Code, JRMP, and BMP Design Manual through implementation of the construction BMPs and post-

construction BMPs documented in the SWQMP prepared for the project. As described in Section 4.9.4 above, the project would not impact Sweetwater Authority water supplies, including groundwater, and would not interfere with groundwater recharge,

4.9.7.2 Significance of Impacts

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

4.9.7.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.10 Land Use

This section addresses the proposed change in land use and the consistency of the project with applicable development regulations including the City of National City (City) General Plan and Municipal Code.

4.10.1 Existing Conditions

4.10.1.1 Existing Land Uses

The project site consists of a vacant parcel surrounded by existing commercial, residential, and transportation facilities. Historically, the eastern portion of the project site and property to the south were collectively developed as the Bonita Golf Course in 1956. Review of a topographic map shows that the project site has been vacant since at least 1967. The project area is situated along the Sweetwater River channel and is bordered to the west by the Interstate 805, to the north by State Route 54 and Sweetwater Road, to the east by Plaza Bonita Road and Westfield Plaza Bonita Mall, and to the south by the Sweetwater River Channel. Additionally, a portion of the County of San Diego Sweetwater Regional Park is located within the City limits adjacent to the southern boundary of the project site, separated by an existing levee. The portion of the Sweetwater Regional Park located south of the project site includes a segment of the Sweetwater Loop and River Trail that follows the path of the Sweetwater River.

The entire project site was previously subject to an open space and park easement that the City conveyed to the County of San Diego in 1978. The City and County of San Diego entered into an Option to Purchase Agreement in April 2007 that would allow the City to purchase the open space easement. In August 2015, the City approved an Option Agreement to allow CarMax to purchase 9.5 acres of the project site, conditioned on the requirement for the City to first purchase the easement from the County. In turn, the County of San Diego is required to use the proceeds from the sale of the open space easement for enhancements, expansion, and/or improvements to the Sweetwater Regional Park, including bicycle/recreational trails adjacent to the park and within one mile of the park. Several unofficial trails are present on the project site. These include cleared dirt paths that traverse the property and a concrete path atop the levee on the southern boundary separating the project site from the Sweetwater Regional Park. These trails have no official designation and are not identified in the National City General Plan or any other planning document.

4.10.1.2 Existing Land Use Plans and Development Regulations

a. General Plan

State law requires each city to adopt a general plan to guide its future development, and mandates that the plan be periodically updated to assure its continuing relevance and value (State Planning and Zoning Law, California Government Code, Section 635300). State law also requires the inclusion of seven mandatory elements into the general plan (land use, circulation, housing, conservation, noise, open space, and safety), but permits flexibility and the inclusion of optional elements to best meet the needs of a particular city.

The City's General Plan contains all seven mandatory elements, several of which have been expanded to include additional optional element categories. The City's General Plan also includes two separate optional elements to address circumstances specific to National City: the Health and Environmental Justice Element and Education and Public Participation Element. The current General Plan Elements are described below.

The **Land Use and Community Character Element** plans for and identifies locations where future development and redevelopment should be directed within the City. This element balances growth and change with the need to preserve and improve well established residential neighborhoods, commercial and industrial cores, and overall quality of life. This element establishes goals and policies intended to support a sustainable community by creating a complementary mix of residential, employment, commercial, service, food producing, and recreational uses. This element also seeks to create and preserve a unique community identity that fosters a positive sense of place and enriches quality of life. The project site is currently designated on the General Plan Land Use Map as Major Mixed-Use (Figure 4.10-1). According to the Land Use Element of the General Plan, the Service Commercial land use category provides for intensive commercial activities, specialized service establishments, and other compatible uses. Light manufacturing, wholesaling, and distribution uses are restricted to those that can be operated in a clean and quiet manner. The Service Commercial Designation allows for a Floor Area Ratio of 1.5.

The **Circulation Element** provides a transportation plan for the movement of people and goods within the City. This element identifies the general location and extent of existing and proposed major roadways, transportation routes, terminals, air and water ports, and pedestrian and bikeway facilities. This element addresses the needs of mobility through the development of an integrated, multi-modal circulation network that accommodates both local and regional trips and supports public transit, walking, bicycling, and vehicular traffic and parking. The City's circulation system is strongly correlated with the Land Use Element, which supports increased densities and a mix of uses that reduce reliance on personal vehicles by making walking and bicycling more comfortable and convenient.

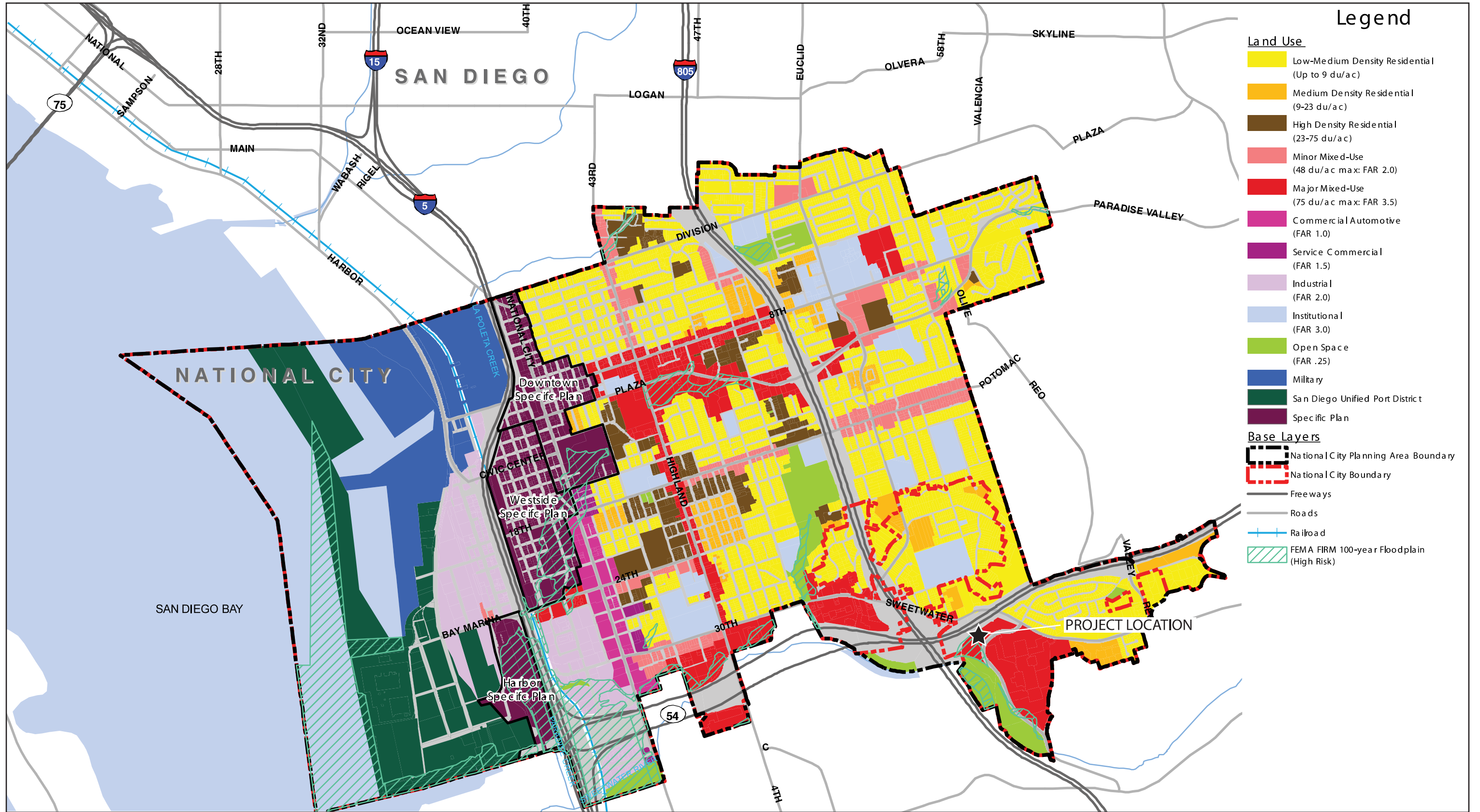


FIGURE 4.10-1
General Plan Land Use Map

The **Housing Element** provides a comprehensive strategy to promote the production, preservation, and maintenance of affordable housing to meet current and future community housing needs. The Housing Element establishes goals, policies, and programs to address housing needs for an eight-year planning period (April 30, 2013 to April 30, 2021).

The **Safety Element** establishes goals and policies that serve to protect the community from risks of injury, loss of life and property, and environmental damage associated with natural and manmade hazards such as wildfires, geologic and seismic hazards, flooding, hazardous materials, military installations, and brownfields. It includes mapping of known seismic and geologic hazards, along with areas subject to flooding and fire risk. This element also includes methods to reduce criminal behavior through environmental design and response objectives related to police and fire operations and emergency services.

The **Noise and Nuisance Element** identifies and assesses sources of noise generation within the City in order to minimize problems associated with intrusive sound and establishes goals and policies to ensure that new development does not expose people to unacceptable noise levels. This element also serves to abate other common nuisances such as the accumulation of outdoor junk, trash, and debris; abandoned and dilapidated buildings; overgrown weeds and vegetation; noxious odors; mosquito or fly breeding places; light pollution; and encroachments in the public right-of-way which interfere with pedestrian passage.

The **Open Space and Agriculture Element** establishes goals and policies for the preservation and conservation of open-space lands, the managed production of agricultural lands, outdoor recreation, and open space. Due to the highly developed nature of the community, the City faces significant challenges in the provision of additional open space and recreational facilities. Consequently, this Element examines creative ways to increase open space and recreational areas within the developed environment, presents mechanisms to preserve remaining natural open space areas and valuable cultural resources, and seeks solutions for integrating urban agriculture within the community.

The **Conservation and Sustainability Element** establishes goals and policies for the conservation, development, and utilization of natural resources, such as water. This element also provides guidance for the sustainability of the City's water, sewer, and drainage infrastructure; energy consumption; waste management; and carbon footprint. Because the City is almost completely developed, reducing the City's energy consumption and improving the sustainability of its infrastructure will depend almost entirely on the retrofitting and adaptation of existing systems. Consequently, this element's goals and policies explore creative solutions for water and energy conservation, water quality preservation, and reduction of the City's carbon footprint.

The **Health and Environmental Justice Element** identifies public health risks and environmental justice concerns and provides guidance to improve living conditions in order to foster the physical health and well-being of the City's residents. Because public health and environmental justice are themes that are tied to all of the General Plan elements, this element cross-references other goals and policies to provide a complete picture of the City's efforts to improve health and equality.

The **Education and Public Participation Element** recognizes that improving educational opportunities for people of all ages is critical to enhancing quality of life and contributes to developing an active and informed citizenry. This element includes goals and policies related to day care, after school, library, occupational training, and formal and informal life-long learning programs in addition to community participation.

b. Municipal Code, Zoning Regulations

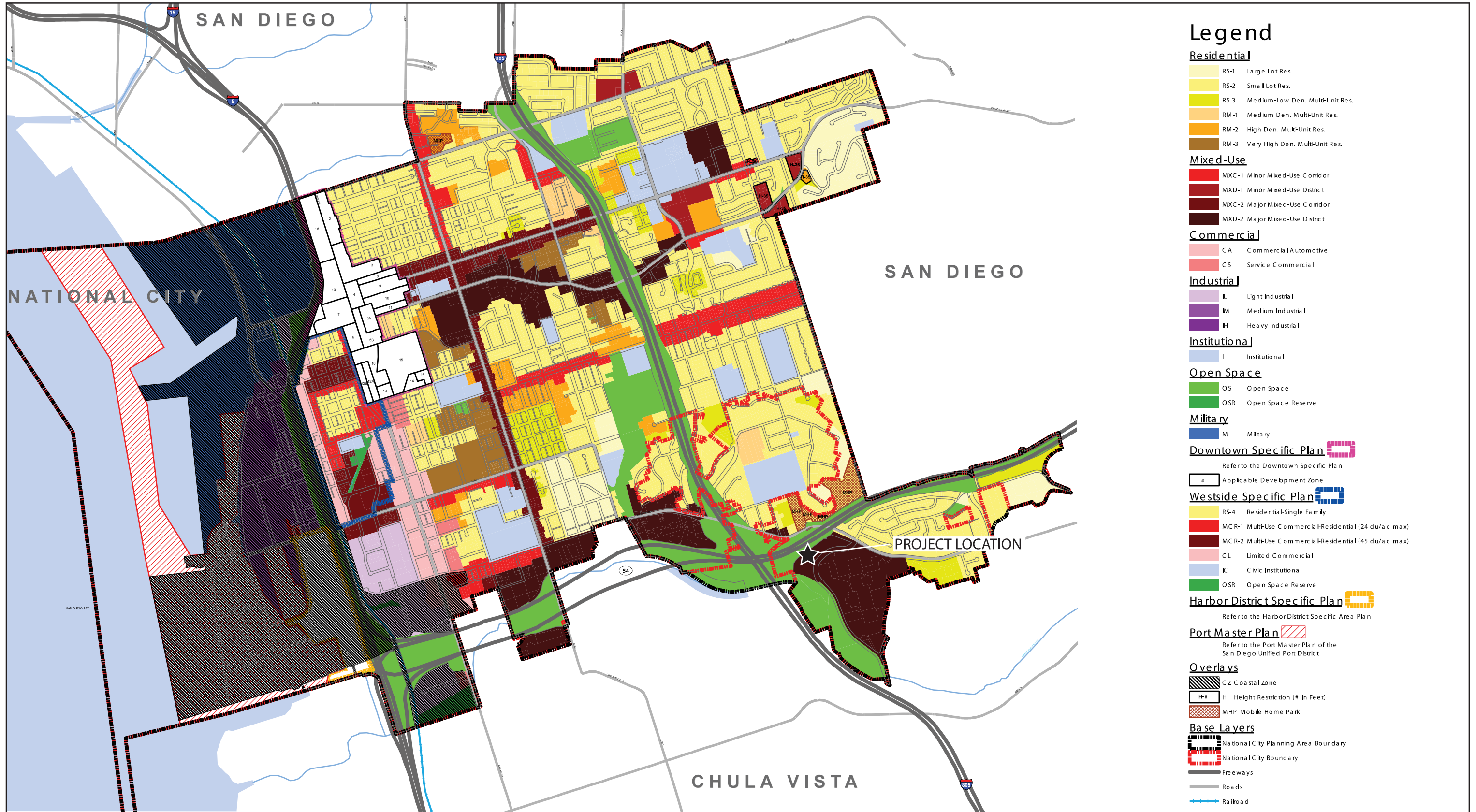
Title 18 of the City's Municipal Code contains the City's zoning regulations that regulates how development occurs within the City. Title 18 of the Municipal Code sets forth specific, enforceable standards such as minimum lot size, maximum building height, minimum building setbacks, and a list of allowable uses. Zoning is applied lot-by-lot based on specific zoning designations identified on the City's Zoning Map. Specific zoning designations define the distribution of residential, commercial, industrial, open space, and other zones based on the pattern of land uses established by the General Plan. The project site is currently zoned as Major Mixed-Use District (MXD-2) on the City's Zoning Map (Figure 4.10-2).

4.10.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to land use are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387). A significant impact related to land use would occur if the project would:

- 1) Physically divide an established community; or
- 2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the General Plan or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Changes in land use, project inconsistencies, or conflicts with a plan do not in and of itself constitute a significant environmental impact. The plan or policy inconsistency would have to result in a physical effect on the environment to be considered significant pursuant CEQA.



Legend

- Residential**
 - RS-1 Large Lot Res.
 - RS-2 Small Lot Res.
 - RS-3 Medium-Low Den. Multi-Unit Res.
 - RM-1 Medium Den. Multi-Unit Res.
 - RM-2 High Den. Multi-Unit Res.
 - RM-3 Very High Den. Multi-Unit Res.
- Mixed-Use**
 - MXC-1 Minor Mixed-Use Corridor
 - MXD-1 Minor Mixed-Use District
 - MXC-2 Major Mixed-Use Corridor
 - MXD-2 Major Mixed-Use District
- Commercial**
 - CA Commercial Automotive
 - CS Service Commercial
- Industrial**
 - IL Light Industrial
 - IM Medium Industrial
 - IH Heavy Industrial
- Institutional**
 - I Institutional
- Open Space**
 - OS Open Space
 - OSR Open Space Reserve
- Military**
 - M Military
- Downtown Specific Plan**
 - Refer to the Downtown Specific Plan
 - # Applicable Development Zone
- Westside Specific Plan**
 - RS-4 Residential-Single Family
 - MC R-1 Multi-Use Commercial-Residential (24 du/a/c max)
 - MC R-2 Multi-Use Commercial-Residential (45 du/a/c max)
 - CL Limited Commercial
 - IC Civic Institutional
 - OSR Open Space Reserve
- Harbor District Specific Plan**
 - Refer to the Harbor District Specific Area Plan
- Port Master Plan**
 - Refer to the Port Master Plan of the San Diego Unified Port District
- Overlays**
 - CZ Coastal Zone
 - H-H Height Restriction (# In Feet)
 - MHP Mobile Home Park
- Base Layers**
 - National City Planning Area Boundary
 - National City Boundary
 - Freeways
 - Roads
 - Railroad



FIGURE 4.10-2
Zoning Map

4.10.3 Issue 1: Physically Divide an Established Community

Would the project physically divide an established community?

4.10.3.1 Impact Analysis

Physical division of a community can occur from the placement of major infrastructure (e.g., roadways or transmission lines) through an established community. The project would not physically divide the surrounding community, rather it would provide infill development on a vacant parcel surrounded by existing commercial, residential, and transportation facilities. The project site is undeveloped and is surrounded by the Westfield Plaza Bonita Mall to the southeast, State Route 54 and Sweetwater Road to the north, and Sweetwater Regional Park to the southwest. The project would be constructed entirely on the project site and would not impact any of the surrounding land uses, including the segment of the Sweetwater Loop and River Trail south of the project site. The project would be accommodated by existing services available in the adjacent Plaza Bonita Road and no extension of facilities into unserved areas would be required. Existing roadways would serve the project and no new roadways or expansion of roadways would be required to accommodate the project. No significant extension of public utilities would be required, as existing pipelines for water and wastewater are located on the project site. As a result, the project would complement the surrounding land uses and would not physically divide an established community. Impacts would be less than significant.

4.10.3.2 Significance of Impacts

The project does not include any features that would have the potential to physically divide an established community. Impacts would be less than significant.

4.10.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.10.4 Issue 2: Conflicts with Applicable Plans and Zoning

Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation (including but not limited to the General Plan or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

4.10.4.1 Impact Analysis

General Plan

The General Plan provides goals and policies that guide the development in the City. General Plan Elements and issues that relate specifically to the project include the Land Use and Community Character; Circulation; Safety; Noise and Nuisance; Open Space and Agriculture; Conservation and Sustainability; and Health and Environmental Justice Elements. Each element was reviewed to identify applicable environmental policies. The text of each applicable General Plan policy is identified in Table 4.10-1 (located at the end of this section) including a summary analysis of the project's consistency with the applicable policy. As demonstrated in Table 4.10-1, the project would be consistent with applicable environmental General Plan policies.

The project site is currently designated as Major Mixed-Use on the General Plan Land Use Map. Implementation of the project would conflict with this designation because the Major Mixed Use land use category does not allow for the development of auto sale land uses. However, a General Plan Amendment is proposed to change the existing General Plan designation of the CarMax portion of the project parcel from Major Mixed-Use to Service Commercial. The Service Commercial designation provides for intensive commercial activities, specialized service establishments, and other compatible uses. Auto sale uses are permitted within the Service Commercial designation. The General Plan designation for the earthen channel portion of the project parcel would be amended to Open Space for consistency with the proposed preservation of this area. ~~The General Plan designation for the Offsite Area would also be amended to Open Space.~~ Therefore, processing the proposed General Plan Amendment would ensure consistency with the General Plan, and impacts would be less than significant.

Zoning

The project site is currently zoned as Major Mixed-Use District (MXD-2) on the City's Zoning Map. Implementation of the project would conflict with this zoning designation because the MXD-2 zoning category does not allow for the development of auto sale land uses. However, the project proposes a rezone to change the existing MXD-2 zone on the CarMax portion of the project parcel to Service Commercial (CS). The CS zone provides for intensive commercial activities; specialized service establishments; light manufacturing, wholesaling, and distribution uses that operate in a clean and quiet manner; and supporting and complimentary uses. The purpose of the CS zone, along with other commercial zones, is to:

1. Provide areas in which business may be conducted, goods sold and distributed, public and private services rendered, and such other activities provided which are related to the function of commercial development;
2. Ensure compatibility of the various commercial areas with adjacent land uses; and
3. Implement the General Plan by concentrating the locations of intensive commercial uses.

The earthen channel portion of the project parcel would be rezoned to Open Space (OS) for consistency with the proposed conservation of this area of the site. ~~The Offsite Area would also be rezoned to Open Space.~~

Additionally, the project includes an amendment to the zoning code (LUC amendment), specifically to Table 18.22.020 Allowed Land Uses Commercial Zones, to allow auto sales in the CS zone subject to approval of a conditional use permit (CUP). Consistent with the proposed General Plan Amendment, rezone and LUC amendment, a CUP would be required to allow development of the proposed project. Therefore, processing the Zoning Designation Amendment, LUC Amendment, and CUPs would ensure consistency with the zoning code, and impacts would be less than significant.

4.10.4.2 Significance of Impacts

The project would not conflict with any environmental policies of the General Plan. Processing the proposed General Plan Amendment, Zoning Designation Amendment, LUC Amendment, and CUPs would ensure consistency with the General Plan and zoning code. Impacts would be less than significant.

4.10.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
Land Use Element	
<p>Policy LU-1.2: Concentrate commercial, mixed-use, and medium to high density residential development along transit corridors, at major intersections, and near activity centers that can be served efficiently by public transit and alternative transportation modes.</p>	<p>Consistent: The project is located adjacent to the Interstate 805/State Route 54 (I-805/SR-54) interchange to the west and the Sweetwater Road/Plaza Bonita Road intersection to the east. Additionally, Metropolitan Transit System (MTS) bus routes 961 and 963 serve bus stops at the intersection of Sweetwater Road and Plaza Bonita Road, which is located approximately 1,300 feet from the center of the project site, and MTS bus route 705 serves a bus stop on the east side of the Westfield Plaza Bonita Mall, which is about 2,900 feet from the center of the project site.</p>
<p>Policy LU-1.5: Consider the effects of land use proposals and decisions on the region and efforts to maintain a jobs-housing balance.</p>	<p>Consistent: Implementation of the project would create jobs associated with the CarMax facility that would improve the existing jobs-housing balance.</p>
<p>Policy LU-2.6: Support development and redevelopment that creates jobs for all income levels.</p>	<p>Consistent: Implementation of the project would create jobs associated with the CarMax facility that would employ National City (City) residents at a variety of income levels.</p>
<p>Policy LU-3.1: Work with neighboring jurisdictions in planning contiguous areas in order to ensure compatible land uses.</p>	<p>Consistent: The City has coordinated with the County of San Diego on the project. The County of San Diego currently has an easement on the property that would be relinquished in order to develop the project. Relinquishment of the easement would occur once the City and the County had reached satisfactory agreement on use of the project site. Furthermore, implementation of the project would not impact the portion of the County of San Diego Sweetwater Regional Park located south of the project site.</p>
<p>Policy LU-3.4: Regulate development in areas with a high threat to life and property, such as floodplains, to minimize adverse impacts. Areas covered by the General Plan that are subject to flooding are identified in Figures LU-4a and LU4b and will be reviewed annually.</p>	<p>Consistent: Figures LU-4a and LU-4b identify the western portion of the project site as located within the 100-year floodplain. Project construction would import approximately 150,548 cubic yards to increase elevations at the project site by 5 to 10 feet. These proposed elevation increases would raise all portions of the project site that would be utilized for the CarMax facility structures out of the 100-year floodplain. Consequently, the only portions of the project site that would remain within the 100-year floodplain would be</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
	associated with the earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain which outlets to the Sweetwater River. Furthermore, the project would prohibit access to these portions of the project site that would remain within the 100-year floodplain.
Policy LU 4.3: Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.	Consistent: The project represents infill development because it would be constructed on a vacant parcel surrounded by I-805 to the west, SR-54 to the north, the Westfield Plaza Bonita Mall to the east, and the Sweetwater Regional Park to the south.
Policy LU-5.6: Support the expansion and revitalization of the Westfield Plaza Bonita Mall.	Consistent: Although the project would not directly affect the Westfield Plaza Bonita Mall, construction of the CarMax facilities would support the mall by introducing new commercial destinations nearby.
Policy LU-5.11: Support efforts to reduce unemployment rates for city residents.	Consistent: Implementation of the project would help to reduce unemployment rates for City residents by creating jobs associated with the CarMax facility.
Policy LU-6.4: Work with and understand the planning efforts of the adjacent cities of San Diego and Chula Vista, special districts, service providers, and San Diego County, as well as regional, State, and federal agencies when implementing the General Plan.	Consistent: The City has coordinated with the County of San Diego on the project. The County of San Diego currently has an easement on the property that would be relinquished in order to develop the project. Relinquishment of the easement would occur once National City and the County had reached satisfactory agreement on use of the project site. Furthermore, implementation of the project would not impact the portion of the County of San Diego Sweetwater Regional Park located south of the project site.
Policy LU-7.1: Establish incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.	Consistent: The project represents infill development because it would be constructed on a vacant parcel surrounded by I-805 to the west, SR-54 to the north, the Westfield Plaza Bonita Mall to the east, and the Sweetwater Regional Park to the south.

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy LU-7.3: Plan and direct growth to areas where the existing infrastructure system has the capacity to handle additional development.</p>	<p>Consistent: Existing water, storm water, and sanitary sewer pipelines exist that the CarMax facilities would connect to. Additionally, water, storm water and sanitary sewer pipelines are present in the surrounding area servicing the existing Westfield Plaza Bonita Mall and residential units near the project site.</p>
<p>Policy LU-8.1: Require new development, including infill projects, to provide fair share contributions toward the costs of the public facilities, services, and infrastructure necessary to serve the development, including, but not limited to, transportation, water, sewer and wastewater treatment, solid waste, flood control and drainage, schools, fire and police protection, and parks and recreation.</p>	<p>Consistent: The project would be required to submit all development impact fees consistent with the requirements of the City’s Building Department during the permit application and review process. The Planning Division would issue a building permit upon receipt of adequate development impact fees.</p>
<p>Policy LU-8.2: Ensure that development impact fees reflect the costs of improvements.</p>	<p>Consistent: The project would be required to submit all development impact fees consistent with the requirements of the City’s Building Department during the permit application and review process. The Planning Division would issue a building permit upon receipt of adequate development impact fees.</p>
<p>Policy LU-8.3: Development should only occur when adequate infrastructure is available to serve it.</p>	<p>Consistent: The project would connect to existing wastewater and water pipelines that currently cross the project site. Additionally, the project would construct a 4.39-acre earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain which outlets to the Sweetwater River.</p>
<p>Policy LU-9.1: Design developments along mixed-use and “community corridors” for the comfort and enjoyment of pedestrians and bicyclists. This includes features such as street trees, placing buildings close to the street, deemphasizing parking lots and garages, limited driveway cuts, traffic-calming features, clearly defined street crossings, adequate lighting, and street furnishings where appropriate.</p>	<p>Consistent: The project would introduce a sidewalk on Plaza Bonita Road along the eastern boundary of the project site that would provide pedestrian access to the CarMax facilities. The project would also implement a landscape concept plan that would introduce street trees, landscaping, and adequate lighting that would provide comfort and enjoyment for pedestrians.</p>
<p>Policy LU-9.5: Apply design standards that promote the use of high quality building materials, architectural and site designs, landscaping, signage, and amenities.</p>	<p>Consistent: The project would comply with all applicable design standards identified in Title 18 of the Municipal Code (Land Use Code).</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy LU-11.1: Continue to use Design Guidelines and Landscape Guidelines when reviewing development applications to ensure that proposed development is compatible with its surroundings and contributes to a positive image of National City.</p>	<p>Consistent: The project would comply with all applicable design standards identified in Title 18 of the Municipal Code (Land Use Code) pertaining to landscaping.</p>
<p>Policy LU-12.1: Encourage building placement, orientation, height, and mass to maintain and enhance views of San Diego Bay, open space, creeks, and other distinctive scenic resources.</p>	<p>Consistent: San Diego Bay is not visible from the project site. Views of the Sweetwater River are only available from the concrete levee that separates the project site from the Sweetwater River. The project would not affect the existing concrete levee, and project design would include adequate setbacks to ensure that views of the Sweetwater River are not blocked.</p>
<p>Circulation Element</p>	
<p>Policy C-1.1: Allow, encourage, and facilitate transit-oriented development, mixed-use, and infill projects in appropriate locations to reduce vehicular trips, especially near the 8th Street and 24th Street trolley stops, the future South Bay Bus Rapid Transit Station (BRT), and along major transportation corridors such as 8th Street, Highland Avenue, Plaza Boulevard, and 30th Street/Sweetwater Road.</p>	<p>Consistent: The project may reduce vehicle trips for business patrons by introducing an additional type of commercial facility adjacent to the Westfield Plaza Bonita Mall. The project represents infill development because it would be constructed on a vacant parcel surrounded by the I-805 to the west, SR-54 to the north, Westfield Plaza Bonita Mall to the east, and the Sweetwater Regional Park to the south.</p>
<p>Policy C-1.4: Require new development and redevelopment to apply universal design standards.</p>	<p>Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code. Site Plan review would include an evaluation of whether the project design would utilize universal design standards. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.</p>
<p>Policy C-1.6: Exact fees on new development and redevelopment sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system, including multi-modal facilities, and/or directly mitigate its impacts to the transportation system through construction of improvements.</p>	<p>Consistent: The project would be required to submit all development impact fees consistent with the requirements of the City’s Building Department during the permit application and review process. The Planning Division would issue a building permit upon receipt of adequate development impact fees.</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy C-2.3: Strive to attain an automobile Level of Service (LOS) of D or better (or an equivalent standard under another analytical methodology). An automobile LOS of E or F may be acceptable under the following circumstances: 1) improvements necessary to attain a automobile LOS of D or better would decrease the effectiveness of the nonautomotive components of the multi-modal circulation system (i.e. pedestrians, bicyclists, mass/public transit, etc.), or 2) improvements necessary to increase the effectiveness of the non-automotive components of the multimodal transportation system result in a decrease in automobile LOS.</p>	<p>Consistent: As described in Section 4.13.3.2, all street segments and intersections would operate at level of service (LOS) D or better, with the exception of the intersection of Sweetwater Road at Euclid/Interstate 805 (LOS E PM). However, this intersection operating at LOS E would not constitute a significant impact since it would operate at LOS E under the Horizon Year 2030 conditions without the project. Therefore, implementation of the project would not decrease LOS at the intersection of Sweetwater Road at Euclid/Interstate 805 compared to the Horizon Year 2030 conditions without the project.</p>
<p>Policy C-5.2: Require new development and redevelopment to locate off-street parking facilities behind storefronts to create a more inviting environment adjacent to the street, where feasible.</p>	<p>Consistent: The project would utilize a staging area lot that would be located behind the future CarMax service and sales buildings.</p>
<p>Policy C-5.5: Require the use of universal design standards in parking design and compliance with the Americans with Disabilities Act accessibility guidelines.</p>	<p>Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code. Site Plan review would include an evaluation of whether project design would utilize universal design standards in parking design consistent with the requirements of Municipal Code Section 18.45.090. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.</p>
<p>Policy C-5.10: Require new development and redevelopment to provide sufficient parking. In determining what constitutes sufficient parking, the City may take into consideration: 1) the overall effectiveness of the circulation system as a whole (i.e., pedestrians, bicyclists, motorized vehicles, etc.); 2) the particular needs of a specific location and/or project, and 3) the need for increased densities and mixed-use development intended to aid in the reduction of personal vehicle use and the corresponding reduction in air pollution, energy consumption, greenhouse gas emissions, and other environmental effects.</p>	<p>Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code. Site Plan review would include an evaluation of whether project design would provide sufficient parking consistent with the requirements of Municipal Code Section 18.45.100. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
Safety Element	
<p>Policy S-1.1: Rely on the most current and comprehensive geologic hazard mapping available to assist in the evaluation of potential seismic hazards (including, but not limited to, surface rupture, ground shaking, ground failure, and seiche) associated with new development and redevelopment.</p>	<p>Consistent: The Geotechnical Evaluation prepared for the project determined that there are no known active faults crossing the project site, nor is the project site located within an earthquake fault zone as defined by the State of California. Furthermore, compliance with City regulations, the California Building Code (CBC), and adherence to the grading and site preparation recommendations presented in the Geotechnical Evaluation would reduce impacts associated with ground shaking and ground failure to a level less than significant.</p>
<p>Policy S-1.2: Enforce development standards and building restrictions as a means to limit seismic-related risks to acceptable levels.</p>	<p>Consistent: Compliance with City regulations, the CBC, and adherence to the grading and site preparation recommendations presented in the Geotechnical Evaluation would reduce impacts associated with seismic-related risks to a level less than significant.</p>
<p>Policy S-1.3: Require new development and redevelopment to comply with recognized standards for geologic hazards, soils (including but not limited to subsidence and liquefaction), and seismic hazards to ensure public safety.</p>	<p>Consistent: Compliance with City regulations, the CBC, and adherence to the grading and site preparation recommendations presented in the Geotechnical Evaluation would reduce impacts associated with geologic hazards, soils (including but not limited to subsidence and liquefaction), and seismic hazards to a level less than significant.</p>
<p>Policy S-1.4: Control site preparation procedures and construction phasing to reduce erosion and exposure of soils to the maximum extent possible.</p>	<p>Consistent: The project would implement construction best management practices (BMPs) identified in the Storm Water Quality Management Plan that would reduce erosion and exposure of soils to the maximum extent possible.</p>
<p>Policy S-2.2: Ensure that new development adequately provides for on- and off-site mitigation of potential flood hazards and drainage problems.</p>	<p>Consistent: The project would construct a 4.39-acre earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain which outlets to the Sweetwater River to convey storm water to the San Diego Bay. The project would also include development of a 0.52 acre bioretention basin to collect storm water and manage flowrates.</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy S-2.6: Allow for modification of land within the 100-year flood zone where necessary to protect the safety of existing and future developments.</p>	<p>Consistent: The Safety Element identifies the western portion of the project site as located within the 100-year floodplain. Project construction would net import approximately 150,548 cubic yards to increase elevations at the project site by 5 to 10 feet. These proposed elevation increases would raise all portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain. Consequently, the only portions of the project site that would remain within the 100-year floodplain would be associated with the earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain which outlets to the Sweetwater River. Furthermore, the project would prohibit access to these portions of the project site that would remain within the 100-year floodplain.</p>
<p>Policy S-2.7: Require new development and significant redevelopment projects to assess stormwater runoff impacts on the local and regional storm drain and flood control system, and to develop detention and drainage facilities to ensure that increased risks of flooding do not result from development.</p>	<p>Consistent: An SWQMP was prepared for the project that identified both construction and operational BMPs for the management of storm water runoff. Additionally, the project would construct a 4.39-acre earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain which outlets to the Sweetwater River to convey storm water to the San Diego Bay. The project would also include development of a 0.52-acre bioretention basin to collect storm water and manage flowrates.</p>
<p>Policy S-2.8: Promote the use of bioswales, tree wells, green roofs, and other infiltration mechanisms to reduce of the volume of stormwater runoff.</p>	<p>Consistent: The project would include development of a 0.52-acre bioretention basin to reduce the volume of storm water flow and allow for infiltration.</p>
<p>Policy S-2.9: Prohibit the construction of flood barriers within the 100-year flood zone which would divert flood water or increase flooding in other areas.</p>	<p>Consistent: The project would import approximately 150,548 cubic yards to increase elevations at the project site by 5 to 10 feet. These proposed elevation increases would raise all portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain.</p>
<p>Policy S-5.6: Adopt and enforce requirements for emergency access in new development and redevelopment.</p>	<p>Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code.</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
	Site Plan review would include an evaluation of whether project design would provide adequate emergency access consistent with the requirements of Municipal Code Section 18.45.100. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.
<p>Promote the use of Crime Prevention through Environmental Design (CPTED) concepts, including, but not limited to:</p> <ul style="list-style-type: none"> • Establishing public spaces that encourage activity, site cleanliness, rapid repair, and removal or refurbishment of decayed physical elements. • Providing for natural surveillance of outdoor spaces through proper placement of windows in surrounding buildings, lighting, and landscaping. • Establishing natural access controls into and around private property through the use of doors, shrubs, fences, and gates. • Distinguishing between private and public space through the use of landscaping, front porches, and other design elements, where appropriate. 	Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code. Site Plan review would include an evaluation of whether project design would utilize CPTED concepts. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.
Policy S-8.4: Proposed development shall be evaluated to determine the applicability of preparing a Hazardous Materials Management Plan (HMMP), stormwater pollution prevention plan (SWPPP), Standard Urban Storm Water Mitigation Plan, (SUSWMP), Jurisdictional Urban Runoff Management Program (JURMP), stormwater Best Management Practices, and additional site-specific assessments including research, file reviews, and/or Phase I Environmental Assessments.	Consistent: A Storm Water Quality Management Plan (SWQMP) with BMPs and Phase 1 Environmental Assessment were prepared for the project that identified measures that would reduce all impacts to a level less than significant.

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
Noise and Nuisance Element	
Policy NN-1.3: Reduce transportation noise impacts on new and existing development through the inclusion of appropriate noise reduction strategies (e.g., setbacks, noise barriers, building design, materials, etc.) in new development and redevelopment projects.	Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code. Site Plan review would include an evaluation of whether project design would utilize appropriate noise reduction strategies. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.
Policy NN-2.5: Require development to minimize the exposure of neighboring properties to excessive noise levels from construction-related activity during all phases of construction.	Consistent: As described in Section 4.10.5.1, the project would comply with the City Municipal Code Section 12.10.160 during construction, As shown in Table 4.10-7, compliance with the City Municipal Code Section 12.10.160 would ensure that construction noise levels would range from 53 to 60 dB(A) L_{eq} at adjacent uses, which would be acceptable noise levels.
Policy NN-3.3: Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise-compatible land use (shown on Table NN-5) and the Noise Contour Exhibits (shown on Figures NN-1 and NN-3) to minimize the effects on noise-sensitive land uses.	Consistent: Noise modeling presented in Table 4.10-6 determined that noise levels at the property line due to on-site noise sources would range from 29 to 40 dB(A) L_{eq} , and would not exceed the most restrictive noise limit of 45 dB(A) L_{eq} .
Policy NN-3.4: Require an acoustical study when required by Title 24 California Code of Regulations (California Building Code) for proposed developments, so that noise mitigation measures can be included in the project design.	Consistent: A Noise Analysis was prepared for the project (Appendix J) that evaluated potential impacts consistent with the requirements of Title 24 California Code of Regulations (California Building Code). The Noise Analysis determined that all impacts would be less than significant or could be mitigated to a level less than significant.
Policy NN-4.2: Reduce the number of complaints and/or violations associated with offensive odors, spray paint, sandblasting compounds, use of insecticides or other noxious substances.	Consistent: The project does not include heavy industrial or agricultural uses that are typically associated with odor complaints. During construction, diesel equipment may generate some nuisance odors. However, exposure to odors associated with project construction would be short term and temporary in nature. Furthermore, the project would not utilize spray paint, sandblasting compounds, insecticides or other noxious substances.

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy NN-4.7: Minimize light pollution through attention to site design including the appropriate placement of outdoor lighting and signage, and discouraging lighting where not required for safety and or business operations.</p>	<p>Consistent: Per Section 18.12.070 of the City’s Municipal Code, the project would be required to submit a site plan to the Planning Division for review to ensure consistency with the Land Use Code. Site Plan review would include an evaluation of whether project design would utilize appropriate measures to minimize light pollution consistent with the requirements of Municipal Code Section 18.46. The Planning Division would issue a building permit upon approval of a site plan determined to be consistent with the Land Use Code.</p>
Open Space and Agriculture Element	
<p>Policy OS-2.1: Preserve significant habitat and environmentally sensitive areas, including hillsides, streams, and marshes.</p>	<p>Consistent: The project has been designed to avoid impacts to sensitive natural communities to the maximum extent practicable. Implementation of mitigation measures BIO-1 through BIO-4 would reduce impacts to significant habitat and sensitive areas to a level less than significant.</p>
<p>Policy OS-2.2: Preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by working with California Department of Fish and Game to establish a plant palette that is satisfactory and providing for up to 100-foot buffers that protect against development impacts but allow for existing uses and limited future recreational uses.</p>	<p>Consistent: The project would be constructed entirely on the project site and would not encroach into the Sweetwater River. The project would preserve the ecological integrity of the unnamed creek on the project site by constructing a 4.39-acre earthen channel that would traverse the northwestern boundary of the project site. This earthen channel would recontour and redirect approximately 2,012 linear feet of the unnamed creek and preserve the existing drainage pattern and jurisdictional wetlands and waters resources where feasible and mitigate temporary and permanent impacts through compensatory mitigation described in mitigation measure BIO-4 consistent with CDFW requirements.</p>
<p>Policy OS-2.3: Preserve and enhance wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands to the extent feasible.</p>	<p>Consistent: The project has been designed to avoid impacts to wetlands to the maximum extent practicable. Implementation of mitigation measure BIO-4 would reduce impacts to wetland resources to a level less than significant.</p>
<p>Policy OS-2.5: Protect rivers, watersheds, and groundwater as a resource for wildlife through flood control measures and the use of</p>	<p>Consistent: The SWQMP identified both construction and operational BMPs to improve the water quality of runoff.</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
stormwater infiltration best management practices (BMPs) that protect groundwater quality.	Additionally, the project would include development of a 0.52-acre bioretention basin that would filter storm water and allow for groundwater recharge.
Policy OS-2.6: Work with the City of Chula Vista and other responsible agencies to maintain and enhance the Sweetwater River corridor and other key water bodies as an environmental and recreational resource for the community.	Consistent: The CarMax facility would be constructed entirely on the project site and would not impact the adjacent Sweetwater River.
Policy OS-2.7: Ensure that potential impacts to biological resources are carefully evaluated prior to approval of development projects.	Consistent. A Biological Technical Report was prepared for the project that evaluated potential impacts on biological resources and proposed mitigation measures to reduce impacts to a level less than significant (mitigation measures BIO-1 through BIO-4).
Policy OS-2.8: Ensure that development is consistent with all federal, State and regional regulations for habitat and species protection.	Consistent: Implementation of mitigation measures BIO-1 through BIO-4 would ensure consistency with all federal, state, and regional regulations for habitat and species protection.
Policy OS-4.2: Ensure that new developments incorporate street trees and parking lot plantings, where feasible, and work in cooperation with residents and businesses to retain healthy trees as part of the city's streetscape.	Consistent: The project would introduce landscaping materials, including palm trees, deciduous trees, deciduous shrubs, groundcover, and grasses. The majority of the proposed landscaping would occur within a 10-foot-wide landscaping strip along Plaza Bonita Road that would provide for an aesthetically pleasing view of the project site. The conceptual landscape plan would also introduce some features on the interior of the project site.
Policy OS-4.3: Require the retention of trees of significance (such as heritage trees or landmark trees and groves) by promoting stewardship of such trees and ensuring that the design of development projects provide for the retention of these trees wherever possible. Where removal of trees of significance cannot be avoided, the City shall require tree replacement or suitable mitigation. Where feasible, sidewalk realignment may be considered to preserve significant trees.	Consistent: None of the trees on the project site meet the criteria of a Heritage Tree or Landmark Tree. The project site does not have any historical or horticultural value, nor are any of the trees unusual or have very high aesthetic quality.

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy OS-8.4: Consult with property owners and land developers early in the development review process to minimize potential impacts to historic and cultural resources.</p>	<p>Consistent: The Cultural Resources Inventory and Evaluation Report determined that the project would not impact any historic resources or known cultural resources. In the event that earthwork activities inadvertently unearthed unknown archaeological resources, tribal cultural resources, or human remains during construction, implementation of mitigation measure CUL-1: Archaeological Monitoring presented in Section 4.4.4.3 would reduce impacts to a level less than significant. The results of the Cultural Resources Inventory and Evaluation Report are presented in Section 4.4.</p>
<p>Policy OS-8.8: Require monitoring for sub-surface cultural and paleontological resources during grading and construction activities for all development projects.</p>	<p>Consistent: Implementation of mitigation measure CUL-1: Archaeological Monitoring presented in Section 4.4.4.3 and mitigation measure PAL-1: Paleontological Monitoring presented in Section 4.11.3.3 would ensure that monitoring would be conducted for sub-surface cultural and paleontological resources during grading and construction activities.</p>
Conservation and Sustainability Element	
<p>Policy CS-3.1: Protect rivers, watersheds, reservoirs and groundwater as a water supply source through flood control measures and the use of stormwater best management practices (BMPs) that protect water quality.</p>	<p>Consistent: The SWQMP identifies both construction and operational BMPs to be applied that would improve the water quality of runoff that would be conveyed to the Sweetwater River.</p>
<p>Policy CS-3.3: Promote the use of low-impact development (LID) practices in new and existing development, including the use of bioswales, tree wells, pervious materials for hardscape, and other stormwater management practices to increase groundwater infiltration.</p>	<p>Consistent: The project would construct a 4.39-acre earthen channel that would traverse the northwestern boundary and connect to the existing storm drain which outlets to the Sweetwater River, which was identified in the General Plan as one of the main sources of groundwater recharge within the City. The project would also construct a bioretention basin that would allow for groundwater recharge.</p>
<p>Policy CS-4.1: Promote the use of green building practices and low impact development in new and existing development to reduce the use of potable water.</p>	<p>Consistent: As described in Section 3.2.7, the project would utilize water monitoring to reduce the use of potable water.</p>

**Table 4.10-1
Summary of Project Consistency with Environmental Policies of the General Plan**

Implementing Policies	Consistency Evaluation
<p>Policy CS-8.1: Control sources of pollutants and improve and maintain urban runoff water quality through storm water protection measures that are at a minimum consistent with the City’s National Pollution Discharge Elimination System (NPDES) Permit.</p>	<p>Consistent: The SWQMP identified both construction and operational BMPs to be applied that would improve water quality of runoff consistent with the requirements of the NPDES permit.</p>
<p>Policy CS-8.3: Encourage the use of “green” stormwater management and low impact development practices, including green roofs, landscape-based treatment measures, bioswales, tree wells, pervious materials for hardscape, and other techniques that allow for filtering, infiltration, storage and reuse or evaporation of stormwater runoff on-site.</p>	<p>Consistent: The project would include development of a 0.52-acre bioretention basin that would filter storm water, allow for groundwater recharge, and retain water prior to transfer to the Sweetwater River through the proposed earthen channel.</p>
<p>Policy CS-9.1: Promote the use of recycled materials as part of new construction or renovations, including the reuse of existing building shells/elements.</p>	<p>Consistent: The project would utilize recycling practices during construction consistent with City requirements where feasible.</p>
<p>Policy CS-9.2: Require all construction projects to recycle a minimum of 75% of inert construction debris and 50% of all remaining debris and to salvage, recycle, or reuse at least 50% of demolition materials, unless infeasible.</p>	<p>Consistent: The project would utilize recycling practices during construction consistent with City requirements where feasible.</p>
<p>Health and Environmental Justice Element</p>	
<p>Policy HEJ-2.3: Avoid siting new sensitive land uses within 500 feet from the centerline of a freeway, unless such development contributes to smart growth, open space, or transit-oriented goals, in which case the development shall include feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution.</p>	<p>Consistent: Although the project is located adjacent to the I-805/SR-54 interchange, the Air Quality Technical Report determined that the project would not result in any significant impacts, and no mitigation would be required.</p>
<p>Policy HEJ-2.6: Consider air quality impacts, including cumulative impacts, from existing and new development when making land use decisions and limit the number of industrial facilities or uses to prevent cumulative air pollution impacts.</p>	<p>Consistent: The Air Quality Technical Report determined that the project would not result in any significant impacts, including cumulative impacts, and no mitigation would be required.</p>

4.11 Noise

This section evaluates potential impacts associated with project construction, future traffic on local roadways, and operations such as rooftop heating, ventilation, and air conditioning (HVAC) units and is based on the following technical document included as an appendix to the Environmental Impact Report (EIR):

- Noise Analysis for the National City CarMax Project, National City, California (Appendix K; RECON ~~2020e~~2020b).

4.11.1 Existing Conditions

4.11.1.1 Existing Noise Standards

Impacts to sensitive receivers were evaluated in relation to the noise level standards in the National City (City) General Plan. Noise standards in the City are expressed in the hourly equivalent sound level (L_{eq}), an average A-weighted decibel [dB(A)] sound level over a one-hour period, and the community noise equivalent level (CNEL), a 24-hour dB(A) that accounts for frequency correction and the subjective response of humans to noise by adding 5 dB and 10 dB to the evening and nighttime hours, respectively.

a. General Plan

The Noise and Nuisance Element of the City's General Plan establishes noise and land use compatibility standards and outlines goals and policies to achieve these standards. Table 4.11-1 summarizes the land use compatibility standards. As shown, automotive and service commercial land uses are compatible with noise levels up to 70 CNEL and conditionally compatible with noise levels above 70 CNEL.

Table 4.11-1 Land Use – Noise Compatibility Guidelines					
Land Use Category	Exterior Noise Exposure (CNEL)				
	<60	60-65	65-70	70-75	75+
Residential Land Uses					
Single-family, Mobile Homes, Senior Housing		45*	45*	45*	
Multi-family			45*	45*	
Minor Mixed-Use, Major Mixed-Use			45*	45*	45*
Commercial					
Automotive, Service Commercial					
Office					
Shopping Center					
Visitor Accommodations			45*	45*	45*
Industrial					
Institutional					
Infrastructure (water treatment facilities, electrical substations)					
Worship facilities, educational facilities, community centers, libraries, museums and cultural centers		45*	45*	45*	
Open Space, Parks and Recreation					
Community and Neighborhood Parks					
Golf Courses, Athletic Fields					
*Interior noise level					
	Compatible	Indoor Uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level.		
		Outdoor Uses	Activities associated with the land use may be carried out.		
	Conditionally Compatible	Indoor Uses	Building structure must attenuate exterior noise to the indoor noise level. Conventional construction, but with closed windows and fresh air supply systems will normally suffice.		
		Outdoor Uses	Best practices for reducing noise interference should be incorporated to make outdoor activities acceptable.		
	Normally Incompatible	Indoor Uses	If new construction or development does proceed, a detailed acoustical analysis is needed to identify the noise reduction requirements and needed noise insulation features shall be included in the design.		
		Outdoor Uses	Feasible noise mitigation techniques shall be analyzed and incorporated to make the outdoor activities acceptable.		
	Incompatible	Indoor Uses	New construction should not be undertaken.		
		Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.		
SOURCE: City of National City 2011a					

b. Municipal Code

Title 12 of the National City Municipal Code establishes prohibitions for disturbing, excessive, or offensive noise, and provisions such as sound level limits for the purpose of

securing and promoting the public health, comfort, safety, peace, and quiet for its citizens. The sections of Title 12 that are applicable to the project are presented below.

12.06.020 Maximum permissible sound levels by receiving land use.

- A. The noise standards presented in Table III of this chapter [Table 4.11-2] for various categories of land uses defined in Chapter 18.10 of the City's land use code, shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table 4.11-2. Where two or more dissimilar land uses occur on a single property, the more restrictive noise limits shall apply.
- B. Additional land use classifications may be added by resolution of the Planning Commission to reflect both lower and higher existing ambient levels than those shown.
- C. Where doubt exists when making identification of receiving land use, the Planning Commission may make an interpretation in the manner provided by Section 18.134.020 of the land use code.
- D. No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level to exceed the environmental noise level or nuisance noise level, or both, of the applicable limits given in Table 4.11-2 of this chapter at any point on or beyond the boundaries of the property on which the sound is produced.
- E.
 - 1. Environmental noise shall be assessed by the A-weighted equivalent sound level (L_{eq}) for any hour ($L_{eq(h)}$).
 - 2. Nuisance noise shall be assessed as an A-weighted sound level not to be exceeded at any time. Nuisance noise is not subject to hourly averaging as $L_{eq(h)}$. The sound level of an event may be assessed by sound level meters or recording devices, or by other objective methods. However, failure or inability to conduct measurements of the sound level shall not bar enforcement or abatement.
 - 3. Sound levels by receiving land use shall be measured at the boundary of the property on which the sound is produced (generated) or at any point within the boundary of the property affected.
 - 4. Fixed location public utility distribution or fixed transmission facilities, located on or adjacent to a property line shall be subject to noise level limits of this section measured at or beyond six feet from the boundary of the easement upon which the equipment is located.

Table 4.11-2		
Title 12, Section 12.06.020 – Exterior Sound Limit Levels		
Zone	Allowable Noise Level [dB(A) L_{eq}]	
	10 p.m. to 7 a.m.	7 a.m. to 10 p.m.
All residential (less than 9 dwelling units)	45	55
Multi-unit residential (consisting of 9 dwelling units or more and public space)	50	60
Commercial	60	65
Light Industry (Industry east of I-5)	70	70
Heavy Industry (Industry west of I-5)	80	80
SOURCE: National City Municipal Code, Title 12 – Noise Control – Table III.		

12.06.040 Corrections to exterior noise level limits.

- A. If the noise is continuous as defined in Section 12.04.120, the L_{eq} for any hour can be represented by any lesser time period within that hour. Noise measurements of a few minutes only will thus suffice to define the noise level.
- B. If the noise is intermittent as defined in Section 12.04.320, the L_{eq} for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a representative number of noisy/quiet periods. A measurement period of not less than 15 minutes is, however, strongly recommended when dealing with intermittent noise.
- C. In the event the alleged offensive noise contains a steady, audible sound such as a whine, screech, or hum, or contains a repetitive impulsive noise such as hammering or riveting, or contains music or speech, the standard limits set forth in Table 4.11-2 shall be reduced by 5 dB.
- D. If the measured ambient level exceeds that permissible in Table 4.11-2, the allowable noise level standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violation source is not operating.

12.10.160 Construction/Demolition

- A. Except as provided in Section 12.10.160 B, it is unlawful to operate or to allow or cause the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m., or at any time on weekends or holidays, such that the sound there from creates a noise across a residential or commercial real property line that violates the provisions of Section 12.06.020.
- B. Subsection A shall not apply to emergency work performed by public service utilities; work on private property that is necessary for fire and life safety; work permitted pursuant to Chapter 12.16; or, to the use of domestic power tools as allowed in Section 12.10.300.

- C. Noise from construction demolition activities shall not exceed the maximum noise levels at or within the boundaries of affected properties listed in the following schedule at all other times (Table 4.11-3).

Table 4.11-3		
Title 12, Section 12.10.160 – Construction Noise Limit Levels		
	Type I Areas – Residential	Type II Areas – Semi-Residential/Commercial
Mobile Equipment		
Daily, except Sundays and legal holidays, between 7:00 a.m. to 7:00 p.m.	75	85
Stationary Equipment		
Daily, except Sundays and legal holidays, between 7:00 a.m. to 7:00 p.m.	60	70
SOURCE: National City Municipal Code, Title 12 – Noise Control, Section 12.10.160.		

4.11.1.2 Existing Ambient Noise

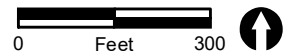
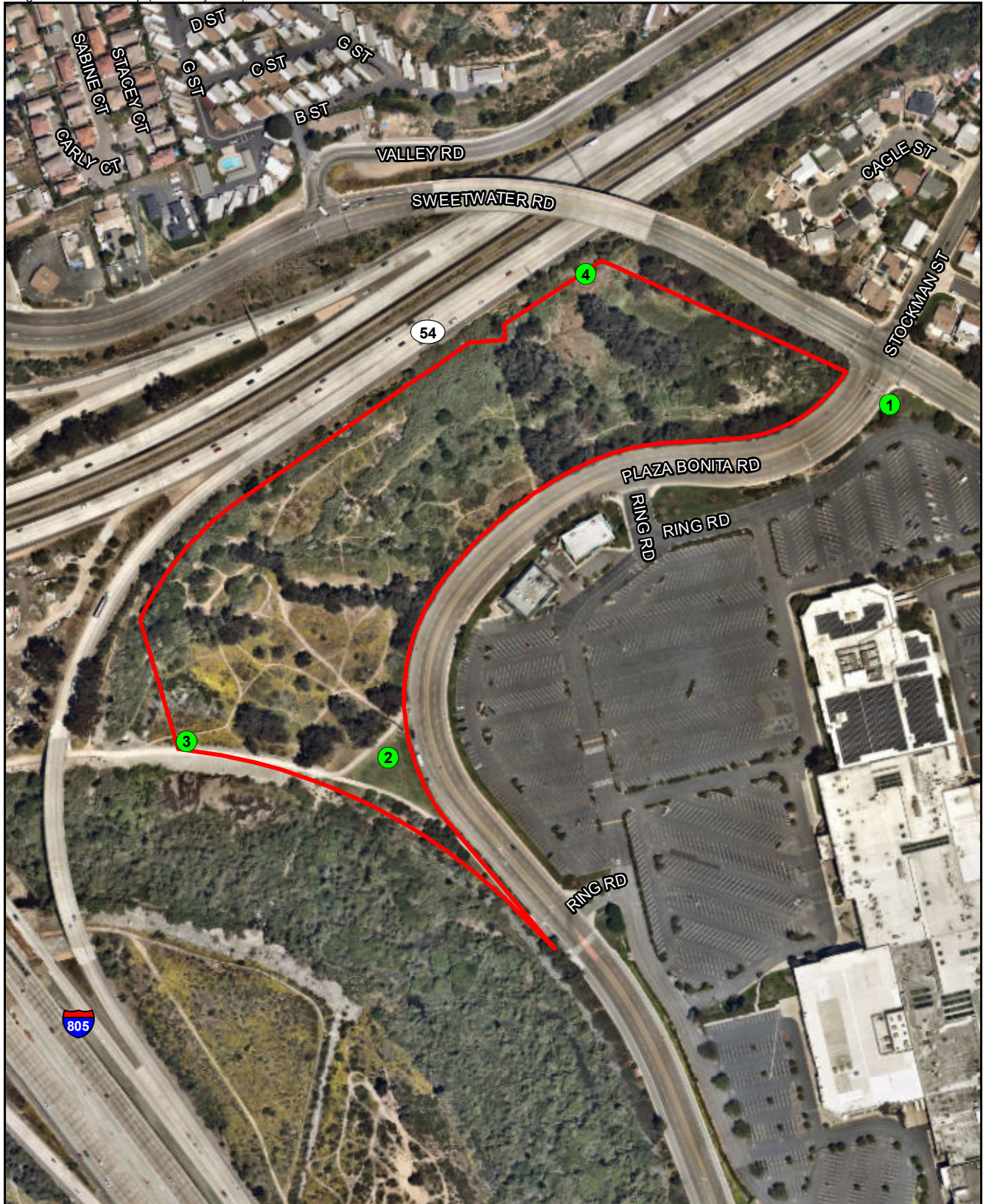
Sources of noise at the project site include vehicle traffic on local roadways. Existing noise levels at the project site were measured on August 9, 2016 to obtain existing ambient noise levels. Four 15-minute measurements (5 feet above the ground) were taken, as described below. The locations of the measurements are shown on Figure 4.11-1.

Measurement 1 was located east of the project site, at the corner of Sweetwater Road and Plaza Bonita Road, approximately 50 feet south of Sweetwater Road. The main noise source at this location was vehicle traffic on Sweetwater Road. Vehicle traffic on State Route 54 (SR-54) and Plaza Bonita Road was also audible. Secondary sources of noise were parking lot activities. Vehicle traffic on Sweetwater Road was counted during the measurement period.

Measurement 2 was located near the southern project boundary, 50 feet west of Plaza Bonita Road. The main noise source at this location was vehicle traffic on Plaza Bonita Road. Vehicle traffic on Interstate 805 (I-805), SR-54, and the ramp from I-805 to SR-54 was also audible. Vehicle traffic on Plaza Bonita Road was counted during the measurement period.

Measurement 3 was located at the southwestern corner of the project site, adjacent to a paved bike path. The main noise source at this location was vehicle traffic on I-805. Vehicle traffic on SR-54 and the ramp from I-805 to SR-54 was also audible.

Measurement 4 was located at the northern project boundary, approximately 50 feet southeast of SR-54. The main noise source at this location was vehicle traffic on SR-54. Vehicle traffic on Sweetwater Road was also audible.





-  Parcel Boundary
-  Noise Measurement Locations

FIGURE 4.11-1

Noise Measurement Locations

Noise measurements are summarized in Table 4.11-4. Traffic counts conducted during Measurements 1 and 2 are summarized in Table 4.11-5.

Measurement	Location	Time	L _{eq}	L ₉₀	Primary Noise Sources
1	50 feet south of Sweetwater Road	10:50 a.m. – 11:05 a.m.	65.8	60.7	Vehicle traffic on Sweetwater Road
2	50 feet west of Plaza Bonita Road	11:26 a.m. – 11:41 a.m.	64.6	62.9	Vehicle traffic on Plaza Bonita Road
3	Southwest corner of project site, near I-805	11:53 a.m. – 12:08 p.m.	66.0	63.6	Vehicle traffic on I-805
4	50 feet southeast of SR-54	12:32 p.m. – 12:47 p.m.	73.0	70.7	Vehicle traffic on SR-54

NOTE: Noise measurement data is contained in Attachment 1.

Measurement	Roadway	Direction	Automobiles	Medium Trucks	Heavy Trucks	Buses	Motorcycles
1	Sweetwater Road	Westbound	106	1	0	1	0
		Eastbound	109	2	0	1	1
2	Plaza Bonita Road	Northbound	31	0	0	0	0
		Southbound	22	0	0	0	1

NOTE: Traffic counts were not conducted during Measurements 3 and 4.

4.11.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to noise are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G and City General Plan Noise policies. A significant impact related to noise would occur if the project would:

- 1) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the noise standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- 2) Generate excessive ground borne vibration or ground borne noise levels; or
- 3) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels.

4.11.3 Issue 1: Ambient Noise

Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the noise standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

4.11.3.1 Impact Analysis

a. Construction Noise

Noise associated with the grading, building, and paving for the project would potentially result in short-term impacts to surrounding residential properties. There are residential uses located to the north and east of the project site. A variety of noise-generating equipment would be used during the construction phase of the project, such as excavators, backhoes, front-end loaders, and concrete saws, along with others. For this analysis, the simultaneous operation of a grader, dozer, loader, excavator, and dump truck was modeled. Simultaneous operation of this equipment would generate an average hourly noise level of 87 dB(A) L_{eq} at 50 feet from the center of construction activity.

Construction noise is considered a point source and would attenuate at approximately 6 dB(A) for every doubling of distance. To reflect the nature of grading and construction activities, equipment was modeled as an area source distributed over the project footprint. The total sound energy of the area source was modeled with all pieces of equipment operating simultaneously. Noise levels were modeled at a series of 12 receivers located at the adjacent commercial and residential uses. The results are summarized in Table 4.11-6. Modeled receiver locations and construction noise contours are presented in Figure 4.11-2.

Receiver	Land Use	Noise Level [dB(A) L_{eq}]
1	Commercial	59
2	Residential	53
3	Residential	60
4	Residential	62
5	Residential	62
6	Residential	62
7	Residential	58
8	Residential	59
9	Residential	58
10	Residential	55
11	Commercial	65
12	Commercial	66

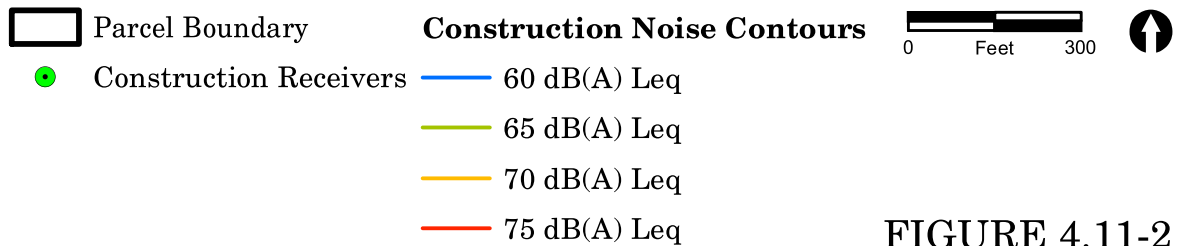
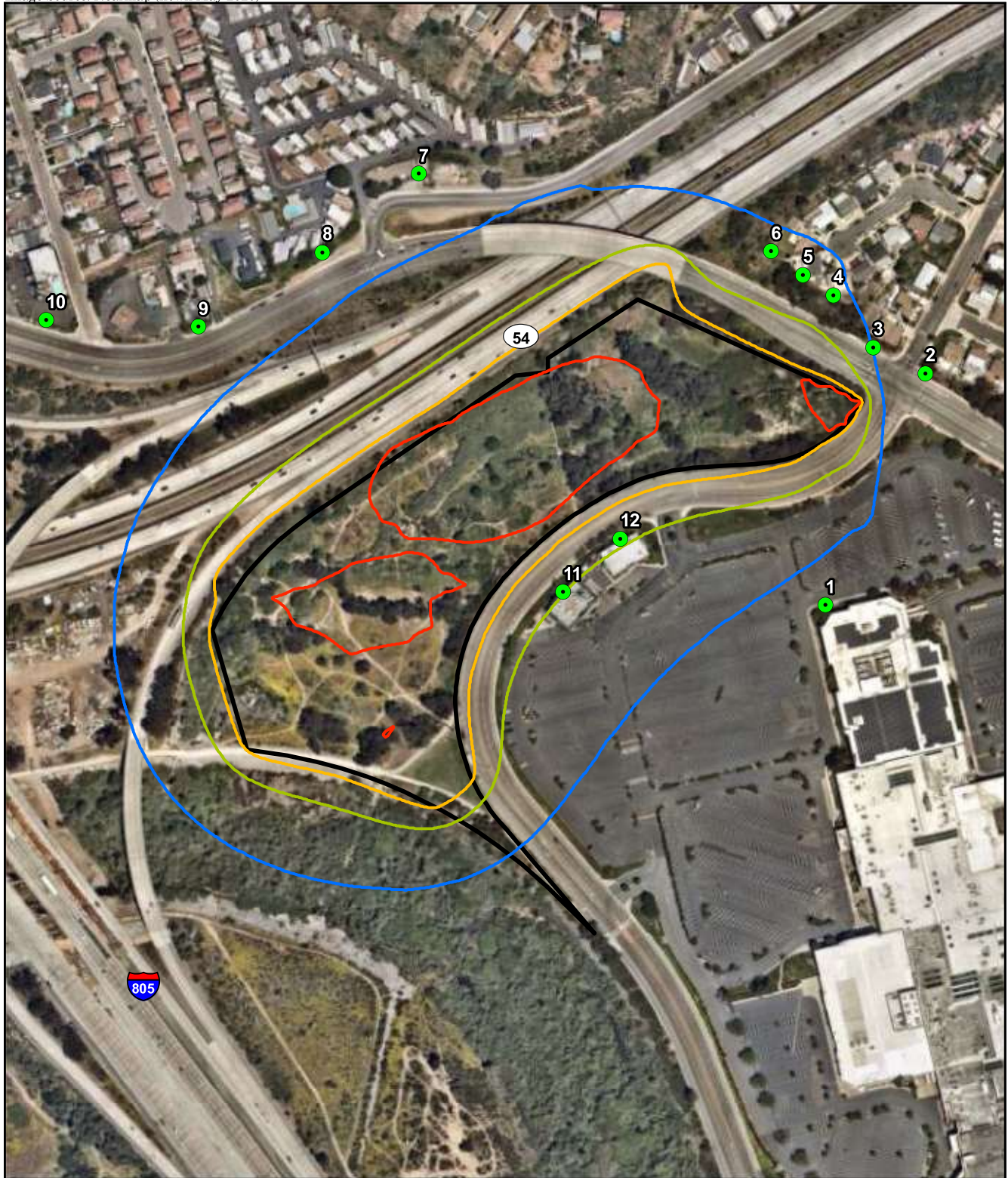


FIGURE 4.11-2
Construction Noise Contours
and Modeled Receivers

As shown in Table 4.11-6, construction noise levels would range from 53 to 66 dB(A) L_{eq} at the adjacent uses. Construction activities would generally occur over the 8-hour period between 7:00 a.m. and 5:00 p.m. on weekdays. Although the existing adjacent uses would be exposed to construction noise levels that may be heard above ambient conditions, the exposure would be temporary and would not exceed the City's standards (see Table 4.11-3). Therefore, project construction would not exceed applicable noise level standards.

Traffic Noise

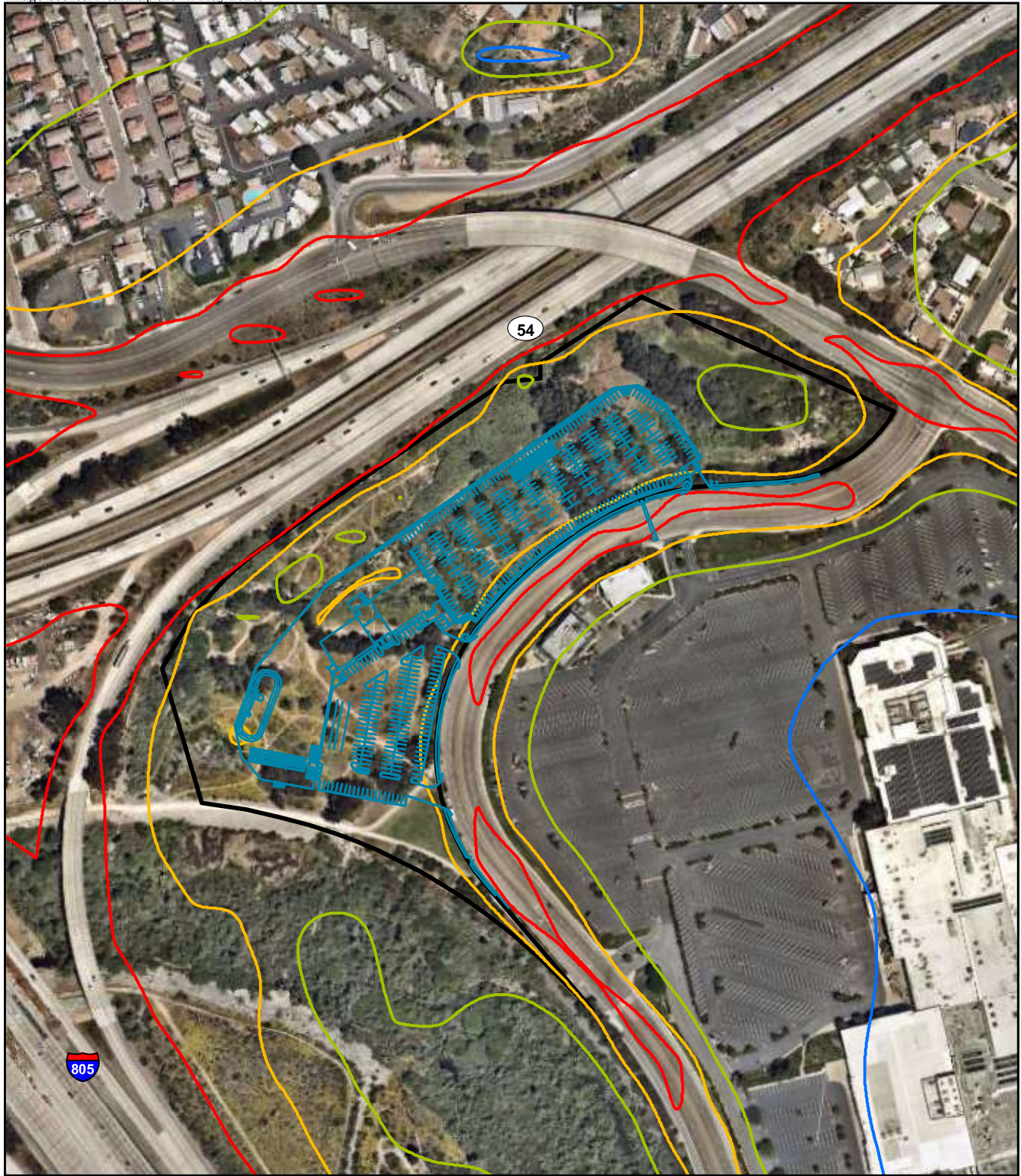
On-Site Traffic Noise







Traffic noise contours were developed using the SoundPLAN program. Noise level contours were modeled at the first-floor level. These contours take into account topography and shielding provided by the proposed buildings. Future vehicle traffic noise-level contours are shown in Figure 4.11-3.

As discussed in Section 4.11.1.1.a above, automotive and service commercial land uses are compatible with noise levels up to 70 CNEL and conditionally compatible with noise levels above 70 CNEL. As shown in Figure 4.11-3, exterior noise levels are projected to be 70 CNEL or less across a majority of the project site and less than 70 CNEL at the proposed buildings, which would be compatible with City standards. Exterior noise levels at the project boundaries immediately adjacent to SR-54 and Plaza Bonita Road would exceed 70 CNEL; however, parking lots would be constructed in these areas and noise levels would not interfere with outdoor activities. Therefore, on-site traffic noise would not result in a permanent increase in ambient noise in excess of applicable noise level standards.

Off-Site Traffic Noise

The project would increase traffic volumes on local roadways. However, the project would not substantially alter the vehicle classifications mix on local or regional roadways, nor would the project alter the speed on an existing roadway or create a new roadway. Therefore, the primary factor affecting off-site noise levels would be increased traffic volumes. While changes in noise levels would occur along any roadway where project-related traffic occurs, for noise assessment purposes, noise level increases are assumed to be greatest nearest the project site, as this location would represent the greatest concentration of project-related traffic. Additionally, surrounding streets affected by the project carry greater volumes of traffic and the relative increase would be less along those segments. The project would generate traffic on nearby roadways. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 daily trips. The vehicles associated with these trips would utilize the surrounding roadway network including Plaza Bonita Road and Sweetwater Road.



-  Parcel Boundary
-  Site Plan
- Vehicle Traffic Noise Contours**
-  60 CNEL
-  65 CNEL
-  70 CNEL
-  75 CNEL


0 Feet 300 

FIGURE 4.11-3
Vehicle Traffic Noise Contours
and Modeled Receivers

Doubling of the energy of a noise source, such as traffic volumes on a roadway, would result in a 3 dB(A) increase in noise levels (California Department of Transportation [Caltrans] 2013). Studies have shown that the average human ear can barely perceive a change in sound level of 3 dB(A). A change of at least 5 dB(A) is considered a readily perceivable change in a normal environment. A 10 dB(A) increase is subjectively heard as a doubling in loudness and would cause a community response. Based on these concepts of perception, 3 dB(A) is conservatively considered a substantial increase in ambient traffic noise levels.

A 3 d(B) increase occurs when there is a doubling of traffic volumes. Traffic volumes on roadways in the vicinity of the project site are much greater than the 939 daily trips that would be generated by the 18,774-square-foot CarMax facility (SANDAG 2020). Consequently, the addition of project traffic to area roadways would not result in a doubling of traffic volumes, and the resulting noise level increase would be less than 3 dB that would not be perceivable. Therefore, off-site traffic noise would not result in a permanent increase in ambient noise levels in excess of applicable noise level standards.

On-Site Generated Noise

Noise sources associated with project operation would include rooftop HVAC units, as well as a blower, vacuum, and air compressor at the proposed carwash. Commercial uses are located south of the project site, single-family residential uses are located east and north of the project site, and a mobile home park is located north of the project site. As shown in Table 4.11-2 above, the applicable limits for low-density residential uses are 55 dB(A) L_{eq} between 7:00 a.m. and 10:00 p.m. and 45 dB(A) L_{eq} between 10:00 p.m. and 7:00 a.m.; the applicable limits for multi-unit residential are 60 dB(A) L_{eq} between 7:00 a.m. and 10:00 p.m. and 55 dB(A) L_{eq} between 10:00 p.m. and 7:00 a.m.; and the applicable limits for commercial uses are 65 dB(A) L_{eq} between 7:00 a.m. and 10:00 p.m. and 60 dB(A) L_{eq} between 10:00 p.m. and 7:00 a.m.

Noise levels were modeled at a series of 12 receivers located at the adjacent property lines. Noise source and modeled receiver locations are shown in Figure 4.11-4. Future projected noise levels are summarized in Table 4.11-7.

As shown in Table 4.11-7, on-site generated noise levels would range from 37 to 43 dB(A) L_{eq} at the residential property lines and 41 to 47 dB(A) L_{eq} at the commercial property lines. These noise levels would not exceed the applicable daytime or nighttime noise limits in the Municipal Code. It should also be noted that the adjacent residential uses to the east are located more than 120 feet from the property line, and the residential uses to the north are located on the opposite side of SR-54. Noise due to on-site noise sources would likely not be audible over existing ambient noise levels due to vehicle traffic noise on the freeways and area roadways. Therefore, on-site generated noise would not result in a permanent increase in ambient noise levels in excess of applicable noise level standards.

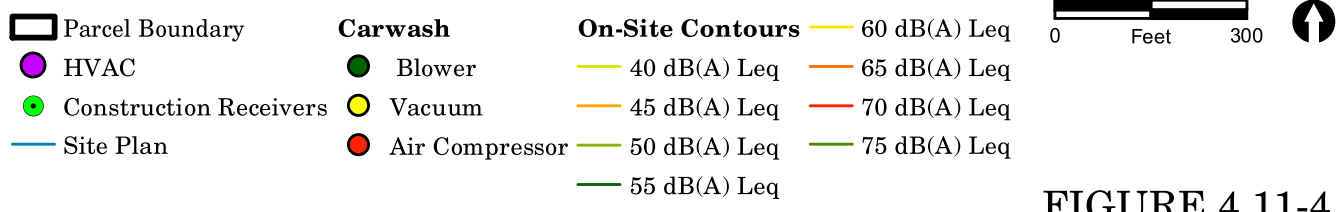
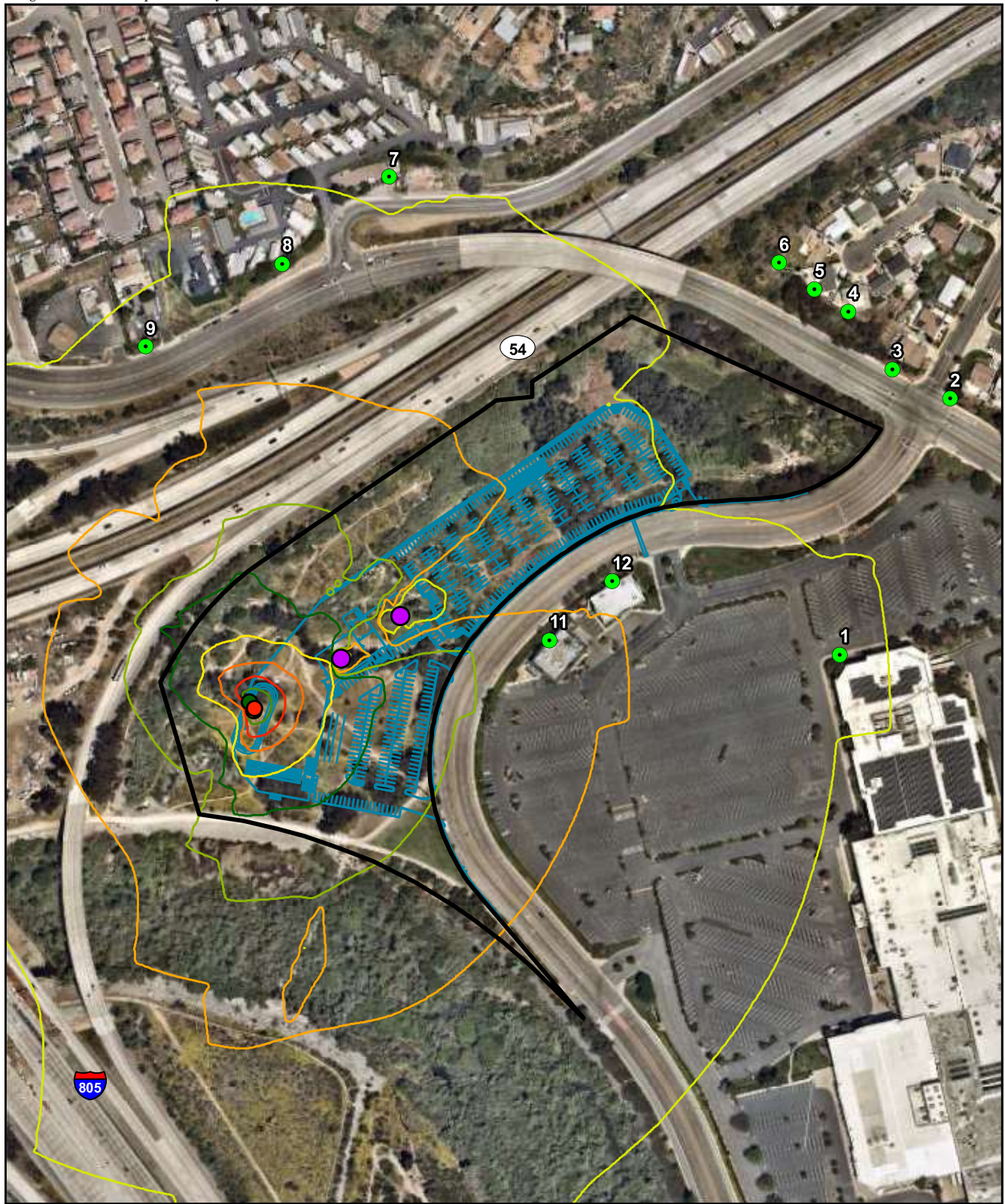


FIGURE 4.11-4
On-Site Noise Contours
and Modeled Receiver Locations

Table 4.11-7 On-Site Generated Noise Levels			
Receiver	Land Use	Applicable Limits Daytime/Nighttime [dB(A) L_{eq}]	Noise Level [dB(A) L_{eq}]
1	Commercial	65/60	41
2	Residential	55/45	37
3	Residential	55/45	38
4	Residential	55/45	38
5	Residential	55/45	38
6	Residential	55/45	37
7	Residential	60/50	40
8	Residential	60/50	42
9	Residential	60/50	43
10	Residential	60/50	38
11	Commercial	65/60	47
12	Commercial	65/60	43

4.11.3.2 Significance of Impacts

Project construction, on-site traffic noise, off-site traffic noise, and on-site generated noise would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the noise standards established in the local general plan and noise ordinance, and impacts would be less than significant.

4.11.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.11.4 Issue 2: Groundborne Vibration

Would the project expose persons to or generate excessive groundborne vibration or groundborne noise levels?

4.11.4.1 Impact Analysis

a. Construction

Construction activities may result in varying degrees of temporary ground vibration, depending on the specific construction equipment used and construction activities taking place.

Caltrans guidelines state, “In most cases, vibration induced by typical construction equipment does not result in adverse effects on people or structures. Noise from the equipment typically overshadows any meaningful ground vibration effects on people. Some equipment, however, including vibratory rollers and crack-and-seat equipment, can create high vibration levels” (Caltrans 2013).

The project is not anticipated to include activities known to cause significant vibration impacts such as pile driving or blasting. Other project construction activities, such as the use of jackhammers, other high-power or vibratory tools, compactors, and tracked equipment, can generate substantial vibration in the immediate vicinity, typically within 25 feet of the equipment. However, the distance from the center of construction activities to adjacent receivers would be greater than 25 feet. As a result, typical construction activities would not generate substantial vibration that would be perceptible to receivers.

Construction activities would generally occur over the 8-hour period between 7:00 a.m. and 5:00 p.m. on weekdays. Therefore, construction activities that produce vibration will only take place during hours with limited potential to cause annoyance or sleep disruption. Thus, the project is not anticipated to generate excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant.

b. Operation

No operational components of the project include significant groundborne noise or vibration sources, and no significant vibration sources currently exist, or are planned, in the project area. Thus, groundborne noise or vibration impacts would be less than significant.

4.11.4.2 Significance of Impacts

The project would not include construction activities known to generate significant vibration and all construction activities would take place during hours with limited potential to cause annoyance or sleep disturbance. Operation would not generate groundborne noise or vibration. Therefore, the project would not generate excessive ground borne vibration or ground borne noise levels, and impacts would be less than significant.

4.11.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.12 Paleontological Resources

This section addresses the potential for the project to impact paleontological resources and is based on review of the following technical document included as an appendix to the environmental impact report (EIR):

- Paleontological Record Search for the CarMax National City Project prepared by the San Diego Natural History Museum (Appendix L; San Diego Natural History Museum 2015).

The project description has been revised, removing all construction-related activity from the California Department of Transportation and City of National City right-of-way (ROW) surrounding the project parcel. As described in this section, soils which have been assigned a high paleontological sensitivity occur within the Offsite Area that is no longer part of the project. However, this section has retained the original impact analysis to provide a conservative analysis.

4.12.1 Existing Conditions

4.12.1.1 Paleontological Resources

Paleontological resources represent a limited, nonrenewable, and impact-sensitive scientific and educational resource. Paleontological resources are the remains and/or traces of prehistoric plant and animal life exclusive of man. Fossil remains such as bones, teeth, shells, and leaves are found in the geologic deposits where they were originally buried. Paleontological resources include not only the actual fossil remains, but also the collecting localities, and the geologic formations containing those localities.

Paleontological resource sensitivities are rated for individual formations and recognize the important relationship between fossils and the geologic formations within which they are entombed. Geologic formations are rated for paleontological resource potential according to the following scale (Deméré and Walsh 1994).

- High Sensitivity: These formations contain a large number of known fossil localities. Generally, highly sensitive formations produce vertebrate fossil remains or are considered to have the potential to produce such remains.
- Moderate Sensitivity: These formations have a moderate number of known fossil localities. Generally, moderately sensitive formations produce invertebrate fossil remains in high abundance or vertebrate fossil remains in low abundance.

- **Low and/or Unknown Sensitivity:** These formations contain only a small number of known fossil localities and typically produce invertebrate fossil remains in low abundance. Unknown sensitivity is assigned to formations from which there are presently no known paleontological resources, but which have the potential for producing such remains based on their sedimentary origin.
- **Very Low Sensitivity:** Very low sensitivity is assigned to geologic formations that, based on their relative youthful age and/or high-energy depositional history, are judged to be unlikely to produce any fossil remains.

Published geological reports (Kennedy and Tan 2005) reveal that the proposed site is predominantly underlain by Holocene-age (less than 10,000 years old) young alluvial floodplain deposits. Deméré and Walsh (1993) have assigned young alluvial floodplain deposits that underlie the majority of the project site a low paleontological resource sensitivity rating. Any biological remains found in these deposits are likely to be modern to sub-fossil. However, small portions of the project site are underlain by late Pleistocene-age (approximately 80,000 to 220,000 years old) old paralic deposits, unit 6, and the Pliocene-age (approximately 1.5 to 3 million years old) San Diego Formation. Both the old paralic deposits, unit 6, and the San Diego Formation have been assigned a high paleontological sensitivity (Deméré and Walsh 1993). Figure 4.12-1 presents the geologic formations underlying the project site.

Site records housed in the Department of Paleontology at the San Diego Natural History Museum document one fossil collecting locality within a half-mile radius of the project site. This locality was discovered in offshore marine deposits of the San Diego Formation. Recovered fossils include internal and external molds of marine invertebrates (e.g., snails, bivalves, and tusk contrast).

4.12.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to paleontological resources are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact related to paleontological resources would occur if the project would:

- 1) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.



Parcel Boundary

Offsite Area

Geologic Formation

Young alluvial floodplain deposits (Holocene and late Pleistocene)

San Diego Formation (early Pleistocene and late Pliocene)

Old paralic deposits, Unit 6 (late to middle Pliocene)

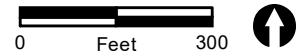


FIGURE 4.12-1
Underlying Geology

4.12.3 Issue 1: Paleontological Resources

Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

4.12.3.1 Impact Analysis

Impacts to paleontological resources typically occur when earth work activities, such as mass excavation projects, cut into geological deposits (formations) within which fossils are buried. These impacts are in the form of physical destruction of fossil remains. Since fossils are the remains of prehistoric animal and plant life, they are considered to be non-renewable. As discussed in Section 4.12.1.1, the majority of the project site is underlain by Holocene-age (less than 10,000 years old) young alluvial floodplain deposits that have been assigned a low paleontological resource sensitivity rating. However, small portions of the project site are underlain by late Pleistocene-age (approximately 80,000 to 220,000 years old) old paralic deposits, unit 6, and the Pliocene-age (approximately 1.5 to 3 million years old) San Diego formations, both of which have been assigned a high paleontological sensitivity (see Figure 4.12-1). Any proposed ground-disturbing activities that extend into previously undisturbed deposits of these two formations would have the potential to impact paleontological resources. The project has been revised to avoid the off-site areas where sensitive soils have been mapped.

The geotechnical investigation prepared for the project determined that existing fill and upper alluvial materials are considered unsuitable for the support of settlement-sensitive structures or additional fill in their current condition. Consequently, the geotechnical investigation recommended that existing fill materials should be completely removed in the area of the proposed building and other settlement-sensitive improvements to depths of approximately 5 feet below the ground surface, or 36 inches below the bottoms of the proposed foundations, whichever is deeper. These excavation activities would have the potential to unearth unknown paleontological resources within the portions of the project site underlain by areas assigned a high paleontological sensitivity. Similarly, project grading within areas assigned a high paleontological sensitivity would also have the potential to unearth unknown paleontological resources.

4.12.3.2 Significance of Impacts

Project excavation and grading within portions of the project site assigned a high paleontological resource sensitivity would have the potential to result in a significant impact.

4.12.3.3 Mitigation

To reduce or avoid potential direct impacts to paleontological resources, implementation of PAL-1 would be required in order to ensure the recovery of any paleontological resource that may be present within soils underlying the project site.

PAL-1: Paleontological Monitoring

1. Monitoring Plan

Prior to any grading on any portion of the project site, a qualified paleontologist shall be retained by the City of National City (City) to prepare a Monitoring Plan. A qualified paleontologist is an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques. No grading permits shall be issued until the monitoring plan has been approved by the Planning Director.

2. Pre-Grading Conference and Paleontological Monitor

- a. A qualified paleontological monitor shall be present at a pre-grading conference with the developer, grading contractor, and the environmental review coordinator. The purpose of this meeting will be to consult and coordinate the role of the paleontologist in the grading of the site. A qualified paleontologist is an individual with adequate knowledge and experience with fossilized remains likely to be present to identify them in the field and is adequately experienced to remove the resources for further study.
- b. A paleontologist or designate shall be present during those relative phases of grading as determined at the pre-grading conference. The monitor shall have the authority to temporarily direct, divert or halt grading to allow recovery of fossil remains. At the discretion of the monitor, recovery may include washing and picking of soil samples for micro-vertebrate bone and teeth. The developer shall authorize the deposit of any resources found on the project site in an institution staffed by qualified paleontologists as may be determined by the Planning Director. The contractor shall be aware of the random nature of fossil occurrences and the possibility of a discovery of remains of such scientific and/or educational importance which might warrant a long-term salvage operation or preservation. Any conflicts regarding the role of the paleontologist and/or recovery times shall be resolved by the Planning Director.

3. Fossil Recovery and Curation

- a. If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (such as complete large mammal skeleton) may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains, such as isolated mammal teeth, it may

be necessary in certain instances, to set up a screen-washing operation on the site.

- b. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged.
- c. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall either be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum or retained by the City and displayed to the public at an appropriate location such as a library or City Hall.

4. Monitoring Report

Prior to occupancy of any buildings a paleontological monitoring report shall be submitted to the Planning Director. This report shall describe all the materials recovered and provide a tabulation of the number of hours spent by paleontological monitors on the site.

4.12.3.4 Significance of Impacts after Mitigation

Preparation of a paleontological monitoring program and presence of a paleontological monitor on-site during grading activities would reduce impacts to a level that is less than significant by ensuring that any buried resources are identified and recovered. Implementation of mitigation measure **PAL-1** would reduce impacts to less than significant.

4.13 Public Services and Recreation

Public services are those functions that serve residents on a communitywide basis. These functions include fire protection and emergency medical services, police protection, parks and recreational facilities, and are discussed below. The following provides a discussion of these services and facilities as they relate to the project.

4.13.1 Existing Conditions

4.13.1.1 Fire Protection/Emergency Medical Services

The National City Fire Department provides fire protection and emergency medical services within the City of National City (City), while the Lower Sweetwater Fire Protection District provides these services to the unincorporated area of Lincoln Acres. The National City Fire Department maintains a staff of 39 personnel who respond to fires, emergency medical calls, rescues, hazardous incidents, and all other emergency and non-emergency calls for service. The National City Fire Department also relies on automatic aid and mutual aid partners, typically from San Diego, Chula Vista, Federal Fire, and the Bonita Fire Protection District.

Fire Station 34 is located approximately 1.9 miles northwest of the project site at 343 East 16th Street. Additionally, Fire Station 31 is located approximately 0.77 mile north of the project site at 2333 Euclid Avenue in unincorporated Lincoln Acres. Additionally, mutual aid partner Chula Vista Fire Station 1 is located approximately 1.7 miles southwest of the project site at 447 F Street in Chula Vista.

4.13.1.2 Police Protection

Police protection services in the City are provided by the National City Police Department, which employs 92 officers and 43 professional staff members. The National City Police Department has one station, which is located approximately 2.2 miles northwest of the project site at 1200 National City Boulevard. The National City General Plan presents average police response times based on five categories, which are shown in Table 4.13-1. The National City Police Department seeks to respond to Priority 1 Calls in less than six minutes, which the Department currently does as shown in Table 4.13-1 below.

Category Time	Category Time
Priority 1 – Emergency	5:04
Priority 2 – Urgent	9:06
Priority 3 – Serious	21:34
Priority 4 – Non-Urgent	38:00
Priority 5 – Self-Initiated/Other	3:38

4.13.1.3 Parks/Recreational Facilities

Park and recreation facilities owned and operated by the City include six public parks, one public plaza, and a nine-hole public golf course. The City park closest to the project site is Sweetwater Heights Park, located approximately 0.45 mile east. Sweetwater Heights Park offers open space for passive recreation, as well as playground equipment and basketball courts. The San Diego Unified Port District operates Pepper Park and the adjacent boat launch/aquatic center within the boundaries of National City. Similarly, a portion of the County of San Diego Sweetwater Regional Park is located within the City limits adjacent to the southern boundary of the project site, separated by an existing levee.

This portion of the Sweetwater Regional Park located south of the project site includes a segment of the Sweetwater Loop and River Trail that follows the path of the Sweetwater River. The City, Port District, and County of San Diego park and recreation facilities located within the City (excluding the public golf course) that are described above provide a combined total of approximately 119 acres of parkland, which affords the City a ratio of 1.9 acres of parkland per 1,000 residents. Additionally, Lincoln Acres County Park owned by the County of San Diego is located outside the City limits but within the National City planning area. The City also operates and maintains several non-park recreational facilities that offer indoor recreational opportunities such as after school youth programs, senior activities, and a community center with events for all ages.

The entire project site was previously subject to an open space and park easement that the City conveyed to the County of San Diego in 1978. However, the City and County of San Diego entered into an Option to Purchase Agreement in April 2007 that would allow the City to purchase the open space easement. In August 2015, the City approved an Option Agreement to allow CarMax to purchase 9.5 acres of the project site, conditioned on the requirement for the City to first purchase the easement from the County. In turn, the County of San Diego would be required to use the proceeds from the sale of the open space easement for enhancements, expansion and/or improvements to the Sweetwater Regional Park, including bicycle/recreational trails adjacent to the Park and within one-mile of the Park.

Although the purchase agreement described above relinquishes all official park and recreation requirements for the property, there are several unofficial trails located on the project site. These include cleared dirt paths that traverse the property and a concrete path

atop the levee on the southern boundary separating the project site from the Sweetwater Regional Park.

4.13.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to public services are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) Result in substantial adverse physical or other environmental impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - i. Fire protection;
 - ii. Police protection;
 - iii. Schools;
 - iv. Parks; and
 - v. Other public facilities;
- 2) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- 3) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.13.3 Issues 1 and 2: Public Services and Recreation

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- i. Fire Protection;*
- ii. Police Protection;*
- iii. Schools;*
- iv. Parks/Recreational Facilities; or*
- v. Other Public Facilities*

Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

4.13.3.1 Impact Analysis

a. Fire Protection/Emergency Medical Services

Since the project site is located in the southeastern portion of the City Planning Area, and is located approximately 1.9 miles from National City Fire Station 34 and approximately 0.77 mile from National City Fire Station 31, it is anticipated that fire response time to the project site would fall within the fire service standard of 7 minutes. Therefore, the project would not require the construction or alteration of any fire or emergency medical facilities.

b. Police Protection

Although the project would not result in an increase to the community population, the construction of CarMax facility would attract more people to the project site, and therefore, may increase the need for police protection. However, the City is currently meeting its goal of responding to Priority 1 calls in less than 6 minutes (City of National City 2011). Based on the existing adequate response time the project would not result in a significant increase in demand in police calls and required police response. Therefore, the project would not require the construction or alteration of any police facilities.

c. Schools

The project would construct a CarMax facility on an undeveloped parcel and would not construct any housing. Therefore, the project would not generate any new student enrollment and would not require new or expanded school facilities.

d. Parks/Recreational Facilities

The project would construct a CarMax facility on an undeveloped parcel and would not construct any housing. Therefore, the project would not result in a substantial increase in the use of parks that would accelerate their physical deterioration nor does the project include the construction of any park facilities that would result in physical impacts.

Although project development would result in the loss of several dirt paths on the property which are informally used for recreation, these are not officially designated trails identified in the National City General Plan or any other planning document. The existing General Plan Designation and Zoning of the project site are Major Mixed-Use and Major Mixed-Use District (MXD-2) respectively, which are not intended for recreational use.

The project would not affect the existing concrete bike path located atop the levee on the southern project boundary separating the project site from the Sweetwater Regional Park. Additionally, as part of the agreement between the City and the County, the City will maintain a 5-foot landscape buffer on the north side of the bike path. Similarly, implementation of the project would not encroach into the Sweetwater Regional Park, and therefore, would not impact the park or nearby segment of the Sweetwater Loop and River Trail (see Figure 3-1).

Furthermore, requirements of the Purchase Agreement to sell the property to CarMax for project development would improve local park and recreation facilities. Specifically, upon sale of the open space easement to the City, the County of San Diego would be required to use the proceeds from the sale for enhancements, expansion, and/or improvements to the Sweetwater Regional Park, including bicycle/recreational trails adjacent to the park and within one mile of the park. Therefore, implementation of the project would not significantly impact any existing park and recreation facilities.

e. Other Public Facilities

The project would construct a CarMax facility on an undeveloped parcel and would not construct any housing. Therefore, the project would generate any new population and would not require new or expanded public facilities such as libraries.

4.13.3.2 Significance of Impacts

a. Fire Protection/Emergency Medical Services

The project would not require any new or physically altered fire or emergency medical facilities, and impacts would be less than significant.

b. Police Protection

The project would not require any new or physically altered police facilities, and impacts would be less than significant.

c. Schools

The project would construct a CarMax facility on an undeveloped parcel and would not generate any new student enrollment and would not require new or expanded school facilities. No impact would occur.

d. Parks/Recreational Facilities

The project would not affect any adjacent recreation facilities. The project would not result in a substantial increase in the use of parks that would accelerate their physical deterioration, nor would the project include the construction of any park facilities that would result in physical impacts. Therefore, impacts would be less than significant.

e. Other Public Facilities

The project would construct a CarMax facility on an undeveloped parcel and would not generate any new population and would not require new or expanded public facilities such as libraries. No impact would occur.

4.13.3.3 Mitigation

a. Fire Protection/Emergency Medical Services

Impacts would be less than significant. No mitigation is required.

b. Police Protection

Impacts would be less than significant. No mitigation is required.

c. Schools

No impact would occur. No mitigation is required.

d. Parks/Recreational Facilities

Impacts would be less than significant. No mitigation is required.

e. Other Public Facilities

No impact would occur. No mitigation is required.

4.14 Transportation

This section analyzes project impacts related to transportation based on review of the following technical document included as an appendix to the environmental impact report (EIR):

- Vehicle Miles Traveled Screen-line Analysis for the proposed CarMax Auto Sales Dealership on Plaza Bonita Road in National City, California, prepared by LOS Engineering, Inc., dated September 30, 2020 (Appendix M).

4.14.1 Existing Conditions

4.14.1.1 Regulatory Setting

California Office of Planning and Research Transportation Technical Advisory on Evaluating Transportation Impacts in CEQA

The Governor’s Office of Planning and Research (OPR) published the Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR Transportation Technical Advisory; OPR 2018) to provide advice and recommendations regarding assessment of Vehicle Miles Traveled (VMT). Specifically, the document provides technical information on how to assess VMT as part of a transportation impacts analysis under CEQA including suggestions to lead agencies regarding thresholds for determining significance and “screening thresholds” for land use projects. The OPR Transportation Technical Advisory provides the following guidance regarding retail development that would apply to the project:

By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact.

Many cities and counties define local-serving and regional-serving retail in their zoning codes. Lead agencies may refer to those local definitions when available, but should also consider any project-specific information, such as market studies or economic impacts analyses that might bear on customers’ travel behavior. Because lead agencies will best understand their own communities and the likely travel behaviors of future project users, they are likely in the best position to decide when a project will likely be local-serving. Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should

undertake an analysis to determine whether the project might increase or decrease VMT.

4.14.1.2 Existing Circulation System

a. Circulation Network

Existing roadway intersections within the project's circulation network include the following:

- 1) Sweetwater Road/Interstate 805 (I-805) SB Ramp/Euclid Avenue
- 2) Sweetwater Road/I-805 NB Ramps
- 3) Sweetwater Road/Plaza Bonita Road/Stockman Street
- 4) Plaza Bonita Road/Plaza Bonita North Driveway
- 5) Plaza Bonita Road/Proposed Project North Driveway
- 6) Plaza Bonita Road/Proposed Project South Driveway
- 7) Plaza Bonita Road/Plaza Bonita NE Driveway
- 8) Plaza Bonita Road/Bonita Mesa Road
- 9) Plaza Bonita Road/Bonita Road

Brief descriptions of the roadways surrounding the project site are provided below.

Sweetwater Road between Euclid Avenue and Calmoor Street is classified as an "Arterial" in the National City General Plan, adopted June 7, 2011. Sweetwater Road between Euclid Avenue and Calmoor Street is constructed as a 4-lane roadway with a combination of a center two-way left-turn lane, intermittent left-turn lanes, and in some places a painted double yellow median. The posted speed limit is 45 miles per hour (mph) between I-805 and Plaza Bonita Road. Parking is generally not permitted along this roadway.

Plaza Bonita Road between Sweetwater Road and Bonita Road is classified as an "Arterial" in the National City General Plan, adopted June 7, 2011. This portion of Plaza Bonita Road is constructed as a 4-lane roadway with a combination of intermittent left-turn lanes, a raised median and a painted double yellow median. The posted speed limit is 40 mph between Sweetwater Road and Bonita Mesa Road and 45 mph from Bonita Mesa Road to Bonita Road. Parking is generally not permitted along this roadway. Bike lanes are either provided along portions of Plaza Bonita Road or on a bike trail just west of Plaza Bonita Road.

b. Active Transportation

The Metropolitan Transit System provides bus services near the project site with routes 705, 961, and 963. Bus routes 961 and 963 serve bus stops at the intersection of Sweetwater Road and Plaza Bonita Road, which is located approximately 1,300 feet from the center of the project site. Bus route 705 serves a bus stop on the east side of the Westfield Plaza Bonita Mall, which is about 2,900 feet from the center of the project site.

A segment of the Class I Sweetwater River Bikeway is located along the project's southern boundary. The easternmost portion of this segment runs parallel along the project's southernmost boundary with Plaza Bonita Road, and then transitions into a concrete path that crosses the southeastern portion of the project parcel. The remainder of this segment then continues west along the project's southern boundary as a concrete path atop the levee separating the project site from the Sweetwater Regional Park. Another concrete path beginning at the Plaza Bonita Road edge of pavement traverses the southeastern portion of the project parcel and connects to the Class I Sweetwater River Bikeway.

4.14.2 Significance Determination Thresholds

Thresholds used to evaluate impacts to transportation and circulation are based on applicable criteria in the CEQA Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact could occur if the project would:

- 1) Conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- 2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);
- 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- 4) Result in inadequate emergency access.

4.14.3 Issue 1: Circulation System

Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

4.14.3.1 Impact Analysis

a. Circulation Network

Relocation of the sewer line that traverses the project site into Plaza Bonita Road would temporarily affect traffic operations. However, the project would implement a traffic control plan to maintain one lane of traffic in each direction on Plaza Bonita Road during relocation of the sewer line. Plaza Bonita Road would be restored to existing conditions once the relocation is complete.

As described in Section 4.2.3.1, the 15.08-acre project parcel could generate approximately 3,016 to 30,160 daily trips if it were developed consistent with the existing Major Mixed-Use land use designation. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 daily trips, which would be less than what would be generated by a project consistent with existing land use designation. Consequently, the proposed General Plan Amendment and Rezone would

result in a less intensive use compared to the existing land use designation that was evaluated in the City’s General Plan. Therefore, the proposed CarMax facility would generate fewer vehicle trips at the project site than was originally anticipated in the City’s General Plan Circulation Element roadway network.

b. Active Transportation

As described in Section 4.14.1.b, MTS bus routes 961 and 963 serve bus stops at the intersection of Sweetwater Road and Plaza Bonita Road located approximately 1,300 feet from the center of the project site, while MTS bus route 705 serves a bus stop on the east side of the Westfield Plaza Bonita Mall located approximately 2,900 feet from the center of the project site. Implementation of the project would not include any off-site improvements that would impact any of these bus stops. Additionally, implementation of the project would not impact the existing segment of the Class I Sweetwater River Bikeway, or the concrete path that connects this bikeway to Plaza Bonita Road, located in the southeastern portion of the project parcel.

4.14.3.2 Significance of Impacts

The proposed CarMax facility would generate fewer vehicle trips than was originally anticipated in the City’s General Plan Circulation Element roadway network. Similarly, the project would not impact any transit, bicycle, or pedestrian facilities. Therefore, the project would not conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and impacts would be less than significant.

4.14.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.14.4 Issue 2: VMT Analysis

Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

4.14.4.1 Impacts

OPR has identified VMT as the CEQA metric to evaluate a project’s transportation impacts. The VMT metric became officially required for implementation on July 1, 2020. As described in Section 4.14.1.1.b, the OPR Transportation Technical Advisory states that “local-serving retail development tends to shorten trips and reduce VMT.” Therefore, “lead agencies generally may presume such development creates a less-than-significant transportation impact” (OPR 2018). The OPR Transportation Technical Advisory states that retail projects that are 50,000 square feet or greater “might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT” (OPR 2018). The project would introduce 18,774

square feet of retail development that would provide additional local opportunities for the purchase motor vehicles. Therefore, the project can be presumed to result in less than significant impacts related to VMT per guidance from the OPR Transportation Technical Advisory, and a detailed VMT analysis is not required.

4.14.4.2 Significance of Impacts

Per guidance from the OPR Transportation Technical Advisory, impacts related to VMT are presumed to be less than significant, and a detailed VMT analysis is not required. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and impacts would be less than significant.

4.14.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.14.5 Issue 3: Hazards Due to a Design Feature

Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

4.14.5.1 Impacts

As described in Section 4.14.3.1 above, the project would implement a traffic control plan to maintain one lane of traffic in each direction on Plaza Bonita Road during relocation of the sewer line. Plaza Bonita Road would be restored to existing conditions once the relocation is complete. The project does not include any features that would substantially increase hazards. No off-site improvements are proposed that would change the design or alignment of existing area roadways. Changes to the existing circulation system would be limited to two new public access driveways and restricted access driveway connecting the project site to Plaza Bonita Road. All three driveways would be designed consistent with applicable safety standards and would not introduce any safety hazards.

4.14.5.2 Significance of Impacts

The project does not include any design features or incompatible uses that would increase hazards, and impacts would be less than significant.

4.14.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.14.6 Issue 4: Emergency Access

Would the project result in inadequate emergency access?

4.14.6.1 Impacts

As described in Section 4.14.3.1 above, the project would implement a traffic control plan to maintain one lane of traffic in each direction on Plaza Bonita Road during relocation of the sewer line. Plaza Bonita Road would be restored to existing conditions once the relocation is complete. Permanent changes to the existing circulation system would be limited to two new public access driveways and one restricted access driveway connecting to the project site to Plaza Bonita Road that would not physically interfere with emergency access. Similarly, the Vehicle Miles Traveled Screen-line Analysis determined that the project can be presumed to result in less than significant impacts related to VMT per guidance from the OPR Transportation Technical Advisory. Therefore, the project would not generate traffic congestion that could delay emergency access. Furthermore, the project would be subject to review by the National City Fire Department to ensure compliance with applicable safety standards (see Section 4.8.8.1).

4.14.6.2 Significance of Impacts

The project would not result in inadequate emergency access, and impacts would be less than significant.

4.14.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.15 Utilities and Service Systems

Utilities and service systems provide wastewater, storm water, water, and solid waste and recycling services, and are discussed below. The following provides a discussion of these utility and service systems facilities as they relate to the project.

4.15.1 Existing Conditions

4.15.1.1 Wastewater

Wastewater service would be provided by the City of San Diego. The City of San Diego Public Utilities Department collects, treats, and disposes of nearly 180 million gallons of sewage every day. The Metropolitan Sewerage Sub-System treats the wastewater from the City of San Diego and 15 other cities and districts (called Participating Agencies) from a 450-square-mile area with a population of over 2.2 million. Wastewater collected within National City (City) is transferred to and treated at the Point Loma Wastewater Treatment Plant (PLWTP), which treats approximately 175 million gallons per day (mgd) of wastewater generated by more than 2.2 million residents within the 450-square-mile area that it serves. Additionally, the PLWTP has an even larger treatment capacity of 240 mgd. Treated effluent from the PLWTP is discharged to the Pacific Ocean through the 4.5-mile-long Ocean Outfall off Point Loma (City of National City 2011a).

The PLWTP is operated by the Metro Wastewater Joint Powers Authority (JPA), which consists of 12 municipalities and special districts, including the cities of Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, National City, and Poway; the Lemon Grove Sanitation District; the Padre Dam Municipal and Otay Water Districts; and the County of San Diego (on behalf of the Winter Gardens Sewer Maintenance District, and the Alpine, Lakeside, and Spring Valley Sanitation Districts).

The City has prepared a Sewer System Management Plan (SSMP) that establishes existing flow rates, identifies potential problems, and provides guidance for future improvement and expansion of the City's sewer system (Infrastructure Engineering Corporation 2011). The SSMP determined that the City had an existing average dry weather flow of 4.22 mgd that is anticipated to increase to 6.57 mgd by 2029, representing an increase of 56 percent. Since the existing wastewater collection system would be unable to accommodate this projected growth, the SSMP determined that 260 existing gravity mains would require upsizing to meet future City needs (Infrastructure Engineering Corporation 2011).

4.15.1.2 Storm Water

The Wastewater Division of the City's Public Works Department maintains approximately 45 miles of closed storm water collection systems. Storm drains within the City are designed only to carry storm water and typically are not equipped with filters or cleaning systems. Consequently, polluted urban runoff containing toxins harmful to fish, marine mammals, and other aquatic life flows directly into local flood control channels and eventually into the San Diego Bay.

The project site is located adjacent to the Sweetwater River, and approximately 3.22 square miles of contributing area drains to the project site before discharging into the Sweetwater River. Based solely on topography, surface runoff generated on the project site flows towards the lower elevations in the southwestern portions of the property through an unnamed creek with two channels. These two channels converge together in the southwestern portion of the project site and then continue on to a storm drain that outlets to the Sweetwater River at the southwestern corner of the property, which then travels to the San Diego Bay. The project site and Sweetwater River are separated by a concrete levee that acts as an impoundment barrier which causes the project site to pond. The berm is undercrossed by a 48-inch pipe, and during the occurrence of very large storm events, the ponding overtops the levee to drain into the Sweetwater River.

Urban water runoff is a significant issue for the San Diego Bay and the County at large. In order to address this issue, the City has adopted its own Best Management Practice (BMP) Design Manual (City of National City 2016). The City has also prepared a Jurisdictional Runoff Management Program (JRMP; 2020) that provides guidance for improving water quality in the San Diego Bay and the City's rivers and creeks by reducing discharges of pollutants to the municipal separate storm sewer system (MS4). The JRMP presents an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable standard, effectively prohibit non-storm water discharges, and protect and improve the quality of water bodies in the City. The JRMP describes operational programs and activities developed to meet the requirements of MS4 Permit. Additionally, a Watershed Urban Runoff Management Program (WURMP) has been actively implemented in the San Diego Bay Watershed Management Area since January 2002, of which the City has been a collaborative partner with the Port of San Diego, who is the lead jurisdiction (City of National City 2011a).

4.15.1.3 Water

a. Water Supply

Water services would be provided to the project site by the Sweetwater Authority, which is a Joint Powers Authority (JPA) formed by the City and the South Bay Irrigation District (SBID) in order to deliver water to the service areas of both agencies. The City and the SBID are two of the 24 member agencies of the San Diego County Water Authority (SCDWA). The Sweetwater Authority provides water service to the entire National City Planning Area, as well as the western and central portions of Chula Vista and the

unincorporated San Diego County community of Bonita. Sweetwater Authority's service area covers 36.5 square miles and provides water service to approximately 188,000 people through approximately 33,000 service connections. In order to evaluate their ability to provide water services in the future to their customers, the Sweetwater Authority prepared an Urban Water Management Plan that is incorporated by reference (Sweetwater Authority 2015).

The Sweetwater Authority utilizes a variety of water sources, including local groundwater, a brackish groundwater desalination facility, local surface water, and water purchased from the San Diego County Water Authority. Between 2003 and 2015, approximately 44 percent of water provided to the Sweetwater's service area came from local sources, while the remaining 56 percent of water was purchased from the San Diego County Water Authority. The mix of local and purchased water fluctuates each year based on local rainfall patterns. For example, local surface water accounted for approximately 61 percent of Sweetwater Authority water supplies in 2012, while no local surface water was available for the Sweetwater Authority in 2015 due to ongoing, persistent drought conditions.

In a normal water year, the Sweetwater Authority estimates that 7,400 acre-feet of local surface water would be available and would represent approximately 31 percent of total water supplies. In a normal water year it is estimated that The Sweetwater Authority also estimates that National City wells would provide 2,100 acre-feet of water (9 percent) and Sweetwater's Desalination Facility would provide 6,200 acre-feet of water (26 percent) in a normal year. The remaining water supplies for the service area would be purchased from the San Diego County Water Authority (34 percent) in a normal water year.

The Sweetwater Authority has also implemented water conservation and demand management strategies in order to achieve and maintain water use efficiency goals. Sweetwater Authority conservation program objectives include:

- Eliminate wasteful practices in water use;
- Continue to develop information on both current and potential water conservation practices;
- Ongoing, timely implementation of conservation practices; and
- Public information and education activities to spread knowledge of efficient water use techniques and devices.

Similarly, the Sweetwater Authority has developed a four-level drought response plan for use during emergency conditions, such as drought or catastrophic interruptions. The drought response plan would allow for water use cutbacks up to 40 percent or more and established an allocation method for rationing water during drought levels. The plan was updated in 2015 to reflect recent drought conditions and associated restrictions that have been implemented. Based on projected future water source availability and water conservation and drought response measures, the Sweetwater Authority's Urban Water Management Plan (UWMP) determined that the agency would be capable of providing adequate water supply to its customers during a multiple dry year scenario.

b. Water Facilities

The Sweetwater Authority owns and operates two surface water reservoirs. Sweetwater Reservoir, located approximately 4.2 miles northeast of the project site, has an approximate capacity of 28,079 acre-feet, and Loveland Reservoir, located approximately 18.0 miles northeast of the project site, has an approximate capacity of 25,387 acre-feet. The Sweetwater Authority water system also includes 20 storage tanks with a capacity to store approximately 43.5 million gallons of treated water, including a major underground reservoir with a capacity of 18 million gallons. The Sweetwater Authority water system utilizes 23 pumping stations, with a total pumping capacity of approximately 36,000 gallons per minute (gpm) from all distribution pumping sources. Pipelines distributing water throughout the service area range in size from 2 to 48 inches, with a collective length of approximately 388 miles. The Sweetwater Authority distributes water to its customers through a distribution system consisting of approximately 387 miles of pipelines with an aqueduct connection capacity of 64 cubic feet per second (cfs) (Sweetwater Authority 2013). An existing water transmission main traverses the project site.

4.15.1.4 Electric Power, Natural Gas, and Telecommunications

San Diego Gas & Electric (SDG&E) would provide electricity and natural gas to the project. Telecommunications for the project would be served by existing facilities.

4.15.1.5 Solid Waste

Solid Waste Disposal in National City is overseen by the Regional Solid Waste Association (RSWA), which is a JPA consisting of the seven-member municipalities of Del Mar, Encinitas, Escondido, National City, Poway, Solana Beach, and Vista. The RSWA's primary purpose "is to provide stable, long-term, environmentally responsible, cost effective options for all aspects of solid waste disposal including recyclables and hazardous waste" (RSWA 2016). RSWA has a contractual agreement with the EDCO Disposal Corporation (EDCO), which collects solid waste within National City and transports it to the EDCO Recovery and Transfer Station in Barrio Logan. Once the materials are sorted, non-recyclable materials are taken to the Otay Landfill in Chula Vista for ultimate disposal. Otay Landfill is currently permitted to receive up to 6,700 tons of waste per day and is permitted to operate through 2030. As of 2016, the landfill had a remaining capacity of 21,194,008 cubic yards (California Department of Resources Recycling and Recovery 2016). The Conservation and Sustainability Element of the City's General Plan includes policies promoting waste reduction and re-use, and the City tracks their progress towards this goal with a measurement called the "diversion rate." The Conservation and Sustainability Element of the City's General Plan documented that City's diversion rate was calculated at 53 percent in 2006, which was about the statewide average (City of National City 2011a).

4.15.2 Significance Determination Thresholds

Thresholds used to evaluate impacts related to utilities and service systems are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines

(California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- 2) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
- 3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- 4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- 5) Comply with federal, state, or local management and reduction statutes and regulations related to solid waste.

4.15.3 Issues 1, 2, and 3: Utilities

Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

4.15.3.1 Impact Analysis

a. Wastewater Facilities

As described in Section 4.15.1.1, sewer service for the project would be provided by the City of San Diego. The project would connect to existing underground sewer pipelines. As detailed in the Project Description (Section 3.2.6.3) of this EIR, the project would likely relocate the City of San Diego's 45-year-old vitrified clay sewer line that runs beneath the project site. Depending on the ultimate configuration of the line and final City requirements, portions of the line may be replaced and portions of the line under the

proposed channel may be encased in concrete. All sewer line improvements and relocations would occur within the project footprint analyzed in this environmental document.

Wastewater generated by the project would be transferred for treatment to the PLWTP, which currently treats approximately 175 mgd of wastewater. However, the PLWTP has a larger treatment capacity of 240 mgd, which indicates that the facility has adequate sewer capacity to treat flows generated by the project. As a result, the wastewater treatment provider has adequate capacity to serve the project's demand in addition to the provider's existing commitments.

The project would relocate an existing underground sewer pipeline that crosses the project site into the centerline of Plaza Bonita Road. Relocation of the wastewater pipeline would occur within the project footprint analyzed in this Draft EIR and the fully developed Plaza Bonita roadway that does not possess any environmental resources. Therefore, relocation of the sewer line would not result in any environmental impacts that have not been evaluated in this Draft EIR. Wastewater would be treated at the PLWTP facility prior to discharge into the Pacific Ocean. Therefore, the PLWTP would have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, and the project would not require construction of new wastewater treatment facilities that would have the potential to result in significant environmental impacts.

b. Storm Water

Construction of the project would convert substantial portions of the existing unnamed creek to pervious surfaces that would impact the existing drainage pattern that conveys storm water to the Sweetwater River. However, the project would recontour and redirect approximately 2,012 linear feet of the unnamed creek by constructing a 4.39-acre earthen channel that would traverse the northwestern boundary of the project site. This earthen channel would preserve the existing drainage pattern where feasible and connect to the existing storm drain which outlets to the Sweetwater River to convey storm water to the San Diego Bay. The project would also construct a storm water conveyance system that would consist of a modular wetland system, underground storage system, green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. These storm water facilities would be located within the project footprint. Therefore, potential impacts associated with construction of these storm water facilities have been evaluated throughout this Draft EIR.

As described in Section 4.9.3.1, the proposed conveyance system would reduce the overall stormwater peak flow of the unnamed creek from 1,390.4 cfs in the existing condition to 1,389.7 cfs in the post-project condition. Although the post-project runoff volume would slightly increase from 380.7 acre-feet (ac-ft) in the existing condition to 382.0 ac-ft in the post-project condition during a 24-hour/100-year storm event, this increase would represent less than one percent of water volume under existing conditions, and water would overtop the existing levee separating the project site from the Sweetwater River in the same manner as it currently does under existing conditions (see Appendix J). Furthermore, potential modifications to any system draining to the proposed earthen channel that would

by the small water surface elevation increment caused by the channelization of the unnamed creek would be limited to the existing outlet structure and would not impact any natural environmental resources. Therefore, the project would not require construction of new storm water drainage facilities that would have the potential to result in significant environmental impacts.

c. Water Supply and Facilities

The project would connect to the existing water pipeline that crosses the northeastern portion of the project site. Connection to this existing water line would occur entirely within the project footprint evaluated throughout this Draft EIR. As described in Section 4.15.1.1, the Sweetwater Authority UWMP determined that the agency would be capable of providing adequate water supply to its customers during a multiple dry year scenario through 2040. Water use assumptions are generally based on water use estimates of allowable land uses according to the General Plan and zoning in place at the time of preparation of the UWMP. The project includes a General Plan Amendment and Rezone that would change the existing land use designation and zoning of the CarMax facility portion of the project parcel from the Major Mixed-Use designation and the Major Mixed-Use District (MXD-2) zone to the Service Commercial land use designation and zone. The proposed General Plan Amendment and Rezone would also change the existing land use designation and zoning of the earthen channel portion of the project parcel ~~and the Offsite Area~~ from the Major Mixed-Use designation and the MXD-2 zone to the Open Space land use designation and zone. Both the Service Commercial land use designation and zone and the Open Space land use designation and zone would result in less intensive land uses in terms of water demand compared to the existing General Plan and zoning designations. For example, under the Major Mixed-Use designation and the MXD-2 zone, a mixed-use project with commercial and multi-family residential development could be permitted that would result in greater water demand compared to the proposed CarMax facility. Therefore, water demand for the project would be less than what was anticipated for the project site in the Sweetwater Authority UWMP, including under drought conditions. Therefore, the project would not require new or expanded sources of water supply and would not require the relocation or construction of any new water facilities which could cause significant environmental impacts.

d. Electric Power, Natural Gas, and Telecommunications

The project would connect to existing facilities for electric power and natural gas through SDG&E. Telecommunications for the project would be served by existing facilities. The proposed General Plan Amendment and Rezone would result in a less intensive use compared to what could be developed at the project site under the existing land use and zoning designations. Therefore, the proposed CarMax facility would not consume additional electric power and natural gas or require additional telecommunication services beyond what has been anticipated by regional growth projections.

4.15.3.2 Significance of Impacts

a. Wastewater

Relocation of the existing sewer line would occur entirely within the project footprint evaluated throughout this Draft EIR and the fully developed Plaza Bonita roadway that does not possess any environmental resources. The PLWTP would have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, the project would not require construction of new wastewater treatment facilities that could cause environmental effects, impacts would be less than significant.

b. Storm Water

Project storm water facilities would be located within the project footprint evaluated throughout this Draft EIR or the existing outlet structure of a system draining to the proposed earthen channel. The project would not require the relocation or construction of any new off-site storm water drainage facilities that could cause environmental effects, and impacts would be less than significant.

c. Water Facilities

The project would not require new or expanded sources of water supply and would not require the relocation or construction of any new water facilities that could cause environmental effects, and impacts would be less than significant.

d. Electric Power, Natural Gas, and Telecommunications

The project would not require the construction of new electric power, natural gas, or telecommunications facilities that could cause environmental effects, and impacts would be less than significant.

4.15.3.3 Mitigation

a. Wastewater

Impacts would be less than significant. No mitigation is required.

b. Storm Water

Impacts would be less than significant. No mitigation is required.

c. Water Facilities

Impacts would be less than significant. No mitigation is required.

d. Electric Power, Natural Gas, and Telecommunications

Impacts would be less than significant. No mitigation is required.

4.15.4 Issues 4 and 5: Solid Waste

Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Would the project comply with federal, state, or local management and reduction statutes and regulations related to solid waste?

4.15.4.1 Impact Analysis

Construction and operation of the project would generate waste requiring disposal. The project site is currently undeveloped with the exception of some water supply wells, which would be removed during construction. Consequently, construction of the project would not require demolition of any permanent buildings, concrete, or asphalt that would generate a substantial amount of waste. Recycling would be conducted during construction, and project design would include recycling bins and dedicated trash enclosures which would be serviced by EDCO. In addition, the project would comply with all applicable regulations pertaining to solid waste during both the construction and operational phases of the project.

Solid waste that is not recycled would be hauled to the Otay Landfill. As described in Section 4.15.1.3, the Otay Landfill has a remaining capacity of 21,194,008 cubic yards and is permitted to operate through 2030. Therefore, the remaining capacity of the Otay Landfill would be adequate to serve the project's solid waste disposal needs.

4.15.4.2 Significance of Impacts

The project would comply with applicable waste reduction measures, and the Otay Landfill has adequate capacity to accommodate waste generated by the project. Therefore, the project would not generate solid waste that would exceed the capacity of local infrastructure or conflict with federal, state, or local management and reduction statutes and regulations, and impacts related to solid waste would be less than significant.

4.15.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.16 Wildfire

This section describes potential impacts associated with wildfire.

4.16.1 Existing Conditions

4.16.1.1 Environmental Setting

As described in Section 4.8.1.1.c, the project site is located within the southeastern portion of the City of National City's (City's) planning area, which has been identified as having a high fire level risk in the City's General Plan (2011a). This elevated fire risk is due to the presence of the Sweetwater Regional Park on the project's southern boundary, which possesses a large amount of native vegetation that could serve as fuel during a wildfire.

4.16.1.2 Regulatory Framework

a. Fire Code

As described in Section 4.8.1.2.b, the City has adopted the 2019 California Fire Code into the City's Municipal Code, "for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion and establishing a fire prevention bureau" (City of National City 2020a). Some specific changes and variations to the 2019 California Fire Code were adopted by the City Council in order to address the City's local climate, geographical, and topographical conditions, primarily related to the age and concentration of structures and associated risk of potential conflagration spread. Prior to receiving project approval, the project proponent must submit project plans to the National City Fire Department for review by the Fire Marshal to ensure consistency with the adopted and amended 2019 California Fire Code.

b. Emergency Response

As described in Section 4.8.1.2.c, the City updated and adopted the Emergency Operations Plan in May 2010, which provides a comprehensive emergency management system to implement in response to natural disasters, technological incidents, and nuclear-related incidents. The Emergency Operations Plan specifies overall responsibilities for protecting life and property, provides measures for assuring the overall wellbeing of the City's population, and identifies potential sources of outside support from other jurisdictions and the private sector (City of National City 2011a).

4.16.2 Significance Determination Thresholds

Thresholds used to evaluate impacts associated with hazards and hazardous materials are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Sections 15000-15387), Appendix G. A significant impact would occur if the project would:

- 1) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- 3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.16.3 Issue 1: Emergency Response Plans

Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

4.16.3.1 Impact Analysis

Relocation of the sewer line that traverses the project site into Plaza Bonita Road would temporarily affect traffic operations. However, the project would implement a traffic control plan to maintain one lane of traffic in each direction on Plaza Bonita Road during relocation of the sewer line. Plaza Bonita Road would be restored to existing conditions once the relocation is complete. Permanent changes to the existing circulation system would be limited to two new public driveways and one private driveway connecting the project site to Plaza Bonita Road that would not physically interfere with emergency evacuation. Similarly, the Vehicle Miles Traveled Screen-line Analysis determined that the project can be presumed to result in less than significant impacts related to VMT per guidance from the OPR Transportation Technical Advisory. Consequently, the project would not generate traffic congestion that could delay emergency evacuation. Therefore, the project would not interfere with any emergency evacuation routes identified in the City's Emergency Operations Plan.

4.16.3.2 Significance of Impacts

The project would not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans, and impacts would be less than significant.

4.16.3.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.16.4 Issue 2: Pollutants from Wildfire

Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

4.16.4.1 Impact Analysis

The project site is located upslope from the Sweetwater River. The project site and Sweetwater River are separated by a concrete levee that would not be affected by the project. ~~Construction of the earthen channel would require grading earthwork within Caltrans right-of-way along the slope adjacent to State Route 54. Revegetation of this slope would not introduce plants that would exacerbate fire risk.~~ As described in Section 4.6.3.1.c, the project site is relatively flat and surrounded by land with similar elevations that do not include any mountains, hillsides, or other elevated land features. Therefore, there are no slope features surrounding the project site that could exacerbate wildfire risks.

As described in Section 4.8.8.1, project plans would be reviewed by the Fire Marshal to ensure consistency with the adopted and amended 2019 California Fire Code. Project design would provide emergency access within staging and display areas of the CarMax facility that would be reviewed by the National City Fire Department to ensure compliance with applicable fire codes and emergency access requirements. Upon final approval of the plans by the Fire Marshal, a Fire Department Permit would be issued and the Fire Marshal would conduct an inspection of the project site. Construction of the proposed project shall not commence without issuance of a Fire Department Permit.

4.16.4.2 Significance of Impacts

Adherence to National City Fire Department requirements would ensure fire safety. Therefore, the project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; and impacts would be less than significant.

4.16.4.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.16.5 Issue 3: Infrastructure

Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

4.16.5.1 Impact Analysis

As described in Section 4.15.3.1, the project would not require the installation or maintenance of any wastewater, storm water, water supply, or other utilities. The proposed earthen channel would qualify as wetlands and would not include dry vegetation that could pose a fire risk. Additionally, project plans would be reviewed by the Fire Marshal to ensure consistency with the adopted and amended 2019 California Fire Code.

4.16.5.2 Significance of Impacts

The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and impacts would be less than significant.

4.16.5.3 Mitigation

Impacts would be less than significant. No mitigation is required.

4.16.6 Issue 4: Flooding or Landslides

Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

4.16.6.1 Impact Analysis

As described in Section 4.9.5.1, the proposed 4.39-acre earthen channel would preserve the existing drainage pattern where feasible and connect to the existing storm drain which outlets to the Sweetwater River to convey storm water to the San Diego Bay. The project would also include a modular wetland system with underground detention and green street vegetated swale that would adequately convey runoff from the project site to the Sweetwater River in a manner in which would result in flooding on- or off-site.

As described in Section 4.9.6.1, the project would increase the elevations of all portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain. The only portions of the project parcel that would remain within the 100-year floodplain would be associated with the earthen channel that would connect to the existing storm drain which outlets to the Sweetwater River. Review of the Safety Element of the General Plan also determined that the western portion of the project site is located within the dam inundation

zone associated with the Sweetwater Reservoir. The portion of the project site within the dam inundation zone is nearly identical to that within the 100-year floodplain. Therefore, the proposed elevation increases that would raise those portions of the project site out of the 100-year floodplain would also raise the structure out of the dam inundation zone. Therefore, the project would not be subject to downstream flooding.

As described in Section 4.6.3.1.c, the project site is relatively flat and surrounded by land with similar elevations that do not include any mountains, hillsides, or other elevated land features. Furthermore, review of the National City General Plan determined that the project site is not located within an area identified as having soil slip susceptibility. ~~Grading earthwork within Caltrans right of way along the slope adjacent to State Route 54 would increase the stability of the slope by decreasing the steepness and increasing the vegetative cover.~~ Therefore, the project would not be subject to downslope landslides.

4.16.6.2 Significance of Impacts

The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, and impacts would be less than significant.

4.16.6.3 Mitigation

Impacts would be less than significant. No mitigation is required.

Chapter 5

Significant Unavoidable Environmental Effects/Irreversible Changes

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(b) and (c) require that the significant unavoidable impacts of the project, as well as any significant irreversible environmental changes that would result from project implementation, be addressed in the Environmental Impact Report (EIR).

5.1 Significant Environmental Effects Which Cannot Be Avoided if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2(b), any significant unavoidable impacts of a project, including those impacts that can be mitigated but not reduced to below a level of significance despite the applicant's willingness to implement all feasible mitigation measures, must be identified in the EIR. As discussed throughout Chapter 4.0 and in Chapter 7.0 of this EIR, the project would not result in a significant direct or cumulative impact that cannot be avoided. All significant impacts resulting from project implementation can be reduced to below a level of significance with the mitigation measures identified in Chapter 4.0 and in the Mitigation Monitoring and Reporting Program (Chapter 10.0).

5.2 Irreversible Environmental Changes Which Would Result if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2(c):

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from

environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Non-renewable resources generally include agricultural land; biological, archaeological and paleontological resources; mineral deposits; water bodies; and some energy sources. As evaluated in Chapter 8.0 of this EIR, implementation of the project would not result in significant irreversible impacts to agricultural or mineral resources.

The project would result in significant impacts to sensitive habitats, including habitat that supports yellow-breasted chat, yellow warbler, and nesting birds. Temporary impacts to wildlife due to habitat loss would be mitigated through revegetation with native species consisting of a mix of native wetland, riparian, and upland habitats identified in Table 4.3-4 (BIO-1). Impacts to nesting success of sensitive birds would be mitigated through conditions of project approval that require seasonal restrictions and/or pre-construction nesting surveys (BIO-2). The project would also impact jurisdictional waters and wetlands covered under the authority of the U.S. Army Corps of Engineers (waters of the U.S.), California Department of Fish and Wildlife CDFW (waters of the State), and Regional Water Quality Control Board (waters of the State). The project would mitigate impacts to jurisdictional wetlands and waters by constructing a 4.39-acre earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain that outlets to the Sweetwater River. This earthen channel would recontour and redirect approximately 2,012 linear feet of the unnamed creek, preserve the existing drainage pattern and jurisdictional wetlands and waters resources where feasible, and mitigate temporary and permanent impacts through compensatory mitigation (BIO-3). Therefore, implementation of mitigation measures BIO-1 through BIO-3 would reduce impacts to a level less than significant.

The project could result in significant impacts to cultural and paleontological resources by inadvertently unearthing archaeological or tribal cultural resources, human remains, or paleontological resources during construction. However, implementation of mitigation measure CUL-1 would reduce impacts to archaeological or tribal cultural resources to a level less than significant. Similarly, adherence to applicable regulatory procedures summarized in mitigation measure CUL-1 would reduce impacts associated with discovery of unknown human remains during construction to a level less than significant. Implementation of mitigation measure PAL-1 would reduce impacts on paleontological resources to a level less than significant.

Implementation of the project would require the irreversible consumption of natural resources and energy. Natural resource consumption would include lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long-term future date, would for practical purposes be considered permanently consumed. Energy derived from non-renewable sources, such as fossil and nuclear fuels, would be consumed during construction and operational lighting, heating, cooling, and transportation uses.

To minimize the use of energy, water, and other natural resources, the project would incorporate sustainable building practices into the project design. As described in Section 3.2.7 of this EIR, design considerations that would utilize recycling and reduce water and energy use have been incorporated into the project design and may serve to reduce irreversible energy and water consumption associated with operation of the project.

6

Chapter 6 Growth Inducement

The California Environmental Quality Act (CEQA) Guidelines Section 15126.2(d) requires that an Environmental Impact Report (EIR):

Discuss ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included are projects which would remove obstacles to population growth (for example, a major expansion of a waste water treatment plant might allow for more construction in service areas). Increases in the population might tax existing community services facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

6.1 Population and Growth Projections

According to San Diego Association of Governments, the population of the City was estimated to be 62,257 persons with an average household size of 3.51 persons in 2018 (SANDAG 2019). The City has 16,905 housing units, consisting primarily of a mix of detached single-family, multiple-unit single-family, and multi-family units.

The project would construct a CarMax facility on an undeveloped parcel and does not propose to construct any housing. Therefore, the project would not alter the planned location, distribution, or growth of the human population in the area either directly or indirectly. No impact would occur.

6.2 Public Services and Infrastructure

Although the project would result in an incremental increase in demand for fire protection and emergency medical services, police protection, water demand, wastewater treatment,

and solid waste services, these anticipated increases would not significantly burden existing community services facilities or require construction of new facilities that would cause significant environmental effects (see Sections 4.13 and 4.15).

The project would connect to the existing underground water and sewer pipelines that serve the surrounding area. The project would also construct an earthen channel and a bioretention basin that would adequately convey runoff from the project site to the Sweetwater River, which would then drain to the San Diego Bay.

Because the project is located in an urbanized area surrounded by existing commercial, residential, and transportation facilities, project implementation would not remove obstacles to population growth. Access to the site would be obtained from existing major roadways and the primary public infrastructure (e.g., water and sewer pipelines) are already in place and have sufficient capacity to support buildout of the project. Therefore, the project would not require extension of roads or other infrastructure that could induce population growth either directly or indirectly, and impacts would be less than significant.

Chapter 7

Cumulative Impacts

Section 15130(a) of the California Environmental Quality Act (CEQA) Guidelines requires a discussion of cumulative impacts of a project “when the project’s incremental effect is cumulatively considerable.” Cumulatively considerable, as defined in Section 15065(c), “means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” According to Section 15130 of the CEQA Guidelines, the discussion of cumulative effects “need not be provided in as great detail as is provided the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness.”

According to Section 15130(b)(1) of the CEQA Guidelines, the discussion of cumulative effects is to be on either (a) “a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those impacts outside the control of the agency,” or (b) “a summary of projections contained in an adopted plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the Lead Agency.” Consultation with the City determined that there are no foreseeable projects near the project site that could together with the project result in cumulatively considerable impacts. Therefore, the following evaluation of cumulative impacts considers the project in relation to applicable planning documents.

Plans Considered for Cumulative Effects Analysis

This cumulative analysis relies on local and regional plans and associated CEQA documents to serve as the basis for the analysis of potential cumulative effects of the project. The regional planning documents used in this analysis include: the San Diego Air Pollution Control District Regional Air Quality Strategy (RAQS), San Diego Association of Governments (SANDAG) Regional Comprehensive Plan, and the City of National City’s (City’s) General Plan. These plans are discussed throughout Chapter 4.0, Environmental Analysis, and are incorporated by reference in the appropriate sections of the cumulative analysis below.

7.1 Aesthetics

Existing development and infrastructure surrounding the project site, including (Interstate 805 [I-805], State Route 54 [SR-54], and the Westfield Plaza Bonita Mall have been present for several decades and define the existing visual landscape. No other projects are proposed in the immediate vicinity of the project site, so construction of the project is the only potential changes to the existing visual landscape.

As described in Section 4.1, the project would not result in any significant impacts related to aesthetics. The project would not substantially alter a scenic vista because there are no officially designated scenic vistas in the immediate project vicinity and San Diego Bay is not visible from the project site. The project site does not contain any rock outcroppings or historic buildings and is not visible from a state scenic highway. The existing trees and other vegetation on the project site do not qualify as a scenic resource because the project site is surrounded by existing transportation and commercial land uses and there are no scenic views of the project site. The project would introduce landscaping materials, including palm trees, deciduous trees, deciduous shrubs, groundcover, and grasses that would provide for an aesthetically pleasing view of the project site. The project would retain open space by constructing an earthen channel that would traverse the northwestern boundary of the project site and connect to the existing storm drain which outlets to the Sweetwater River. The project would be consistent with the character of the Westfield Plaza Bonita Mall east of the project site, and the nearby segment of the Sweetwater River is already surrounded by urban development including the Westfield Plaza Bonita Mall, I-805, and Plaza Bonita Road. Therefore, the project's contribution to cumulative impacts related to aesthetics would be less than significant.

7.2 Air Quality

Regional air quality impacts within the San Diego Air Basin (SDAB) are managed by the San Diego Air Pollution Control District (SDAPCD) through the development and implementation of the San Diego Regional Air Quality Strategy (RAQS). The growth projections used by the SDAPCD to develop the RAQS emissions budgets are based on the population, vehicle trends, and land use plans developed in General Plans and used by SANDAG in the development of the regional transportation plans and sustainable communities strategy. If individual projects are not consistent with anticipated growth a conflict with the RAQS would be identified. As multiple projects within the area conflict with the RAQS they would collectively contribute to a cumulative obstruction to the implementation of the plan. Alternatively, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the General Plan would not conflict with the RAQS and would not contribute to a cumulative impact.

As described in Section 4.2.3, the 15.08-acre project parcel could generate approximately 3,016 to 30,160 daily trips if it were developed consistent with the existing Major Mixed-Use land use designation. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 daily trips, which would

be less than what would be generated by a project consistent with existing land use designation. Additionally, the project would not add housing. Although the project would create new jobs, it is assumed that these would be filled by the local labor force rather than require relocation of workers from outside the region. Therefore, the project would be consistent with the growth projections for the region and would not obstruct or conflict with the implementation of the RAQS. Furthermore, construction and operation of the project would generate emissions less than applicable SDAPCD significance thresholds (see Tables 4.2-4 and 4.2-5 in Section 4.2.4.1). Therefore, the project's contribution to cumulative impacts related to air quality would be less than significant.

7.3 Biological Resources

Potential impacts to sensitive species and sensitive habitats at the project site would be mitigated to a level less than significant by revegetating impacted vegetation communities with native species shown in Table 4.3-4 (BIO-1), implementation of protocol surveys, seasonal restrictions, and/or pre-construction nesting surveys (BIO-2), construction activity oversight (BIO-3), and on-site compensatory mitigation for jurisdictional wetlands and waters (BIO-4).

Natural habitat surrounding the project site is limited to the vegetated channel of the Sweetwater River south of the project site, separated by an existing concrete levee. The high density of development in the City compared to the Sweetwater River discourages wildlife movement, and the project site does not provide a regional linkage. Consequently, the project would not interfere with the movement of wildlife species. Additionally, the project would not result in significant impacts to biological resources that could conflict with the South County MSCP with jurisdiction over County lands adjacent to the project site. Therefore, implementation of mitigation measures BIO-1 through BIO-4 would reduce project level impacts to a level less than significant. Implementation of these mitigation measures would ensure that the project's contribution to cumulative impacts related to biological resources would be less than significant.

7.4 Cultural and Tribal Cultural Resources

The project site does not contain any structures or other resources that would be considered historic resources; as a result, it would not contribute to a cumulative loss of such resources. As described in Section 4.4, only one potential archaeological resource was identified on the project site, and testing determined that CA-SDI-5344 is not eligible for the National Register of Historic Places under Criteria A, B, C or D, and is not eligible for the CRHR under Criteria 1, 2, 3, or 4. Although earthwork activities could inadvertently unearth archaeological or tribal cultural resources during construction, implementation of mitigation measure CUL-1 would reduce impacts to a level less than significant. Similarly, adherence to applicable regulatory procedures summarized in mitigation measure CUL-1 would reduce impacts associated with discovery of unknown human remains during construction to a level less than significant. Therefore, implementation of mitigation

measure CUL-1 would ensure that the project's contribution to cumulative impacts related to cultural and tribal cultural resources would be less than significant.

7.5 Energy

The California Code of Regulations, Title 24, Part 6 is the California Energy Efficiency Standards for Residential and Nonresidential Buildings (also known as the California Energy Code). Additionally, the California Green Building Standards Code, referred to as CalGreen, was added to Title 24 as Part 11, institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. These regulations were developed to reduce energy use on a regional level, and all future projects are required to comply with these requirements. As described in Section 4.5.3, the project would be required to meet the mandatory energy requirements of 2019 CalGreen and the 2019 California Energy Code. Compliance with these energy requirements would ensure that the project's contribution to cumulative impacts related to energy would be less than significant.

7.6 Geology and Soils

Potential impacts related to seismic hazards would be specific to the project site. Compliance with City regulations, the California Building Code, and adherence to the grading and site preparation recommendations presented in Appendix E would ensure that the project would not expose people or structures to seismic hazards. Similarly, implementation of grading and site preparation recommendations contained in the geotechnical investigation would ensure that impacts related to soil stability would be less than significant. Compliance with the General Construction Permit and BMPs outlined in the storm water prevention pollution plan to be prepared for the project would ensure that impacts related to soil erosion and the loss of topsoil would be less than significant. Therefore, the project's contribution to cumulative impacts related to geology and soils would be less than significant.

7.7 Greenhouse Gas Emissions

As described in Section 4.7, the project would result in a total of 558 metric tons carbon dioxide equivalent (MT CO₂E) annually. Emissions are projected to be less than the 3,000 MT CO₂E screening level. By emitting less than 3,000 MT CO₂E, the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. Additionally, the project would not conflict with any local or state plan, policy, or regulation aimed at reducing GHG emissions from land use and development. Therefore, the project's contribution to cumulative impacts related to GHG emissions would be less than significant.

7.8 Hazards and Hazardous Materials

As described in Section 4.8, the project would comply with all applicable federal, state, and local regulations, including California Occupational Safety and Health Administration and Department of Environmental Health, Hazardous Materials Division regulations, for handling of hazardous materials. The project is not listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5. No known or suspected recognized environmental conditions (RECs), Controlled RECs, or Historical RECs were identified on the project site or adjacent properties, and the existing water supply wells and/or septic systems would be properly abandoned following state and County Health Department guidelines. The project site is not located within two miles of a public airport (or within an airport land use plan) or within the vicinity of a private airstrip. The project would be designed in accordance with applicable safety standards and would adhere to all National City Fire Department requirements. Implementation of all regulatory standards would ensure that the project's contribution to cumulative impacts related to hazards and hazardous materials would be less than significant.

7.9 Hydrology and Water Quality

The project would not substantially or adversely impact existing drainage patterns, increase runoff, or create flood hazards on-site or downstream. The standard engineering practices and best management practices (BMPs) for the project have been designed to preclude potential hydrology impacts. The project would therefore not contribute to any cumulative hydrologic effects in the project area. While there are currently no known past, present, or reasonably foreseeable projects in the vicinity, any other projects that could be proposed in the vicinity would be similarly mandated to adhere to state and local engineering requirements and regulations.

The project would comply with all applicable federal, state, and local water quality standards through adherence to the City's Municipal Code, Jurisdictional Runoff Management Program, and BMP Design Manual. The project would also implement site design measures and source control BMPs identified in the Storm Water Quality Management Plan to reduce impacts to water quality, which would include avoiding impacts to the project's 303(d) impaired receiving water (Lower Sweetwater River). The project would construct an earthen channel that would preserve the existing drainage pattern where feasible that would connect to the existing 48-inch storm drain that currently outlets to the Sweetwater River. The project would also construct a storm water conveyance system that would consist of a modular wetland system, underground storage system, green street vegetated swale, and conveyance pipes that would adequately convey runoff from the project site to earthen channel and ultimately to the Sweetwater River. Conveyance of stormwater to the Sweetwater River would allow for groundwater recharge, and the underground storage system within the development footprint would include two underground infiltration systems that would allow additional opportunities for groundwater recharge. These project features would ensure that the project would not violate any water quality standards or waste discharge requirements, impact groundwater

recharge, result in flooding on- or off-site, or exceed the capacity of existing or planned storm water drainage systems. Furthermore, proposed elevation increases would raise all portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain, and the project would not be susceptible to flooding hazards, seiche, tsunami, or mudflow. Therefore, implementation of project design features and compliance with regulatory standards would ensure that the project's contribution to cumulative impacts related to hydrology and water quality would be less than significant.

7.10 Land Use

Existing development and infrastructure surrounding the project site, including I-805, SR-54, and the Westfield Plaza Bonita Mall have been present for several decades and define the existing land use pattern. The project would not physically divide the surrounding community, but would rather provide infill development on a vacant parcel surrounded by existing commercial, residential, and transportation facilities. The project would not impact any of the surrounding land uses and existing roadways would serve the project. Extension of public utilities would not be required since existing pipelines for water and wastewater are located on the project site. The project would be consistent with the General Plan. Therefore the project's contribution to cumulative land use impacts would be less than significant.

7.11 Noise

As discussed in Section 4.11, the project's compliance with the City Municipal Code Section 12.10.160 would ensure that construction noise levels would range from 53 to 62 A-weighted decibels average sound level [dB(A) L_{eq}] at adjacent residential uses (see Table 4.11-6). Furthermore, these sources of noise would be temporary and would cease upon project completion. Therefore, compliance with regulatory standards would ensure that the project's contribution to cumulative noise impacts during construction would be less than significant.

The project would increase traffic volumes on local roadways. However, the project would not substantially alter the vehicle classifications mix on local or regional roadways, nor would the project alter the speed on an existing roadway or create a new roadway. As described in Section 4.11.3.1, existing traffic volumes on roadways in the vicinity of the project site are much greater than the 939 daily trips that would be generated by the 18,774-square-foot CarMax facility (SANDAG 2020). Consequently, the addition of project traffic to area roadways would result in a doubling of traffic volumes, and the resulting noise level increase would be less than 3 dB that would not be perceivable. Therefore, the project's contribution to cumulative impacts related to noise would be less than significant.

7.12 Paleontological Resources

As described in Section 4.12, excavation activities as well as earth work associated with project grading could unearth unknown paleontological resources on the portions of the

project site underlain by areas assigned a high paleontological sensitivity. Implementation of mitigation measure PAL-1 would reduce impacts to a level less than significant. Therefore, implementation of mitigation measure PAL-1 would reduce the project's contribution to cumulative impacts on paleontological resources to a level less than significant.

7.13 Public Services and Recreation

Implementation of the project would result in an incremental increase in demand for public services and recreation, including fire, police, and parks. However, the project would not increase the residential population, and therefore would not significantly increase demand for fire protection/emergency medical services, police protection, or parks/recreational facilities. The project site is located less than two miles from two fire stations and it is anticipated that fire response time to the project site would fall within the fire service standard of 7 minutes. The City is currently meeting its goal of responding to Priority 1 calls in less than 6 minutes, and the project would not result in a significant increase in demand in police calls and required police response. Tourists typically use recreational amenities such as the local beaches and attractions and make less use of local City parks. Thus, the project would not result in a substantial increase in the use of parks that would accelerate their physical deterioration nor does the project include the construction of any park facilities that would result in physical impacts. The project would construct a CarMax facility on an undeveloped parcel and would not construct any housing. Therefore, the project would not result in a substantial increase in the use of parks that would accelerate their physical deterioration nor does the project include the construction of any park facilities that would result in physical impacts. Therefore, the project's contribution to cumulative impacts related to public services and parks/recreational facilities would be less than significant.

7.14 Transportation

As described in Section 4.14.3.1, the 15.08-acre project parcel could generate approximately 3,016 to 30,160 daily trips if it were developed consistent with the existing Major Mixed-Use land use designation. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 daily trips, which would be less than what would be generated by a project consistent with existing land use designation. Consequently, the proposed General Plan Amendment and Rezone would result in a less intensive use compared to the existing land use designation that was evaluated in the City's General Plan. Therefore, the proposed CarMax facility would generate fewer vehicle trips at the project site than was originally anticipated in the City's General Plan Circulation Element roadway network. Furthermore, the impact analysis presented in the Vehicle Miles Traveled Screen-line Analysis prepared for the project is cumulative in nature. As described in Section 4.14.4.1, the Office of Planning and Research (OPR) Transportation Technical Advisory states that "local-serving retail development tends to shorten trips and reduce VMT." Therefore, "lead agencies generally may presume such development creates a less-than-significant transportation impact" (OPR 2018). The

OPR Transportation Technical Advisory states that retail projects that are 50,000 square feet or greater “might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT” (OPR 2018). The project would introduce 18,774 of retail development that would provide additional local opportunities for the purchase motor vehicles. Therefore, the project can be presumed to result in less than significant impacts related to VMT per guidance from the OPR Transportation Technical Advisory, and a detailed VMT analysis is not required. Therefore, the project’s contribution to cumulative impacts related to transportation and circulation would be less than significant.

7.15 Utilities and Service Systems

As described in Section 4.15.3.1, the project site is served by adequate wastewater, water, and storm water systems. The project would connect to the existing underground sewer pipeline that traverses the project site, and wastewater generated by the project would be transferred for treatment to the Point Loma Wastewater Treatment Plant, which currently has excess capacity to treat an additional 65 million gallons per day. The project would construct an earthen channel and a modular wetland system with underground detention and green street vegetated swale that would adequately convey runoff from the project site to the Sweetwater River, which would then drain to the San Diego Bay, and thereby ensure that the project would not exceed the capacity of existing water drainage systems. The project would also connect to the existing water pipeline that traverses the project site. Therefore, the project’s contribution to cumulative impacts related to wastewater, water, or storm water would be less than significant.

Cumulative impacts could occur if the project’s water demand in combination with other cumulative projects would exceed the planned water supply availability for the planning horizon, resulting in the need to construct new water facilities that could have significant impacts on the environment. Water services would be provided to the project site by the Sweetwater Authority, which has a service area covering 36.5 square miles and provides water service to approximately 188,000 people through approximately 33,000 service connections. In order to adequately plan for future water demand, the Sweetwater Authority prepared an Urban Water Management Plan that determined that the agency would be capable of providing adequate water supply to its customers during a multiple dry year scenario through 2040. Therefore, the water needs of the project have been anticipated in water plans and drought conditions would not affect the availability of water to the project site. The project would not necessitate new or expanded sources of water supply or the construction of new facilities to meet regional demands. Therefore, the project’s contribution to cumulative impacts related to water supply would be less than significant.

Recycling would be conducted during construction, and project design would include recycling bins and dedicated trash enclosures which would be serviced by EDCO. In addition, the project would comply with all applicable regulations pertaining to solid waste during both the construction and operational phases of the project. Solid waste that is not recycled would be hauled to the Otay Landfill, which has a remaining capacity of

21,194,008 cubic yards and is permitted to operate through 2030. Therefore, the remaining capacity of the Otay Landfill would be adequate to serve the project's solid waste disposal needs, as well as the needs of future projects. Therefore, the project's contribution to cumulative impacts related to solid waste would be less than significant.

7.16 Wildfire

As described in Section 4.16, the project would not interfere with emergency response plans, exacerbate wildfire risks resulting in the release of pollutants or the installation of new infrastructure, nor expose people to flooding or landslides from post-fire instability. Project design would require review and approval by the Fire Marshal to ensure consistency with the adopted and amended 2019 California Fire Code. Project design. Emergency access within staging and display areas of the CarMax facility which would be provided consistent with applicable fire codes and emergency access requirements. Adherence to City Fire Department requirements, and review of designs by the Fire Marshal, would ensure that the project's contribution to cumulative impacts related to wildfire would be less than significant.

Chapter 8

Effects Found Not to be Significant

Pursuant to the California Environmental Quality Act Guidelines Section 15128, this section briefly describes the environmental issue areas that were determined during preliminary project review not to be significant, and are therefore not discussed in detail in the environmental impact report.

8.1 Agriculture and Forestry Resources

The project site does not contain prime agricultural soils or farmland and is designated as “Other Land” by the California Department of Conservation Farmland Mapping and Monitoring Program. Similarly, no land within National City (City) is designated as Prime Agricultural Land, Farmland of Statewide Importance, Farmland of Local Importance, Unique Farmland, or Grazing Land. No properties within National City, including the project site, are subject to a Williamson Act contract. In addition, there are no forest lands or forestry resources in the City. Therefore, implementation of the project would have no effect on agricultural or forestry resources.

8.2 Mineral Resources

The State Mining and Geology Board designates all land within the City as Mineral Resource Zone 3, which is defined as an area where the significance of mineral deposits cannot be determined from the available data. Mineral resource extraction within the City Planning Area is limited to salt ponds within the South San Diego Bay Unit of the San Diego National Wildlife Refuge that would not be affected by the project. Therefore, implementation of the project would have no effect on mineral resources.

8.3 Population and Housing

The project would construct a CarMax facility on an undeveloped parcel and does not propose to construct any housing. As described in Chapter 6, Growth Inducement, vehicular access would be provided by existing roads, and the project would connect to existing underground utilities that traverse the project site. Consequently, the project would not require extension of roads or other infrastructure that could induce population growth. Therefore, the project would not induce unplanned population growth either directly or indirectly, and would not displace any existing people or housing. No impact would occur.

9

Chapter 9 Project Alternatives

In order to fully evaluate the environmental effects of projects, the California Environmental Quality Act (CEQA) mandates that alternatives to the project be analyzed. Section 15126.6 of the CEQA Guidelines requires the discussion of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to “focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project,” even if these alternatives would impede to some degree the attainment of the project objectives.

As discussed in Chapter 4, the project could result in significant environmental impacts related to biological resources, cultural and tribal cultural resources, noise, and paleontological resources. Mitigation measures have been identified that would reduce all of these impacts to below a level of significance.

In developing the alternatives to be addressed in this section, consideration was given to their ability to meet the basic objectives of the project and eliminate or substantially reduce significant environmental impacts. As identified in Chapter 3, project objectives include the following:

1. Develop an economically viable automobile sales (CarMax) facility that would provide additional commercial opportunities for the City and the San Diego region.
2. Generate revenue for the City through sales tax and property tax.
3. Increase commercial activity at the Westfield Plaza Bonita Mall and surrounding area by a introducing new commercial use nearby.
4. Develop a project that is architecturally compatible with the surrounding properties.

The alternatives identified in this section are intended to further reduce or avoid significant environmental effects of the project. This chapter addresses Alternatives Considered but Rejected, a No Project/No Development Alternative, and a Reduced Development Alternative. Each major issue area included in the impact analysis of this environmental

impact report (EIR) has been given consideration in the alternatives analyses, and impacts are summarized in Table 9-1.

Table 9-1 Comparison of Project and Alternatives Impacts Summary			
Environmental Issue Area	Project	No Project/ No Development Alternative	Reduced Development Alternative
Aesthetics	LS	Less than the project (NI)	Less than the project (LS)
Air Quality	LS	Less than the project (NI)	Less than the project (LS)
Biological Resources	SM	Less than the project (LS)	Less than the project (SM)
Cultural and Tribal Cultural Resources	SM	Less than the project (NI)	Less than the project (SM)
Geology and Soils	LS	Less than the project (NI)	Same as the project (LS)
Greenhouse Gas Emissions	LS	Less than the project (NI)	Less than the project (LS)
Hazards and Hazardous Materials	LS	Less than the project (NI)	Same as the project (LS)
Hydrology and Water Quality	LS	Less than the project (NI)	Less than the project (LS)
Land Use	LS	Less than the project (NI)	Same as the project (LS)
Noise	SM	Less than the project (NI)	Less than the project (LS)
Paleontological Resources	SM	Less than the project (NI)	Less than the project (SM)
Public Services and Recreation	LS	Less than the project (NI)	Same as the project (LS)
Transportation	LS	Less than the project (NI)	Less than the project (LS)
Utilities and Service Systems	LS	Less than the project (NI)	Less than the project (LS)
NI = no impact; LS = less than significant; SM = significant and mitigated			

As required under Section 15126.6(e)(2) of the CEQA Guidelines, the EIR must identify the environmentally superior alternative. Pursuant to the CEQA Guidelines, if the No Project Alternative is determined to be the most environmentally superior project, then another alternative among the alternatives evaluated must be identified as the environmentally superior alternative. Section 9.4 addresses the Environmentally Superior Alternative.

9.1 Alternatives Considered but Rejected

This subsection of the EIR is provided consistent with CEQA Guidelines which state that the EIR need examine in detail only a reasonable range of alternatives that the lead agency

determines could feasibly attain most of the basic objectives of the project. Further, the EIR should identify any alternatives that were considered by the lead agency but were rejected and briefly explain the reasons underlying the lead agency's determination. Among factors used to eliminate alternatives from detailed consideration in the EIR is failure to meet most of the basic project objectives or inability to avoid significant environmental effects (CEQA Guidelines 15126.6(c)). Consistent with the requirement to address a "reasonable range" of alternatives, another consideration for excluding an alternative from further study includes similarity to other alternatives that are addressed in detail.

9.1.1 Alternate Location Alternative

According to the CEQA Guidelines (Section 15126.6)(f)(2)(A):

The key question and first step in (alternative location) analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

As analyzed in Chapter 4, the project would result in significant impacts to biological resources, including sensitive wildlife species, nesting birds, sensitive habitat and jurisdictional wetlands and waters. An alternate analysis was completed to identify if an alternative site could be identified that would reduce impacts to waters of the United States in association with project permitting with the United States Army Corps of Engineers. Alternative project site locations were evaluated based on the following criteria:

- Provides adequate developable area and does not reduce the net developable acres below the minimum amount needed to build a CarMax facility.
- Would not substantially increase the cost of project construction (no more than a 20 percent increase in construction costs).
- Located on a major roadway with high travel volumes and that maximizes the site's visibility from the vantages of surrounding roadways.
- Be located in proximity to major retailers, a mall, and/or other car dealers to create a symbiotic relationship between CarMax and other uses and customers are shared.
- Availability of the site to the applicant (owned or which could reasonably be obtained, utilized, expanded, or managed).
- The extent that an alternative site would reduce impacts to waters of the U.S., jurisdictional wetlands, and waters, while not substantially increasing the cost of constructing the project and not substantially impacting additional sensitive biological or cultural and tribal cultural resources.

Based on these criteria, four alternative sites were evaluated. None of the identified sites would have met the basic operational requirements for a CarMax as shown in Table 9-2, Alternative Sites Considered.

Table 9-2 Alternative Sites Considered			
Alternative Site	Land Use	Acres	Meets Project Requirements?
1008 Industrial Blvd., Chula Vista	Commercial - retail	7.76	No - site too small
NEC National City Blvd. & Hwy. 54, National City (approximately 3200 D Avenue)	Commercial - swap meet	8.4	No - not near target market population
Auto Park East, Chula Vista (approximately 4826 Main Street)	Vacant land	13	No - Does not meet visibility criteria
40 North 4 th Avenue, Chula Vista	Commercial - retail	10.08	No - not near target market population

Each alternative site evaluated were either too small to allow for construction of a CarMax facility, were not located near target market population, was financially infeasible, was not located near proximity to major retailers, a mall, and/or other car dealers, and/or were not positioned in a manner that maximizes the site's visibility from the vantages of surrounding roadways. Thus, an alternative location was dismissed from further analysis based on the lack of any properties that would satisfy project needs.

Furthermore, while moving the project to an alternate site could reduce potential impacts to biological resources, a similar level of development would have similar impacts relative to air quality, greenhouse gas (GHG) emissions, public services and recreation, public utilities, geology and soils, and hydrology and water quality. Depending on the alternate site location, impacts related to cultural and tribal cultural resources, noise, and paleontological resources could be the same or more severe as the project.

9.1.2 Project with Hotel Alternative

Development of a CarMax facility with a hotel on the project site was considered as an alternative. This alternative would require a general plan amendment, rezone, and conditional use permits, as well as expanding the land use code amendment to include hotel uses. This alternative would require development of structures and parking on the project site, similar to the project. The development footprint and grading requirements would be larger than the project. Biological resource impacts would be greater due to the larger grading footprint. Aesthetics impacts would be similar due to the conversion of an undeveloped site to residential and commercial uses. The potential for impacts to unknown cultural and tribal cultural resources and paleontological resources would likely be similar.

However, this alternative was eliminated from further review because mitigation requirements for the larger footprint were considered infeasible. This alternative proposed mitigation that included on-site creation of a channel and additional on-site enhancement. Preliminary coordination with wildlife agencies determined that this proposed mitigation strategy would not be acceptable, and the increased mitigation requirements proposed by the wildlife agencies were considered infeasible.

9.1.3 No Project/Plan and Zone Consistent Alternative

Development of a mixed-use residential and commercial facility on the project site was considered as an alternative that would be consistent with the existing Plan and Zone and would not require a general plan amendment, rezone, land use code amendment, and conditional use permits. This alternative would require development of structures and parking on the project site, similar to the project. The development footprint and grading requirements would likely be similar to the project, or less if the square footage of structures was reduced. Biological resource impacts would be similar, as the project would develop the entire project site and require construction of an earthen channel similar to that proposed under the project to mitigate impacts to jurisdictional wetlands and waters and hydrology. Aesthetics impacts would be similar due to the conversion of an undeveloped site to residential and commercial uses. The potential for impacts to unknown cultural and tribal cultural resources and paleontological resources would likely be similar.

However, this alternative was eliminated from further review because it would not meet the main project objectives of developing an economically viable automobile sales (CarMax) facility. Furthermore, this alternative would only partially meet the objectives of generating revenue for the City through sales tax and property tax, and increasing commercial activity at the Westfield Plaza Bonita Mall and surrounding area, since the residential component would not achieve these goals.

9.2 No Project/No Development Alternative

The following discussion of the No Project Alternative is based on the CEQA Guidelines Section 15126.6(e)(3)(B) which states:

If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this no project consequence should be discussed. In certain instances, the no project alternative means “no build” wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve existing physical environment.

Further, according to Section 15126.6(e)(3)(C):

After defining the no project alternative . . . , the lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The No Project/No Development Alternative would maintain the site in its current undeveloped condition and would be equivalent to the existing environmental setting. Existing issues related to transient habitation of the project site would continue and associated habitat disturbances and water quality impacts from trash, erosion, and human excrement would likely continue in the No Project/No Development Alternative. A comparative analysis of the impacts associated with this alternative and the project is provided below.

9.2.1 Aesthetics

The project would result in less than significant impacts related to scenic vistas, scenic resources, visual character/quality, and light/glare. As described in Section 4.1, Aesthetics, there are no officially designated scenic vistas in the immediate project vicinity and San Diego Bay is not visible from the project site. Similarly, the project site is not considered a scenic vista. The project site is not visible from a state scenic highway and does not contain any scenic resources, and the developed project would be consistent with the character and quality of the surrounding environment. In the absence of grading and development under the No Project/No Development Alternative, there would be no removal of existing vegetation, no site grading and earthwork, and no development of structures. Under the No Project/No Development Alternative, maintaining the site in its existing condition would result in no impact on scenic vistas or scenic resources. The visual character/quality of the project site under No Project/No Development Alternative would remain unchanged since the existing condition of the vegetated site would remain the same and new structures would not be built. Therefore, the No Project/No Development Alternative would result in no impact to the visual quality of the site and no light and glare impacts would result compared to the project. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.2 Air Quality

Short-term emissions associated with grading and construction activities and long-term emissions associated with operation of the project would be avoided under the No Project/No Development Alternative. As described in Section 4.2, Air Quality, project generated vehicle trips would not conflict with assumptions in the Regional Air Quality Strategy (RAQS) and would not accommodate any increase the local population. Similarly, construction and operation of the project would result in less than significant impacts to air quality. Since the No Project/No Development Alternative would avoid any construction or

operational emissions, no air quality impact would occur under this alternative. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.3 Biological Resources

The project would require mitigation during construction to reduce potentially significant impacts to vegetation communities that support California Department of Wildlife (CDFW) species of special concern (yellow-breasted chat and yellow warbler), foraging habitat for raptors, and nesting birds. The project would also require mitigation for impacts to impact jurisdictional waters and wetlands covered under the authority of the U.S. Army Corps of Engineers (USACE) (waters of the U.S.), CDFW (waters of the State), and Regional Water Quality Control Board (RWQCB) (waters of the State). In the absence of project construction and grading activities for the No Project/No Development Alternative, significant impacts to sensitive habitats, sensitive species, and jurisdictional waters and wetlands would not occur. The No Project/No Development Alternative would maintain the site in its existing condition. As noted in the Biological Technical Report, the project site has been subject to long-term habitation by the local homeless population. A variety of trash and debris including shopping carts, tarps, old clothing and wood scraps are present on-site, with much of the trash and debris located in the stream features. Under the No Project/No Development Alternative, these conditions would likely continue and would have the potential to adversely affect biological resources within the project site. However, impacts under the No Project/No Development Alternative would still be less than would occur under the project since the existing habitat and vegetation would remain intact. Thus, the No Project/No Development Alternative would have less biological resources impacts compared to the project.

9.2.4 Cultural and Tribal Cultural Resources

The project would require mitigation to reduce the potential for earth work activities to unearth unknown cultural and tribal cultural resources, including human remains, during construction. In the absence of grading for the No Project/No Development Alternative, there would be no potential to uncover subsurface cultural resources. Any unknown buried cultural or tribal cultural resources, including human remains, would remain buried and preserved in place. Therefore, impacts to cultural and tribal cultural resources would be avoided under the No Project/No Development Alternative and would be less than the project.

9.2.5 Energy

Short-term energy use associated with construction activities and long-term energy use associated with operation of the project would be avoided under the No Project/No Development Alternative. As described in Section 4.5, impacts related to energy use would be less than significant. Since the No Project/No Development Alternative would avoid any construction or operational emissions, no energy use would occur under this alternative.

Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.6 Geology and Soils

Compliance with City regulations, the California Building Code, and adherence to the grading and site preparation recommendations presented in the geotechnical investigation would ensure that the project would not expose people or structures to seismic hazards or unstable soils. Similarly, compliance with the General Construction Permit and best management practices (BMPs) outlined in the Storm Water Pollution Prevention Plan (SWPPP) would ensure that impacts related to soil erosion and the loss of topsoil would be less than significant. Additionally, the geotechnical investigation determined that the majority of soils beneath the project site are anticipated to have very low to low expansive potential.

The No Project/No Development Alternative proposes no development, and therefore, would not expose people or structures to seismic hazards or unstable and expansive soils. Similarly, the No Project/No Development Alternative would not require grading and excavation activities that could result in soil erosion and the loss of topsoil. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.7 Greenhouse Gas Emissions

GHG emissions for the project were estimated to be a total of 558 metric tons carbon dioxide equivalent (MT CO₂E) annually, which would be less than the South Coast Air Quality Management District's (SCAQMD's) recommended/preferred option 3,000 MT CO₂E screening level, and impacts would be less than significant. Under the No Project/No Development Alternative, short-term GHG emissions associated with construction activities and long-term GHG emissions associated with mobile and area sources would be avoided and there would be no impact. Thus, GHG emissions impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

The project would be consistent with plans, policies, and regulations addressing GHG emissions, resulting in a less than significant impact. The No Project/No Development Alternative would result in no development which would result in no conflicts with applicable plans, policies, and regulations and no impact would occur. Thus, impacts related to GHG plan, policy, and regulation consistency under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.8 Hazards and Hazardous Materials

The project must comply with all applicable regulations for handling of hazardous materials, which would ensure that the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project is not listed as a hazardous materials site compiled pursuant to

Government Code Section 65962.5. No known or suspected recognized environmental condition (RECs), controlled recognized environmental condition (CRECs), or historical recognized environmental conditions (HRECs) were identified on the project site or adjacent properties. No conflicts or hazards related to airports or fire hazards were identified for the project. In summary, project impacts related to hazardous materials would be less than significant.

Under the No Project/No Development Alternative, the project site would remain undeveloped and there would be reduced potential for health and safety risks when compared with the project because the site would not be occupied with people or structures. Under the No Project/No Development Alternative, any fill from unknown sources, including buried trash/debris, undocumented underground storage tank (USTs) or other waste would not be unearthed. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.9 Hydrology and Water Quality

The project has been designed to avoid significant impacts on the existing drainage patterns by constructing an earthen channel that would recontour and redirect approximately 2,012 linear feet of the unnamed creek on the project site. The project would also construct a storm water conveyance system that would consist of a modular wetland system, underground storage system, green street vegetated swale, and conveyance pipes that would collect storm water and manage flowrates. The No Project/No Development Alternative would avoid impacts to the existing drainage pattern because the project site would remain undeveloped. The No Project/No Development Alternative would avoid impacts associated with water supplies and groundwater recharge because the project site would remain undeveloped.

The project would avoid impacts related to flooding by increasing elevations at the project site by 5 to 10 feet in order to raise all portions of the project site that would be utilized for the CarMax facility out of the 100-year floodplain. Although some portions of the project site would remain in the 100-year floodplain under the No Project/No Development Alternative would not result in any impacts because the project because the project site would remain undeveloped and would not expose any people or structures to flooding hazards.

The project would comply with all applicable federal, state, and local water quality standards through adherence to the City's Municipal Code, jurisdictional runoff management program (JRMP), and BMP Design Manual and the Storm Water Quality Management Plan (SWQMP) prepared for the project to reduce impacts related to water quality to a level less than significant. Under the No Project/No Development Alternative, impacts on water quality would be avoided because the project site would remain undeveloped.

9.2.10 Land Use

The project does not include any features that would have the potential to physically divide an established community and would not conflict with any environmental policies of the General Plan. Processing the proposed general plan amendment, zoning designation amendment, land use code (LUC) amendment, and conditional use permits would ensure consistency with the General Plan and zoning code. The No Project/No Development Alternative would avoid land use impacts compared to the project because it would leave the site undeveloped and would not require general plan amendment, zoning designation amendment, LUC amendment, or conditional use permit. Thus, impacts under the No Project Alternative would be avoided and would be less than the project.

9.2.11 Noise

Project construction would result in the existing adjacent uses to be exposed to construction noise levels that may be heard above ambient conditions. The noise levels would be temporary and would not exceed the City's standards. Similarly, project-generated traffic noise and on-site generated noise level would increase, but would not exceed the applicable noise level standards. Noise impacts were determined to be less than significant. Maintaining the project site under the existing condition would eliminate the potential for construction, operation, and traffic noise. Thus, impacts under the No Project Alternative would be avoided and would be less than the project.

9.2.12 Paleontological Resources

The project would require mitigation during construction to reduce potential impacts to paleontological resources resulting from excavation and grading. In the absence of grading under the No Project/No Development Alternative, there would be no potential to impact paleontological resources within portions of the project site assigned a high paleontological resource sensitivity. Any unknown buried paleontological resources would remain undisturbed. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.13 Public Services and Recreation

The project does not require any new or physically altered fire or emergency medical facilities, police facilities, or park and recreation facilities, and project impacts related to public services and recreation would be less than significant. Demand on public services (fire/emergency medical, police, recreation/parks) would be less with the No Project/No Development Alternative due to the absence of development. No physical impacts associated with the construction of public facilities would occur. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.14 Transportation

The project would result in additional traffic generation on local intersections and street segments. However, this additional traffic would not degrade the level of service for those intersections and street segments to an unacceptable level, and project impacts on transportation would be less than significant. Under the No Project/No Development Alternative, existing and projected traffic conditions would remain unchanged. There would be no impact on transportation under the No Project/No Development Alternative. Additionally, the No Project/No Development Alternative would not create hazards due to a design feature or result in inadequate emergency access. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.15 Utilities and Service Systems

Existing water supply provided by the Sweetwater Authority would be capable of serving the project and water and wastewater facilities are available to serve the project. The proposed earthen channel and modular wetland system with underground detention and green street vegetated swale would adequately convey storm water to the Sweetwater River and eventually to the San Diego Bay. The project would not exceed the solid waste capacity of Otay Landfill and would implement recycling programs during construction and operation. Project impacts related to the utilities and services system would be less than significant.

The No Project/No Development Alternative would not affect existing water, wastewater, storm water, or solid waste facilities, as there would be no increase in demand and services would not change. This alternative would not generate construction and operational waste that would require disposal at the landfill. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.16 Wildfire

The project would not increase risks associated with wildfire, and project impacts would be less than significant. The No Project/No Development Alternative would leave the project site in its current undeveloped condition, and risks associated with wildfire would remain unchanged due to the absence of development. Thus, impacts under the No Project/No Development Alternative would be avoided and would be less than the project.

9.2.17 Conclusions

Should the No Project/No Development Alternative be implemented, the project's significant impacts requiring mitigation associated with biological resources, cultural and tribal cultural resources, and paleontological resources would not occur. While adoption of the No Project/No Development Alternative would maintain the existing undeveloped condition of the site and avoid impacts associated with the project, none of the project objectives would be attained.

9.3 Reduced Development Alternative

The Reduced Development Alternative would construct a reduced size CarMax facility and the earthen channel. By reducing the footprint of the overall project site, the Reduced Development Alternative would reduce impacts to biological resources and reduce the potential area that would be disturbed by grading and earthwork activities that could yield unknown cultural and tribal cultural resources and paleontological resources.

9.3.1 Aesthetics

The Reduced Development Alternative would reduce the size of the proposed CarMax facility, and thereby slightly reduce the amount of change that would occur to the visual character of the project site because it would have a smaller scale than the CarMax facilities proposed under the project. Similarly, grading and construction of structures would occur over a smaller area and the development would be slightly less intense. Similar to the project, the Reduced Development Alternative would be consistent with the character and quality of the surrounding environment. Overall, impacts to scenic vistas, scenic resources, visual character, and lighting would be less than the significant and slightly reduced compared to the project.

9.3.2 Air Quality

The Reduced Development Alternative would result in short-term air quality impacts similar to, but less than the project, since grading and construction activities would be slightly reduced with the smaller footprint. This alternative would result in a reduced level of traffic-related emissions due to the decrease in trips associated with the reduced size of the facility. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 trips. A reduced size CarMax facility would generate even fewer trips and result in fewer emissions than would be generated by the project. Similar to the project, the Reduced Development Alternative would not conflict with implementation of the air quality plan, contribute to air quality violations, or expose sensitive receptors to emissions or odors. Therefore, the Reduced Development Alternative would have less construction and operational emissions than the project.

9.3.3 Biological Resources

The Reduced Development Alternative would have a smaller development footprint, and therefore, have fewer impacts on sensitive habitats. Implementation of mitigation measures BIO-1 through BIO-4 would reduce impacts to biological resources under the Reduced Development Alternative to a level less than significant. Overall, biological impacts of the Reduced Development Alternative would be less than significant with mitigation and impacts would be reduced compared to the project.

9.3.4 Cultural and Tribal Cultural Resources

Impacts would be slightly reduced under the Reduced Development Alternative because of the reduced development footprint. However, the potential would still exist for earthwork activities to unearth unknown cultural and tribal cultural resources, including human remains, during construction of the CarMax. Therefore, the Reduced Development Alternative would be required to implement mitigation measure CUL-1, and potential impacts would be reduced to less than significant. Overall cultural and tribal cultural resources impacts of the Reduced Development Alternative would be less than significant with mitigation and impacts would be reduced compared to the project.

9.3.5 Energy

The Reduced Development Alternative would result in similar short-term and long-term energy use similar to, but less than, the project because it would develop a reduced size CarMax facility. As described in Section 4.5, the Reduced Development Alternative would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Thus, the Reduced Development Alternative would use less energy than the project.

9.3.6 Geology and Soils

Although the Reduced Development Alternative would reduce the development intensity compared to the project, potential impacts related to geology and soils would be similar. Compliance with City regulations, the California Building Code, and adherence to the grading and site preparation recommendations presented in the geotechnical investigation would ensure that the Reduced Development Alternative would not expose people or structures to seismic hazards or unstable soils. Similarly, compliance with the General Construction Permit and BMPs outlined in the SWPPP would ensure that impacts related to soil erosion and the loss of topsoil would be less than significant. Additionally, the geotechnical investigation determined that the majority of soils beneath the project site are anticipated to have very low to low expansive potential. Overall, impacts related to geology and soils would be less than significant, and similar to the project.

9.3.7 Greenhouse Gas Emissions

The Reduced Development Alternative would result in GHG impacts similar to, but less than, the project. Due to the smaller project footprint, the Reduced Development Alternative would result in fewer short-term GHG emissions associated with construction activities and fewer long-term GHG emissions associated with mobile and area sources. Similar to the project, this alternative would not conflict with the applicable plans adopted to reduce GHG emissions. Therefore, GHG impacts under the Reduced Development Alternative would be less than significant and less than the project.

9.3.8 Hazards and Hazardous Materials

Similar to the project, the Reduced Development Alternative would comply with all applicable regulations for handling of hazardous materials, which would ensure that the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project is not listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5. No known or suspected RECs, CRECs, or HRECs were identified on the project site or adjacent properties. While the Reduced Development Alternative would avoid development on a portion of the site, the existing water supply wells and/or septic systems would still need to be abandoned following state and County Health Department guidelines. The project site is not located within two miles of a public airport (or within an Airport Land Use Compatibility Plan) or within the vicinity of a private airstrip. Overall, impacts of the Reduced Development Alternative related to hazards and hazardous materials would be less than significant and the same as the project.

9.3.9 Hydrology and Water Quality

Under the Reduced Development Alternative, the CarMax facility portion of the project site would be raised out of the 100-year floodplain. Design and impacts associated with the earthen channel would be similar as under the project since the unnamed creek would still be located within the reduced footprint of the project site. The Reduced Development Alternative would also construct a storm water conveyance system that would collect storm water and manage flowrates. The storm water conveyance system would also include filtration components to treat stormwater before discharging to the earthen channel or infiltrating to groundwater. Conveyance of stormwater to earthen channel and ultimately to the Sweetwater River would allow for groundwater recharge, and the Reduced Development Alternative's storm water conveyance system would allow additional opportunities for groundwater recharge. The Reduced Development Alternative would be required to comply with all applicable federal, state, and local water quality standards through adherence to the City's Municipal Code, JRMP, and BMP Design Manual and the SWQMP prepared for the project to reduce impacts related to water quality to a level less than significant. Overall, impacts under the Reduced Development Alternative would be less than significant and would be reduced compared to the project.

9.3.10 Land Use

The Reduced Development Alternative does not include any features that would have the potential to physically divide an established community and would not conflict with any environmental policies of the General Plan. The Reduced Development Alternative would also require processing of the proposed General Plan amendment, zoning designation amendment, LUC amendment, and conditional use permits would ensure consistency with the General Plan and zoning code. Land use impacts of the Reduced Development Alternative would be less than significant, the same as the project.

9.3.11 Noise

Noise impacts under the Reduced Development Alternative would be reduced compared to those of the project. Construction noise would be similar to the project, but stationary and traffic noise would be reduced due to the reduction in traffic trips associated with the smaller CarMax facility. Overall, noise impacts of this alternative would be less than significant and less than the project.

9.3.12 Paleontological Resources

Similar to the project, the Reduced Development Alternative has the potential to impact paleontological resources which may occur on the project site. Impacts would be slightly reduced under this alternative because of the reduced development footprint. As with the project, excavation and grading would still be required in portions of the project site assigned a high paleontological resource sensitivity. Therefore, the Reduced Development Alternative would be required to implement mitigation measure PAL-1. Overall, impacts of this alternative would be reduced to less than significant with mitigation and potential impacts would be slightly less compared to the project.

9.3.13 Public Services and Recreation

Although the development intensity would decrease under this alternative, the demand for public services and recreation would be substantially the same. As with the project, the Reduced Development Alternative would not require any new or physically altered fire or emergency medical facilities, police facilities, or park and recreation facilities. Impacts would be less than significant and the same as the project.

9.3.14 Transportation

The Reduced Development Alternative would generate fewer trips than the project due to the reduced size of the CarMax facility. Based on a trip rate of 50 trips per 1,000 square feet (SANDAG 2002), the 18,774-square-foot CarMax facility would generate 939 trips. The Reduced Development Alternative would reduce trips and reduce impacts compared to the project that were already determined to be less than significant. The Reduced Development Alternative would have similar levels of impact related to the remaining issue areas of hazards due to a design feature, emergency access and impacts on transit, bicycle or pedestrian facilities. Overall, impacts of the Reduced Development Alternative would be less than significant and less than the project due to reduced trip generation.

9.3.15 Utilities and Service Systems

Implementation of the Reduced Development Alternative would reduce demands on wastewater treatment and water supply compared to the project due to reduced development intensity. The Reduced Development Alternative would include the proposed earthen channel and modular wetland system with underground detention and green street

vegetated swale that would adequately convey storm water to the Sweetwater River and eventually to the San Diego Bay. As with the project, this alternative would implement recycling programs to meet state and local waste reduction goals. Impacts on utilities and service systems would be less than significant under this alternative, and less than under the project.

9.3.16 Wildfire

The Reduced Development Alternative would be located in the same location as the project and, therefore, would be subject to the same level of fire risk from surrounding areas. However, the Reduced Development Alternative would be subject to the same fire pretention requirements as the project. Therefore, impacts associated with wildfire under the Reduced Development Alternative would be the same as the project.

9.3.17 Conclusions

Impacts associated with the Reduced Development Alternative would be less than those associated with the project for the issues of aesthetics, air quality, energy, greenhouse gases, hydrology and water quality, noise, transportation, and utilities and services systems. The project's significant impacts associated with biological, cultural and tribal cultural resources, and paleontological resources would still occur under this alternative, but would be slightly reduced due to the smaller project footprint. All other impacts under the Reduced Development Alternative would be the same as the project.

9.4 Environmentally Superior Alternative

The environmentally superior alternative is generally defined as the alternative which would result in the least adverse environmental impacts on the project site and surrounding area. The No Project/No Development Alternative would be environmentally superior since it would avoid impacts associated with biological resources, cultural and tribal cultural resources, noise, and paleontological resources compared to the project; however, this alternative would not meet any of the project objectives. CEQA Guidelines (Section 15126.6(e)(2)) requires that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Reduced Development Alternative is selected as the Environmentally Superior Alternative due to its ability to reduce the severity of impacts to biological resources, cultural and tribal cultural resources, and paleontological resources. The Reduced Development Alternative would also reduce impacts related to aesthetics, air quality, energy, greenhouse gases, hydrology and water quality, noise, transportation, and utilities and services systems compared to the project. All other project impacts associated with this alternative would be less than significant, the same as the project. However, the Reduced Development Alternative would not completely meet all project objectives. The Reduced Development Alternative would only partially meet the objectives of developing an economically viable automobile sales (CarMax) facility that would provide additional

commercial opportunities for the City and the San Diego region, generating revenue for the City through sales tax and property tax, and increasing commercial activity at the Westfield Plaza Bonita Mall and surrounding area by introducing new commercial use nearby. The reduced size of the CarMax facility would not achieve these objectives to the same degree as the project due to reduced volume of sales and reduced commercial activity that would occur under the Reduced Development Alternative.

Chapter 10

Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an environmental impact report (EIR) to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The project is described in Chapter 3, Project Description of this EIR. The issues addressed in Chapter 4 of this EIR include aesthetics; air quality; biological resources; cultural and tribal cultural resources; energy, geology and soils, greenhouse gas emissions; hazards and hazardous materials, hydrology and water quality; land use; noise; paleontological resources, public services and recreation; transportation; utilities and service systems, and wildfire. Agricultural resources, mineral resources, and population and housing are addressed in Chapter 8, Effects Found Not to be Significant. After analysis, potentially significant impacts requiring mitigation were identified for biological resources, cultural and tribal cultural resources, and paleontological resources. The environmental analysis concluded that the potentially significant impacts associated with biological resources, cultural and tribal cultural resources, and paleontological resources could be avoided or reduced through implementation of recommended mitigation measures.

The MMRP for the project is under the jurisdiction of the City and other agencies as specified in the table below. The following is an overview of the MMRP to be completed for the project.

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
BIOLOGICAL RESOURCES			
<p>Wildlife Species. As identified in Biological Resources Section 4.3.3 of this EIR, the project would impact 1.39 acres of riparian woodland habitat that may function as suitable habitat for least Bell’s vireo and coastal California gnatcatcher. Additionally, this riparian woodland habitat is located near the cattail marsh habitat where light-footed Ridgway’s rail was observed. Furthermore, due to the time that has passed since the original protocol surveys in 2015 and 2017, it is possible that the presence or absence of SWFL, LBV, CAGN, and light-footed Ridgway may have changed. Consequently, the Draft EIR has assumed presence of all four species. Therefore, the project will conduct updated protocol-level surveys during the spring prior to construction to confirm presence or absence of these species. Direct and indirect impacts to habitat that may support southwestern willow flycatcher, least Bell’s vireo, coastal California gnatcatcher, and light-footed Ridgway’s rail would be potentially significant (Impact BIO-1).</p> <p>As identified in Biological Resources Section 4.3.3 of this EIR, the project may impact the nesting success of tree-nesting raptors if grading, vegetation clearing, and/or noise generating activities such as construction are conducted during the breeding season for these taxa (February 15–August 31). Such impacts could result in removal of active nests of tree-nesting birds or raptors or disruption in breeding success due to disturbance of breeding behaviors. These impacts would be potentially significant (Impact BIO-2).</p> <p><u>As identified in Biological Resources Section 4.3.3 of this EIR, project construction may impact roosting bats that may occur within palms or other trees within the development footprint if vegetation removal activities occurred during bat roosting season, which is generally between March 1 and October 14. Such actions would result in the disruption of maternal roosting behavior</u></p>	<p>MM-BIO-1 Habitat Restoration & Habitat Mitigation and Monitoring Plan</p> <p>Impacts to wildlife species and sensitive habitats would be mitigated through restoration and revegetation of native habitat within the channel area of the project site. The following habitats and acreages would be created:</p> <ul style="list-style-type: none"> • 1.331.24 <u>1.44</u> acres of arroyo willow thickets habitat • 1.44 <u>2.622.36</u> acres of coastal sage scrub • 2.622.36 <u>0.460.38</u> acres of cattail marshes • 0.460.38 <u>1.16</u> acre of mule-fat thickets • <u>1.16</u> acres of San Diego sunflower scrub/coastal sage scrub <p>All non-native habitat within the channel area would be revegetated with native plant species. Because the channel area currently supports non-native and disturbed vegetation, there would be a net gain of 2.802.09 acres of native habitat following habitat restoration. In order to ensure successful revegetation/creation of self-sustaining riparian and upland habitats, a Habitat Mitigation and Monitoring Plan shall be prepared to ensure the ecological functions and values of the impacted habitats are restored. The Habitat Mitigation and Monitoring Plan shall include:</p> <ul style="list-style-type: none"> • Sufficient restoration or creation of habitat to fulfill the mitigation obligations. • The planting plan shall be designed to ensure that the appropriate restored/created habitat is suitable for the coastal California gnatcatcher and least Bell’s vireo, and allows for wildlife movement (e.g., appropriate width and vegetative cover). • The planting design shall also include adequate wetland buffers as determined in consultation with the agencies. • A native planting palette appropriate for each vegetation type being mitigated and appropriate to local conditions. No non-native plant species shall be planted in the project site. • Irrigation for upland and wetland habitat types for the first two to three years following installation. Irrigation is to be removed during the final 2 years of restoration to ensure that the habitat is self-sustaining. • A 120-day plant establishment period plus five year restoration maintenance period (or until success criteria are met). • Qualitative and quantitative monitoring methods to ensure that success criteria are met. • Five year maintenance methods. • Success criteria for establishment period and years 1–5. • Responsibilities and qualifications of restoration and maintenance contractor(s) and restoration ecologist. <p>MM-BIO-2 Protocol and Pre-construction Surveys</p> <p>To avoid and minimize impacts to nesting birds and raptors, vegetation removal and grading shall occur outside of the nesting bird season (February 1 through August 31). If the breeding season cannot be avoided, the following measures shall be implemented in coordination with the CDFW and USFWS:</p> <ol style="list-style-type: none"> 1. Updated protocol-level surveys for light-footed Ridgway’s rail, southwestern willow flycatcher, coastal California gnatcatcher, and least Bell’s vireo will occur during the spring prior to the start of construction <u>commenced in spring 2021</u> to determine the presence or absence of these species. If any of these species are determined to be present, additional avoidance and minimization measures would be 	<p>Prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/ Permits and Building Plans/ Permits, but prior to the first pre-construction meeting (MM-BIO-2 and MM-BIO-3, <u>MM-BIO-4, and MM-BIO-5</u>) and Post-Construction (MM-BIO-1).</p>	<p>City of National City</p>

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p><u>and/or mortality of immature bats. These impacts would be potentially significant (Impact BIO-3).</u></p> <p><u>As identified in Biological Resources Section 4.3.3 of this EIR, potential increased exposure of vegetation communities to non-native exotic plant species would have the potential to impact special status wildlife species who rely on these potentially affected vegetation communities as habitat. These impacts would be potentially significant (Impact BIO-4).</u></p> <p><u>As identified in Biological Resources Section 4.3.3 of this EIR, potential increased exposure of vegetation communities to ISBH would have the potential to impact special status wildlife species who rely on these potentially affected vegetation communities as habitat. These impacts would be potentially significant (Impact BIO-5).</u></p>	<p>implemented consistent with bullets 2 and 3 below <u>and in consultation with the USFWS during the Section 7 permitting process, as well as with CDFW, if state-listed species are present and the breeding season cannot be avoided. Impacts on occupied habitat for listed species (e.g., coastal California gnatcatcher, least Bell's vireo and/or Ridgway's rail) will be mitigated through the FESA and/or CESA permitting process (e.g., Section 7, Section 2081) and implementation of all required permit conditions and conservation measures therein.</u></p> <ol style="list-style-type: none"> 2. During the avian breeding season, a qualified Project Biologist shall conduct a preconstruction avian nesting survey no more than 3 days prior to vegetation disturbance or site clearing. If there is a break of 5 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before these activities begin again. 3. The preconstruction survey shall cover all reasonably potential nesting locations on and within 300 feet of the proposed construction activities areas, including off-site areas. If an active nest is found during the preconstruction avian nesting survey, a qualified Project Biologist shall implement a 300-foot minimum avoidance buffer for light-footed Ridgway's rail, southwestern willow flycatcher, coastal California gnatcatcher, least Bell's vireo, and other passerine birds, and a 500-foot minimum avoidance buffer for all raptor species. The nest site area shall not be disturbed until the nest becomes inactive or the young have fledged. <u>Final avoidance buffers required during construction, pre-construction surveys, as well as avoidance and minimization measures specific to this species, will be set in coordination with USFWS and/or CDFW.</u> <p>MM-BIO-3 Construction Activities Oversight</p> <p>A qualified Biologist shall be responsible for monitoring the limits of construction activity, mitigation measures, design considerations, and project conditions during all phases of the project. The Project Biologist shall conduct the following:</p> <ol style="list-style-type: none"> 1. Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading. 2. Conduct worker training prior to all phases of construction; this shall include meetings with the contractor and other key construction personnel to explain the importance of restricting work to designated areas prior to clearing, grubbing, or grading. Discussions shall include procedures for minimizing harm to or harassment of wildlife encountered during construction activities prior to clearing, grubbing, and/or grading. 3. Conduct pre-construction clearance surveys to detect the presence of nesting birds and sensitive terrestrial wildlife species, such as coast horned lizard, orange-throated whiptail, and two-striped garter snake. 4. Be present on-site to monitor initial vegetation clearing, grubbing, and grading to ensure that mitigation measures are being appropriately followed. 5. Periodically monitor the limits of construction as needed to ensure that the construction boundaries are marked and not breached. 6. Prepare a post-construction monitoring report for submittal to the City. The report shall substantiate the supervision of the clearing, grubbing, and/or grading activities, and shall provide a final assessment of biological impacts. 		

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p><u>MM-BIO-4 Bat Avoidance Measures</u></p> <p><u>To avoid the bat maternity season, impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between October 15 and- March 1, unless a focused survey is conducted within 30 days of vegetation removal activities by a qualified bat biologist. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that project areas are currently used or are likely to be used as a bat maternity roost, and tree removal activities must occur between October 15 and March 1, a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark):</u></p> <p><u>Step 1: Small branches and small limbs containing no cavity, crevice, or exfoliating bark are removed with chainsaws under field supervision by a qualified bat biologist; and,</u></p> <p><u>Step 2: The remainder of the tree is to be removed the following day. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habituation and re-occupation of the altered tree.</u></p> <p><u>If these procedures are followed and it is determined that construction activities or site development still may cause roost abandonment, vegetation removal activities shall cease and not commence until roost sites have been replaced. To replace tree roosts, elevated bat houses shall be installed outside of, but near, the construction area. Placement and height will be determined by a qualified wildlife biologist, but the bat house would be at least 15 feet high. The number of bat houses required will depend on the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient size and number to accommodate each colony of bats to be relocated.</u></p> <p><u>MM-BIO-5 Invasive Shot Hole Borer Avoidance Measure</u></p> <p><u>The Project Proponent and/or City shall implement the following measures to reduce the potential for spreading ISHBs because of project activities:</u></p> <ol style="list-style-type: none"> <u>1. A qualified Biologist shall be responsible for monitoring for signs of infestation from ISHBs on site, within 500 feet of the project site, and within restoration materials used for restoration activities:</u> <u>2. The Biologist shall conduct an environmental awareness training prior to vegetation clearing and prior to the commencement of restoration activities for on-site workers regarding ISHB and its spread.</u> <u>3. Signs of ISHB infestation shall be reported to CDFW and University of Riverside’s Eskalen Lab (eskalenlab.ucr.edu); this includes sugary exudate (“weeping”) on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen).</u> <u>4. If signs of ISHB infestation are noted on site, additional Best Management Practices shall be required, including but not limited to:</u> <ul style="list-style-type: none"> <u>• Equipment disinfection.</u> <u>• Pruning in infested areas where project activities may occur.</u> <u>• Avoidance and minimization of transport of potential host tree materials.</u> 		

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> • <u>Chipping potential host materials to less than 1 inch prior to delivering to a landfill.</u> • <u>Chipping potential host materials to less than 1 inch prior to composting on site.</u> • <u>Solarization of cut logs and/or burning of potential host tree materials.</u> 		
Sensitive Riparian Habitats. As identified in Biological Resources Section 4.3.4 of this EIR, project grading, clearing, and other construction-related activities would result in temporary and permanent impacts to sensitive riparian habitats that would consist of 0.73 acres of arroyo willow thickets, 0.07 of cattail marsh, 0.02 acre of coyote brush scrub, 0.07 acre of mule fat thickets, 0.07 acre of San Diego sunflower scrub, and 0.08 acre of sycamore trees. These impacts would be potentially significant (Impact BIO-36).	See mitigation measures MM-BIO-1 and MM-BIO-3 above.	Prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/ Permits and Building Plans/ Permits, but prior to the first pre-construction meeting (MM-BIO-3) and Post-Construction (MM-BIO-1).	City of National City
Jurisdictional Wetlands and Waters. As identified in Biological Resources Section 4.3.4 of this EIR, the project would impact 1.23 acres of USACE/RWQCB non-wetland waters, 1.68 acres of waters of the State under RWQCB jurisdiction, and 2.49 acres of CDFW jurisdictional waters. These impacts would be potentially significant (Impact BIO-47).	<p>MM-BIO-46 Wetlands Restoration Compensatory Mitigation for Jurisdictional Waters</p> <p>Impacts to jurisdictional wetlands and waters shall be mitigated on-site by constructing a 4.39-acre earthen channel traversing the northwestern boundary of the project site and connecting to the existing storm drain that outlets to the Sweetwater River. This earthen channel shall recontour and redirect approximately 2,012 linear feet of the unnamed creek, preserve the existing drainage pattern and jurisdictional wetlands and waters resources where feasible, and mitigate temporary and permanent impacts through compensatory mitigation.</p> <p>Direct impacts on jurisdictional wetlands and waters shall be mitigated through implementation of the Habitat Mitigation and Monitoring Plan described in MM-BIO-1, resulting in habitat creation and restoration of higher quality than the habitat that is being impacted. Up to 0.49 acre of waters of the U.S. and an additional 0.60 acre of waters of the State is proposed for rehabilitation. Additionally, a total of 1.22 acres of CDFW jurisdictional waters is also proposed for rehabilitation. Restoration credits are proposed for the remainder of the restored channel. Up to 4.04 acres of waters of the U.S. and State and up to 4.72 acres of CDFW jurisdictional waters will be re-established. <u>On-site mitigation would be protected in-perpetuity, recording a land protection mechanism over the site. On-site mitigation would enter into long-term management once 5-year success criteria are met. CarMax would be responsible for funding the long-term management through the funding of a non-wasting endowment.</u></p> <p><u>In addition to the on-site restoration activities, a minimum of 0.78 acre of offsite mitigation may also be in the form of waters of the U.S. and State restoration and enhancement credits would also be purchased at an Approved Mitigation Bank. Final offsite mitigation requirements will be determined through the approval process with the resource agencies.</u></p>	Post-Construction.	City of National City
CULTURAL AND TRIBAL CULTURAL RESOURCES			
Archeological and Tribal Cultural Resources. As discussed in the EIR, Section 4.4.4, the potential exists for earth work activities to unearth unknown archaeological and tribal cultural resources during construction. These impacts would be potential significant (Impact CUL-1).	<p>CUL-1: Archeological Monitoring</p> <p>An archaeological resources monitoring program shall be implemented, which shall include the following:</p> <ol style="list-style-type: none"> 1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of National City that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be 	Prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/ Permits and Building Plans/ Permits, but prior to the first pre-construction meeting.	City of National City

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.</p> <ol style="list-style-type: none"> 2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. 3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s), including a Native American monitor, shall be on-site full time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. 4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed. 5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the lead agency, then carried out using professional archaeological methods. 6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis. 7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. 8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms. 9. In the event of the discovery or recognition of any human remains, protocols and procedures noted in the Public Resources Code Section 5097.98, the California Government Code Section 27491, the Health and Safety Code Section 7050.5, and the County of San Diego Historical Resources Guidelines for the treatment of human remains encountered at archaeological sites will be followed, as summarized below: <ol style="list-style-type: none"> a. There shall be no further excavation or disturbance of the burial location and a reasonable distance around the burial until: <ol style="list-style-type: none"> i. A City official is contacted; ii. The coroner is contacted to determine that no investigation of the cause of death is required; and 		

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> iii. If the coroner determines the remains are Native American, the coroner shall contact the NAHC within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the City regarding the excavation work. b. Native American human remains and associated funerary items that are removed from the project area of potential effect may be reburied at a location mutually agreed upon by the City, the project applicant/developer, and the MLD. If reinternment of human remains cannot be accomplished at the time of discovery, the MLD shall either take temporary possession of the remains or identify a location for the temporary, but secure, storage of the remains. c. For the purposes of this document, human remains are defined as: <ul style="list-style-type: none"> i. Cremations including the soil surrounding the deposit; ii. Interments including the soil surrounding the deposit; or iv. Associated funerary items. 		
PALEONTOLOGICAL RESOURCES			
<p>Paleontological Resources. As discussed in Paleontological Resources Section 4.12.3, project excavation and grading within portions of the project site assigned a high paleontological resource sensitivity would have the potential to discover paleontological resources. These impacts would be potentially significant (<u>Impact PAL-1</u>).</p>	<p>PAL-1: Paleontological Monitoring</p> <ol style="list-style-type: none"> 1. Monitoring Plan <p>Prior to any grading on any portion of the project site, a qualified paleontologist shall be retained by the City of National City (City) to prepare a Monitoring Plan. A qualified paleontologist is an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques. No grading permits shall be issued until the monitoring plan has been approved by the Planning Director.</p> 2. Pre-Grading Conference and Paleontological Monitor <ol style="list-style-type: none"> a. A qualified paleontological monitor shall be present at a pre-grading conference with the developer, grading contractor, and the environmental review coordinator. The purpose of this meeting will be to consult and coordinate the role of the paleontologist in the grading of the site. A qualified paleontologist is an individual with adequate knowledge and experience with fossilized remains likely to be present to identify them in the field and is adequately experienced to remove the resources for further study. b. A paleontologist or designate shall be present during those relative phases of grading as determined at the pre-grading conference. The monitor shall have the authority to temporarily direct, divert or halt grading to allow recovery of fossil remains. At the discretion of the monitor, recovery may include washing and picking of soil samples for micro-vertebrate bone and teeth. The developer shall authorize the deposit of any resources found on the project site in an institution staffed by qualified paleontologists as may be determined by the Planning Director. The contractor shall be aware of the random nature of fossil occurrences and the possibility of a discovery of remains of such scientific and/or educational importance which might warrant a long-term salvage operation or preservation. Any conflicts regarding the role of the paleontologist and/or recovery times shall be resolved by the Planning Director. 3. Fossil Recovery and Curation <ol style="list-style-type: none"> a. If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (such as complete large mammal skeleton) may require an extended salvage period. In these instances the 	<p>Prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/ Permits and Building Plans/ Permits, but prior to the first pre-construction meeting.</p>	<p>City of National City</p>

**Table 10-1
Mitigation Monitoring and Reporting Program**

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains, such as isolated mammal teeth, it may be necessary in certain instances, to set up a screen-washing operation on the site.</p> <p>b. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged.</p> <p>c. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall either be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum or retained by the City and displayed to the public at an appropriate location such as a library or City Hall.</p> <p>4. Monitoring Report</p> <p>Prior to occupancy of any buildings a paleontological monitoring report shall be submitted to the Planning Director. This report shall describe all the materials recovered and provide a tabulation of the number of hours spent by paleontological monitors on the site.</p>		



Chapter 11

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Chapter 12

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RESOLUTION NO. 2021-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A FINAL ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT, ZONE CHANGE FROM MAJOR MIXED-USE DISTRICT (MXD-2) TO SERVICE COMMERCIAL (CS) AND OPEN SPACE (OS), CODE AMENDMENT TO ALLOW USED AUTO SALES IN THE CS ZONE, CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A CARMAX DEALERSHIP, AND TENTATIVE PARCEL MAP FOR THE SUBDIVISION OF A 15.08-ACRE VACANT PARCEL INTO TWO ON PROPERTY LOCATED ON THE NORTH SIDE OF PLAZA BONITA ROAD, WEST OF SWEETWATER ROAD, AND EAST OF INTERSTATE 805,
APPLICANT: CARMAX
CASE FILE NO. 2016-30 GPA, ZC, A, CUP, LS, IS
APN: 564-471-11
EIR SCH NO. 2016111035

WHEREAS, the Planning Commission of the City of National City, California, considered said applications at a duly advertised public hearing held on October 18, 2021, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2016-30 GPA, ZC, A, CUP, LS, IS, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on October 18, 2021, support the following findings:

ATTACHMENT 9

RECOMMENDED FINDINGS FOR
CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “lead agency” for the project.
2. The Draft EIR and Final EIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
3. The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City.
4. An MMRP has been prepared for the project, which the City has adopted or made a condition of approval of the project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the project.
5. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
6. In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
7. The impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
8. The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts associated with the project. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR.
 - a. The responses to comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
9. The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.
10. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.

- 11. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and finds as stated in these Findings.

RECOMMENDED FINDING FOR APPROVAL
OF THE GENERAL PLAN AMENDMENT AND ZONE CHANGE

- 1. The proposed development is consistent with General Plan Land Use and Open Space Policies LU-2.9, LU 5.6, LU-7.1, OS-1.3, and OS-1.4, because the area is vacant and prime for development. Having a comprehensive commercial project in this area will contribute to the City’s job and revenue generation needs. The project will complement the commercial nature of the area, with the business providing additional exposure for Westfield Plaza Bonita.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CODE AMENDMENT

- 1. That the proposed amendment to section 18.22.020 is consistent with the General Plan, as Land Use Policy LU-7.1 encourages incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.
- 2. That the proposed amendments have been reviewed and been found to comply with the California Environmental Quality Act (CEQA); An EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT

- 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 CUP will be conditioned such that the Code Amendment permitting auto sales in the CS zone must be complete prior to the CUP being active. With the amendment in place the use will comply with the Land Use Code, subject to approval of the CUP.

2. The proposed use is consistent with the General Plan and any applicable specific plan, because the CUP will be conditioned such that the General Plan Amendment and Zone Change must be complete prior to the CUP being active. With the amendments in place the use will be consistent with the General Plan, subject to approval of the CUP. No specific plan covers this area.
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 the Carmax dealership has been designed in such a way as to not unduly impact adjacent City streets and to function as a complementary use to Westfield Plaza Bonita, which is located across the street from the proposed project. The Final EIR concluded that the project would have no significant impacts and require no mitigation measures associated with aesthetics, land use, transportation, or utilities and service systems.
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 property is currently vacant and is being developed at a built intensity of less than 3%. Access to the property will be via three driveways (two public). All existing utilities will be maintained or rerouted to the satisfaction of the respective utility provider. New utilities are proposed consistent with City and utility provider regulations.
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 property is currently vacant and suffers from chronic issues associated with trespassing, dumping, and illegal encampments. Rerouting and protecting the existing drainage course and developing the property with a sales tax and job-creating use will be beneficial to the City and the region.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act; an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP

1. The proposed map is consistent with the National City General Plan and applicable specific plans, because the project meets all requirements of the Subdivision Ordinance (NCCMC Title 17), including minimum lot size and dimension. There are no specific plans in the area.
2. The site is physically suitable for the proposed type of development, because the 15.08-acre property is currently vacant and can accommodate the proposed development while maintaining a significant area of drainage and open space. Access to the property will be via three driveways (two public). All existing utilities will be maintained or rerouted to the satisfaction of the respective utility provider. New utilities are proposed consistent with City and utility provider regulations.
3. The site is physically suitable for the proposed density of development, because the 15.08-acre property can accommodate the proposed development a built intensity of less than 3%, well within the maximum Floor Area Ratio of 1.5 (150% of the lot size).
4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, because the property is currently vacant and either in close to proximity to existing urban development or designed so to have an open space buffer between the project and the neighboring Sweetwater River Trail. In addition, the land use and zoning designations as proposed allow for the type of project requested, which has been analyzed as part of the Environmental Impact Report associated with this project.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, because existing utility easements will either be relocated outside the project footprint or will be maintained by the project design.

7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6, because the project is required to install sewerage systems that meet current requirements for sewage disposal by the Conditions of Approval of this permit.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources. While the property could technically accommodate a significant number of housing units under the existing mixed-use zoning, the adopted 2021-2029 Sixth Cycle Housing Element designates adequate areas for development that would satisfy the City's Regional Housing Needs Allocation (RHNA) commitments.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage, because the project proposes a built intensity of less than 3% of the lot and because more than half of the 15.08 acres of the site will be preserved as open space and drainage area.

BE IT FURTHER RESOLVED that based on the findings herein before stated, the Planning Commission hereby recommends approval of said General Plan Amendment, Zone Change from Major Mixed-Use District (MXD-2) to Service Commercial (CS) and Open Space (OS), Code Amendment to allow used auto sales in the CS zone, Conditional Use Permit for construction of a Carmax dealership, and Tentative Parcel Map for the subdivision of a 15.08-acre vacant parcel into two on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805, subject to the following conditions:

General

1. This *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, and Tentative Parcel Map* authorize a Carmax used car dealership on 7.19 acres with 7.98 acres of open space and drainage area on the north side of Plaza Bonita Road south of Sweetwater Road and across from Westfield Plaza Bonita. Except as required by conditions of approval, all plans submitted for permits

associated with the project shall conform to Exhibits A, B, and C, Case File No. 2016-30 GPA, ZC, A, CUP, LS, IS, dated March 5 & 6, 2020).

2. This *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, Tentative Parcel Map* shall not become effective until the Environmental Impact Report associated with the project has been certified and the Notice of Determination filed.
3. The *Conditional Use Permit* shall not become effective until the General Plan Amendment, Zone Change, and Code Amendment have been approved.
4. Before this *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, and Tentative Parcel Map* shall become effective, the applicant and/or the property owner both shall 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 General Plan Amendment, Zone Change, and 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 *General Plan Amendment, Zone Change, Code Amendment, Conditional Use Permit, and Tentative Parcel Map* 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 City Manager or assign prior to recordation.
5. *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.** The current fee to record the Notice of Determination for an Environmental Impact Report is \$3,343.25, but may be subject to change.

Building

6. No building permits shall be approved until all discretionary permit processes associated with this project have been completed.
7. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

8. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the

Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the “Priority Project Permanent Storm Water BMP Requirements” and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

9. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
10. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
11. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
12. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
13. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City’s standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall

be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.

14. All existing and proposed curb inlets on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
15. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be six inches in diameter with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
16. Separate street and sewer plans prepared by Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
17. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
18. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced.
19. The existing street improvements along the property frontage(s) shall be kept free from weed growth by the use of special weed killers, or other approved methods.
20. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work, and a Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
21. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
22. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.

23. A title report shall be submitted to the Engineering Department, after the City Council approval, for review of all existing easements and the ownership at the property.
24. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
25. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
26. The developer shall bond for the public improvements and the on-site grading, drainage, landscaping, and other improvements through an agreement with the City prior to the beginning of construction.
27. SUSMP documentation, as necessary, must be submitted and approved.
28. The final parcel map shall meet all of the requirements of the Subdivision Map Act, and the City of National City Municipal Codes including certification, acknowledgement, complete boundary information and monumentation.
29. The developer shall submit to the Fire Department a letter from Sweetwater Authority stating existing fire flow. If determined by the Fire Department that additional improvements are needed, the developer shall enter into an agreement for the water improvements with the Sweetwater Authority prior to obtaining the final map approval.
30. All utilities distribution facilities within the boundaries of the subdivision, and within the half street abutting the new subdivision, shall be placed underground.
31. The final map shall be recorded prior to issuance of any building permit.
32. All new property line survey monuments shall be set on private property, unless otherwise approved.
33. The parcel map/final map shall use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearings in terms of the system. The angle of grid divergence from a true meridian, and the north point shall appear on the map. Two measured ties from the boundary of the property to existing horizontal control stations shall be shown.
34. The map shall provide for utility and drainage easements.

Fire

35. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations at the time of plan submittal.

Planning

36. Impacts to wildlife species and sensitive habitats shall be mitigated through restoration and revegetation of native habitat within the channel area of the project site, as identified in mitigation measure (MM) BIO-1 of the Mitigation Monitoring and Reporting Program (MMRP).
37. To avoid and minimize impacts to nesting birds and raptors, vegetation removal and grading shall occur outside of the nesting bird season (February 1 through August 31). If the breeding season cannot be avoided, the measures identified in MM-BIO-2 of the MMRP shall be implemented in coordination with the CDFW and USFWS.
38. A qualified Biologist shall be responsible for monitoring the limits of construction activity, mitigation measures, design considerations, and project conditions during all phases of the project, as identified in MM-BIO-3 of the MMRP.
39. To avoid the bat maternity season, impacts on individual colonial bats using trees for temporary roosts, and obligate tree bats, tree removal shall occur between October 15 and- March 1, unless a focused survey is conducted within 30 days of vegetation removal activities by a qualified bat biologist. The survey shall consist of a daytime pedestrian survey to inspect for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. If the bat biologist determines that project areas are currently used or are likely to be used as a bat maternity roost, and tree removal activities must occur between October 15 and March 1, a two-stage tree removal process over two consecutive days shall be implemented for trees that may support colonial roosts (i.e., trees with cavities, crevices, or exfoliating bark), as identified in MM-BIO-4 of the MMRP.
40. The Project Proponent shall implement the measures identified in MM-BIO-5 of the MMRP to reduce the potential for spreading Invasive Shothole Borers due to project activities.
41. Impacts to jurisdictional wetlands and waters shall be mitigated on-site by constructing a 4.39-acre earthen channel traversing the northwestern boundary of the project site and connecting to the existing storm drain that outlets to the Sweetwater River, as identified in MM-BIO-6 of the MMRP.
42. An archaeological resources monitoring program shall be implemented, as identified my MM-CUL-1 of the MMRP.
43. All measures identified in MM-PAL-1 of the MMRP shall be implemented.

44. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting) and 18.42.040 (Screening mechanical equipment and elevator housing).
45. Plans submitted for construction shall comply with the guidelines stated in Land Use Code Section 18.42.050 (Commercial and institutional building design standards).
46. All trash containers shall be located within a walled enclosure with a roof or cover that is designed to match the proposed dealership buildings in material and color. The enclosure design shall be in compliance with Municipal Code Title 7, Section 7.10.080 (Enclosures required), including the use of flame retardant materials

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Environmental Impact Report No. 2016-30 IS, together with any comments received during the public review process, and finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that the Environmental Impact Report reflects the City's independent judgment and analysis, and hereby certifies the Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, and authorizes the filing of a Notice of Determination.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

CERTIFICATION:


This certifies that the Resolution was adopted by the Planning Commission at their meeting of October 18, 2021, by the following vote:

AYES: Sanchez, Sendt, Natividad, Valenzuela

NAYS: Roman, Yamane, Dela Paz

ABSENT: None.

ABSTAIN: None.



CHAIRPERSON

RESOLUTION NO. 2021-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR, AND APPROVING, A GENERAL PLAN AMENDMENT, ZONE CHANGE, CODE AMENDMENT, AND CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A CARMAX DEALERSHIP ON PROPERTY LOCATED ON THE NORTH SIDE OF PLAZA BONITA ROAD, WEST OF SWEETWATER ROAD, AND EAST OF INTERSTATE 805 AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION. APPLICANT: CARMAXCASE FILE NO. 2016-30 GPA, ZC, A, CUP, IS

WHEREAS, the City Council of the City of National City, California, considered said certification at a duly advertised public hearing held on November 2, 2021, at which time the City Council considered evidence; and,

WHEREAS, at said public hearing the City Council considered the staff report provided for Case File No. 2016-30 GPA, ZC, A, CUP, IS, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

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

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

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

Section 1. The evidence presented to the City Council at the public hearing held on November 2, 2021, support the following findings:

FINDINGS FOR CERTIFICATION OF
THE ENVIRONMENTAL IMPACT REPORT

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “lead agency” for the project.
2. The Draft EIR and Final EIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
3. The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City.
4. An MMRP has been prepared for the project, which the City has adopted or made a condition of approval of the project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the project.
5. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
6. In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
7. The impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
8. The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts associated with the project. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR.
 - a. The responses to comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
9. The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.

10. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
11. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and finds as stated in these Findings.

FINDING FOR APPROVAL OF
THE GENERAL PLAN AMENDMENT

1. The proposed development is consistent with General Plan Land Use and Open Space Policies LU-2.9, LU 5.6, LU-7.1, OS-1.3, and OS-1.4, because the area is vacant and prime for development. Having a comprehensive commercial project in this area will contribute to the City's job and revenue generation needs. The project will complement the commercial nature of the area, with the business providing additional exposure for Westfield Plaza Bonita.

FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT

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 CUP will be conditioned such that the Code Amendment permitting auto sales in the CS zone must be complete prior to the CUP being active. With the amendment in place the use will comply with the Land Use Code, subject to approval of the CUP.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the CUP will be conditioned such that the General Plan Amendment and Zone Change must be complete prior to the CUP being active. With the amendments in place the use will be consistent with the General Plan, subject to approval of the CUP. No specific plan covers this area.
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 the Carmax dealership has been designed in such a way as to not unduly impact adjacent City streets and to function as a complementary use to Westfield Plaza Bonita, which is located across the street from the proposed

project. The Final EIR concluded that the project would have no significant impacts and require no mitigation measures associated with aesthetics, land use, transportation, or utilities and service systems.

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 property is currently vacant and is being developed at a built intensity of less than 3%. Access to the property will be via three driveways (two public). All existing utilities will be maintained or rerouted to the satisfaction of the respective utility provider. New utilities are proposed consistent with City and utility provider regulations.
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 property is currently vacant and suffers from chronic issues associated with trespassing, dumping, and illegal encampments. Rerouting and protecting the existing drainage course and developing the property with a sales tax and job-creating use will be beneficial to the City and the region.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act; an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

Section 2. The City Council has considered the proposed Negative Declaration No. 2016-30 IS, together with any comments received during the public review process, and finds on the basis of the whole record (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the City's independent judgment and analysis, and hereby approves the Negative Declaration and authorizes the filing of a Notice of Determination.

///

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

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell, Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Introduction of an Ordinance of the City Council of the City of National City, California, approving a Zone Change from Major Mixed-Use District \(MXD-2\) to Service Commercial \(CS\) and Open Space \(OS\), and amendment to Chapter 18.22.020 of the Municipal Code to allow for used auto sales in the CS zone for construction of a Carmax dealership on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805. \(Applicant: Carmax\) \(Case File No. 2016-30 ZC, A\) \(Planning\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. |

ITEM TITLE: | Introduction of an Ordinance of the City Council of the City of National City, California, approving a Zone Change from Major Mixed-Use District (MXD-2) to Service Commercial (CS) and Open Space (OS), and amendment to Chapter 18.22.020 of the Municipal Code to allow for used auto sales in the CS zone for construction of a Carmax dealership on property located on the north side of Plaza Bonita Road, west of Sweetwater Road, and east of Interstate 805. (Applicant: Carmax) (Case File No. 2016-30 ZC, A) |

PREPARED BY: | Martin Reeder, AICP

MR

DEPARTMENT: | Community Development.

PHONE: | 619-336-4313 |

APPROVED BY: _____
| Director of Community Development.

EXPLANATION:

The applicant is proposing a Carmax pre-owned automobile dealership, service building, and non-public carwash on the subject property. In order to construct the project, the zone of the property needs to be changed from Major Mixed-Use District (MXD-2) to Service Commercial (CS) and Open Space (OS), and a Code Amendment is required to allow used auto sales in the CS zone, subject to a Conditional Use Permit (CUP). The associated environmental certification, General Plan Amendment, and CUP are contained in a separate item on tonight's agenda.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Environmental Impact Report (SCH# 2016111035)

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Introduce the Ordinance

BOARD / COMMISSION RECOMMENDATION:

n/a

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A ZONE CHANGE FROM MAJOR MIXED-USE DISTRICT (MXD-2) TO SERVICE COMMERCIAL (CS) AND OPEN SPACE (OS), AND AMENDMENT TO CHAPTER 18.22.020 OF THE MUNICIPAL CODE TO ALLOW FOR USED AUTO SALES IN THE CS ZONE FOR CONSTRUCTION OF A CARMAX DEALERSHIP ON PROPERTY LOCATED ON THE NORTH SIDE OF PLAZA BONITA ROAD, WEST OF SWEETWATER ROAD, AND EAST OF INTERSTATE 805. APPLICANT: CARMAX CASE FILE NO. 2016-30 ZC, A

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the rezoning of the parcel of real property (APN 564-471-11), hereinafter described, and for the amendment of the Zoning Map of the City of National City; and

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code; and

WHEREAS, pursuant to legal notice, hearings were held by the Planning Commission of National City and also by the City Council of National City, and all persons interested were given the opportunity to appear and be heard before said Planning Commission and City Council; and

WHEREAS, the Planning Commission of National City has regularly and duly certified to the City Council its report and has recommended such rezoning and code amendment; and

WHEREAS, the City Council found that on the basis of the Environmental Impact Report and any comments received that there is no substantial evidence that the project will have a significant effect on the environment and adopted a proposed Finding of No Significant Impact which addresses the rezoning; and

WHEREAS, the City Council finds the rezoning and code amendment consistent with and necessary to implement the General Plan.

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

Section 1. All protests, if any, against said rezoning and said amendment to the General Plan, and each of them be and hereby are denied and overruled.

Section 2. That all the real property described below is hereby rezoned from Major Mixed-Use District (MXC-2) to Medium-Density Multi-Unit Residential (RM-1):

LOT 14 OF SUBDIVISION MAP NO. 10337, PLAZA BONITA SHOPPING CENTER, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 24, 1982 AS INSTRUMENT NO. 82-050075, OF OFFICIAL RECORDS. APN: 564-471-11-00; and

Section 3. That a Notice of Determination shall be filed indicating that the rezoning will not have a significant effect on the environment.

Section 4. That Subsection 18.22.020 of the National City Municipal Code is amended to read as follows:

18.22.020 Allowed land uses and permit requirements.

Table 18.22.020 identifies the uses of land allowed in each commercial zone. This table does not apply to the CL zone. For a list of allowable uses in the CL zone, please refer to Appendix A of the Westside Specific Plan.

Table 18.22.020
Allowed Land Uses
Commercial Zones

Land Use	Zone		Specific Use Regulations
	CA	CS	
Used auto and truck sales	-	C	
P Permitted C Conditional use permit M Minor use permit — Not permitted			

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 6. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

PASSED and ADOPTED this 16th day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending Sections 18.20.020, 18.21.040, 18.21.050, 18.45, and 18.50, and addition of Sections 18.30.380 and 18.30.390 of Title 18 \(Zoning\) of the National City Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units. \(Applicant City-Initiated\) \(Case File 2021-18 A\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending Sections 18.20.020, 18.21.040, 18.21.050, 18.45, and 18.50, and addition of Sections 18.30.380 and 18.30.390 of Title 18 (Zoning) of the National City Municipal Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units. (Applicant City-Initiated) (Case File 2021-18 A)

PREPARED BY: David Welch DW

PHONE: 619-336-4224

DEPARTMENT: Community Development

APPROVED BY: 
Director of Community Development

EXPLANATION:

At the City Council meeting of October 19, 2021, the City Council introduced an Ordinance amending Sections 18.20.020 (Zone Classifications), 18.21.040 (Development Standards Residential Zones), 18.21.050 (Second Units), 18.45 (Off-Street Parking and Loading), and 18.50 (Glossary), and addition of Sections 18.30.380 and 18.30.390 of Title 18 (Zoning) of the National City Municipal Code (NCMC) related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Changes made to the Ordinance as part of the introduction included increasing the maximum size of ADUs to 1,200 square feet without special parking arrangements, and removing parking requirements for ADUs and JADUs. The changes have been included in the Ordinance for adoption.

The attached Ordinance needs to be adopted in order to complete the amendment process.

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adopt the Ordinance amending certain Sections and the addition of Section 18.30.380 and 18.30.390 of Title 18 (Zoning) of the NCMC related to ADUs and JADUs.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the Land Use Code amendments.
Ayes: Dela Paz, Roman, Sendt, Valenzuela, Yamane Absent: Natividad, Sanchez

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. 2021 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING SECTIONS 18.20.020 (ZONE CLASSIFICATIONS), 18.21.040 (DEVELOPMENT STANDARDS RESIDENTIAL ZONES), 18.21.050 (SECOND UNITS), 18.45 (OFF-STREET PARKING AND LOADING), AND 18.50 (GLOSSARY), AND ADDITION OF SECTIONS 18.30.380 AND 18.30.390 OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, pursuant to the terms and provisions of the California Government Code, proceedings were duly initiated for the amendment of the National City Municipal Code (“NCMC”); and

WHEREAS, on August 16, 2021, a noticed Public Hearing was held by the Planning Commission, and all persons interested were given the opportunity to appear and be heard before the National City Planning Commission; and

WHEREAS, the Planning Commission regularly and duly certified its report to the City Council of National City and has recommended approval of amending NCMC Title 18: and

WHEREAS, pursuant to a published 10-day notice of the adoption of said ordinance, a Public Hearing was held by the City Council on October 19, 2021, and at said Public Hearing, all persons interested were given the opportunity to appear and be heard before the City Council.

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

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section 2. Table 18.20.020 (Allowed Uses Residential Zones) is hereby amended to read as follows:

Zone Classification Symbol	Zone Classification	General Plan Land Use Designation
Residential		
RS-1 ₁	Large Lot Residential	Low Medium Density Residential

Zone Classification Symbol	Zone Classification	General Plan Land Use Designation
RS-2 ₁	Small Lot Residential	Low Medium Density Residential
RS-3 ₁	Medium-Low Density Multi-Unit Residential	Medium Density Residential
RS-4 ₁	Residential Single-Family	Specific Plan (Westside)
RM-1 ₁	Medium Density Multi-Unit Residential	Medium Density Residential
RM-2 ₁	High Density Multi-Unit Residential	High Density Residential
RM-3 ₁	Very High Density Multi-Unit Residential	High Density Residential
Commercial		
CA	Commercial Automotive	Commercial Automotive
CL	Limited Commercial	Specific Plan (Westside)
CS	Service Commercial	Service Commercial
Mixed-Use		
MCR-1 ₁	Mixed Commercial-Residential	Specific Plan (Westside)
MCR-2 ₁	Mixed Commercial-Residential (Smart Growth Area)	Specific Plan (Westside)
MXC-1 ₁	Minor Mixed Use Corridor	Minor Mixed Use
MXC-2 ₁	Major Mixed Use Corridor	Major Mixed Use
MXD-1 ₁	Minor Mixed Use District	Minor Mixed Use

Zone Classification Symbol	Zone Classification	General Plan Land Use Designation
MXD-2 ₁	Major Mixed Use District	Major Mixed Use
Industrial		
IL	Light Industrial	Industrial
IM	Medium Industrial	Industrial
IH	Heavy Industrial	Industrial
Institutional		
I	Institutional	Institutional
Open Space		
OS	Open Space	Open Space
OSR	Open Space Reserve	
Military		
M	Military	Military
San Diego Unified Port District		
UPD	Port Master Plan	San Diego Unified Port District
Specific Plan		
SP ₁	Specific Plan	Specific Plan

₁ADUs and JADUs permitted subject to Sections 18.30.380 and 18.30.390

Section 3. Table 18.21.040 (Development Standards Residential Zones) is hereby amended to read as follows:

Development	Requirement By Zoning District						
	RS-1	RS-2	RS-3	RS-4	RM-1	RM-2	RM-3
Minimum setbacks, Primary structure							
Front	20'	20'	15'	10/ 15(a)	15'	10'	10'
Side—Interior	5'	5'	5'	3/0(b)	5'	5'	5'
Side—Exterior	10'	10'	5'	10'(a)	5'	5'	10'
Rear	25'	25'	10'	15'	5'	5'	5'
Minimum setbacks, Accessory structure							
Front	20'	20'	15'	10/ 15'(c)	15'	10'	10'
Side—Interior	5'	5'	5'	3'	5'	5'	5'
Side—Corner	5'	5'	5'	10'	5'	5'	5'
Rear	5'	5'	5'	3'	5'	5'	5'
Detached building separation	5'	5'	5'	6'	5'	5'	5'
Number of detached buildings	3 per full 5,000 ft ² of lot area	3 per full 5,000 ft ² of lot area	3 per full 5,000 ft ² of lot area	3			
Minimum lot area	10,000 SF	5,000 SF	5,000 SF	2,500 SF	5,000 SF	5,000 SF	5,000 SF
Minimum street frontage (Standard)	60'	50'	50'	25'	50'	50'	50'

Development	Requirement By Zoning District						
	RS-1	RS-2	RS-3	RS-4	RM-1	RM-2	RM-3
Minimum street frontage (lots on the bulb of a cul-de-sac)	36'	36'	36'	15'	36'	36'	36'
Maximum density	One du per lot	One du per lot	One du per 2,900 SF of lot area	One du for each 2,500 SF of lot area	One du per 1,900 SF of lot area	One du per 900 SF of lot area	One du per 580 SF of lot area
Minimum usable open space	N/A	N/A	N/A	N/A	See <u>Section 18.41.040</u>		
Maximum lot coverage	75%	75%	75%	N/A	75%	75%	75%
Maximum height, primary structure	35'	35'	35'	35'	45'	65'	95'
Maximum stories, primary structure	2	2	3	3	4	6	9
Maximum height, accessory structure	35'	35'	35'	35'	45'	65'	95'
	Shall not exceed the number of stories or height of the primary structure.				Shall not exceed the allowed maximum height of accessory structures in adjacent zone within 100-feet of the adjacent zone.		
Maximum area (total), accessory structures— Excluding up to 400 SF of covered parking and area dedicated to an ADU	10% of lot size (d)	10% of lot size (d)	10% of lot size (d)	None	None	None	None

Notes:

(a) Stoops and porches may extend into the front yard up to the front property line or in the case of a corner parcel, to the side property line. Garages shall maintain a fifteen-foot front yard setback.

(b) A zero foot minimum side yard, for one side yard on the parcel, is permitted provided that there is a six-foot separation to the adjacent residential structure and that there is a minimum three-foot side yard setback on the opposite side.

(c) Except for stoops and porches, accessory structures shall not be located in the front yard setback. Porches or stoops should be at least six feet deep.

(d) No single accessory structure shall have a footprint greater than that of half of the primary structure excluding area dedicated to an ADU.

Section 4. Section 18.21.050 (Second units) is hereby repealed.

Section 5. Section 18.30.380 is hereby added to read as follows:

18.30.380 - Accessory Dwelling Units.

A. Purpose. The purpose of this section is to provide for the construction of Accessory Dwelling Units (ADUs) in areas zoned to allow residential uses pursuant to Government Code Section 65852.2. ADUs help advance the goals and policies of the City’s Housing Element by:

1. Providing an affordable type of home to construct without the cost of acquiring new land, dedicated parking, and costly infrastructure;
2. Accommodating new housing units while preserving the character of existing neighborhoods;
3. Allowing efficient use of the city's existing housing stock and infrastructure;
4. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and,
5. Providing a means for residents—particularly seniors, single parents, young singles, and younger couples—to remain in their homes and neighborhoods, and obtain and preserve income, security, companionship, and assistance.

- B. Consistency with state law. This section is intended to be consistent with Government Code Section 65852.2. If inconsistency is found with this section and state law, state law shall prevail.
- C. Definitions. For the purposes of this section Accessory Dwelling Unit (ADU) is defined in Section 18.50.010.
- D. ADUs permitted.
1. One ADU is permitted on a lot if all the following are met:
 - a. The lot includes a proposed or existing dwelling.
 - b. The lot is in a zone that allows for a residential use as indicated in Table 18.20.020.
 - c. The proposed ADU is located where the city manager or his/her designee has not determined that public utilities or services are inadequate or the ADU will adversely impact traffic flow or public safety.
 - d. The ADU meets the standards of subsection F.
 2. Two detached ADUs are permitted on a lot with a multi-family residential use if all the following are met:
 - a. The lot includes an existing multi-family residential dwelling.
 - b. Each ADU does not exceed a total floor area of 1,200 square feet and 16 feet in height.
 3. Multiple ADUs are permitted within the portions of existing multi-family residential structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - a. At least one ADU is permitted within an existing multi-family residential structures and up to 25 percent of the existing number of multi-family dwelling units is allowed.
- E. Review. The approval of an ADU is subject to a ministerial decision process outlined in Section 18.12.030. For the purposes of this subsection, a staff person

designated by the city manager shall review and act on a building permit application for an ADU within 60 days after a complete application is received. An ADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval. An applicant may request a variance subject to Section 18.12.120 in conjunction with an application for an ADU.

F. ADU Development Standards.

1. Density. ADUs are consistent with the allowable density for the lot upon which the ADU is located and the ADU is a residential use that is consistent with existing General Plan and zoning designations for the lot.
2. Location. An ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing dwelling. An ADU may be attached to, located within, or detached from an existing or proposed primary dwelling unit, including garages and habitable or non-habitable accessory structures.
3. Parking. No additional parking is required for an ADU. If an ADU is constructed within existing garage or covered parking, then no replacement parking spaces may be required.
4. Height. The maximum height of an ADU is as follows:
 - a. On a property with a single-family residential primary dwelling, the height of the ADU, attached or detached, shall not exceed the height of the primary dwelling or 16 feet, whichever is greater. For an ADU constructed above a garage or on a lot smaller than 5,000 square feet, the height shall not exceed 25 feet.
 - b. On a property with a multi-family residential structure, the height of a detached ADU shall not exceed 16 feet.
5. Setbacks.
 - a. For all ADUs, the front setback shall be a minimum of 15 feet.

- b. For all ADUs, the exterior and interior side yard setback shall be a minimum of four feet and the rear yard setback shall be a minimum of four feet.
- c. No setback shall be required for an existing living area or permitted accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

6. Landscaping.

- a. One 24-inch box tree shall be planted within the required 15 foot front yard setback for ADUs or in the abutting parkway. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.

7. Building Design Standards. ADUs shall conform to adopted single-family infill standards in Section 18.42.070.C.

8. Size of unit.

- a. The minimum size of an ADU is a total floor area of 150 square feet.
- b. The total floor area of an ADU attached to a primary dwelling unit shall not exceed 50% of the total floor area of the existing primary dwelling or 1,000 square feet, whichever is greater, save and except (d) below.
- c. The total floor area of a detached ADU shall not exceed 1,200 square feet save and except (d) below.

- d. An ADU constructed within the footprint of an existing dwelling or a detached structure shall not be subject to a maximum square footage of total floor area.
 - e. As provided in state law, an attached or detached ADU with a maximum size of 850 square feet or 1,000 square feet with more than one bedroom shall be permitted in any circumstance subject to a maximum height of 16 feet, four foot side and rear setbacks, and compliance with all building codes.
- 9. A minimum lot size shall not be required for an ADU under this ordinance.
 - 10. No passageway shall be required for an ADU under this ordinance.
 - 11. ADUs are only required to provide fire sprinklers if they are required for the primary residence.

G. Limitations and other requirements

- 1. An ADU shall not be sold or otherwise conveyed separate from the primary residence.
- 2. An ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers and others at no cost.
- 3. Neither the ADU nor the primary dwelling unit shall be rented for a term of less than 31 days. ADUs on multi-family properties shall be subject to this provision, except the restriction shall not apply to existing multi-family units.
- 4. Owner occupancy of the primary unit or ADU is not required.
- 5. Trash and recycling. Receptacles are required and shall conform to the requirements of Section 7.10.040 of the Code of Ordinances.
- 6. Prohibited units. No structure of a temporary nature shall be used as a residence or ADU, neither temporarily nor permanently. Refer to Section 18.20.030.A.
- 7. Fees. An ADU with less than 750 square feet is exempt from any impact fees imposed by the city. For ADUs 750 square feet or more, impact fees

shall be charged proportionately in relation to the square footage of the primary dwelling unit.

8. Before a building permit may be issued for an ADU, the record owner shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: the ADU may not be sold or conveyed separately from the primary dwelling unit; the agreement may be enforced against future purchasers; and the ADU may not be rented for a period of less than 31 days. The City shall submit the agreement to the County Recorder for recordation. The agreement shall run with the land for life of the ADU.
- H. Nonconforming zoning conditions. The correction of existing nonconforming uses, structures, or parcels pursuant to Chapter 18.11 shall not be required as a condition of approval for an ADU.

Section 6. Section 18.30.390 is hereby added to read as follows:

18.30.390 - Junior Accessory Dwelling Units.

- A. Purpose. The purpose of this section is to provide for the construction of Junior Accessory Dwelling Units (JADUs) in areas zoned to allow residential uses pursuant to Government Code Section 65852.22. JADUs help advance the goals and policies of the City's Housing Element by:
1. Providing an affordable type of home to construct without the cost of acquiring new land, dedicated parking, and costly infrastructure;
 2. Accommodating new housing units while preserving the character of existing neighborhoods;
 3. Allowing efficient use of the city's existing housing stock and infrastructure;
 4. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs; and,
 5. Providing a means for residents—particularly seniors, single parents, young singles, and younger couples—to remain in their homes and

neighborhoods, and obtain and preserve income, security, companionship, and assistance.

B. Consistency with state law. This section is intended to be consistent with Government Code Section 65852.22. If inconsistency is found with this section and state law, state law shall prevail.

C. Definitions. For the purposes of this section junior accessory dwelling unit (JADU) is defined in Section 18.50.010.

D. JADUs permitted.

1. One JADU is permitted on a lot if the following are met:

a. The lot includes a proposed or existing single-family dwelling.

b. The lot is in a zone that allows for a residential use as indicated in Table 18.20.020.

c. The JADU meets the standards of subsection F.

d. There is no existing ADU or JADU on the lot or there is an existing detached ADU that does not exceed a total floor area of 800 square feet and does not exceed a height of 16 feet.

e. The proposed JADU is located where the city manager or his/her designee has not determined that public utilities or services are inadequate or the JADU will adversely impact traffic flow or public safety.

E. Review. The approval of a JADU is subject to a ministerial decision process outlined in Section 18.12.030. For the purposes of this subsection, a staff person designated by the city manager shall review and act on a building permit application for a JADU within 60 days after a complete application is received. A JADU proposed with a permit application for a new primary dwelling shall not be approved until the primary dwelling receives approval.

F. Development standards.

1. A JADU may have a total floor area of not less than 150 square feet and not more than 500 square feet, and is permitted within an existing or

proposed single-family residential dwelling unit. A JADU constructed within an existing structure may construct an additional 150 square feet for ingress and egress only.

2. A JADU shall have a separate exterior entry from the primary dwelling unit and shall provide a kitchen or an efficiency kitchen.
3. Parking. No replacement parking spaces are required when a JADU is created within an existing attached garage.

G. Limitations and other requirements.

1. The owner must occupy the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
2. Before a building permit may be issued for a JADU, the record owner shall enter into an agreement with the City in a form that is approved by the City Attorney. The agreement shall include the following provisions: the JADU may not be sold or conveyed separately from the primary dwelling unit; the agreement may be enforced against future purchasers: the JADU shall not be rented for a period of less than 31 days; and the record owner shall reside on the premises. The City shall submit the agreement to the County Recorder for recordation. The agreement shall run with the land for life of the JADU.

Section 7. Table 18.45.040 (Schedule of Off-Street Parking Requirements by Land Use) is hereby amended to read as follows:

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
Residential Uses	

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
Dwelling, single detached (RS-1 zone)	2 covered spaces, plus one additional uncovered space per bedroom greater than four bedrooms or one additional uncovered space for dwellings greater than 2,500 SF, whichever is greater.
Dwelling, single detached (all other RS and RM zones, except within the Westside Specific Plan area)	One covered space and one uncovered space, plus one additional uncovered space per bedroom greater than four bedrooms or one additional uncovered space for dwellings greater than 2,500 SF, whichever is greater.
Dwelling, single attached	1.5 spaces per dwelling unit in a garage or carport
Dwelling, multiple	1.3 spaces per 1-bedroom dwelling unit plus 1.5 spaces per 2-bedroom or more unit, and conveniently located guest parking of ½ space per unit for 20 units or less, plus ¼ space for each unit over 20. Half of the required guest parking spaces may include parking spaces on dedicated public streets along the sides of the streets that are adjacent to the site.
Fraternity, sorority house, or dormitory	1.5 spaces for each sleeping room
Mobile home parks	2 spaces per unit
Rectory	1 garage space per bedroom
Rooming or boarding house	1 space per guest room
Second dwelling unit	1 space in addition to primary residence parking requirements
Senior housing	1 space per unit plus 1 guest space for each 10 units
RS-4 (Westside Specific Plan): Units greater than 1,200 square feet	2 spaces per unit

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
RS-4 (Westside Specific Plan): Units less than 1,200 square feet	1.7 spaces per unit
Commercial and Office Uses	
Banks and financial institutions	3 spaces per 1,000 square feet floor area
Offices, administrative, clerical, and professional	Number of required parking spaces varies depending on the amount of floor area as identified in the column to the left.
<ul style="list-style-type: none"> • First 5,000 square feet 	<ul style="list-style-type: none"> • 1 space per 200 square feet floor area
<ul style="list-style-type: none"> • 5,000 to 10,000 square feet 	<ul style="list-style-type: none"> • 1 space per 250 square feet floor area
<ul style="list-style-type: none"> • 10,000 to 30,000 square feet 	<ul style="list-style-type: none"> • 1 space per 300 square feet floor area
<ul style="list-style-type: none"> • 30,000 to 100,000 square feet 	<ul style="list-style-type: none"> • 1 space per 350 square feet floor area
<ul style="list-style-type: none"> • Over 100,000 square feet 	<ul style="list-style-type: none"> • 1 space per 400 square feet floor area
Offices, medical/dental office or outpatient clinic, veterinary hospitals and clinics	1 space per 300 square feet floor area
Lodging - Hotel, motel, bed and breakfast inn	1 for each guest bedroom, plus 1 for the manager's unit
Restaurant, bar, nightclub, pool hall, bowling alley, or similar establishment	10 spaces per 1,000 square feet floor area

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
Gasoline service station	1 space per 1,000 square feet of lot area; less the footprint of any convenience store area, plus 3.3 spaces per 1,000 square feet of convenience store area
Commercial recreation, indoor	2.5 spaces per 1,000 square feet floor area
Retail sales	1 for each 250 square feet of floor area
Personal services	1 space per 300 square feet of floor area
Shopping centers with multiple tenants	1 space per 200 square feet floor area
Vehicle repair or service, including car wash	1 space per 500 square feet floor area
Vehicle sales or rental (new and used)	1 space per 500 square feet floor area plus one per every 2,500 square feet outdoor display area
Theater/auditorium, stadium/sports arena	1 space per 5 seats
Mausoleum/crematory	25 spaces per 1,000 square feet of seating area
CL zone (Westside Specific Plan): Office	2.9 spaces per 1,000 square feet floor area
CL zone (Westside Specific Plan): Retail	3.6 spaces per 1,000 square feet floor area
CL zone (Westside Specific Plan): Industrial	2 spaces per 1,000 square feet floor area
Mixed-Uses in the MXD and MXC Zones	
Nonresidential uses	Minimum: 2 spaces per 1,000 square feet floor area

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
Residential - studio, 1 bedroom, and 2 bedroom units	Minimum: 1 space per unit
Residential - 3 or more bedroom units	Minimum: 1.5 spaces per unit
MCR Zones in the Westside Specific Plan	
Residential units greater than 1200 square feet	1.5 spaces per unit
Residential units less than 1200 square feet	1 space per unit
Office uses	2.9 spaces per 1,000 square feet floor area
Retail uses	3.6 spaces per 1,000 square feet floor area
Industrial uses	2 spaces per 1,000 square feet floor area
Industrial Uses	
Industrial manufacturing and processing uses, waterfront related industry, wholesaling, warehousing, and distribution	1 space for each 1,000 square feet of floor area
Industrial/building supplies and equipment, sales and rentals	1 space per 800 square feet floor area
Research and development	1 space per 400 square feet of floor area
Recycling facilities	2 spaces per 1,000 square feet floor area
Animal boarding/kennel	1 space per 500 square feet floor area

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
Trucking and transportation terminal	2 spaces per 1,000 square feet floor area plus 1 space for every 2 fleet vehicles
Institutional Uses	
Hospital or other inpatient medical institution	1 space per 3 beds, excluding bassinets
Civic, fraternal, community, and cultural facilities	1 space per every 200 square feet of floor space open to the public plus 1 space per each 300 square feet of administrative office area
Public/religious assembly, fraternal lodge or club, banquet hall/facilities, and similar establishments	1 space for every 35 square feet of seating area
Convention center	1 space per 50 square feet floor area
Child day care center, preschool, or nursery school	2 spaces per 1,000 square feet floor area
Schools, elementary and middle	1.5 spaces per classroom plus one space for each 300 square feet of office area
Schools, high	1 space per each 150 square feet of classroom area plus one space for each 300 square feet office area
Schools, trade, college/university, business, adult education	1 space per 40 square feet of classroom area plus 1 space per 300 square feet of office area
Open Space/Agriculture	
Neighborhood and community farms	Minimum 2 parking spaces, plus one additional space for every acre of garden site lot area over 2 acres. Each

Uses and Structures	Minimum Parking Spaces Required (Unless Otherwise Specified)
	garden site that includes a farm stand shall provide 1 additional space for every 250 feet of floor area and outdoor display space.

Section 8. The following definitions in Chapter 18.50 (Glossary) are hereby amended to read as follows:

The definition of “Second unit” is hereby repealed.

Accessory Dwelling Unit (ADU): “Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code. Refer to Section 18.030.380 for ADU regulations.

Junior Accessory Dwelling Unit (JADU): “Junior Accessory Dwelling Unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure. Refer to Section 18.030.390 for JADU regulations.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 10. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City establishing Community Choice Aggregation \(CCA\) in the City of National City. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing and Adoption of an Ordinance of the City Council of the City of National City establishing Community Choice Aggregation (CCA) in the City of National City.

PREPARED BY: Roberto Yano, Director of Public Works /
City Engineer

PHONE: 619-336-4383

DEPARTMENT: Engineering/Public Works

APPROVED BY: 

EXPLANATION:

On October 19, 2021, staff presented the Community Choice Aggregation (CCA) Ordinance. City Council voted 4-1 to approve the introduction / first reading of the Ordinance. The explanation was presented in the staff's report for the October 19, 2021 City Council meeting. Said Ordinance is now presented for the second reading and adoption.

FINANCIAL STATEMENT:

ACCOUNT NO.

Participation in the CCA will likely reduce General Fund revenue. The City receives franchise taxes from utilities within the City based on a percentage of their receipts. SDCP's franchise fee rates are lower than SDG&E's, and they currently have lower electricity rates as well. The estimated General Fund revenue reduction is between \$45,000-\$122,000.

APPROVED:  Finance

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Ordinance of the City Council of the City of National City establishing Community Choice Aggregation.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Proposed Ordinance

ORDINANCE NO. 2021-

ORDINANCE OF THE CITY OF NATIONAL CITY ESTABLISHING COMMUNITY CHOICE AGGREGATION IN THE CITY OF NATIONAL CITY

WHEREAS, Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; the "Act"), added statutes to the Public Utilities Code authorizing local governmental bodies to individually or jointly provide retail electric commodity service to an aggregation of customers within their jurisdictions, a service referred to as Community Choice Aggregation (CCA); and

WHEREAS, the City of National City adopted a Climate Action Plan in 2011, and is in the process of updating it to align with the state mandates of 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050; and

WHEREAS, since October 2019, the City of National City has been actively investigating the feasibility of commencing CCA service for electric customers within the City of National City, with the objective of making greater renewable electric portfolio content available to customers, providing greater local involvement over the provision of electric commodity services, and promoting competitive commodity rates; and

WHEREAS, the City of National City completed a CCA investigation which determined that a CCA program could result in local benefits including the use of renewable energy at levels above the State Renewables Portfolio Standard, the provision of competitive rates to consumers, and economic opportunity for the City of National City; and

WHEREAS, pursuant to Sections 331.1(b) and 366.2 of the Act, two or more entities authorized to be a community choice aggregator may participate jointly in a CCA program through a Joint Powers Authority established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if each entity adopts the ordinance required by Public Utilities Section 366.2; and

WHEREAS, the City of National City wishes to implement a CCA program at this time through a Joint Powers Authority (JPA) with San Diego Community Power (SDCP); and

WHEREAS, the JPA agreement with SDCP will be brought to Council for approval following the adoption of the ordinance; and

WHEREAS, under Public Utilities Code Section 366.2, customers have the right to opt out of the CCA program and continue to receive bundled electric commodity service from the incumbent utility; and

WHEREAS, Public Utilities Code Section 366.2(c)(12) provides that an entity which elects to implement a CCA program within its jurisdiction must do so by ordinance; and

WHEREAS, this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a).) Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).)

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Based upon the findings and declarations set forth in this ordinance, and to provide businesses and residents within the jurisdictional boundaries of the City of National City with a choice of electric commodity providers and with the benefits described in the recitals above, the City Council hereby elects pursuant to Public Utilities Code Section 366.2(c)(12) to implement a CCA program within the jurisdiction of the City of National City by participating in the CCA program.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of the City of National City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 4. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City of National City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City of National City or outside of the City of National City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. Effective Date. This ordinance shall be published pursuant to law and shall become effective thirty (30) days from the date of passage and adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by State Law.

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City authorizing the Mayor to execute a Joint Powers Agency Agreement \(JPA\) and current amendments with the San Diego Community Power \(SDCP\) Community Choice Aggregation \(CCA\). \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute a Joint Powers Agency Agreement (JPA) and current amendments with the San Diego Community Power (SDCP) Community Choice Aggregation (CCA).

PREPARED BY: Roberto Yano, Director of Public Works /
City Engineer

PHONE: 619-336-4383

DEPARTMENT: Engineering/Public Works

APPROVED BY: _____



EXPLANATION:

See attached.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

Participation in the CCA will likely reduce General Fund revenue. The City receives franchise taxes from utilities within the City based on a percentage of their receipts. SDCP's franchise fee rates are lower than SDG&E's, and they currently have lower electricity rates as well. The estimated General Fund revenue reduction is between \$45,000-\$122,000.

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution authorizing the Mayor to execute a JPA agreement with SDCP

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. JPA Agreement w/amendments and signature page

Explanation:

In 2019, staff presented a preliminary report on the feasibility of possible Community Choice Aggregation (CCA) models and associated pros and cons with each one. Council gave staff direction to continue to monitor the development of the County’s CCA and return with an update. On September 21st, 2021 Council received a preliminary update to the City’s Climate Action Plan (CAP). It outline the strategies included to achieve the specific state required environmental targets. Central to the updated CAP recommendations is the joining a CCA. On that same night, Council gave direction to return to Council with a CCA ordinance and a Joint powers Agency agreement with San Diego Community Power (SDCP).

The JPA agreement would make National City part of SDCP along with La Mesa, Encinitas, Imperial Beach, Chula Vista and the County of San Diego. The JPA Agreement is aligned with the City's Climate Action Plan proposed goals and will help increase local control of energy resources in our community. Per state regulations, the earliest CCA service to National City could start is in 2023.

The JPA was formed per California law, primarily due to financial and legal separations that protect a JPA member's general fund as well as the opportunity to work cooperatively with other jurisdictions throughout the San Diego region. Additional benefits of the JPA include:

- Market benefits resulting from economies of scale;
- Ability to quickly repay start up debt, fund reserves and roll-out regional customer programs;
- Organizational efficiencies that avoid regional redundancy, confer cost benefits and support regional economic development goals;
- Ability to achieve region wide carbon reduction and renewable power goals faster;
- Consistency for the region ratepayers which builds confidence and reduces customer confusion; and
- A unified voice through which to exercise influence with State regulatory and legislative bodies.

The JPA Agreement serves as the "constitution" of this Authority that was formed with the purpose of implementing and operating a CCA program for its Members. Per section 4.1, as a member agency, the City is entitled to one board seat. The Mayor appointed JPA Board member will be part of the process to hiring key vendors and Authority staff, setting a myriad of operational policies, establishing the Authority's power mix, rates and programs, and moving toward customer enrollment.

The following provides a brief summary of some issues of concerned and how they are addressed in the Agreement.

Issue	Concern/Request	Resolution
Weighted Voting	The City of San Diego has too much power in a weighted vote situation	Understanding that the weighted vote is rarely used and acknowledging the concerns of the smaller cities, SDCCP's voting structure is as follows: in Section 4.11.2 1) three directors are needed to call for a weighted vote after an equal vote; 2) the City agreed to cap its weighted vote at 49% even though its annual energy usage puts it higher; 3) it takes 67% or 2/3rds vote to overturn an action taken by equal vote; 4) no action can be taken solely by weighted vote without first having taken an Equal Vote.

Board Representation	Smaller cities requested flexibility with appointment of alternate Director.	Section 4.1.3 - Alternate directors need not be a member of the City's governing body.
Local Power Development	Local power development is not adequately prioritized	Recital 6(e) gives local power procurement priority weighting.
Customer Programs	Concern about subsidizing programs serving only certain customers; concern about limiting benefit to local community groups	Recital 6(g) and section 4.6.1 clarify that programs will serve all SDCP customers and also allow support of community- based energy/sustainability programs.
Member Contributions	Concern about asking for member contributions to the JPA	Section 7.3.4 clarifies that parties are not required to make financial contributions to the JPA
Committees	Request Community Advisory Committee (CAC) be required rather than permissive	Section 5.10.3 require a CAC; left technical committee permissive since staff will be energy/utility experts and the Board /CEO can decide once formed.
Coalition/Community Concerns	Equity/Communities of Concern	Recital 6 (m): Pursue purposeful and focused investment in communities of concern, prioritization of local renewable power and workforce development and policies and programs centered on economic, environmental and social equity.
Coalition/Community Concerns	Prevailing wage	Prevailing wage jobs, to the quantifiable economic benefits that are listed in recital 6 (h).
Coalition/Community Concerns	Collective bargaining	Language in Recital 6 (o) to include "efficient consideration of petitions to unionize".

The desire to launch CCA service in 2023 has been expressed. In February 2018, the California Public Utilities Commission issued Resolution E-4907 establishing a registration process and timeline for new and expanding CCAs. E-4907 requires a one-year period between submittal of a CCA Implementation Plan, which must occur on or before January 1 of a given year, and customer enrollment for the municipality.

Staff requests adopting the resolution authorizing the mayor to execute the JPA agreement with SDCP. It is estimated that the CCA will adopt a resolution accepting the City of National City before the end of calendar year 2021.

San Diego Regional Community Choice Energy Authority

- Joint Powers Agreement -

Effective October 1, 2019

SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY –
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SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY
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This Joint Powers Agreement (the “Agreement”), effective as of October 1, 2019, is made by the Founding Members of San Diego Regional Community Choice Energy Authority (Authority) including cities of San Diego, Chula Vista, La Mesa, Encinitas, and Imperial Beach, and entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Section 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the public agencies set forth in Exhibit B.

RECITALS

1. The Parties are public agencies sharing various powers under California law, including but not limited to the power to purchase, supply, and aggregate electricity for themselves and their inhabitants.
2. SB 350, adopted in 2015, mandates a reduction in greenhouse gas emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050. In 2018, the State Legislature adopted SB 100, which directs the Renewable Portfolio Standard to be increased to 60% renewable by 2030 and establishes a policy for eligible renewable energy resources and zero-carbon resources to supply 100 percent of electricity retail sales to California end-use customers by 2045.
3. The purposes for the Founding Members (as such term is defined in Exhibit A) entering into this Agreement include procuring/developing electrical energy for customers in participating jurisdictions, addressing climate change by reducing energy-related greenhouse gas emissions, promoting electrical rate price stability, and fostering local economic benefits such as job creation, local energy programs and local power development. It is the intent of this Agreement to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to State, regional, and local solar and wind energy production and energy storage.
4. The Parties to this Agreement desire to establish a separate public agency, known as the San Diego Regional Community Choice Energy Authority (“Authority”), under the provisions of the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) (“Act”) in order to collectively study, promote, develop, conduct, operate, and manage energy programs.
5. The Founding Members have each adopted an ordinance electing to implement through the Authority a Community Choice Aggregation program pursuant to California Public Utilities Code Section 366.2 (“CCA Program”). The first priority of the Authority will be the consideration of those actions necessary to implement the CCA Program on behalf of participating jurisdictions.

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6. By establishing the Authority, the Parties seek to:
- (a) Provide electricity service to residents and businesses located within the municipal boundaries of the public agencies that signed on to this agreement in a responsible, reliable, innovative, and efficient manner;
 - (b) Provide electric generation rates to all ratepayers that are lower or at least competitive with those offered by the Investor Owned Utility (IOU), San Diego Gas & Electric (SDG&E), for similar products;
 - (c) Offer differentiated energy products for standard commodity electric service that provide a cleaner power portfolio than that offered by the IOU for similar service and a 100 percent renewable content option in which communities and customers may "opt-up" and voluntarily participate, with the ultimate objective of achieving—and sustaining—100 percent renewable energy availability and usage, at competitive rates, within the Authority service territory by no later than 2035, and then beyond;
 - (d) Develop an aggregate electric supply portfolio with overall lower greenhouse gas (GHG) emissions than the IOU, and one that supports near-term achievement of the Parties' greenhouse gas reduction goals and renewable electricity goals;
 - (e) Prioritize the use and development of local, cost-effective renewable and distributed energy resources in ways that encourage and support local power development and storage, avoids the use of unbundled renewable energy credits, and excludes coal and avoids nuclear contracts;
 - (f) Promote an energy portfolio that incorporates energy efficiency and demand response programs and pursues ambitious energy consumption reduction goals;
 - (g) Provide a range of energy product and program options, available to all Parties and customers, that best serve their needs, their local communities, and support regional sustainability efforts.
 - (h) Demonstrate quantifiable economic benefits to the region including prevailing wage jobs, local workforce development, economic development programs, new energy programs, and increased local energy investments;
 - (i) To the extent authorized by law, support a stable, skilled, and trained workforce through a variety of mechanisms, including neutrality agreements, that are designed to ensure quality workmanship at fair and competitive rates and which benefit local residents by delivering cost-effective clean energy programs and projects;
 - (j) Promote supplier and workforce diversity, including returning veterans and those from regional disadvantaged and under-represented communities of concern, to reflect the diversity of the region;

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- (k) Promote personal and community ownership of renewable generation and energy storage resources, spurring equitable economic development and increased resilience throughout the region.
- (l) Ensure that low-income households are provided with affordable electric rates and have access to special utility rates including California Alternative Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) programs;
- (m) Pursue purposeful and focused investment in communities of concern, prioritization of local renewable power, workforce development, and policies and programs centered on economic, environmental, and social equity.
- (n) Use discretionary program revenues to support the Authority’s long-term financial viability, enhance customer rate stability, and provide all Parties and their customers with access to innovative energy programs, projects and services throughout the region; and
- (o) Create an administering Authority that is financially sustainable, responsive to regional priorities, well-managed, and a leader in fair and equitable treatment of employees through adopting appropriate best practice employment policies, including but not limited to efficient consideration of petitions to unionize, participating in collective bargaining, if applicable, and providing appropriate wages and benefits.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter set forth, it is agreed by and among the Parties as follows:

1. DEFINITIONS AND EXHIBITS

1.1 **Definitions.** Capitalized terms used in this Agreement shall have the meanings specified in Exhibit A, unless the context requires otherwise.

1.2 **Documents Included.** This Agreement consists of this document and the following exhibits, all of which are hereby incorporated into this Agreement:

- Exhibit A: Definitions
- Exhibit B: List of Founding Members
- Exhibit C: Annual Energy Use by Jurisdiction
- Exhibit D: Voting Shares of Founding Members
- Exhibit E: Signatures

2. FORMATION OF THE SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY

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- 2.1 **Effective Date and Term.** This Agreement shall become effective and the Authority shall exist as a separate public agency on the date this Agreement is executed by the City of San Diego and at least one other public agency after the adoption of the ordinances required by Public Utilities Code Section 366.2(c)(12). The Authority shall provide notice to the Parties of the Effective Date. The Authority shall continue to exist, and this Agreement shall be effective, until the Agreement is terminated in accordance with Section 8.4 (Mutual Termination) of this Agreement, subject to the rights of the Parties to withdraw from the Authority, pursuant to Section 8.1.
- 2.2 **Formation of the Authority.** Under the Act, the Parties hereby create a separate joint exercise of power agency which is named San Diego Regional Community Choice Energy Authority. Pursuant to Sections 6506 and 6507 of the Act, the Authority is a public agency separate from the Parties. The jurisdiction of the Authority shall be all territory within the geographic boundaries of the Parties; however, the Authority may, as authorized under applicable law, undertake any action outside such geographic boundaries as is necessary and incidental to the accomplishment of its purpose.
- 2.3 **Purpose.** The purpose and objectives of this Agreement are to establish the Authority, to provide for its governance and administration, and to define the rights and obligations of the Parties. This Agreement authorizes the Authority to provide opportunities by which the Parties can work cooperatively to create economies of scale, provide for stronger regulatory and legislative influence at the State level, and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient, and renewable resources in the region for the benefit of all the Parties and their constituents, including, but not limited to, establishing and operating a Community Choice Aggregation program.
- 2.4 **Addition of Parties.** After the initial formation of the Authority by the Founding Members, any incorporated municipality, county, or other public agency authorized to be a community choice aggregator under Public Utilities Code Section 331.1 located within the service territory of the IOU may apply to and become a member of the Authority if all the following conditions are met:
- 2.4.1 The adoption by a two-thirds vote of the Board satisfying the requirements described in Section 4.11 (Board Voting) of this Agreement, of a resolution authorizing membership into the Authority;
- 2.4.2 The adoption by the public agency of a CCA ordinance as required by Public Utilities Code Section 366.2(c)(12) and approval and execution of this Agreement and other necessary program agreements by the public agency;

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2.4.3 Payment of a membership fee, if any, as may be required by the Board to cover Authority costs incurred in connection with adding the new party; and

2.4.4 Satisfaction of any other reasonable conditions established by the Board.

Pursuant to this Section 2.4 (Addition of Parties), all Parties shall be required to commence electric service as soon as is practicable within statutory and regulatory requirements, as determined by the Board and Authority management, as a condition to becoming a Party to this Agreement.

2.5 **Continuing Participation.** The Parties acknowledge that membership in the Authority may change by the addition, withdrawal and/or termination of Parties. The Parties agree to participate with such other Parties as may later be added by the Board, as described in Section 2.4 (Addition of Parties) of this Agreement. The Parties also agree that the withdrawal or termination of a Party shall not affect this Agreement or the remaining Parties' continuing obligations under this Agreement.

3. **POWERS**

3.1 **General Powers.** The Authority shall have the powers common to the Parties which are necessary or appropriate to the accomplishment of the purposes of this Agreement, subject to the restrictions set forth in Section 3.4 (Limitation on Powers) of this Agreement.

3.2 **Specific Powers.** Specific powers of the Authority shall include, but not be limited to, each of the following powers, which may be exercised at the discretion of the Board:

3.2.1 make and enter into contracts;

3.2.2 employ agents and employees, including but not limited to a Chief Executive Officer;

3.2.3 acquire, own, contract, manage, maintain, and operate any buildings, public works, improvements or other assets including but not limited to public electric generation resources;

3.2.4 acquire property for electric generation/interconnection purposes by eminent domain, or otherwise, except as limited under Section 6508 of the Act and Sections 3.6 and 4.12.3 of this Agreement, and to hold or dispose of any property; provided, however, the Authority shall not exercise the power of eminent domain within the jurisdiction of a Party over its objection;

3.2.5 lease any property;

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- 3.2.6 sue and be sued in its own name;
 - 3.2.7 incur debts, liabilities, and obligations, including but not limited to loans from private lending sources pursuant to its temporary borrowing powers authorized by law pursuant to Government Code Section 53850 et seq. and authority under the Act;
 - 3.2.8 issue revenue bonds and other forms of indebtedness;
 - 3.2.9 apply for, accept, and receive all licenses, permits, grants, loans or other aids from any federal, state or local public agency;
 - 3.2.10 form independent corporations or entities, if necessary, to carry out energy supply and energy conservation programs at the lowest possible cost or to take advantage of legislative or regulatory changes;
 - 3.2.11 submit documentation and notices, register, and comply with orders, tariffs and agreements for the establishment and implementation of the CCA Program and other energy programs;
 - 3.2.12 adopt rules, regulations, policies, bylaws and procedures governing the operation of the Authority;
 - 3.2.13 make and enter into service agreements relating to the provision of services necessary to plan, implement, operate and administer the CCA Program and other energy programs, including the acquisition of electric power supply and the provision of retail and regulatory support services;
 - 3.2.14 enter into neutrality agreements where the Authority has a proprietary or significant financial interest, negotiate project labor agreements, community benefits agreements and collective bargaining agreements with the local building trades council and other interested parties; and
 - 3.2.15 receive revenues from sale of electricity and other energy-related programs.
- 3.3 **Additional Powers to be Exercised.** In addition to those powers common to each of the Parties, the Authority shall have those powers that may be conferred upon it by law and by subsequently enacted legislation.
- 3.4 **Limitation on Powers.** As required by Section 6509 of the Act, the powers of the Authority are subject to the restrictions upon the manner of exercising power possessed by the City of Encinitas and any other restrictions on exercising the powers of the Authority that may be adopted by the Board.
- 3.5 **Obligations of the Authority.** The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any of the Parties unless a Party agrees in writing to assume any of the debts, liabilities, and

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obligations of the Authority with the approval of its Governing Body, in its sole discretion. In addition, pursuant to the Act, no Director shall be personally liable on the bonds or subject to any personal liability or accountability by reason of the issuance of bonds.

- 3.6 **Compliance with Local Zoning and Building Laws.** Notwithstanding any other provisions of this Agreement or state law, any facilities, buildings or structures located, constructed or caused to be constructed by the Authority within the territory of the Authority shall comply with the General Plan, zoning and building laws of the local jurisdiction within which the facilities are constructed.
- 3.7 **Compliance with the Political Reform Act and Government Code Section 1090.** The Authority and its officers and employees shall comply with the Political Reform Act (Government Code Section 81000 et seq.) and Government Code Section 1090 et seq. The Board shall adopt a Conflict of Interest Code pursuant to Government Code Section 87300. The Board may adopt additional conflict of interest regulations in the Operating Policies and Procedures.

4. **GOVERNANCE**

4.1 **Board of Directors.**

- 4.1.1 The Governing Body of the Authority shall be a Board of Directors ("Board") consisting of two Directors for each Party appointed in accordance with Section 4.2 (Appointment and Removal of Directors) of this Agreement until there are five or more Parties of the Authority. When the fifth Party joins the Authority, the number of Directors per Party shall be reduced to one Director per Party; each Party shall determine which Director shall be that Party's representative on the Board within 45 days of the date the fifth Party joins the Authority.
- 4.1.2 Each Director(s) must be a member of the Governing Body of the appointing Party. Each Director shall serve at the pleasure of the Governing Body of the Party whom appointed such Director and may be removed as Director by such Governing Body at any time. If at any time a vacancy occurs on the Board, then a replacement shall be appointed to fill the position of the previous Director within 45 days after the date that position becomes vacant.
- 4.1.3 Once the Authority reaches five members and becomes governed by a single appointed Director for each Party, then the Governing Body of each Party shall appoint an alternate to serve in the absence of the primary Director. The alternate is not required to be a member of the Governing Body of the appointing Party. The alternate shall have all the rights and responsibilities of the primary Director when serving in his/her absence.

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- 4.1.4 Any change to the size and composition of the Board other than what is described in this section shall require amendment of this Joint Powers Agreement in accordance with Section 4.12.
- 4.2 **Appointment and Removal of Directors.** The Directors shall be appointed and may be removed as follows:
- 4.2.1 The Governing Body of each Party shall appoint and designate in writing two regular Directors if there are four or fewer Parties to this Agreement, or one regular Director if there are five or more Parties to this Agreement, who shall be authorized to act for and on behalf of the Party on matters within the powers of the Authority. The Governing Body of each Party shall appoint and designate in writing one alternate Director if there are five or more Parties in the Authority who may vote on matters when the regular Director is absent from a Board meeting. The alternate Director may vote on matters in committee, chair committees, and fully participate in discussion and debate during meetings. All Directors and alternates shall be subject to the Board's adopted Conflict of Interest Code.
- 4.2.2 The Authority's policies and procedures, to be developed and approved by the Board, pursuant to Section 3.2.12, shall specify the reasons for and process associated with the removal of an individual Director for cause. Notwithstanding the foregoing, no Party shall be deprived of its right to seat a Director on the Board and any such Party for which its Director and/or alternate Director have been removed may appoint a replacement.
- 4.3 **Director Compensation.** The Board may adopt by resolution a policy relating to the compensation of its Directors.
- 4.4 **Terms of Office.** Each Party shall determine the term of office for their regular and alternate Director.
- 4.5 **Purpose of Board.** The general purpose of the Board is to:
- 4.5.1 Provide structure for administrative and fiscal oversight;
- 4.5.2 Retain a Chief Executive Officer to oversee day-to-day operations of the Authority;
- 4.5.3 Retain legal counsel;
- 4.5.4 Identify and pursue funding sources;
- 4.5.5 Set policy;
- 4.5.6 Maximize the utilization of available resources; and

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4.5.7 Oversee all Committee activities.

4.6 **Specific Responsibilities of the Board.** The specific responsibilities of the Board shall be as follows:

4.6.1 Identify Party and ratepayer needs and requirements;

4.6.2 Formulate and adopt an annual budget prior to the commencement of the fiscal year;

4.6.3 Develop and implement a financing and/or funding plan for ongoing Authority operations and capital improvements, if applicable;

4.6.4 Retain necessary and sufficient staff and adopt personnel and compensation policies, rules and regulations;

4.6.5 Develop a workforce policy that promotes a local, sustainable, and inclusive workforce;

4.6.6 Adopt policies for procuring electric supply and operational needs such as professional services, equipment and/or supplies;

4.6.7 Develop and implement a Strategic Plan to guide the development, procurement, and integration of renewable energy resources consistent with the intent and priorities identified in this Agreement;

4.6.8 Adopt rules for the disposal of surplus property;

4.6.9 Establish standing and ad hoc committees as necessary to ensure that the interests of the Authority and concerns of each Party are represented to ensure effective operational, technical, and financial functioning of the Authority and monitor the distribution and usage of Authority programs and benefits throughout the Authority's service territory;

4.6.10 The setting of retail rates for power sold by the Authority and the setting of charges for any other category of retail service provided by the Authority;

4.6.11 To wind up and resolve all obligations of the Authority in the event the Authority is terminated pursuant to Section 8.2;

4.6.12 Address any concerns of consumers and customers;

4.6.13 Conduct and oversee Authority operational audits at intervals not to exceed three years including review of customer access to Authority programs and benefits, where applicable;

4.6.14 Arrange for an annual independent fiscal audit;

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- 4.6.15 Adopt such bylaws, rules and regulations as are necessary or desirable for the purposes hereof; provided that nothing in the bylaws, rules and regulations shall be inconsistent with this Agreement;
 - 4.6.16 Exercise the Specific Powers identified in Sections 3.2 and 4.6 except as those which the Board may elect to delegate to the Chief Executive Officer; and
 - 4.6.17 Discharge other duties as appropriate and/or required by law.
- 4.7 **Startup Responsibilities.** The Authority shall have the duty to do the following within one year of the Effective Date of the Agreement:
- 4.7.1 Oversee the preparation of, adopt, and update an implementation plan, pursuant to Public Utilities Code Section 366.2(c)(3), for electrical load aggregation;
 - 4.7.2 Prepare a statement of intent, pursuant to Public Utilities Code Section 366.2(c)(4), for electrical load aggregation;
 - 4.7.3 Encourage other qualified public agencies to participate in the Authority;
 - 4.7.4 Obtain financing and/or funding as is necessary to support start up and ongoing working capital;
 - 4.7.5 Evaluate the need for, acquire, and maintain insurance;
 - 4.7.6 Consider and take action on the assumption of City of San Diego consulting and services agreements related to the Authority's start up and implementation activities, subject to the City of San Diego continuing to advance payment, or if another source is secured by the JPA, until such time as an agreement is executed for payment of Initial Costs as specified under Section 7.3.2.
- 4.8 **Meetings and Special Meetings of the Board.** The Board shall hold at least four regular meetings per year, but the Board may provide for the holding of regular meetings at more frequent intervals. The date, hour, and place of each regular meeting shall be fixed annually by resolution of the Board. The location of regular meetings may rotate for the convenience of the Parties, subject to Board approval and availability of appropriate meeting space. Regular meetings may be adjourned to another meeting time. Special meetings of the Board may be called in accordance with the provisions of Government Code Section 54956. Directors may participate in meetings telephonically, with full voting rights, only to the extent permitted by law. Board meeting agendas generally shall be set, in consultation with the Board Chair, by the Chief Executive Officer appointed by the Board pursuant to Section 5.5. The Board itself may add items to the agenda upon majority vote pursuant to Section 4.11.1.

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- 4.9 **Brown Act Applicable.** All meetings of the Board shall be conducted in accordance with the provisions of the Ralph M. Brown Act (Government Code Section 54950, et seq.).
- 4.10 **Quorum.** A simple majority of the Directors shall constitute a quorum. No actions may be taken by the Board without a quorum of the Directors present. If a Party fails to be represented by a Director(s) or alternate Director in more than one meeting in a 12-month period, the Board may take action by publicly noticing the Party that they are at risk of lack of representation within the Authority.
- 4.11 **Board Voting.**
- 4.11.1 **Equal Vote.** Once a quorum has been established, in general, except when Special Voting is expressly required pursuant to Section 4.12 hereof, Board action shall require votes of a majority of the total number of the Directors of the Board. All votes taken pursuant to this Section 4.11.1 shall be referred to as an “Equal Vote.” The consequence of a tie vote shall generally be “no action” taken. Notwithstanding the foregoing, an “Equal Vote” may be subject to a “Voting Shares Vote” as provided in Section 4.11.2, below.
- 4.11.2 **Voting Shares Vote.** At the same meeting at which an Equal Vote action was taken, three or more Directors shall have the right to request and have conducted a “Voting Shares Vote” to reconsider that action. Approval of a proposed action by a Voting Shares Vote to reconsider an Equal Vote action shall require the affirmative vote of Directors representing a two-thirds supermajority (66.7%) of the “Voting Shares” cast. The formula and process for allocating Voting Shares is set forth in Section 4.11.3, below. If a Voting Shares Vote for reconsideration fails, the legal effect is to affirm the Equal Vote with respect to which the Voting Shares Vote was taken. If the Voting Shares Vote succeeds, the legal effect is to nullify the Equal Vote with respect to which the Voting Shares Vote was taken. If the underlying Equal Vote was a tie, the Voting Shares Vote replaces that tie vote. No action may be taken solely by a Voting Shares Vote without first having taken an Equal Vote.
- 4.11.3 **Voting Shares Vote Formula and Process.** For the process of a Voting Shares Vote, each Director shall have a Voting Share as determined by the following formula: (Annual Energy Use/Total Annual Energy) multiplied by 100, where:
- (a) “Annual Energy Use” means, (i) with respect to the first year following the Effective Date, the annual electricity usage, expressed in kilowatt hours (“kWh”), within the Party’s respective jurisdiction and (ii) with respect to the period after the first anniversary of the Effective Date, the annual electricity usage,

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expressed in kWh, of accounts within a Party's respective jurisdiction that are served by the Authority; and

- (b) "Total Annual Energy" means the sum of all Parties' Annual Energy Use. The initial values for Annual Energy Use will be designated in **Exhibit C** and shall be adjusted annually as soon as reasonably practicable after January 1, but no later than March 1 of each year. These adjustments shall be approved by the Board.

The combined voting share of all Directors representing a Party shall be based upon the annual electricity usage within the Party's jurisdiction. If a Party has two Directors, then the voting shares allocated to that Party shall be equally divided between its two Directors.

The initial voting shares will be set forth in **Exhibit D**. Exhibit D shall be revised no less than annually as necessary to account for changes in the number of Parties and changes in the Parties' Annual Energy Use. Exhibit D and adjustments shall be approved by the Board.

Notwithstanding the formula for Voting Shares set forth above, for the purposes of the Voting Shares Vote, no one Party to this Agreement shall have a Director (or Directors, as the case may be) with a Voting Share that exceeds 49%, regardless of the Party's actual annual electric usage. If a Party would have a voting share that exceeds 49%, the excess above 49% shall be distributed among the other Parties in accordance with their relative annual electricity usage, as shown in Exhibit D.

4.12 Special Voting.

- 4.12.1 Except as provided below, matters that require Special Voting as described in this section shall require 72 hours prior notice to any Brown Act meeting or special meeting.
- 4.12.2 Two-thirds vote (or such greater vote as required by state law) of the appointed Directors shall be required to take any action on the following:
- (a) Issue bonds or other forms of debt;
 - (b) Adding or removing Parties;
 - (c) Amend or terminate this Agreement or adopt or amend the bylaws of the Authority. At least 30 days advance notice shall be provided for such actions. The Authority shall also provide prompt written

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notice to all Parties of the action taken and enclose the adopted or modified documents; and

4.12.3 Three-Fourths Vote shall be required to initiate any action for Eminent Domain

4.12.4 Matters requiring Special Voting under the terms of this Section shall not be subject to Voting Shares Voting pursuant to Section 4.11.2, above.

5. INTERNAL ORGANIZATION

5.1 **Elected and Appointed Officers.** For each fiscal year, the Board shall elect a Chair and Vice Chair from among the Directors and shall appoint a Secretary and a Treasurer as provided in Government Code section 6505.5. No Director may hold more than one such office at any time and elected officers shall represent different Parties of the Authority. Appointed officers shall not be elected officers of the Board.

5.2 **Chair and Vice Chair.** For each fiscal year, the Board shall elect a Chair and Vice Chair from among the Directors. The term of office of the Chair and Vice Chair shall continue for one year, but there shall be no limit on the number of terms held by either the Chair or Vice Chair. The Chair shall be the presiding officer of all Board meetings, and the Vice Chair shall serve in the absence of the Chair. The Chair shall perform duties as may be imposed by the Board. In the absence of the Chair, the Vice-Chair shall perform all of the Chair's duties. The office of the Chair or Vice Chair shall be declared vacant and a new selection shall be made if: (a) the person serving dies, resigns, or the Party that the person represents removes the person as its representative on the Board, or (b) the Party that he or she represents withdraws from the Authority pursuant to the provisions of this Agreement. Upon a vacancy, the position shall be filled at the next regular meeting of the Board held after such vacancy occurs or as soon as practicable thereafter. Succeeding officers shall perform the duties normal to said offices.

5.3 **Secretary.** The Board shall appoint a qualified person who is not on the Board to serve as Secretary. The Secretary shall be responsible for keeping the minutes of all meetings of the Board and all other office records of the Authority. If the appointed Secretary is an employee of any Party, such Party shall be entitled to reimbursement for any documented out of pocket costs it incurs in connection with such employee's service as Secretary of the Authority, and full cost recovery for any documented hours of service provided by such employee during such Party's normal working hours.

5.4 **Treasurer/Chief Financial Officer and Auditor.** The Board of Directors shall appoint a Treasurer who shall function as the combined offices of Treasurer and Auditor and shall strictly comply with the statutes related to the duties and responsibilities specified in Section 6505.5 of the Act. The Treasurer for the

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Authority shall be the depository and have custody of all money of the Authority from whatever source and shall draw all warrants and pay demands against the Authority as approved by the Board. The Treasurer shall cause an independent audit(s) of the finances of the Authority to be made by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act. The Treasurer shall report directly to the Board and shall comply with the requirements of treasurers of incorporated municipalities. The Board may transfer the responsibilities of Treasurer to any qualified person or entity as the law allows at the time. The duties and obligations of the Treasurer are further specified in Section 7. The Treasurer shall serve at the pleasure of the Board. If the appointed Treasurer is an employee of any Party, such Party shall be entitled to reimbursement for any documented out of pocket costs it incurs in connection with such employee's service as Treasurer of the Authority, and full cost recovery for any documented hours of service provided by such employee during such Party's normal working hours.

- 5.5 **Chief Executive Officer.** The Board shall appoint a Chief Executive Officer for the Authority, who shall be responsible for the day-to-day operation and management of the Authority and the CCA Program. The Board shall appoint a qualified person, hired through a transparent, competitive process, to act as the Chief Executive Officer; he or she may not be an elected member of the Board or otherwise representing any Party to the Authority. The Chief Executive Officer may exercise all powers of the Authority, except those powers specifically reserved to the Board including but not limited to those set forth in Section 4.6 (Specific Responsibilities of the Board) of this Agreement or the Authority's bylaws, or those powers which by law must be exercised by the Board. The Chief Executive Officer may enter into and execute power purchase agreements and other contracts, in accordance with criteria and policies established by the Board.
- 5.6 **General Counsel.** The Board shall appoint a qualified person to act as the Authority's General Counsel, who shall not be a member of the Board, or an elected official or employee of a Party.
- 5.7 **Bonding of Persons Having Access to Property.** Pursuant to the Act, the Board shall designate the public officer or officers or person or persons who have charge of, handle, or have access to any property of the Authority exceeding a value as established by the Board, and shall require such public officer or officers or person or persons to file an official bond in an amount to be fixed by the Board.
- 5.8 **Other Employees/Agents.** The Board shall have the power by resolution to hire employees or appoint or retain such other agents, including officers, loan-out employees, or independent contractors, as may be necessary or desirable to carry-out the purpose of this Agreement, pursuant to terms and conditions adopted by the Board.
- 5.9 **Privileges and Immunities from Liability.** All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief,

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disability, workers' compensation and other benefits which apply to the activities of officers, agents or employees of a public agency when performing their respective functions shall apply to the officers, agents or employees of the Authority to the same degree and extent while engaged in the performance of any of the functions and other duties of such officers, agents or employees under this Agreement. None of the officers, agents or employees directly employed by the Board shall be deemed, by reason of their employment by the Authority to be employed by the Parties or by reason of their employment by the Authority, to be subject to any of the requirements of the Parties.

5.10 **Commissions, Boards and Committees.** The Board may establish any advisory commissions, boards, and committees as the Board deems appropriate to assist the Board in carrying out its functions and implementing the CCA Program, related energy programs, and the provisions of this Agreement. To the extent possible, the commissions, boards, and committees should have equal representation from each Party. The Board may establish criteria to qualify for appointment on said commissions, boards, and committees. The Board may establish rules, regulations, policies, or procedures to govern any such commissions, boards, or committees and shall determine whether members shall be compensated or entitled to reimbursement for expenses.

5.10.1 **Executive Committee.** The Board may establish an executive committee consisting of a subset of its Directors. The Board may delegate to the Executive Committee such authority as the Board might determine appropriate to serve as a liaison between the Board and the Chief Executive Officer and to make recommendations to the Board regarding the operations of the Authority. Notwithstanding the foregoing, the Board may not delegate authority regarding essential Board functions, including but not limited to, approving the fiscal year budget or hiring or firing the Chief Executive Officer, and other functions as provided in the Authority bylaws or policies. Further, the Board may not delegate to the Executive Committee, or any other committee, the Board's authority under Section 3.2.12 to adopt and amend Authority policies and procedures.

5.10.2 **Finance and Risk Management Committee.** The Board shall establish a finance and risk management committee consisting of a subset of its Directors. The primary purpose of the Finance and Risk Management Committee is to review and recommend to the Board:

- (a) A funding plan;
- (b) A fiscal year budget; and
- (c) Financial policies and procedures to ensure equitable contributions by Parties; and

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The Finance and Risk Management Committee may have such other responsibilities as may be approved by the Board, including but not limited to advising the Chief Executive Officer on fiscal and risk management policies and procedures, rules and regulations governing investment of surplus funds, audits to achieve best practices in corporate governance and selection and designation of financial institutions for deposit of Authority funds, and credit/depository matters.

- 5.10.3 Community Advisory Committee. The Board shall establish a Community Advisory Committee comprised of non-Board members. The primary purpose of the Community Advisory Committee shall be to advise the Board of Directors and provide for a venue for ongoing citizen support and engagement in the strategic direction, goals, and programs of the Authority. The Community Advisory Committee is advisory only, and shall not have decision-making authority, nor receive any delegation of authority from the Board of Directors. Each Party may nominate a committee member(s) and the Board shall determine the final selection of committee members, who should represent a diverse cross-section of interests, skills sets and geographic regions.
- 5.10.4 Technical Advisory Committee. The Board may establish a Technical Advisory Committee comprised of non-Board members. The primary purpose of the Technical Advisory Committee shall be to advise the Board of Directors and provide the Authority with technical support and engagement in the energy-related operations of the Authority, supplementing the expertise of the Authority staff, independent contractors, and consultants. Each Party may nominate a committee member(s) and the Board shall determine the final selection of committee members, who should have significant expertise in electric markets, programs, procurement, regulatory and legislative engagement, and/or energy law.
- 5.10.5 Meetings of the Advisory Committees. All meetings of the committees shall be held in accordance with the Brown Act. For the purposes of convening meetings and conducting business, unless otherwise provided in the bylaws, a majority of the members of the committee shall constitute a quorum for the transaction of business, except that less than a quorum or the secretary of each committee may adjourn meetings from time-to-time. As soon as practicable, but no later than the time of posting, the Secretary of the committee shall provide notice and the agenda to each Party, Director(s), and Alternate Director(s).
- 5.10.6 Officers of Advisory Committees. Unless otherwise determined by the Board, each Committee shall choose its officers, comprised of a Chair, a Vice Chair, and a Secretary.

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6. IMPLEMENTATION ACTION AND AUTHORITY DOCUMENTS

6.1 Preliminary Implementation of the CCA Program.

6.1.1 **Enabling Ordinance.** In addition to the execution of this Agreement, each Party shall adopt an ordinance in accordance with Public Utilities Code Section 366.2(c)(12) for the purpose of specifying that the Party intends to implement a CCA Program by and through its participation in the Authority.

6.1.2 **Implementation Plan.** The Authority shall cause to be prepared and secure Board approval of an Implementation Plan meeting the requirements of Public Utilities Code Section 366.2 and any applicable Public Utilities Commission regulations, and consistent with the terms of this Agreement, as soon after the Effective Date as reasonably practicable.

6.2 **Authority Documents.** The Parties acknowledge and agree that the affairs of the Authority will be implemented through various documents duly adopted by the Board through Board resolution or minute action, including but not necessarily limited to operational procedures and policies, the annual budget, and specific plans such as a local renewable energy development and integration plan and other policies defined as the Authority Documents by this Agreement. All such Authority Documents shall be consistent with and designed to advance the goals and objectives of the Authority as expressed in this Agreement. The Parties agree to abide by and comply with the terms and conditions of all such Authority Documents that may be adopted by the Board, subject to the Parties' right to withdraw from the Authority as described in Section 8 (Withdrawal and Termination) of this Agreement.

6.3 **Integrated Resource Plan and Regulatory Compliance.** The Authority shall cause to be prepared an Integrated Resource Plan in accordance with California Public Utilities Commission regulations, and consistent with the terms of this Agreement, that will ensure the long-term development and administration of a variety of energy programs that promote local renewable resources, conservation, demand response, and energy efficiency, while maintaining compliance with other regulatory requirements including the State Renewable Portfolio Standard (RPS) and customer rate competitiveness. The Authority shall prioritize the development of cost competitive clean energy projects in San Diego and adjacent counties.

6.4 **Renewable Portfolio Standards.** The Authority shall provide its customers energy primarily from Category 1 eligible renewable resources, as defined under the California RPS and consistent with the goals of the CCA Program. The Authority shall avoid the procurement of energy from Category 2 or 3 eligible renewable resources (unbundled Renewable Energy Credits or RECs) to the extent feasible. The Authority's ultimate objective shall be to achieve—and sustain—a renewable energy portfolio with 100 percent renewable energy

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availability and usage, at competitive rates, within the Authority service territory by no later than 2035, and then beyond.

7. FINANCIAL PROVISIONS

7.1 Fiscal Year. The Authority's fiscal year shall be 12 months commencing July 1 and ending June 30. The fiscal year may be changed by Board resolution.

7.2 Depository.

7.2.1 All funds of the Authority shall be held in separate accounts in the name of the Authority and not commingled with funds of any Party or any other person or entity.

7.2.2 All funds of the Authority shall be strictly and separately accounted for, and regular reports shall be rendered of all receipts and disbursements, at least quarterly during the fiscal year. The books and records of the Authority shall be open to inspection and duplication by the Parties at all reasonable times. Annual financial statements shall be prepared in accordance with Generally Accepted Accounting Principles of the United States of America within 6 months of the close of the fiscal year. The Board shall contract with a certified public accountant to make an annual audit of the financial statements of the Authority, which shall be conducted in accordance with the requirements of Section 6505 of the Act.

7.2.3 All expenditures shall be made in accordance with the approved budget and upon the approval of any officer so authorized by the Board in accordance with its policies and procedures.

7.3 Budget and Recovery Costs.

7.3.1 Budget. The initial budget shall be approved by the Board. The Board may revise the budget from time to time as may be reasonably necessary to address contingencies and unexpected expenses. All subsequent budgets of the Authority shall be prepared and approved by the Board in accordance with its fiscal management policies that should include a deadline for approval.

7.3.2 Funding of Initial Costs.

(a) The City of San Diego shall fund the Initial Costs of establishing the Authority and implementing its CCA Program. In the event that the CCA Program becomes operational, the City of San Diego will be reimbursed for its Initial Costs on the terms set forth in this Section. The City shall first submit to the Founding Members a description of the types of costs, cost estimates, and interest for which it expects reimbursement. Reimbursable costs shall include,

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but not limited to, repayment of hard costs associated with CCA vendor contracts and Authority formation, reimbursement for the portion of staff costs associated with managing Authority and program formation and other out-of-pocket expenses directly attributable to the implementation of CCA through the Authority. The City will meet and confer with Founding Members in the development of its proposal for reimbursement to the Authority. The amount and the terms for City reimbursement shall be subject to the approval of the Authority Board. The Authority Board may establish a reasonable time period over which such Initial Costs are recovered once Authority revenues commence. In the event that the CCA Program does not become operational, to the extent Authority funds are available the City of San Diego may be reimbursed in accordance with section 8.6 of this Agreement.

- (b) The Authority shall also reimburse Founding Members for their Initial Costs in supporting the implementation of the Authority pursuant to the execution of an agreement specifying the services provided and their related costs. The Authority may establish reasonable costs and a reasonable time period over which such costs are recovered once Authority revenues commence. The Authority shall not provide for staff time costs or on-going cost reimbursement to Parties once the Authority becomes fully operational unless a specific Agreement between the Authority and the Party for specified services not otherwise provided by Authority staff has been approved by the Board.

7.3.3 Program Costs. The Parties desire that, to the extent reasonably practicable, all costs incurred by the Authority that are directly or indirectly attributable to the provision of electric services under the CCA Program, including the establishment and maintenance of various reserve and performance funds, shall be recovered through appropriate charges to CCA customers receiving such electric services.

7.3.4 No Requirement for Contributions or Payments. Parties are not required under this Agreement to make any financial contributions or payments to the Authority, and the Authority shall have no right to require such a contribution or payment unless expressly set forth herein (for example, as provided in Section 2.4.3, with respect to Additional Members and provided in Section 8.1, with respect to Withdrawal), or except as otherwise required by law.

Notwithstanding the foregoing, a Party may volunteer to provide, or negotiate terms with the Authority to provide the following:

- (a) contributions from its treasury for the purposes set forth in this Agreement;

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- (b) payments of public funds to defray the cost of the purposes of the Agreement and Authority;
- (c) advances of public funds for such purposes, such advances to be repaid as provided by written agreement; or
- (d) its personnel, equipment or property in lieu of other contributions or advances.

Any agreement with the Authority to provide any of the above-referenced contributions or payments shall require a Special Vote of the Board pursuant to Section 4.12.2.

No Party shall be required, by or for the benefit of the Authority, to adopt any local tax, assessment, fee or charge under any circumstances.

7.4 **Accounts and Reports.** The Treasurer shall establish and maintain such funds and accounts as may be required by good accounting practice or by any provision of any trust agreement entered into with respect to the proceeds of any bonds issued by the Authority. The books and records of the Authority in the hands of the Treasurer shall be open to inspection and duplication at all reasonable times by duly appointed representatives of the Parties. The Treasurer, within 180 days after the close of each fiscal year, shall give a complete written report of all financial activities for such fiscal year to the Parties. The Treasurer shall cooperate with all regular audits required by Section 4.6.11 and 4.6.12.

7.5 **Funds.** The Treasurer shall receive, have custody of and/or disburse Authority funds in accordance with the laws applicable to public agencies and generally accepted accounting practices, and shall make the disbursements required by this Agreement in order to carry out any of the purposes of this Agreement.

8. **WITHDRAWAL AND TERMINATION**

8.1 **Withdrawal**

8.1.1 **Withdrawal by Parties.** Any Party may withdraw its membership in the Authority, effective as of the beginning of the Authority's fiscal year, by giving no less than 180 days advance written notice of its election to do so, which notice shall be given to the Authority and each Party. Withdrawal of a Party shall require an affirmative vote of the Party's Governing Body.

8.1.2 **Amendment.** Notwithstanding Section 8.1.1 (Withdrawal by Parties) of this Agreement, a Party may withdraw its membership in the Authority upon approval and execution of an amendment to this Agreement provided that the requirements of this Section 8.1.2 are strictly followed. A Party shall be deemed to have withdrawn its

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membership in the Authority effective 180 days after the Board approves an amendment to this Agreement if the Director representing such Party has provided notice to the other Directors immediately preceding the Board's vote of the Party's intention to withdraw its membership in the Authority should the amendment be approved by the Board.

8.1.3 **Continuing Liability; Further Assurances.** A Party that withdraws its membership in the Authority may be subject to certain continuing liabilities, as described in Section 8.5 (Continuing Liability; Refund) of this Agreement, including, but not limited to, power purchase agreements and other Authority contracts and operational obligations. The withdrawing Party and the Authority shall execute and deliver all further instruments and documents and take any further action that may be reasonably necessary, as determined by the Board, to effectuate the orderly withdrawal of such Party from membership in the Authority. The Board shall also consider, pursuant to Section 3.2.12, adoption of a policy that allows a withdrawing Party to negotiate assignment to the Party of costs of electric power or other resources procured on behalf of its customers by the Authority upon its withdrawal. The Authority's policies shall prescribe the rights if any of a withdrawn Party to continue to participate in those Board discussions and decisions affecting customers of the CCA Program that reside or do business within the jurisdiction of the Party. In the implementation of this Section 8.1.3, the Parties intend, to the maximum extent possible, without compromising the viability of ongoing Authority operations, that any claims, demands, damages, or liabilities covered hereunder, be funded from the rates paid by CCA Program customers located within the service territory of the withdrawing Party, and not from the general fund of the withdrawing Party itself.

8.2 **Termination of CCA Program.** Nothing contained in Section 6 or elsewhere in this Agreement shall be construed to limit the discretion of the Authority to terminate the implementation or operation of the CCA Program at any time in accordance with any applicable requirements of state law.

8.3 **Involuntary Termination.** This Agreement may be terminated with respect to a Party for material non-compliance with provisions of this Agreement or Authority documents upon a two-thirds vote of the Board in which the minimum Equal Vote or Voting Shares Vote, as applicable in Section 4.11 (Board Voting) of this Agreement, shall be no less than two-thirds vote excluding the vote and voting shares of the Party subject to possible termination. Prior to any vote to terminate this Agreement with respect to a Party, written notice of the proposed termination and the reason(s) for such termination shall be delivered to the Party whose termination is proposed at least 30 days prior to the regular Board meeting at

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which such matter shall first be discussed as an agenda item. The written notice of proposed termination shall specify the particular provisions of this Agreement or the Authority Documents that the Party has allegedly violated. The Party subject to possible termination shall have the opportunity at the next regular Board meeting to respond to any reasons and allegations that may be cited as a basis for termination prior to a vote regarding termination. A Party that has had its membership in the Authority terminated may be subject to certain continuing liabilities, as described in Section 8.5 (Continuing Liability; Refund) of this Agreement.

- 8.4 **Mutual Termination.** This Agreement may be terminated by mutual agreement of all the Parties; provided, however, the foregoing shall not be construed as limiting the rights of a Party to withdraw its membership in the Authority, and thus terminate this Agreement with respect to such withdrawing Party, as described in Section 8.1 (Withdrawal) of this Agreement.
- 8.5 **Continuing Liability; Refund.** Upon a withdrawal or involuntary termination of a Party, the Party shall remain responsible for any claims, demands, damages, or liabilities arising from the Party's membership in the Authority through the effective date of its withdrawal or involuntary termination, it being agreed that the Party shall not be responsible for any claims, demands, damages, or liabilities commencing or arising after the date of the Party's withdrawal or involuntary termination. In addition, such Party also shall be responsible for (a) any damages, losses, or costs incurred by the Authority which result directly from the Party's withdrawal or termination, including but not limited to costs arising from the resale of capacity, electricity, or any attribute thereof no longer needed to serve such Party's load; and (b) any costs or obligations associated with the Party's customer participation in any program in accordance with the program's terms, provided such costs or obligations were incurred prior to the withdrawal of the Party. The withdrawing Party agrees to pay any such deposit determined by the Authority to cover the Party's liability for the operational and contract costs described above. Any amount of the Party's funds held on deposit with the Authority above that which is required to pay any liabilities or obligations shall be returned to the Party. In the implementation of this Section 8.5, the Parties intend, to the maximum extent possible, without compromising the viability of ongoing Authority operations, that any claims, demands, damages, or liabilities covered hereunder, be funded from the rates paid by CCA Program customers located within the service territory of the withdrawing Party, and not from the general fund of the withdrawing Party itself.
- 8.6 **Disposition of Authority Assets.** Upon termination of this Agreement and dissolution of the Authority by all Parties, and after payment of all obligations of the Authority, the Board
- 8.6.1 May sell or liquidate Authority property; and

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8.6.2 Shall distribute assets to Parties in proportion to the contributions made by the existing Parties.

Any assets provided by a Party to the Authority shall remain the asset of that Party and shall not be subject to distribution under this section.

9. **MISCELLANEOUS PROVISIONS**

9.1 **Dispute Resolution.** The Parties and the Authority shall make reasonable efforts to settle all disputes arising out of or in connection with this Agreement. Before exercising any remedy provided by law, a Party or the Parties and the Authority shall engage in nonbinding mediation in the manner agreed upon by the Party or Parties and the Authority. The Parties agree that each Party may specifically enforce this section. In the event that nonbinding mediation is not initiated or does not result in the settlement of a dispute within 60 days after the demand for mediation is made, any Party and the Authority may pursue any remedies provided by law.

9.2 **Liability of Directors, Officers, and Employees.** The Directors, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. No current or former Director, officer, or employee will be responsible for any act or omission by another Director, officer, or employee. The Authority shall defend, indemnify and hold harmless the individual current and former Directors, officers, and employees for any acts or omissions in the scope of their employment or duties in the manner provided by Government Code Section 995 et seq. Nothing in this section shall be construed to limit the defenses available under the law, to the Parties, the Authority, or its Directors, officers, or employees.

9.3 **Indemnification of Parties.** The Authority shall acquire such insurance coverage as is necessary to protect the interests of the Authority, the Parties and the public. The Authority shall defend, indemnify and hold harmless the Parties and each of their respective governing board members, officers, agents and employees, from any and all claims, losses, damages, costs, injuries and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts and omissions of the Authority.

9.4 **Notices.** Any notice required or permitted to be made hereunder shall be in writing and shall be delivered in the manner prescribed herein at the principal place of business of each Party. The Parties may give notice by (1) personal delivery; (2) e-mail; (3) U.S. Mail, first class postage prepaid, or a faster delivery method; or (3) by any other method deemed appropriate by the Board.

Upon providing written notice to all Parties, any Party may change the designated address or e-mail for receiving notice.

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All written notices or correspondence sent in the described manner will be deemed given to a party on whichever date occurs earliest: (1) the date of personal delivery; (2) the third business day following deposit in the U.S. mail, when sent by “first class” mail; or (3) the date of transmission, when sent by e-mail or facsimile.

- 9.5 **Successors.** This Agreement shall be binding upon and shall inure to the benefit of the successors of each Party.
- 9.6 **Assignment.** Except as otherwise expressly provided in this Agreement, the rights and duties of the Parties may not be assigned or delegated without the advance written consent of all of the other Parties, and any attempt to assign or delegate such rights or duties in contravention of this section shall be null and void. This Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Parties. This section does not prohibit a Party from entering into an independent agreement with another agency, person, or entity regarding the financing of that Party's contributions to the Authority, or the disposition of the proceeds which that Party receives under this Agreement, so long as such independent agreement does not affect, or purport to affect, the rights and duties of the Authority or the Parties under this Agreement.
- 9.7 **Severability.** If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were adjudged invalid or void by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall remain in full force and effect to the maximum extent permitted by law.
- 9.8 **Governing Law.** This Agreement is made and to be performed in the State of California, and as such California substantive and procedural law shall apply.
- 9.9 **Headings.** The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.
- 9.10 **Counterparts.** This Agreement may be executed in any number of counterparts, and upon execution by all Parties, each executed counterpart shall have the same force and effect as an original instrument and as if all Parties had signed the same instrument. Any signature page of this Agreement may be detached from any counterpart of this Agreement without impairing the legal effect of any signatures thereon and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more signature pages.

CCJS

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CITY OF _____

By: _____
(Insert Name), Mayor

ATTEST:

By: _____
(Insert Name), City Clerk

APPROVED AS TO FORM:

By: _____
(Insert Name), City Attorney

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Exhibit A: Definitions

- "AB 117" means Assembly Bill 117 (Stat. 2002, Ch. 838, codified at Public Utilities Code Section 366.2), which created Community Choice Aggregation.
- "Act" means the Joint Exercise of Powers Act of the State of California (Chapter 5, Division 7, Title 1 of the Government Code commencing with Section 6500).
- "Agreement" means this Joint Powers Agreement.
- "Authority" means San Diego Regional Community Choice Energy Authority.
- "Authority Document(s)" means document(s) duly adopted by the Board by resolution or motion implementing the powers, functions and activities of the Authority, including but not limited to the Operating Policies and Procedures, the annual budget, and plans and policies.
- "Board" means the Board of Directors of the Authority.
- "Community Choice Aggregation" or "CCA" means an electric service option available to cities, counties, and other public agencies pursuant to Public Utilities Code Section 366.2.
- "CCA Program" means the Authority's program relating to CCA that is principally described in Section 2.3 (Purpose) of this Agreement.
- "Days" shall mean calendar days unless otherwise specified by this Agreement.
- "Director" means a member of the Board representing a Party, including up to two alternate Directors appointed in accordance with Sections 4.1 (Board of Directors) and 4.2 (Appointment and Removal of Directors) of this Agreement.
- "Effective Date" means the date on which the Agreement shall become effective and the Authority shall exist as a separate public agency, as further described in Section 2.1 (Effective Date and Term) of this Agreement.
- "Founding Member" means any jurisdiction that joins with the City of San Diego to form the San Diego Regional CCE Authority in 2019, as identified in Exhibit B. Founding members shall not incur any expenses related to their membership in the Authority or its operational implementation.
- "Governing Body" means: for the County of San Diego, its Board of Supervisors; for any city other than San Diego, its City Council; for San Diego, the Mayor and the City Council; and, for any other public agency, the equivalent policy making body that exercises ultimate decision-making authority over such agency.

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"Initial Costs" means implementation costs advanced by the City of San Diego and other Founding Members in support of the formation of the Authority, which are (a) directly related to the establishment of the Authority and its CCA program, and (b) incurred by the Authority or its Members relating to the initial operation of the Authority, such as the hiring of the executive and operations staff, any required accounting, administrative, technical and legal services in support of the Authority's initial formation activities or in support of the negotiation, preparation and approval of power purchase agreements. Initial Costs do not include costs associated with the investigation of the CCA model, attendance at routine planning meetings, or a Party's pre-formation reports related to their decision to pursue CCA or join the Authority. The Authority Board shall determine the repayment timing and termination date for the Initial Costs.

"Investor Owned Utilities" means a privately-owned electric utility whose stock is publicly traded. It is rate regulated and authorized to achieve an allowed rate of return.

"Parties" means, collectively, the signatories to this Agreement that have satisfied the conditions as defined above in "Founding Members" or in Section 2.4 (Addition of Parties) of this Agreement, such that they are considered members of the Authority.

"Party" means, singularly, a signatory to this Agreement that has satisfied the conditions as defined above in "Founding Members" or in Section 2.4 (Addition of Parties) of this Agreement, such that it is considered a member of the Authority.

"Public Agency" as defined in the Act includes, but is not limited to, the federal government or any federal department or agency, this state, another state or any state department or agency, a county, a county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, a federally recognized Indian tribe, or any joint powers authority formed pursuant to the Act.

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Exhibit B: List of Founding Members

City of San Diego

City of Chula Vista

City of Encinitas

City of La Mesa

City of Imperial Beach

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Exhibit C: Annual Energy Use by Jurisdiction

Party	MWh
San Diego	6,300,000*
Chula Vista	702,000*
Encinitas	231,000**
La Mesa	217,000*
Imperial Beach	108,500

* 2018 data provided by SDG&E

**2017 data provided by SDG&E

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Exhibit D: Voting Shares of Founding Members

Party	MWh	Voting Share
San Diego	6,300,000*	49.00%
Chula Vista	702,000*	28.45%
Encinitas	231,000**	9.36%
La Mesa	217,000*	8.79%
Imperial Beach	108,500	4.40%
Total	7,558,500	100.00%

* 2018 data provided by SDG&E

**2017 data provided by SDG&E

SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY –
JOINT POWERS AGREEMENT

Exhibit E: Signatures

CITY OF San Diego

By: _____



_____, Mayor

ATTEST:

By: _____



_____, City Clerk

APPROVED AS TO FORM:

By: _____



Deputy, City Attorney

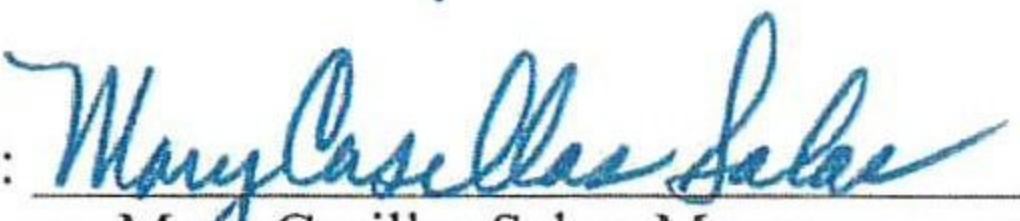
10/30/19

R-312666

SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY –
JOINT POWERS AGREEMENT

Exhibit E: Signatures

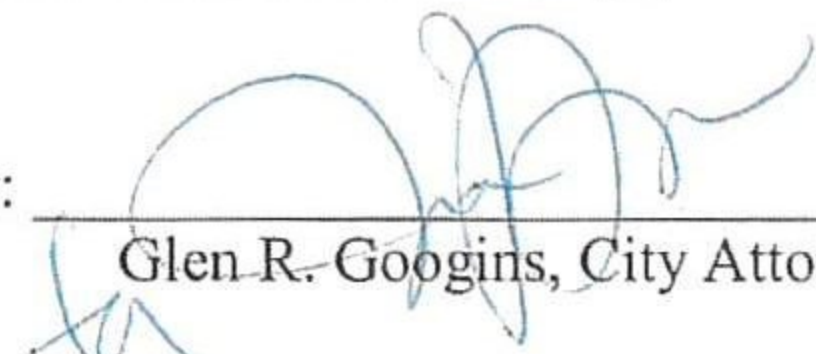
CITY OF Chula Vista

By: 
Mary Casillas Salas, Mayor

ATTEST:

By: 
Kerry K. Bigelow, City Clerk

APPROVED AS TO FORM:

By: 
Glen R. Googins, City Attorney

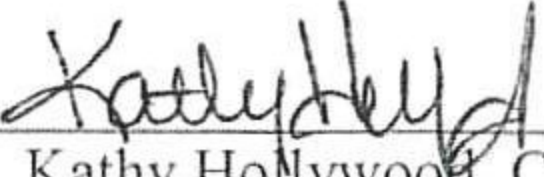
SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY –
JOINT POWERS AGREEMENT

Exhibit E: Signatures

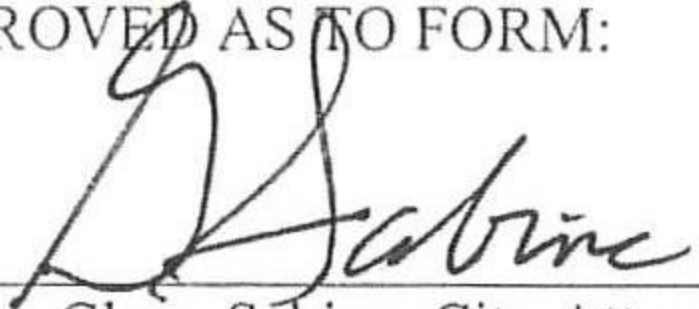
CITY OF Encinitas

By:  10/9/19
Karen P. Brust, City Manager

ATTEST:

By: 
Kathy Hollywood, City Clerk


APPROVED AS TO FORM:

By:  9/30/18
Glenn Sabine, City Attorney


SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY –
JOINT POWERS AGREEMENT

Exhibit E: Signatures

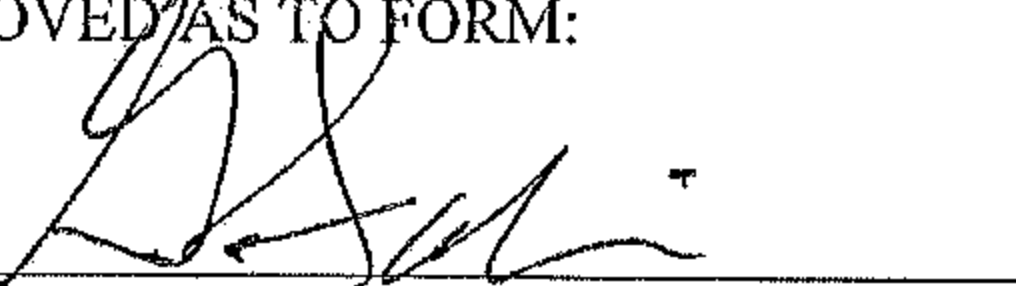
CITY OF La Mesa

By: 
Mark Arapostathis, Mayor

ATTEST:

By: 
Megan Wiegelman, City Clerk

APPROVED AS TO FORM:

By: 
Glenn Sabine, City Attorney

SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY –
JOINT POWERS AGREEMENT

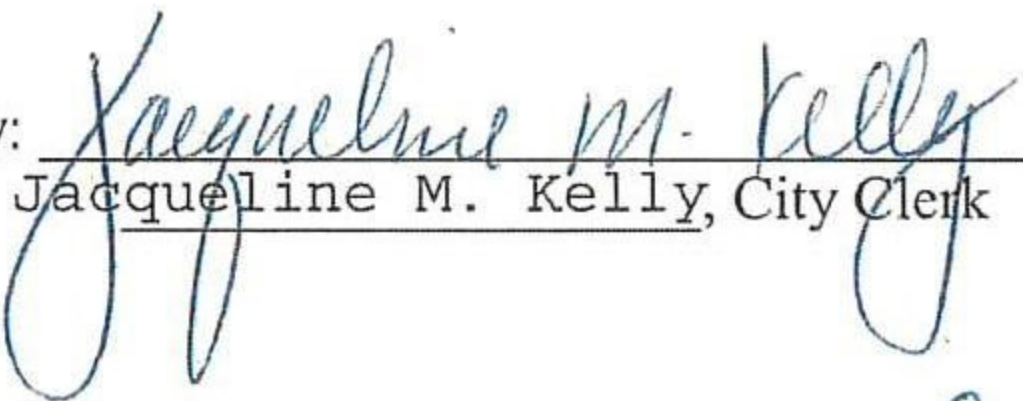
Exhibit E: Signatures

CITY OF Imperial Beach

By: 

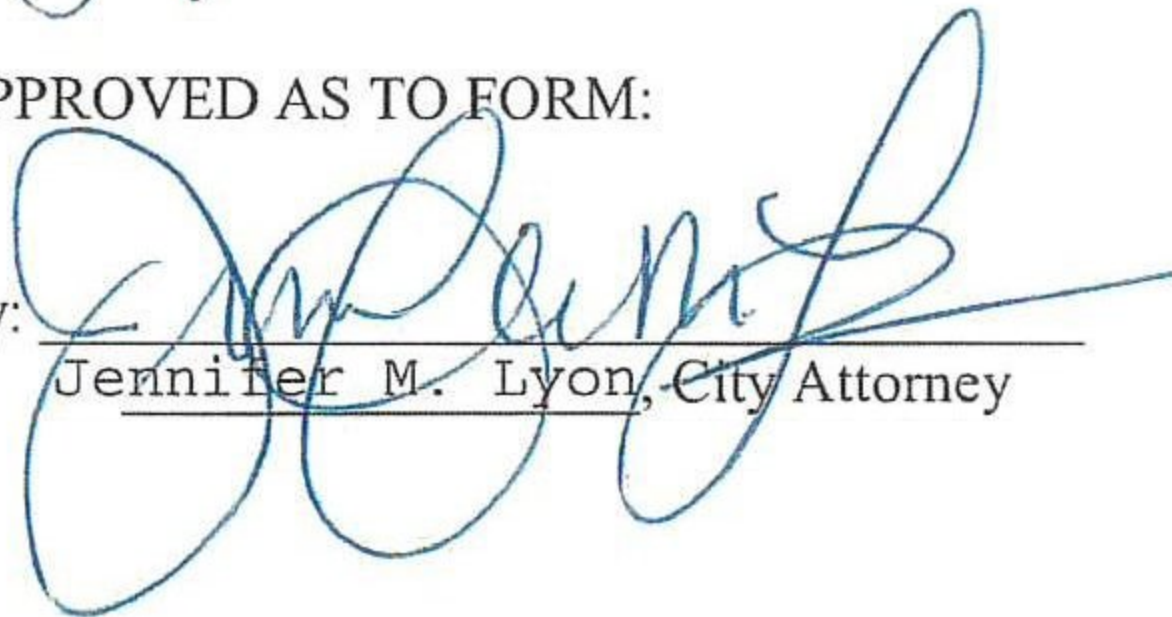
Serge Dedina, Mayor

ATTEST:

By: 

Jacqueline M. Kelly, City Clerk

APPROVED AS TO FORM:

By: 

Jennifer M. Lyon, City Attorney

**FIRST AMENDMENT TO THE
SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY
JOINT POWERS AGREEMENT**

This First Amendment to the Joint Powers Agreement for the San Diego Regional Community Choice Energy Authority (First Amendment) is made and entered into by and between those certain public agencies, hereinafter referred to as the Parties, which have duly executed, pursuant to resolution or ordinance, the Joint Powers Agreement for the San Diego Regional Community Choice Energy Authority (Authority), as follows:

RECITALS

WHEREAS, the Joint Powers Agreement for the San Diego Regional Community Choice Energy Authority (Agreement), was executed by the Cities of San Diego, Chula Vista, Encinitas, La Mesa, and Imperial Beach, effective October 1, 2019, to provide electricity service to residents and businesses located within the municipal boundaries of the public agencies in a responsible, reliable, innovative, and efficient manner.

WHEREAS, on November 21, 2019, the Authority's Board of Directors voted and approved changing the Authority's name from "San Diego Regional Community Choice Energy Authority" to " San Diego Community Power ".

WHEREAS, the Agreement may be amended in the manner set forth in Section 4.12.2, subsection (c) of the Agreement.

Now THEREFORE, it is mutually agreed by and between the Parties hereto to amend the Agreement, as follows:

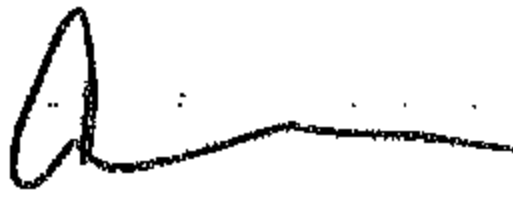
1. Amendment of Agreement to Change the Name: The Agreement is hereby amended to change the name of the Authority to " San Diego Community Power " All references to "San Diego Regional Community Choice Energy Authority" or "SDRCCEA", such as set out in the title of the Agreement, Section 2 (Formation), and in all other places throughout the Agreement, shall be changed to " San Diego Community Power, or SDCP ".
2. Except as specifically amended herein, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed as of the date listed below.

IN WITNESS WHEREOF, the Interim Executive Officer of the Authority, authorized by the Board on November 21, 2019, has executed this First Amendment of the Joint Powers Agreement on behalf of the Authority.

SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY

Date: 11/22/19

By: 

CODY HOOVEN
Interim Executive Officer

SIGNATURE PAGE OF THE CITY OF NATIONAL CITY AGREEING TO BECOME A PARTY TO THE SAN DIEGO COMMUNITY POWER JOINT POWERS AGREEMENT

Pursuant to Resolution No. 2021-XXX of the City Council of National City, the City of National City, California hereby agrees to become a Party to the San Diego Community Power Joint Powers Agreement dated October 1, 2019, as amended on November 22, 2019 (previously known as the “San Diego Regional Community Choice Energy Authority Joint Powers Agreement”), pursuant to Section 2.4 of the Agreement.

CITY OF NATIONAL CITY

By: _____
Name: Alejandra Sotelo-Solis
Title: Mayor

Date: _____

ATTEST:

By: _____
Name: Liz Molina
Title: City Clerk

APPROVED AS TO FORM:

By: _____
Name: Charles E. Bell, Jr.
Title: City Attorney

Note: The addition of the above-named entity as a Party to the San Diego Community Power Joint Powers Agreement is subject to satisfaction of the conditions set forth in Section 2.4 of the Agreement and such other reasonable conditions as may be adopted by the San Diego Community Power Board of Directors.

RESOLUTION NO. 2021 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE A JOINT POWERS AGENCY (JPA) AGREEMENT AND CURRENT AMENDMENTS WITH THE SAN DIEGO COMMUNITY POWER (SDCP) COMMUNITY CHOICE AGGREGATION (CCA)

WHEREAS, in 2019, City of National City ("City") staff presented to City Council a preliminary report on the feasibility of possible Community Choice Aggregation ("CCA") models and associated pros and cons with each one; and

WHEREAS, City Council directed City staff to continue to monitor the development of the San Diego County CCAs and return to City Council with an update; and

WHEREAS, on September 21, 2021, City Council received a preliminary update to the City's Climate Action Plan ("CAP") that outlined the strategies included to achieve the specific state-required environmental targets; and

WHEREAS, on September 21, 2021, City Council gave direction to City staff to return to Council with a CCA Ordinance and a Joint Powers Agency (JPA) agreement with San Diego Community Power ("SDCP"); and

WHEREAS, City staff requests City Council to adopt the Resolution authorizing the Mayor to execute the JPA Agreement and current amendments with SDCP.

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

Section 1: Authorizes the Mayor to execute a Joint Powers Agency Agreement ("JPA") and current amendments with the San Diego Community Power ("SDCP") Community Choice Aggregation ("CCA").

Section 2: The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 2nd day of November, 2021.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [City Council consideration of a City Council Policy for the Naming of City Assets and Streets. \(City Manager\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. _____

ITEM TITLE:

City Council consideration of a City Council Policy for the Naming of City Assets and Streets.

PREPARED BY: Tony Winney, Assistant City Manager | **DEPARTMENT:** City Manager's Office

PHONE: (619) 336-4240

APPROVED BY: _____



EXPLANATION:

See attached Exhibit A.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

No fiscal impact.

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Discuss and provide feedback to staff on the attached draft City Council Policy.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

- Attachment A – Explanation
- Attachment B – Proposed City Council Policy 805
- Attachment C – April 1, 2008 Agenda Report on Establishing Criteria for Renaming of City Facilities, Parks and Amenities
- Attachment D - City Administrative Manual Policy 10.01

Discussion on City Council Policy 805 entitled "NAMING OF CITY FACILITIES, STREETS AND COMMEMORATIVE PLAQUES"

Exhibit A

On October 19, the City Council voted 5-0 to discuss the naming of the new city park Dolores Huerta Park and Community Garden at the November 2, 2021 City Council meeting. The City currently does not have a formal policy regarding the naming or renaming of City assets or streets. Assets include parks and facilities such as athletic fields. Staff has prepared a draft policy for discussion which is outlined below.

Background

On April 1, 2008, the City Council discussed a report the issue of establishing criteria for a policy regarding the renaming of City facilities, park and amenities. After discussion, no formal action was taken by the City Council. Staff has included a copy of the agenda report from 2008 as a point of reference as Attachment D, which outlines prior buildings that were named or renamed by the City Council in honor of various individuals.

As the prior report outlined, over the years City Council has initiated and received requests to name new and existing City facilities in honor of individuals who have made significant contributions to community; however, those requests were granted without a formal policy in place. Examples of facilities that were named or renamed after individuals include the George Waters Nutrition Center, the Manual Portillo Casa de Salud Youth Center, Martin Luther King Community Center, and Junior Robles Field.

Creation of a City Council Policy would provide a clear process going forward for future requests for naming of facilities and parks and the renaming of streets, which would help ensure transparency and feedback from the public.

City Council Policy 805

An exhibit to this report outlines a draft City Council Policy 805 for City Council consideration outlining a process and guidelines pertaining to naming or renaming of City Assets and Existing Streets.

Appointment Process

In addition to the guidelines outlined in the draft policy, Section D outlines the procedure for naming City Facilities and renaming of Existing Streets. The draft policy states the City Council shall consider the merit of the naming/renaming request and render a recommendation for the Mayor to appoint a City Council Ad Hoc Committee to further discuss the request. The Ad Hoc Committee will be charged with soliciting feedback from the public and local stakeholder groups in the community to determine whether there is support to name/rename the Facility or Street, and propose alternative naming options when appropriate.

Alternative One: City Council could delegate consideration of the request directly to the Parks, Recreation and Senior Citizen Advisory Board, with the committee offering a formal recommendation to City Council after receiving public input.

Alternative Two: City Council could appoint a three member City Naming Committee composed of the Mayor or his/her designee, the Chair of the Parks, Recreation and Senior Citizen Advisory Board or

his/her designee, and a community representative as designated by the City Manager. The Committee would also return to the City Council offering a formal recommendation after soliciting public input.

Alternative Three: The Mayor, with the concurrence of the City Manager, could bring the request to City Council at a City Council meeting for direct consideration, and final determination.

Staff seeks direction from City Council on the draft policy.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: NAMING OF CITY ASSETS AND STREETS	POLICY #805
ADOPTED: NOVEMBER 2, 2021	AMENDED OR REVISED: N/A

PURPOSE

The purpose of this policy is to establish the process and guidelines for naming or renaming of City assets or existing streets. This policy outlines the criteria, conditions, and procedures that govern naming and renaming of City Assets in order to maintain their integrity, to encourage philanthropic giving while acknowledging public investments, and to safeguard against unwanted commercialization of City Assets.

DEFINITIONS

City Assets refer to parks, buildings, or recreational facilities, including sports fields.

POLICY

A. General Guidelines

1. The City Council shall have the final authority to name and rename all City Facilities, designate commemorative street names and plaques and rename existing streets.
2. It is the intent of this policy to discourage the changing of existing street names that have existing homes or businesses using the street name in their address, except under extraordinary circumstances with a super majority vote of the City Council.
3. No Asset or Street shall be named after a seated elected or appointed official or current City employee.

B. Qualifications for Naming of City Assets

1. Qualifying criteria include the following:
 - a. City controlled Assets may be named or renamed after any group, individual, or family, living or deceased that has made significant and substantial contributions of a service, cultural or historic nature to the City of National City, as determined by the City Council. Said contributions do not have to be financial in nature; they may include extensive service and/or support to the City or the community in general.
 - b. When determining whether to rename an Asset, the party making the determination shall consider all factors they deem relevant, including whether some or all of the following accurately describe the person or organization for whom the Asset is proposed to be renamed:
 - i. The person or organization made lasting and significant contributions to the protection of natural or cultural resources of the City of National City; or

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: NAMING OF CITY ASSETS AND STREETS	POLICY #805
ADOPTED: NOVEMBER 2, 2021	AMENDED OR REVISED: N/A

- ii. The person or organization made substantial contributions to the betterment of a specific Asset consistent with the established standards for the Facility; or
- iii. The person or organization made substantial contributions to the advancement of recreational opportunities with the City of National City; or
- iv. The person or organization had a positive impact on the lives of National City's residents; or
- v. The person or organization volunteered for ten (10) or more years of service to the community; or
- vi. The person or organization provided significant financial support towards the purchase or construction of the City Asset proposing to be name/renamed. Significant shall be defined as contributing 50% or more towards the total land purchase or construction costs of the Asset.
- vii. The City Council, in its sole discretion, may remove or change the name of any Asset at any time, unless contractually obligated otherwise.

C. Asset and Street Naming/Renaming Criteria

1. Renaming of Existing City Streets

- a. City street names and corresponding address numbers are currently selected by City Engineering and Planning staff, as outlined in Administrative Policy Manual Policy 10.01.
- b. If an existing street name is proposed to be renamed, the process shall adhere to this City Council Policy.
- c. Names for streets shall be unique and distinct. Similar sounding or duplicate street names shall not be considered.
- d. Street names shall be selected to either recognize natural features related to the National City community or to recognize a person or organization that have made a lasting and significant contribution to the betterment of the City of National City.
- e. Discriminatory or derogatory names shall not be allowed.
- f. For the purposes of this policy, the changing of street names that have existing homes or businesses using the street name in their address shall be discouraged, except under extraordinary circumstances with a super majority of City Council.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: NAMING OF CITY ASSETS AND STREETS	POLICY #805
ADOPTED: NOVEMBER 2, 2021	AMENDED OR REVISED: N/A

2. City Assets

- a. For purposes of this Subsection C.2, City assets refer to parks, buildings, or recreational facilities, including sports fields.
- b. City Asset names shall be selected to either recognize natural features related to the National City community or to recognize a person or organization that made a lasting and significant contribution to the betterment of the City of National City.
- c. Areas within City facilities that may be named separately from the main building include points of entry; rooms / patios within a City building; facility features (such as a column or fountain); walkways; trails, recreational facilities (such as group picnic areas, sports fields, water features, or park).

D. Naming Procedure for City Assets and Renaming of Existing Streets

1. Requests for naming and/or changing the name of a City Asset or renaming an existing City street may be proposed by the Mayor or a City Council member and submitted to the City Manager's Office in writing. If the proposed Asset is in recognition of a person or organization, the Mayor or City Council member is required to provide clear evidence that the person or organization to be honored has made a significant and lasting contribution to the betterment of the City of National City.
2. Upon receipt of the application, the City Manager or his/her designee shall review the request for compliance with this City Council Policy. If the request is deemed consistent with the City Council Policy by the City Manager, the City Manager or his/her designee shall place the request on a future City Council agenda for review and consideration.
3. The City Council shall then consider the merit of the request and determine if extended public outreach is necessary. If the City Council supports the request, the Mayor will appoint a City Council Ad Hoc Committee to further discuss the request. The Ad Hoc Committee will be charged with soliciting feedback from the public and local stakeholder groups in the community to determine whether there is support to name/rename the Asset or Street, and propose alternative naming options when appropriate.
4. Following that review, the City Manager or his/her designee shall place the proposed Asset naming/renaming item on the City Council agenda within 60 days of the initial Ad Hoc Committee appointments. The Ad Hoc Committee

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: NAMING OF CITY ASSETS AND STREETS	POLICY #805
ADOPTED: NOVEMBER 2, 2021	AMENDED OR REVISED: N/A

will present their recommendations for formal review and consideration by the City Council. If the request is denied by the City Council, no further action is taken. If the City Council approves the request, staff is directed to go forward with implementing the naming of the Facility. The steps taken to implement the request will be developed as an internal City process. The decision of the City Council will be final.

Related Policy References

City Administrative Manual Policy 10.01

Prior Policy Amendments


None.

City of National City, California
COUNCIL AGENDA STATEMENT

MEETING DATE April 1, 2008

AGENDA ITEM NO. 18

ITEM TITLE Establishing Criteria for Proposed City Council Policy for Naming City Facilities, Parks and Amenities.

PREPARED BY Leslie Deese 
Asst. City Manager (336-4240)

DEPARTMENT City Manager

EXPLANATION

Please see attached report.

Environmental Review N/A

Financial Statement

Account No. _____

STAFF RECOMMENDATION Staff is requesting conceptual approval by the City Council of the criteria for a policy for naming City facilities, parks and amenities. Additionally, the outlined criteria does not include the naming and renaming of public streets and other rights-of-way. As such, Council may choose to direct staff to develop a policy to assist in the selection and approval of street names and other rights-of-way within the City.

BOARD / COMMISSION RECOMMENDATION

ATTACHMENTS (Listed Below)

Resolution No. _____

Staff report.

RE: Establishing Criteria for Proposed City Council Policy for Naming City Facilities, Parks and Amenities

Over the years, the City Council has initiated and received requests to name new and existing City facilities in honor of individuals who have made significant contributions to the community. In most cases, the City has responded to the requests by approving them without the benefit of a City Council-approved policy to guide consideration of the requests. As a result, the process associated with the consideration and approval of these requests has not been consistently applied and the process was not guided by a policy. The names for City facilities were therefore approved in a manner that did not establish a precedent or procedure for considering future naming opportunities and requests.

Background

National City has lacked a uniform policy to assist the City Council and to guide staff in the naming and dedicating of City facilities, including parks and open space areas, buildings, and other public amenities.

Although National City has no formal policy for naming public facilities and sites in honor of persons, there are precedents. Kimball Park is named for a City founder; Morgan Towers, the George H. Waters Nutrition Center and the Camacho Gymnasium were all named for former Mayors and/or Councilmembers; and the Martin Luther King, Jr. Community Center was named for a national civil rights leader. Robles Field in Kimball Park was dedicated in memory of Junior Robles who died tragically in a plane crash in Poland as part of a U.S. amateur boxing team. The Kimball Park score shack on the major's ball field was dedicated in 1975 in memory of Ray Hernandez, a National City resident who volunteered countless hours to the National City Little League. More recently, the Casa de Salud Recreation Center was named in honor of Manuel Portillo who dedicated many years of services to the Center and its youth.

Policy Considerations

Should the City Council choose to develop a naming policy, certain criteria should be considered.

- Whether the policy encompasses the naming or renaming of all public facilities or only park and recreation facilities.
- Whether we expand the policy to include the naming or renaming of public streets.

- Include all or some of the following naming criteria:
 - Geographic Location
 - Community Significance
 - Historic Significance
 - School Name; when adjacent to a school
 - Individual Person(s) who has made a significant contribution to the City or the region
 - Others?

- Naming a facility after an individual whether living or deceased.

- If a facility is proposed to be named in memory of a person who is deceased, what is the appropriate amount of time that should pass before the naming process can be initiated?

- Recognition to sitting elected officials; if not, the appropriate length of time after term of office ends. Staff's review of other city policies range from 6 months up to 7 years of time that should pass.

- Recognition for financial contributions and donations.

Additional Criteria for Council Consideration:

The National Recreation and Parks Association conducted a survey of agencies on naming policies. Twenty-five agencies responded to the survey. The following policy parameters are based on the consensus from the survey:

- ◆ Naming facilities should be the responsibility of the City Council and action should be by Council resolution.

- ◆ Major facilities are described as: City-owned facilities that house employees, used to conduct city business or citywide community facilities based on size and significance to the community, such as community centers, athletic complexes, community parks, etc.

- ◆ Minor facilities are described as: rooms within facilities, or support or adjacent facilities. Examples include fields within a park and support facilities for major facilities.

- ◆ A Council subcommittee, appointed committee or commission should make recommendations to the City Council for official approval.

- ◆ The City Manager should recommend the committee or commission for each naming request.
- ◆ Naming a facility after a person or organization requires a major contribution to the community either in deed or monetary contribution.
- ◆ No city-owned facility should be named after a seated elected or appointed official.
- ◆ The following classifications should be considered when naming facilities:
 - Places and Features (geographic location, nearby street, schools, natural features)
 - Historic Sites
 - Descriptive Name
 - Deceased People
 - Living People and Organizations
- ◆ Renaming parks and facilities should be strongly discouraged. Prior to renaming an existing city facility, careful consideration should be given as to whether changing a name would diminish the historical significance of the facility of land and/or confuse community members who are familiar with the existing name and location of a particular facility.
- ◆ The name should, in most instances, preserve the geographic, environmental (relating to natural or physical features) historic or landmark connotation of particular significance to the area in which the land or facility is located, or for the city as a whole.
- ◆ Contributions for Major Facilities: consideration may be given to naming the city-owned land or major facility after an individual (or a maximum of 2 donors or 1 family) or organization when at least 51% of the land or facility construction or renovation costs are donated, or when otherwise warranted by some contribution or service which is deemed to be of major and lasting significance to the acquisition of that piece of land, or planning, development, construction or renovation of that particular facility.
- ◆ Contributions for Minor Facilities: consideration may be given to naming minor facilities after an individual or organization when 15% or more of the land or facility construction or renovation costs are donated, or when otherwise warranted by some contribution of service which is deemed to be of major and lasting significance to the

acquisition of that piece of land, or planning, development, construction or renovation of that particular facility.

- ◆ Donation of land or resources shall not constitute an obligation by the city to name the land or facility or any portion thereof, after an individual, family or organization.
- ◆ In the event the city-owned land or facility was formerly school property or had other ownership such that the name of the school, building or site has community significance or community recognition, consideration should be given to preserving that name.
- ◆ The city should encourage naming which reflects the city's ethnic and cultural diversity.

Staff Recommendation:

Staff is requesting conceptual approval by the City Council of the criteria for a policy for naming and renaming city parks, facilities and amenities. The policy will return to Council at a later date in policy/procedure format.

Additionally, the outlined criteria do not include the naming and renaming of public streets and other rights-of-way. As such, it is recommended Council direct staff to develop a policy to assist in the selection and approval of street names and other rights-of-way within the City.

TITLE: City Administrative Manual

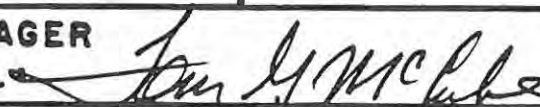
SUBJECT: Street Addresses

VOLUME NO. 1

PAGE NO. 1 of 2

INSTRUCTION NO. 10.01

CITY MANAGER APPROVAL



EFFECTIVE DATE: 4/15/87

REVISION DATE: N/A

PURPOSE/BACKGROUND:

To clearly identify procedures to be followed when issuing street addresses.

POLICY:

A single policy procedure for assigning street names and addresses for subdivision, lot splits and meters shall be adhered to by all DSG Departments.

RESPONSIBILITY:

It is the responsibility of all DSG personnel to insure that this policy is adhered to.

PROCEDURES:

Street Names:

At the time a tentative map for a subdivision or lot split is forwarded to the various departments for review and comments, the Building/Safety Department will assign street names based on the following:

1. Assign street names where possible utilizing names in the general area.
2. Assigning of street names will be coordinated with the Fire and Police Departments prior to forwarding a recommendation to the Planning Department.
3. Assigning of street names that will not be in conflict with existing streets.
4. Recommend the street name(s) as enclosed with the comments and/or as depicted on the map be made a condition of the approval by the Planning Commission at the time of approval.

Building Addresses:

The Building/Safety Department will assign building addresses at the time construction plans are submitted for plan check. Street addresses shall be located as set forth in the Uniform Building Code and Uniform Fire Code as adopted by the City.

The following page(s) contain the backup material for Agenda Item: [City Manager Report.](#)
[\(City Manager\)](#)

Please scroll down to view the backup material.

Item # ____
11/02/21

City Manager Report

(City Manager)

The following page(s) contain the backup material for Agenda Item: [Discussion on the potential naming of a new park Dolores Huerta Park and Community Garden. \(City Manager\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: November 2, 2021

AGENDA ITEM NO. |

ITEM TITLE:

Discussion on the potential naming of a new park Dolores Huerta Park and Community Garden.
(City Manager)

PREPARED BY: Tony Winney, Assistant City Manager | **DEPARTMENT:** City Manager's Office

PHONE: (619) 336-4240

APPROVED BY: 

EXPLANATION:

On October 19, 2021, the City Council voted 5-0 to place on a future City Council Meeting agenda for consideration the potential naming of a new park Dolores Huerta Park and Community Garden.

FINANCIAL STATEMENT:

ACCOUNT NO.

No fiscal impact.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Discuss and provide feedback to staff on the potential naming of a new park Dolores Huerta Park and Community Garden.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS: