



# AGENDA

## Consolidated Regular Meeting

City Council Chamber - 1243 National City  
Boulevard, National City, CA

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*Ron Morrison, Mayor*  
*Luz Molina, Vice-Mayor*  
*Marcus Bush, Councilmember*  
*Jose Rodriguez, Councilmember*  
*Ditas Yamane, Councilmember*

*Brad Raulston, City Manager*  
*Barry J. Schultz, City Attorney*  
*Shelley Chapel, MMC, City Clerk*  
*R. Mitchel Beauchamp, City Treasurer*

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*The City Council also sits as the City of National City Community Development Commission, Housing Authority, Joint Powers Financing Authority, and Successor Agency to the Community Development Commission as the National City Redevelopment Agency*

Thank you for participating in local government and the City of National City Council Meetings.

**Meetings:** Regular City Council Meetings are held on the first and third Tuesday of the month at 6:00 p.m. Special Closed Session Meeting and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

**Location:** Regular City Council Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

**Agendas and Material:** [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the City Council no less than 72 hours prior to the City Council Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

**Public Participation:** Encouraged in a number of ways as described below. Members of the public may attend the City Council Meeting in person, watch the City Council Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

**Public Comment:** Persons wishing to address the City Council on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the City Clerk prior to the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. (*City Council Policy 104*)

If you wish to submit written comment [email](#) to the City Clerk's Office at least 2 hours prior to the City Council Meeting to allow time for distribution to the City Council.

**Spanish Interpretation Services:** Spanish Interpretation Services are available, please contact the City Clerk prior to the start of the meeting for assistance.

**American Disabilities Act Title II:** In compliance with the American Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting.



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Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

**Reuniones:** Las reuniones regulares del Consejo Municipal se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

**Ubicación:** Las reuniones regulares del Concejo Municipal se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

**Agendas y Material:** Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Concejo Municipal no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

**Participación pública:** Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Concejo Municipal en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

**Comentario Público:** Las personas que deseen dirigirse al Concejo Municipal sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Concejo Municipal para dar tiempo a la distribución al Consejo Municipal.

**Servicios de interpretación en español:** Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



# AGENDA

## Consolidated Regular Meeting

Tuesday, March 21, 2023, 6:00 p.m.  
City Council Chamber - 1243 National City Boulevard  
National City, CA

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Pages

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. PUBLIC COMMENT

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the City Council will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

5. PROCLAMATIONS AND RECOGNITION

5.1 Women's History Month

6

5.2 Employee of the Quarter - Maria Wright, Nutrition Services Supervisor

7

6. REGIONAL BOARDS AND COMMITTEE REPORTS (Limited to Five (5) Minutes each)

7. CONSENT CALENDAR

The Consent Calendar may be enacted in one motion by the City Council with a Roll Call Vote without discussion unless a Councilmember, a member of the Public, or the City Manager request an item be removed for discussion. Items removed from the Consent Calendar will be considered immediately following the adoption of the Calendar.

7.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda

7.2	Approval of City Council Meeting Minutes.	9
	Recommendation: Approve and file.	
7.3	Approval of Agreement with Professional Search Group, LLC for Temporary Personnel Services.	22
	Recommendation: Adopt the Resolution of the City Council of the City of National City, California authorizing the Mayor to execute a Professional Service Agreement between the City of National City and Professional Search Group, LLC to provide Temporary Staffing Services.	
7.4	Accept the FY22 State Homeland Security Grant Program funds to purchase equipment for the Police and Fire Departments.	37
	Recommendation: Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, approving and authorizing 1) the Mayor to execute the Standard Assurances for the FY22 State Homeland Security Grant Program; and 2) the establishment of Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totaling \$47,578 for FY22 State Homeland Security Grant Program for the purchase of equipment for the Police and Fire Departments."	
7.5	Sole source purchase of Zoll Monitors/Defibrillators for the Fire Department.	57
	Recommendation: Adopt the Resolution of the City Council of the City of National City, California, 1) Waiving the Formal Bid Process Pursuant to National City Municipal Code Section 2.60.220(B) Regarding Sole Source Purchasing of Five X Series Advanced Monitor/Defibrillators from Zoll Medical Corporation for the National City Fire Department; and 2) Approving the Establishment of Appropriations and a Corresponding Revenue Budget in the Amount of \$198,028 Based on Funding Received From the Lower Sweetwater Fire Protection District's Equipment Replacement Fund.	
7.6	Accept and Adopt the 2022 Multi-Jurisdictional Hazard Mitigation Plan – National City Annex	66
	Recommendation: Adopt the Resolution entitled, "Resolution of the City Council of the City of National City, California, Approving and Adopting the 2022 San Diego County Multi-Jurisdictional Hazard Mitigation Plan – City of National City Annex."	
7.7	Accept and file the Housing Element 2022 Annual Progress Report.	155
	Recommendation:	

Accept and file the Housing Element 2022 Annual Progress Report pursuant to California Code Section 65400 to the California Department of Housing and Community Development (HCD) and Office of Planning and Research (OPR).

- 7.8 Amending the Agreement between the City of National City and Devaney Pate Morris & Cameron LLP for legal services. 181

Recommendation:

Adopt the Resolution entitled, "Resolution of the City Council of the City of National City, California, Amending the Agreement between the City of National City and Devaney Pate Morris & Cameron LLP for legal services in the specialized area of General Civil Litigation Defense arising from Government Claims by 1.) Increasing the not-to-exceed amount by \$125,000 for a new total not-to-exceed amount of \$200,000 pertaining to litigation titled Bhandari v. City; and 2.) Increasing the not-to-exceed amount by \$75,000 for a new total not-to-exceed amount of \$150,000 pertaining to litigation titled Cummins v. City.

- 7.9 Notice of Decision – Planning Commission approval - Conditional Use Permit for the Operation of a Service Station at an Existing Gasoline Station located at 2401 East Division Street. 187

Recommendation:

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed (Case File No. 2022-34 CUP) (Community Development – Planning).

- 7.10 Notice of Decision – Planning Commission approval of a Conditional Use Permit (CUP) for a new Wireless Communications Facility to be located at 901 Euclid Avenue. 220

Recommendation:

Receive and File

- 7.11 Temporary Use Permit - Community Easter Egg Festival sponsored by Jesus Church San Diego at Kimball Park on April 1, 2023, from 11 a.m. to 3 p.m. with no waiver of fees 270

Recommendation:

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

- 7.12 Temporary Use Permit – The 14th Annual San Diego Granfondo Bike Ride sponsored by Life Sports Foundation on April 23, 2023 from 7:30 a.m. to 5 p.m. with no waiver of fees. 291

Recommendation:

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

7.13 Warrant Register #31 for the period of 1/27/23 through 2/02/23 in the amount of \$2,267,218.53 314

Recommendation:

Ratify Warrants Totaling \$2,267,218.53

7.14 Warrant Register #32 for the period of 2/03/23 through 2/09/23 in the amount of \$2,310,853.39 319

Recommendation:

Ratify Warrants Totaling \$2,310,853.39

## 8. PUBLIC HEARING

The following item(s) have been advertised as public hearing(s) as required by law.

8.1 Public Hearing No. 1 of 2 HUD 2023-2024 Annual Action Plan and the allocation of HUD Entitlement Grant Funds to the CDBG and HOME Program activities. 323

Recommendation:

Conduct the Public Hearing and approve recommendations for the CDBG and HOME funding allocations from the sources identified in the Financial Statement.

8.2 Public Hearing and Resolution of the Substantial Amendment to the 2021-2022 Annual Action Plan for the HUD Draft HOME-ARP Allocation Plan. 334

Recommendation:

Approve the Resolution titled, "Resolution of the City Council of The City of National City, California, Adopting the U.S Department of Housing and Urban Development (HUD) Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME Investment Partnerships Program-American Rescue Plan (HOME-ARP) Allocation Plan and the allocation of \$1,188,787 in grant funds proposed for affordable rental housing and planning and administration."

8.3 Consideration of the findings of the Balanced Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP). 346

Recommendation:

Adopt the Resolution of the City Council of the City of National City, California, Accepting the Findings of the Balanced Plan Environmental Impact Report and Adopting by Reference the Mitigation Monitoring and Reporting Program.

8.4 Approval of Amendment to City's Local Coastal Program reflecting jurisdictional boundary changes affected by the Port of SD - National City Balanced Plan and expansion of the Bayshore Bikeway 466

Recommendation:

Adopt the Resolution entitled, "Resolution of the City Council of the City of

National City, California, Approving a Local Coastal Program (LCP) Amendment to Reflect Jurisdictional Boundary Changes Affected by the Port of San Diego's National City Balanced Plan and Expansion of the Bayshore Bikeway.

- 8.5 Ratifying the Sale of Real Property known as APN: 559-118-02 and Declaring that the property is no longer needed for City purposes and that such properties are exempt under the Surplus Land Act. 546

Recommendation:

Adopt the Resolution of the City Council of the City of National City, California, Ratifying the Sale of Real Property known as APN: 559-118-02 and declaring that the property is no longer needed for City purposes and that such properties are exempt under the Surplus Land Act.

- 8.6 Amendment to Title 18 (Zoning) of the National City Municipal Code to create an Interim Use Ordinance related to the use of nonconforming buildings within the City. 551

Recommendation:

Introduce the Ordinance

- 8.7 Second Reading and Adoption of Ordinance Amending National City Municipal Code Chapter 2.75 adjusting campaign contribution limits as required every odd-numbered year to reflect changes in the Consumer Price Index 559

Recommendation:

Adopt Ordinance entitled, "Ordinance of the City Council of the City of National City, California, Amending Various Sections of the National City Municipal Code Chapter 2.75 to adjust the Campaign Contribution Limit for any Election Held on or after January 1, 2024."

**9. CITY MANAGER'S REPORT**

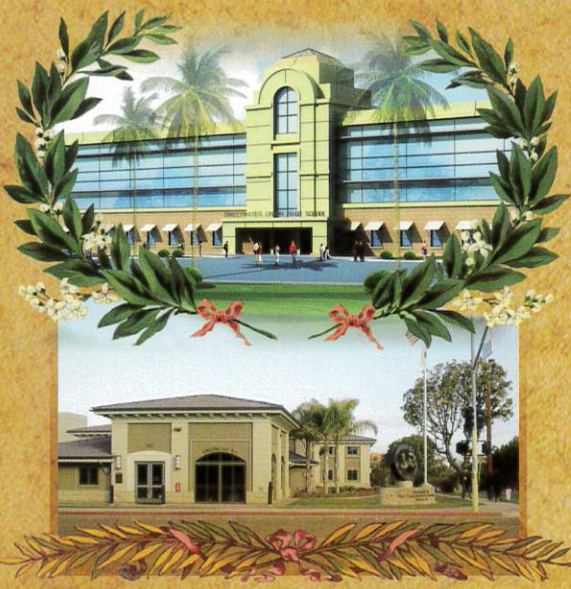
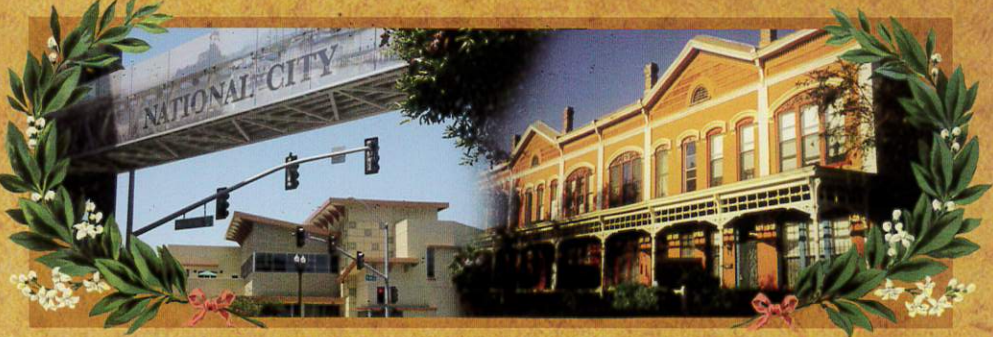
**10. ELECTED OFFICIALS REPORT**

**11. CITY ATTORNEY REPORT**

**12. ADJOURNMENT**

Regular Meeting of the City Council of the City of National City - Tuesday, April 4, 2023  
- 6:00 p.m. - Council Chambers - National City, California.

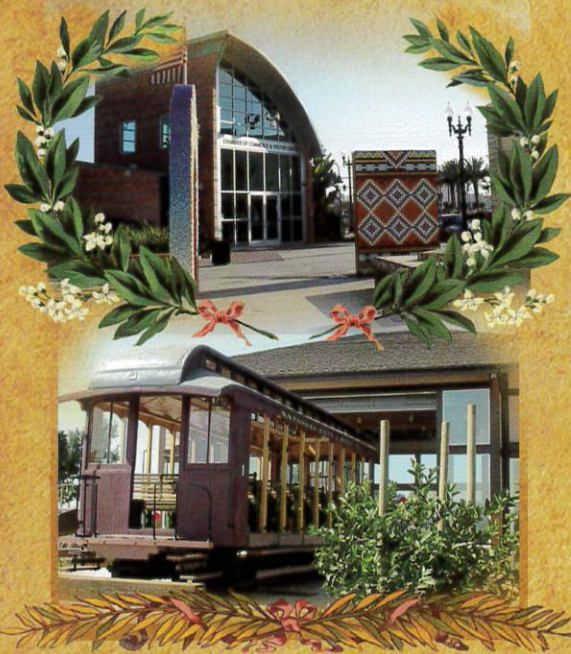




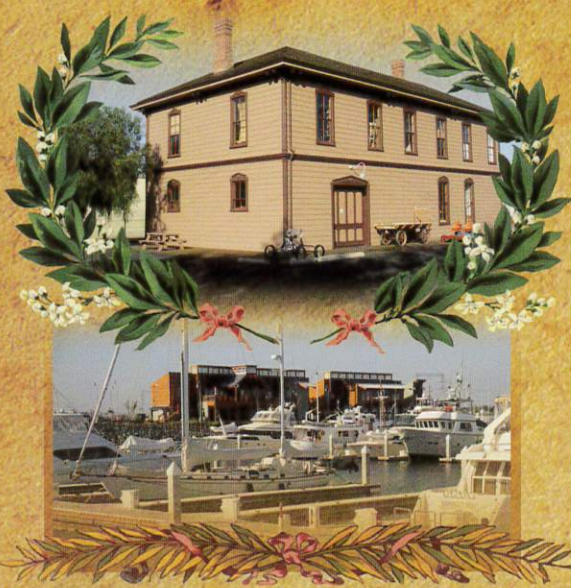
# Proclamation

CALIFORNIA  
**NATIONAL CITY**  
1887  
INCORPORATED

**WHEREAS**, every March, Women’s History Month provides an opportunity to honor the generation of trailblazing women and girls who have built our Nation, shaped our progress, and strengthened our charter as people; and



**WHEREAS**, this Women’s History Month, as we reflect on the achievements of women and girls across the centuries and pay tribute to the pioneers who paved the way, let us recommit to the fight and help realize the deeply American vision of a more equal society where every person has a shot at pursuing the American dream. In doing so, we will advance economic growth, our health and safety, and the security of our Nation and the world; and



**WHEREAS**, throughout our history, despite hardship, exclusion, and discrimination, women have strived and sacrificed for equity and equality in communities across the country. Women of every race, class and ethnic background have made historic contributions to the growth and strength of The City of National City and the nation; and

**WHEREAS**, Women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and movements which create a more fair and just society; and

**WHEREAS**, National Women’s History Month is an ideal time for all citizens to reflect and recognize women’s struggle to obtain equal educational rights and to highlight the numerous contributions of women across National City and our Nation! **NOW, THEREFORE,**

**BE IT RESOLVED**, I, Ron Morrison, Mayor by virtue of the authority vested in me by the City of National City, affix the official seal and do hereby on behalf of the City Council, proclaim March 21, 2023 as:

## WOMEN’S HISTORY MONTH

As the Mayor of the City of National City, I call upon all citizens of National City to observe this month and to celebrate the countless women who have fought tirelessly and courageously for equality, justice and opportunity in our Nation.

**Ron Morrison**  
Proud to be Mayor of National City





CITY OF NATIONAL CITY  
M E M O R A N D U M

DATE: February 27, 2023  
TO: Brad Raulston, City Manager  
FROM: Molly Brennan, Administrative Services Director *MB*  
SUBJECT: EMPLOYEE OF THE QUARTER PROGRAM

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The Employee Recognition Program communicates the City's appreciation for outstanding performance. In doing so, it recognizes employees who maintain high standards of personal conduct and make significant contributions to the workplace and community.

The employee to be recognized for the 1<sup>st</sup> Quarter of calendar year 2023 is:

**Maria Wright, Nutrition Services Supervisor**

*By copy of this memo, the employee is invited to attend the Council meeting on Tuesday, March 21, 2023 to be recognized for her achievement and service.*

Attachment

cc: Maria Wright  
Joanne McGhee, Recreation Superintendent  
Joyce Ryan, Library & Community Services Director  
Mayor's Confidential Assistant  
Human Resources – Office File

RECEIVED

FEB 23 2023

CITY OF NATIONAL CITY  
HUMAN RESOURCES DEPARTMENT



Performance Recognition Award  
**Nomination Form**

I nominate Maria Wright for the Performance Recognition Award for the following reasons:

Please state reason why your nominee should receive an award, (i.e., examples of service beyond requirements of position, exemplary service to the public, outstanding job performance, etc). Do not to exceed 150 total words. Please be as specific as possible when giving your examples.

Library and Community Services Department would like to nominate Nutrition Services Supervisor Maria Wright for the employee recognition program. Maria has served National City for 33 years. Her passion for public service and dedication to National City makes her performance stand out. When instructed to report to the Nutrition Center in the summer of 2021, Maria did not hesitate to meet the need. She moved forward with a collaborative approach creating a dynamic team and embodying the seven C's of commitment, collaboration, courage, communication, customer service, community and culture. She treats customers, fellow staff and vendors with courtesy and respect. Her ability to communicate openly and honestly while providing a consistent message makes her a go-to for accurate information and collaborative teamwork. As the Nutrition Services Supervisor, she continues to provide outstanding service to her team, and the community.

**FORWARD COMPLETED NOMINATION TO:**

National City Performance Recognition Program  
Human Resources Department

Nominated by: Joanne McGhee

Signature: Joanne McGhee Date: 02/23/2022



# AGENDA REPORT

Department: City Clerk's Office  
Prepared by: Shelley Chapel, City Clerk  
Meeting Date: Tuesday, March 21, 2023  
Approved by: Brad Raulston, City Manager

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**SUBJECT:**

Approval of City Council Meeting Minutes.

**RECOMMENDATION:**

Approve and file.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

Meeting Minutes:

March 7, 2023 City Council Special Meeting

March 7, 2023 City Council Regular Meeting

**FINANCIAL STATEMENT:**

None.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable.

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;  
PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A – Meeting Minutes – Special City Council Meeting of March 7, 2023

Exhibit B – Meeting Minutes – Regular City Council Meeting of March 7, 2023



**SPECIAL MEETING MINUTES OF THE CITY COUNCIL**

**March 7, 2023, 5:00 p.m.  
City Council Chamber - 1243 National City Boulevard  
National City, CA**

**Present:** Mayor Morrison  
Vice-Mayor Molina  
Councilmember Bush  
Councilmember Rodriguez  
Councilmember Yamane

**Others Present:** Brad Raulston, City Manager  
Barry J. Schultz, City Attorney  
Frank Parra, Assistant City Manager  
Shelley Chapel, City Clerk  
Tonya Hussain, Executive Secretary  
Special Counsel William Pate with Devaney Pate Morris & Cameron

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1. **CALL TO ORDER**

The meeting was called to order at 5:06 p.m. by Mayor Morrison.

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**

Councilmember Bush led the Pledge of Allegiance.

4. **PUBLIC COMMENT**

No Public Comment was received.

5. **CLOSED SESSION**

*Members retired into Closed Session at 5:08 p.m. including City Manager Raulston, Assistant City Manager Parra, City Attorney Schultz, and Special Counsel William Pate with Devaney Pate Morris & Cameron. All left the Closed Session Meeting Room and returned to open session at 5:49 p.m. with all members present in attendance: Morrison, Molina, Bush, Rodriguez, and Yamane.*

Announcement of actions taken in Closed Session shall be made at the Regular City Council Meeting following this meeting at 6:00 p.m.

5.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: Bhandari v. National City et. al

California Southern District Court Case No.:3:2021-CV-01652-BTM-MDD

6. ADJOURNMENT

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, March 7, 2023, 6:00 in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 5:50 p.m.

\_\_\_\_\_  
Shelley Chapel, MMC, City Clerk

The foregoing minutes were approved at the Regular Meeting of March 21, 2023.

\_\_\_\_\_  
Ron Morrison, Mayor



## **REGULAR MEETING MINUTES OF THE CITY COUNCIL**

**March 7, 2023, 6:00 p.m.  
City Council Chamber - 1243 National City Boulevard  
National City, CA**

**Present:**  
Mayor Morrison  
Vice-Mayor Molina  
Councilmember Bush  
Councilmember Rodriguez  
Councilmember Yamane

**Others Present:**  
Frank Parra, Assistant City Manager  
Barry Schultz, City Attorney  
Shelley Chapel, City Clerk  
Carlos Aguirre, Director of Housing  
Molly Brennan, Administrative Services Director  
Tonya Hussain, Executive Secretary  
Sergio Mora, Fire Battalion Chief  
Joyce Ryan, Library & Community Services Director  
Jose Tellez, Chief of Police  
Armando Vergara, Director of Community Development  
Roberto Yano, Director of Public Works and City Engineering

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1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:08 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

2. **ROLL CALL**

Councilmembers present: Morrison, Molina, Bush, Rodriguez, Yamane

Other elected officials: Treasurer Mitch Beauchamp

Administrative Officials present: Parra, Schultz, Chapel, Aguirre, Brennan, Hussain, Mora, Ryan, Tellez, Vergara, Yano

Interpretation in Spanish provided by Carlos Diaz and Luisa Diaz de Leon.

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**

Councilmember Rodriguez led the Pledge of Allegiance. Invocation was delivered by Chaplain Harry Bennett from Paradise Village.

4. **PUBLIC COMMENT**

Mayor Morrison summarized the process for acceptance of live public comment allowing three (3) minutes per comment and introduced Interim City Clerk Chapel.

Four (4) speaker slips were received for in-person comments, one (1) written comment, and six (6) people provided virtual comment.

Comment received via Zoom:

Becky Rapp  
Barbara Gordon  
Peggy Walker  
Judith Strang  
Kelly McCormick  
Cynthia Fuller Quinonez

Written comment received not read into record:

Ted Godshalk

In-person comment:

Edward Nieto  
Geoffrey Schrock  
Joshua Alcala  
Manuel Andrade



## 5. PROCLAMATIONS AND RECOGNITION

### 5.1 Introduction of New City Employees

Director of Administrative Services Brennan announced the new employees.

## 6. INTERVIEWS AND APPOINTMENTS

### 6.1 Appointments: City Boards, Commissions and Committees – City Council Appointments for Civil Service Commission, Housing Advisory Committee, and the Planning Commission.

Recommendation: City Council to Conduct Interviews and Appointment.

Mayor Morrison introduced City Clerk Chapel who explained the re-appointment process. Housing Advisory Committee Applicant Izayah Santos and Planning Commissioner Luis Natividad were not present to be interviewed. Applicant Liliana Armenta was interviewed by the City Council.

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to extend the application period for 30 days.

Ayes: Morrison, Bush, Rodriguez, Yamane

Nays: Molina

Motion carried by 4-1 vote.

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to reconsider the item.

Motion carried by unanimous vote.

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to continue the application period for an additional two weeks to the City Council meeting of April 18, 2023.

Motion carried by unanimous vote.

### 6.2 Appointments: City Boards, Commissions and Committees – Mayoral Appointments for Board of Library Trustees; Community and Police Relations Commission; Park, Recreation & Senior Citizens Advisory Committee; and, the Public Art Committee.

Mayor Morrison introduced City Clerk Chapel who explained the re-appointment process.

Recommendation: Mayoral Appointment with City Councilmembers' confirmation.

**ACTION:** Motion by Mayor Morrison, seconded by Vice-Mayor Molina to appoint Alejandra Sotelo-Solis to the Board of Library Trustees for a term ending September 30, 2025.

Ayes: Morrison, Bush

Nays: Bush, Rodriguez, Yamane

Motion failed by 2-3 vote.

**ACTION:** Motion by Mayor Morrison to appoint Alejandra Sotelo-Solis to the Board of Library Trustees as an Alternate for a term ending September 30, 2023.

Motion died due to lack of a second.

**ACTION:** Motion by Mayor Morrison, seconded by Vice-Mayor Molina to reappoint Michael Lesley to the Community and Police Relations Commission for a term ending March 31, 2026.

Ayes: Morrison, Molina, Rodriguez, Yamane

Nays: Bush

Motion carried by 4-1 vote.

**ACTION:** Motion by Mayor Morrison, seconded by Councilmember Yamane to reappoint Zachary Francisco-Gomez to the Community and Police Relations Commission for a term ending March 31, 2026.

Motion carried by unanimous vote.

**ACTION:** Motion by Mayor Morrison, seconded by Vice-Mayor Molina to appoint Darin Dorsey to the Community and Police Relations Commission for a term ending March 31, 2024.

Motion carried by unanimous vote.

**ACTION:** Motion by Mayor Morrison, seconded by Vice-Mayor Molina to appoint Jacqueline Ellis to the Community and Police Relations Commission for a term ending March 31, 2024.

Ayes: Morrison, Molina, Bush, Rodriguez

Nays: Yamane

Motion carried by 4-1 vote.

**ACTION:** Motion by Mayor Morrison, seconded by Councilmember Bush to appoint Alexander Fernandez to the Park, Recreation & Senior Citizen Advisory Committee for a term ending March 31, 2026.

Motion carried by unanimous vote.

**ACTION:** Motion by Mayor Morrison, seconded by Vice-Mayor Molina to reappoint Ignacio Navarro, Jr. to the Park, Recreation & Senior Citizen Advisory Committee for a term ending March 31, 2026.

Ayes: Morrison, Molina, Rodriguez, Yamane

Nays: Bush

Motion carried by 4-1 vote.

Mayor Morrison asked that the Boards with continued vacancies be noticed again.

**7. REGIONAL BOARDS AND COMMITTEE REPORTS (Limited to Five (5) Minutes each)**

Councilmember Yamane provided an update on the business of the Sweetwater Authority and introduced San Diego Community Power Community Advisory Committee, Vice-Chair Aida Castanada who provided an update.

Vice-Mayor Molina provided an update on SANDAG.

Mayor Morrison provided an update on the Sweetwater Authority.

**8. CONSENT CALENDAR**

**ACTION:** Motion by Vice-Mayor Molina, seconded by Councilmember Bush to approve the Consent Calendar Items 8.1 through 8.3, Items 8.5 through 8.7 with Item 8.4 pulled for discussion by Vice-Mayor Molina.

**Motion carried by unanimous vote.**

**ACTION:** Motion by Vice-Mayor Molina, seconded by Councilmember Bush to reconsider the Consent Calendar.

**Motion carried by unanimous vote.**

**ACTION:** Motion by Vice-Mayor Molina, seconded by Councilmember Bush to approve the Consent Calendar Items 8.1 through 8.4, Items 8.6 and 8.7 with Item 8.5 pulled for discussion by Vice-Mayor Molina.

**Motion carried by unanimous vote.**

- 8.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda

**Motion carried by unanimous vote.**

- 8.2 Approval of City Council Meeting Minutes.

Meeting Minutes for the Regular Meeting of February 7, 2023, Item 8.2 were amended following distribution of the agenda packet and corrected in the final record.

Approve and file.

**Motion carried by unanimous vote.**

- 8.3 Supporting Healthy Aging through Parks and Recreation (SHAPR) Grant Funds Acceptance

Adopted Resolution No. 2023-18.

Approve the Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing the acceptance of the Supporting Healthy Aging Through Parks and Recreation (SHAPR) grant from the National Recreation Park Association (NRPA) in the amount of \$4,000 to cover costs associated with the Walking with Ease program and the establishment of grant funds appropriations of \$4,000 and corresponding revenue budget."

**Motion carried by unanimous vote.**

- 8.4 Project close-out and notice of completion for the Paradise Creek Park Site Remediation and Improvements Project, CIP No. 18-07.

Adopted Resolution No. 2023-19.

One (1) written public comment via eSCRIBE received from Ted Godshalk.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) accepting the work performed by Whillock Contracting, Inc. for the Paradise Creek Park Site Remediation and Improvements Project, CIP No. 18-07; 2) approving the final contract amount of \$5,197,256.50; 3) ratifying the release of retention in the amount of \$141,891.95; and 4) approving the signing of the Notice of Completion for the project"

**Motion carried by unanimous vote.**

- 8.5 Acceptance and appropriation of federal funds received through the Consolidated Appropriations Act 2022

Adopted Resolution No. 2023-20.

One (1) written comment received via eSCRIBE from Ted Godshalk.

Director of Public Works and City Engineer Roberto Yano provided a PowerPoint presentation and report.

**ACTION:** Motion by Vice-Mayor Molina, seconded by Councilmember Yamane to adopt the resolution.

Adopt a Resolution Entitled, “ Resolution of the City Council of the City of National City, California, authorizing the acceptance and appropriation of funds and establishing corresponding expenditure accounts for the following projects: 1) \$294,700 for the 24th Street Trolley Pedestrian Bridge Feasibility Study; 2) \$3,332,781 for the 24th Street First and Last Mile Connections to Trolley Station for design and construction; and 3) \$300,000 for the Bayshore Bikeway Segment 5 project necessary for the additional work on the design.”

**Motion carried by unanimous vote.**

- 8.6 Warrant Register #29 for the period of 1/13/23 through 1/19/23 in the amount of \$424,817.66.

Ratify Warrants Totaling \$424,817.66.

**Motion carried by unanimous vote.**

- 8.7 Warrant Register #30 for the period of 1/20/23 through 1/26/23 in the amount of \$2,959,351.54

Ratify Warrants Totaling \$2,959,351.54

**Motion carried by unanimous vote.**

## **9. PUBLIC HEARING**

- 9.1 Introduction and First Reading of Ordinance Amending National City Municipal Code Chapter 2.75 adjusting campaign contribution limits as required every odd-numbered year to reflect changes in the Consumer Price Index

City Clerk Shelley Chapel presented the item.

Mayor Morrison declared the Public Hearing open at 7:47 pm.

There was no public comment.

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to close the public hearing.

Motion carried by unanimous vote.

Public Hearing closed at 7:47 p.m.

Recommendation: Introduce Ordinance by First Reading entitled, "Ordinance of the City Council of the City of National City, California, Amending Various Sections of the National City Municipal Code Chapter 2.75 to adjust the Campaign Contribution Limit for any Election Held on or after January 1, 2024."

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to introduce the ordinance.

Motion carried by unanimous vote.

9.2 Public Hearing and Adoption of an Ordinance of the City Council of the City of National City, California Establishing the Compensation of the Mayor and City Council.

Approved Ordinance No. 2023-2516.

Mayor Morrison declared the Public Hearing open at 7:49 p.m.

There was no public comment.

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to close the public hearing.

Motion carried by unanimous vote.

Public Hearing closed at 7:48 p.m.

Recommendation: Adopt an Ordinance adjusting the Mayor and City Council compensation in accordance with City Council direction.

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Yamane to adopt the Ordinance.

Ayes: Molina, Bush, Rodriguez, Yamane

Nays: Morrison

Motion approved by 4-1 vote.

## 10. **STAFF REPORTS**

### 10.1 Recruitment and Retention Update

Director of Administrative Services Molly Brennan presented the item and PowerPoint Presentation.

Councilmember Rodriguez left the dais at 7:52 p.m. and returned at 7:54 p.m.

Recommendation: Receive the report.

### 10.2 Staff Report: Fiscal Year 2022 Budget Review

Director of Administrative Services Molly Brennan provided the presentation.

Recommendation: Accept and file the staff report.

## 11. **CITY MANAGER'S REPORT**

Assistant City Manager Frank Parra announced that he would begin a six-month leave of absence effective immediately.

## 12. **ELECTED OFFICIALS REPORT**

12.1 POLICY 105 REQUEST - Request Clarity regarding General Law Cities ability to have a Primary Voting System if Municipalities would choose to do so. Requested by Councilmember Rodriguez

**ACTION:** Motion by Councilmember Rodriguez, seconded by Councilmember Bush to add the item to a future agenda.

Ayes: Bush, Rodriguez, Yamane

Nays: Morrison, Molina

Motion approved by 3-2 vote.

12.2 POLICY 105 REQUEST - Repeal City's Cruising Prohibition for discussion in April, including Business Impacts.

Comment received via Zoom:

Jovita Arellano

In-person comment:

Marisa Rosales

Trinity Garcia

Aida Castanada

**ACTION:** Motion by Councilmember Bush, seconded by Councilmember Rodriguez to add the item to an April 2023 City Council agenda.

Motion carried by unanimous vote.

**13. CITY ATTORNEY REPORT**

CLOSED SESSION

Mayor Morrison introduced City Attorney Schultz who announced that there was no reportable action from the earlier Closed Session item.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 549569(d)(1)

Name of Case: Bhandari v National City. et al.

California Southern District Court Case No: 3:2021-CV-01652-BTM-MDD

**14. ADJOURNMENT**

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, March 21, 2023, 6:00 in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 8:50 p.m.

\_\_\_\_\_  
LaTonya Hussain, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of March 21, 2023

\_\_\_\_\_  
Ron Morrison, Mayor





# AGENDA REPORT

**Department:** Administrative Services - Human Resources  
**Prepared by:** Molly Brennan, Administrative Services Director  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Approval of Agreement with Professional Search Group, LLC for Temporary Personnel Services.

**RECOMMENDATION:**

Adopt the Resolution of the City Council of the City of National City, California authorizing the Mayor to execute a Professional Service Agreement between the City of National City and Professional Search Group, LLC to provide Temporary Staffing Services.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

Professional Search Group (PSG) has been providing the City with temporary staffing services for the last few years. Specifically, they find temporary personnel to fill vacant administrative and internal service positions (HR, Finance) as requested. The temporary personnel are PSG employees who work at the City to backfill vacancies that are pending a recruitment for a permanent hire or to backfill long-term leaves of permanent employees. Using temporary staffing reduces burnout of City staff and maintains services levels for our residents. At least four (4) of the City's PSG temporary staff have successfully applied for open City job opportunities and become high-performing members of the City's staff.

Previously, the activity with this vendor was in the City Manager's signing authority. With the increased staff turnover during 2022, the activity with this vendor increased and the contract is being brought to City Council for your approval. The City does use one other temporary staffing agency, Hamlyn Williams, which is a City Manager level agreement. Hamlyn Williams specializes in Finance and IT placements, therefore do not use them as often as PSG.

As a professional service vendor, this type of agreement is not preceded by a formal bid process. The agreement with PSG is for a not-to-exceed amount of \$275,000 per year. Like the on-call agreements the City has with other professional service vendors, payment is only due to the vendor when the City requests a temporary staffing placement. Prior to each PSG placement, the City and PSG agree upon an acceptable hourly rate for said services depending on the type of position.

**FINANCIAL STATEMENT:**

None. When used to backfill vacancies, temporary staffing service costs are offset by personnel service budget savings. If a department asks for temporary staffing services, they would need to demonstrate it is budget neutral or ask City Council for the budget allocation necessary through a future Council action.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;  
PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A - Agreement

Exhibit B - Resolution

**AGREEMENT  
BY AND BETWEEN  
THE CITY OF NATIONAL CITY  
AND  
PROFESSIONAL SEARCH GROUP, LLC**

THIS AGREEMENT is entered into on this 21st day of March, 2023, by and between the CITY OF NATIONAL CITY, a municipal corporation (the “CITY”), and PROFESSIONAL SEARCH GROUP, LLC, a corporation (the “CONSULTANT”).

**R E C I T A L S**

**WHEREAS**, the CITY desires to employ a CONSULTANT to provide provision of temporary personnel services.

**WHEREAS**, the CITY has determined that the CONSULTANT is a recruitment firm specializing in the recruitment of finance, accounting, information technology, and clerical professionals on a temporary, contract, and permanent basis and is qualified by experience and ability to perform the services desired by the CITY, and the CONSULTANT is willing to perform such services.

**NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:**

1. **ENGAGEMENT OF CONSULTANT.** The CITY agrees to engage the CONSULTANT on an as needed basis to identify and provide temporary personnel and the CONSULTANT agrees to perform the services set forth here in accordance with all terms and conditions contained herein.

The CONSULTANT represents that all services shall be performed directly by the CONSULTANT or under direct supervision of the CONSULTANT.

2. **EFFECTIVE DATE AND LENGTH OF AGREEMENT.** This Agreement will become effective on March 21, 2023. The duration of this Agreement is for the period of three years through March 21, 2026. This Agreement may be extended by mutual agreement upon the same terms and conditions for an additional one (1) year term. The Parties may exercise up to two one-year extensions. Any extension of this Agreement must be approved in writing by the City Manager.

3. **SCOPE OF SERVICES.** The CONSULTANT will perform services as set forth in the attached Exhibit “A”.

The CONSULTANT shall be responsible for all research and reviews related to the work and shall not rely on personnel of the CITY for such services, except as authorized in advance by the CITY.

The CITY may unilaterally, or upon request from the CONSULTANT, from time to time reduce or increase the Scope of Services to be performed by the CONSULTANT under this Agreement. Upon doing so, the CITY and the CONSULTANT agree to meet in good faith

and confer for the purpose of negotiating a corresponding reduction or increase in the compensation associated with said change in services.

4. **PROJECT COORDINATION AND SUPERVISION.** The Administrative Services Director hereby is designated as the Project Coordinator for the CITY and will monitor the progress and execution of this Agreement. The CONSULTANT shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this Agreement for the CONSULTANT. Alejandro Gonzalez, Recruitment Manager thereby is designated as the Project Director for the CONSULTANT.

5. **COMPENSATION AND PAYMENT.** The compensation for the CONSULTANT shall be based on monthly billings covering actual work performed. Billings shall include labor classifications, respective rates, hours worked and also materials, if any. The total cost for all work described in Exhibit "A" shall not exceed \$275,000 per year. An hourly all-inclusive bill rate will be charged on a per candidate, per position basis. This bill rate will be agreed upon between the CITY and the CONSULTANT prior to a candidate starting employment. If the CITY uses the CONSULTANT for recruitment services in the future, the introduction fee due to the CONSULTANT shall not exceed the rates set forth in Exhibit "A". Monthly invoices will be processed for payment and remitted within thirty (30) days from receipt of invoice, provided that work is accomplished consistent with Exhibit "A", as determined by the CITY.

The CONSULTANT shall maintain all books, documents, papers, employee time sheets, accounting records, and other evidence pertaining to costs incurred, and shall make such materials available at its office at all reasonable times during the term of this Agreement and for three (3) years from the date of final payment under this Agreement, for inspection by the CITY, and for furnishing of copies to the CITY, if requested.

6. **ACCEPTABILITY OF WORK.** The CITY shall decide any and all questions which may arise as to the quality or acceptability of the services performed and the manner of performance, the acceptable completion of this Agreement, and the amount of compensation due. In the event the CONSULTANT and the CITY cannot agree to the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT in this Agreement, the CITY or the CONSULTANT shall give to the other written notice. Within ten (10) business days, the CONSULTANT and the CITY shall each prepare a report which supports their position and file the same with the other party. The CITY shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT.

7. **DISPOSITION AND OWNERSHIP OF DOCUMENTS.** The Memoranda, Reports, Maps, Drawings, Plans, Specifications, and other documents prepared by the CONSULTANT or their employees serving as temporary City personnel under this agreement, whether paper or electronic, shall: (1) be free from defects; (2) become the property of the CITY; and (3) shall be turned over to the CITY upon completion of the project, or any phase thereof, as contemplated by this Agreement.

Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY, and CONSULTANT thereby expressly waives and disclaims any copyright in, and the right to reproduce, all written material, drawings, plans, specifications, or other work prepared under this Agreement, except upon the CITY'S prior authorization regarding

reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

The CONSULTANT agrees that the CITY may use, reuse, alter, reproduce, modify, assign, transfer, or in any other way, medium, or method utilize the CONSULTANT'S written work product for the CITY'S purposes, and the CONSULTANT expressly waives and disclaims any residual rights granted to it by Civil Code Sections 980 through 989 relating to intellectual property and artistic works.

Any modification or reuse by the CITY of documents, drawings, or specifications prepared by the CONSULTANT shall relieve the CONSULTANT from liability under Section 14, but only with respect to the effect of the modification or reuse by the CITY, or for any liability to the CITY should the documents be used by the CITY for some project other than what was expressly agreed upon within the Scope of Services of this project, unless otherwise mutually agreed.

8. **INDEPENDENT CONTRACTOR.** Both parties hereto in the performance of this Agreement will be acting in an independent capacity and not as agents, employees, partners, or joint venturers with one another. Neither the CONSULTANT nor the CONSULTANT'S employees are employees of the CITY, and are not entitled to any of the rights, benefits, or privileges of the CITY'S employees, including but not limited to retirement, medical, unemployment, or workers' compensation insurance.

This Agreement contemplates the personal services of the CONSULTANT and the CONSULTANT'S employees, and it is recognized by the parties that a substantial inducement to the CITY for entering into this Agreement was, and is, the professional reputation and competence of the CONSULTANT and its employees. Neither this Agreement, nor any interest herein, may be assigned by the CONSULTANT without the prior written consent of the CITY. Nothing herein contained is intended to prevent the CONSULTANT from employing or hiring as many employees, or SUBCONSULTANTS, as the CONSULTANT may deem necessary for the proper and efficient performance of this Agreement. All agreements by CONSULTANT with its SUBCONSULTANT(S) shall require the SUBCONSULTANT(S) to adhere to the applicable terms of this Agreement.

9. **CONTROL.** Neither the CITY, nor its officers, agents, or employees shall have any control over the conduct of the CONSULTANT or any of the CONSULTANT'S employees, except as set forth in this Agreement. The CONSULTANT, or the CONSULTANT'S agents, servants, or employees are not in any manner agents, servants, or employees of the CITY. The CONSULTANT and its agents, servants, and employees are wholly independent from the CITY and CONSULTANT'S obligations to the CITY are solely prescribed by this Agreement.

10. **COMPLIANCE WITH APPLICABLE LAW.** The CONSULTANT, in the performance of the services to be provided herein, shall comply with all applicable state and federal statutes and regulations, and all applicable ordinances, rules, and regulations of the City of National City, whether now in force or subsequently enacted. The CONSULTANT and each of its SUBCONSULTANT(S), shall obtain and maintain a current City of National City business license prior to and during performance of any work pursuant to this Agreement.

11. **LICENSES, PERMITS, ETC.** The CONSULTANT represents and covenants that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. CONSULTANT must promptly produce a copy of any such license, permit, or approval to CITY upon request. The CONSULTANT represents and covenants that the CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for the CONSULTANT to practice its profession.

12. **STANDARD OF CARE.**

A. The CONSULTANT, in performing any services under this Agreement, shall perform in a manner consistent with that level of care and skill ordinarily exercised by members of the CONSULTANT'S trade or profession currently practicing under similar conditions and in similar locations. The CONSULTANT shall take all special precautions necessary to protect the CONSULTANT'S employees and members of the public from risk of harm arising out of the nature of the work and/or the conditions of the work site.

B. Unless disclosed in writing prior to the date of this Agreement, the CONSULTANT warrants to the CITY that it is not now, nor has it for the five (5) years preceding, been debarred by a governmental agency or involved in debarment, arbitration or litigation proceedings concerning the CONSULTANT'S professional performance or the furnishing of materials or services relating thereto.

C. The CONSULTANT is responsible for identifying any unique products, treatments, processes or materials whose availability is critical to the success of the project the CONSULTANT has been retained to perform, within the time requirements of the CITY, or, when no time is specified, then within a commercially reasonable time. Accordingly, unless the CONSULTANT has notified the CITY otherwise, the CONSULTANT warrants that all products, materials, processes or treatments identified in the project documents prepared for the CITY are reasonably commercially available. Any failure by the CONSULTANT to use due diligence under this sub-section will render the CONSULTANT liable to the CITY for any increased costs that result from the CITY'S later inability to obtain the specified items or any reasonable substitute within a price range that allows for project completion in the time frame specified or, when not specified, then within a commercially reasonable time.

13. **NON-DISCRIMINATION PROVISIONS.** The CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The CONSULTANT will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

14. **CONFIDENTIAL INFORMATION.** The CITY may from time to time communicate to the CONSULTANT certain confidential information to enable the CONSULTANT to effectively perform the services to be provided herein. The CONSULTANT

shall treat all such information as confidential and shall not disclose any part thereof without the prior written consent of the CITY. The CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services to be provided herein. The foregoing obligation of this Section 14, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information; (ii) is, through no fault of the CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is already in the possession of the CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to the CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

The CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this Agreement without the prior written consent of the CITY. In its performance hereunder, the CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

CONSULTANT shall be liable to CITY for any damages caused by breach of this condition, pursuant to the provisions of Section 15.

15. **INDEMNIFICATION AND HOLD HARMLESS.** To the maximum extent provided by law, the CONSULTANT agrees to defend, indemnify and hold harmless the City of National City, its officers, officials, agents, employees, and volunteers against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suits, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of the CONSULTANT'S performance or other obligations under this Agreement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CITY, its agents, officers, employees or volunteers. CITY will cooperate reasonably in the defense of any action, and CONSULTANT shall employ competent counsel, reasonably acceptable to the City Attorney.

The CITY agrees to defend, indemnify and hold harmless the CONSULTANT, its officers, officials, agents, employees, and volunteers against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suits, actions, proceedings, reasonable attorney's fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of he CITY's performance or other obligations under this Agreement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CONSULTANT, its agents, officers, employees or volunteers. CONSULTANT will cooperate reasonably in the defense of any action, and CONSULTANT shall employ competent counsel, reasonably acceptable to the City Attorney.

The indemnity, defense, and hold harmless obligations contained herein shall survive the termination of this Agreement for any alleged or actual omission, act, or negligence under this Agreement that occurred during the term of this Agreement.

16. **EMPLOYEE PAYMENTS AND INDEMNIFICATION.**

16.1 **PERS Eligibility Indemnification.** If CONTRACTOR's employee(s) providing services under this Agreement claims, or is determined by a court of competent jurisdiction or the

California Public Employees Retirement System (“PERS”) to be eligible for enrollment in PERS of the CITY, CONTRACTOR shall indemnify, defend, and hold harmless CITY for the payment of any employer and employee contributions for PERS benefits on behalf of the employee as well as for payment of any penalties and interest on such contributions which would otherwise be the responsibility of the CITY.

CONTRACTOR’S employees providing service under this Agreement shall not: (1) qualify for any compensation and benefit under PERS; (2) be entitled to any benefits under PERS; (3) enroll in PERS as an employee of CITY; (4) receive any employer contributions paid by CITY for PERS benefits; or (5) be entitled to any other PERS-related benefit that would accrue to a CITY employee. CONTRACTOR’s employees hereby waive any claims to benefits or compensation described in this Section 16. This Section 16 applies to CONTRACTOR notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary.

16.2 Limitation of CITY Liability. The payment made to CONTRACTOR under this Agreement shall be the full and complete compensation to which CONTRACTOR and CONTRACTOR’s officers, employees, agents, and subcontractors are entitled for performance of any work under this Agreement. Neither CONTRACTOR nor CONTRACTOR’s officers, employees, agents, and subcontractors are entitled to any salary or wages, or retirement, health, leave or other fringe benefits applicable to CITY employees. The CITY will not make any federal or state tax withholdings on behalf of CONTRACTOR. The CITY shall not be required to pay any workers’ compensation insurance on behalf of CONTRACTOR.

16.3 Indemnification for Employee Payments. CONTRACTOR agrees to defend and indemnify the CITY for any obligation, claim, suit, or demand for tax, retirement contribution including any contribution to PERS, social security, salary or wages, overtime payment, or workers’ compensation payment which the CITY may be required to make on behalf of (1) CONTRACTOR, (2) any employee of CONTRACTOR, or (3) any employee of CONTRACTOR construed to be an employee of the CITY, for work performed under this Agreement. This is a continuing obligation that survives the termination of this Agreement.

17. WORKERS’ COMPENSATION. The CONSULTANT shall comply with all of the provisions of the Workers’ Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Division 4 and 5 of the California Labor Code and all amendments thereto; and all similar State or federal acts or laws applicable; and shall indemnify, and hold harmless the CITY and its officers, employees, and volunteers from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description, including reasonable attorney’s fees and defense costs presented, brought or recovered against the CITY or its officers, employees, or volunteers, for or on account of any liability under any of said acts which may be incurred by reason of any work to be performed by the CONSULTANT under this Agreement.

18. INSURANCE. The CONSULTANT, at its sole cost and expense, shall purchase and maintain, and shall require its SUBCONSULTANT(S), when applicable, to purchase and maintain throughout the term of this Agreement, the following insurance policies:



A.  If checked, **Professional Liability** Insurance (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. **Automobile Insurance** covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided.

C. **Commercial General Liability Insurance**, with minimum limits of either \$2,000,000 per occurrence and \$4,000,000 aggregate, or \$1,000,000 per occurrence and \$2,000,000 aggregate with a \$2,000,000 umbrella policy, covering all bodily injury and property damage arising out of its operations, work, or performance under this Agreement. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to this “project” or “location”. The “project” or “location” should be noted with specificity on an endorsement that shall be incorporated into the policy.

D. **Workers’ Compensation Insurance** in an amount sufficient to meet statutory requirements covering all of CONSULTANT’S employees and employers’ liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the CITY. Said endorsement shall be provided prior to commencement of work under this Agreement.

If CONSULTANT has no employees subject to the California Workers’ Compensation and Labor laws, CONSULTANT shall execute a Declaration to that effect. Said Declaration shall be provided to CONSULTANT by CITY.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, officials, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY’S Risk Manager, at the address listed in subsection G below, of cancellation or material change.

F. If required insurance coverage is provided on a “claims made” rather than “occurrence” form, the CONSULTANT shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement. In addition, the “retro” date must be on or before the date of this Agreement.

G. The Certificate Holder for all policies of insurance required by this Section shall be:

City of National City  
c/o Risk Manager  
1243 National City Boulevard  
National City, CA 91950-4397

H. Insurance shall be written with only insurers authorized to conduct business in California that hold a current policy holder’s alphabetic and financial size category rating of not less than A:VII according to the current Best’s Key Rating Guide, or a company of equal financial stability that is approved by the CITY’S Risk Manager. In the event coverage is provided by non-admitted “surplus lines” carriers, they must be included on the most recent List of Approved Surplus Line Insurers (“LASLI”) and otherwise meet rating requirements.

I. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY'S Risk Manager. If the CONSULTANT does not keep all insurance policies required by this Section 18 in full force and effect at all times during the term of this Agreement, the CITY may treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

J. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY. CITY reserves the right to modify the insurance requirements of this Section 18, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

K. If the CONSULTANT maintains broader coverage or higher limits (or both) than the minimum limits shown above, the CITY shall be entitled to the broader coverage or higher limits (or both) maintained by the CONSULTANT. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

19. **LEGAL FEES.** If any party brings a suit or action against the other party arising from any breach of any of the covenants or agreements or any inaccuracies in any of the representations and warranties on the part of the other party arising out of this Agreement, then in that event, the prevailing party in such action or dispute, whether by final judgment or out-of-court settlement, shall be entitled to have and recover of and from the other party all costs and expenses of suit, including attorneys' fees.

For purposes of determining who is to be considered the prevailing party, it is stipulated that attorney's fees incurred in the prosecution or defense of the action or suit shall not be considered in determining the amount of the judgment or award. Attorney's fees to the prevailing party if other than the CITY shall, in addition, be limited to the amount of attorney's fees incurred by the CITY in its prosecution or defense of the action, irrespective of the actual amount of attorney's fees incurred by the prevailing party.

20. **TERMINATION.**

A. This Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon 60-day's written notice to the CONSULTANT. During said 60-day period the CONSULTANT shall perform all services in accordance with this Agreement.

B. This Agreement may also be terminated immediately by the CITY for cause in the event of a material breach of this Agreement, misrepresentation by the CONSULTANT in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by the CITY.

C. Termination with or without cause shall be effected by delivery of written Notice of Termination to the CONSULTANT as provided for herein.

D. In the event of termination, all finished or unfinished Memoranda Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONSULTANT, whether paper or electronic, shall immediately become the property of and be delivered to the CITY, and the CONSULTANT shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents and other materials up to the effective date of the Notice of Termination, not to exceed the amounts payable hereunder, and less any damages

caused the CITY by the CONSULTANT'S breach, if any. Thereafter, ownership of said written material shall vest in the CITY all rights set forth in Section 7.

E. The CITY further reserves the right to immediately terminate this Agreement upon: (1) the filing of a petition in bankruptcy affecting the CONSULTANT; (2) a reorganization of the CONSULTANT for the benefit of creditors; or (3) a business reorganization, change in business name or change in business status of the CONSULTANT.

21. **NOTICES.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered; or sent by overnight mail (Federal Express or the like); or sent by registered or certified mail, postage prepaid, return receipt requested; or sent by ordinary mail, postage prepaid; or telegraphed or cabled; or delivered or sent by telex, telecopy, facsimile or fax; and shall be deemed received upon the earlier of (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if sent by overnight mail, the business day following its deposit in such overnight mail facility, (iii) if mailed by registered, certified or ordinary mail, five (5) days (ten (10) days if the address is outside the State of California) after the date of deposit in a post office, mailbox, mail chute, or other like facility regularly maintained by the United States Postal Service, (iv) if given by telegraph or cable, when delivered to the telegraph company with charges prepaid, or (v) if given by telex, telecopy, facsimile or fax, when sent. Any notice, request, demand, direction or other communication delivered or sent as specified above shall be directed to the following persons:

To CITY: Molly Brennan  
Administrative Services Director  
City of National City  
1243 National City Boulevard  
National City, CA 91950-4397

To CONSULTANT:  
Carl Fink  
Director  
Professional Search Group, LLC  
6790 Embarcadero Lane, Suite 100  
Carlsbad, CA 92011

Notice of change of address shall be given by written notice in the manner specified in this Section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent. Any notice, request, demand, direction or other communication sent by cable, telex, telecopy, facsimile or fax must be confirmed within forty-eight (48) hours by letter mailed or delivered as specified in this Section.

22. **CONFLICT OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS.** During the term of this Agreement, the CONSULTANT shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the City of National City. The CONSULTANT also agrees not to specify any product, treatment, process or material for the project in which the CONSULTANT has a material financial interest,

either direct or indirect, without first notifying the CITY of that fact. The CONSULTANT shall at all times comply with the terms of the Political Reform Act and the National City Conflict of Interest Code. The CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. The CONSULTANT represents that it has no knowledge of any financial interests that would require it to disqualify itself from any matter on which it might perform services for the CITY.

If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and the National City Conflict of Interest Code. Specifically, the CONSULTANT shall file a Statement of Economic Interests with the City Clerk of the City of National City in a timely manner on forms which the CONSULTANT shall obtain from the City Clerk.

The CONSULTANT shall be strictly liable to the CITY for all damages, costs or expenses the CITY may suffer by virtue of any violation of this Section 22 by the CONSULTANT.

23. **PREVAILING WAGES.** State prevailing wage rates may apply to work performed under this Agreement. State prevailing wages rates apply to all public works contracts as set forth in California Labor Code, including but not limited to, Sections 1720, 1720.2, 1720.3, 1720.4, and 1771. Consultant is solely responsible to determine if State prevailing wage rates apply and, if applicable, pay such rates in accordance with all laws, ordinances, rules, and regulations.

24. **ADMINISTRATIVE PROVISIONS.**

A. *Computation of Time Periods.* If any date or time period provided for in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. Pacific Time of the next day which is not a Saturday, Sunday or federal, state, or legal holiday.

B. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

C. *Captions.* Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. *No Obligations to Third Parties.* Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

E. *Exhibits and Schedules.* The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes. To the extent any exhibits, schedules, or provisions thereof conflict or are inconsistent with the terms and conditions contained in this Agreement, the terms and conditions of this Agreement shall control.

F. *Amendment to this Agreement.* The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

G. *Assignment & Assumption of Rights.* CONSULTANT shall not assign this Agreement, in whole or in part, to any other party without first obtaining the written consent of CITY.

H. *Waiver.* The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

I. *Applicable Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of California. The venue for any legal action arising under this Agreement shall be in either state or federal court in the County of San Diego, State of California.

J. *Audit.* If this Agreement exceeds ten-thousand dollars (\$10,000), the parties shall be subject to the examination and audit of the State Auditor for a period of three (3) years after final payment under the Agreement, per Government Code Section 8546.7.

K. *Entire Agreement.* This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

L. *Successors and Assigns.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

M. *Subcontractors or Subconsultants.* The CITY is engaging the services of the CONSULTANT identified in this Agreement. The CONSULTANT shall not subcontract any portion of the work, unless such subcontracting was part of the original proposal or is allowed by the CITY in writing. In the event any portion of the work under this Agreement is subcontracted, the subconsultant(s) shall be required to comply with and agree to, for the benefit of and in favor of the CITY, both the insurance provisions in Section 18 and the indemnification and hold harmless provision of Section 15 of this Agreement.

N. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, (iii) each such party has consulted with or has had the opportunity to consult with its own, independent counsel and such other professional advisors as such party has deemed appropriate, relative to any and all matters contemplated under this Agreement, (iv) each party and such party's counsel and advisors have reviewed this Agreement, (v) each party has agreed to enter into this Agreement following such review and the rendering of such advice, and (vi) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

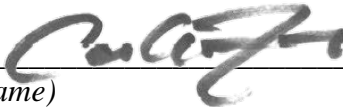
*[Signature Page to Follow]*

**CITY OF NATIONAL CITY**

**PROFESSIONAL SEACH GROUP, LLC**

*(Corporation – signatures of two corporate officers required)  
(Partnership or Sole proprietorship – one signature)*

By: \_\_\_\_\_  
Ron Morrison, Mayor

By:  \_\_\_\_\_  
(Name)

**APPROVED AS TO FORM:**

Carl Fink  
\_\_\_\_\_  
(Print)

By: \_\_\_\_\_  
Barry Schultz  
City Attorney

Director  
\_\_\_\_\_  
(Title)

By: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Print)

\_\_\_\_\_  
(Title)

**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND PROFESSIONAL SEARCH GROUP, LLC TO PROVIDE TEMPORARY STAFFING SERVICES.**

**WHEREAS**, Professional Search Group, LLC has provided temporary staffing services for the City of National City since 2019; and

**WHEREAS**, the City uses temporary staffing services to backfill vacancies that are pending a recruitment for a permanent hire or to backfill long-term leaves of permanent employees; and

**WHEREAS**, using temporary staffing reduces burnout of City staff and maintains services levels for our residents; and

**WHEREAS**, the parties wish to enter into an Agreement to provide temporary staffing services by entering into a Service Agreement for the term from March 21, 2023 to March 21, 2026 at a not-to-exceed amount of \$275,000 per fiscal year.

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

**Section 1:** That the City Council hereby authorizes the Mayor to execute a professional services agreement with Professional Search Group, LLC to provide temporary staffing services.

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

**PASSED and ADOPTED this 21th day of March, 2023.**

\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

\_\_\_\_\_  
Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Fire Department  
**Prepared by:** Walter Amedee, Management Analyst III  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Accept the FY22 State Homeland Security Grant Program funds to purchase equipment for the Police and Fire Departments.

**RECOMMENDATION:**

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, approving and authorizing 1) the Mayor to execute the Standard Assurances for the FY22 State Homeland Security Grant Program; and 2) the establishment of Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totaling \$47,578 for FY22 State Homeland Security Grant Program for the purchase of equipment for the Police and Fire Departments."

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

The FY22 State Homeland Security Grant Program was designed to supplement the purchase of equipment, training, exercises, and planning for Police and Fire personnel. The San Diego County Office of Emergency Services coordinates the requests for equipment, training, exercises, and planning. In order to receive grant funds, National City must authorize the submission of the Standard Assurances for the FY22 State Homeland Security Grant Program. National City's allocation was \$46,855 and Lincoln Acres was \$723, as we are their contracted Fire and EMS provider, for a grand total of \$47,578 for equipment. The funds will be divided evenly between the City's Police and Fire Department.

This grant program requires the City to incur expenses, and then apply for reimbursement. In order to be eligible for reimbursement, the Police and Fire Departments must purchase and/or receive the items prior to the May 31, 2024 deadline. The appropriation will be used to purchase Rescue Equipment and accessories for the Fire Department and Mobile Radios and accessories for the Police Department.

**FINANCIAL STATEMENT:**

Expenditure Account: 282-411-962-515-0000 Equipment - \$23,789.00, 282-412-962-521-0000 Equipment - \$23,789.00  
Revenue Account: 282-11962-3498 - \$23,789.00 & 282-12962-3498 - \$23,789.00. No City match required.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Public Safety



**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;  
PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A - California Governor's Office of Emergency Services FY2022 Standard Assurances

Exhibit B - Letter – Notification of Federal Funding Award

Exhibit C - Resolution



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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**As the duly authorized representative of the Applicant, I hereby certify** that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

**I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:**

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) Federal Preparedness Grants Manual;
- (d) California Supplement to the NOFO; and
- (e) Federal and State Grant Program Guidelines.

### **Federal Regulations**

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the [Office of Management and Budget \(OMB\)](http://www.whitehouse.gov/omb/) and can be found at <http://www.whitehouse.gov/omb/>.

**State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:**

### **1. Proof of Authority**

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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- (d) Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) Official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

### 2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

### 3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

#### 4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, recipients, or subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

#### 5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101- 12213), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
- (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
- (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;



## **Standard Assurances**

### **For Cal OES Federal Non-Disaster Grant Programs**

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- (k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
- (l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940, 12945, 12945.2), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
- (m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- (n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

#### **6. Drug-Free Workplace**

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

#### **7. Environmental Standards**

The Applicant will comply with state and federal environmental standards, including:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000- 21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000- 15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;



## **Standard Assurances**

### **For Cal OES Federal Non-Disaster Grant Programs**

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- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
- (m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.



## **Standard Assurances**

### **For Cal OES Federal Non-Disaster Grant Programs**

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#### **8. Audits**

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

#### **9. Cooperation and Access to Records**

All Applicants must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

#### **10. Conflict of Interest**

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

#### **11. Financial Management**

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no subrecipient, recipient, or subrecipient shall submit a false claim for payment, reimbursement or advance.

#### **12. Reporting - Accountability**

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$30,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

#### **13. Whistleblower Protections**

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.





## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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### 14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; (3) using forced labor in the performance of the award or subawards under the award.

### 15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

### 16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

### 17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;



## Standard Assurances

### For Cal OES Federal Non-Disaster Grant Programs

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- (c) Assist the awarding agency in assuring compliance with Section 106 of the
- (d) National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.); and
- (e) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

#### **18. Certifications Applicable Only to Federally-Funded Construction Projects**

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

#### **19. Use of Cellular Device While Driving is Prohibited**

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.



## **Standard Assurances For Cal OES Federal Non-Disaster Grant Programs**

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### **20. California Public Records Act and Freedom of Information Act**

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

### **NONPROFIT SECURITY GRANT PROGRAM (NSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS**

### **21. Acknowledgment of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

### **22. Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### **23. Best Practices for Collection and Use of Personally Identifiable Information (PII)**

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

### **24. Copyright**

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.



## **Standard Assurances**

### **For Cal OES Federal Non-Disaster Grant Programs**

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#### **25. Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

#### **26. Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

#### **27. Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

#### **28. Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

#### **29. Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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### **30. Non-supplanting Requirement**

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

### **31. Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

### **32. SAFECOM**

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

### **33. Terrorist Financing**

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

### **34. Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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### **35. USA Patriot Act of 2001**

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

### **36. Use of DHS Seal, Logo, and Flags**

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

### **37. Performance Goals**

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, subrecipients must demonstrate how the grant-funded project addressed the core capability associated with this project. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

### **38. Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.



## Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

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**IMPORTANT**

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2021, Version 11.4, hereby incorporated by reference, which can be found at:  
<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

**The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.**

Subrecipient: \_\_\_\_\_

Signature of Authorized Agent: \_\_\_\_\_

Printed Name of Authorized Agent: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**County of San Diego Office of Emergency Services**  
5580 Overland Ave., Suite 100  
San Diego, CA 92123 -1251  
Phone: (858) 565-3490 Fax: (858) 565-3499  
Email: [oes@sdcountry.ca.gov](mailto:oes@sdcountry.ca.gov)



2/7/2023

City of National City  
343 E. 16th Street  
National City, CA 91950

**SUBJECT: NOTIFICATION OF FEDERAL FUNDING AWARD**  
FY 2022 Homeland Security Grant Program (HSGP)  
Subaward #2022-0043, Cal OES ID #073-00000

The purpose of this letter is to notify you that the County of San Diego Office of Emergency Services has approved your FY2022 SHSP award in the amount of \$47,578 as listed below:

<b>Subrecipient Name:</b>	City of National City
<b>Subrecipient UEI:</b>	KJA9JQQC2M75
<b>Federal Award ID (FAIN)</b>	EMW-2022-SS-00043
<b>Subaward Period of Performance:</b>	09/01/22 to 05/31/24
<b>Subrecipient Award Amount:</b>	\$47,578
<b>Federal Award Project Description:</b>	Implementation of homeland security management grant to support state, local, tribal and territorial efforts to prevent terrorism and other catastrophic events.
<b>Federal Awarding Agency:</b>	US Department of Homeland Security
<b>CFDA Number:</b>	97.067/Homeland Security Grant Program
<b>Research &amp; Development Award (Y/N):</b>	No
<b>Indirect Cost Rate:</b>	N/A
<b>Match Requirement:</b>	N/A

This grant award is subject to all provisions of Uniform Guidance (2 CFR Part 200), which can be accessed at [www.ecfr.gov](http://www.ecfr.gov). Non-federal entities that expend \$750,000 or more annually in Federal Awards must have a Single Audit performed each year. Please forward a copy of your most current Single Audit report to the contact below.

Subrecipients are to comply with all applicable federal, state, and local Environmental Planning and Historic Preservation (EHP) requirements. Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center projects, projects requiring EHP review, and Noncompetitive Procurement requests require additional approvals. Subrecipients must obtain written approval for these activities prior to incurring any costs, in order to be reimbursed for any related costs under this Grant Subaward. Subrecipients are also required to obtain a Performance Bond prior to the purchase of any equipment item over \$250,000, including any Aviation or Watercraft financed with Homeland Security dollars. Performance Bonds must be submitted to the contact below no later than the time of reimbursement.

Please complete and return the attached OES Grant Management Assessment Questionnaire, 2022 Grant Assurances and Signature Authorization Form, current Procurement Policies and Salvage Guidelines. A hard copy of the Grant Assurances and Signature Authorization Forms must be mailed.

**Unified San Diego County Emergency Services Organization**

CARLSBAD • CHULA VISTA • CORONADO • COUNTY OF SAN DIEGO • DEL MAR • EL CAJON • ENCINITAS • ESCONDIDO • IMPERIAL BEACH • LA MESA  
LEMON GROVE • NATIONAL CITY • OCEANSIDE • POWAY • SAN DIEGO • SAN MARCOS • SANTEE • SOLANA BEACH • VISTA



Your performance period ends May 31, 2024. Please submit your reimbursement requests in a timely manner, no later than June 30, 2024.

For further assistance, please contact Val Dama at (858) 289-2883 or [Valentine.Dama@sdcounty.ca.gov](mailto:Valentine.Dama@sdcounty.ca.gov)

Sincerely,

**Kurian,  
Martin**

Digitally signed by Kurian,  
Martin  
Date: 2023.02.10  
08:15:31 -08'00'

**Martin Kurian, Departmental Budget Manager  
County of San Diego, Office of Emergency Services**

Attachments: OES Grant Management Assessment Questionnaire  
2022 Grant Assurances  
SHSP 2022 Approved FMFW

**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA APPROVING AND AUTHORIZING 1) THE MAYOR TO EXECUTE THE STANDARD ASSURANCES FOR THE FY22 STATE HOMELAND SECURITY GRANT PROGRAM AND 2) THE ESTABLISHMENT OF REIMBURSABLE GRANTS CITY-WIDE FUND APPROPRIATIONS AND CORRESPONDING REVENUE BUDGETS EACH IN AMOUNTS TOTALING \$47,578 FOR FY22 STATE HOMELAND SECURITY GRANT PROGRAM FOR THE PURCHASE OF EQUIPMENT FOR THE POLICE AND FIRE DEPARTMENTS**

**WHEREAS**, the Fiscal Year (“FY”) 22 State Homeland Security Grant Program was designed to supplement the purchase of equipment, training, exercises, and planning for Police and Fire personnel; and

**WHEREAS**, the San Diego County Office of Emergency Services coordinates the requests for equipment, training, exercises, and planning; and

**WHEREAS**, to receive grant funds, the City of National City (“City”) must authorize the submission of the Standard Assurances for the FY 22 State Homeland Security Grant Program; and

**WHEREAS**, to be eligible for reimbursement, the FY 22 State Homeland Security Grant Program requires the City first to incur expenses, and after that, apply for reimbursement for the City’s Police and Fire Department purchases of equipment, which is required to occur before May 31, 2024; and

**WHEREAS**, the City’s allocation for equipment totaled \$46,855 and Lincoln Acres allocation totaled \$723, for a total of \$47,578 which will be divided evenly between the City’s Police and Fire Departments; and

**WHEREAS**, City staff recommends the utilization of \$47,578 of City funds for equipment for the City’s Police and Fire Departments and to request reimbursement for such expenses from the San Diego County Office of Emergency Services; and

**WHEREAS**, City staff requests City Council authorizes the Mayor to sign the Standard Assurances for the FY 22 State Homeland Security Grant Program; and

**WHEREAS**, City staff further requests that City Council authorize establishing a Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totaling \$47,578 for FY22 State Homeland Security Grant Program funds for the purchase of equipment for the Police and Fire Departments.

**WHEREAS**, City staff is requesting to purchase Rescue Equipment and accessories for the Fire Department and Mobile Radios and accessories for the Police Department.

**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 sign the Standard Assurances for the FY 22 State Homeland Security Grant Program.

**Section 2:** Authorizes establishing a Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totaling \$47,578 for FY22 State Homeland Security Grant Program funds for the purchase of equipment for the Police and Fire Departments.

**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 21st day of March, 2023.**

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Ron Morrison, Mayor

**ATTEST:**

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Shelley Chapel, MMC  
Interim City Clerk

**APPROVED AS TO FORM:**

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Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Fire Department  
**Prepared by:** Walter Amedee, Management Analyst III  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Sole source purchase of Zoll Monitors/Defibrillators for the Fire Department.

**RECOMMENDATION:**

Adopt the Resolution of the City Council of the City of National City, California, 1) Waiving the Formal Bid Process Pursuant to National City Municipal Code Section 2.60.220(B) Regarding Sole Source Purchasing of Five X Series Advanced Monitor/Defibrillators from Zoll Medical Corporation for the National City Fire Department; and 2) Approving the Establishment of Appropriations and a Corresponding Revenue Budget in the Amount of \$198,028 Based on Funding Received From the Lower Sweetwater Fire Protection District's Equipment Replacement Fund.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

The City of National City's Fire Department provides advanced emergency medical services to the residents and visitors of the City of National City. The Fire Department currently uses Zoll monitors/defibrillators on a daily basis for emergency medical responses that are reaching the end of use life and need to be updated. The Zoll monitors/defibrillators are used by AMR ambulance service provider and adjacent fire agencies. The Zoll Medical Corporation is a sole source vendor of X Series Advanced Monitors/Defibrillators.

As allowed by National City Municipal Code Section 2.60.220 (B) - Open market procedure— Exception to bidding requirements, the National City Fire Department requests the purchase of five Zoll X Series Advanced Monitors/Defibrillators from Zoll Medical Corporation, a sole source provider.

Zoll Medical Corporation is the sole supplier of X Series Advanced Monitors/Defibrillators in the United States. No other X Series Advanced Monitors/Defibrillators suppliers are available in the U.S. Therefore, purchasing this equipment from Zoll Medical Corporation must be considered a sole source procurement.

Zoll Medical Corporation is pleased to offer the City of National City the opportunity to take advantage of the quote.

Accordingly, staff recommends waiving the formal bid process pursuant to NCMC Section 2.60.220(B) for the sole source purchase of the X Series Advanced Monitors/Defibrillators from Zoll Medical Corporation for \$198,027.82.

2.60.220 - Open market procedure—Exception to bidding requirements:

In any of the following instances, the city manager or purchasing agent may dispense with the requirements of bidding when any of the following applies, provided the circumstances are completely documented:

*B. The commodity, regardless of value, can be obtained from only one source. Sole source procurements may be used when there is only one source from which a particular commodity is available and there is no adequate substitute. Sole source procurement may also be used when it is clear that competitive bidding will not produce any competitive advantage or would be impractical or not meet an urgent city procurement need.*  
(Ord. 2262 § 1 (part), 2005)

**FINANCIAL STATEMENT:**

Funding for this purchase is being provided by the Lower Sweetwater Fire Protection District pursuant to its agreement with the City for providing fire protection services within the District.  
Expenditure Account: Expenditure Account: 001-412-125-521-0000 - \$198,028  
Revenue Account: 001-12125-3555 - \$198,028  
No City match required.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Public Safety

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;  
PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A – Zoll Monitor Quote  
Exhibit B – Zoll Medical Corporation Sole Source Letter  
Exhibit C – Resolution



**ZOLL Medical Corporation**

269 Mill Road  
 Chelmsford, MA 01824-4105  
 Federal ID# 04-2711626

Phone: (800) 348-9011  
 Fax: (978) 421-0015  
 Email: esales@zoll.com

Quote No: Q-46965 Version: 2

National City Fire Department  
 1243 National City Boulevard  
 National City, CA 91950

ZOLL Customer No: 113028

Scott Robinson  
 (619) 336-4566  
 srobinson@nationalcityca.gov

Quote No: Q-46965  
 Version: 2

Issued Date: January 13, 2023  
 Expiration Date: March 31, 2023

Terms: NET 30 DAYS

FOB: Destination  
 Freight: Free Freight

Prepared by: Catherine Prophet  
 EMS Territory Manager  
 cprophet@zoll.com  
 949-436-4369

Item	Contract Reference	Part Number	Description	Qty	List Price	Adj. Price	Total Price
1	949804	601-2431112-01	<p><b>X Series Advanced Monitor/Defibrillator - 12-Lead ECG, Pacing, SpO2, SpCO, EtCO2, BVM, NIBP, Audio, CPR Expansion Pack, Remote View</b></p> <p>Includes: TBI Dashboard, 4 trace tri-mode display monitor/ defibrillator/ printer, advisory algorithm, advanced communications package (Wi-Fi, Bluetooth, USB cellular modem capable) USB data transfer capable and large 6.5in ( 16.5cm) diagonal screen. Accessories Included: MFC cable and CPR connector, A/C power cord, One (1) roll printer paper, 6.6 Ah Li-ion battery, Operators Manual, Quick Reference Guide, and One (1)-year EMS warranty.</p> <p>Parameter Details: Real CPR Help - Dashboard display of CPR Depth and Rate for Adult and Pediatric patients, Visual and audio prompts to coach CPR depth (Adult patient only), Release bar to ensure adequate release off the chest, Metronome to coach rate for Adult and Pediatric patients. See-Thru ® CPR artifact filtering • Interpretative 12-Lead ECG (Full 12 ECG lead view with both dynamic and static 12-lead mode display. 12-Lead OneStep ECG cable - includes 4-Lead limb lead cable and removable precordial 6-Lead set) • ZOLL Noninvasive Pacing Technology • Real BVM Help: Dashboard provides real-time ventilation feedback on both volume and rate for intubated and non-intubated patients. AccuVent Cable included. (Accuvent disposable sensors sold separately) • Welch Allyn NIBP with Smartcuff. 10 foot Dual Lumen hose and SureBP Reusable Adult Medium Cuff • Masimo SpO2 &amp; SpCO with Signal Extraction Technology (SET), Rainbow SET® • EtCO2 Oridion Microstream Technology. Microstream tubing set sold separately •</p>	5	\$50,946.00	\$39,367.11	\$196,835.55
2	839741	8000-0580-01	<p><b>Six hour rechargeable Smart battery</b></p>	5	\$890.00	\$331.65	\$1,658.25



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 Chelmsford, MA 01824-4105  
 Federal ID# 04-2711626

Phone: (800) 348-9011  
 Fax: (978) 421-0015  
 Email: esales@zoll.com

National City Fire Department  
 Quote No: Q-46965 Version: 2

Item	Contract Reference	Part Number	Description	Qty	List Price	Adj. Price	Total Price
3		8000-000393-01	<b>X Series Carry Case, Premium</b>	5	\$385.00	\$385.00	\$1,925.00
4		8778-89011-WF	<p><b>X Series - Worry-Free Service Plan - 1 Year On-Site At Time of Sale</b></p> <p>Includes: Annual preventive maintenance, 27% discount on new cables, 27% discount on additional SurePower II Batteries, discount on parameter upgrades, SurePower II Battery replacement upon failure, and accidental damage coverage (see comments). Shipping and use of a Service Loaner during repairs, no charge shipping. Extended warranty is a continuation of the EMS One Year Product Limited Warranty. • ACCIDENTAL DAMAGE COVERAGE: Includes one device outer housing replacement per year per device. This coverage excludes devices that are deemed beyond repair and/or catastrophic damage. Cosmetic damage that does not affect the integrity of the device would not require outer housing replacement. • BATTERY REPLACEMENT PROGRAM: Batteries must be maintained per ZOLL recommended maintenance program - Batteries are replaced upon failure, one for one, throughout the term of the ExpertCare Service contract, should the SurePower II battery or SurePower Charger display a fault - Batteries must be evaluated and confirmed of failure through ZOLL Technical Support and/or an on-site field service technician. - Up to three batteries per device will be covered for batteries acquired from ZOLL in last 24 months for batteries that fail during the Worry-Free service contract period. (When Service Contract purchased post-sale) - For batteries acquired from ZOLL over 24 months ago, one battery per device will be covered for batteries that fail during the Worry-Free service contract period. (When Service Contract purchased post-sale)</p>	5	\$2,065.00	\$1,858.50	\$9,292.50
5		6008-9901-61	<p><b>ZOLL X Series Trade In Allowance (EMS Group)</b></p> <p>See Trade Unit Considerations.</p>	4		(\$7,500.00)	(\$30,000.00)

Subtotal: \$179,711.30

Estimated Tax: \$18,316.52

**Total: \$198,027.82**

Contract Reference	Description
839741	Reflects San Diego County 2019 contract pricing. Notwithstanding anything to the contrary herein, the terms and conditions set forth in San Diego County 2019 shall apply to the customer's purchase of the products set forth on this quote.
949804	Reflects GPO NPP 2020 - Contract No. PS20200 contract pricing. Notwithstanding anything to the contrary herein, the terms and conditions set forth in NPP 2020 - Contract No. PS20200 shall apply to the customer's purchase of the products set forth on this quote.

**Trade Unit Considerations**



## ZOLL Medical Corporation

269 Mill Road  
Chelmsford, MA 01824-4105  
Federal ID# 04-2711626

Phone: (800) 348-9011

Fax: (978) 421-0015

Email: [esales@zoll.com](mailto:esales@zoll.com)

National City Fire Department  
Quote No: Q-46965 Version: 2

Trade-In values valid through March 31, 2023 if all equipment purchased is in good operational and cosmetic condition and includes all standard accessories. Trade-In values are dependent on the quantity and configuration of the ZOLL devices listed on this quotation. Customer assumes responsibility for shipping trade-in equipment at the quantities listed on the trade line items in this quotation to ZOLL's Chelmsford Headquarters within 60 days of receipt of new equipment. Customer agrees to pay cash value for trade-in equipment not shipped to ZOLL on a timely basis.

To the extent that ZOLL and Customer, or Customer's Representative have negotiated and executed overriding terms and conditions ("Overriding T's & C's"), those terms and conditions would apply to this quotation. In all other cases, this quote is made subject to ZOLL's Standard Commercial Terms and Conditions ("ZOLL T's & C's") which for capital equipment, accessories and consumables can be found at <https://www.zoll.com/about-zoll/invoice-terms-and-conditions> and for software products can be found at <http://www.zoll.com/SSPTC> and for hosted software products can be found at <http://www.zoll.com/SSHTC>. Except in the case of overriding T's and C's, any Purchase Order ("PO") issued in response to this quotation will be deemed to incorporate ZOLL T's & C's, and any other terms and conditions presented shall have no force or effect except to the extent agreed in writing by ZOLL.

1. Delivery will be made upon availability.
2. This Quote expires on March 31, 2023. Pricing is subject to change after this date.
3. Applicable tax, shipping & handling will be added at the time of invoicing.
4. All purchase orders are subject to credit approval before being accepted by ZOLL.
5. To place an order, please forward the purchase order with a copy of this quotation to [esales@zoll.com](mailto:esales@zoll.com) or via fax to 978-421-0015.
6. All discounts from list price are contingent upon payment within the agreed upon terms.
7. Place your future accessory orders online by visiting [www.zollwebstore.com](http://www.zollwebstore.com).





**ZOLL Medical Corporation**

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Chelmsford, MA 01824-4105  
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Email: esales@zoll.com

National City Fire Department  
Quote No: Q-46965 Version: 2

**Order Information (to be completed by the customer)**

- Tax Exempt Entity (Tax Exempt Certificate must be provided to ZOLL)
- Taxable Entity (Applicable tax will be applied at time of invoice)

BILL TO ADDRESS	SHIP TO ADDRESS
Name/Department:	Name/Department:
Address:	Address:
City / State / Zip Code:	City / State / Zip Code:

Is a Purchase Order (PO) required for the purchase and/or payment of the products listed on this quotation?

- Yes      PO Number: \_\_\_\_\_      PO Amount: \_\_\_\_\_  
(A copy of the Purchase Order must be included with this Quote when returned to ZOLL)
- No      (Please complete the below section when submitting this order)

For organizations that do not require a PO, ZOLL requires written execution of this order. The person signing below represents and warrants that she or he has the authority to bind the party for which he or she is signing to the terms and prices in this quotation.

**National City Fire Department**

Authorized Signature:

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



269 Mill Road  
Chelmsford, Massachusetts 01824-4105  
978-421-9655 (main)  
978-421-0025 (fax)  
www.zoll.com

January 5, 2023

Scott Robinson  
Captain/Paramedic  
National City Fire Department  
343 E 16<sup>th</sup> St.  
National City, CA 91950

Dear Captain Robinson:

We appreciate your selection of ZOLL® products. This letter serves as confirmation that ZOLL® Medical Corporation at 269 Mill Road in Chelmsford, Massachusetts, is the sole manufacturer and source of X Series® and X Series Advanced Defibrillators for the EMS Market. ZOLL® or Catherine Prophet, Senior EMS Account Executive/Regional Trainer, will not sell an X Series® and X Series Advanced Defibrillator to National City Fire Department through any vendor or dealer and no vendor or dealer is authorized to provide warranty or service.

Should you have any questions or require additional information please contact me at 800-348-9011.

Sincerely,

A handwritten signature in black ink that reads "Jody Podgurski". The signature is written in a cursive, flowing style.

Jody Podgurski  
Contract Specialist

**RESOLUTION NO. 2023 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) WAIVING THE FORMAL BID PROCESS PURSUANT TO NATIONAL CITY MUNICIPAL CODE SECTION 2.60.220(B) REGARDING SOLE SOURCE PURCHASING OF FIVE X SERIES ADVANCED MONITORS/DEFIBRILLATORS FROM ZOLL MEDICAL CORPORATION FOR THE NATIONAL CITY FIRE DEPARTMENT; AND 2) APPROVING THE ESTABLISHMENT OF APPROPRIATIONS AND A CORRESPONDING REVENUE BUDGET IN THE AMOUNT OF \$198,028 BASED ON FUNDING RECEIVED FROM THE LOWER SWEETWATER FIRE PROTECTION DISTRICT’S EQUIPMENT REPLACEMENT FUND.**

**WHEREAS**, the City of National City's Fire Department provides advanced emergency medical services to the residents and visitors of the City of National City; and

**WHEREAS**, the Fire Department desires to update its life saving equipment from time to time; and

**WHEREAS**, funding for this equipment in the amount of \$198,028 is available from the Lower Sweetwater Fire Protection District pursuant to the fire protection services agreement between the City and the District; and

**WHEREAS**, the Fire Department currently uses Zoll monitors/defibrillators on a daily basis for emergency medical responses that are reaching the end of use life; and

**WHEREAS**, the Fire Department would like to continue to use Zoll monitors/defibrillators since they are used by AMR ambulance service provider and adjacent fire agencies; and

**WHEREAS**, Zoll Medical Corporation is a sole source vendor of X Series Advanced Monitors/Defibrillators; and

**WHEREAS**, City of National City staff recommends that City Council authorize the Mayor to waive the formal bid process pursuant to NCMC Section 2.60.220 (B) for the sole source purchase of five X Series Advanced Monitors/Defibrillators from Zoll Medical Corporation for the National City Fire Department.

**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 waive the formal bid process pursuant to NCMC Section 2.60.220 (B) for the sole source purchase of five X Series Advanced Monitors/Defibrillators from Zoll Medical Corporation for the National City Fire Department

**Section 2:** Authorizes establishing an appropriation and offsetting revenue budget in the amount of \$198,028 in the City's General Fund based on funding received from the Lower Sweetwater Fire Protection District’s Equipment Replacement Fund.

**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 21st day of March, 2023.**

\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

\_\_\_\_\_  
Shelley Chapel, MMC  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

Department: Fire Department  
Prepared by: Walter Amedee, Management Analyst III  
Meeting Date: Tuesday, March 21, 2023  
Approved by: Brad Raulston, City Manager

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**SUBJECT:**

Accept and Adopt the 2022 Multi-Jurisdictional Hazard Mitigation Plan – National City Annex

**RECOMMENDATION:**

Adopt the Resolution entitled, “Resolution of the City Council of the City of National City, California, Approving and Adopting the 2022 San Diego County Multi-Jurisdictional Hazard Mitigation Plan – City of National City Annex.”

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

The Disaster Mitigation Act, signed into law on October 30, 2000, requires all jurisdictions to have a Federal Emergency Management Agency (FEMA)-approved hazard mitigation plan to qualify for hazard mitigation program grants and public assistance funds. In 2004, the San Diego County Office of Emergency Services (County OES) led an effort to develop the first Multi-Jurisdictional Hazard Mitigation Plan, a pre-disaster strategic plan that serves as a guideline for lowering the risks and exposure to hazards in the region. The plan was accepted and adopted by the City Council in 2018.

Current updates reflect the expansion of climate change inclusion within hazard impacts, public feedback regarding hazard concerns, and updated hazard mitigation Goals, Objectives, Actions/Priority Actions for the County of San Diego and cities within the regional area to align with current and existing countywide plans, procedures, and priorities.

Although the County and several jurisdictions are still going through the final approval process, the City of National City Annex has received approval from the California Office of Emergency Services and FEMA. The approval process took approximately eight months to complete.

Today’s recommended action is to approve a resolution adopting the 2022 Multi-Jurisdictional Hazard Mitigation Plan (also referred to as the County Base Plan) – City of National City Annex, which will reduce hazard impacts (i.e., loss of life and property), allow the City of National City to continue to submit applications for hazard mitigation grants and remain eligible for public assistance funds for the next five years.

**FINANCIAL STATEMENT:**

Not Applicable

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Public Safety

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;  
PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A - 2022 Multi-Jurisdictional Hazard Mitigation Plan – City of National City Annex  
Exhibit B - Resolution

**Multi-Jurisdictional  
Hazard Mitigation Plan:  
City of National City Annex  
San Diego County, California  
June 2022**

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# 1. SECTION ONE: Determine the Planning Area and Resources

## 1.1. Planning Area: City of National City

National City is the second oldest incorporated city in San Diego County. Just five miles south of downtown San Diego, National City is the South Bay's center of industrial activity. The economy is based on manufacturing, shipbuilding and repair, and retail commercial sales. The San Diego Naval Station, which overlaps San Diego and National City is the largest naval facility in the country. There are a great number of historical sites in National City and homes in the area are usually 50 years or older. Stately Victorians reflect the early part of the century when shipping and import/export magnates lived here. Served by National Elementary and Sweetwater High School districts, National City also offers several private schools for all grade levels. National City is best known for its Mile of Cars; the title describing its abundant auto dealerships. Two large shopping malls, Westfield Plaza Bonita and South Bay Plaza, are located in National City.

## 1.2. Community Rating System Requirements

The Community Rating System (CRS) is a FEMA program and rewards communities that go beyond the minimum standards for floodplain management under the National Flood Insurance Program (NFIP). Communities can potentially improve their Community Rating System and lower NFIP premiums by developing a CRS Plan.

For more information on the National Flood Insurance Program, see <http://www.fema.gov/national-flood-insurance-program>.

*TABLE 1: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 1.1 DESCRIBES THE CRS REQUIREMENTS MET BY THE SAN DIEGO COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.*

Community Rating System (CRS) Planning Steps	Local Mitigation Planning Handbook Tasks (44 CFR Part 201)
<b>Step 1.</b> Organize	<b>Task 1:</b> Determine the Planning Area and Resources <b>Task 2:</b> Build the Planning Team 44 CFR 201.6(c)(1)
<b>Step 2.</b> Involve the public	<b>Task 3:</b> Create an Outreach Strategy 44 CFR 201.6(b)(1)
<b>Step 3.</b> Coordinate	<b>Task 4:</b> Review Community Capabilities 44 CFR 201.6(b)(2) & (3)
<b>Step 4.</b> Assess the hazard	<b>Task 5:</b> Conduct a Risk Assessment 44 CFR 201.6(c)(2)(i) 44 CFR 201.6(c)(2)(ii) & (iii)
<b>Step 5.</b> Assess the problem	
<b>Step 6.</b> Set goals	<b>Task 6:</b> Develop a Mitigation Strategy 44 CFR 201.6(c)(3)(i) 44 CFR 201.6(c)(3)(ii) 44 CFR 201.6(c)(3)(iii)
<b>Step 7.</b> Review possible activities	
<b>Step 8.</b> Draft an action plan	
	<b>Task 8:</b> Review and Adopt the Plan

## SECTION ONE | Determine the Planning Area and Resources

<b>Step 9.</b> Adopt the plan	44 CFR 201.6(c)(5)
<b>Step 10.</b> Implement, evaluate, revise	<b>Task 7:</b> Keep the Plan Current <b>Task 9:</b> Create a Safe and Resilient Community 44 CFR 201.6(c)(4)

Any jurisdiction or special district may participate in the hazard mitigation planning process. However, to request FEMA approval, each of the local jurisdictions must meet all requirements of 44 CFR §201.6. In addition to the requirement for participation in the process, the Federal regulation specifies the following requirements for multi-jurisdictional plans:

- The risk assessment must assess each jurisdiction’s risk where they may vary from the risks facing the entire planning area. (44 CFR §201.6(c)(2)(iii))
- There must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan. (44 CFR §201.6(c)(3)(iv))
- Each jurisdiction requesting approval of the plan must document that it has been formally adopted. (44 CFR §201.6(c)(5))

The hazard mitigation plan must clearly list the jurisdictions that participated in the plan and are seeking plan approval. The San Diego County Multi-Jurisdictional Hazard Mitigation Plan and annexes meet all requirements.

## 2. SECTION TWO: Build the Planning Team

### 2.1. Planning Participants

City representatives met with subject matter experts and/or OES to specifically discuss hazard-related goals, objectives and actions as they related to the overall Plan. Representatives of numerous City departments involved in hazard mitigation planning, including Fire, Police, Planning, and Engineering provided input. National City's planning participants were:

- Roberto Yano, Director of Public Works/City Engineer (Engineering/Public Works Department)
- Walter Amedee, Management Analyst III (Fire Department)
- Martin Reeder, Planning Manager (Community Development Department)
- Frank Parra, Chief of Emergency Services (Fire Department)

### 2.2. Planning Process

National City's planning process involved decision-makers from fire/emergency services, community development/planning, engineering/public works, and emergency management personnel. From May to July 2021, planning participants attended a series of hazard webinar regarding potential hazards that may affect jurisdictions to include:

- Dam Failure
- Pandemic Disease
- Terrorism & Cyber Threats
- Extreme Heat
- Wildfire
- Flood
- Rain-Induced Landslide
- Drought
- Coastal Storm/Sea Level Rise/Cliff Erosion/Tsunami
- Earthquake (two sessions)
- Climate Change (two sessions)

Based on the above webinars, planning participants identified specific hazards/risks that were of concern to National City and began the process of thinking about possible hazard mitigation actions. Planning participants were provided hazard mitigation planning worksheets at the meetings that were based on FEMA's Local Mitigation Planning Guide, which led the planning participants through the process of defining National City's assets, vulnerabilities, capabilities, goals and objectives, and mitigation action items. Several Hazard Mitigation Planning meetings were held regularly to provide assistance. In the end, planning participants developed preliminary goals, objectives and mitigation actions that are presented in this document.

See the *San Diego County Multi-Jurisdictional Hazard Mitigation Plan's* Section Two for details about the county-wide Planning Process.

### **3. SECTION THREE: Create an Outreach Strategy**

See the *San Diego County Multi-Jurisdictional Hazard Mitigation Plan's* Section Three for details about the county-wide outreach strategy.

## 4. SECTION FOUR: Review Community Capabilities

Local mitigation capabilities are existing authorities, policies, programs, and resources that reduce hazard impacts or that could be used to implement hazard mitigation activities, and must be included in a hazard mitigation plan by the planning team. The planning team also may identify additional types of capabilities relevant to mitigation planning.

### 4.1. Capability Assessment

The primary types of capabilities for reducing long-term vulnerability through mitigation planning are:

- Planning and regulatory
- Administrative and technical
- Financial
- Education and outreach

#### 4.1.1. Planning and Regulatory

Planning and regulatory capabilities are the plans, policies, codes, and ordinances that prevent and reduce the impacts of hazards. Please indicate which of the following your jurisdiction has in place:

TABLE 2: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.1 DATA.

Plans	Yes/No Year	Does the plan address hazards? Does the plan identify projects to include in the mitigation strategy? Can the plan be used to implement mitigation actions?
Comprehensive/Master Plan	Yes (2012)	National City General Plan – Safety Element Yes / No / Yes
Capital Improvements Plan	Yes (2021)	Yes / Yes / Yes
Economic Development Plan	No	
Local Emergency Operations Plan	Yes (2020)	Yes / No / Yes
Continuity of Operations Plan	Yes (2020)	National City Continuity of Operations Plan Yes / Yes / Yes
Transportation Plan	Yes (2012)	National City General Plan – Circulation Element No / No / No

**SECTION FIVE | Conduct a Risk Assessment**

Stormwater Management Plan	Yes	Storm Water Management Plan does address hazards. It requires that all projects are submitted with a completed Storm Water BMP Applicability Checklist. This will determine the priority of the project, steps needed to mitigate all storm water hazards from the site and ensures that the BMPs are properly maintained by requiring that a BMP Maintenance Agreement be entered into and recorded. Yes / Yes / Yes
Community Wildfire Protection Plan	No	
M. Real estate disclosure requirements	Yes (2011)	Climate Action Plan No / No / No
Other special plans (e.g., brownfields redevelopment, disaster recovery, coastal zone management, climate change adaptation)		
<b>How can these capabilities be expanded and improved to reduce risk?</b>		
Future opportunities for regulatory enhancement should focus on amending the City of National City’s General Plan Safety Element to incorporate the 2022-2027 San Diego County MJHMP and City of National City Annex by reference.		

*4.1.2. Administrative and Technical*

Administrative and technical capabilities include staff and their skills and tools that can be used for mitigation planning and to implement specific mitigation actions. For smaller jurisdictions without local staff resources, if there are public resources at the next higher-level government that can provide technical assistance, indicate so in your comments:

**TABLE 3: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.1 DATA CONTINUED.**

Administration	Yes/No	Describe capability Is coordination effective?
Planner(s) or engineer(s) with knowledge of land development and land management practices	Yes	The employs a Planning Manager who is knowledgeable of land development and land management practices.
Engineer(s) or professional(s) trained in construction practices related to buildings and/or infrastructure	Yes	The City employs a variety of professionals trained in engineering and construction practices to include registered civil engineers, graduates of engineering schools, and persons with military and private development/construction experiences related to their fields.
Planners or Engineer(s) with an understanding of natural and/or manmade hazards	Yes	The City employs persons and has on contract professionals and engineers trained in these areas to identify, and design solutions for natural and manmade hazards.

**SECTION FIVE | Conduct a Risk Assessment**

Mitigation Planning Committee	Yes	The City uses a variety of employees from Fire, Engineering, Planning, and Building Departments to develop hazard mitigation plans.
Maintenance programs to reduce risk (e.g., tree trimming, clearing drainage systems)	Yes	The City has in place a standard schedule for tree trimming in which the city is divided into grid zones that are placed in a routine trimming program. The City has a sanitary sewer maintenance program that places the highest priority mains on a monthly flushing program and all others onto a routine flushing program. Major storm drain channels and culverts to include open channels are cleaned when forecasts indicate a rain fall of one half inch (1/2") or greater. All storm drains, culverts and channels are routinely cleaned during the year.
Mutual aid agreements	Yes	The City has several mutual aid agreements that can be drawn upon to assist after a disaster such as Fire, Building, and Public Works assets and personnel.
<b>Staff</b>	<b>Yes/No FT/PT1</b>	<b>Is staffing adequate to enforce regulations? Is staff trained on hazards and mitigation?  Is coordination between agencies and staff effective?</b>
Chief Building Official	Yes/FT	The City Building Official conducts inspection services that involve heating, plumbing, electrical, housing, and building; reviews plans and specifications for all building construction or repairs to ensure compliance with all building and zoning codes and ordinances prior to issuing permits for work to begin; investigates and follows up on complaints regarding building, zoning, and other property related ordinances.
Floodplain Administrator	Yes/FT	The municipal code identifies the City Engineer as the floodplain administrator. The city engineer is a qualified profession and has appointed personnel to oversee the program and has had those persons attend classes on the administration of the NFIP. City employs persons that have training in identifying hazards and mitigations and retains professional engineers on contract. The City coordinates routinely with the local FEMA offices on various submittals using staff and consultants and has recently updated the municipal code to ensure compliance. Proof of compliance was forwarded to FEMA as required.
Emergency Manager	Yes/FT	The City's Emergency Manager (Management Analyst III) is responsible for coordinating the City's emergency management program. The primary functions are to ensure the City is prepared in the event of a major emergency situation; maintaining the City's Emergency Operations Plan and managing the Emergency Operations Center (EOC); coordinating emergency

**SECTION FIVE | Conduct a Risk Assessment**

		management training for City staff and the Community Emergency Response Team.
Surveyors	No	
Staff with education or expertise to assess the community’s vulnerability to hazards	Yes/FT	The City’s Emergency Manager (Management Analyst III) works with the County and surrounding jurisdictions to assess community vulnerability to hazards. These hazard specific risks are then mitigated in various plans (e.g. Emergency Operations Plan, Hazard Mitigation Plan, Continuity of Operations Plan, and Disaster Debris Removal Plan).
Community Planner	Yes/FT	No / No / Yes
Scientists familiar with the hazards of the community	No	
Civil Engineer	Yes/FT	The City Engineer has authority granted by the City Council in the municipal code to enforce all regulations regarding the floodplain administration. The City Engineer is a graduate with a degree in civil engineering and has been the city engineer either in an acting or full time capacity for 8 years.
Personnel skilled in GIS and/or HAZUS	No	
Grant writers	Yes/PT	The City employs several individuals who have received training on grant writing. Several departments (i.e. Fire, Engineering, and Police) have grant writers who perform other duties besides grant writing.
<b>How can these capabilities be expanded and improved to reduce risk?</b>		
Other future enhancements may include providing hazard training for staff or hazard mitigation grant funding in partnership with San Diego County and CalOES. Existing City staff are aware of the benefits of participating in training and webinars offered by CalOES Hazard Mitigation Assistance (HMA) Team related to HMGP opportunities, HMGP Sub application Development support, and other funding programs, such as Prepare California Jumpstart. Other opportunities to coordinate and educate key stakeholders may be interested in aligning efforts related to hazard mitigation and supporting HMGP applications and other hazard mitigation trainings.		

*4.1.3. Financial*

Identify whether your jurisdiction has access to or is eligible to use the following funding resources for hazard mitigation:



**SECTION FIVE | Conduct a Risk Assessment**

*TABLE 4: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.1 DATA CONTINUED.*

Funding Resource	Access/ Eligibility (Yes/No)	Has the funding resource been used in past and for what type of activities?  Could the resource be used to fund future mitigation actions?
Community Development Block Grants (CDBG)	Yes	The City receives CDBG funds that have not used in the recent past, but could be used to fund future mitigation actions.
Capital improvements project funding	Yes	The City’s capital improvement plan is funded through federal, state, and local sources, and have been used toward mitigation efforts such as storm drain/flooding mitigation efforts.
Authority to levy taxes for specific purposes	Yes	The City has raised a 1 percent sales tax that has been used in the past to fund public safety projects.
Fees for water, sewer, gas, or electric service	Yes	The City charges fees for sewer transportation to the property owner which is collected through property taxes. Water, gas, and electric are provided by outside agencies.
Impact fees for homebuyers or developers for new developments/homes	Yes	The City charges a transportation development impact fee of \$2,405 per new residential unit.
Incur debt through general obligation bonds	Yes	The City currently has bond debt obligations that include payments on a \$4.885 million general obligation bond issued in 2012 to refund the general obligation bonds issued in 2003 for construction of the City’s Library and on a \$5.5 million facilities lease issued in 2017, to finance the City’s energy and water conservation project.
Incur debt through special tax and revenue bonds	Yes	The City charges a 1% sales tax revenue.
Incur debt through private activity bonds	No	
<b>How can these capabilities be expanded and improved to reduce risk?</b>		
<p>The City can update other plans, such as their CIP to incorporate hazard information and include hazard mitigation actions and climate adaptation strategies that relate to infrastructure systems resiliency associated with the water and wastewater systems. Once projects related to hazard mitigation are approved, the CIP uploaded to be shared with the community on the City’s webpage. Capital investments and improvements related to seismic retrofits, cooling center upgrades, and water supply systems should all be emphasized in the outreach materials as they are related to hazard mitigation. Additionally, given the prioritization of flooding mitigation projects, the City should apply for HMGP grants to fund implementation costs associated with key CIP projects, and related projects in the City’s mitigation strategy. These fiscal capabilities may be supported by City staff or augmented with Consultants.</p>		

*4.1.4. Education and Outreach*

Identify education and outreach programs and methods already in place that could be used to implement mitigation activities and communicate hazard-related information:

**SECTION FIVE | Conduct a Risk Assessment**

*TABLE 5: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.1 DATA CONTINUED.*

Program/Organization	Yes/No	Describe program/organization and how relates to disaster resilience and mitigation.  Could the program/organization help implement future mitigation activities?
Local citizen groups or non-profit organizations focused on environmental protection, emergency preparedness, access and functional needs populations, etc.	Yes	Environmental Health Coalition (EHC) works for environmental justice in the San Diego/Tijuana region and throughout California. Founded in 1980, EHC has worked to reduce pollution and improve health and well-being for thousands of people in underserved, low-income communities.
Ongoing public education or information program (e.g., responsible water use, fire safety, household preparedness, environmental education)	Yes	The City’s Fire Department conducts school visits to teach children about fire safety. Various fire safety topics are available for each grade level.
Natural disaster or safety related school programs	Yes	The City’s Community Emergency Response Team (CERT) responds in the first few hours and days after a disaster. CERT members are taught basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations.
StormReady certification	No	
Firewise Communities certification	No	
Public-private partnership initiatives addressing disaster-related issues	No	
Other		
<b>How can these capabilities be expanded and improved to reduce risk?</b>		
The City can also expand their outreach capabilities related to the implementation of the 2022-2027 San Diego County MJHMP and the City of National City Annex. Specific enhancements may include continued public involvement through social media posts and advertisements focused on project successes related to the Annex Mitigation Strategy, and focused outreach to under-represented and special interest groups in the City. The City can also develop outreach kits for partner organizations.		

**4.2. Safe Growth Audit**

Identify gaps in your community’s growth guidance instruments and improvements that could be made to reduce vulnerability to future development:

**SECTION FIVE | Conduct a Risk Assessment**

*TABLE 6: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.2 DATA.*

<b>Comprehensive Plan</b>	<b>Yes</b>	<b>No</b>
<b>Land Use</b>		
1. Does the future land-use map clearly identify natural hazard areas?	Yes	
The City’s Coastal Zone Overlay clearly identifies natural hazard areas.	Yes	
2. Do the land-use policies discourage development or redevelopment within natural hazard areas?	Yes	
The City’s General Plan – Safety Element discourages development or redevelopment within natural hazard areas.	Yes	
3. Does the plan provide adequate space for expected future growth in areas located outside natural hazard areas?		No
<b>Transportation</b>		
1. Does the transportation plan limit access to hazard areas?	Yes	
2. Is transportation policy used to guide growth to safe locations?	Yes	
3. Are movement systems designed to function under disaster conditions (e.g., evacuation)?	Yes	

*TABLE 7: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.2 DATA CONTINUED.*

<b>Comprehensive Plan (continued)</b>	<b>Yes</b>	<b>No</b>
<b>Environmental Management</b>		
1. Are environmental systems that protect development from hazards identified and mapped?	Yes	
2. Do environmental policies maintain and restore protective ecosystems?	Yes	
3. Do environmental policies provide incentives to development that is located outside protective ecosystems?	Yes	
<b>Public Safety</b>		
1. Are the goals and policies of the comprehensive plan related to those of the FEMA Local Hazard Mitigation Plan?	Yes	
2. Is safety explicitly included in the plan’s growth and development policies?	Yes	
3. Does the monitoring and implementation section of the plan cover safe growth objectives?	Yes	
National City’s General Plan is designed to complement its land use pattern on the smart growth principles.		

*TABLE 8: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.2 DATA CONTINUED.*

<b>Zoning Ordinance</b>	<b>Yes</b>	<b>No</b>
1. Does the zoning ordinance conform to the comprehensive plan in terms of discouraging development or redevelopment within natural hazard areas?	Yes	
2. Does the ordinance contain natural hazard overlay zones that set conditions for land use within such zones?		No
3. Do rezoning procedures recognize natural hazard areas as limits on zoning changes that allow greater intensity or density of use?	Yes	

## SECTION FIVE | Conduct a Risk Assessment

4. Does the ordinance prohibit development within, or filling of, wetlands, floodways, and floodplains?	Yes	
<b>Subdivision Regulations</b>	<b>Yes</b>	<b>No</b>
1. Do the subdivision regulations restrict the subdivision of land within or adjacent to natural hazard areas?		No
2. Do the regulations provide for conservation subdivisions or cluster subdivisions in order to conserve environmental resources?		No
3. Do the regulations allow density transfers where hazard areas exist?		No

*TABLE 9: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.2 DATA CONTINUED.*

<b>Capital Improvement Program and Infrastructure Policies</b>	<b>Yes</b>	<b>No</b>
1. Does the capital improvement program limit expenditures on projects that would encourage development in areas vulnerable to natural hazards?	Yes	
The City CIP program does not encourage or discourage development in hazard areas; however, the City reviews all plans prior to construction and requires developers constructing in potential hazard areas to submit a Flood Hazard Area Development Permit, which will identify the hazard and mitigation to be implemented by the developer to protect against loss.		
2. Do infrastructure policies limit extension of existing facilities and services that would encourage development in areas vulnerable to natural hazards?	Yes	
The City is highly built out at approximately 90 to 95 percent. The physical build out limits the City from extending services and requires developers to pay for any additional service extensions.		
3. Does the capital improvement program provide funding for hazard mitigation projects identified in the FEMA Mitigation Plan?	Yes	
The City has limited funding and therefore pursues grant funding through the Engineering Department for mitigation of hazards.		
<b>Other</b>	<b>Yes</b>	<b>No</b>
1. Do small area or corridor plans recognize the need to avoid or mitigation natural hazards?	Yes	
2. Does the building code contain provisions to strengthen or elevate construction to withstand hazard forces?	Yes	
3. Do economic development or redevelopment strategies include provisions for mitigation natural hazards?	Yes	
4. Is there an adopted evacuation and shelter plan to deal with emergencies from natural hazards?	Yes	
The City's Emergency Operations Plan has an evacuation and shelter plan.		

*Questions were adapted from Godschalk, David R. Practice Safe Growth Audits, Zoning Practice, Issue Number 10, October 2009, American Planning Association.*

### 4.3. National Flood Insurance Program (NFIP)

As a participant in the National Flood Insurance Program (NFIP), a community develops capabilities for conducting flood mitigation activities. The hazard mitigation plan must describe each jurisdiction's participation in the NFIP. Participating communities must describe their continued compliance with NFIP requirements. The mitigation plan must do more than state that the community will continue to comply with the NFIP. Each jurisdiction must describe their floodplain management program and address how they will continue to comply with the NFIP requirements. The local floodplain administrator is often the primary source for this information.

Jurisdictions where FEMA has issued a floodplain map but are currently not participating in the NFIP may meet this requirement by describing the reasons why the community does not

**SECTION FIVE | Conduct a Risk Assessment**

participate. Plan updates must meet the same requirements and document any change in floodplain management programs.

The City of National City is a participant in FEMA’s National Flood Insurance Program (NFIP). This program provides flood insurance for structures located within the floodplain areas in the city and as designated by FEMA. The City of National City manages the permitting of any proposed developments and improvements within the floodplain areas per the FEMA guidelines and requirements, State of California Department of Water Resources Model Floodplain Management Ordinance and the City of National City Floodplain Ordinance, and keeps up to date copies of the Flood Insurance Rate Maps (FIRM). These maps are used to assist constituents in answering their questions regarding the 100-year flood elevations and boundaries within the floodplain areas. Any proposed changes to these maps are processed by the City through FEMA.

*TABLE 10: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.3 DATA.*

NFIP Topic	Source of Information	Comments
<b>Insurance Summary</b>		
How many NFIP policies are in the community? What is the total premium and coverage?	State NFIP Coordinator or FEMA NFIP Specialist	Not Known
How many claims have been paid in the community? What is the total amount of paid claims? How many of the claims were for substantial damage?	FEMA NFIP or Insurance Specialist	Not Known
How many structures are exposed to flood risk within the community?	Community Floodplain Administrator (FPA)	169
Describe any areas of flood risk with limited NFIP policy coverage	Community FPA and FEMA Insurance Specialist	Area of Paradise Creek between Paradise Valley Rd and the Easterly City Limit
<b>Staff Resources</b>		
Is the Community FPA or NFIP Coordinator certified?	Community FPA	No
Is floodplain management an auxiliary function?	Community FPA	Yes
Provide an explanation of NFIP administration services (e.g., permit review, GIS, education or outreach, inspections, engineering capability)	Community FPA	Review of grading and building plans, review of Flood Hazard Area Development Permit, Coordinate with Project Engineers for certification of buildings and filing for LOMA< LOMR< and Elev. Cert. Recertification of levees as required.

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What are the barriers to running an effective NFIP program in the community, if any?	Community FPA	Staffing
<b>Compliance History</b>		
Is the community in good standing with the NFIP?	State NFIP Coordinator, FEMA NFIP Specialist, community records	Yes
Are there any outstanding compliance issues (i.e., current violations)?		No
When was the most recent Community Assistance Visit (CAV) or Community Assistance Contact (CAC)?		Unknown
Is a CAV or CAC scheduled or needed?		Unknown

*TABLE 11: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 4.3 DATA CONTINUED.*

NFIP Topic	Source of Information	Comments
<b>Regulation</b>		
When did the community enter the NFIP?	Community Status Book <a href="http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-status-book">http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-status-book</a>	10/1/1994 (San Diego County)
Are the FIRMs digital or paper?	Community FPA	Digital
Do floodplain development regulations meet or exceed FEMA or State minimum requirements? If so, in what ways?	Community FPA	Flood development regulations meet FEMA and State minimum requirements. Municipal Code Section 18.29.070 uses the most restrictive regulation of FEMA or State, FEMA is used if there appears to be a conflict.
Provide an explanation of the permitting process.	Community FPA, State, FEMA NFIP  Flood Insurance Manual <a href="http://www.fema.gov/flood-insurance-manual">http://www.fema.gov/flood-insurance-manual</a>  Community FPA, FEMA CRS Coordinator, ISO representative	A flood Hazard Area Development Permit (FHADP) is required to be submitted with grading plans for all proposed projects within a flood zone area. The FHADP will determine if an Elevation Cert., CLOMR, or CLOMA is to be processed during the review process. Grading and building plans are reviewed to ensure all requirements are shown prior to permits being issued. The construction inspector observes the placement of fill and compaction for the development of the building pad and collects pad certifications from the project soils engineer and civil engineer. Building permits are withheld until

**SECTION FIVE | Conduct a Risk Assessment**

		the pad has been certified. The building inspector will ensure that the construction of the foundation and structure is done according to the plans.
<b>Community Rating System (CRS)</b>		
Does the community participate in CRS?	Community FPA, State, FEMA NFIP	Yes, the County of San Diego participates in CRS.
What is the community's CRS Class Ranking?	Flood Insurance Manual <a href="http://www.fema.gov/flood-insurance-manual">http://www.fema.gov/flood-insurance-manual</a>	The CRS Class Ranking is a 7.
What categories and activities provide CRS points and how can the class be improved?		Unknown
Does the plan include CRS planning requirements	Community FPA, FEMA CRS Coordinator, ISO representative	Unknown

# 5. SECTION FIVE: Conduct a Risk Assessment

The planning team conducts a risk assessment to determine the potential impacts of hazards to the people, economy, and built and natural environments of the community. The risk assessment provides the foundation for the rest of the mitigation planning process, which is focused on identifying and prioritizing actions to reduce risk to hazards.

In addition to informing the mitigation strategy, the risk assessment also can be used to establish emergency preparedness and response priorities, for land use and comprehensive planning, and for decision making by elected officials, city and county departments, businesses, and organizations in the community.

## 5.1. Hazards Summary

Summarize hazard description information and identify which hazards are most significant to the planning area:

TABLE 12: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 5.1 DATA.

Hazard	Location (Geographic Area Affected)	Maximum Probable Extent (Magnitude/Strength)	Probability of Future Events	Overall Significance Ranking
Avalanche	Negligible	Weak	Unlikely	Low
Dam Failure	Limited	Moderate	Unlikely	Medium
Drought	Negligible	Weak	Unlikely	Low
Earthquake	Extensive	Severe	Occasional	High
Erosion	Negligible	Weak	Unlikely	Low
Expansive Soils	Negligible	Weak	Unlikely	Low
Extreme Cold	Negligible	Weak	Unlikely	Low
Extreme Heat	Negligible	Weak	Unlikely	Low
Flood	Limited	Moderate	Likely	Low
Hail	Negligible	Weak	Unlikely	Low
Hurricane	Negligible	Weak	Unlikely	Low
Landslide	Limited	Weak	Unlikely	Low
Lightning	Negligible	Weak	Unlikely	Low
Sea Level Rise	Negligible	Moderate	Occasional	Low
Severe Wind	Negligible	Weak	Unlikely	Low
Severe Winter Weather	Negligible	Weak	Unlikely	Low
Storm Surge	Negligible	Weak	Unlikely	Low



## SECTION FIVE | Conduct a Risk Assessment

Subsidence	Negligible	Weak	Unlikely	Low
Tornado	Negligible	Weak	Unlikely	Low
Tsunami	Limited	Moderate	Occasional	Low
Wildfire	Extensive	Severe	Occasional	High

### Definitions for Classifications

#### Location (Geographic Area Affected)

- **Negligible:** Less than 10 percent of planning area or isolated single-point occurrences
- **Limited:** 10 to 25 percent of the planning area or limited single-point occurrences
- **Significant:** 25 to 75 percent of planning area or frequent single-point occurrences
- **Extensive:** 75 to 100 percent of planning area or consistent single-point occurrences

#### Maximum Probable Extent (Magnitude/Strength based on historic events or future probability)

- **Weak:** Limited classification on scientific scale, slow speed of onset or short duration of event, resulting in little to no damage
- **Moderate:** Moderate classification on scientific scale, moderate speed of onset or moderate duration of event, resulting in some damage and loss of services for days
- **Severe:** Severe classification on scientific scale, fast speed of onset or long duration of event, resulting in devastating damage and loss of services for weeks or months
- **Extreme:** Extreme classification on scientific scale, immediate onset or extended duration of event, resulting in catastrophic damage and uninhabitable conditions

TABLE 13: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 5.1 DATA.

Hazard	Scale / Index	Weak	Moderate	Severe	Extreme
Drought	Palmer Drought Severity Index <sup>3</sup>	-1.99 to +1.99	-2.00 to -2.99	-3.00 to -3.99	-4.00 and below
Earthquake	Modified Mercalli Scale <sup>4</sup>	I to IV	V to VII	VII	IX to XII
	Richter Magnitude <sup>5</sup>	2, 3	4, 5	6	7, 8
Hurricane Wind	Saffir-Simpson Hurricane Wind Scale <sup>6</sup>	1	2	3	4, 5
Tornado	Fujita Tornado Damage Scale <sup>7</sup>	F0	F1, F2	F3	F4, F5

### Probability of Future Events

- **Unlikely:** Less than 1 percent probability of occurrence in the next year or a recurrence interval of greater than every 100 years.
- **Occasional:** 1 to 10 percent probability of occurrence in the next year or a recurrence interval of 11 to 100 years.
- **Likely:** 10 to 90 percent probability of occurrence in the next year or a recurrence interval of 1 to 10 years
- **Highly Likely:** 90 to 100 percent probability of occurrence in the next year or a recurrence interval of less than 1 year.

## SECTION FIVE | Conduct a Risk Assessment

### Overall Significance

- **Low:** Two or more criteria fall in lower classifications, or the event has a minimal impact on the planning area. This rating is sometimes used for hazards with a minimal or unknown record of occurrences or for hazards with minimal mitigation potential.
  - **Medium:** The criteria fall mostly in the middle ranges of classifications and the event's impacts on the planning area are noticeable but not devastating. This rating is sometimes used for hazards with a high extent rating but very low probability rating.
  - **High:** The criteria consistently fall in the high classifications and the event is likely/highly likely to occur with severe strength over a significant to extensive portion of the planning area.
- 
- *Cumulative meteorological drought and wet conditions:* <http://ncdc.noaa.gov/>
  - *Earthquake intensity and effect on population and structures:* <http://earthquake.usgs.gov>
  - *Earthquake magnitude as a logarithmic scale, measured by a seismograph:* <http://earthquake.usgs.gov>
  - *Hurricane rating based on sustained wind speed:* <http://nhc.noaa.gov>
  - *Tornado rating based on wind speed and associated damage:* <http://spc.noaa.gov>

After reviewing Hazards Summary table above, the following were identified as National City's top hazards:

- **Earthquakes:** proximity to local faults (e.g. Rose Canyon Fault); older structures; potential for loss of life, injuries, and damage to property, as well as disruption of services is significant
- **Wildfire:** particularly after a major earthquake can result in single family houses causing multiple ignitions with few resources available to stop the wildfire
- **Dam Failure/Floods:** Sweetwater dam failure
- **Hazmat Release:** three freeways (i.e. I-5, I-805, & SR-54) and railway pass through the City making it susceptible to hazardous spills, releases, or accidents; several industrial facilities in the City handle hazardous materials on a regular basis
- **Structure Fires:** older structures
- **Tsunami:** proximity to waterfront may affect maritime business industry

National City has the following list of critical assets/facilities that are of particular concern when considering the potential effects of hazards:

- Police Station - 1
- Fire Stations - 3
- Emergency Operations Center – 2
- Hospital – 1

## **5.2. Hazards Detail**

### *5.2.1. Earthquake*

An earthquake is a sudden motion or trembling that is caused by a release of strain accumulated within or along the edge of the Earth's tectonic plates. Common effects of earthquakes are ground motion and shaking, surface fault ruptures, and ground failure. Earthquakes also can trigger many secondary effects, such as landslides and rock falls, urban wildfires, building collapse, water tank or dam failures, disruption of essential facilities and systems (water, sewer, gas, electricity, transportation, and communications), and hazardous materials release.

There are five faults located near National City. They are listed below, including the most probable maximum Richter scale magnitude earthquake that each might cause:

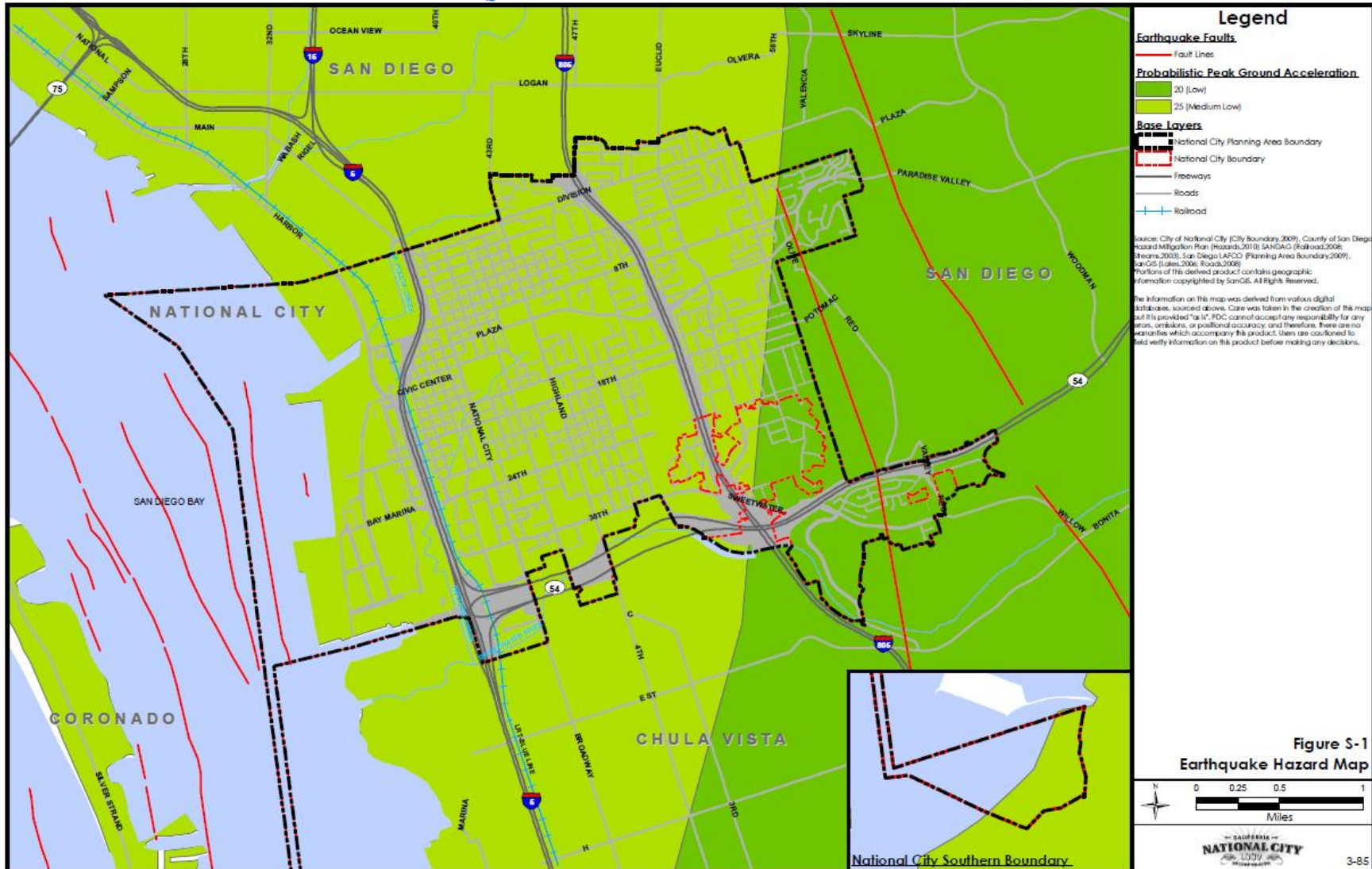
- Rose Canyon Fault (6.2-7.0)
- La Nación (6.2-6.6)
- Coronado Bank (6.0-7.7)
- San Diego Trough (6.1-7.7)
- San Clemente (6.6-7.7)

The La Nación Fault Zone poses the greatest potential earthquake threat to National City. The Rose Canyon Fault is considered to be the greatest potential threat to the San Diego region as a whole, due to its proximity to areas of high population, but it threatens other parts of the region more than National City.

Figure S-1 displays the location and extent of the profiled earthquake hazard for the planning area. The earthquake hazard is based on probabilistic peak ground acceleration, which correlates to how hard the earth shakes in a given area. Although located near fault lines, National City lies within medium-low to low shake potential zones. A compounding factor to the risks associated with seismic events within National City is the prevalence of unreinforced masonry buildings. Unreinforced masonry buildings are primarily older structures, typically constructed prior to 1973. Approximately 63% of structures in National City were constructed prior to 1970, compared to 38% in San Diego County overall. Unreinforced masonry buildings, due to their construction type and age, are at greater risk for damage or collapse during a seismic event.

SECTION FIVE | Conduct a Risk Assessment

FIGURE 1: EARTHQUAKE FAULTS POSING A POTENTIAL HAZARD IN NATIONAL CITY



*5.2.2. Structure Fires and Wildfire*

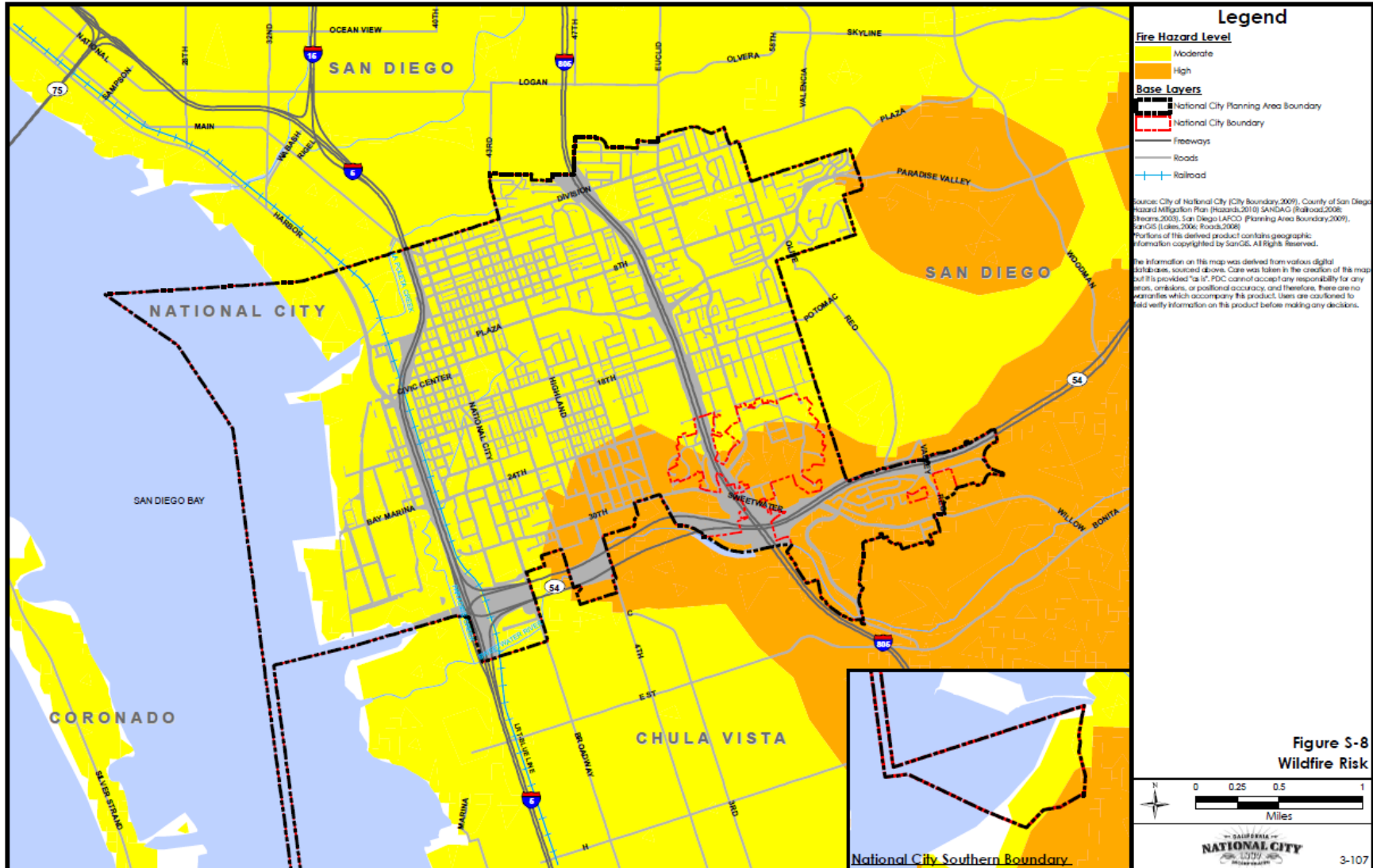
There are several fire risk factors affecting National City. An increase in the population of minors and seniors has caused greater dependence issues, as seniors and children require more assistance when evacuating a structure; the high cost of housing has led to the overcrowding of homes; and approximately 85% of the homes in National City are over 30 years old, and approximately 43% are over 50 years old - this is the age at which electrical and heating systems are more likely to cause fires, if not properly maintained.

National City has pockets of grass, brush, and trees in between developed areas and in the hills located to the east. The proximity of native vegetation and the climate of the region contribute to a moderate to high risk of wildfires in National City, as illustrated on Figure 2. The greatest risk for wildfires is within the southeastern portion of National City, due to its proximity to the Sweetwater Regional Park and other areas with higher concentrations of native vegetation. The remaining portion of National City contains a moderate risk for wildfires.

Wildfires are particularly dangerous for National City after a major earthquake that can result in single family houses causing multiple ignitions with few resources available to stop the wildfire.

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FIGURE 2: WILDFIRES POSING A POTENTIAL HAZARD IN NATIONAL CITY



### *5.2.3. Dam Failure*

Dam failure can cause a significant amount of loss of life and structures due to flash flooding occurring soon after the initial break. Dam failure is usually the result of age, poor design, or structural damage caused by a major event, such as an earthquake or flood. Dam failures are considered low probability, high-loss events.

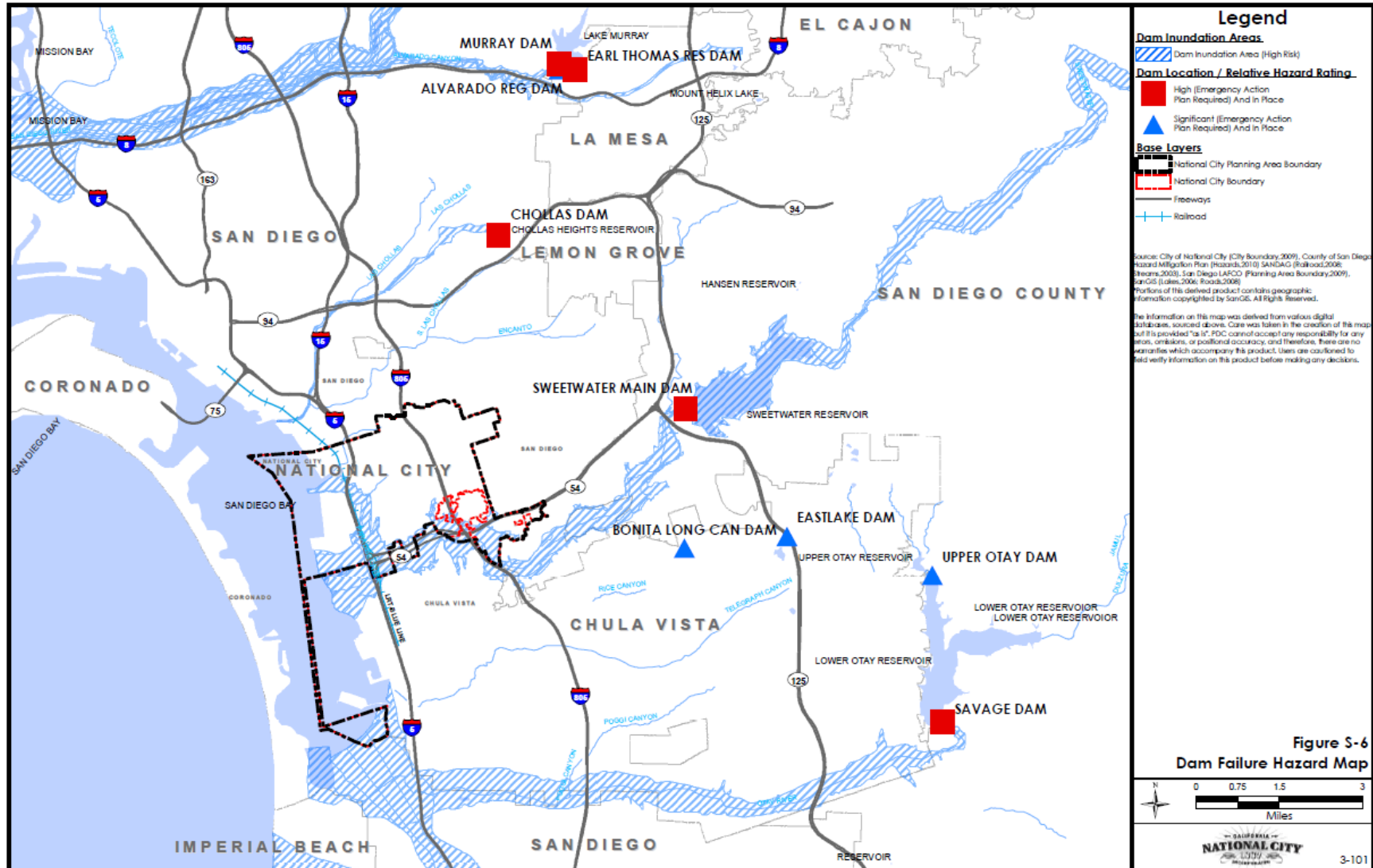
Two major dam failures have been recorded in San Diego County. They both occurred because of the Hatfield Flood of 1916, which caused the failure of both the Sweetwater and Lower Otay Dams, resulting in 22 deaths and \$4.5 million in damage.

The three closest dams to National City are the:

- Sweetwater Dam (5.33 miles away);
- Bonita Long Canyon Dam (4 miles away); and
- Eastlake Dam (9.5 miles away).

Figure 3 illustrates the dam failure hazard for National City. As shown on the map, there are some parts of National City, primarily along the southern boundary, that would be subject to inundation if the Sweetwater Dam failed.

FIGURE 3: DAM FAILURE POSING A POTENTIAL HAZARD IN NATIONAL CITY





**SECTION SIX | Develop a Mitigation Strategy**

**5.3 Potential Hazard Exposure and Loss Estimates**

The City of National City reviewed a set of jurisdictional-level hazard maps and data provided by the County of San Diego, including detailed critical facility information and localized potential hazard exposure/loss estimates related to residential, commercial, and critical asset/facilities to identify the top hazards threatening the City. Potential hazard exposure/loss estimates are summarized in Table 14.

*TABLE 14: SUMMARY OF POTENTIAL HAZARD-RELATED EXPOSURE/LOSS IN CITY OF NATIONAL CITY*

Hazard Type	Residential			Commercial		Critical Facilities	
	Exposed Population	Number of Residential Buildings	Potential Exposure Loss for Residential Buildings	Number of Commercial Buildings	Potential Exposure Loss for Commercial Buildings	Number of Critical Facilities	Potential Exposure for Critical Facilities
<b>Coastal Storm</b>	10,038	0	\$0	0	\$0	0	\$0
<b>Sea Level Rise</b>							
<b>Coastal Flooding</b>	0	0	\$0	0	\$0	8	\$90,840,000
<b>Mean Higher High Water</b>	5,019	0	\$0	0	\$0	5	\$31,450,000
<b>Dam Failure</b>	7,603	275	\$106,865,000	148	\$44,747,800	47	\$315,240,000
<b>Earthquake (Loss)</b>							
<b>(Annualized Loss - Includes shaking, liquefaction and landslide components)*</b>	2,348	491	\$245,760,727	407	\$145,641,995	11	\$147,177,250
<b>Rose Canyon M6.9 Scenario</b>	61,014	8,648	\$3,359,748,000	1,413	\$427,220,550	103	\$1,693,555,250
<b>Floods (Loss)</b>							
<b>100 Year</b>	10,693	149	\$57,901,400	139	\$42,026,650	10	\$64,800,000
<b>500 Year</b>	12,868	909	\$353,237,400	200	\$60,470,000	14	\$84,236,000
<b>Rain-Induced Landslide</b>							
<b>High Risk</b>	0	0	\$0	0	\$0	0	\$0
<b>Moderate Risk</b>	0	64	\$24,864,000	1	\$302,350	13	\$86,710,000
<b>Tsunami</b>	10,156	0	\$0	0	\$0	2	\$11,440,000
<b>Wildfire/Structure Fire</b>							

**SECTION SIX | Develop a Mitigation Strategy**

<b>High Fire Hazard</b>	0	0	\$0	0	\$0	0	\$0
<b>Very High Fire Hazard</b>	0	0	\$0	0	\$0	0	\$0

*\*Annualized earthquake analysis annualizes expected losses by averaging them per year, which factors in historical patterns of frequent smaller earthquakes with infrequent but larger events to provide a balanced representation of earthquake risk.*

## 6. SECTION SIX: Develop a Mitigation Strategy

The mitigation strategy serves as the long-term blueprint for reducing potential losses identified in the risk assessment. The mitigation strategy describes how the community will accomplish the overall purpose, or mission, of the planning process.

The mitigation strategy is made up of three main required components: mitigation goals, mitigation actions, and an action plan for implementation. These provide the framework to identify, prioritize, and implement actions to reduce risk to hazards.

**Mitigation goals** are general guidelines that explain what the community wants to achieve with the plan. They are usually broad policy-type statements that are long-term, and they represent visions for reducing or avoiding losses from the identified hazards

**Mitigation actions** are specific projects and activities that help achieve the goals.

**The action plan** describes how the mitigation actions will be implemented; including how those actions will be prioritized, administered, and incorporated into the community's existing planning mechanisms. In a multi-jurisdictional plan, each jurisdiction must have an action plan specific to that jurisdiction and its vulnerabilities.

Although not required, some communities choose to develop **objectives** to help define or organize mitigation actions. Objectives are broader than specific actions, but are measurable, unlike goals. Objectives connect goals with the actual mitigation actions

### 6.1. Mitigation Action Evaluation

Use this worksheet to help evaluate and prioritize each mitigation action being considered by the planning team. For each action, evaluate the potential benefits and/or likelihood of successful implementation for the criteria defined below.

Rank each of the criteria with a -1, 0, or 1 using the following scale:

- 1 = Highly effective or feasible
- 0 = Neutral
- -1 = Ineffective or not feasible

#### Example Evaluation Criteria:

- **Life Safety** – How effective will the action be at protecting lives and preventing injuries?
- **Property Protection** – How significant will the action be at eliminating or reducing damage to structures and infrastructure?
- **Technical** – Is the mitigation action technically feasible? Is it a long-term solution? Eliminate actions that, from a technical standpoint, will not meet the goals.

## SECTION SIX | Develop a Mitigation Strategy

- **Political** – Is there overall public support for the mitigation action? Is there the political will to support it?
- **Legal** – Does the community have the authority to implement the action?
- **Environmental** – What are the potential environmental impacts of the action? Will it comply with environmental regulations?
- **Social** – Will the proposed action adversely affect one segment of the population? Will the action disrupt established neighborhoods, break up voting districts, or cause the relocation of lower income people?
- **Administrative** – Does the community have the personnel and administrative capabilities to implement the action and maintain it or will outside help be necessary?
- **Local Champion** – Is there a strong advocate for the action or project among local departments and agencies that will support the action’s implementation?
- **Other Community Objectives** – Does the action advance other community objectives, such as capital improvements, economic development, environmental quality, or open space preservation? Does it support the policies of the comprehensive plan?

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Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community Objectives	Total Score
Local Plans and Regulations											
Goal 1: Promote disaster resistant developments for new development.											
Continue to update the General Plan periodically.	1	1	1	1	1	1	0	1	1	1	9
Continue to update the Land Use Code periodically.	1	1	1	1	1	1	0	1	1	1	9
Adopt and implement current building and fire codes per state cycle.	1	1	1	1	1	0	0	1	1	1	8
Continue to regularly adopt and implement existing building codes.	1	1	1	1	1	0	0	1	1	1	8
Encourage and improve communications between the Development Services Department and Fire Department.	1	1	1	1	1	0	0	1	1	1	8
Cross-train staff from Development Services Department and Fire on current relevant codes.	1	1	1	1	1	0	0	1	1	1	8
Review annually and update as necessary the Flood Plain Ordinance periodically.	1	0	1	1	1	1	0	1	1	1	8
Continue to update Land Use Codes periodically.	1	1	1	1	1	1	0	1	1	1	9
Implement Geographic Information System (GIS) program citywide.	0	0	1	0	1	0	0	1	1	1	5
Use GIS and Census data to plot hazard areas for new development.	1	1	1	1	1	0	0	1	1	1	8
Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community Objectives	Total Score
Education and Awareness Programs											
Goal 2: Promote public understanding, support and demand for hazard mitigation.											
Conduct workshops with Neighborhood Councils, Chamber of Commerce, interested groups, schools, individual homeowners, and business community on hazards that require advance preparedness.	1	1	1	1	1	0	0	1	1	1	8
Continue to promote disaster preparedness with the distribution of print materials or videos.	1	1	1	1	1	0	0	1	1	1	8

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Participate in workgroup activities with the County Office of Emergency Services (OES), Unified Disaster Council (UDC).	1	1	1	1	1	0	0	1	1	1	8
Participate in workgroup activities with other municipalities.	1	1	1	1	1	0	0	1	1	1	8
Participate in workgroup activities with SANDAG.	1	1	1	1	1	0	0	1	1	1	8
Participate in workgroup activities with Caltrans.	1	1	1	1	1	0	0	1	1	1	8
Conduct workshops with the Chamber of Commerce, Rotary Clubs, etc.	1	1	1	1	1	0	0	1	1	1	8
Conduct informational meetings with business owners/managers.	1	1	1	1	1	0	0	1	1	1	8
Develop method to keep community informed of progress.	1	0	1	1	1	0	0	1	1	1	7
Actively implement code enforcement for building without permits.	1	1	1	1	1	0	0	1	1	1	8
Actively implement code enforcement for hazardous occupancies in accordance with adopted codes.	1	1	1	1	1	0	0	1	1	1	8
Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community Objectives	Total Score
Goal 3: Build and support local capacity and commitment to continuously become less vulnerable to hazards.											
Update and adopt the City of National City Emergency Plan every 10 years.	1	1	1	1	1	0	0	1	1	1	8
Update and adopt the Hazard Mitigation Plan every 5 years.	1	1	1	1	1	0	0	1	1	1	8
Work with the Fire Department, Development Services Department, Community Development Department, and Police Department to develop the hazard mitigation plan.	1	1	1	1	1	0	0	1	1	1	8
Implement hazard mitigation plan recommendations.	1	1	1	1	1	0	0	1	1	1	8
Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community Objectives	Total Score
Goal 4: Improve hazard mitigation coordination and communication with federal, state and other local governments.											
Continue to work with the Chamber of Commerce, American Red Cross, County Office of Emergency Services (OES), Unified Disaster Council (UDC), and Federal Emergency Management Agency (FEMA) to develop mitigation plans.	1	1	1	1	1	0	0	1	1	1	8

**SECTION SIX | Develop a Mitigation Strategy**

Continue support/participation in regional programs to include HIRT and USAR.	1	1	1	1	1	0	0	1	1	1	8
Hold seminars to encourage organizations to take mitigation actions. This initiative can be developed in modular format to address the information needs of a range of target groups.	1	1	1	1	1	0	0	1	1	1	8
Make available a copy of the completed Hazard Mitigation Plan for the public to view.	0	1	1	1	1	0	0	1	1	1	7
Work with the Fire Department, Development Services Department, Community Development Department, and Police Department to develop hazard mitigation plan.	1	1	1	1	1	0	0	1	1	1	8
Maintain an Emergency Response Plan.	1	1	1	1	1	0	0	1	1	1	8
Schedule Emergency Response Plan Exercises.	1	1	1	1	1	0	0	1	1	1	8
Conduct on-going education programs to inform the community of pre-and post-disaster advice.	1	1	1	1	1	0	0	1	1	1	8
<b>Mitigation Action</b>	<b>Life Safety</b>	<b>Property Protection</b>	<b>Technical</b>	<b>Political</b>	<b>Legal</b>	<b>Environmental</b>	<b>Social</b>	<b>Administrative</b>	<b>Local Champion</b>	<b>Other Community Objectives</b>	<b>Total Score</b>
Structure and Infrastructure Projects											
Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.											
Conduct workshops with Neighborhood Councils, Chamber of Commerce, individual homeowners, and business community on hazards that require advance preparedness.	1	1	1	1	1	0	0	1	1	1	8
Recommend that the City retrofit the City Hall as funds become available.	1	1	1	1	1	0	0	0	1	1	7
Actively pursue grant funds and other funding sources to retrofit City Hall.	1	1	1	1	1	0	0	0	1	1	7
Maintain an Emergency Response Plan and regularly schedule Exercises with City staff.	1	1	1	1	1	0	0	1	1	1	8
Maintain search and rescue equipment deployment objectives.	1	1	1	1	1	0	0	1	1	1	8
Determine structural safety of buildings to be used for care and shelter of evacuees.	1	1	1	1	1	0	0	1	1	1	8
Create and adopt the following mandatory Ordinances to reduce the possibility of damage and losses due to earthquakes: Unreinforced Masonry Building Seismic Retrofit Ordinance,	1	1	1	1	1	0	0	0	1	1	7

## SECTION SIX | Develop a Mitigation Strategy

Pre-Northridge Steel Moment Frame Retrofit Ordinance, Non-Ductile Concrete Building Seismic Retrofit Ordinance, Soft First Story Wood Frame Seismic Building Retrofit Ordinance, Tilt-up Building Seismic Retrofit Ordinance, Wood Frame Cripple Wall Seismic Retrofit Ordinance, and "Excessive Damage" Ordinance.											
Create and adopt a back to business or building occupancy resumption program (BORP) program.	0	0	1	1	0	0	0	1	1	1	5
Adopt and implement existing building codes.	1	1	1	1	1	0	0	1	1	1	8
Conduct inspections of at-risk structures that conduct care for children, seniors, and other group homes.	1	1	1	1	1	0	0	1	1	1	8
Conduct inspections of child care facilities, senior facilities, and other facilities where occupants may be severely impacted to ensure the structures are structurally safe.	1	1	1	1	1	0	0	1	1	1	8
Conduct informational meetings with Neighborhood Councils, Chamber of Commerce, individual homeowners, and business community.	1	0	1	1	1	0	0	1	1	1	7
Implement GIS program citywide.	0	0	1	1	1	0	0	1	1	1	6
Use GIS and Census data to locate vulnerable buildings.	1	0	1	1	1	0	0	1	1	1	7
Create a Vulnerable Building Inventory list.	1	1	1	1	1	0	0	0	1	1	7
Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community Objectives	Total Score
Goal 6: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to floods.											
Maintain Flood Retrofitting for Residential Structures.	1	1	0	1	0	1	0	0	0	1	5
Maintain Storm Water System in Operable Conditions.	1	1	1	1	1	1	0	1	1	1	9
Reduce Impervious Surfaces through implementation of a landscape ordinance that encroaches previous site design.	1	1	1	1	1	1	0	0	1	1	8
Maintain and update a city-wide Evacuation Plan.	1	0	1	1	1	0	0	1	1	1	7
Maintain search and rescue equipment deployment objectives.	1	0	1	1	1	0	0	1	1	0	6
Continue to participate in the National Flood Insurance Program and requirement to review applications for	1	1	1	0	1	0	0	1	0	1	6



**SECTION SIX | Develop a Mitigation Strategy**

conformance with NFIP standards.											
Maintain adequate materials to disperse to the public for installing water barriers when necessary.	1	1	1	1	1	0	0	1	1	1	8
Construct detention basins when necessary and review new development for adequate design features.	1	1	1	1	1	1	0	1	1	1	9
Regularly participate in workgroup activities with the County.	1	1	1	1	1	0	0	1	1	1	8
Regularly participate in workgroup activities with the Caltrans.	1	1	1	1	1	0	0	1	1	1	8
Regularly participate in workgroup activities with the other municipalities.	1	1	1	1	1	0	0	1	1	1	8
Prepare and implement Best Management Practices for all new development.	1	1	1	1	1	1	0	1	1	1	9
Schedule Flood Mitigation and recovery Interactive Exercises.	1	1	1	1	1	1	0	1	1	1	9
Identify and prioritize critical facilities within dam inundation zones.	1	1	1	1	1	1	0	1	1	1	9
Update plans/data periodically to adequately represent vulnerable populations.	1	0	1	1	1	0	0	1	1	1	7
Conduct survey of assets within dam inundation areas.	1	1	1	1	1	0	0	1	1	1	8
Update GIS maps that identify the dam inundation zones.	1	1	1	1	1	0	0	1	1	1	8
<b>Mitigation Action</b>	<b>Life Safety</b>	<b>Property Protection</b>	<b>Technical</b>	<b>Political</b>	<b>Legal</b>	<b>Environmental</b>	<b>Social</b>	<b>Administrative</b>	<b>Local Champion</b>	<b>Other Community Objectives</b>	<b>Total Score</b>
Goal 7: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to structural fire/wildfire.											
Regularly maintain a Fire Prevention Program.	1	1	1	1	1	0	0	1	1	1	8
Regularly maintain a Pre-Fire Plan Program.	1	1	1	1	1	0	0	1	1	1	8
Regularly maintain a Fire Suppression Program.	1	1	1	1	1	0	0	1	1	1	8
Assess staffing levels of Fire Prevention Staff and increase as appropriate.	1	1	1	1	1	0	0	1	1	1	8
Develop a Housing Inspection Program and routinely conduct housing inspections of homes over 50 years old.	1	1	0	0	0	0	0	0	0	1	3
Conduct a Housing Outreach Program.	1	1	0	0	0	0	0	0	1	1	4
Maintain/update all Arson Registrants with required registration and conditions of probation or parole.	1	1	1	1	1	0	0	1	1	1	8
Maintain response times, pumping capacity and apparatus and equipment deployment objectives.	1	1	1	1	1	0	0	1	1	1	8

**SECTION SIX | Develop a Mitigation Strategy**

Annually assess staffing levels and ensure adequate staffing is available to meet fire suppression objectives.	1	1	1	1	1	0	0	1	1	1	8
Maintain standard operating procedures for fire ground operations.	1	1	1	1	1	0	0	1	1	1	8
Conduct annual wildland fire fighting and ICS training to ensure operational readiness.	1	1	1	1	1	0	0	1	1	1	8
Identify and work to eliminate non-fire resistant roofs.	1	1	0	0	0	0	0	0	0	1	3
Install automatic fire detection and extinguishing systems in buildings according to adopted codes.	1	1	1	1	0	0	0	0	1	1	6
Maintain mutual/auto aid agreements with neighboring municipalities.	1	1	1	1	1	0	0	1	1	1	8
Maintain an inspection process to ensure buildings are constructed in accordance with adopted codes.	1	1	1	1	1	0	0	1	1	1	8
Conduct evacuation drills in high rise buildings.	1	1	0	0	0	0	0	0	1	1	4
Maintain/update all Arson Registrants with required registration and conditions of probation or parole.	1	1	1	1	1	0	0	1	1	1	8
Implement GIS program citywide.	0	0	1	1	1	0	0	1	1	1	6
Use GIS and Census data to locate vulnerable buildings.	1	0	1	1	1	0	0	1	1	1	7
Mitigation Action	Life Safety	Property Protection	Technical	Political	Legal	Environmental	Social	Administrative	Local Champion	Other Community Objectives	Total Score
Goal 8: Reduce the possibility of damage and losses to existing assets, particularly people and businesses, due to tsunami.											
Clearly identify potential tsunami prone areas.	1	1	1	1	1	0	0	1	1	1	8
Review the Tsunami Evacuation Playbook periodically to ensure efficient notification protocols.	1	0	1	1	1	0	0	1	1	1	7
Enforce regulatory measures related to development within 100-year flood plain.	1	1	1	1	1	0	0	1	1	1	8
Periodically review the City's compliance with NFIP regulations, as resources become available.	1	1	1	1	1	0	0	1	1	1	8
Restrict ability to re-build, unless mitigation measures to avoid repeat losses are taken.	1	1	1	1	1	0	0	1	1	1	8
Work with regional agencies, (OES, UDC, SanGIS) to accurately map the tsunami inundation maps.	1	1	1	1	1	0	0	1	1	1	8
Share and train with acquired information with all City departments and personnel.	1	0	1	1	1	0	0	1	1	1	7

**SECTION SIX | Develop a Mitigation Strategy**

Continue to coordinate with neighboring jurisdictions on joint training opportunities between staffs.	1	0	1	1	1	0	0	1	1	1	7
<b>Mitigation Action</b>	<b>Life Safety</b>	<b>Property Protection</b>	<b>Technical</b>	<b>Political</b>	<b>Legal</b>	<b>Environmental</b>	<b>Social</b>	<b>Administrative</b>	<b>Local Champion</b>	<b>Other Community Objectives</b>	<b>Total Score</b>
Natural Systems Protection											
Goal 9: Reduce the possibility of damage and losses to people, facilities/infrastructure, publicly owned facilities and other assets due to extreme heat and drought.											
Encourage residents to adopt drought tolerant landscaping or xeriscape practices.	0	0	1	1	1	1	0	1	1	1	7
Organize outreach to vulnerable populations.	1	1	1	1	1	0	0	1	1	1	8
Provide educational materials on severe weather and mitigation strategies on the City website and through all forms of social media.	1	1	1	1	1	0	0	1	1	1	8
Link vulnerable populations to resources such as cooling centers and transportation services in order to reduce losses in the face of drought or extreme heat.	1	0	1	1	1	0	0	1	1	1	7
Continue to participate in the National Weather Service StormReady Program.	1	0	1	1	1	0	0	1	1	1	7
Implement water efficiency upgrades at municipal buildings, parks and publicly owned facilities.	0	0	1	1	1	1	0	1	1	1	7
<b>Mitigation Action</b>	<b>Life Safety</b>	<b>Property Protection</b>	<b>Technical</b>	<b>Political</b>	<b>Legal</b>	<b>Environmental</b>	<b>Social</b>	<b>Administrative</b>	<b>Local Champion</b>	<b>Other Community Objectives</b>	<b>Total Score</b>
Goal 10: Reduce the possibility of damage and losses to existing assets, including people, critical facilities/infrastructure and public facilities due to manmade hazards.											
Maintain a Fire Prevention Program to insure Hazardous Occupancies are in accordance with adopted codes.	1	1	1	1	1	0	0	1	1	1	8
Maintain a Hazardous Materials Zoning Ordinance.	1	1	1	1	1	0	0	1	1	1	8
Maintain a Pre-Fire Plan Program.	1	1	1	1	1	0	0	1	1	1	8
Maintain a Fire Suppression Program.	1	1	1	1	1	0	0	1	1	1	8
Maintain an evacuation plan.	1	1	1	1	1	0	0	1	1	1	8
Maintain search and rescue equipment deployment objectives.	1	1	1	1	1	0	0	1	1	1	8
Work with the Regional Terrorism Threat Assessment Center (RTTAC) and the Joint Terrorism Task Force (JTTF) and the Anti-Terrorism Advisory Council (ATAC).	1	1	1	1	1	0	0	1	1	1	8

**SECTION SIX | Develop a Mitigation Strategy**

Maintain Camera/Card Access Program in City buildings.	1	1	1	1	1	0	0	1	1	1	8
Develop and Implement policies to alert all public service agencies as to the nature of the problem, exact location and extent of damage.	1	1	1	1	1	0	0	1	1	1	8
Develop and Implement policies to provide perimeter control for affected area and prevent entry of unauthorized personnel into the hazard area.	1	1	1	1	1	0	0	1	1	1	8
Develop and Implement policies to direct the placement of barricades and traffic control devices.	1	1	1	1	1	0	0	1	1	1	8
Participate in the Regional Training and Exercise Program.	1	1	1	1	1	0	0	1	1	1	8
Establish procedures for processing requests for information about emergency response plans, material safety data sheets and the list of extremely hazardous substances.	1	1	1	1	1	0	0	1	1	1	8
Continue informational Neighborhood Watch meetings.	1	1	1	1	1	0	0	1	1	1	8
Maintain a working relationship with the Metropolitan Medical Strike Team (MMST) to coordinate specialized immediate response, mitigation and recovery operations at the incident scene.	1	1	1	1	1	0	0	1	1	1	8
Maintain and agreement with County HIRT.	1	1	1	1	1	0	0	1	1	1	8
Work with ATAC.	1	1	1	1	1	0	0	1	1	1	8
Implement GIS program citywide.	1	1	1	1	1	0	0	1	1	1	8
Use GIS and U.S. Census data to identify facilities and transportation situations that have the potential for causing injury to life, property and environment.	1	1	1	1	1	0	0	1	1	1	8

*TABLE 135: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 6.1 DATA.*

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### 6.2. Mitigation Action Implementation

A mitigation action is a specific action, project, activity, or process taken to reduce or eliminate long-term risk to people and property from hazards and their impacts. Implementing mitigation actions helps achieve the plan’s mission and goals. The actions to reduce vulnerability to threats and hazards form the core of the plan and are a key outcome of the planning process. This annex details the following mitigation action implementations:

#### 6.2.1. Promote disaster resistant new developments

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Incorporate mitigation actions into the General Plan. <b>Goal 1: Promote disaster resistant developments for new development.</b>
Background/Issue:	The City has updated the General Plan periodically, but mitigation actions seem to be lacking in the plan.
Ideas for Integration:	Improve communications between the Development Services Department and Fire Department regarding current building and fire codes.
Responsible Agency:	National City Fire Department
Partners:	National City Development Services Department
Potential Funding:	General Fund
Cost Estimate:	Unknown
Benefits: (Losses Avoided)	<p>The benefits include:</p> <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	Low
Worksheet Completed by:	Walter Amedee, National City Fire Department

#### 6.2.2. Promote hazard mitigation

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Educate the public to increase awareness of hazards and opportunities for mitigation actions. <b>Goal 2: Promote public understanding, support and demand for hazard mitigation.</b>
Background/Issue:	The City has provided disaster preparedness classes, but promoting mitigation actions that can be accomplished before a disaster such as an earthquake seem to be lacking.
Ideas for Integration:	Conduct disaster preparedness workshops with homeowners and business community members on mitigation actions that require advance preparedness.
Responsible Agency:	National City Fire Department
Partners:	
Potential Funding:	General Fund
Cost Estimate:	Unknown
Benefits: (Losses Avoided)	<p>The benefits include:</p> <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	Medium

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Worksheet Completed by:	Walter Amedee, National City Fire Department
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### *6.2.3. Build and support local capacity and commitment to continuously become less vulnerable to hazards*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Develop a hazard mitigation plan and increase awareness/knowledge to implement hazard mitigation actions. <b>Goal 3: Build and support local capacity and commitment to continuously become less vulnerable to hazards.</b>
Background/Issue:	The City has developed and adopted a hazard mitigation plan, but promoting mitigation actions that can be accomplished seems to be lacking.
Ideas for Integration:	Conduct disaster preparedness workshops with homeowners and business community members on mitigation actions that require advance preparedness.
Responsible Agency:	National City Fire Department
Partners:	
Potential Funding:	General Fund
Cost Estimate:	Unknown
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>Promoting hazard mitigation actions that reduce property loss</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### *6.2.4. Improve hazard mitigation coordination and communication*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Work with the County Office of Emergency Services (OES), CalOES, and Federal Emergency Management Agency (FEMA) to develop mitigation actions. <b>Goal 4: Improve hazard mitigation coordination and communication with federal, state and other local governments.</b>
Background/Issue:	The City has developed and adopted a hazard mitigation plan, but promoting mitigation actions that can be accomplished seems to be lacking.
Ideas for Integration:	Conduct disaster preparedness workshops with homeowners and business community members on mitigation actions that require advance preparedness.
Responsible Agency:	National City Fire Department
Partners:	
Potential Funding:	General Fund
Cost Estimate:	Unknown
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>Promoting hazard mitigation actions that reduce property loss</li> </ul>
Timeline:	September 2022-September 2027
Priority:	Medium
Worksheet Completed by:	Walter Amedee, National City Fire Department

### *6.2.5. Reduce the possibility of damage and losses due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create and adopt a Cripple Wall Building Seismic Retrofit Ordinance to reduce the possibility of damage and losses due to earthquakes. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>

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Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of Cripple Wall buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees, and pedestrians is minimized.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and American Rescue Plan Act (ARPA) funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	For crawl space area to bolt frame to foundation and reinforce cripple walls: \$2000 - \$5000; for sheer walling anchors & drywalling: \$10 - \$12 per sq. ft.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### *6.2.6. Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create and adopt a Non-Ductile Concrete Building Seismic Retrofit Ordinance to reduce the possibility of damage and losses due to earthquakes. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of Cripple Wall buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees, and pedestrians is minimized.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and American Rescue Plan Act (ARPA) funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	For crawl space area to bolt frame to foundation and reinforce cripple walls: \$2000 - \$5000; for sheer walling anchors & drywalling: \$10 - \$12 per sq. ft.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>

### *6.2.7. Promote public understanding for hazard mitigation*

### *6.2.8. Reduce the possibility of damage and losses due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create and adopt a Soft First Story Building Seismic Retrofit Ordinance to reduce the possibility of damage and losses due to earthquakes. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a

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Jurisdiction:	City of National City
Mitigation Action/Project Title:	Conduct workshops with residential and commercial building owners on hazards that require advance preparedness to reduce the possibility of damage and losses due to earthquakes. <b>Goal 2: Promote public understanding, support and demand for hazard mitigation.</b>
Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of Non-Ductile Concrete buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees and pedestrians is minimized.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	Not applicable.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department
	comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of Soft First Story buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees and pedestrians is minimized.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	\$5,000 - \$7,000 per parking space for tuck under parking.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.9. Reduce the possibility of damage and losses due to earthquakes

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create and adopt a Steel Moment Frame Building Seismic Retrofit Ordinance to reduce the possibility of damage and losses due to earthquakes. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of Steel Moment Frame buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees and pedestrians is minimized.



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Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	Consult with an engineer to inspect and determine recommendation.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.10. *Reduce the possibility of damage and losses due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create and adopt a Tilt-up Building Seismic Retrofit Ordinance to reduce the possibility of damage and losses due to earthquakes. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of Tilt-up buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees and pedestrians is minimized.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	1,000 - 10,000 sq.ft. - \$3.50 - \$10 (per sq.ft.) 10,000 - 50,000 sq.ft. - \$2.50 (per sq.ft.) 50,000 - 100,000 sq.ft (or larger) - \$1.30 (per sq.ft)
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.11. *Reduce the possibility of damage and losses due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create and adopt an Unreinforced Masonry (URM) Building Seismic Retrofit Ordinance to reduce the possibility of damage and losses due to earthquakes. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Ordinance that will make building owners responsible for seismic retrofits.
Ideas for Integration:	Convince owners of URM buildings that they are responsible to ensure that damage to their structures, as well as death and injury to family, tenants, employees and pedestrians is minimized.
Responsible Agency:	City Manager's Office

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Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	\$2 - \$5 per sq.ft. These costs do not include engineering or inspection costs.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.12. *Reduce the possibility of damage and losses due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Conduct seismic analysis of public facilities, retrofit City Hall as funds become available, and actively pursue funding sources to complete the work. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has had an analysis conducted for the seismic retrofit of City Hall, but at a cost of \$2 million it is very expensive.
Ideas for Integration:	Pursue hazard mitigation grant funds to reduce the cost to the General Fund.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department National City Engineering Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to reduce the cost to the General Fund for the seismic retrofit project.
Cost Estimate:	\$2,000,000.00
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.13. *Reduce the possibility of damage and losses due to earthquakes*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Create a Vulnerable Building Inventory list. <b>Goal 5: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to earthquakes.</b>
Background/Issue:	The City has begun to develop a Vulnerable Building Inventory list. The list currently identifies Soft Story Buildings that were built prior to 1980.
Ideas for Integration:	Convince owners of vulnerable buildings that they are responsible to ensure damage to their structures, as well as death and injury to family, tenants, employees and pedestrians is minimized.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	Assembly Bill 1721 (Rodriguez) and ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.
Cost Estimate:	Not applicable.

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Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.14. *Reduce the possibility of damage and losses due to floods*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Acquire homes and businesses in a flood hazard area. <b>Goal 6: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to floods</b>
Background/Issue:	The City has had a few businesses that have suffered repeat flood damage.
Ideas for Integration:	Convince owners of vulnerable buildings that it is in their best interest to Convince.
Responsible Agency:	City Manager's Office
Partners:	National City Fire Department
Potential Funding:	General fund.
Cost Estimate:	Unknown.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	Low
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.15. *Reduce the possibility of damage and losses due to structural fire/wildfire*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Install smoke detectors and provide gas shutoff valves to homeowners. <b>Goal 7: Reduce the possibility of damage and losses to existing assets, particularly people and critical facilities/infrastructure due to structural fire/wildfire.</b>
Background/Issue:	The City has actively installed free smoke detectors and provided gas shutoff valves to homeowners.
Ideas for Integration:	Convince homeowners of vulnerable buildings that it is in their best interest to install smoke detectors and obtain a gas shutoff valve to protect their home.
Responsible Agency:	National City Fire Department
Partners:	National City CERT American Red Cross San Diego Burn Institute
Potential Funding:	General fund.
Cost Estimate:	Unknown.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>

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Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.16. *Reduce the possibility of damage and losses due to tsunami*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Clearly identify potential tsunami prone areas and review the Tsunami Evacuation Playbook periodically to ensure efficient notification protocols. <b>Goal 8: Reduce the possibility of damage and losses to existing assets, particularly people and businesses, due to tsunami.</b>
Background/Issue:	The City has received updated tsunami inundation maps periodically, but the maps no longer show much of a danger to critical infrastructure.
Ideas for Integration:	Train staff regarding tsunami emergency notification protocols.
Responsible Agency:	National City Fire Department
Partners:	County Office of Emergency Services
Potential Funding:	General fund.
Cost Estimate:	Unknown.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	Low
Worksheet Completed by:	Walter Amedee, National City Fire Department

### 6.2.17. *Reduce the possibility of damage and losses due to extreme heat and climate change*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Retrofit buildings to make them more energy efficient; adopt renewable energy sources like solar; help develop more sustainable transportation such as bus rapid transit and electric vehicles; and promote more sustainable land use. <b>Goal 9: Reduce the possibility of damage and losses to people, facilities/infrastructure, publicly owned facilities and other assets due to extreme heat and climate change.</b>
Background/Issue:	The City needs to continue to update its “Best Management Practice Design Manual” for all new development and existing construction to incorporate mitigation actions to combat climate change.
Ideas for Integration:	Pursue best practices for mitigation actions to combat climate change.
Responsible Agency:	National City Fire Department
Partners:	City Manager’s Office
Potential Funding:	General fund.
Cost Estimate:	Unknown.
Benefits: (Losses Avoided)	The benefits include: <ul style="list-style-type: none"> <li>• Reduced risk of personal injury and death</li> <li>• Reduced risk of property damage</li> <li>• Reduced risk of litigation and liability</li> <li>• Reduced insurance costs</li> <li>• Improves the value and marketability of the building</li> </ul>
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

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*6.2.18. Reduce the possibility of damage and losses due to manmade hazards*

Jurisdiction:	City of National City
Mitigation Action/Project Title:	Cooperate with regional stakeholders, to further develop and improve Chemical, Biological, Nuclear, Radiological, Terrorism and Explosive (CBRNE) capabilities to detect, identify and render safe CBRNE threats throughout the City and maintain an agreement with Hazardous Incident Response Team (HIRT) for hazardous materials response. <b>Goal 10: Reduce the possibility of damage and losses to existing assets, including people, critical facilities/infrastructure and public facilities due to <u>manmade hazards</u></b>
Background/Issue:	The City needs to continue to participate in information sharing, grant purchases for equipment, and maintain an agreement with HIRT for emergency response to hazardous materials.
Ideas for Integration:	Pursue grant funding to maintain emergency response capabilities to detect, identify, and render safe CBRNE threats and hazardous materials incidents.
Responsible Agency:	National City Fire Department
Partners:	National City Police Department
Potential Funding:	General fund.
Cost Estimate:	Unknown.
Benefits: (Losses Avoided)	The benefits include the reduction of loss of life due to terrorism or hazardous materials spills.
Timeline:	September 2022-September 2027
Priority:	High
Worksheet Completed by:	Walter Amedee, National City Fire Department

## 7. SECTION SEVEN: Keep the Plan Current

Hazard Mitigation Plan maintenance is the process the planning team establishes to track the plan's implementation progress and to inform the plan update. The plan must include a description of the method and schedule for monitoring, evaluating, and updating it within a 5-year cycle. These procedures help to:

- Ensure that the mitigation strategy is implemented according to the plan.
- Provide the foundation for an ongoing mitigation program in the City.
- Standardize long-term monitoring of hazard-related activities.
- Integrate mitigation principles into community officials' daily job responsibilities and department roles.
- Maintain momentum through continued engagement and accountability in the plan's progress.

Hazard Mitigation Plan updates provide the opportunity to consider how well the procedures established in the previously approved plan worked and revise them as needed. This annex is part of the most recent *San Diego County Multi-Jurisdictional Hazard Mitigation Plan* update. The plan was last updated in 2018. See the *San Diego County Multi-Jurisdictional Hazard Mitigation Plan* for more information.

### 7.1. Incorporation of the Plan

The information contained within this plan will be used by the City to help inform, update, and develop local plans, programs, and policies. The City's Engineering/Public Works Department may use the hazard information when implementing street, sewer, solid waste, water, wastewater reclamation, and environmental projects that are part of the City's Capital Improvement Program. For example, the City has had several storm drain projects underway or completed within the last 5-year period.

Similarly, the City's Neighborhood Services Department to include the Building, Planning, and Community Development Divisions may utilize the hazard information when completing the comprehensive update to the City's General Plan. The natural hazard information can directly inform about the potential impacts from flooding, extreme temperature, drought, and severe weather hazards, including how climate change may increase the threat and how the City can build long-term resiliency. The City's Economic Development Department can also use the hazard information when reviewing a site plan or other types of development applications. The City will also incorporate this MJHMP Annex into the Safety Element of the General Plan update.

### 7.2. Incorporation of Existing Planning Mechanisms

Another important implementation mechanism that is highly effective and low-cost is the incorporation of the hazard mitigation plan recommendations and their underlying principles into

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other jurisdictional plans and mechanisms. Mitigation is most successful when it is incorporated into the day-to-day functions and priorities of government and development. The mitigation plan can be considered as the hub of a wheel with spokes radiating out to other related planning mechanisms that will build from the information and recommendations contained herein. Properly implemented, the MJHMP should serve as one of the foundational documents of National City's emergency management programs, since everything emergency management should relate back in one way or another to the hazards the city faces.

As stated in Section 7.1 above, implementation through existing plans and/or programs is recommended wherever possible. Based on this Plan's capability assessment and progress made on mitigation actions noted in Section 7.3, National City can continue to implement policies and programs to reduce losses to life and property from natural and human-caused hazards. The Planning Team will be responsible for integrating the data, goals and objectives, and other elements of this Plan into other plans, as appropriate.

The following sections provides some guidance on how National City may use the updated MJHMP to inform and improve other plans, procedures, and programs.

### *7.2.1. General Plan*

National City's General Plan is the citywide "blueprint" document that guides future growth and investments. Key topics include housing, land use, transportation, safety, and climate change. The City is currently in the final stages of conducting a Focused General Plan Update and a Climate Action Plan Update. The General Plan serves as the guiding document for achieving the community's vision for the future. The General Plan was last updated in 2011. Since then new state legislation and other regional and local changes have taken place. The Focused General Plan Update will provide residents and businesses the opportunity to shape the future direction of the City.

The elements of the General Plan that are being updated are: Land Use and Community Character, Circulation (Transportation), Safety, and Housing Element. The City's Climate Action Plan is included in the update, as well. Climate Action Plans are comprehensive roadmaps that outline the specific activities an agency will undertake to reduce greenhouse gas emissions (GHGs). The integration of land use, transportation, and housing is important in the strategy of GHG reduction, which is why the City is taking a wholistic approach in updating these elements in conjunction with updating the Climate Action Plan.

Public input was solicited through the summer 2022 with final adoption expected in the spring 2023. The General Plan references the MJHMP to help guide future development.

### *7.2.2. Response Plans*

National City has an emergency operations plans (EOP). While the EOP is an all hazards document, it also contains hazard-specific information and concerns. Hazard information from this MJHMP update will be incorporated into the next EOP update. At a minimum, all high significance hazards identified in this Plan should be addressed in future EOP updates. Several other operational or functional response plans are also influenced by information contained in the MJHMP. These plans include but are not limited to:

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- **Damage Assessment Plan:** A review of the vulnerability and estimated losses detailed in the hazard profiles can help identify what areas to initially prioritize following a hazard event. Similarly, a review of this Plan can help identify what critical facilities need to be assessed following a hazard event.
- **Debris Management Plan:** HAZUS reports conducted for earthquake scenarios include an estimate of how many tons of debris would likely be generated by those scenarios. These estimates can be used as bounding limits for how much and what type of debris generation is likely to be required, as well as what areas are most likely to see heavy debris generations.
- **Evacuation & Sheltering Plan:** A review of the vulnerability and estimated losses detailed in the hazard profiles can help identify what areas are more likely to need evacuation in different hazard scenarios. This Plan can help identify not only how many people would potentially be impacted by disasters, but how many are likely to need assistance with transportation, special medical or sheltering needs, etc. This review can also help evaluate the impacts of multiple or cascading hazards, so that evacuees are not relocated into an area that puts them at risk from other hazards.

### *7.2.3. Recovery Plan*

The risk and vulnerability data in the MJHMP should help inform the post-disaster recovery planning process, especially by ensuring that the recovery elements of those plans fully take into account the dangers posed by other hazards, rather than focusing exclusively on the most recent hazard event. The MJHMP in turn will be revisited during recovery to help identify opportunities to incorporate mitigation in the recovery and rebuilding process, including maximizing FEMA PA (including Section 406 mitigation funding) and HMGP funding where applicable.

### *7.2.4. Continuity of Operations Plan (COOP)*

Many local governments are required to maintain a Continuity of Operations Plan (COOP) that details that agency's critical functions and how to protect those functions in order to continue to provide essential services during a disaster or interruption. By defining and describing the hazards facing the City, including frequency and severity, the MJHMP informs COOP plans by giving context to what types of disasters or interruptions are most likely to occur. Critical facilities and assets located in hazard areas should be prioritized for COOP planning.

### *7.2.5. Training and Exercise Plan*

Training on hazard mitigation principles and procedures should be included in the City's training and exercise plan. Any training and exercise needs identified in the Capability Assessment (Chapter 4) and Mitigation Strategy (Chapter 6) should be included in the City's training and exercise planning.



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### 7.2.6. Public Awareness and Education Program

The City’s ongoing public education and outreach efforts should reflect the hazards and vulnerabilities described in this MJHMP. In addition to preparing for disasters, public education should include ways in which the public can reduce their vulnerability to natural and human caused hazards. Furthermore, mitigation activities and success stories should be communicated to the public to show the benefits of effective mitigation planning.

### 7.3. Mitigation Action Progress

Plan monitoring means tracking the implementation of the plan over time. The plan must identify how, when, and by whom the plan will be monitored. For the City, Walter Amedee monitored the mitigation action progress. A review of the 2018 update of the Hazard Mitigation Plan discovered that most of the mitigation actions were accomplished during the 5-year cycle. The review process for tracking the progress of mitigation actions will begin another 5-year cycle upon adoption of this Hazard Mitigation Plan.

#### 7.3.1. Mitigation Action Progress Report Forms

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to update the General Plan periodically./Objective 1.A: <i>Continue to address natural hazards in future general plan updates.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The General Plan was last updated in 2011. Since then new state legislation and other regional and local changes had taken place. The Focused General Plan Update was conducted to provide residents and businesses the opportunity to shape the future direction of the City. The elements of the General Plan that were updated are: Land Use and Community Character, Circulation (Transportation), Safety, Housing Element, and Climate Action Plan. The City Council updated/adopted the Plan on August 3, 2021.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to update the Land Use Code periodically./Objective 1.A: <i>Continue to address natural hazards in future general plan updates.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The Land Use Code (LUC) is the City's zoning code (Municipal Code Title 18 Zoning), which establishes regulations for the use and development of land. The LUC implements the broad policies of the General Plan by specifying the kinds and types of uses permitted on each parcel of land, the intensity of development allowed, and standards for development such as setbacks, lot coverage, parking, and building heights. The General Plan was last updated in 2011. Since then new state legislation and other regional and local changes had taken place. The Focused General Plan Update was conducted to provide residents and businesses the opportunity to shape the future direction of the City. The elements of the General Plan that were updated are: Land Use and Community Character, Circulation (Transportation), Safety, Housing Element, and Climate Action Plan. The City Council updated/adopted the Plan on August 3, 2021.</u></p>	

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	<p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Adopt and implement current building and fire codes per state cycle./Objective 1.A: Encourage and facilitate the adoption of building codes for new development and renovation that will protect these assets and new development in hazard areas.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The 2019 California Fire Code was introduced/adopted by the City Council on December 3, 2019.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to regularly adopt and implement existing building codes./Objective 1.B: Encourage and facilitate the adoption of building codes for new development and renovation that will protect these assets and new development in hazard areas.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The 2019 California Building Code; the 2019 California Electrical code and 2017 National Electrical Code; the 2019 California Energy Code; Appendix J of the 2019 California Building Code, and Amending Chapter 15.70 (Grading) of the National City Municipal Code; the 2019 California Green Code; the 2019 California Mechanical Code; the 2019 California Plumbing Code; and the 2019 California Residential Code and all Appendices related to these Codes were introduced/adopted by the City Council on December 3, 2019.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Encourage and improve communications between the Development Services Department and Fire Department./Objective 1.C: Continue to implement National City land use code and enforce building codes.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The Development Services Department is now a one-stop-shop for private development projects that includes the Fire Department. Previously, the Public Works/Engineering Department were down the hall separated from the Building, Planning, and Fire Departments. Now, all the departments are situated in the same area to facilitate communication regarding customer requests. The department handles everything from construction permits and serves to address violations of the City ordinances related to land use and development. The adjustment was made back in 2020.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a</u></p>	

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	<p><u>unique challenge to facilitating customer service. Consistent with official public health guidance, customer service activities were shifted to one-stop shop methods of processing requests.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Cross-train staff from Development Services Department and Fire on current relevant codes./ <i>Objective 1.C: Continue to implement National City land use code and enforce building codes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The Development Services Department is now a one-stop-shop for private development projects that includes the Fire Department. Previously, the Public Works/Engineering Department were down the hall separated from the Building, Planning, and Fire Departments. Now, all the departments are situated in the same area to facilitate cross-training of staff on current relevant codes. The department handles everything from construction permits and serves to address violations of the City ordinances related to land use and development. The adjustment was made back in 2020.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating customer service. Consistent with official public health guidance, customer service activities were shifted to one-stop shop methods of processing requests.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Review annually and update as necessary the Flood Plain Ordinance periodically./ <i>Objective 1.D: Encourage future development that incorporates planning that will not exacerbate hazardous conditions.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City reviews annually and updates as necessary the Flood Plain Ordinance periodically. The Ordinance is under <a href="#">Chapter 18-29 – OVERLAY ZONES 18.29.070 Floodway (-FW), Floodway Fringe (-FF-1), and Floodway Fringe-Shallow Flooding (-FF-2) Zones</a>. The Ordinance is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to update Land Use Codes periodically./ <i>Objective 1.D: Encourage future development that incorporates planning that will not exacerbate hazardous conditions.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The Land Use Code (LUC) is the City's zoning code (Municipal Code Title 18 Zoning), which establishes regulations for the use and development of land. The LUC implements the broad policies of the General Plan by specifying the kinds and types of uses permitted on each parcel of land, the intensity of development allowed, and standards for development such as setbacks, lot coverage, parking, and building heights. The General Plan was last updated in 2011. Since then new state legislation and other regional and local changes had taken place. The Focused General Plan Update was conducted to provide residents and businesses the opportunity to shape the future direction of the City. The elements of the General Plan that were updated are: Land Use and Community Character, Circulation (Transportation), Safety, Housing</u></p>	

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	<p><u>Element, and Climate Action Plan. The City Council updated/adopted the Plan on August 3, 2021.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Implement Geographic Information System (GIS) program citywide./ <i>Objective 1.E: Consider appropriate zoning that will limit future development in hazard areas.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>National City's Zoning Ordinance is set-out in Chapter 18 of the Municipal Code. Specific zones define the distribution of residential, commercial, industrial, open space, and other zones based on the pattern of land uses established by the General Plan. Geographic Information System (GIS) maps were used extensively to develop and maintain the specific zones.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Use GIS and Census data to plot hazard areas for new development./ <i>Objective 1.E: Consider appropriate zoning that will limit future development in hazard areas.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>Geographic Information System (GIS) maps and Census data were used extensively to develop and maintain the specific hazard zones for new development.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, starting in mid-March 2020, each household began receiving correspondence in the mail from the U.S. Census Bureau informing them of the options for filling out the Census questionnaire, including online, by phone, or by a requested paper form.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct workshops with Neighborhood Councils, Chamber of Commerce, interested groups, schools, individual homeowners, and business community on hazards that require advance preparedness./ <i>Objective 2.A: Educate the public to increase awareness of hazards and opportunities for mitigation actions.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>We offer a variety of fire prevention classes to the public for free to include various topics such as:</u>  <u>Dial 9-1-1Public Education session</u>  <u>Using a Fire Extinguisher</u>  <u>Installing Smoke Alarms</u>  <u>E.D.I.T.H. – Exit Drills In The HOME</u>  <u>Fire Extinguisher Training</u>  <u>Juvenile Firesetter Counseling</u>  <u>Vial of Life Program</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to promote disaster preparedness with the distribution of print materials or videos./ <i>Objective 2.A: Educate the public to increase awareness of hazards and opportunities for mitigation actions.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>Prior to the pandemic, our Community Emergency Response Teams (CERT) were active in promoting disaster preparedness with the distribution of print materials. After the pandemic, most of the education has been provided via the City’s website, online classes, and videos.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Participate in workgroup activities with the County Office of Emergency Services (OES), Unified Disaster Council (UDC)./ <i>Objective 2.B: Promote partnerships between the state, counties and other local governments to identify, prioritize and implement mitigation actions.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the workgroup activities with the County Office of Emergency Services (OES), Unified Disaster Council. We have attended the bi-monthly meetings, grant appropriation meetings, exercise development meetings, etc. After the pandemic, most of the meetings have been over to virtual platforms with no issues.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Participate in workgroup activities with other municipalities./Objective 2.B: Promote partnerships between the state, counties and other local governments to identify, prioritize and implement mitigation actions.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the Emergency Manager workgroup activities with other municipalities. We have attended the monthly meetings to discuss various emergency management topics of interest; e.g. grants, exercises, plans, etc. After the pandemic, most of the meetings have been over to the virtual platforms with no issues.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Participate in workgroup activities with SANDAG./Objective 2.B: Promote partnerships between the state, counties and other local governments to identify, prioritize and implement mitigation actions.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the workgroup activities with SANDAG. We have attended the monthly meetings that provide the public forum and decision point for significant regional issues such as growth, transportation, environmental management, housing, open space, air quality, energy, fiscal management, economic development, and criminal justice. Association Directors establish policies, adopt plans, allocate transportation funds, and develop programs for regional issues which are used by local governments as well as other public and private organizations. After the pandemic, most of the meetings have been over to virtual platforms with no issues.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Participate in workgroup activities with Caltrans./Objective 2.B: Promote partnerships between the state, counties and other local governments to identify, prioritize and implement mitigation actions.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the workgroup activities with CalTrans. We have attended the CalTrans gatherings of transit agency staff around specific topics to facilitate the open exchange of questions and experiences. These groups meet online once a quarter. These sessions typically include a peer presentation on a topic selected by the participants in advance. CalTrans staff and consultants facilitate the meetings, present relevant updates on the CalTrans project, and document and bring relevant issues that are raised into CalTran's road map.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings</u></li> </ol>	

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	<u>were shifted from in-person events to virtual platforms.</u>
	3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u>

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct workshops with the Chamber of Commerce, Rotary Clubs, etc./ <i>Objective 2.C: Promote hazard mitigation in the business community.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City has conducted workshops with the Chamber of Commerce regarding disaster preparedness to include creating a disaster preparedness kit, developing business continuity plans, and provided ARPA grant funding to assist with recovery from the COVID-19 pandemic.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct informational meetings with business owners/managers./ <i>Objective 2.C: Promote hazard mitigation in the business community.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City has conducted informational meetings with business owners/managers regarding disaster preparedness to include creating a disaster preparedness kit, developing business continuity plans, and provided ARPA grant funding to assist with recovery from the COVID-19 pandemic.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Develop method to keep community informed of progress./ <i>Objective 2.D: Monitor and publicize the effectiveness of mitigation actions implemented citywide.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City has developed the <a href="http://nationalcityprojects.com/">http://nationalcityprojects.com/</a> website to keep the community informed of progress of mitigation actions that are often funded with Capital Improvement Projects (CIP) funds. For example, the P-1 Sewer Upsize Project includes open trench construction to remove and replace approximately 1490 linear feet of 8 inch diameter vitrified clay pipe (VCP) with 12 inch diameter PVC sewer main, manholes, laterals including pavement restoration, and placing a new sewer access road near the 2800 Block of D Avenue, just west of D Avenue. The work commences approximately 750 feet west of D Avenue and proceeds east for approximately 1500 feet through Sweetwater High School property and ends at F Avenue.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Funds to tackle hazard mitigation projects is the biggest obstacle.</u></p>	

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	3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Actively implement code enforcement for building without permits./ <i>Objective 2.E: Discourage building construction that exacerbates hazardous conditions.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City actively implements code enforcement for building without permits. The Community Development Department consists of the Building Division, Engineering Division, Planning Division and the Fire Department. These departments should always be contacted prior to commencing plan preparation or work to assure the necessary requirements related to the project are known. The City utilizes the 2019 California Building, Plumbing, Mechanical, Electrical, Fire and Energy Codes along with the Current Edition of the International Building Code, the Uniform Plumbing and Mechanical Codes, the National Electrical Code, as well as other applicable city and state codes, ordinances and regulations.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Actively implement code enforcement for hazardous occupancies in accordance with adopted codes./ <i>Objective 2.E: Discourage building construction that exacerbates hazardous conditions.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City actively implements code enforcement for hazardous occupancies in accordance with adopted codes. The Community Development Department consists of the Building Division, Engineering Division, Planning Division and the Fire Department. These departments should always be contacted prior to commencing plan preparation or work to assure the necessary requirements related to the project are known. The City utilizes the 2019 California Building, Plumbing, Mechanical, Electrical, Fire and Energy Codes along with the Current Edition of the International Building Code, the Uniform Plumbing and Mechanical Codes, the National Electrical Code, as well as other applicable city and state codes, ordinances and regulations.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Update and adopt the City of National City Emergency Plan every 10 years./ <i>Objective 3.A: Increase awareness and knowledge of hazard mitigation principles and practice among local officials.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City updated and adopted the National City Emergency Plan every 10 years. The Emergency Operations Plan was last adopted on October 20, 2020.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	



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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Update and adopt the Hazard Mitigation Plan every 5 years./ <i>Objective 3.A: Increase awareness and knowledge of hazard mitigation principles and practice among local officials.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City updated and adopted the Hazard Mitigation Plan every 5 years. The Hazard Mitigation Plan was last adopted on December 5, 2017.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Work with the Fire Department, Development Services Department, Community Development Department, and Police Department to develop the hazard mitigation plan./ <i>Objective 3.B: Develop a hazard mitigation plan and provide technical assistance to implement the plan.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Hazard Mitigation Plan was developed in coordination with the Fire Department, Development Services Department, Community Development Department, and Police Department. The Hazard Mitigation Plan was last adopted on December 5, 2017.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Implement hazard mitigation plan recommendations./ <i>Objective 3.B: Develop a hazard mitigation plan and provide technical assistance to implement the plan.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Hazard Mitigation Plan has been implemented in coordination with the Fire Department, Development Services Department, Community Development Department, and Police Department.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to work with the Chamber of Commerce, American Red Cross, County Office of Emergency Services (OES), Unified Disaster Council (UDC), and Federal Emergency Management Agency (FEMA) to develop mitigation plans./ <i>Objective 4.A: Establish and maintain closer working relationships with state agencies and other local governments.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has worked through the County Office of Emergency Services to help coordinate and understand the needs of the Chamber of Commerce, American Red Cross and Federal Emergency Management Agency to develop the mitigation plan.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue support/participation in regional programs to include HIRT and USAR./ <i>Objective 4.A: Establish and maintain closer working relationships with state agencies and other local governments.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has continued to support regional programs to include HIRT by contributing annually with funding as a member of the Unified Disaster Council.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Hold seminars to encourage organizations to take mitigation actions. This initiative can be developed in modular format to address the information needs of a range of target groups./ <i>Objective 4.B: Encourage other organizations to incorporate hazard mitigation activities.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has encouraged organizations to take mitigation actions. For example, after suffering storm drain damage due to debris flows in 2017, the City's Public Works Department now monitors the National Weather Service for rain forecasts and cleans out storm drains prior to the rainstorm events.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Make available a copy of the completed Hazard Mitigation Plan for the public to view./ <i>Objective 4.B: Encourage other organizations to incorporate hazard mitigation activities.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has made available a copy of the completed Hazard Mitigation Plan for the public to view. A copy of the Plan was placed in the Library for public comment prior to adoption and a copy was left at the City Clerk's Office.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Work with the Fire Department, Development Services Department, Community Development Department, and Police Department to develop hazard mitigation plan./ <i>Objective 4.C: Improve the City's capability and efficiency at administering pre-and post- disaster mitigation.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Hazard Mitigation Plan was developed in coordination with the Fire Department, Development Services Department, Community Development Department, and Police Department. The Hazard Mitigation Plan was last adopted on December 5, 2017.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain an Emergency Response Plan./ <i>Objective 4.C: Improve the City's capability and efficiency at administering pre-and post- disaster mitigation.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City updated and adopted the National City Emergency Operations Plan every 10 years. The Emergency Operations Plan was last adopted on October 20, 2020.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Schedule Emergency Response Plan Exercises./ <i>Objective 4.C: Improve the City's capability and efficiency at administering pre-and post- disaster mitigation.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City conducts and schedules annual training and exercises that utilizes the City's Emergency Operations Plan.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct on-going education programs to inform the community of pre-and post-disaster advice./ <i>Objective 4.C: Improve the City's capability and efficiency at administering pre-and post- disaster mitigation.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has conducted informational meetings with the community regarding disaster preparedness to include creating a disaster preparedness kit, first-aid and CPR classes, and fire extinguisher training.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address</u></li> </ol>	

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	<p><u>potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct workshops with Neighborhood Councils, Chamber of Commerce, individual homeowners, and business community on hazards that require advance preparedness./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<p><b>● Project completed</b></p>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City has conducted workshops with Neighborhood Councils, Chamber of Commerce, individual homeowners, and business community on hazards that require advance preparedness. We have offered a variety of fire prevention classes to the public for free to include various topics such as:</u></p> <p style="margin-left: 40px;"><u>Dial 9-1-1 Public Education session</u>  <u>Using a Fire Extinguisher</u>  <u>Installing Smoke Alarms</u>  <u>E.D.I.T.H. – Exit Drills In The HOME</u>  <u>Fire Extinguisher Training</u>  <u>Juvenile Firesetter Counseling</u>  <u>Vial of Life Program</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Recommend that the City retrofit the City Hall as funds become available./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<p><b>● Project delayed</b></p> <p><b><u>Explain Funds did not become available until ARPA funding was provided in response to COVID-19 Pandemic.</u></b></p>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>As ARPA funds became available to the City, inquiries for different uses of the funds was requested. One of the recommendations was that the City retrofit the City Hall as funds become available. The City has now looked at previous retrofit plans and are actively pursuing a contractor to perform the work.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Funds did not become available until ARPA funding was provided in response to COVID-19 Pandemic.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Actively pursue grant funds and other funding sources to retrofit City Hall./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<p><b>● Project delayed</b></p> <p><b><u>Explain Funds did not become available until ARPA funding was provided in response to COVID-19 Pandemic.</u></b></p>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>As ARPA funds became available to the City, inquiries for different uses of the funds was requested. One of the recommendations was that the City retrofit the City Hall as funds become available. The City has now looked at previous retrofit plans and are actively pursuing a contractor to perform the work.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Funds did not become available until ARPA funding was provided in response to COVID-19 Pandemic.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain an Emergency Response Plan and regularly schedule Exercises with City staff./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City updated and adopted the National City Emergency Operations Plan every 10 years. The Emergency Operations Plan was last adopted on October 20, 2020. The City conducts and schedules annual training and exercises that utilizes the City's Emergency Operations Plan.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain search and rescue equipment deployment objectives./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has maintained search and rescue equipment deployment objectives through the use of general funds and/or grant funds.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Determine structural safety of buildings to be used for care and shelter of evacuees./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has determined the structural safety of buildings to be used for care and shelter of evacuees. The City has also gathered an immediate shelter supply of items to provide sheltered individuals until the American Red Cross can assist.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Create and adopt the following mandatory Ordinances to reduce the possibility of damage and losses due to earthquakes: Unreinforced Masonry Building Seismic Retrofit Ordinance, Pre-Northridge Steel Moment Frame Retrofit Ordinance, Non-Ductile Concrete Building Seismic Retrofit Ordinance, Soft First Story Wood Frame Seismic Building Retrofit Ordinance, Tilt-up Building Seismic Retrofit Ordinance, Wood Frame Cripple Wall Seismic Retrofit Ordinance, and "Excessive Damage" Ordinance./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<b>● Project on schedule</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has begun to look at developing a process to retrofit City Hall, soft-story buildings, and unreinforced masonry buildings. The thought is to develop a comprehensive Ordinance that will make building owners voluntarily responsible for seismic retrofits. ARPA funds may be used in this effort to provide financial incentives for performing the seismic retrofit projects.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Create and adopt a back to business or building occupancy resumption program (BORP) program./ <i>Objective 5.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City participated in developing the County's Post-Disaster Housing Plan. The overall objective of the Plan was to provide guidance on post-disaster housing recovery planning and operations. The Plan was completed on October 29, 2018.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Adopt and implement existing building codes./ <i>Objective 5.B: Protect existing assets with the highest relative vulnerability to the effects of earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The 2019 California Building Code; the 2019 California Electrical code and 2017 National Electrical Code; the 2019 California Energy Code; Appendix J of the 2019 California Building Code, and Amending Chapter 15.70 (Grading) of the National City Municipal Code; the 2019 California Green Code; the 2019 California Mechanical Code; the 2019 California Plumbing Code; and the 2019 California Residential Code and all Appendices related to these Codes were introduced/adopted by the City Council on December 3, 2019.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct inspections of at-risk structures that conduct care for children, seniors, and other group homes./ <i>Objective 5.B: Protect existing assets with the highest relative vulnerability to the effects of earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City performs business and residential inspections to provide information on new construction code requirements and all fire protection systems. Building and fire safety inspections may be required for certain occupancies mandated by the state or required by the Building or Fire code. Inspections are mandatory for all new construction tenant improvement projects that affect or require fire safety equipment or processes.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct inspections of child care facilities, senior facilities, and other facilities where occupants may be severely impacted to ensure the structures are structurally safe./ <i>Objective 5.B: Protect existing assets with the highest relative vulnerability to the effects of earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City conducts inspections of child care facilities, senior facilities, and other facilities where occupants may be severely impacted to ensure the structures are structurally safe. The City performs business and residential inspections to provide information on new construction code requirements and all fire protection systems. Building and fire safety inspections may be required for certain occupancies mandated by the state or required by the Building or Fire code. Inspections are mandatory for all new construction tenant improvement projects that affect or require fire safety equipment or processes.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct informational meetings with Neighborhood Councils, Chamber of Commerce, individual homeowners, and business community./ <i>Objective 5.B: Protect existing assets with the highest relative vulnerability to the effects of earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City conducts informational meetings with Neighborhood Councils, Chamber of Commerce, individual homeowners, and business community. We offer a variety of fire prevention classes to the public for free to include various topics such as:</u></p> <p style="padding-left: 40px;"><u>Dial 9-1-1 Public Education session</u>  <u>Using a Fire Extinguisher</u>  <u>Installing Smoke Alarms</u>  <u>E.D.I.T.H. – Exit Drills In The HOME</u>  <u>Fire Extinguisher Training</u>  <u>Juvenile Firesetter Counseling</u>  <u>Vial of Life Program</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were</u></p>	

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	<u>proposed to share information and host activities.</u>
	3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u>

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Implement GIS program citywide./ <i>Objective 5.C: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>National City's Zoning Ordinance is set-out in Chapter 18 of the Municipal Code. Specific zones define the distribution of residential, commercial, industrial, open space, and other zones based on the pattern of land uses established by the General Plan. Geographic Information System (GIS) maps were used extensively to develop and maintain the specific zones.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Use GIS and Census data to locate vulnerable buildings./ <i>Objective 5.C: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>Geographic Information System (GIS) maps and Census data were used extensively to locate vulnerable buildings. For example, the City identified soft-story apartment buildings that pose a risk hazard during an earthquake.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Create a Vulnerable Building Inventory list./ <i>Objective 5.C: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from earthquakes.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has created a vulnerable building inventory list that consists of soft-story apartment buildings that pose a risk hazard during an earthquake.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain Flood Retrofitting for Residential Structures./ <i>Objective 6.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to floods.</i>	
Project Status	<b>● Project completed</b>	



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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City reviews annually and updates as necessary the Flood Plain Ordinance periodically. The Ordinance is under Chapter 18-29 – OVERLAY ZONES 18.29.070 Floodway (-FW), Floodway Fringe (-FF-1), and Floodway Fringe-Shallow Flooding (-FF-2) Zones. The Ordinance is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain Storm Water System in Operable Conditions./Objective 6.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to floods.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The Storm Water Division regulates and enforces Clean Water Act standards as prescribed by the National Pollutant Discharge Elimination System (NPDES) permit program. The goal of the program is to keep our waterways and community clean by reducing pollutants from entering the City's storm drain system. Examples of actions the City takes to reduce pollution and protect our waterways include street sweeping, storm drain cleaning, and inspecting businesses and construction sites to make sure they are following best practices to reduce pollution.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Reduce Impervious Surfaces through implementation of a landscape ordinance that encroaches previous site design./Objective 6.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to floods.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>This City's Land Use Code incorporates Chapter 18-44 Landscaping, which expands upon the standards of Chapter 2 by addressing details of site planning, building design, landscaping, parking and loading, outdoor lighting, and signs and outdoor advertising displays. These standards are intended to ensure that all development produces an environment of stable and desirable character, is compatible with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain and update a city-wide Evacuation Plan./Objective 6.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to floods.	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City maintains an Evacuation Plan as part of the City's Emergency Operations Plan, which is updated every 10 years. The Emergency Operations Plan was last adopted on October 20, 2020.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain search and rescue equipment deployment objectives./ <i>Objective 6.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to floods.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has maintained search and rescue equipment deployment objectives through the use of general funds and/or grant funds.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to participate in the National Flood Insurance Program and requirement to review applications for conformance with NFIP standards./ <i>Objective 6.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to floods.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City reviews annually and updates as necessary the Flood Plain Ordinance periodically. The Ordinance is under <a href="#">Chapter 18-29 – OVERLAY ZONES 18.29.070 Floodway (-FW), Floodway Fringe (-FF-1), and Floodway Fringe-Shallow Flooding (-FF-2) Zones.</a> The Ordinance is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain adequate materials to disperse to the public for installing water barriers when necessary./ <i>Objective 6.B: Protect existing assets with the highest relative vulnerability to the effects of floods within the 100-year floodplain.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>In preparation of the next storm, the City has made sandbags available to the public to help protect homes, neighborhoods, streets, and other properties from flooding and soil erosion problems. 10 Free sandbags are available to National City residents (with proof of ID) at National City Fire Stations #31 (2333 Euclid Avenue) and #34 (343 East 16th Street) from 8am-6pm. Free sand is also available while supplies last in the parking lot just north of the Boys and Girls Club on 'D' Avenue next to Kimball Park.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Construct detention basins when necessary and review new development for adequate design features./ <i>Objective 6.B: Protect existing assets with the highest relative vulnerability to the effects of floods within the 100-year floodplain.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City provides a Best Management Practice Design Manual for developers to construct detention basins when necessary and review new development for adequate design features.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Regularly participate in workgroup activities with the County./ <i>Objective 6.C: Coordinate with and support existing efforts to mitigate floods (e.g., U.S. Army Corps of Engineers, US Bureau of Reclamation, and California Department of Water Resources).</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the workgroup activities with the County Office of Emergency Services (OES), Unified Disaster Council. We have attended the bi-monthly meetings, grant appropriation meetings, exercise development meetings, etc. After the pandemic, most of the meetings have been over to virtual platforms with no issues.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Regularly participate in workgroup activities with the Caltrans./ <i>Objective 6.C: Coordinate with and support existing efforts to mitigate floods (e.g., U.S. Army Corps of Engineers, US Bureau of Reclamation, and California Department of Water Resources).</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the workgroup activities with CalTrans. We have attended the CalTrans gatherings of transit agency staff around specific topics to facilitate the open exchange of questions and experiences. These groups meet online once a quarter. These sessions typically include a peer presentation on a topic selected by the participants in advance. CalTrans staff and consultants facilitate the meetings, present relevant updates on the CalTrans project, and document and bring relevant issues that are raised into CalTran's road map.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Regularly participate in workgroup activities with the other municipalities./Objective 6.C: Coordinate with and support existing efforts to mitigate floods (e.g., U.S. Army Corps of Engineers, US Bureau of Reclamation, and California Department of Water Resources).	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has participated in most of the Emergency Manager workgroup activities with other municipalities. We have attended the monthly meetings to discuss various emergency management topics of interest: e.g. grants, exercises, plans, etc. After the pandemic, most of the meetings have been over to the virtual platforms with no issues.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating the meetings. Consistent with official public health guidance, meetings were shifted from in-person events to virtual platforms.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Prepare and implement Best Management Practices for all new development./Objective 6.D: Minimize repetitive losses caused by flooding.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City provides a Best Management Practice Design Manual for all new development.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Schedule Flood Mitigation and recovery Interactive Exercises./Objective 6.D: Minimize repetitive losses caused by flooding.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City conducts and schedules annual training and interactive exercises that utilizes the City's Emergency Operations Plan that at times involves flood mitigation.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Identify and prioritize critical facilities within dam inundation zones./Objective 6.E: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from flooding/dam failure.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>Geographic Information System (GIS) maps are used extensively to identify and prioritize critical facilities within dam inundation zones.</u></li> </ol>	

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	2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u>
	3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u>

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Update plans/data periodically to adequately represent vulnerable populations./Objective 6.E: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from flooding/dam failure.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City updates Geographic Information System (GIS) maps periodically to adequately represent vulnerable populations.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct survey of assets within dam inundation areas./Objective 6.E: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from flooding/dam failure.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City uses Geographic Information System (GIS) maps periodically to survey assets within dam inundation areas.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Update GIS maps that identify the dam inundation zones./Objective 6.E: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from flooding/dam failure.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City uses Geographic Information System (GIS) maps that identify the dam inundation zones.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Regularly maintain a Fire Prevention Program./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>We offer a variety of fire prevention classes to the public for free to include various topics such as:</u>  <u>Dial 9-1-1 Public Education session</u>  <u>Using a Fire Extinguisher</u>  <u>Installing Smoke Alarms</u>  <u>E.D.I.T.H. – Exit Drills In The HOME</u>  <u>Fire Extinguisher Training</u>  <u>Juvenile Firesetter Counseling</u>  <u>Vial of Life Program</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, outreach activities were shifted from in-person events to virtual platforms. To address potential barriers to participation and maximize outreach, a variety of media and activities were proposed to share information and host activities.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Regularly maintain a Pre-Fire Plan Program./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City will review plans and will either approve them for a permit or note corrections that need to be made to the plans. If you had to make corrections, you need to resubmit the plans for review. When the plans are approved, a permit will be given to you and we will schedule an inspection of the site. Under no circumstances should work be performed without approved plans or permit. The whole process takes approximately 10-30 business days to complete.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Regularly maintain a Fire Suppression Program./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Operations Division, under the supervision of the on-duty Battalion Chief, oversees 39 full-time sworn personnel who respond to fires, emergency medical calls, rescues, hazardous incidents, and all other emergency and non-emergency calls for service from three fire stations that are staffed 24-hours a day, 7-days a week.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Assess staffing levels of Fire Prevention Staff and increase as appropriate./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Prevention Division, under the supervision of the Fire Marshal, oversees a business inspection/plan checking program. An assessment of staffing levels was completed in FY19/20, which resulted in the hiring of an additional Fire Inspector to handle more business inspections.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Develop a Housing Inspection Program and routinely conduct housing inspections of homes over 50 years old./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Prevention Division, under the supervision of the Fire Marshal, Building and Planning Department oversee a housing inspection/plan checking program. Upon obtaining a building permit, a Building Inspection Record is issued to go along with a set of approved plans. The building owner is to maintain both the plans and the inspection record on the job site at all times and make both available for the inspector's use. The contractor is required to notify the Building Division that such work is ready for inspection. When the inspector has completed the inspection of a particular phase of construction, for which an inspection has been required, he/she will sign off on the inspection record, at which time the contractor may continue with the next phase of the project. However, if that phase of construction has not been constructed in accordance with the approved plans and/or to code, a correction notice will be posted on the job site. The contractor is responsible for making the corrections and shall request a re-inspection.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct a Housing Outreach Program./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>o Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Housing Authority runs a robust housing outreach program. Most of the housing resources can be found here: <a href="https://www.nationalcityca.gov/government/national-city-housing-authority/other-housing-resources">https://www.nationalcityca.gov/government/national-city-housing-authority/other-housing-resources</a>.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain/update all Arson Registrants with required registration and conditions of probation or parole./Objective 7.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to structural fire/wildfire.	
Project Status	<b>o Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Records Division in the National City Police Department maintains/updates all Arson Registrants with required registration and conditions of probation or parole. Often, the arson registrant information is shared with the Fire Department's Fire Marshal, who further shares the information with Fire Operations in order to help identify possible arson incidents in the vicinity.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain response times, pumping capacity and apparatus and equipment deployment objectives./ <i>Objective 7.B: Protect existing assets with the highest relative vulnerability to the effects of structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has maintained Maintain response times, pumping capacity and apparatus and equipment deployment objectives through the use of general funds and/or grant funds to purchase apparatus/equipment and maintain staffing levels.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Annually assess staffing levels and ensure adequate staffing is available to meet fire suppression objectives./ <i>Objective 7.B: Protect existing assets with the highest relative vulnerability to the effects of structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has annually assessed staffing levels to ensure adequate staffing is available to meet fire suppression objectives. In FY19/20, the Fire Department was awarded a SAFER grant to hire five firefighters. More recently, the Fire Department hired three lateral firefighters to deal with immediate staffing levels due to retirement/resignation.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain standard operating procedures for fire ground operations./ <i>Objective 7.B: Protect existing assets with the highest relative vulnerability to the effects of structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City maintains standard operating procedures for fire ground operations. Recently, the Fire Department is having a response study conducted to ensure enough staff are present on the fire ground during actual fires.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	



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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct annual wildland fire fighting and ICS training to ensure operational readiness./ <i>Objective 7.B: Protect existing assets with the highest relative vulnerability to the effects of structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City conducts annual wildland fire fighting and ICS training to ensure operational readiness. Each year, the Fire Department sends staff to RT-130, Wildland Fire Safety Training Annual Refresher courses.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Identify and work to eliminate non-fire resistant roofs./ <i>Objective 1.A: Encourage and facilitate the adoption of building codes for new development and renovation that will protect these assets and new development in hazard areas.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Department tries to identify and work to eliminate non-fire resistant roofs according to adopted codes. Currently, the City uses the 2019 California Fire Code, which was introduced/adopted by the City Council on December 3, 2019.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Install automatic fire detection and extinguishing systems in buildings according to adopted codes./ <i>Objective 1.A: Encourage and facilitate the adoption of building codes for new development and renovation that will protect these assets and new development in hazard areas.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Department requires the installation of automatic fire detection and extinguishing systems in buildings according to adopted codes. Currently, the City uses the 2019 California Fire Code, which was introduced/adopted by the City Council on December 3, 2019.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain mutual/auto aid agreements with neighboring municipalities./ <i>Objective 7.C: Coordinate with and support existing efforts to mitigate structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Department maintains mutual/auto aid agreements with neighboring municipalities.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain an inspection process to ensure buildings are constructed in accordance with adopted codes./ <i>Objective 7.C: Coordinate with and support existing efforts to mitigate structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City actively maintains an inspection process to ensure buildings are constructed in accordance with adopted codes. The Community Development Department consists of the Building Division, Engineering Division, Planning Division and the Fire Department. These departments should always be contacted prior to commencing plan preparation or work to assure the necessary requirements related to the project are known. The City utilizes the 2019 California Building, Plumbing, Mechanical, Electrical, Fire and Energy Codes along with the Current Edition of the International Building Code, the Uniform Plumbing and Mechanical Codes, the National Electrical Code, as well as other applicable city and state codes, ordinances and regulations.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Conduct evacuation drills in high rise buildings./ <i>Objective 7.C: Coordinate with and support existing efforts to mitigate structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Fire Prevention Division does not have sufficient staff to conduct evacuation drills in high-rise buildings. However, high-rise building owners are notified to conduct training and maintain their fire suppression systems during fire safety inspections.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Maintain/update all Arson Registrants with required registration and conditions of probation or parole./ <i>Objective 7.C: Coordinate with and support existing efforts to mitigate structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Records Division in the National City Police Department maintains/updates all Arson Registrants with required registration and conditions of probation or parole. Often, the arson registrant information is shared with the Fire Department's Fire Marshal, who further shares the information with Fire Operations in order to help identify possible arson incidents in the vicinity.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> </ol>	

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	3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Implement GIS program citywide./ <i>Objective 7.D: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City's Zoning Ordinance is set-out in Chapter 18 of the Municipal Code. Specific zones define the distribution of residential, commercial, industrial, open space, and other zones based on the pattern of land uses established by the General Plan. Geographic Information System (GIS) maps were used extensively to develop and maintain the specific zones.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Use GIS and Census data to locate vulnerable buildings./ <i>Objective 7.D: Address identified data limitations regarding the lack of information about the relative vulnerability of assets from structural fire/wildfire.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>The City's Geographic Information System (GIS) maps and Census data were used extensively to locate vulnerable buildings.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>The COVID-19 pandemic created a unique challenge to facilitating community engagement. Consistent with official public health guidance, starting in mid-March 2020, each household began receiving correspondence in the mail from the U.S. Census Bureau informing them of the options for filling out the Census questionnaire, including online, by phone, or by a requested paper form.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Clearly identify potential tsunami prone areas./ <i>Objective 8.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to tsunamis.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<p>1. What was accomplished for this project during this reporting period? <u>In 2015, the City received tsunami inundation maps that clearly identified potential tsunami prone areas.</u></p> <p>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></p> <p>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></p>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Review the Tsunami Evacuation Playbook periodically to ensure efficient notification protocols./ <i>Objective 8.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to tsunamis.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City participates in an annual tsunami exercise each year put on by the County Office of Emergency Services. It requires the City to review the Tsunami Evacuation Playbook to ensure efficient notification protocols.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Enforce regulatory measures related to development within 100-year flood plain./ <i>Objective 8.B: Coordinate with and support existing efforts to mitigate floods (e.g., US Army Corps of Engineers, US Bureau of Reclamation, and California Department of Water Resources).</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City reviews annually and updates as necessary the Flood Plain Ordinance periodically. The Ordinance is under Chapter 18-29 – OVERLAY ZONES 18.29.070 Floodway (-FW), Floodway Fringe (-FF-1), and Floodway Fringe-Shallow Flooding (-FF-2) Zones. The Ordinance is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The City uses the Flood Plain Ordinance to enforce regulatory measures related to development within 100-year flood plain.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Periodically review the City's compliance with NFIP regulations, as resources become available./ <i>Objective 8.B: Coordinate with and support existing efforts to mitigate floods (e.g., US Army Corps of Engineers, US Bureau of Reclamation, and California Department of Water Resources).</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City reviews annually and updates as necessary the Flood Plain Ordinance periodically. The Ordinance is under Chapter 18-29 – OVERLAY ZONES 18.29.070 Floodway (-FW), Floodway Fringe (-FF-1), and Floodway Fringe-Shallow Flooding (-FF-2) Zones. The Ordinance is designed to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Restrict ability to re-build, unless mitigation measures to avoid repeat losses are taken./ <i>Objective 8.C: Minimize repetitive losses caused by coastal flooding, erosion, sea-level rise, and/or tsunamis.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Land Use Code (LUC) is the City's zoning code (Municipal Code Title 18 Zoning), which establishes regulations for the use and development of land. The LUC implements the broad policies of the General Plan by specifying the kinds and types of uses permitted on each parcel of land, the intensity of development allowed, and standards for development such as setbacks, lot coverage, parking, and building heights. The LUC restricts the ability to re-build, unless mitigation measures are made to avoid repeat losses are taken.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Work with regional agencies, (OES, UDC, SanGIS) to accurately map the tsunami inundation maps./ <i>Objective 8.D: Address identified data limitations regarding the lack of information about relative vulnerability of assets from tsunami.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has worked with regional agencies, (OES, UDC, SanGIS) to accurately map the tsunami inundation maps. The latest tsunami inundation map was updated in 2015.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Share and train with acquired information with all City departments and personnel./ <i>Objective 8.D: Address identified data limitations regarding the lack of information about relative vulnerability of assets from tsunami.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Emergency Manager has shared and trained staff on the Emergency Action Checklist Response to a Tsunami. Annually, during Tsunami Preparedness week in March, the City participates in an exercise that activates the checklist in response to a tsunami.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to coordinate with neighboring jurisdictions on joint training opportunities between staff./ <i>Objective 8.D: Address identified data limitations regarding the lack of information about relative vulnerability of assets from tsunami.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City's Emergency Manager has shared and trained staff on the Emergency Action Checklist Response to a Tsunami. Annually, during Tsunami Preparedness week in March, the City participates in an exercise that activates the checklist in response to a tsunami. The County OES coordinates with all neighboring jurisdictions on this joint training opportunity.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Encourage residents to adopt drought tolerant landscaping or xeriscape practices./ <i>Objective 9.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to extreme heat and drought.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>This City's Land Use Code incorporates Chapter 18-44 Landscaping, which expands upon the standards of Chapter 2 by addressing details of site planning, building design, landscaping, parking and loading, outdoor lighting, and signs and outdoor advertising displays. These standards are intended to ensure that all development produces an environment of stable and desirable character, is compatible with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan. The City encourages residents to adopt drought tolerant landscaping or xeriscape practices as outlined in the Land Use Code.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Organize outreach to vulnerable populations./ <i>Objective 9.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to extreme heat and drought.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City organizes outreach to vulnerable populations when notified by the National Weather Service of extreme heat events. In those instances, the City advertises Cool Zones that residents can use to stay hydrated and safe from the heat. For example, on September 5, 2020, the City opened the Martin Luther King Community Center for one of the hottest days in history.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Provide educational materials on severe weather and mitigation strategies on the City website and through all forms of social media./ <i>Objective 9.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to extreme heat and drought.</i>	
Project Status	<b>● Project completed</b>	

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Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City organizes outreach to vulnerable populations when notified by the National Weather Service of extreme heat events. In those instances, the City provides educational materials on severe weather and mitigation strategies on the City website and through all forms of social media. In addition, the City advertises Cool Zones that residents can use to stay hydrated and safe from the heat. For example, on September 5, 2020, the City opened the Martin Luther King Community Center for one of the hottest days in history.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>
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Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Link vulnerable populations to resources such as cooling centers and transportation services in order to reduce losses in the face of drought or extreme heat./ <i>Objective 9.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to extreme heat and drought.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City organizes outreach to vulnerable populations when notified by the National Weather Service of extreme heat events. In those instances, the City links vulnerable populations to resources such as cooling centers and transportation services in order to reduce losses in the face of drought or extreme heat. For example, on September 5, 2020, the City opened the Martin Luther King Community Center for one of the hottest days in history.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Continue to participate in the National Weather Service StormReady Program./ <i>Objective 9.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to extreme heat and drought.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City continues to participate in the National Weather Service StormReady Program.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

Progress Report Period	From Date: September 2017	To Date: September 2022
Action/Project Title	Implement water efficiency upgrades at municipal buildings, parks and publicly owned facilities./ <i>Objective 9.A: Develop a comprehensive approach to reducing the possibility of damage and losses due to extreme heat and drought.</i>	
Project Status	<b>● Project completed</b>	
Summary of Project Progress for this Report Period	<ol style="list-style-type: none"> <li>1. What was accomplished for this project during this reporting period? <u>The City has implemented water efficiency upgrades at municipal buildings, parks, and publicly owned facilities. According to 2006 data, National City (as a division of the Sweetwater Authority) uses the least amount of water per capita of any of the water districts in San Diego County.</u></li> <li>2. What obstacles, problems, or delays did the project encounter? <u>Not Applicable.</u></li> <li>3. If uncompleted, is the project still relevant? Should the project be changed or revised? <u>Not Applicable.</u></li> </ol>	

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### 7.4. Plan Update Evaluation

#### *7.4.1. Role of the Planning Team in Implementation and Maintenance*

With adoption of this plan, the City will be tasked with plan implementation and maintenance. This will be accomplished by keeping the Planning Team active throughout the lifecycle of the plan. The Planning Team agrees to:

- Act as a forum for hazard mitigation issues,
- Disseminate hazard mitigation ideas and activities to all participants,
- Pursue the implementation of high-priority, low/no-cost recommended actions,
- Keep the concept of mitigation in the forefront of community decision making by identifying plan recommendations when other community goals, plans, and activities overlap, influence, or directly affect increased community vulnerability to disasters,
- Maintain a monitoring of multi-objective cost-share opportunities to help the community implement the plan's recommended actions for which no current funding exists,
- Monitor and assist in implementation and update of this plan,
- Report on plan progress and recommended changes to the City Council, and
- Inform and solicit input from the public.

Other duties include reviewing and promoting mitigation proposals, providing technical assistance in implementing mitigation codes and ordinances, considering stakeholder concerns about hazard mitigation, passing concerns on to appropriate entities, and posting relevant information on the City's website, in the local newspaper, and on social media. Unincorporated communities and special districts not participating in this plan will be integrated into mitigation implementation wherever possible.

#### *7.4.2. Plan Maintenance*

The San Diego County Multi-Jurisdictional Hazard Mitigation Plan is a living document that may be adjusted or updated as conditions change, actions progress, or new information becomes available. It also incorporates projects that have failed or are not considered feasible after a review for their consistency with established criteria, the time frame, priorities, and/or funding resources.

#### *7.4.3. Plan Updates*

The San Diego County Multi-Jurisdictional Hazard Mitigation Plan will be reviewed and revised at least every 5-years in accordance with the DMA 2000 requirements and latest FEMA and DHSEM hazard mitigation planning guidance. Updates to this plan will consider:

- Has the nature or magnitude of hazards affecting the planning area changed?
- Are there new hazards that have the potential to impact the planning area?
- Have growth and development changed the planning area's vulnerabilities?
- Do the identified goals and actions still address current and expected conditions?
- Have mitigation actions been implemented or completed?
- Has the implementation of identified mitigation actions resulted in expected outcomes?
- Are current resources adequate to implement the plan?
- Should additional local resources be committed to address identified hazards?



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The updated plan will document success stories where mitigation efforts have proven effective, as well as areas where mitigation actions were not effective, and will include re-adoption by all participating entities following State/FEMA approval.

Any interested party wishing for an update of this Plan sooner than the regular 5-year update will submit such a request to the City’s Fire Department for consideration. The Department will evaluate all such requests and bring them to the full Planning Team for consideration.

*TABLE 146: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 7.2 DATA.*

Plan Section	Considerations	Explanation
Planning Process	Should new jurisdictions and/or districts be invited to participate in future plan updates?	Yes, the National School District should be invited to participate in future plan updates.
	Have any internal or external agencies been invaluable to the mitigation strategy?	Fire Department Engineering Department Community Development Department City Manager’s Office
	Can any procedures (e.g., meeting announcements, plan updates) be done differently or more efficiently?	Yes, the continued use of virtual meetings can make the planning process more efficient.
	Has the Planning Team undertaken any public outreach activities?	No, the Planning Team did not undertake any public outreach activities, but will take public input once the plan is drafted.
	How can public participation be improved?	Public participation can be improved by using virtual meetings to share information and gather feedback.
	Have there been any changes in public support and/or decision- maker priorities related to hazard mitigation?	Yes, there has been a renewed interest by the City Manager’s Office for seismic retrofit projects.
Capability Assessment	Have jurisdictions adopted new policies, plans, regulations, or reports that could be incorporated into this plan?	Yes, National City continues to incorporate new codes that affect mitigation strategies.
	Are there different or additional administrative, human, technical, and financial resources available for mitigation planning?	Yes, ARPA funds may be available to help fulfill some mitigation activities.
	Are there different or new education and outreach programs and resources available for mitigation activities?	The City has begun to look at developing a Seismic Awareness Campaign. The thought is to develop a comprehensive Campaign that will make residential and commercial building owners responsible for taking steps toward seismic retrofits.
	Has NFIP participation changed in the participating jurisdictions?	No, not at this time.

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Risk Assessment	Has a natural and/or technical or human-caused disaster occurred?	Yes, the COVID-19 pandemic.
	Should the list of hazards addressed in the plan be modified?	Yes, mitigation strategies to counteract a pandemic should be added to the plan.
	Are there new data sources and/or additional maps and studies available? If so, what are they and what have they revealed? Should the information be incorporated into future plan updates?	Yes, new data sources and maps have revealed inequities throughout the County of San Diego in regards to combatting the COVID-19 pandemic that should be addressed in future plan updates.
	Do any new critical facilities or infrastructure need to be added to the asset lists?	No, not at this time.
	Have any changes in development trends occurred that could create additional risks?	No, not at this time.
	Are there repetitive losses and/or severe repetitive losses to document?	Yes, according to the 2022 FEMA Repetitive Loss Summary Report, the City of National City had 3 Repetitive Loss properties, but no Severe Repetitive Loss properties. The 3 repetitive losses were to two Nonresidential and one Commercial property.

TABLE 157: FEMA LOCAL MITIGATION PLANNING HANDBOOK WORKSHEET 7.2 DATA CONTINUED

Plan Section	Considerations	Explanation
Mitigation Strategy	Is the mitigation strategy being implemented as anticipated? Were the cost and timeline estimates accurate?	Yes.
	Should new mitigation actions be added to the Action Plan? Should existing mitigation actions be revised or eliminated from the plan?	No.
	Are there new obstacles that were not anticipated in the plan that will need to be considered in the next plan update?	No, funding is the recurring obstacle.
	Are there new funding sources to consider?	Yes, ARPA funds may be available to help fulfill some mitigation activities.
	Have elements of the plan been incorporated into other planning mechanisms?	Yes, aspects of the Mitigation Plan have been incorporated into the City's General Plan.
	Was the plan monitored and evaluated as anticipated?	Yes.

## APPENDICES

Plan Maintenance Procedures	What are needed improvements to the procedures?	We need to go back to the way the very first County Hazard Mitigation Plan was created, which required all cities to meet at County OES to work together on the mitigation strategies.
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**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AND ADOPTING THE 2022 SAN DIEGO COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN – CITY OF NATIONAL CITY ANNEX**

**WHEREAS**, the City of National City recognizes the threat that natural and human-caused hazards pose to people and property within San Diego County; and

**WHEREAS**, the County of San Diego has prepared a jurisdiction-specific, multi-hazard mitigation plan hereby known as the 2022 Multi-Jurisdictional Hazard Mitigation Plan (also referred to as the County Base Plan) in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

**WHEREAS**, the 2022 Multi-Jurisdictional Hazard Mitigation Plan identifies mitigation goals and actions to reduce and/or eliminate long-term risk to people and property in San Diego County from the impacts of future hazards and disasters; and

**WHEREAS**, adoption by the City Council of the City of National City and required state and federal updates demonstrate its commitment to hazard mitigation and achieving the goals outlined in the 2022 Multi-Jurisdictional Hazard Mitigation Plan; and

**WHEREAS**, content related to San Diego County and other jurisdictions has required revisions to meet the plan approval requirements, the City of National City Annex has been approved by the California Office of Emergency Services and Federal Emergency Management Agency; and

**WHEREAS**, changes occurring after adoption of the City of National City Annex will not require the City Council to re-adopt any further iterations of the Annex; and

**WHEREAS**, subsequent plan updates following the five-year approval period for this plan will require separate adoption resolutions; and

**WHEREAS**, adoption of the Annex will allow the City of National City to continue to submit applications for hazard mitigation grants and remain eligible for public assistance funds for the next five years.

**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 adopt the 2022 Multi-Jurisdictional Hazard Mitigation Plan – National City Annex.

**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 21st day of March, 2023.**

\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

\_\_\_\_\_  
Shelley Chapel, MMC  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Housing Authority  
**Prepared by:** David McEachern, Housing Programs Specialist II  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Accept and file the Housing Element 2022 Annual Progress Report.

**RECOMMENDATION:**

Accept and file the Housing Element 2022 Annual Progress Report pursuant to California Code Section 65400 to the California Department of Housing and Community Development (HCD) and Office of Planning and Research (OPR).

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

The State of California requires jurisdictions to submit an Annual Progress Report (APR) of their adopted Housing Elements. The purpose of the APR is to provide local legislative bodies and the public with information regarding the implementation of the Housing Element, including progress towards meeting the community's housing goals. APRs must be presented to the local legislative body for its review and acceptance prior to submission.

The APR (Exhibit "B") covers calendar year 2022, during which:

- 290 units were proposed that required discretionary review/planning approval
- 196 units were issued a completed entitlement
- 305 units were issued building permits
- 53 units were completed.

Progress towards the Regional Housing Needs Allocation (RHNA) is recorded through the APR by the reported number of units that were issued building permits.

Of the 305 building permits

- 15 were for Extremely Low Income units(30% AMI)
- 18 for Very Low Income (50% AMI)
- 142 for Low Income (80% AMI)
- 131 for Above Moderate (>120% AMI).

Additional background information on the APR can be found in the Exhibit "A."

**FINANCIAL STATEMENT:**

No Fiscal Impact – This report is informational only, there is no fiscal impact associated with the report.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Housing and Community Development

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;  
PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A - 2022 APR Background

Exhibit B - 2022 APR

Exhibit C - Housing Production 10-Year History

**Accept and file the Housing Element 2022 Annual Progress Report pursuant to California Code Section 65400 to the California Department of Housing and Community Development (HCD) and Office of Planning and Research (OPR).**

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**OVERVIEW:** Government Code section 65400 requires that each city, county, or city and county, including charter cities, prepare an annual progress report (APR) on the status of the Housing Element of its General Plan and progress in its implementation, using forms and definitions adopted by the California Department of Housing and Community Development (HCD). The following form is to be used for satisfying the reporting requirements of Government Code section 65400, subdivision (a)(2).

The Housing Element APR fulfills statutory requirements to report certain housing information, including the local agency's progress in meeting its share of regional housing needs (i.e., applications, entitlements, permits, and certificates of occupancy), certain rezoning activities, actions taken towards completion of housing element programs, and local efforts to remove governmental constraints to the development of housing (Government Codes Sections 65584.3(c) and 65584.5(b)(5)). California's housing element law acknowledges that in order for the private market to adequately address the state's housing needs, local governments must adopt plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy rests largely on the effective implementation of local general plans and housing elements.

Providing the report to HCD and OPR fulfills state housing law requirements to report certain information, including the progress in meeting the City's share of the Regional Housing Needs Assessment (RHNA). Furthermore, submitting the APR to the state ensures that the City is eligible for grants and other funding sources that require filing the report. The report is also submitted to the San Diego Association of Governments to qualify for certain discretionary funds administered by SANDAG.

**THE APR CONSISTS OF THE FOLLOWING TABLES:**

- TABLE A – Housing Development Applications Submitted
  - Table A includes only housing units and developments for which an application was deemed complete between January 1 and December 31 of the reporting year identified in the table. These are applications which require discretionary review and/or planning approval.
  - In 2022, eight (8) housing development applications were submitted for 290 potential units
- TABLE A2 – Annual Building Activity Report Summary - New Construction, Entitled, Permits, and Completed Units.
  - Table A2 contains entitlements, permits, and completion of units during the reporting period. 305 building permits were issued for 2022; 53 units received final occupancy approval during the 2022 reporting period.
- TABLE B – Regional Housing Needs Allocation Progress – Permitted Units Issued By Affordability.
  - Table B shows the City's progress in achieving its RHNA allocation during the housing element planning period (2021-2029). The number that RHNA tracks among



this spreadsheet is the number of building permits issued in each calendar year. The total (beginning) RHNA allocation is 5,437 units. In 2022, 305 units were permitted. 33 Very Low Income units, 141 Low Income Units, and 131 Above Moderate Income units.

- TABLE C – Sites Identified or Rezoned to Accommodate Shortfall Housing Need.
  - This requirement does not apply to the City since adequate sites were identified in the adopted Housing Element.
- TABLE D – Program Implementation Status pursuant to Government Code section 65583.
  - Table D provides the implementation status of programs in the adopted Housing Element.
- TABLE E – Commercial Development Bonus Approved pursuant to Government Code section 65915.7.
  - No units were produced in the City using this provision of the Government Code.
- TABLE F – Units Rehabilitated, Preserved, and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1, subdivision (c)(2).
  - No units were produced in the City using this provision of the Government Code.
- TABLE F2 – Above Moderate Income Units Converted to Moderate Income Pursuant to Government Code section 65400.2
  - No units were converted using this provision of the Government Code
- TABLE G – Locally Owned Lands Included in the Housing Element Sites Inventory that have been Sold, Leased, or Otherwise Disposed of
  - Two (2) locally owned lands from the Housing Element Sites Inventory have been leased in 2022. One (1) temporary 12 month lease for equipment storage and one (1) ground lease for development.
- TABLE H – Locally Owned or Controlled Lands Declared Surplus Pursuant to Government Code Section 54221, or Identified as Excess Pursuant to Government Code Section 50569
  - No locally owned or controlled lands were declared surplus using the provisions of the government codes.
- TABLE I – Applications for Lot Splits pursuant to Government Code 66411.7 (SB9)
  - Two (2) applications for lot splits pursuant to SB9 in 2022.
- TABLE J – Student Housing Development for Lower Income Students for which was Granted a Density Bonus pursuant to Section 65915(b)(1)(F)
  - No units were developed using this provision of the government code

**AMENDED 2020 AND 2021 REPORTS:** Prior year reports from calendar years 2020 and 2021 were amended by staff to reflect recently uncovered data for those years. The actual number of building permits issued for the reporting year 2020 was 324 (not 315 as previously reported); for reporting year 2021, 83 building permits were issued (not 16 as previously reported).

**UNIT CATEGORIES:** Units are identified as either proposed or planned at initial occupancy for either renter occupant (R) or owner occupant (O) were apparent at the time of project application.

Unit types are categorized as one of the following:

- Single-family detached units
- Single-family attached units
- Two to four-unit structure
- Five or more unit structure
- Accessory dwelling unit
- Mobile home/manufactured home

**AFFORDABILITY:** Units are identified by affordability by household income as established by HCD’s income limit charts. The household income categories are based on the area median income (AMI) for San Diego County, \$106,900 for a family of four in 2022.

- Extremely low income households (30% AMI)
- Very low income households (50% AMI)
- Low income households (80% AMI)
- Moderate income households (120% AMI)
- Above moderate households (>120% AMI)

<b>San Diego County Income Limits Effective April 18, 2022</b>				
<b>FAMILY SIZE</b>	<b>30% of AMI Extremely Low Income</b>	<b>50% of AMI Very Low Income</b>	<b>80% of AMI Low Income</b>	<b>120% of AMI Moderate Income</b>
1	27,350	45,550	72,900	89,800
2	31,250	52,050	83,300	102,650
3	35,150	58,550	93,700	115,450
4	39,050	65,050	104,100	128,300
5	42,200	70,300	112,450	138,550
6	45,300	75,500	120,800	148,850
7	48,450	80,700	129,100	159,100
8	51,550	85,900	137,450	169,350

Jurisdiction	National City	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	04/15/2021 - 04/15/2029

### ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1	2										3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2020-04/14/2021	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	645	1	1	33	-	-	-	-	-	-	-	35	610
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	506	6	1	113	-	-	-	-	-	-	-	159	347
	Non-Deed Restricted		3	8	28	-	-	-	-	-	-	-		
Moderate	Deed Restricted	711	-	-	-	-	-	-	-	-	-	-	-	711
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Above Moderate		3,575	39	71	131	-	-	-	-	-	-	-	241	3,334
Total RHNA		5,437												
Total Units			49	81	305	-	-	-	-	-	-	-	435	5,002
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5	6										7	
		Extremely low-income Need	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		323	-	15	-	-	-	-	-	-	-	-	15	308

\*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.  
 Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).  
 Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.  
 Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

**Please Start Here**

General Information	
Jurisdiction Name	National City
Reporting Calendar Year	2022
Contact Information	
First Name	David
Last Name	McEachern
Title	Housing Programs Specialist II
Email	dmceachern@nationalcityca.gov
Phone	6193364301
Mailing Address	
Street Address	140 E 12th Street, Ste. B
City	National City
Zipcode	91950

**Optional:** Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

12\_28\_22



Table A2															
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units															
Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								
1					2	3	4							5	6
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements
Summary Row: Start Data Entry Below							1	0	0	19	0	0	176		196
	559-105-04-00	1931 Wilson Avenue		BD21-00311	ADU	R				1				2/28/2022	1
	561-012-01-00	924 E 13th Street		BD22-00261	ADU	R				1				3/23/2022	1
	560-061-05-00	1433 Coolidge Avenue		BD22-00292	ADU	R				1				3/30/2022	1
	563-080-19-00	917 E 28th street		BD22-00085	ADU	R				1				1/26/2022	1
	554-262-13-00	2619 E 3rd Street		BD22-00031	ADU	R				1				1/6/2022	1
	556-332-04-00	629 A Avenue		BD22-00498	ADU	R				1				11/3/2022	1
	556-126-06-00	223 G Avenue		BD22-00419	ADU	R				1				5/16/2022	1
	558-030-80-00	3105 E 9th Street		BD21-00318	ADU	R									0
	552-262-02-00	E 31st Street	Kire	BD21-00254	5+	R									0
	560-410-06-00	1221 D Avenue	Kimball Highland West	BD21-00283	5+	R									0
	560-050-10-00	605 E 14th Street	Kimball Highland East	BD21-00279	5+	R									0
	554-013-02-00	1312 E 1st Street		BD22-00255	ADU	R				1				9/6/2022	1
	556-104-09-00	132 E 3rd Street		BD21-00485	ADU	R				1				11/1/2022	1
	563-100-10-00	2615 L Avenue		BD21-00488	ADU	R									0
	554-153-08-00	547 Rachael Avenue		2021-10575-80878	ADU	R				1				5/3/2022	1
	556-313-15-00	1023 E 6th St		2021-11220-81640	ADU	R									0
	557-172-03-00	1330 E 8th		2021-11179-81583	SFD	O									0
	557-092-09-00	1337 7th		2021-11170-81573	ADU	R				1				3/21/2022	1
	559-105-04-00	1935 Wilson Ave		2021-11314-81748	ADU	R				1				11/3/2022	1
	561-283-06-00	2110 L Avenue		2020-10125-80383	SFD	O						1		7/12/2022	1
	561-283-03-00	2140 L Avenue		2021-10966-81294	SFD	O									0
	560-320-19-00	2142 G Avenue		2020-10354-80631	SFD	O						1		2/7/2022	1
	557-301-13-00	2221 E 11th Street		2021-11209-81618	ADU	R									0
	556-010-44-00	306 E Division Street		2021-11069-81405	ADU	R									0
	560-292-05-00	307 E 21st Street		2020-10163-80422	SFD	O						1		3/22/2022	1
	564-261-37-00	3231 Alta Dr		2021-11211-81620	ADU	R				1				9/1/2022	1
	556-311-20-00	821 E 5th Street		2021-11234-81663	ADU	R									0
	556-311-20-00	823 E 5th Street		2021-11233-81662	ADU	R									0
	669-090-05-00	834 Olive Avenue		2021-11083-81419	ADU	R				1				3/3/2022	1
	546-231-22-00	1201 E 18th Street		2022-09 SPR	5+	R						10		7/1/2022	10
	563-231-26-00	1830 Sweetwater Rd		2022-15 SPR	5+	R						130		7/1/2022	130
	560-142-14-00	201 W 18th Street		2022-22 SPR	2 to 4	O						3		7/1/2022	3
	560-320-23-00	2104 G Avenue		2022-23 SPR	5+	R						17		7/1/2022	17
	559-105-04-00	1933 Wilson Avenue		BD22-00188	ADU	R				1				11/3/2022	1
	556-063-13-00	433 E 2nd Street		2021-11160-81515	ADU	R				1				2/8/2022	1
	556-030-11-00	337 Norton Avenue		BD21-00435	ADU	R				1				3/22/2022	1
	556-082-39-00	1120 E 1st St		2020-9476-79621	ADU	R				1				9/29/2022	1
	562-190-32-00	341 E 30th		2019-9671-79845	5+	R									0
	556-011-14-00	121 E 2nd St		2021-11047-81379	ADU	R									0
	554-262-02-00	2620 E 2nd		2021-11038-81368	ADU	R				1				7/11/2022	1
	564-250-17-00	3317 Cypress Ave		BD21-00370	ADU	R									0
	559-105-12-00	1924 Harding Ave		2019-9435-79578	5+	R	1					13		6/16/2022	14
	558-132-16-00	2705 E 16th St		2021-10570-80871	SFD	O									0
	556-063-13-00	433 E 2nd Street		2021-11160-81515	ADU	R									0
	555-104-06-00	333 W 12th St		2019-9404-79543	ADU	R									0
	557-342-08-00	1517 E 14th St		2020-10207-80474	ADU	R									0



**Table A2**

**Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units**

Project Identifier			Affordability by Household Incomes - Building Permits							8	9
			7							8	9
Current APN	Street Address	Project Name*	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Building Permits Date Issued	# of Units Issued Building Permits
			33	0	113	28	0	0	131		305
559-105-04-00	1931 Wilson Avenue					1				2/28/2022	1
561-012-01-00	924 E 13th Street					1				3/23/2022	1
560-061-05-00	1433 Coolidge Avenue					1				3/30/2022	1
563-080-19-00	917 E 28th street					1				1/26/2022	1
554-262-13-00	2619 E 3rd Street					1				1/6/2022	1
556-332-04-00	629 A Avenue					1				11/3/2022	1
556-126-06-00	223 G Avenue					1				5/16/2022	1
558-030-80-00	3105 E 9th Street					1				7/12/2022	1
552-262-02-00	E 31st Street	Kire						87		8/4/2022	87
560-410-06-00	1221 D Avenue	Kimball Highland West	12		48				1	10/27/2022	61
560-050-10-00	605 E 14th Street	Kimball Highland East	18		65				1	10/17/2022	84
554-013-02-00	1312 E 1st Street					1				9/6/2022	1
556-104-09-00	132 E 3rd Street					1				11/1/2022	1
563-100-10-00	2615 L Avenue					1				9/21/2022	1
554-153-08-00	547 Rachael Avenue					1				5/3/2022	1
556-313-15-00	1023 E 6th St					1				7/13/2022	1
557-172-03-00	1330 E 8th							1		2/24/2022	1
557-092-09-00	1337 7th					1				3/21/2022	1
559-105-04-00	1935 Wilson Ave					1				11/3/2022	1
561-283-06-00	2110 L Avenue							1		7/12/2022	1
561-283-03-00	2140 L Avenue							1		5/2/2022	1
560-320-19-00	2142 G Avenue							1		2/7/2022	1
557-301-13-00	2221 E 11th Street					1				4/14/2022	1
556-010-44-00	306 E Division Street					1				3/21/2022	1
560-292-05-00	307 E 21st Street							1		3/22/2022	1
564-261-37-00	3231 Alta Dr					1				9/1/2022	1
556-311-20-00	821 E 5th Street					1				1/6/2022	1
556-311-20-00	823 E 5th Street					1				1/6/2022	1
669-090-05-00	834 Olive Avenue					1				3/3/2022	1
546-231-22-00	1201 E 18th Street										0
563-231-26-00	1830 Sweetwater Rd										0
560-142-14-00	201 W 18th Street										0





**Table A2**

**Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units**

Project Identifier			Affordability by Household Incomes - Certificates of Occupancy								11	12
Current APN	Street Address	Project Name*	10							Certificates of Occupancy or other forms of readiness (see instructions) <u>Date Issued</u>	# of Units issued Certificates of Occupancy or other forms of readiness	
			Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income			
			0	0	6	7	0	0	40		53	
559-105-04-00	1931 Wilson Avenue										0	
561-012-01-00	924 E 13th Street										0	
560-061-05-00	1433 Coolidge Avenue										0	
563-080-19-00	917 E 28th street										0	
554-262-13-00	2619 E 3rd Street										0	
556-332-04-00	629 A Avenue										0	
556-126-06-00	223 G Avenue										0	
558-030-80-00	3105 E 9th Street										0	
552-262-02-00	E 31st Street	Kire									0	
560-410-06-00	1221 D Avenue	Kimball Highland West									0	
560-050-10-00	605 E 14th Street	Kimball Highland East									0	
554-013-02-00	1312 E 1st Street										0	
556-104-09-00	132 E 3rd Street										0	
563-100-10-00	2615 L Avenue										0	
554-153-08-00	547 Rachael Avenue										0	
556-313-15-00	1023 E 6th St										0	
557-172-03-00	1330 E 8th										0	
557-092-09-00	1337 7th										0	
559-105-04-00	1935 Wilson Ave										0	
561-283-06-00	2110 L Avenue										0	
561-283-03-00	2140 L Avenue										0	
560-320-19-00	2142 G Avenue										0	
557-301-13-00	2221 E 11th Street										0	
556-010-44-00	306 E Division Street										0	
560-292-05-00	307 E 21st Street										0	
564-261-37-00	3231 Alta Dr										0	
556-311-20-00	821 E 5th Street										0	
556-311-20-00	823 E 5th Street										0	
669-090-05-00	834 Olive Avenue										0	
546-231-22-00	1201 E 18th Street										0	



Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier			13	Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Density Bonus			
Current APN	Street Address	Project Name*	How many of the units were Extremely Low Income?*	Was Project APPROVED using GC 65913.4(b)? (SB 35 Streamlining) Y/N	Infill Units? Y/N	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)*	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)
			15	14	15	16	17	18	19	20			21	22	23	24
			0	N				Comparable unit fair market rent falls below 80% AMI								
559-105-04-00	1831 Wilson Avenue		0	N				Comparable unit fair market rent falls below 80% AMI								
561-012-01-00	924 E 13th Street		0	N				Comparable unit fair market rent falls below 80% AMI								
560-061-05-00	1433 Coolidge Avenue		0	N				Comparable unit fair market rent falls below 80% AMI								
563-080-19-00	917 E 28th street		0	N				Comparable unit fair market rent falls below 80%								
554-262-13-00	2619 E 3rd Street		0	N				Comparable unit fair market rent falls below 80%								
556-332-04-00	629 A Avenue		0	N				Comparable unit fair market rent falls below 80%								
556-126-06-00	223 G Avenue		0	N				Comparable unit fair market rent falls below 80%								
558-030-80-00	3105 E 9th Street		0	N				Comparable unit fair market rent falls below 80%								
552-262-02-00	E 31st Street	Kira	0	N												
560-410-06-00	1221 D Avenue	Kimball Highland West	6	N		LIHTC, RDA, Other	Other		55							
560-050-10-00	605 E 14th Street	Kimball Highland East	9	N		LIHTC, RDA, Other	Other		55							
554-013-02-00	1312 E 1st Street		0	N				Comparable unit fair market rent falls below 80%								
556-104-09-00	132 E 3rd Street		0	N				Comparable unit fair market rent falls below 80%								
563-100-10-00	2615 L Avenue		0	N				Comparable unit fair market rent falls below 80%								
554-153-08-00	547 Rachael Avenue		0	N				Comparable unit fair market rent falls below 80%								
556-313-15-00	1023 E 6th St		0	N				Comparable unit fair market rent falls below 80%								
557-172-03-00	1330 E 8th		0	N												
557-092-09-00	1337 7th		0	N				Comparable unit fair market rent falls below 80%								
559-105-04-00	1935 Wilson Ave		0	N				Comparable unit fair market rent falls below 80%								
561-283-06-00	2110 L Avenue		0	N												
561-283-03-00	2140 L Avenue		0	N												
560-320-19-00	2142 G Avenue		0	N												
557-301-13-00	2221 E 11th Street		0	N				Comparable unit fair market rent falls below 80%								
556-010-44-00	306 E Division Street		0	N				Comparable unit fair market rent falls below 80%								
560-292-05-00	307 E 21st Street		0	N												
564-261-37-00	3231 Alta Dr		0	N				Comparable unit fair market rent falls below 80%								
556-311-20-00	821 E 5th Street		0	N				Comparable unit fair market rent falls below 80%								
556-311-20-00	823 E 5th Street		0	N				Comparable unit fair market rent falls below 80%								
669-090-05-00	834 Olive Avenue		0	N				Comparable unit fair market rent falls below 80%								
546-231-22-00	1201 E 18th Street		0	N												
563-231-26-00	1830 Sweetwater Rd		0	N												
560-142-14-00	201 W 18th Street		0	N												
560-320-23-00	2104 G Avenue		0	N												
559-105-04-00	1833 Wilson Avenue		0	N				Comparable unit fair market rent falls below 80%								
556-063-13-00	433 E 2nd Street		0	N				Comparable unit fair market rent falls below 80%								
556-030-11-00	337 Norton Avenue		0	N				Comparable unit fair market rent falls below 80%								
556-082-39-00	1120 E 1st St		0	N				Comparable unit fair market rent falls below 80%								
562-190-32-00	341 E 30th		0	N												
556-011-14-00	121 E 2nd St		0	N				Comparable unit fair market rent falls below 80%		1						
554-262-02-00	2620 E 2nd		0	N				Comparable unit fair market rent falls below 80%								
564-250-17-00	3317 Cypress Ave		0	N				Comparable unit fair market rent falls below 80%								
559-105-12-00	1924 Harding Ave		0	N			DB		55				32.5%	Development Standards Modification, On-Site Improvements	No	
558-132-16-00	2705 E 16th St			N												
556-063-13-00	433 E 2nd Street			N				Comparable unit fair market rent falls below 80%								
555-104-06-00	333 W 12th St			N				Comparable unit fair market rent falls below 80%								
557-342-08-00	1517 E 14th St			N				Comparable unit fair market rent falls below 80%								
561-420-08-00	2323 Prospect St			N				Comparable unit fair market rent falls below 80%								





# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

<b>Jurisdiction</b>	National City		
<b>Reporting Year</b>	2022	(Jan. 1 - Dec. 31)	
<b>Table D</b>			
<b>Program Implementation Status pursuant to GC Section 65583</b>			
<b>Housing Programs Progress Report</b>			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe in H.E</b>	<b>Status of Program Implementation</b>
Housing Production Monitoring Program	Submit a report to the Department of Housing and Community Development prior to the Statutory deadline.	Prepare and submit a report annually pursuant to statute during the eight-year planning cycle.	The annual report was prepared for the previous calendar year and submitted to HCD, OPR, and SANDAG. The City has coordinated multiple departments to monitor housing progress.
Housing Choice Voucher (Section 8) Rental Assistance Program	Maintain 911 units of project-based housing and 1,123 tenant-based vouchers. Outreach and education on the State Source of Income protection SB 329 and SB 322 recognize public subsidies (including Section 8) as a legitimate source of income for rent payments.	Monitoring annually during the eight-year planning cycle.	Continuing to maintain housing units for 1,123 Housing Choice Vouchers, Project-Based Housing, and Emergency Housing Vouchers. 2022 experienced a low inventory of available units. Of 32 Emergency Housing Vouchers, 11 are leased up as of January 2023. That number is partially a consequence of vouchers often ported out of the jurisdiction.
First-Time Homebuyer Program	Assist an average of 2 households per year for a total of 16 households during the eight-year planning period.	Average of 2 households per year for a total of 16 households during the eight-year planning period.	6 Units were sold to first time home buyers in 2022. The City does not have an active program due to funding availability. Households are being directed to additional state and federal programs. Created a resource web page for FTHB. 2022 introduced some difficulty with FTHB via higher interest rates and lower inventory

<p>Fair Housing Program</p>	<p>Improve fair housing practices and programs in the City.</p>	<p>Implement on an ongoing basis during the eight-year planning period. Adopt a source of income protection ordinance within the first two years of the eight-year planning period. Conduct bi-annual or periodic testing of discrimination.</p>	<p>The City participates in the San Diego Regional Alliance for Fair Housing to address issues and work with other jurisdictions in addition to quarterly reports from Fair Housing service providers. The City contracts with CSA San Diego to investigate, report, monitor, and provide counseling to tenants and training to landlords on fair housing law.</p>
<p>Community Housing Development Organizations (CHDO) Program</p>	<p>Identify and fund CHDOs to pursue affordable housing projects and programs.</p>	<p>Conduct outreach annually as part of the budget process and/or as funding sources become available during the eight-year planning cycle.</p>	<p>6 homes were completed in 2022 through Habitat for Humanity, which were sold to local first time homebuyers who qualified below 80% AMI. Units are restricted at 80% AMI level for 55 years, and Habitat will work with occupants to find qualified buyers when moving.</p>
<p>Community Land Trust (CLT) Program</p>	<p>Allow the establishment of community land trusts as needed.</p>	<p>Conduct outreach annually as a part of the budget process and/or as funding sources become available during the eight-year planning cycle.</p>	<p>The City is reviewing models for implementation of a community land trust including the use of city owned properties to develop a CLT model. The Housing Strategic Plan identifies 4 sites to be considered for adoption of a Community Land Trust. A coordinated agreement with Habitat for Humanity and San Diego Community Land Trust regarding a 6-unit site was discontinued in 2022, but future agreements will be considered as opportunities arise.</p>
<p>Housing Education and Resource Outreach</p>	<p>Host 2 events annually to provide outreach to residents.</p>	<p>Host 2 outreach and education events annually.</p>	<p>The City contracts with CSA San Diego to investigate, report, monitor, and provide counseling to tenants and training to landlords on fair housing law. National City website includes program information and additional resources for housing-related services and information</p>
<p>Focused General Plan and Climate Action Plan (CAP) Update – Infill and Transit-Oriented Development Opportunities</p>	<p>Update the Land Use Element, Circulation Element, and CAP to increase housing opportunities near transit for all residents. Recognize the role of affordable housing in helping the City meet both its RHNA obligations and CAP goals.</p>	<p>Complete within the first two years of the eight-year planning period.</p>	<p>The City is in the process of creating and adopting a Focused General Plan Update. 2022 held community outreach, mayor and city council briefed and presented to Planning Commission, development of economic analysis, modeling 2050 alternatives and traffic analysis, SEIR preparation. Hearings and approval for the FGPU anticipated in June 2023</p>
<p>Complete Communities Incentive Program</p>	<p>Promote voluntary inclusionary housing and progress towards National City’s RHNA for all incomes.</p>	<p>Adopt the program within the first two years of the eight-year planning period.</p>	<p>The Completed Communities Incentive Program was in the development process and is proposed as House National City. The goal of the program is to increase the supply of affordable housing, incentivize housing within transit priority areas, and provide additional community benefits. A feasibility analysis was completed in 2022 to study potential opt-in requirements and incentives for developers to do so.</p>



Development Impact Fee (DIF) Unit of Measurement Change	Revise fee structure to encourage the production of additional housing units	Complete within the first two years of the eight-year planning period.	Through the House National City initiative, the City is in the process of developing a density bonus Floor Area Ratio DIF based on square footage with affordable units and loarger units exempt from DIF. Anticipated public hearings in 2023
Accessory Dwelling Unit (ADU) Ordinance	Create standards and incentives to promote the development of ADUs for residential uses.	Complete within the first two years of the eight-year planning period.	An ADU policy was created and approved by the council on November 2, 2021. 28 building permits for ADUs were issued in 2022
Parking Study	Evaluate reduced parking requirements in strategic areas to encourage the development	Complete the study within the first two years of the eight-year planning period.	A feasibility study completed in 2022 looking at reduced parking minimums was included within the FGPU process. Additionally, AB 2097 prohibits imposing or enforcing most parking minimums near high-quality transit.
Objective Design Standards	Streamline the processing of multifamily projects.	Complete within the first two years of the eight-year planning period	The City plans to adopt objective design standards for multi-family residential development projects. This is intended to help streamline the process of multi-family projects.
Municipal Code Update	Remove barriers to housing production and encourage the development of underutilized land.	Complete within the first two years of the eight-year planning period.	The City plans to update the Municipal Code to provide for a variety of housing types, consistent with State Law related to ADUs, Low Barrier Navigation Centers, Emergency Shelters, Transitional/Supportive Housing, SRO units, and Employee housing. ADU ordinance adopted 2021. Density Bonus process is currently being updated so that it is easy to understand and implement.
Development Streamlining and Processing Revisions	Remove governmental barriers to housing production.	Complete within the first two years of the eight-year planning period.	Development streamlining and processing revisions to remove governmental barriers to housing production were in the development process for the calendar year. Sb 35 requires a streamlined review process for multifamily units that provide at least 10% affordable while meeting several additional criteria. SB9 allows for streamlined lot splits on some single-family residential to increase potential for housing density.
Housing Unit Replacement Program	Ensure no net loss of housing units as a result of future development.	Complete within the first two years of the eight-year planning period.	No net loss of housing units was reported for this calendar year. House National City, public hearings to be held in 2023, includes a density bonus program with a provision for rights of existing tenants to be entitled to relocation expenses, right of first refusal for existing tenants, and 75% of affordable units to be priority offered to National City residents
Developer Information Program	Update and maintain informational materials as policies, standards, guidelines, and ordinances are amended or adopted.	Implement on an ongoing basis during the eight-year planning period.	The City has updated its website to facilitate communication with developers and make information readily available. Developer incentives information and programs are listed with contact information.
Housing Strategic Plan	Provide a work plan for the National City Housing Authority to make progress towards Housing Element goals and objectives.	Complete within the first two years of the eight-year planning period.	The National City Housing Strategic Plan was approved on August 3, 2021. 4 year planning period from 2021-2025. Lays out guidance for City-owned sites and future Requests for Proposals. Provides guidance for a future NOFA to make financial resources available for affordable developers. Details Housing Authority programs, financial resources, and staffing resources. Incorporates information gathered through best practices research and strategy sessions with peer cities.

Home Repair Loan Program	Provide loans to 5 lower-income households to address substandard housing conditions.	Implement on an ongoing basis during the eight-year planning period.	No units were rehabilitated with Housing Authority Funds during the calendar year. A goal of 5 units to utilize housing rehabilitation using Home Repair Loans during the 6th Cycle Housing Element. CDBG grants can be considered for home repair. Most home repairs would cost less than \$20,000
At-Risk Inventory and Monitoring Program	Monitor and preserve the affordability of all publicly assisted housing units.	Implement on an ongoing basis during the eight-year planning period.	No at-risk units were converted to market-rate during the calendar year. No affordable units are considered at-risk for the Housing Element cycle (2021-2029)
Affordable Housing Priority Production	Facilitate progress towards the City's lower and moderate-income RHNA.	Implement on an ongoing basis during the eight-year planning period.	The Housing Strategic Plan and the Focused General Plan Update include provisions for incentivizing the production of affordable units via density bonus development incentives and waivers. Ongoing coordination with community partners. 156 affordable unit building permits were issued in 2022.
Residential Priority Production for Mixed-Use Corridors and Districts	Facilitate progress towards the City's RHNA	Adopt the program within the first three years of the eight-year planning period.	The City worked on the House National City Guide during the calendar year. The guide consist of prohousing policies in transit priority and mixed use quarters including prioritized/streamlined development review for projects that include residential units. Mixed Use Corridors Adequate Sites analysis contains capacity for at least 649 low-income units, 321 moderate income units, and 739 above moderate income units. Kimball Highlands project will include a medical center, senior center, and affordable housing units. Developer incentivizes are being explored in the Focused General Plan Update through density bonus to increase the feasibility for market units and affordable units.
Site Inventory Outreach and Incentives	Facilitate progress towards the City's RHNA.	Adopt the program within the first three years of the eight-year planning period.	The City is tracking vacant and under developed parcels and establishing communications with ownership to discuss future development. Considered incentives to adopt include density bonus expansion, reduction of parking requirements, and streamlined review processes consistent with state regulations. Some identified sites considered for adoption of a Community Land Trust.





Jurisdiction	National City	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	04/15/2021 - 04/15/2029

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

## ANNUAL ELEMENT PROGRESS REPORT

### Housing Element Implementation

Not
Cells in g

Table J

Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915

Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved						
1				2	3	4						
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income
Summary Row: Start Data Entry Below												

<b>Jurisdiction</b>	National City	
<b>Reporting Year</b>	2022	(Jan. 1 - Dec. 31)
<b>Planning Period</b>	6th Cycle	04/15/2021 - 04/15/2029

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	33
	Non-Deed Restricted	0
Low	Deed Restricted	113
	Non-Deed Restricted	28
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		131
<b>Total Units</b>		<b>305</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Units by Structure Type</b>	<b>Entitled</b>	<b>Permitted</b>	<b>Completed</b>
SFA	0	0	0
SFD	3	5	1
2 to 4	3	0	0
5+	171	272	45
ADU	19	28	7
MH	0	0	0
<b>Total</b>	<b>196</b>	<b>305</b>	<b>53</b>

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	8
Number of Proposed Units in All Applications Received:	290
Total Housing Units Approved:	162
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

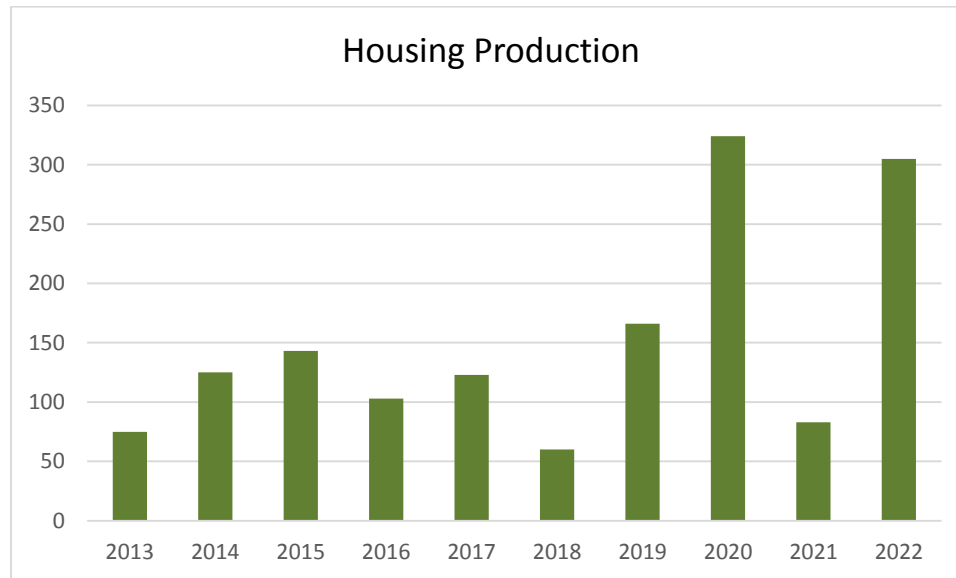
<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cells in grey contain auto-calculation formulas

Accept and file the Housing Element 2022 Annual Progress Report pursuant to California Code Section 65400 to the California Department of Housing and Community Development (HCD) and Office of Planning and Research (OPR).

Housing Production 10-Year History

Housing Production by Year (Building Permits Issued)										
Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Very Low				45				65	1	33
Low	8	108						73	10	141
Moderate		1		46	116					
Above Moderate	67	16	143	12	7	60	166	186	72	131
<b>Total</b>	<b>75</b>	<b>125</b>	<b>143</b>	<b>103</b>	<b>123</b>	<b>60</b>	<b>166</b>	<b>324</b>	<b>83</b>	<b>305</b>





# AGENDA REPORT

**Department:** City Attorney's Office  
**Prepared by:** Barry J. Schultz, City Attorney  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Amending the Agreement between the City of National City and Devaney Pate Morris & Cameron LLP for legal services.

**RECOMMENDATION:**

Adopt the Resolution entitled, "Resolution of the City Council of the City of National City, California, Amending the Agreement between the City of National City and Devaney Pate Morris & Cameron LLP for legal services in the specialized area of General Civil Litigation Defense arising from Government Claims by 1.) Increasing the not-to-exceed amount by \$125,000 for a new total not-to-exceed amount of \$200,000 pertaining to litigation titled Bhandari v. City; and 2.) Increasing the not-to-exceed amount by \$75,000 for a new total not-to-exceed amount of \$150,000 pertaining to litigation titled Cummins v. City.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

On November 16, 2021, the City entered into an Agreement with Devaney Pate Morris & Cameron LLP for specialized services in General Civil Litigation Defense arising from Government Claims, which include consultation with the City Attorney and Risk Management on Government Claims, defense of the City on litigated matters, advice and counsel to the City Council, and communications with City staff for an amount not-to-exceed \$75,000.00 per case and out of pocket disbursements pursuant to the Agreement.

The City Attorney's Office desires to 1) Increase the not-to-exceed amount by \$125,000 for a new not-to-exceed amount total of \$200,000 due to the ongoing cost of legal services pertaining to the litigation titled Sophia Bhandari v. City of National City, et al. and 2.) Increase the not-to-exceed amount by \$75,000 for a new not-to-exceed amount total of \$150,000 due to the ongoing cost of legal services pertaining to the litigation titled Ashley Cummins v. City of National City, et al..

**FINANCIAL STATEMENT:**

Appropriations are available in account 627-405-081-432-0000 Risk Liability Claim Cost

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.



**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A – Agreement

Exhibit B - Resolution

**AMENDMENT TO THE AGREEMENT  
BY AND BETWEEN  
THE CITY OF NATIONAL CITY  
AND  
DEVANEY PATE MORRIS & CAMERON, LLP**

THIS FIRST AMENDMENT TO THE AGREEMENT is entered into this 21st day of March, 2023, by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and DEVANEY PATE MORRIS & CAMERON LLP, (the "FIRM").

**RECITALS**

**WHEREAS**, the CITY and the FIRM entered into an Agreement on November 16, 2021 ("the Agreement"), wherein the FIRM agreed to assist in representing the CITY in connection with litigation and government claim issue services for a not-to-exceed amount of \$75,000.00 per case and out-of-pocket disbursements pursuant to this Agreement; and

**WHEREAS**, the FIRM represents the CITY in the cases titled *Sophia Bhandari v. City of National City* and *Ashley Cummins v. City of National City*; and

**WHEREAS**, the parties desire to amend the Agreement as it pertains to the case titled *Sophia Bhandari v. City of National City* to cover the cost of providing the increase scope of services from the original amount of \$75,000 by increasing the not-to-exceed amount by \$125,000.00, for a new total not-to-exceed amount of \$200,000.00; and

**WHEREAS**, the parties also desire to amend the Agreement as it pertains to the case titled *Ashley Cummins v. City of National City* to cover the cost of providing the increase scope of services from the original amount of \$75,000 by increasing the not-to-exceed amount by \$75,000.00, for a new total not-to-exceed amount of \$150,000.00.

**AGREEMENT**

**NOW, THEREFORE**, the parties hereto agree that:

1. The November 16, 2021 Agreement is hereby amended to cover the cost of the increased scope of services from the original not-to-exceed amount of \$75,000.00 by an increased amount of \$125,000.00, for a new total not-to-exceed amount of \$200,000.00 as it pertains to the case title *Sophia Bhandari v. City of National City*.

2. The November 16, 2021 Agreement is hereby amended to cover the cost of the increased scope of services from the original not-to-exceed amount of \$75,000.00 by an increased amount of \$75,000.00, for a new total not-to-exceed amount of \$150,000.00 as it pertains to the case title *Ashley Cummins v. City of National City*.

3. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 16, 2021 Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this First Amendment to the Agreement on the date and year first above written.

**CITY OF NATIONAL CITY**

**DEVANEY PATE MORRIS &  
CAMERON LLP**

By: \_\_\_\_\_  
Ron Morrison, Mayor

By:   
Leslie E. Devaney  
Title: Managing Partner

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Barry J. Schultz,  
City Attorney

By:   
Christina M. Cameron  
Title: Partner

**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING THE AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND DEVANEY PATE MORRIS & CAMERON LLP FOR LEGAL SERVICES IN THE SPECIALIZED AREA OF GENERAL CIVIL LITIGATION DEFENSE ARISING FROM GOVERNMENT CLAIMS BY 1) INCREASING THE NOT-TO-EXCEED AMOUNT BY \$125,000 FOR A NEW TOTAL NOT-TO-EXCEED AMOUNT OF \$200,000 PERTAINING TO LITIGATION TITLED BHANDARI V. CITY; AND 2) INCREASING THE NOT-TO-EXCEED AMOUNT BY \$75,000 FOR A NEW TOTAL NOT-TO-EXCEED AMOUNT OF \$150,000 PERTAINING TO THE LITIGATION TITLED CUMMINS V. CITY.**

**WHEREAS**, on November 16, 2021, the City of National City (“City”) entered into an agreement with Devaney Pate Morris & Cameron LLP for specialized services in General Civil Litigation Defense arising from Government Claims for an amount not-to-exceed of \$75,000 per case; and

**WHEREAS**, the legal services provided include consultation with the City Attorney and the City’s Risk Manager on Government Claims, defense of the City on litigated matters, advice and counsel to the City Council, and communications with City staff; and

**WHEREAS**, the City Attorney’s Office desires to 1.) increase the not-to-exceed amount by \$125,000 for a new not-to-exceed amount total of \$200,000 due to the ongoing cost of legal services pertaining to the litigation titled Sophia Bhandri v. City of National City, et al. and 2.) increase the not-to-exceed amount by \$75,000 for a new not-to-exceed amount total of \$150,000 due to the ongoing cost of legal services pertaining to the litigation titled Ashley Cummins v. City of National City, et al..

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

**Section 1:** Authorizes the November 16, 2021 Agreement with Devaney Pate Morris & Cameron LLP to be amended to cover the cost of the increased scope of services from the original not-to-exceed amount of \$75,000.00 by an increased amount of \$125,000.00, for a new total not-to-exceed amount of \$200,000.00 as it pertains to the case title *Sophia Bhandari v. City of National City*.

**Section 2:** Authorizes the November 16, 2021 Agreement with Devaney Pate Morris & Cameron LLP to be amended to cover the cost of the increased scope of services from the original not-to-exceed amount of \$75,000.00 by an increased amount of \$75,000.00, for a new total not-to-exceed amount of \$150,000.00 as it pertains to the case title *Ashley Cummins v. City of National City*

**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 21st day of March, 2023**

\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

\_\_\_\_\_  
Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Community Development  
**Prepared by:** David Welch, Associate Planner  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Notice of Decision – Planning Commission approval - Conditional Use Permit for the Operation of a Service Station at an Existing Gasoline Station located at 2401 East Division Street.

**RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed (Case File No. 2022-34 CUP) (Community Development – Planning).

**BOARD/COMMISSION PRIOR ACTION:**

The Planning Commission recommended approval of the Conditional Use Permit by unanimous vote.

**Ayes:** Castle, Miller, Natividad, Sanchez, Sendt, Valenzuela **Nays:** None **Absent:** None

**EXPLANATION:**

The applicant is requesting a Conditional Use Permit for the operation of a 967 square-foot service station at an existing gas station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within an existing building and the hours of operation will be 9 a.m. to 8 p.m.

The Planning Commission conducted a public hearing on February 6, 2023, and voted to continue the hearing on March 6, 2023 to allow the applicant to provide more information on the proposal. At the March 6 meeting, the Commission recommend approval of the request based on the attached findings and recommended Conditions of Approval. The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

Not applicable

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Balanced Budget and Economic Development

**ENVIRONMENTAL REVIEW:**

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities CCR 15301. This project qualifies for a Notice of Exemption. CCR 15374.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**EXHIBITS:**

1. Overhead
2. 2022-34 CUP Staff Report
3. Exhibit A to the PC Report – Plans
4. PowerPoint Slides from PC meeting
5. PC Resolution 2023-02

2022-34 CUP – 2401 E. Division St. – Overhead



ATTACHMENT 1



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

**PLANNING COMMISSION STAFF REPORT**

Title: CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION AT AN EXISTING GASOLINE STATION LOCATED AT 2401 EAST DIVISION STREET

Case File No.: 2022-34 CUP

Location: 2401 East Division Street

Assessor's Parcel Nos.: 552-302-13

Staff report by: David Welch – Associate Planner

Applicant: Emad Mousavi

Zoning designation: MXD-1 (Minor Mixed-Use District)

Adjacent use and zoning:

North: Single-family residential / MXD-1

East: Single-family residential / MXD-1

South: Single-family residential across Division St. / RS-2 (Small Lot Residential)

West: Shopping center and school across Euclid Ave. / MXD-1

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Staff recommendation: Approve



### Staff Recommendation

Staff recommends approval of a conditional use permit (CUP) for the operation of a service station performing oil changes, brake changes, and engine checks in conjunction with an existing gasoline station, subject to the attached recommended conditions. A service station is a conditionally-allowed use in the Minor Mixed-Use District (MXD-1) zone.

### Previous Action

A public hearing was held for the consideration of the applicant's request to operate a service station at an existing gasoline station on Monday, February 6, 2023. The Planning Commission voted to continue the public hearing to March 6, 2023, to allow the applicant to be present to be able to address questions related to the proposal. In addition, modifications to the recommended conditions of approval were discussed related to the site's compliance with section of the National City Municipal Code and staff has updated the conditions of approval in the draft resolution related to noise and code compliance.

### Site Characteristics

The subject property is located on the northeast corner of East Division Street and North Euclid Avenue in the MXD-1 zone. The parcel has 432 feet of frontage inclusive of both streets and is 34,961 square feet in area. The lot is developed with a gas station (Gasoline Depot) with a small market occupying a portion of a 1,502 square-foot building. A 7-Eleven market occupies the northern portion of the site in a separate building. The gas station has four existing fuel islands located along North Euclid Avenue, which house eight gas dispensers. There are twenty parking spaces located throughout the property.

### Proposed Use

The applicant is proposing to operate a 967 square-foot service station at the existing gasoline station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within the existing building and the hours of operation will be 9 a.m. to 8 p.m. Monday through Saturday.

### Analysis

A service station is allowed within the MXD-1 zone with the issuance of a CUP. The subject business is nonconforming, in that it does not have a CUP. The proposal to add automotive service to the existing gasoline pumps and convenience market is

an expansion of the existing use and, therefore, requires a CUP. However, the structure already includes automobile service bays.

Section 18.30.190 of the Land Use Code (LUC) allows for service stations and convenience stores with gasoline pumps with an approved Conditional Use Permit (CUP). Additional requirements for service stations include site planning standards, screening, building design standards, landscaping, and operational standards. The area in the service station building proposed for automotive services has been mostly recently used for storage. However, it was originally constructed for service bays and the proposal would re-establish this use.

A service station requires a minimum of one hundred feet of street frontage and a minimum site area of fifteen thousand feet. The site has 432 feet of frontage with a lot area of 34,961 square feet. Site planning standards encourage service bay doors to be located where they are not visible from major streets. However, this would be impractical since the service area is proposed for an existing building.

Since the site is already developed, staff is only recommending the maintenance of the existing landscaped areas in conformance with current standards. Other characteristics of the site are addressed in the conditions of approval to bring the property in compliance with Title 18. The site issues include an abandoned monument sign, the location of an existing ADA parking space in front of the proposed service bay doors, inappropriate modifications to the building's exterior, and inadequate trash facilities.

In addition, service stations are required to be operated in accordance with the following regulations:

- a. Uses permissible at a service station do not include body or fender work or automobile painting unless they are permissible uses within the particular zone. Dismantling of automobiles for the purpose of selling parts is prohibited.
- b. All repair work being conducted shall be within a structure which shall be attached to the existing service station facility.
- c. Adequate facilities for such repair shall be available.
- d. No outdoor storage of disabled vehicles, vehicles under repair, automobile parts, or repair equipment shall be allowed at any time.
- e. Major repairs shall be conducted only between the hours of seven a.m. and seven p.m.

- f. Operations outside permanent structures shall be limited to the dispensing of motor fuels and servicing of tires, batteries and/or automobile accessories.

These regulations are addressed in the conditions of approval. Auto body repair and automobile painting are not permitted within the MXD-1 zone and would not be authorized with this CUP request.

The following are standard considerations that must be found for the approval of a CUP:

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for service stations, as discussed below.
2. General Plan Consistency – The service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan. There is no Specific Plan for the area. In addition, a service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.
3. Compatibility, LUC and Traffic – The buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. There will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
4. Suitability – The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use will occupy a building where the use was previously conducted and only minor modifications to the existing structure will be necessary.
5. No Nuisance – Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience,

or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the automotive services that may be conducted, the hours of operation, and activities permitted outdoors.

6. California Environmental Quality Act (CEQA) — The project has been determined to be exempt from environmental review under Class 1, Section 15301 (Existing Facilities). The reason for the exemption is that the proposed use will be conducted in a building that was built to accommodate the same use, which is permitted in the MXD-1 zone. As conditioned, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

#### Findings and Conditions of Approval

The attached draft resolution contains the recommended findings and conditions of approval. The findings are discussed in items 1 through 6 above in this report. Standard Conditions of Approval have been included with this permit as well as conditions specific to service stations per Section 18.30.190 of the LUC. The conditions are proposed to ensure the use will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community by providing a needed service.

#### Summary

The potential impacts of the proposed service station are minimal due to the fact that the gasoline station is existing and was originally developed with automotive service bays. Only minor modifications to the existing building and site would be required to support the applicant's request.

#### Options

1. Approve 2022-34 CUP subject to the conditions listed in the draft resolution, or other conditions, based on the findings listed in the draft resolution, or findings determined by the Planning Commission; or,
2. Deny 2022-34 CUP based on findings determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Overhead
2. Applicant's Plans (Exhibit A, Case File No. 2022-34 CUP, dated 11/15/2022)
3. Public Hearing Notice (Sent to 166 property owners & occupants)
4. Notice of Exemption
5. Draft Resolution



DAVID WELCH  
Associate Planner

ARMANDO VERGARA  
Director of Community Development



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION AT AN  
EXISTING GASOLINE STATION LOCATED AT 2401 EAST DIVISION STREET  
CASE FILE NO.: 2022-34 CUP  
APN: 552-302-13

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

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), the public hearing will also be available for anyone to observe on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The applicant proposes to operate a 967 square-foot service station at an existing gasoline station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within the existing building and the hours of operation will be 9 a.m. to 8 p.m. Monday through Saturday. The Planning Commission will also be requested to find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **February 6, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development



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

**NOTICE OF EXEMPTION**

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

**Project Title:** 2022-34 CUP

**Project Location:** 2401 E. Division Street, National City, CA 91950

**Lead Agency:** City of National City

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

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for the operation of a service station at an existing gasoline station located at 2401 East Division Street.

**Applicant:**

Emad Mousavi  
7505 Fannin Street, Suite 440  
Houston, TX 77054

**Telephone Number:**

(833) 781-7661

**Exempt Status:**

**Categorical Exemption - Class 1 Section 15301 Existing Facilities**

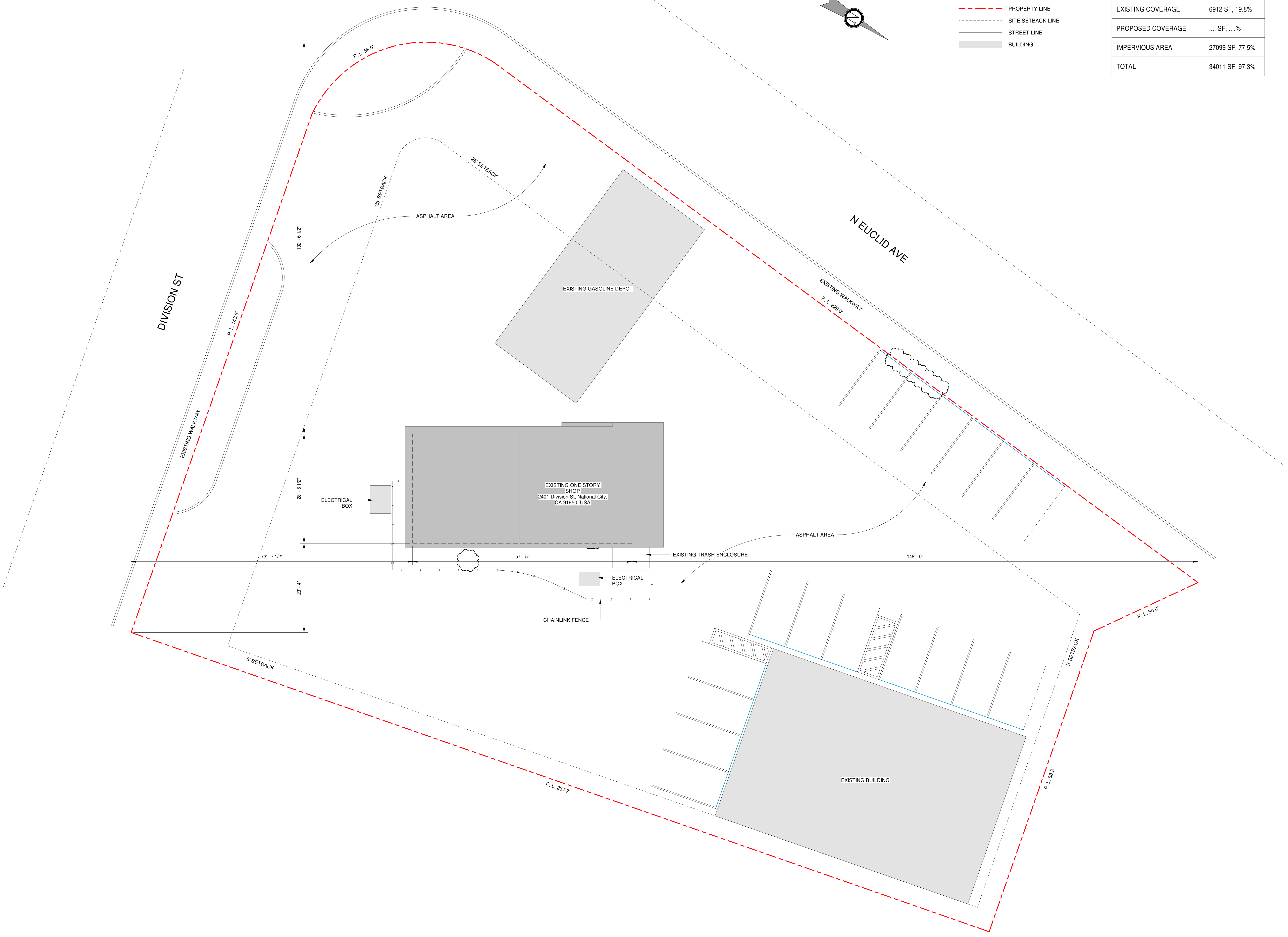
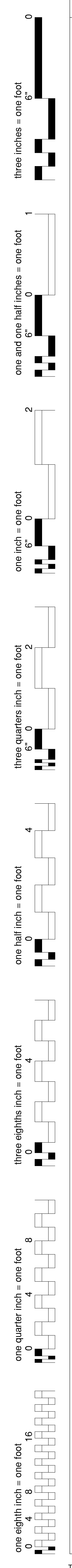
**Reasons why project is exempt:**

There is no possibility that the proposed use will have a significant impact on the environment since the use will be conducted in a building that was built to accommodate the same use. As conditioned with the approved permit, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

Date: 2/2022

David Welch, Associate Planner

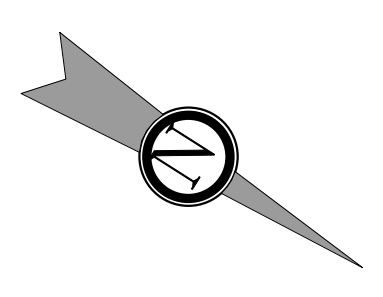
# Exhibit A, Case File No. 2022-34 CUP, dated 11/15/2022



LOT COVERAGE	
LOT SIZE	34961 SF, 100%
EXISTING COVERAGE	6912 SF, 19.8%
PROPOSED COVERAGE	... SF, ...%
IMPERVIOUS AREA	27099 SF, 77.5%
TOTAL	34011 SF, 97.3%

### LEGEND

- PROPERTY LINE
- - - SITE SETBACK LINE
- STREET LINE
- BUILDING



7505 FANNIN STREET SUITE 440  
HOUSTON, TX 77054  
(713) 999 5384

**SHOP WITH SERVICE STATION**

**2401 Division St, National City, CA 91950, USA**

No.	Description	Date

## SITE PLAN

Project Number	TSE-2021-3782
Date	09-09-22
Drawn By	Author
Checked By	Checker

# A1.01

Scale As indicated

Drawings and written material appearing herein constitute original and unpublished work of the Architect and may not be duplicated, used or disclosed without written consent of the Architect

# ATTACHMENT 3

1 | SITE PLAN  
1" = 10'-0"

This is a 30"x42" size sheet. Any other size is not full scale.









# Continued Public Hearing

CONDITIONAL USE PERMIT FOR THE  
OPERATION OF A SERVICE STATION AT  
2401 EAST DIVISION STREET.



# Previous Action

- PUBLIC HEARING ON FEBRUARY 6, 2023
  - Continued public hearing; applicant/representative not in attendance
  - Modifications to the conditions of approval were discussed
  - Staff added recommended conditions related to NCMC Noise Ordinance and code compliance



# Overhead



# Site Photos



# Site Photos



# Site Characteristics

- 2401 EAST DIVISION STREET
  - MXD-1 zone
  - Currently a Gasline Depot gas station with convenience store and eight fuel pumps
    - 1,502 square-foot structure
  - 34,961 square-foot parcel shared with 7-Eleven
  - Adequate frontage
  - Surrounding uses include single-family homes and a shopping center



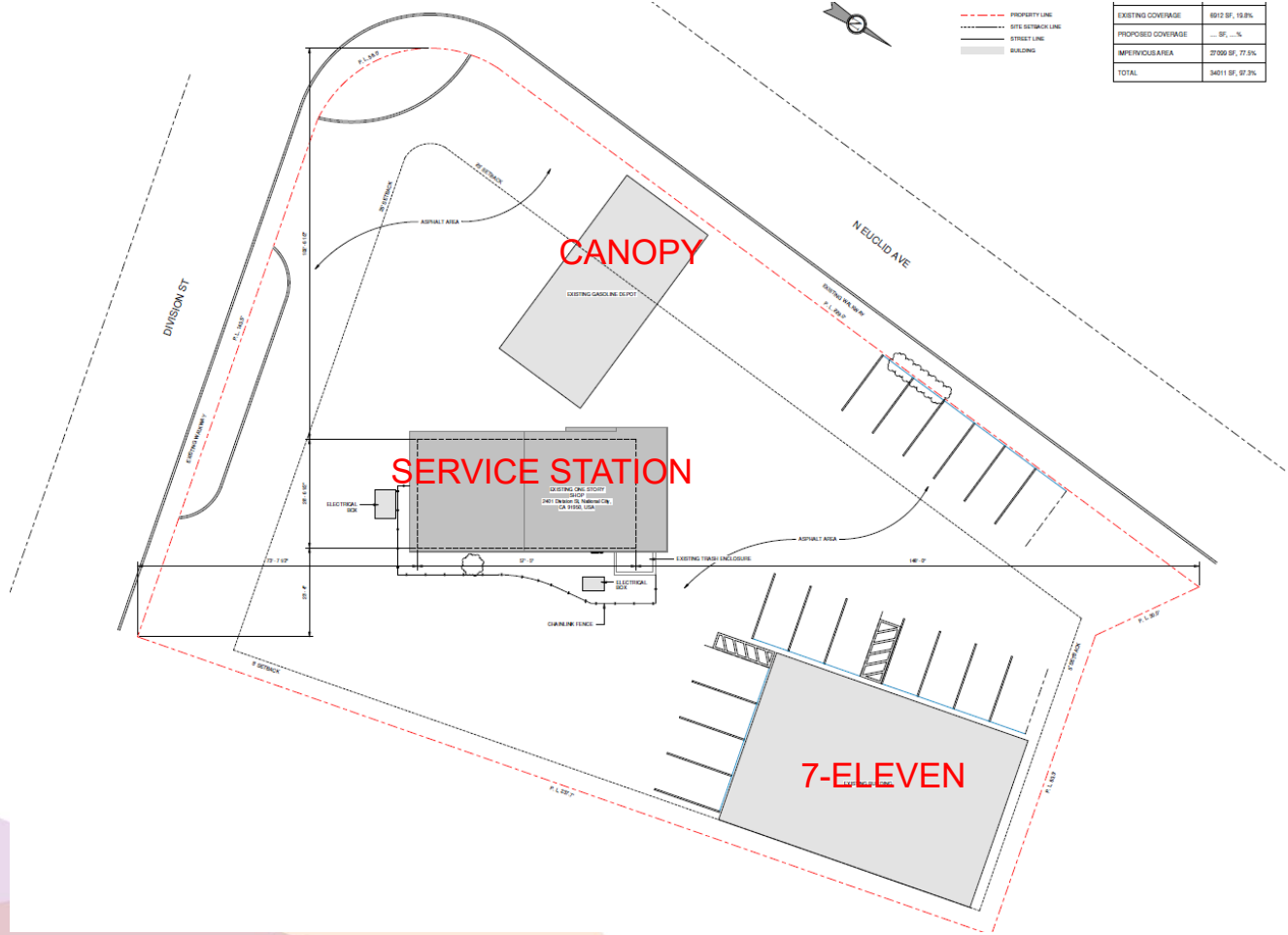


# Proposal

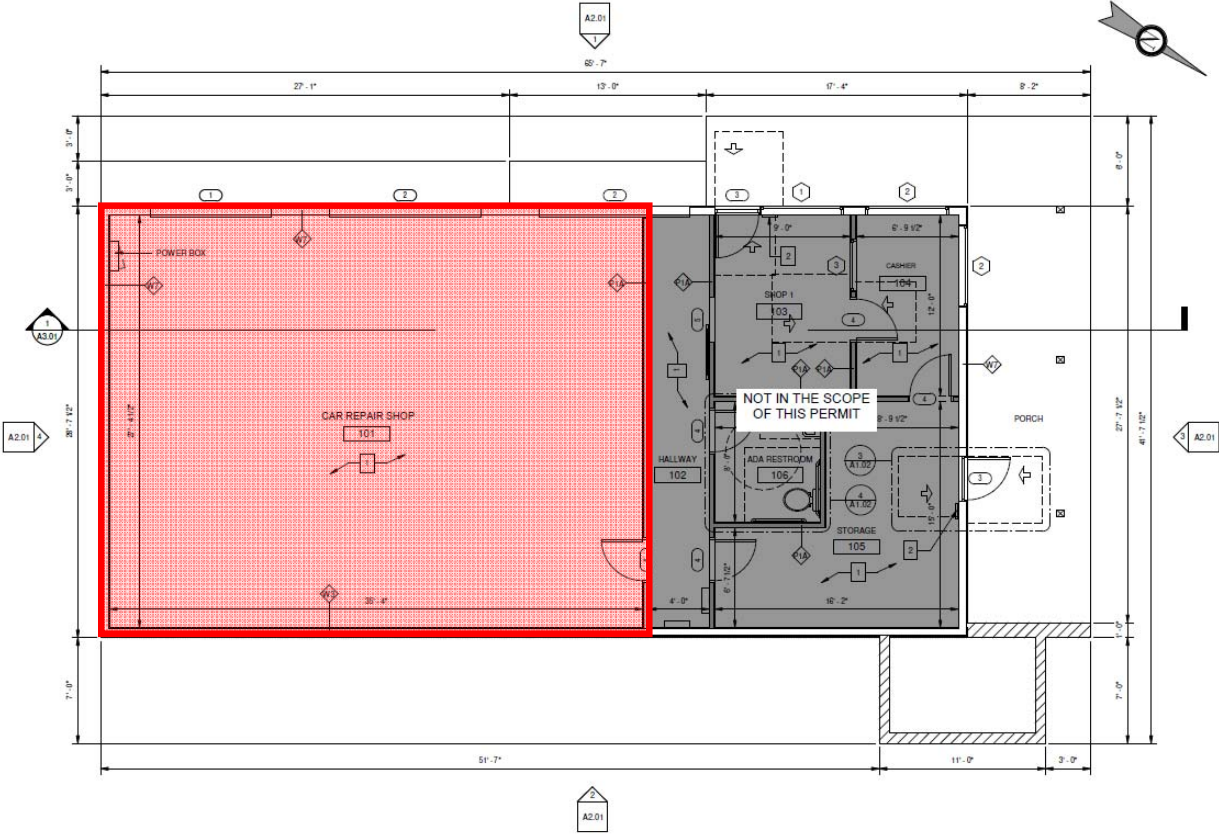
- APPLICANT REQUESTING TO OPERATE A SERVICE STATION
  - 967 square feet within existing structure
  - Services include oil changes, brake changes, and engine checks
  - No auto body or painting, no dismantling for parts, and no major repairs
  - Hours of operation are 9:00 a.m. to 8:00 p.m. daily
- PROPERTY WAS ORIGINALLY DEVELOPED TO SUPPORT THIS USE



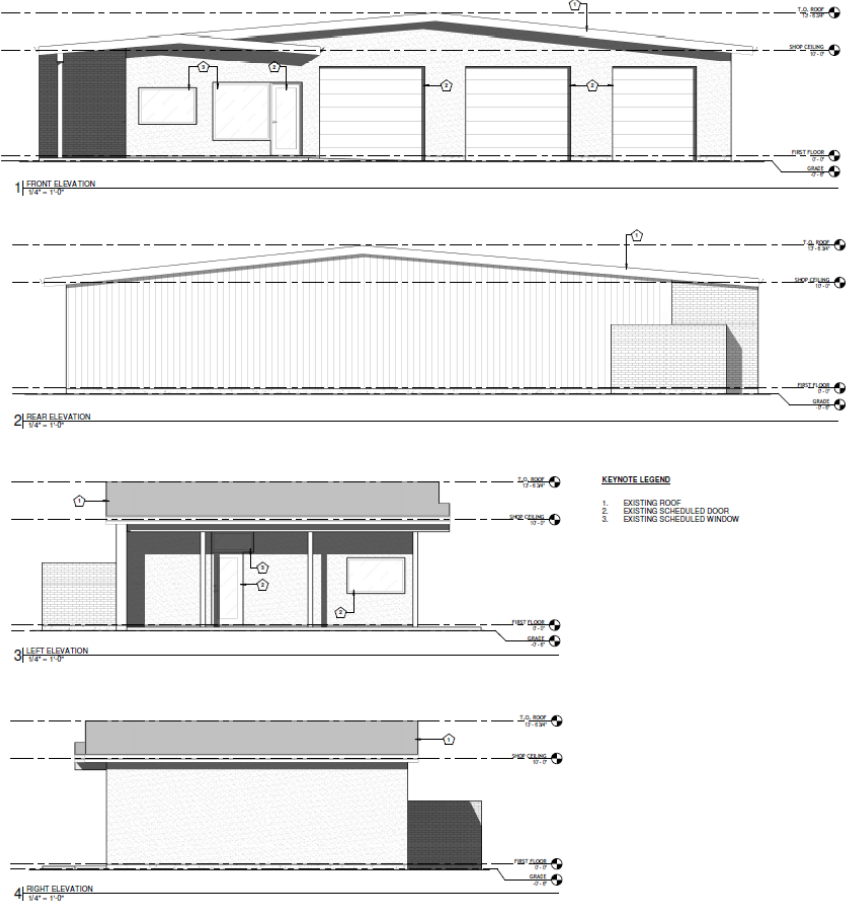
# Site Plan



# Floor Plan



# Elevations



# Analysis

- REQUEST CONSISTENT WITH MXD-1 ZONE
  - Auto body and paint are not permitted in the zone
- SECTION 18.30.190 OF THE LAND USE CODE
  - Site planning standards, screening, building design standards, landscaping, and operation standards.
  - Existing building and site
  - Planning is requesting that existing landscaped areas meet current code
  - Operational standards are listed as conditions of approval



# Analysis (cont.)

- SITE COMPLIANCE WITH TITLE 18
  - Abandoned monument sign
  - ADA parking space
  - Modifications to the building's exterior
  - Inadequate trash facilities



# Analysis (cont.)

- COMPATIBILITY, LAND USE CODE, AND TRAFFIC
  - All structures on site are existing
  - Previously analyzed for traffic impacts
  - Any modifications to the existing structure will have to comply with all applicable building and fire codes
- CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
  - Exempt under Class 1, Section 15301 (Existing Facilities)



# Conditions / Summary

- CONDITIONS OF APPROVAL
  - Operational standards
  - Conditions related to site/building modifications
  - Existing site issues
- PROPOSED USE CONSISTENT WITH GENERAL PLAN
  - Service station conditionally-allowed use in MXD-1 zone





# Options

- APPROVE CUP BASED ON FINDINGS LISTED IN THE DRAFT RESOLUTION / FINDINGS DETERMINED BY THE COMMISSION; OR
- DENY CUP BASED ON FINDINGS DETERMINED BY THE COMMISSION; OR
- CONTINUE THE ITEM FOR ADDITIONAL INFORMATION
- STAFF RECOMMENDING APPROVAL
- NOTICE OF DECISION TO CITY COUNCIL



RESOLUTION NO. 2023-02

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT  
FOR THE OPERATION OF A SERVICE STATION AT AN EXISTING GASOLINE  
STATION LOCATED AT 2401 EAST DIVISION STREET  
CASE FILE NO. 2022-34 CUP  
APN: 552-302-13

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the operation of a service station at an existing gasoline station located at 2401 East Division Street. At a duly advertised public hearing held on February 6, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2022-34 CUP maintained by the City and incorporated herein by reference along with evidence and testimony presented at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on February 6, 2023, support the following findings, which the Planning Commission hereby finds and determines:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for service stations, as discussed below.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because service stations are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area. In addition, a service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.

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 buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. There will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
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 proposed use will occupy a building where the use was previously conducted and only minor modifications to the existing structure will be necessary.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the automotive services that may be conducted, the hours of operation, and activities permitted outdoors.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review under Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the proposed use will be conducted in a building that was built to accommodate the same use, which is permitted in the MXD-1 zone. As conditioned, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

BE IT FURTHER RESOLVED by the Planning Commission of the City of National City, California that the application for a Conditional Use Permit is approved subject to the following conditions:

#### General

1. This Conditional Use Permit authorizes the operation of a service station at an existing gasoline station located at 2401 East Division Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-34 CUP, dated 11/15/2022.
2. Before this Conditional Use Permit shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by

the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant or owner shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant or owner shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.

3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

#### Planning

6. The service station is only permitted to conduct minor automotive repair and services including, but not limited to, oil changes, brake changes, and engine checks.
7. Major automotive repair, as defined in Chapter 18.50 of the Land Use Code (LUC), is not authorized with this CUP.
8. Uses permissible at a service station do not include body or fender work or automobile painting. Dismantling of automobiles for the purpose of selling parts is prohibited.
9. All repair work shall be conducted within the existing structure proposed to be used as a service station.
10. Prior to the issuance of any building permits related to the proposed use, the applicant shall bring the property into compliance with all applicable National City Municipal Code provisions. A building permit shall not be issued if there is an open code compliance related to the property unless the permit is necessary to achieve compliance.
11. Adequate facilities for the repairs conducted on site shall be available. Any required permits for the installation of equipment or modifications to the structure shall be obtained prior to the commencement of service or repair activities.

12. Operations outside permanent structures shall be limited to the dispensing of motor fuels and the servicing of tires, batteries and/or automobile accessories.
13. The service of vehicles shall only be permitted between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday.
14. All activities shall comply with the limits contained in Table III of Title 12 (Noise) of the National City Municipal Code.
15. Applicable permits shall be obtained for this project. Plans shall include a revised site plan indicating the relocation of the existing ADA parking space in front of the service bays in accordance with applicable law.
16. Building permits are required for exterior modifications to the building including modifications to exterior materials, the installation of service bay doors, and any installation of repair equipment requiring a permit. Any work that was completed prior to obtaining permits shall be noted in the scope of work.
17. Building permit plans for this project shall conform to all applicable development standards in the LUC.
18. A trash enclosure, in conformance with Section 7.10.080 of the National City Municipal Code, is required for this project and shall be constructed prior to the commencement of service of repair activities.
19. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.
20. Existing landscaped areas shall be maintained with a mix of trees, shrubs, and ground cover. A landscape and irrigation plan shall be submitted as part of the construction permitting process. Installation of landscaping items required by the LUC, including adequate landscaped area, trees, and shrubs shall be maintained for the life of the project.
21. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
22. Any abandoned signs on the property shall be removed prior to the issuance of any permits associated with the service station use.
23. Permits shall be obtained for any signage associated with the new service station use.

#### Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any

environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the owner, applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of February 6, 2023, by the following vote:

AYES:

NAYS:

ABSENT: None.

ABSTAIN: None.

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CHAIRPERSON



# AGENDA REPORT

**Department:** Planning  
**Prepared by:** Martin Reeder, AICP – Planning Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit (CUP) for a new Wireless Communications Facility to be located at 901 Euclid Avenue.

**RECOMMENDATION:**

Receive and File

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

The Planning Commission recommended approval of the Conditional Use Permit by unanimous vote of those present.

**EXPLANATION:**

Dish Wireless has applied for a CUP to construct a new wireless telecommunications facility and install associated equipment on the roof of and attached to Vallarta Supermarket. All antennas would be screened, with screening walls and/or enclosures textured and painted to match the existing commercial building.

The Planning Commission conducted a public hearing on March 6, 2023, and voted to recommend approval of the request based on the attached findings and recommended Conditions of Approval, with an added condition related to the requirement for backup power. The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

N/A

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Public Safety

**ENVIRONMENTAL REVIEW:**

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities CCR 15301. This project qualifies for a Notice of Exemption. CCR 15374.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBIT:**

Exhibit A – Planning Commission Staff Report with attachments



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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A NEW WIRELESS COMMUNICATIONS FACILITY TO BE LOCATED AT 901 EUCLID AVENUE.

Case File No.: 2022-36 CUP

Location: Vallarta Supermarket

Assessor's Parcel No.: 558-010-55

Staff report by: Martin Reeder, AICP – Planning Manager

Applicant: Andrew Rocca for Dish Wireless

Zoning designation: MXD-1 – Minor Mixed-Use District

Adjacent land use/zoning:

- North: Walgreens / MXD-1
- East: Summercrest Apartments / RM-2 (High Density Multi-Unit Residential)
- South: Commercial shopping center north and south of Plaza Blvd. / MXD-1 and MXC-1 (Minor Mixed Use Corridor) respectively
- West: National City Family Health Center across Euclid Avenue / MXC-1

Environmental review: This is a project under CEQA subject to a Categorical Exemption. Existing Facilities. CCR 15301(c).

Staff recommendation: Approve



### Staff Recommendation

Staff is recommending approval of the Conditional Use Permit (CUP) request. The proposal will increase the effectiveness of the Dish Wireless communications network.

### Executive Summary

Dish Wireless has applied for a CUP to construct a new wireless telecommunications facility and install associated equipment on the roof of and attached to Vallarta Supermarket. All antennas would be screened, with screening walls and/or enclosures textured and painted to match the existing commercial building.

### Site Characteristics

The project location is Vallarta Supermarket which is situated in the Euclid Center located at the northeast corner of Euclid Avenue and Plaza Boulevard. Other uses in the center include Walgreens, Firestone, and San Diego County Credit Union. The area is mostly commercial in nature, with apartments located to the east (Summercrest Apartments) and the Windsor Heights Apartments located across Euclid Avenue to the west, beyond the National City Family Health Center.

### Proposal

The proposed facility would consist of three antennae locations and a small equipment shelter on the roof on the east side of the supermarket building. Two antennas would be located either side of the "Vallarta Supermarkets" marquee on the west façade. The antennas would be contained in box-like structures painted and textured to match the building's architectural style (white stucco). The third antenna would be located behind an approximately eight-foot tall screening wall at the southeast corner of the building. The wall would cover two sides of the corner, screening the antenna from viewers looking north or west.

### Analysis

The proposal is consistent with General Plan policy E-3.3 (Education and Public Participation) that aims to increase access to wireless internet connections, computers, and other forms of communication technology. The proposal is also consistent with the Land Use Code (LUC), because wireless communications facilities are a conditionally-allowed use in the MXD-1 zone.

The LUC requires that telecommunication facilities be sensitively designed to be compatible with, and minimize visual impacts to, surrounding areas. It also requires that

telecommunication facilities and appurtenances be screened, to the extent possible, without compromising reception and/or transmission.

The LUC also requires telecommunication facilities to be located at least 75 feet from any habitable structure on a separate property. The proposed facility meets this requirement, as the closest habitable building on another property is located approximately 110 feet away to the northeast.

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for wireless facilities, as discussed above.
2. General Plan Consistency – General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology, which the proposed telecommunications facility provides. In addition, the proposed facility is a conditionally-permitted use in the MXD-1 zone.
3. Compatibility, LUC and Traffic – The buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. The facility is sensitively designed to minimize visual impact and is expected to generate minimal traffic in the way of periodic maintenance visits.
4. Suitability – The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use will occupy the roof of an existing building with only minor modifications to the existing structure being necessary.
5. No Nuisance – Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that govern the design, placement, and operation of the wireless facility.

6. California Environmental Quality Act (CEQA) – The proposal has been reviewed in compliance with the California Environmental Quality Act (CEQA). Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is consistent with this description and there is no potential for the project to cause either a direct or a reasonably foreseeable indirect physical change in the environment.

Conditions of Approval

Conditions requiring building and fire code compliance are attached, as well as standard Conditions of Approval for wireless facility CUPs (screening walls, required operating permits, etc.)

The 1996 Telecommunications Act states that, “no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions. The Applicant provided a Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report (Attachment 7) with the application packet. The report stated that the proposed design was not in compliance with FCC regulations, as there would be areas that exceed the FCC (Federal Communications Commission) exposure limits if no RF hazard mitigation measures were put in place. The report further provided recommended control measures in Section 4.0, which have been included as Conditions of Approval. The author of the RF-EME report summarized that implementation of the afore-mentioned control measures would bring the site into compliance with the FCC’s rules and regulations.

It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval is included requiring these permits.

All property owners and occupants within 300 feet of the project were notified of the public hearing. In this case, the total number of persons notified was 920. The number is large in this case due to the proximity of the site to two large apartment complexes.

Summary

The proposed project is consistent with the General Plan and LUC in that it meets all applicable design requirements for wireless communication facilities. The project is considered 'stealth' in that it would screen the antennas from adjacent uses. The facility will improve coverage in the area for Dish Wireless customers.

Options

1. Approve 2022-36 CUP subject to the conditions included in the Resolution, and based on the findings included in the Resolution or other findings as determined by the Planning Commission; or
2. Deny 2022-36 CUP based on findings as determined by the Planning Commission; or,
3. Continue the item for additional information.

Attachments

1. Resolution
2. Overhead
3. Existing Wireless Facilities Map & List
4. Public Hearing Notice (Sent to 920 property owners and occupants)
5. Notice of Exemption
6. Applicant's Plans (Exhibits A and B, Case File No. 2022-36 CUP, dated 11/1/2022 and 4/22/2022 respectively)
7. Radio Frequency – Electromagnetic Energy (RF-EMF) Jurisdictional Report



MARTIN REEDER, AICP  
Planning Manager

ARMANDO VERGARA  
Director of Community Development

RESOLUTION NO. 2023-03

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR A NEW WIRELESS  
COMMUNICATIONS FACILITY TO BE LOCATED AT 901 EUCLID AVENUE.  
CASE FILE NO. 2022-36 CUP  
APN: 558-010-55

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a new wireless communications facility to be located at 901 Euclid Avenue at a duly advertised public hearing held on March 6, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2022-36 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 6, 2023, support the following findings, which are hereby made:

1. That the proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code, because use is allowable within the MXD-1 zone pursuant to a CUP, and the proposed facility meets the required telecommunication facility design guidelines that include providing the minimum distance requirements from habitable space and screening the facility.
2. That the proposed use is consistent with the General Plan and any applicable specific plan, because General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology: the

proposed facility modifications provide increased internet/cellular data as well as standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in the MXD-1 zone.

3. That 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 facility will be located on the roof of the building without interfering with the existing use. No future expansion of the building is proposed that the facility would conflict with. The screening for the antennas will match the architectural style of the building, in compliance with the LUC.
4. That 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 building on which the facility will be located is existing, no expansion or future use that the proposal would conflict with is anticipated, and the facility will meet all development standards and distance requirements.
5. That granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that govern the design, placement, and operation of the wireless facility and the facility is required to comply with federal regulations regarding radio frequency emissions.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is consistent with this description and there is no potential for the project to cause either a direct or a reasonably foreseeable indirect physical change in the environment

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is hereby approved subject to the following conditions:

## General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 901 Euclid Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B, Case File No. 2022-36 CUP, dated 11/1/2022 and 4/22/2022 respectively. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and 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 *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.
7. The wireless communications facility shall comply at all times with all applicable laws, including, but not limited to, federal regulations related to radio frequency emissions.

## Building

8. Plans submitted for demolition and construction improvements shall comply with the 2022 edition of the California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes.

## Fire

9. Plans submitted for improvements must comply with the 2022 edition of the California Fire Code (CFC), and the current editions of the National Fire Protection Association (NFPA) and California Code of Regulations (CCR).
10. National Fire Protection Association (NFPA) section 76 “Standard for the Fire Protection of Telecommunications Facilities” shall be strictly followed.
11. Emergency Generator Shutdown procedures shall be posted in conspicuous area of emergency generator if installed. A permit would be required if storage of fuel is proposed
  - Sign shall be clearly visible from the street. If the power source is inside of the building and cannot be seen from the street, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
12. A 704 Emergency placard shall be posted at site. Sign shall be clearly visible from the street.
13. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections are required for all phases of work.

## Planning

14. All appropriate and required local, state and/or federal permits must be obtained and/or modified prior to operation of the wireless communications facility.
15. All recommended control measures outlined in Section 4.0 and within the Site Safety Plan attached to the Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report (EBI Project No. 6222002110, dated April 8, 2022) shall be installed and implemented prior to operation.
16. In order to alert people accessing the rooftop, a Guidelines sign and an NOC Information must be installed at each access point to the rooftop. Additionally, yellow Caution signs must be installed on the barrier in front of the Dish Wireless Sector C antennas. These signs must be placed in a conspicuous manner so that they are visible to any person approaching the barrier from any direction.
17. Individuals and workers accessing the rooftop shall be provided with a copy of the Site Safety Plan (Exhibit B of the Electromagnetic Energy Jurisdictional Report – EBI Project No. 6222002110, dated April 8, 2022), made aware of the posted signage



and installation of the recommended barriers, and signify their understanding of the Site Safety Plan.

18. Dish Wireless shall provide procedures to shut down and lockout/tagout installed wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas that exceed FCC exposure limits are required to contact Dish Wireless for lockout/tagout prior to any work being undertaken.
19. Barriers shall be installed to block access to the areas in front of the antennas that exceed the FCC general public and/or occupational limits. Barriers shall consist of rope, chain, or fencing. Barriers shall be installed on the adjacent building roof 20 feet away from the front of the Dish Wireless Sector C antennas.
20. In order to reduce the risk of exposure to RF emissions, access to areas associated with the active antenna installation shall be restricted and secured where possible.
21. Antennas in the southwest quadrant shall be screened from adjacent views through the use of screening walls no higher than the antennas plus one foot. Screening walls shall be textured and painted to match the architectural style and color of the existing building.
22. The equipment shelter shall be textured and painted to match the color of the existing building.
23. All exposed cables or cable runs shall be painted to match the surface to which they are mounted.
24. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
25. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.
26. Plans submitted for construction shall include a power failure backup system to ensure continuity of service. The design of the backup system shall conform to the regulations contained in NCMC 18.30.220.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 6, 2023, by the following vote:

AYES:

NAYS:

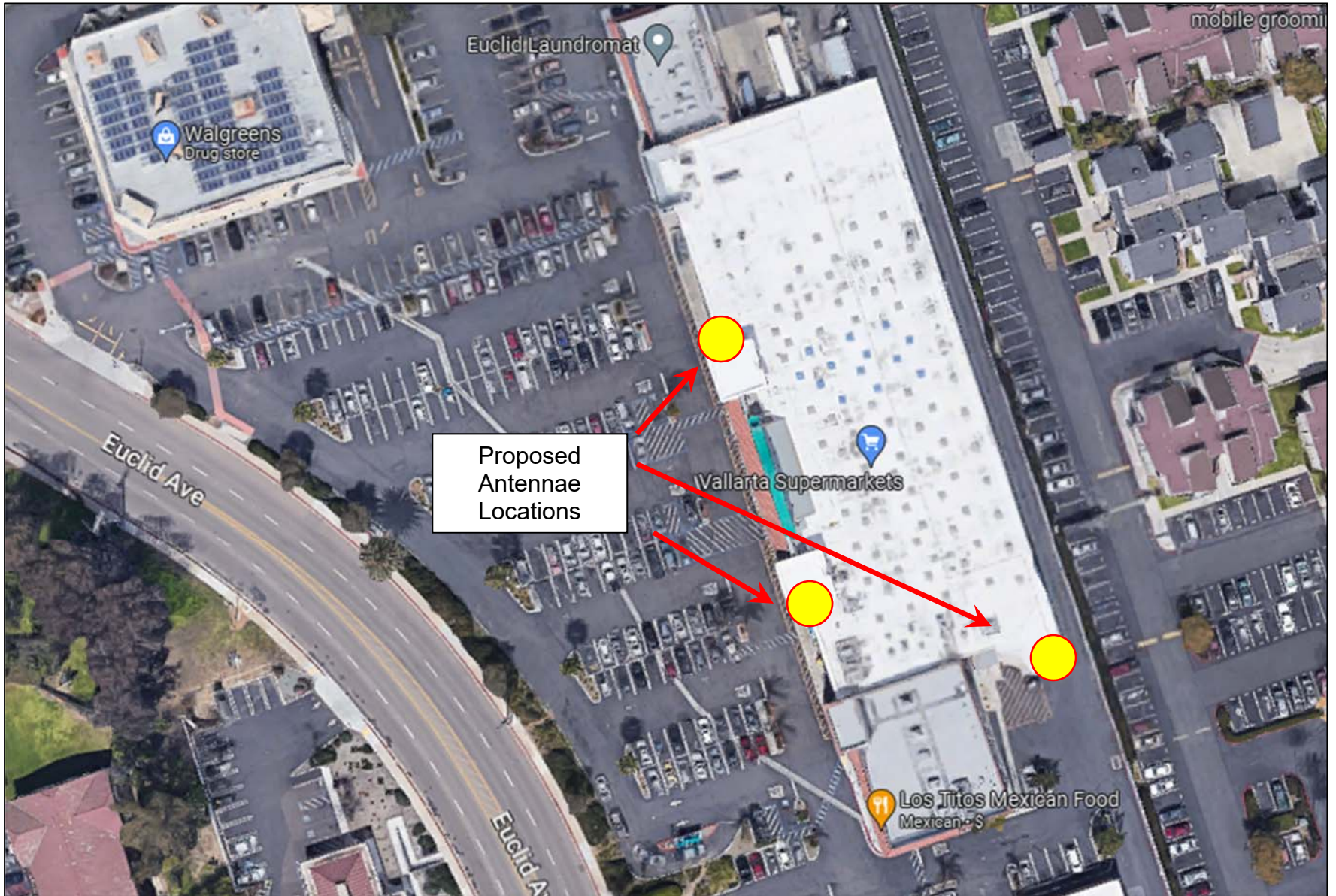
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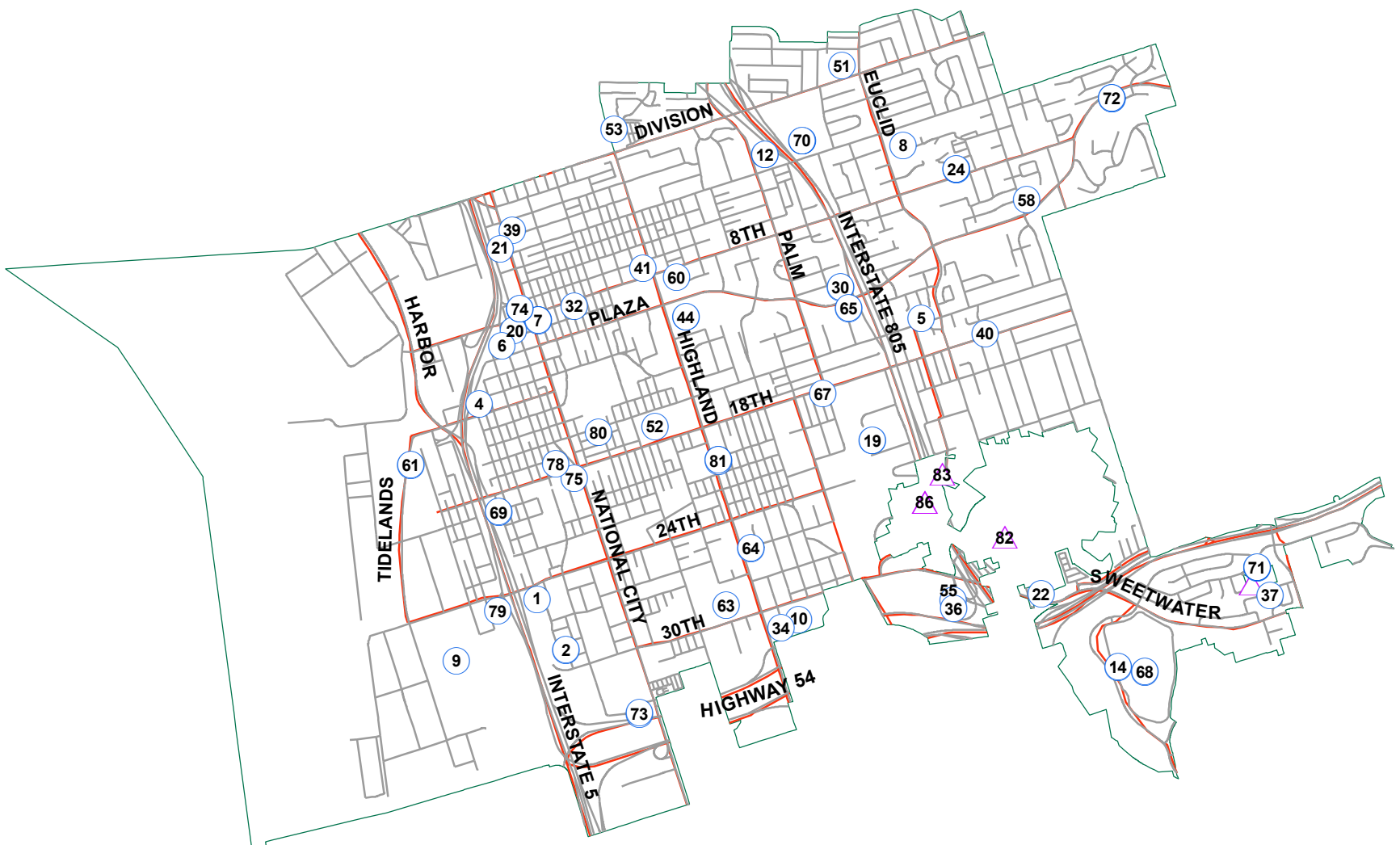
ABSTAIN:

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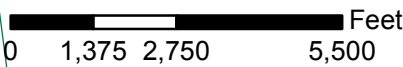
CHAIRPERSON

2022-36 CUP – 901 Euclid Avenue – Overhead





- Wireless facilities in National City
- △ Wireless facilities in unincorporated area



# Wireless Communication Facilities

National City Planning Department 2012



<b>FACILITY</b>	<b>APN</b>	<b>LOCATION</b>	<b>PROVIDER</b>	<b>FILE_NO_</b>
<b>1</b>	562-340-44	<b>2434 Southport</b>	Urban Comm Rad	CUP-1992-11 Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna
<b>2</b>	562 340 26	<b>300 W 28th</b>	AirTouch	CDC Reso 94-28 75-foot monopole with three sector antennas and 450-sa foot equipment building.
	562-340-26	<b>300 W 28th</b>	Nextel	CUP-2003-30 12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment
<b>4</b>	559-032-02	<b>1215 Wilson</b>	Pac Bell	CUP-1995-11 Located on roof of existina building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.
<b>5</b>	557-410-03	<b>1645 E Plaza</b>	Pac Bell	CUP--1995-13 Located on roof of Quality Inn. PCS facility- six panel antennas and equipment cabinet.
<b>6</b>	555-086-11	<b>910 Hoover</b>	AirTouch	CUP-1995-18 Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet
<b>7</b>	556-471-24	<b>801 National City Blvd</b>	AT&T	CUP-1996-2 Located on roof of Red Lion Hotel. Paging facility- four whip antennas, one global positioning satellite antenna and equipment cabinet.
	556-471-24	<b>801 National City Blvd</b>	Nextel	CUP-1994-8 Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.
	556-471-24	<b>801 National City Blvd</b>	Pagenet	CUP-1996-12 Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.
	556-471-24	<b>801 National City Blvd</b>	AT&T	CUP-1999-5 Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base svstem.
<b>8</b>	554-120-30	<b>2400 E 4th</b>	AT&T	CUP-1996-4 Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal PPositioninasatellite antenna and equipment cabinet.
<b>9</b>	559-160-13	<b>1022 W Bay Marin</b>	GTE	CUP-1996-5 Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.
<b>10</b>	563-370-36	<b>3007 Highland</b>	Pac Bell	CUP-1996-6 Located on existing Super Saver building. PCS facility- six panel antennas and two equipment cabinets.
<b>12</b>	554-050-12	<b>303 Palm</b>	AirTouch	CUP-1996-8 60-foot hiah monopole with six whip antennas, thirty directional cellular antennas, and three dishes with an eauidmentcabinet at base.
	554-050-12	<b>303 Palm</b>	Sprint PCS	CUP-2001-10 Located on National Guard Armory property. PCS facility six antennas in three 40-foot flag poles, one GPS antenna and a new equipment building.

14	564-471-01	<b>3030 Plaza Bonita Rd</b>	Nextel	CUP-1997-8	Located atop Plaza Bonita sign. ESMR facility- nine antennas and equipment cabinet.
	564-471-01	<b>3030 Plaza Bonita Rd</b>	Pac Bell	CUP-1996-7	Located atop the existing Plaza Bonita sign. PCS facility- three antennas and two equipment cabinets at base of sign.
16	557-420-36	<b>1840 E 12th</b>	Nextel	CUP-1999-4	60-foot monopole on vacant commercial lot.
20	555-082-11	<b>111 W 9th</b>	Sprint	CUP-2000-9	Located atop 2-story Sid's Camet Barn warehouse. Wireless communication facility- twelve wireless panel antennas and 4-inch GPS antenna.
21	555-030-21	<b>330 National City Blvd</b>	GTE	CUP-2000-11	Located atop Bay Theatre. Wireless communication facility- twelve panel antennas and four equipment cabinets.
22	564-250-50	<b>2435 Sweetwater</b>	Sprint	CUP-2000-14	Located at Sweetwater Inn. Global Positioning System with nine panel antennas.
30	557-420-36	<b>1905 E Plaza</b>	Sprint PCS	CUP-2001-3	53 foot tall monopole with nine panel antennas. PCS Facility with one equipment enclosure and a GPS antenna.
32	556-473-18	<b>242 E 8th</b>	AT&T	CUP-2001-6	Located atop an existing church.
34	563-370-35	<b>3007 Highland</b>	Nextel	CUP-2001-12	Located atop Sweetwater Square. New equipment building over trash enclosure, nine panel antennas and one GPS antenna.
36	563-231-38	<b>1914 Sweetwater</b>	Cingular	CUP-2002-3	Located on an existing 75 foot tall pole sign for the Sweetwater Town and Country Shopping Center.
37	564-310-37	<b>3737 Sweetwater</b>	Cingular	CUP-2002-4	72 foot tall monopole with standard equipment enclosure
39	556-101-15	<b>241 National City Blvd</b>	Cingular	CUP-2002-6	12 panel antennas behind four new partial parapet walls atop an existing furniture store; four equipment cabinets outside
40	558-200-24	<b>2415 E 18th</b>	Cingular	CUP-2002-13	Panel antennas located inside new light standards; equipment located inside existing commercial building
41	556-354-13	<b>716 Highland</b>	AT&T	CUP-2002-14	Six facade mounted panel antennas with equipment on roof of PacBell switching station. Equipment screened to match existing.
44	556-590-61	<b>1019 Highland</b>	Sprint PCS	CUP-2002-24	6 panel antennas in a new monument sign in the South Bay Plaza shopping center
	556-590-61	<b>1019 Highland</b>	Cingular	CUP-2002-2	Located atop South Bay Plaza on an existing mechanical equipment screen.
51	552-283-11	<b>2323 E Division</b>	Sprint	CUP-2004-6	3 panel antennas in a 9x10x16 roof-mounted cupola

<b>52</b>	560-191-30	<b>1701 D Ave</b>	Nextel	CUP-2004-12	12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure
<b>53</b>	551-570-20	<b>51 N Highland</b>	Sprint	CUP-2004-15	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets
<b>55</b>	563-231-39	<b>1914 Sweetwater</b>	Nextel	PC Reso 20-2002	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets
<b>57</b>	554-120-24	<b>2701 E 8th</b>	Cingular	PC Reso 02-2001	Co-location in church spire-3 antennas within existing architectural feature
	554-120-24	<b>2701 E 8th</b>	T-Mobile	CUP-2000-19	Located at existing church. Antennas located in a 60-foot monument.
	554-120-24	<b>2701 E 8th</b>	Sprint	CUP-2000-27	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the buildings
	554-120-24	<b>2701 E 8th</b>	AT&T	CUP-2000-19	Located at existing church. Antennas located in a 60-foot monument
<b>58</b>	558-030-30	<b>1035 Harbison</b>	Nextel	CUP-2005-3	12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.
<b>60</b>	556-510-12	<b>914 E 8th</b>	Cingular	CUP-2005-10	12 panel antennas on 39-ft monopine with 280 sq. ft. equipment shelter
<b>61</b>	559-040-53	<b>1439 Tidelands</b>	Cingular	CUP-2005-9	12 panel antennas on monopalm with associated equipment shelter
	559-040-53	<b>1445 Tidelands</b>	Nextel	CUP-2000-31	40-foot monopalm with three sectors of four antennas each and equipment shelter
<b>63</b>	562-200-02	<b>2900 Highland</b>	Cingular	CUP-2005-12	3 antennas on replacement light standard with associated equipment shelter
<b>64</b>	563-010-47	<b>2605 Highland</b>	Cricket	CUP-2006-11	3 antennas in new architectural feature of church with associated equipment
	563-010-47	<b>2605 Highland</b>	Sprint	CUP-2002-18	Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.
<b>65</b>	557-420-31	<b>1900 E Plaza</b>	Cricket	CUP-2006-6	3 antennas on new faux palm tree with associated equipment
	557-420-31	<b>1900 E Plaza</b>	Cingular	CUP-2004-4	5 panel antennas in a new pole sign at Jimmy's Restaurant
<b>67</b>	561-222-23	<b>1526-40 E 18th</b>	T-Mobile	CUP-2006-10	12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter
<b>68</b>	564-471-07	<b>3030 Plaza Bonita Rd</b>	Cingular	CUP-2005-24	12 antennas facade mounted to new rooftop enclosure that will house equipment

<b>68</b>	564-471-07	<b>3030 Plaza Bonita Rd</b>	Verizon	CUP-2003-13	12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall
<b>69</b>	559-106-17	<b>525 W 20th</b>	Cricket	CUP-2005-25	3 antennas on existing self storage building painted to match with associated equipment
	559-106-17	<b>525 W 20th</b>	Sprint	CUP-2001-4	Located on existina storaae building. Wireless communication facility- 9 antennas and equipment building.
<b>70</b>	554-050-15	<b>2005 E 4th</b>	Cricket	PC Reso 09-2003	3 antennas on existing light standard with associated equipment shelter
	554-050-15	<b>2005 E 4th</b>	Cingular	CUP-2003-5	12 panel antennas on a replacement 100 foot light standard in EITovon park and a 160 square foot equipment enclosure.
	554-050-15	<b>2005 E 4th</b>	GTE	CUP-1998-4	Located in EITovon Park. Cellular facility- 97'8" monopole with twelve panel antennas, three omni antennas, and 192-sqfoot equipment building.
	554-050-15	<b>2005 E 4th</b>	Nextel	CUP-2005-15	12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft.equipment shelter
<b>71</b>	564-290-06	<b>3820 Cagle St</b>	Cricket	PC RESO 10-2004	3 antennas on existing faux pine tree with vaulted equipment shelter
	564-290-06	<b>3820 Cagle St</b>	Sprint	CUP-2001-2	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 35-foot pole with six antennas, equipment building and adjacent liahting for the park.
	564-290-06	<b>3820 Cagle St</b>	T-Mobile	CUP-2004-3	Located at Sweetwater Heights Centennial Park. Wireless communication facilitv- 55-foot monopine with twelve panel antennas and equipment building
	564-290-06	<b>3820 Cagle St</b>	Cingular	PC Reso 11-2002	Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault
<b>72</b>	669-060-26	<b>5800 Boxer Rd</b>	Cricket	PC RESO 32-2003	3 antennas on existing water tower with associated equipment shelter
	669-060-26	<b>5800 Boxer Rd</b>	T-Mobile	CUP-2003-16	12 panel antennas on the outside of the 0.0. Arnold water tank and a 150 square foot equipment enclosure adiacent to the tank
	669-060-26	<b>5800 Boxer Rd</b>	Sprint	PC Reso 32-2003	6 panel antennas on the outside of the 0.0. Arnold water tank and a 360 square foot equipment enclosure adjacent
	669-060-26	<b>5800 Boxer Rd</b>	Cingular	CUP-2005-21	12 panel antennas on the outside of the 0.0. Arnold water tank and a 520 square foot equipment enclosure adjacent
<b>73</b>	562-330-43	<b>152 W 33rd</b>	Cricket	PC Reso 21-2002	3 antennas on existing self storage within matching architectural projection with associated equipment
	562-330-43	<b>152 W 33rd</b>	Sprint	CUP-2002-8	12 panel antenas mounted on exterior of self-storage building and painted to match; all equipment located inside of the



74	555-053-17	<b>700 NCB</b>	Cricket	PC Reso 05-2000	3 antennas facade mounted to existina hotel with associated equipmen
	555-053-17	<b>700 NCB</b>	Metricom	CUP-2000-4	Located atop Holiday Inn. Wireless communication facility with equipment cabinet.
	555-053-17	<b>700 NCB</b>	Skytel	CUP-2000-30	Located atop Holiday Inn Hotel. - 8-foot whip antenna, two 4x2-foot panel antennas, and one GPS antenna with two indoor equipment cabinets.
75	560-203-03	<b>1800 National City Blvd</b>	Nextel	CUP-2006-15	15 panel antennas behindscreen wall atop existing car dealership with associated equipment
76	561-360-35	<b>1810 E 22nd</b>	Cricket	2007-14 CUP	3 antennas on recreation building at Las Palmas Park
	561-360-35	<b>1820 E 22nd</b>	Sprint-Nextel	CUP-2000-8	Located in Las Palmas Park. Monopalm and equipment along with live palms.
78	560-143-36	<b>1703 Hoover</b>	Cleawire	2009-22 CUP	9 antennas located on 3 different locations on industrial/ warehouse building. Each location will have 2 pannel antennas. Associated equipment will be located in building
79	559-160-33	<b>700 Bay Marina Dr</b>	Cleawire	2009-23 CUP	9 antennas on tower of Marina Gateway Plaza commercial building hidden behind parapet wall. 6-foot tall equiptmant cabinent on roof below tower will be mostly covered
80	560-151-20	<b>142 E 16th</b>	AT&T	2010-11 CUP	6 panel antennas and RF transparent cupola atop National City Ministry Church, as well as a 330 sq ft equipment/storage/trash enclosure on the ground. The 8-foot tall Cupola will have a cross afixed to it in order to appea as part of the church
81	561-271-01	<b>2005 Highland Ave</b>	Plancom	2010-31 CUP	12 antenas on a 43-foot mono-palm on eastern property line
	561-271-01	<b>2005 Highland</b>	T-Mobile	CUP-2003-4	12 antennas on the roof of a Highland Avenue office building
	561-271-01	<b>2005 Highland</b>	Cingular	CUP-2006-2	12 antennas on the roof of a Highland Avenue office building with new cupola to match existing
82	563-184-47	<b>2909 Shelby Dr</b>		P95-025	75-foot monopole and equipment building.
83	563-062-17	<b>2524 Prospect St</b>	AT&T	ZAP99-028	35-foot monopalm with three sector directional antenna system and equipment cabinets.
85	564-310-32	<b>3312 Bonita Heights Lane</b>	AT&T	ZAP00-133	
86	563-063-29	<b>2563 Grove St</b>	AT&T	MUP91-026W2	

86	563-063-29 <b>2563 Grove St</b> Monopole located aside live palm trees.	P91-026W
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COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A NEW WIRELESS COMMUNICATIONS FACILITY  
TO BE LOCATED AT 901 EUCLID AVENUE.

CASE FILE NO.: 2022-36 CUP

APN: 558-010-55

The National City Planning Commission will hold a public hearing at their regular in person meeting after the hour of 6:00 p.m. **Monday, March 6, 2023**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Andrew Rocca for Dish Wireless)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), the public hearing will also be available for anyone to observe on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

Dish Wireless has applied for a Conditional Use Permit (CUP) to construct a new wireless telecommunications facility and install associated equipment on the roof of and attached to Vallarta Supermarket. All antennas would be screened, with screening walls and/or enclosures textured and painted to match the existing commercial building. The Planning Commission will also be requested to find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 6, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development

ATTACHMENT 4

Page 240 of 563



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

**NOTICE OF EXEMPTION**

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

**Lead Agency:** City of National City

**Project Title:** 2022-36 CUP

**Project Location:** 901 Euclid Avenue, National City, CA.

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for a new wireless communications facility on the roof of an existing supermarket located at 901 Euclid Avenue. The project would increase signal strength and service area for DISH Wireless customers.

**Applicant:**

Andrew Rocca for Dish Wireless  
23 Mauchly, #110  
Irvine, CA 92618

**Telephone Number:**

(760) 579-8823

**Exempt Status:**

**Categorical Exemption. Class 1 Section 15301 (Existing Facilities)**

**Reasons why project is exempt:**

There is no possibility that the proposed use will have a significant impact on the environment because the facility would be located on an existing building and the antennas will be screened by new screening walls and will not affect use of the property.

Date:

MARTIN REEDER, AICP  
Planning Manager



DISH Wireless L.L.C. SITE ID:  
**SDSAN00257E**

DISH Wireless L.L.C. SITE ADDRESS:  
**901 EUCLID AVE  
NATIONAL CITY, CA 91950**

### CALIFORNIA - CODE COMPLIANCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

CODE TYPE	CODE
BUILDING	2019 CALIFORNIA BUILDING CODE (CBC)/2018 IBC
MECHANICAL	2019 CALIFORNIA MECHANICAL CODE (CMC)/2018 UMC
ELECTRICAL	2019 CALIFORNIA ELECTRICAL CODE (CEC)/2017 NEC

ANSI/TIA-222 (REV H)

### SHEET INDEX

SHEET NO.	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE SURVEY
C-2	SITE SURVEY
A-1	OVERALL SITE PLAN
A-2	ENLARGED ROOFTOP PLAN
A-3	PROPOSED EQUIPMENT, ANTENNA PLANS AND SCHEDULE
A-4	SOUTH ELEVATIONS
A-5	EAST ELEVATIONS

**EXHIBIT A**  
**CASE FILE NO.: 2022-36 CUP**  
**DATE: 11/1/22**

### SCOPE OF WORK

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE. THE PROJECT GENERALLY CONSISTS OF THE FOLLOWING:

- SECTOR SCOPE OF WORK:**
- INSTALL (3) PROPOSED PANEL ANTENNAS (1 PER SECTOR)
  - INSTALL (3) ANTENNA MOUNT (1 PER SECTOR)
  - INSTALL (6) PROPOSED RRHS (2 PER SECTOR)
  - INSTALL (2) FRP BOXES
  - INSTALL (1) FRP SCREEN
  - INSTALL (2) PROPOSED OVER VOLTAGE PROTECTION DEVICE (OVP) (3 TOTAL)
  - INSTALL DISCRETE CABLES
  - INSTALL PROPOSED JUMPERS

- ROOFTOP SCOPE OF WORK:**
- INSTALL (1) PROPOSED H-FRAME ON EXISTING ROOFTOP PLATFORM
  - INSTALL (1) PROPOSED EQUIPMENT CABINET
  - INSTALL (1) PROPOSED POWER CONDUIT
  - INSTALL (1) PROPOSED TELCO CONDUIT
  - INSTALL (1) PROPOSED NEMA4 TELCO-FIBER BOX
  - INSTALL (1) PROPOSED GPS ANTENNA
  - INSTALL (1) PROPOSED ALPHA CABINET WITH FAN KIT FIBER BOX
  - INSTALL (1) PROPOSED PPC CABINET

### SITE PHOTO



### SITE INFORMATION

PROPERTY OWNER: PF EUCLID PLAZA LLC  
ADDRESS: 901 EUCLID AVE, NATIONAL CITY, CA 91950  
STRUCTURE TYPE: ROOFTOP  
COUNTY: SAN DIEGO COUNTY  
LATITUDE (DEC): 32.681417684704506°  
LONGITUDE (DEC): -117.07984196578741°  
ZONING JURISDICTION: CITY OF NATIONAL CITY  
ZONING DISTRICT: RLM- RESIDENTIAL LOW MEDIUM  
PARCEL NUMBER: 558-010-43 & 48-00  
OCCUPANCY GROUP: U  
CONSTRUCTION TYPE: II  
POWER COMPANY: SDG&E  
TELEPHONE COMPANY: AT&T

### PROJECT DIRECTORY

APPLICANT: DISH WIRELESS, 5701 SOUTH SANTA FE DRIVE, LITTLETON, CO 80120, (808) 293-6122  
A&E MANAGER: ASHISH PATEL, J5 INFRASTRUCTURE PARTNERS, (323) 342-7315  
SITE ACQUISITION: ANDREW ROCCA, J5 INFRASTRUCTURE PARTNERS, (760) 579-8823  
CONSTRUCTION MANAGER: ROGER RATAJ, roger.rataj@dish.com, (619) 746-5698  
RF ENGINEER: LALAIN BERBA, lalaine.berba@dish.com, (760) 250-0895



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



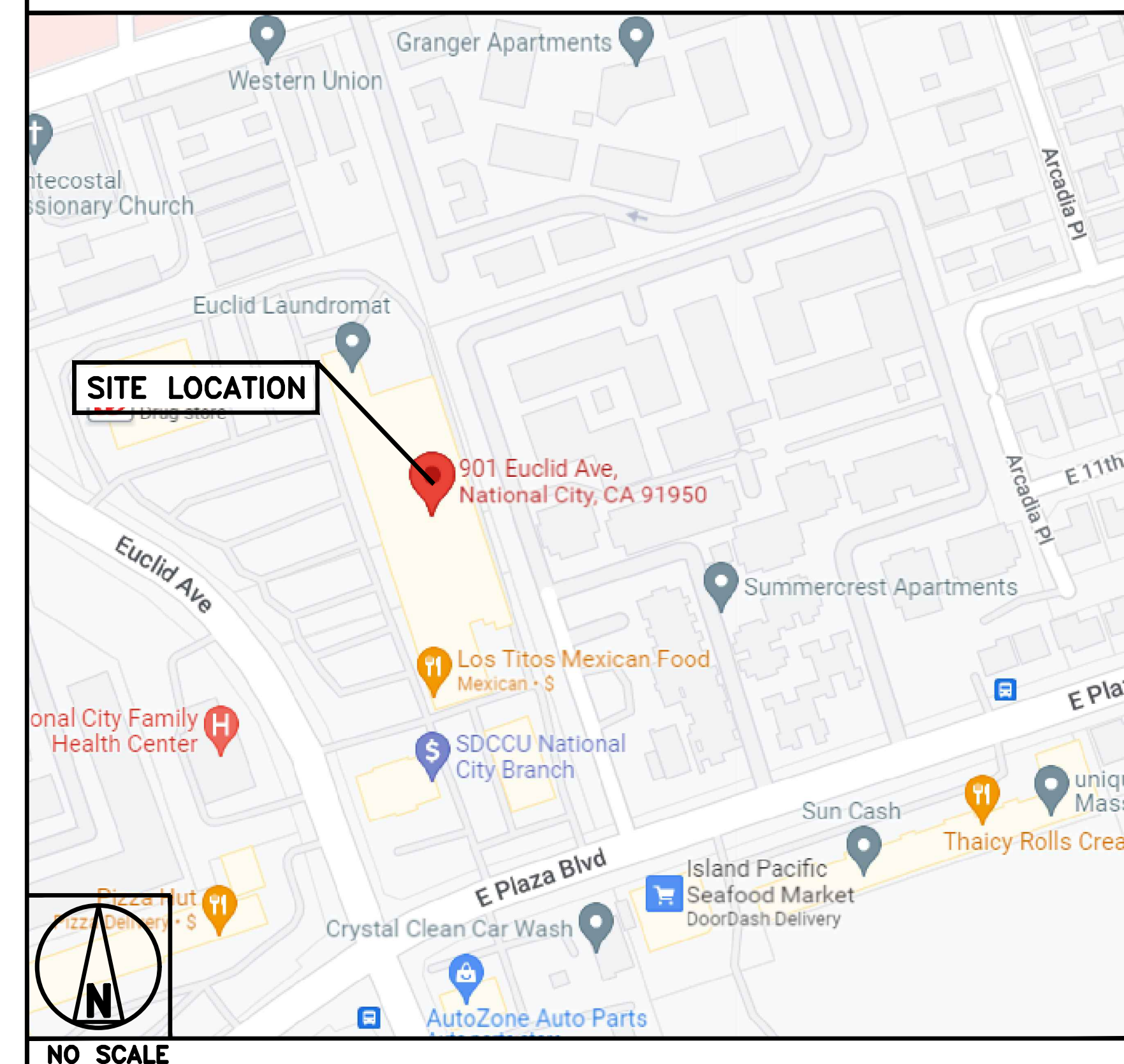
23 MAUCHLY #110,  
IRVINE, CA 92618

### DIRECTIONS

**DIRECTIONS FROM SAN DIEGO INTERNATIONAL AIRPORT:**

- START OUT GOING NORTHWEST ON TERMINAL ACCESS RD.
- TAKE TERMINAL ACCESS RD TOWARD TERMINAL RETURN/AIRPORT EXIT/PARKING.
- TURN SLIGHT RIGHT TOWARD RENTAL CAR RETURN/1-5/DOWNTOWN.
- TURN SLIGHT RIGHT ONTO N HARBOR DR.
- TURN LEFT ONTO W GRAPE ST.
- MERGE ONTO I-5 S.
- TAKE EXIT 15C TOWARD B STREET/PERSHING DR.
- MERGE ONTO CA-94 E VIA THE RAMP ON THE LEFT TOWARD ML KING JR FWY.
- MERGE ONTO I-805 S VIA EXIT 3.
- TAKE THE PLAZA BLVD EXIT, EXIT 10.
- TURN LEFT ONTO E PLAZA BLVD.
- TURN LEFT, JUST PAST EUCLID AVE.
- 901 EUCLID AVE, NATIONAL CITY, CA 91950-3855, 901 EUCLID AVE.

### VICINITY MAP



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: JM	CHECKED BY: AP	APPROVED BY: ---
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RFDS REV #: ---

### ZONING DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
P-055281

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E

901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
TITLE SHEET

SHEET NUMBER  
**T-1**

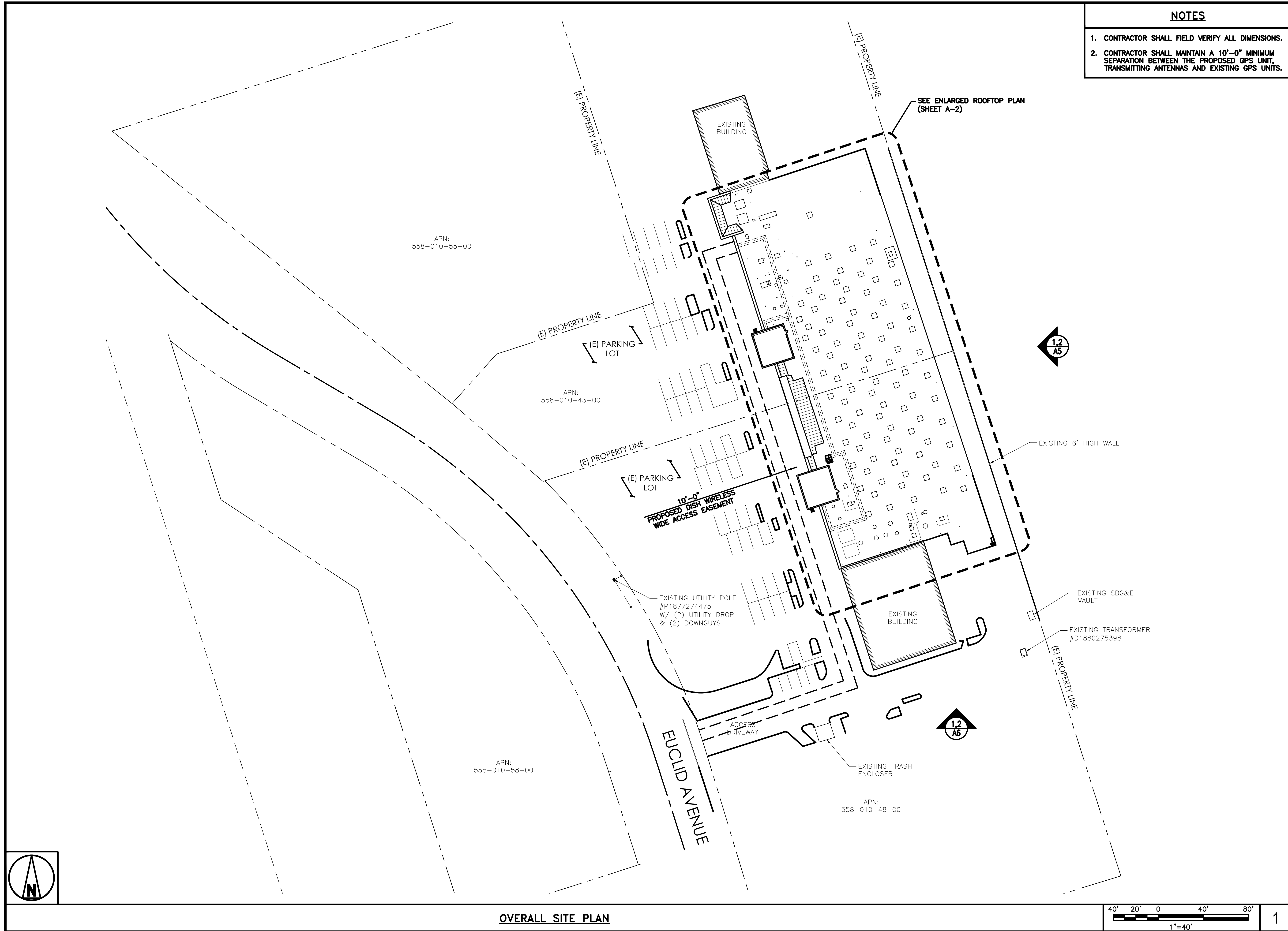
UNDERGROUND SERVICE ALERT  
UTILITY NOTIFICATION CENTER OF CALIFORNIA  
(800) 422-4133  
WWW.CALIFORNIA811.ORG  
CALL 2-14 WORKING DAYS UTILITY NOTIFICATION PRIOR TO CONSTRUCTION

### GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE. NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.



- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
  2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.

**dish**  
wireless.

5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120

**J5 INFRASTRUCTURE**  
PARTNERS

23 MAUCHLY #110,  
IRVINE, CA 92618

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DRAWN BY: JM    CHECKED BY: AP    APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

J5 PROJECT NUMBER  
P-055281

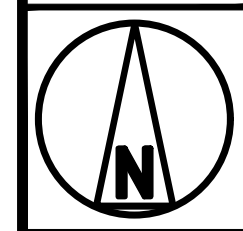
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REV	DATE	DESCRIPTION
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B	03/28/2022	100% ZD

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E

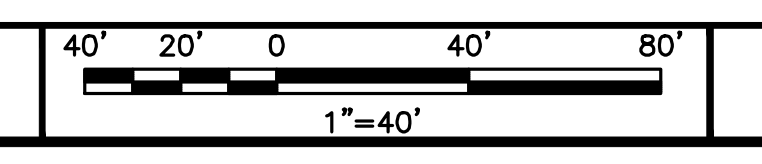
901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
**OVERALL SITE PLAN**

SHEET NUMBER  
**A-1**



**OVERALL SITE PLAN**



1

**NOTES**

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
3. CONTRACTOR TO VERIFY WITH DISH WIRELESS L.L.C. C.M. THE LOCATION OF THE POWER AND FIBER SOURCE PRIOR TO CONSTRUCTION.
4. UTILITY RUBBER MAT TO BE INSTALLED UNDER ALL DISH WIRELESS L.L.C. EQUIPMENT THAT IS RESTING ON OR AFFIXED TO ROOF MEMBRANE



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



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IRVINE, CA 92618

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DRAWN BY: JM    CHECKED BY: AP    APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

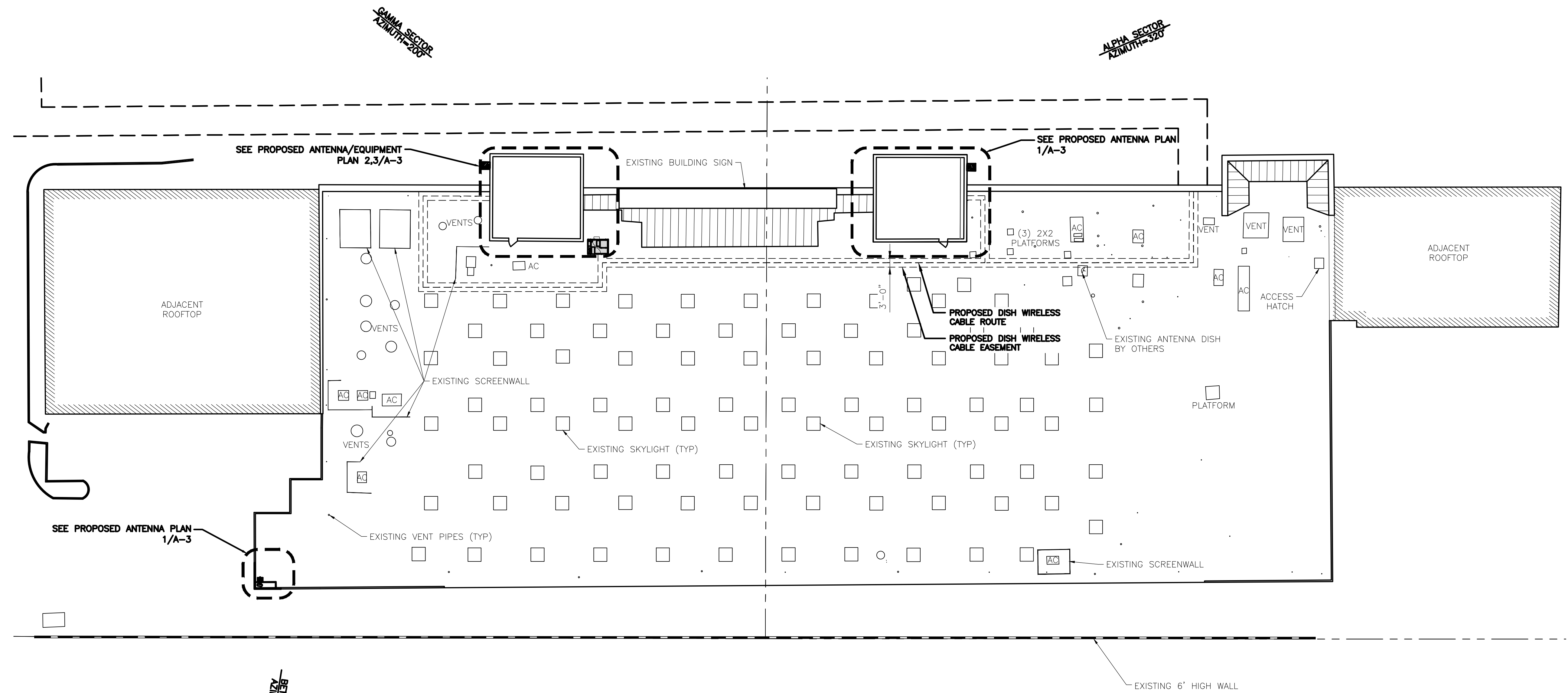
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B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
P-055281

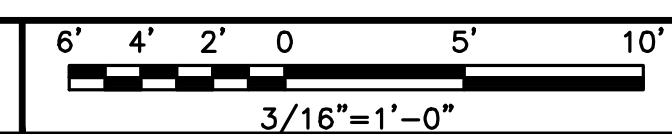
DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E  
  
901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
ENLARGED ROOFTOP  
PLAN

SHEET NUMBER  
**A-2**



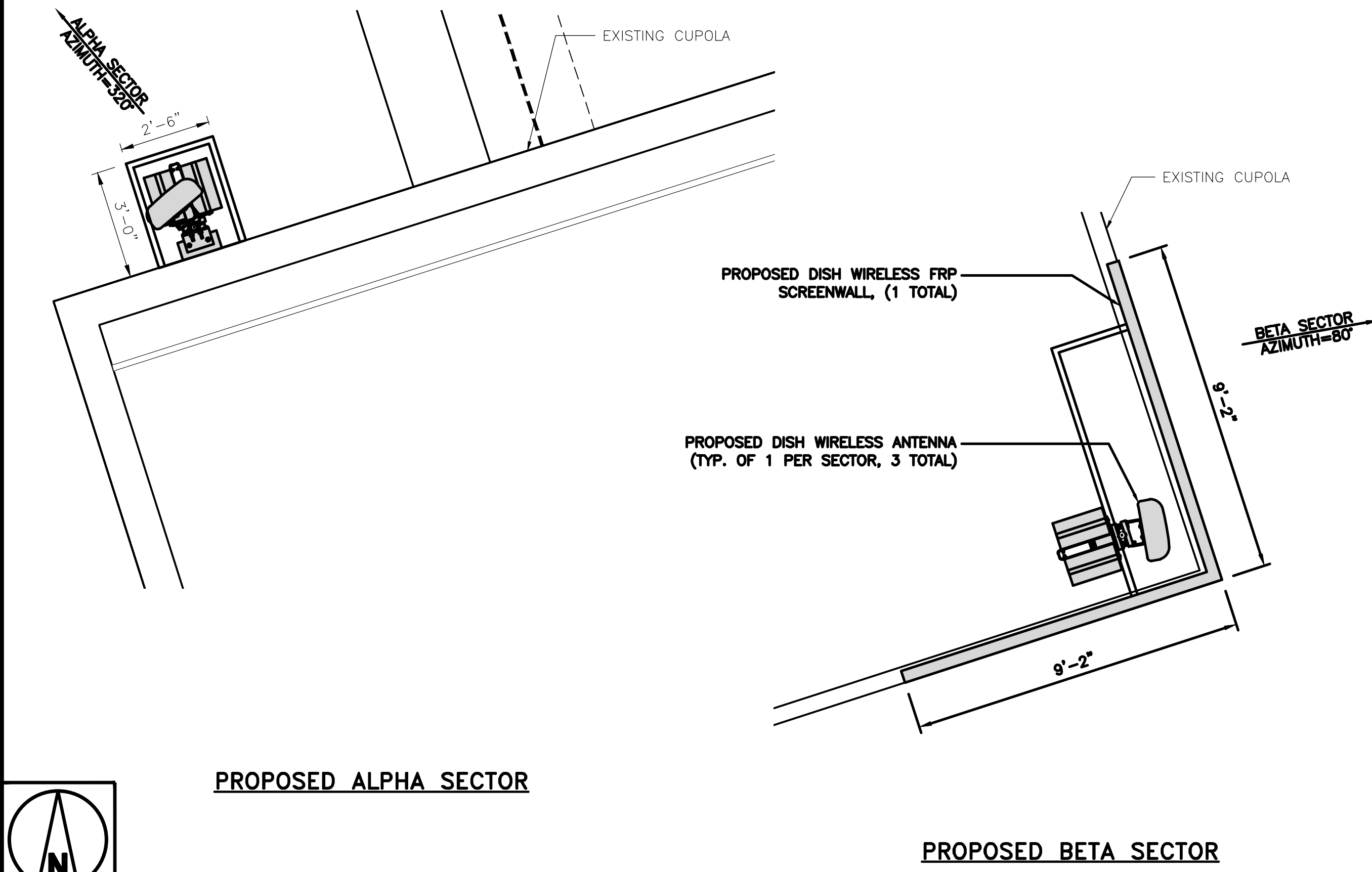
**ENLARGED ROOFTOP PLAN**



1

**NOTES**

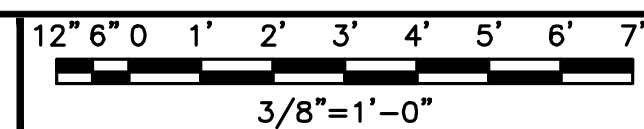
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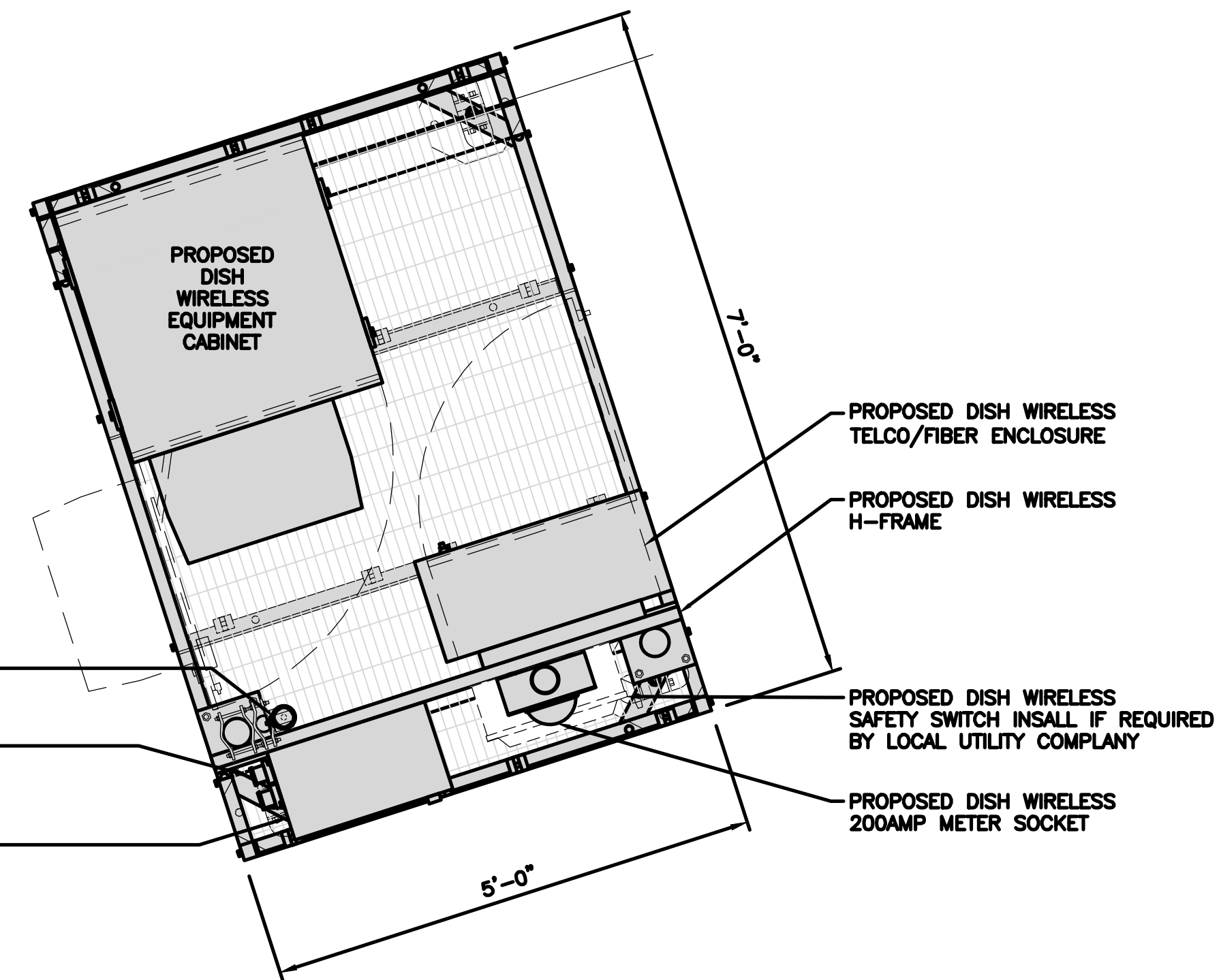
**PROPOSED ALPHA SECTOR**

**PROPOSED BETA SECTOR**

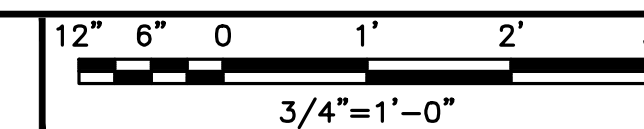
**PROPOSED ANTENNA PLAN – ALPHA & BETA SECTOR**



1



**PROPOSED EQUIPMENT**



2



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



23 MAUCHLY #110,  
IRVINE, CA 92618

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DRAWN BY: CHECKED BY: APPROVED BY:  
JM AP ---

RFDS REV #: ---

**ZONING DOCUMENTS**

SUBMITTALS		
REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
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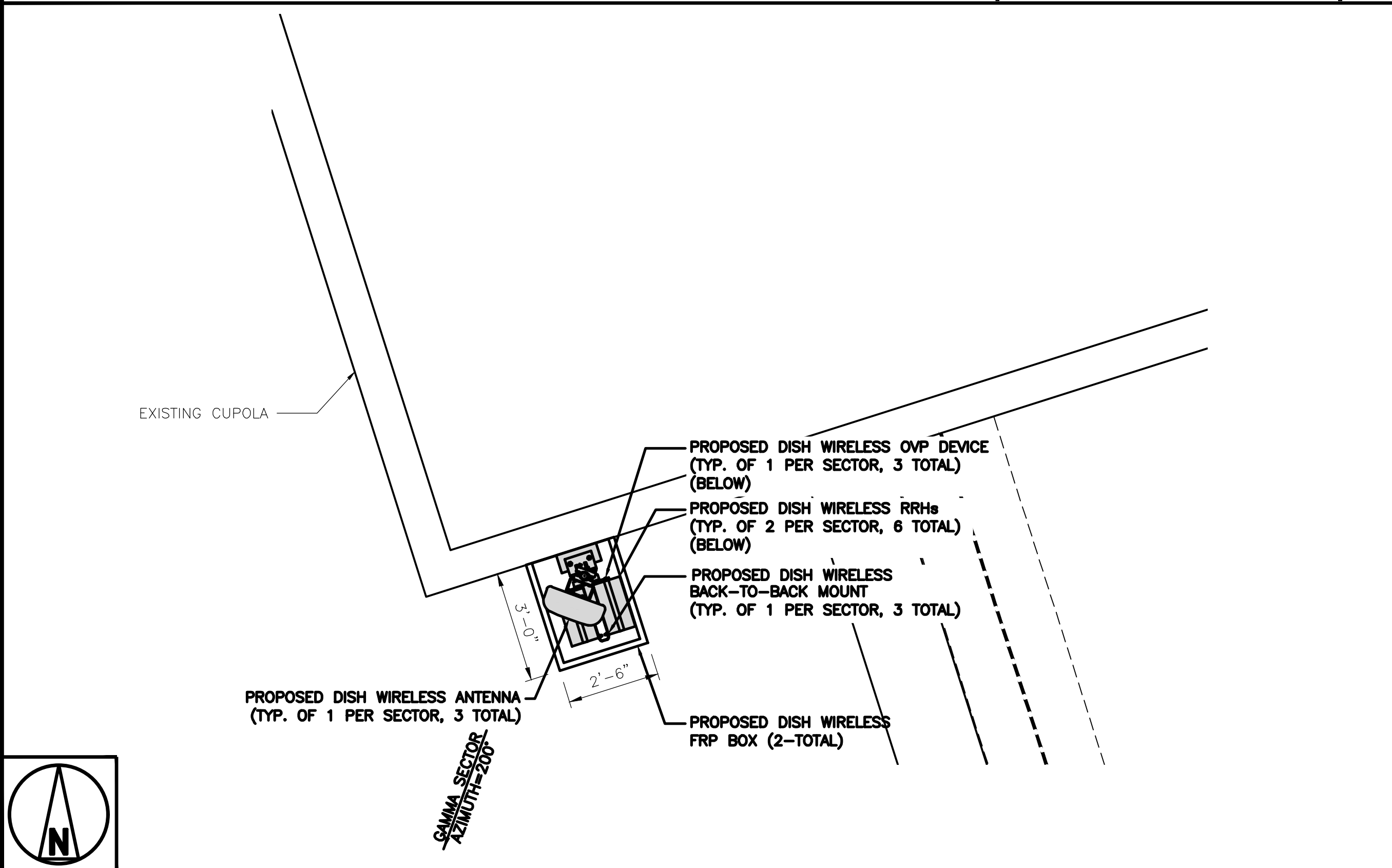
DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
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901 EUCLID AVE  
NATIONAL CITY, CA 91950

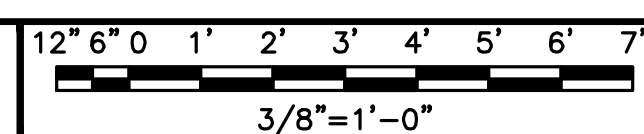
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PROPOSED EQUIPMENT, ANTENNA  
PLANS AND SCHEDULE

SHEET NUMBER

**A-3**



**PROPOSED ANTENNA PLAN – BETA AND GAMMA SECTOR**



3

**DYNAMIC BLOCK**

SECTOR	POSITION	ANTENNA						TRANSMISSION CABLE
		EXISTING OR PROPOSED	MANUFACTURER – MODEL NUMBER	TECHNOLOGY	SIZE (HxW)	AZIMUTH	RAD CENTER	FEED LINE TYPE AND LENGTH
ALPHA	A1	PROPOSED	KMW-KE854L4H6-D	5G	72.0" x 18.1"	320°	28'-0"	DISCRETE CABLE APPROX. (180' LONG)
BETA	B1	PROPOSED	KMW-KE854L4H6-D	5G	72.0" x 18.1"	80°	21'-7"	DISCRETE CABLE APPROX. (140' LONG)
GAMMA	C1	PROPOSED	KMW-KE854L4H6-D	5G	72.0" x 18.1"	200°	28'-0"	DISCRETE CABLE APPROX. (200' LONG)

SECTOR	POSITION	RRH		NOTES
		MANUFACTURER – MODEL NUMBER	TECHNOLOGY	
ALPHA	A1	FUJITSU TAO8025-B604	5G	1. CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS. 2. ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY. ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.
	A1	FUJITSU TAO8025-B605	5G	
BETA	B1	FUJITSU TAO8025-B604	5G	
	B1	FUJITSU TAO8025-B605	5G	
GAMMA	C1	FUJITSU TAO8025-B604	5G	
	C1	FUJITSU TAO8025-B605	5G	

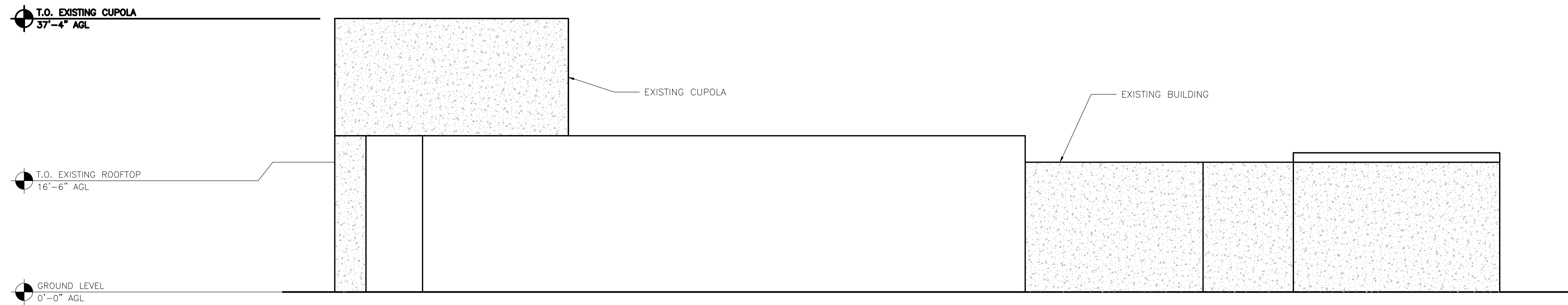
**ANTENNA SCHEDULE**

NO SCALE

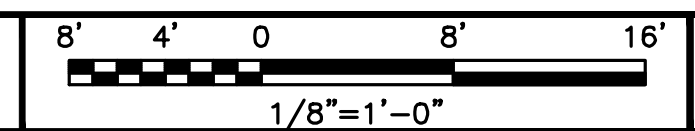
4



- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
  2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.

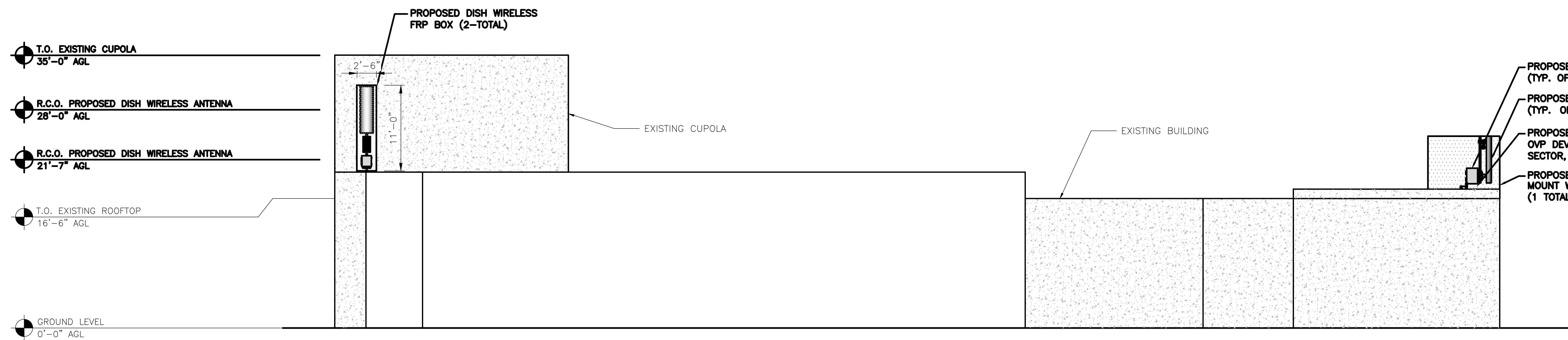


**EXISTING BUILDING SOUTH ELEVATION**

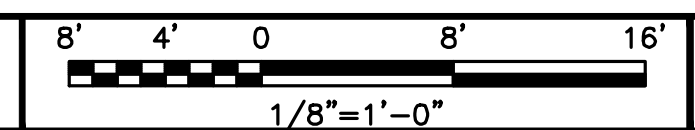


1

- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
  2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.



**PROPOSED BUILDING SOUTH ELEVATION**



2



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



23 MAUCHLY #110,  
IRVINE, CA 92618

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: JM    CHECKED BY: AP    APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

SUBMITTALS		
REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
P-055281

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E

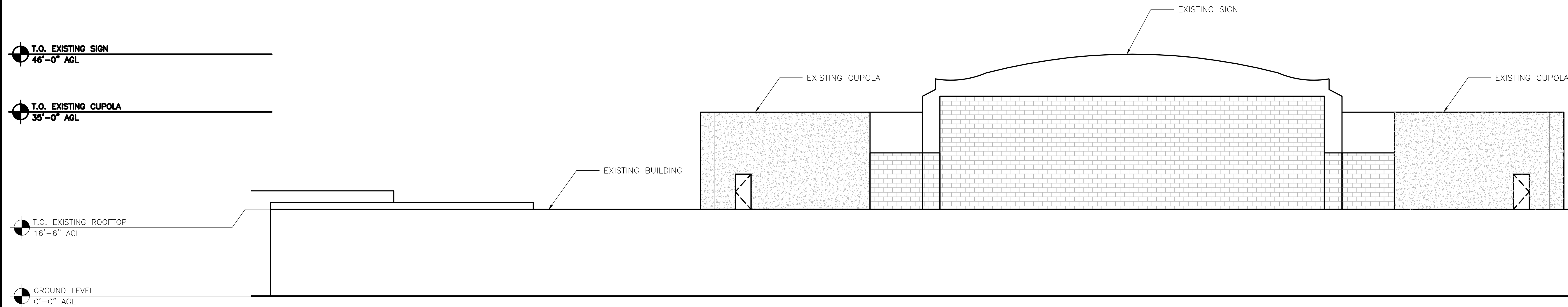
901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
SOUTH  
ELEVATION

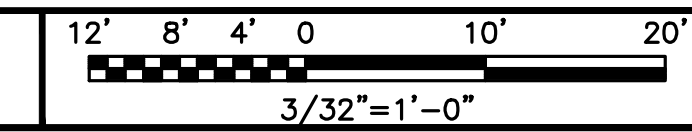
SHEET NUMBER  
**A-4**

**NOTES**

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.



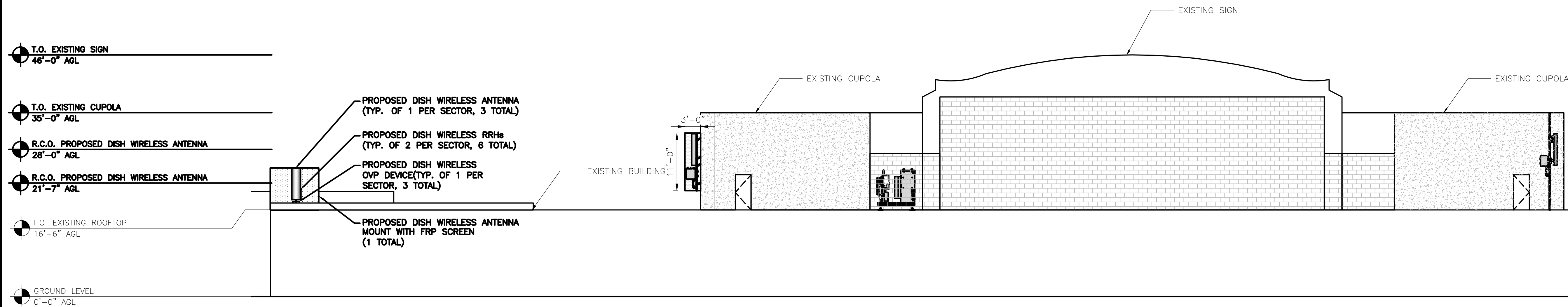
**EXISTING BUILDING EAST ELEVATION**



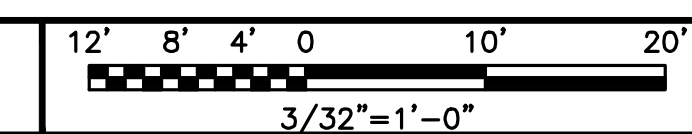
1

**NOTES**

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.



**PROPOSED BUILDING EAST ELEVATION**



2



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



23 MAUCHLY #110,  
IRVINE, CA 92618

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: JM CHECKED BY: AP APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

**SUBMITTALS**

REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER

P-055281

DISH WIRELESS L.L.C.

PROJECT INFORMATION

SDSAN00257E

901 EUCLID AVE

NATIONAL CITY, CA 91950

SHEET TITLE

EAST

ELEVATION

SHEET NUMBER

**A-5**

# Radio Frequency - Electromagnetic Energy (RF-EME) Jurisdictional Report

Site No. SDSAN00257E  
SDSAN00257E  
901 Euclid Ave.  
National City, California 91950  
32° 40' 53.28" N, -117° 4' 47.59" W NAD83

EBI Project No. 6222002110  
April 8, 2022



Prepared for:  
Dish Wireless

Prepared by:  
 **EBI Consulting**  
environmental | engineering | due diligence

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## APPENDICES

**APPENDIX A CERTIFICATIONS**

**APPENDIX B RADIO FREQUENCY ELECTROMAGNETIC ENERGY SAFETY / SIGNAGE PLANS**

**APPENDIX C FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS**

### REFERENCE DOCUMENTS (NOT ATTACHED)

**CDs:** SDSAN00257E\_ZD\_20220321184233

**RFDS:** RFDS\_SDSAN00257E-PENDING-20220322-v1.0

## EXECUTIVE SUMMARY

### Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Dish Wireless to conduct radio frequency electromagnetic (RF-EME) modeling for Dish Wireless Site SDSAN00257E located at 901 Euclid Ave. in National City, California to determine RF-EME exposure levels from proposed Dish Wireless communications equipment at this site. As described in greater detail in Appendix C of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for the general public and for occupational activities. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

### Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 39 feet of DISH's proposed antennas at the main roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 20 feet of DISH's proposed antennas at the main roof level. Additionally, there are areas where workers who may be elevated above the rooftop or ground may be exposed to power densities greater than the occupational limits. Therefore, workers should be informed about the presence and locations of antennas and their associated fields.

At the nearest walking/working surfaces to the Dish Wireless antennas, the maximum power density generated by the DISH antennas is approximately **680.57** percent of the FCC's general public limit (**136.11** percent of the FCC's occupational limit).

The maximum composite exposure level from all carriers on this site is approximately **680.57** percent of the FCC's general public limit (**136.11** percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

Recommended control measures are outlined in Section 4.0 and within the Site Safety Plan (attached); Dish Wireless should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Dish Wireless since only DISH has the ability to lockout/tagout the facility, or to authorize others to do so.

## 1.0 INTRODUCTION

Radio frequency waves are electromagnetic waves from the portion of the electromagnetic spectrum at frequencies lower than visible light and microwaves. The wavelengths of radio waves range from thousands of meters to around 30 centimeters. These wavelengths correspond to frequencies as low as 3 cycles per second (or hertz [Hz]) to as high as one gigahertz (one billion cycles per second).

Personal Communication (PCS) facilities used by Dish Wireless in this area will potentially operate within a frequency range of 600 to 5000 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed a distance above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of in areas in the immediate vicinity of the antennas.

MPE limits do not represent levels where a health risk exists, since they are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size or health.

## 2.0 SITE DESCRIPTION

This project site includes the following proposed wireless telecommunication antennas on a rooftop located at 901 Euclid Ave. in National City, California.

Ant #	Operator	Antenna Make	Antenna Model	Frequency (MHz)	Azimuth (deg.)	Mechanical Downtilt (deg.)	Horizontal Beamwidth (Degrees)	Aperture (feet)	Total Power Input (Watts)	Gain (dBd)*	Total ERP (Watts)	Total EIRP (Watts)
1	Dish	KMW	KE654L4H6-D 02DT 600	600	320	0	70	6.0	120	18.05	6826.24	11195.03
1	Dish	KMW	KE654L4H6-D 02DT 700	700	320	0	63	6.0	120	18.35	7314.44	11995.69
1	Dish	KMW	KE654L4H6-D 02DT 2000	2000	320	0	62	6.0	160	22.35	24497.40	40175.73
1	Dish	KMW	KE654L4H6-D 02DT 2100	2100	320	0	62	6.0	160	22.35	24497.40	40175.73
2	Dish	KMW	KE654L4H6-D 02DT 600	600	80	0	70	6.0	120	18.05	6826.24	11195.03
2	Dish	KMW	KE654L4H6-D 02DT 700	700	80	0	63	6.0	120	18.35	7314.44	11995.69
2	Dish	KMW	KE654L4H6-D 02DT 2000	2000	80	0	62	6.0	160	22.35	24497.40	40175.73
2	Dish	KMW	KE654L4H6-D 02DT 2100	2100	80	0	62	6.0	160	22.35	24497.40	40175.73
3	Dish	KMW	KE654L4H6-D 02DT 600	600	200	0	70	6.0	120	18.05	6826.24	11195.03
3	Dish	KMW	KE654L4H6-D 02DT 700	700	200	0	63	6.0	120	18.35	7314.44	11995.69
3	Dish	KMW	KE654L4H6-D 02DT 2000	2000	200	0	62	6.0	160	22.35	24497.40	40175.73
3	Dish	KMW	KE654L4H6-D 02DT 2100	2100	200	0	62	6.0	160	22.35	24497.40	40175.73

- Note there is 1 Dish Wireless antenna per sector at this site. For clarity, the different frequencies for each antenna are entered on separate lines.
- Gain includes antenna and combiner.

Ant #	NAME	X	Y	Antenna Radiation Centerline	Z-Height Cupola Roof	Z-Height Adjacent Building	Z-Height Adjacent Building Cupola	Z-Height Main Roof	Z-Height Ground
1	Dish	89.2	58.7	28.0	-7.0	9.5	4.0	12.0	28.0
2	Dish	22.0	19.7	21.6	-13.4	3.1	-2.4	5.6	21.6
3	Dish	42.7	58.5	28.0	-7.0	9.5	4.0	12.0	28.0

• Note the Z-Height represents the distance from the antenna centerline in feet.

The above tables contain an inventory of proposed Dish Wireless antennas and other carrier antennas if sufficient information was available to model them. Note that EBI uses an assumed set of antenna specifications and powers for unknown and other carrier antennas for modeling purposes. The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general population/uncontrolled exposure limits for members of the general public that may be exposed to antenna fields. While access to this site is considered uncontrolled, the analysis has considered exposures with respect to both controlled and uncontrolled limits as an untrained worker may access adjacent rooftop locations. Additional information regarding controlled/uncontrolled exposure limits is provided in Appendix C. Appendix B presents a site safety plan that provides a plan view of the rooftop with antenna locations.

### 3.0 WORST-CASE PREDICTIVE MODELING

EBI has performed theoretical MPE modeling using RoofMaster™ software to estimate the worst-case power density at the site’s nearby broadcast levels resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed by Waterford Consultants to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications Commission (FCC) Office of Engineering & Technology (OET) Bulletin 65, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields” (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by Dish Wireless and compared the resultant worst-case MPE levels to the FCC’s occupational/controlled exposure limits outlined in OET Bulletin 65. The assumptions used in the modeling are based upon information provided by Dish Wireless and information gathered from other sources. Elevations of walking/working surfaces were estimated based on elevations provided and available aerial imagery. Sector orientation assignments were made assuming coverage is directed to areas of site. Changes to antenna mount heights or placement will impact site compliance. The parameters used for modeling are summarized in the Site Description antenna inventory table in Section 2.0.

There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC’s general public limit within approximately 39 feet of Dish Wireless’s Sector C antennas on the adjacent

building cupola roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 20 feet of Dish Wireless's Sector C antennas on the adjacent building cupola rooftop level. At the nearest walking/working surfaces to the Dish Wireless antennas, the maximum power density generated by the Dish Wireless antennas is approximately 680.57 percent of the FCC's general public limit (136.11 percent of the FCC's occupational limit). The maximum composite exposure level from all carriers on this site is approximately 680.57 percent of the FCC's general public limit (136.11 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

The Site Safety Plan also presents areas where Dish Wireless antennas contribute greater than 5% of the applicable MPE limit for a site. A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

The inputs used in the modeling are summarized in the Site Description antenna inventory table in Section 2.0. A graphical representation of the RoofMaster™ modeling results is presented in Appendix B. Microwave dish antennas are designed for point-to-point operations at the elevations of the installed equipment rather than ground level coverage. The maximum power density generated by all carrier antennas, including microwaves and panel antennas, is included in the modeling results presented within this report.

#### **4.0 MITIGATION/SITE CONTROL OPTIONS**

EBI's modeling indicates that there are areas in front of the Dish Wireless antennas that exceed the FCC standards for general public and occupational exposure. In order to alert people accessing the rooftop, a Guidelines sign and an NOC Information are recommended for installation at each access point to the rooftop. Additionally, yellow Caution signs are recommended for installation on the barrier in front of the Dish Wireless Sector C antennas. These signs must be placed in a conspicuous manner so that they are visible to any person approaching the barrier from any direction.

Barriers are recommended for installation when possible to block access to the areas in front of the antennas that exceed the FCC general public and/or occupational limits. Barriers may consist of rope, chain, or fencing. Painted stripes should only be used as a last resort. Barriers are recommended on the adjacent building roof 20 feet away front of the Dish Wireless Sector C antennas.

These protocols and recommended control measures have been summarized and included with a graphic representation of the antennas and associated signage and control areas in a RF-EME Site Safety Plan, which is included as Appendix B. Individuals and workers accessing the rooftop should be provided with a copy of the attached Site Safety Plan, made aware of the posted signage and installation of the recommended barriers, and signify their understanding of the Site Safety Plan.

To reduce the risk of exposure, EBI recommends that access to areas associated with the active antenna installation be restricted and secured where possible.

Implementation of the signage and installation of the recommended barriers recommended in the Site Safety Plan and in this report will bring this site into compliance with the FCC's rules and regulations.

#### **5.0 SUMMARY AND CONCLUSIONS**

EBI has prepared a Radiofrequency – Electromagnetic Energy (RF-EME) Compliance Report for telecommunications equipment installed by Dish Wireless Site Number SDSAN00257E located at 901



Euclid Ave. in National City, California to determine worst-case predicted RF-EME exposure levels from wireless communications equipment installed at this site. This report summarizes the results of RF-EME modeling in relation to relevant Federal Communications Commission (FCC) RF-EME compliance standards for limiting human exposure to RF-EME fields.

As presented in the sections above, based on the FCC criteria, the worst-case emitted power density may exceed the FCC's general public limit within approximately 39 feet of Dish Wireless's proposed antennas at the main roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 20 feet of Dish Wireless's proposed antennas at the main roof level.

Workers should be informed about the presence and locations of antennas and their associated fields. Recommended control measures are outlined in Section 4.0 and within the Site Safety Plan (attached); Dish Wireless should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Dish Wireless since only Dish Wireless has the ability to lockout/tagout the facility, or to authorize others to do so.

## **6.0 LIMITATIONS**

This report was prepared for the use of Dish Wireless. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.


# **Appendix A**

## **Certifications**

## Preparer Certification

I, John-Pierre Blanchard, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified “occupational” under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read "John-Pierre Blanchard".

Reviewed and Approved by:

---

Michael McGuire  
Electrical Engineer  
[mike@h2dc.com](mailto:mike@h2dc.com)

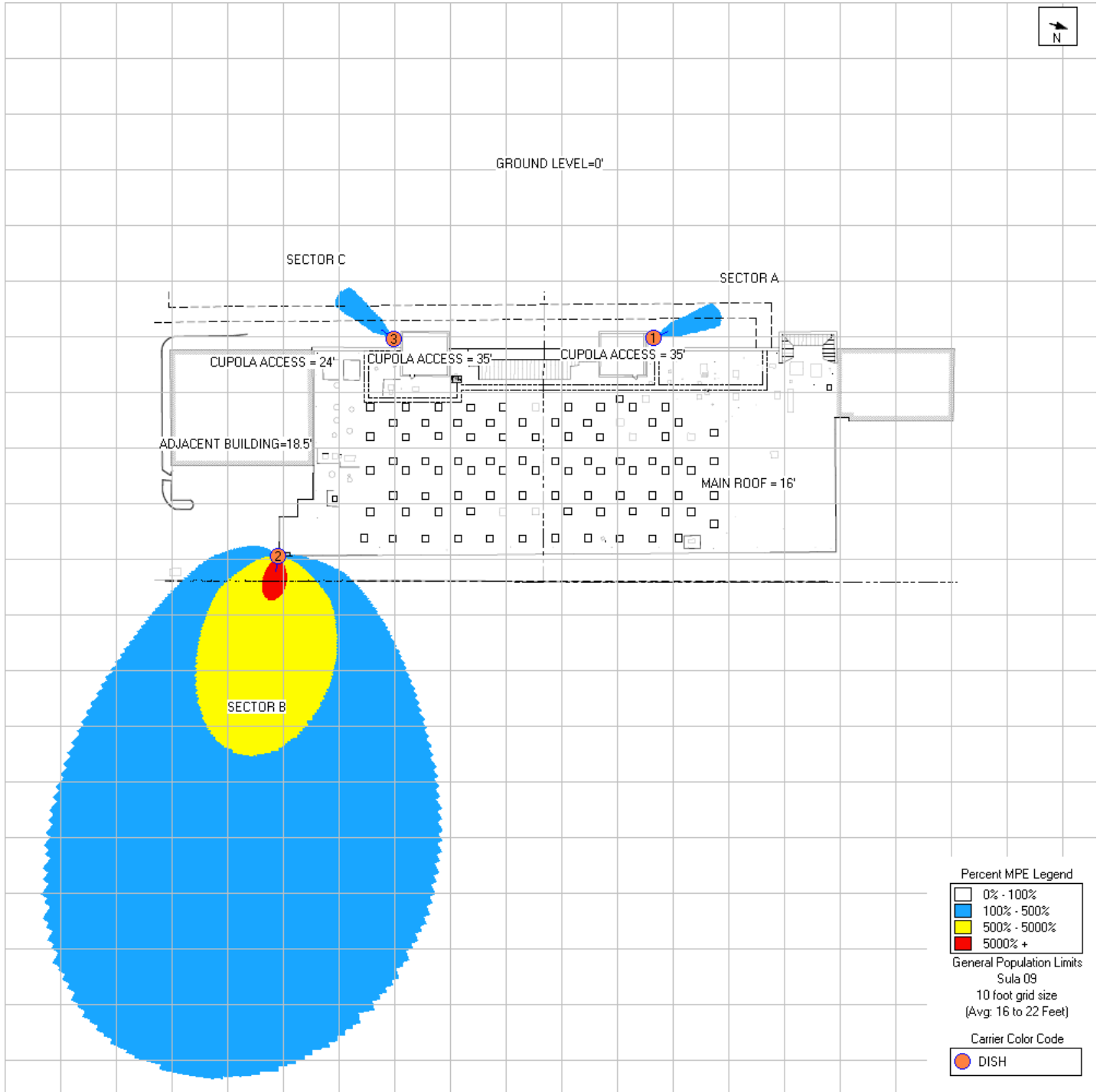
Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

**Appendix B**

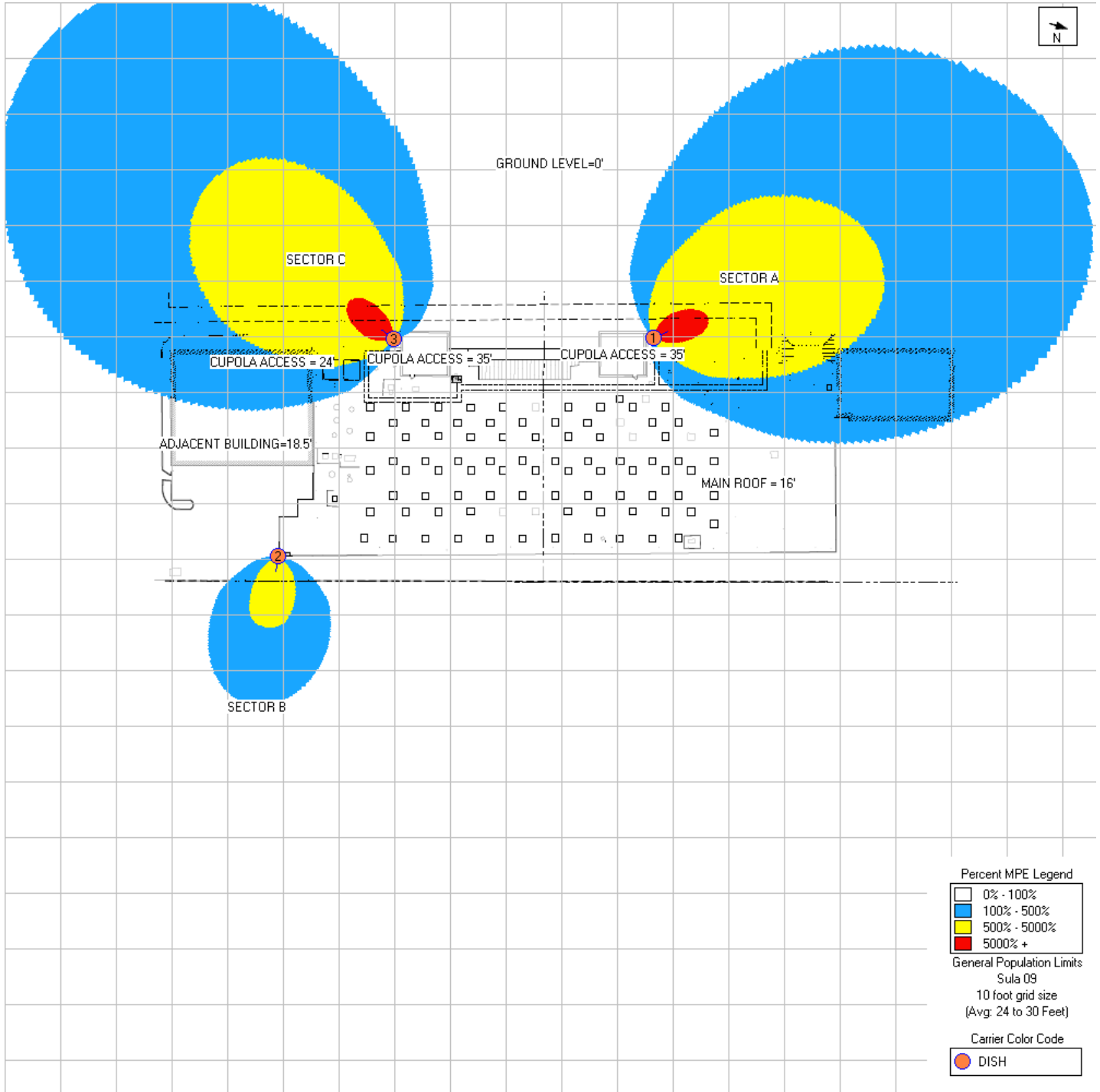
**Radio Frequency Electromagnetic Energy**

**Safety Information and Signage Plans**

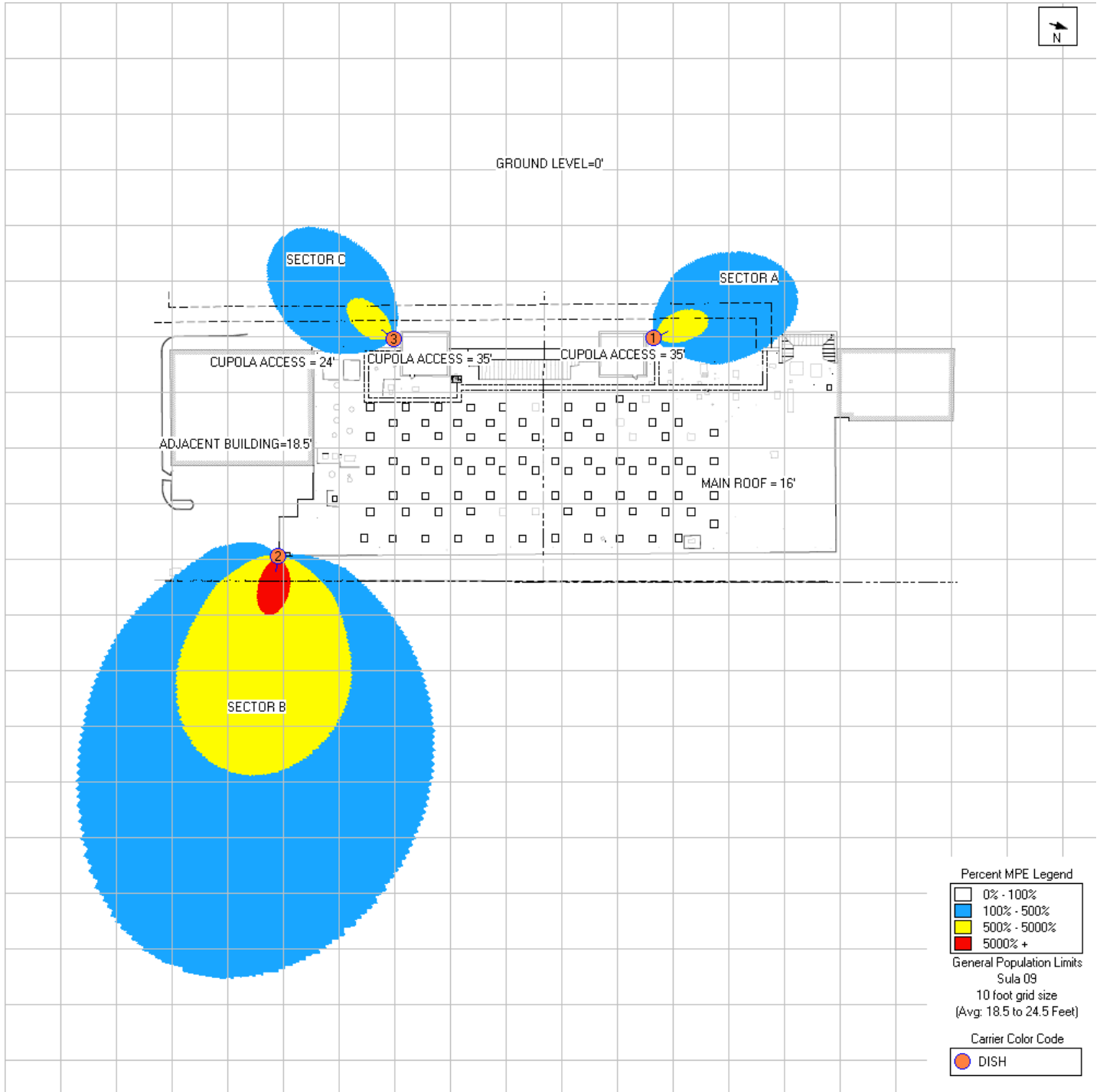
## Nearest Walking Surface (Main Roof Level) Simulation



### Cupola Access Level (24') Simulation

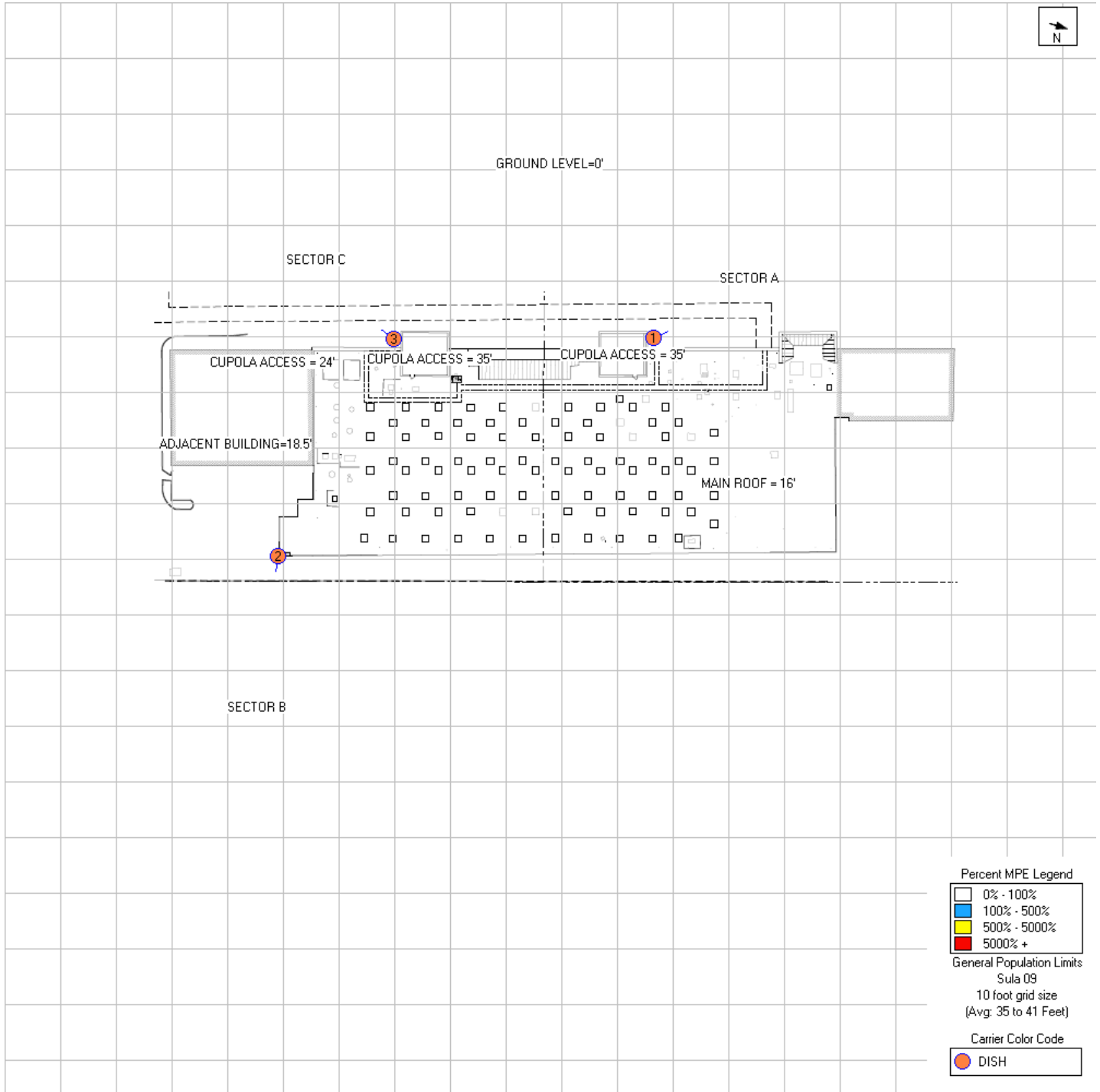


### Adjacent Building Cupola Roof Level (18.5' AGL) Simulation

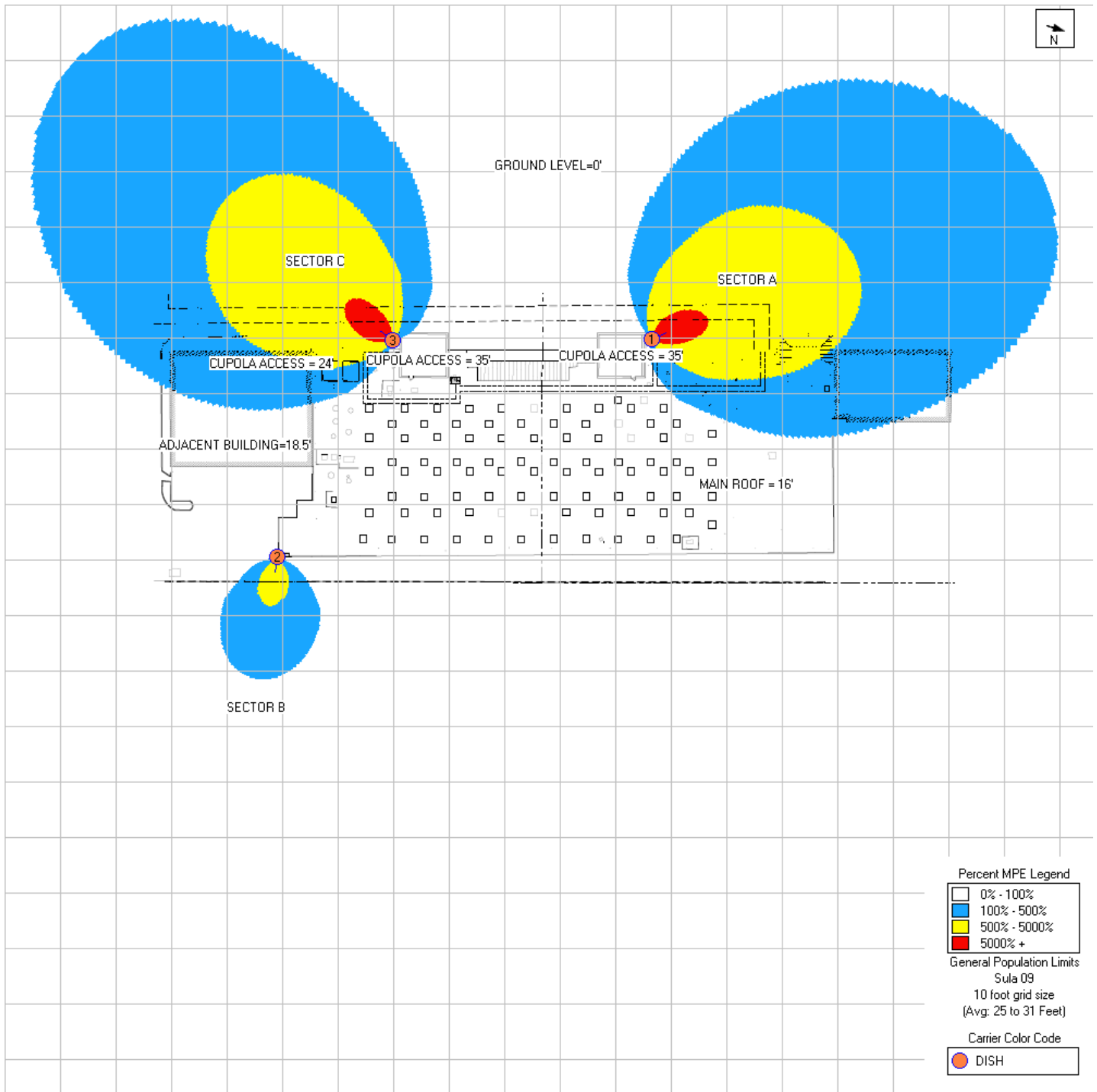




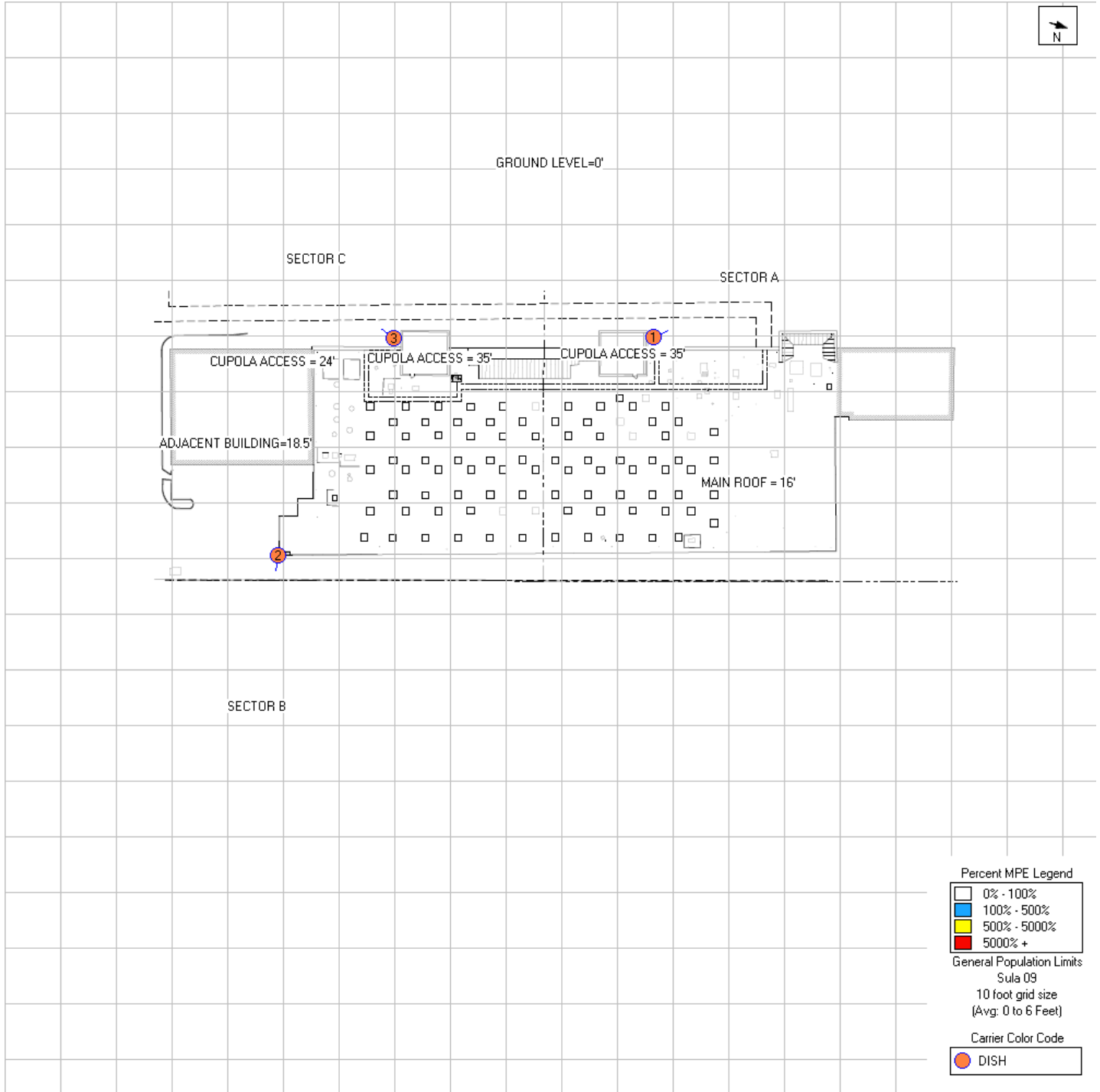
### Cupola Roof Level Simulation



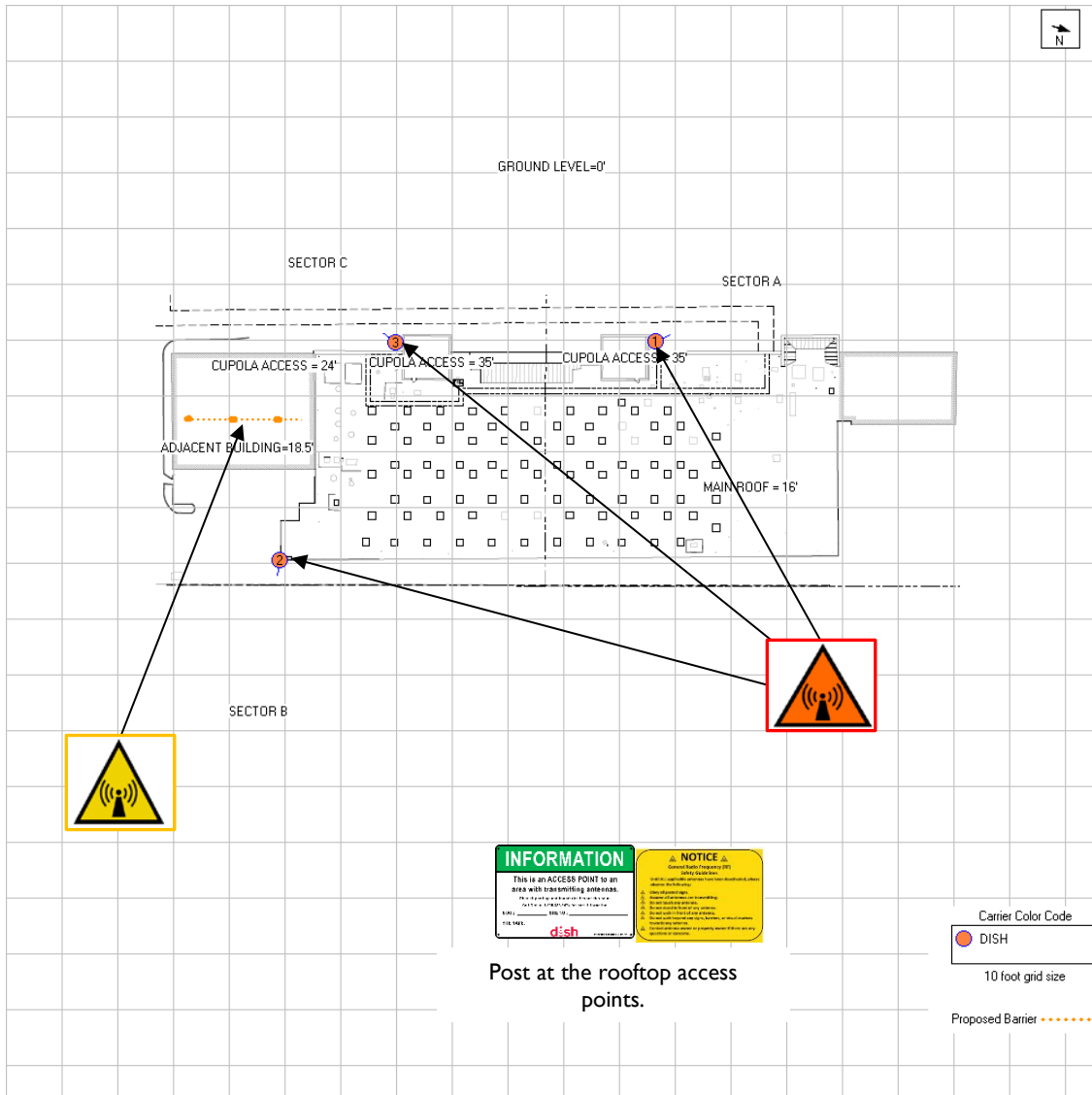
### Antenna Face Level Simulation



# Ground Level Simulation



## Dish Wireless Safety (Signage) Plan



Sign	Posting Instructions	Required Signage / Mitigation
	<p><b>NOC Information</b></p> <p>Information signs are used to provide contact information for any questions or concerns for personnel accessing the site.</p>	Securely post at the main rooftop access door and every point of access to the site in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.
	<p><b>Guidelines</b></p> <p>Informational sign used to notify workers that there are active antennas installed and provide guidelines for working in RF environments.</p>	Securely post at the main rooftop access door and every point of access to the site in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.
	<p><b>Notice</b></p> <p>Used to notify individuals they are entering an area where the power density emitted from transmitting antennas may exceed the FCC's MPE limit for the general public or occupational exposures.</p>	Signage not required.
	<p><b>Caution</b></p> <p>Used to notify individuals that they are entering a hot spot where either the general public or occupational FCC's MPE limit is or could be exceeded.</p>	Securely post every eight feet on the barriers near each Dish Wireless Sector.
	<p><b>Warning</b></p> <p>Used to notify individuals that they are entering a hot zone where the occupational FCC's MPE limit has been exceeded by 10x.</p>	Securely post on the antenna mount at each Dish Wireless Sector.

# **Appendix C**

## **Federal Communications Commission (FCC) Requirements**

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

**Occupational/controlled exposure limits** apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

**General public/uncontrolled exposure limits** apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

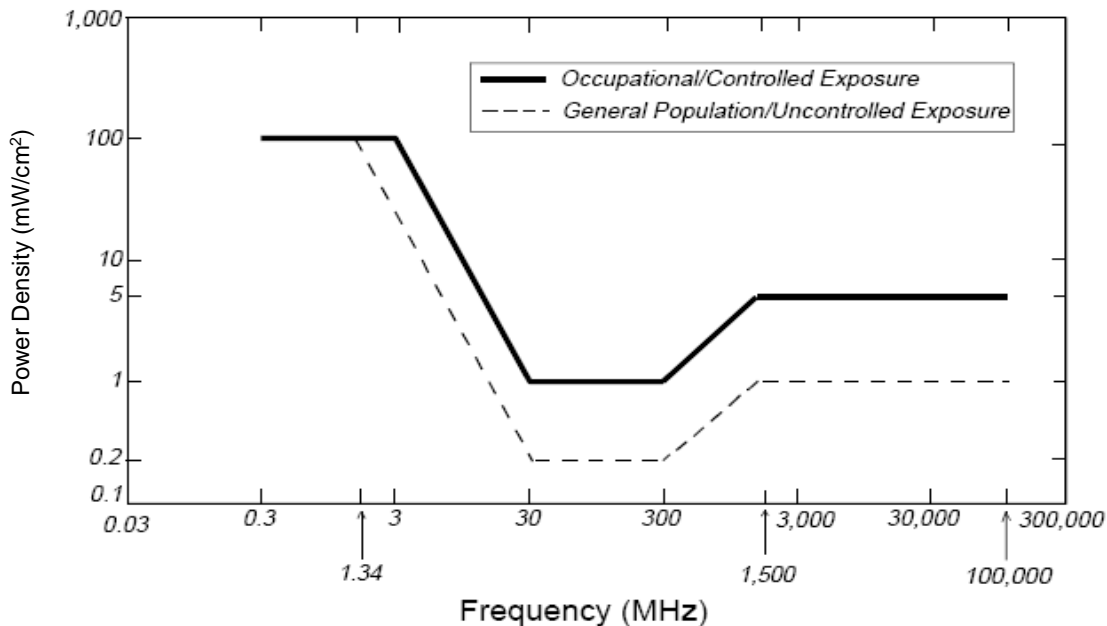
Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm<sup>2</sup>). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm<sup>2</sup>) and an uncontrolled MPE of 1 mW/cm<sup>2</sup> for equipment operating in the 1900 MHz frequency range. For the Dish Wireless equipment operating at 600 MHz or 850 MHz, the FCC's occupational MPE is 2.83 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.57 mW/cm<sup>2</sup>. For the Dish Wireless equipment operating at 1900 MHz, the FCC's occupational MPE is 5.0 mW/cm<sup>2</sup> and an uncontrolled MPE limit of 1.0 mW/cm<sup>2</sup>. These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)  
 \* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)  
 Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Microwave (Point-to-Point)	5,000 - 80,000 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Cellular Telephone	870 MHz	2.90 mW/cm <sup>2</sup>	0.58 mW/cm <sup>2</sup>
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm <sup>2</sup>	0.57 mW/cm <sup>2</sup>
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm <sup>2</sup>	0.47 mW/cm <sup>2</sup>
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm <sup>2</sup>	0.20 mW/cm <sup>2</sup>

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by Dish Wireless in this area will potentially operate within a frequency range of 600 to 2100 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

### FCC Compliance Requirement

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.





# AGENDA REPORT

**Department:** Community Development - Neighborhood Services  
**Prepared by:** Dionisia Trejo, Administrative Secretary  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Temporary Use Permit - Community Easter Egg Festival sponsored by Jesus Church San Diego at Kimball Park on April 1, 2023, from 11 a.m. to 3 p.m. with no waiver of fees

**RECOMMENDATION:**

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

This is a request from Jesus Church San Diego to conduct a Community Easter Egg Festival at Kimball Park on April 1, 2023 from 11 a.m. to 3 p.m. Set up for the event will commence at 8 a.m. on the day of the event.

This event will include an Easter egg hunt, face painting, vehicle display, live entertainment and eating areas with tables and chairs. This event is open to the public.

Jesus Church of San Diego is requesting to use the City's stage. Security will be provided by church volunteers.

**NOTE:** On April 5, 2022 City Council approved a similar event, sponsored by Heart Revolution Church.

**FINANCIAL STATEMENT:**

City fee of \$312.00 for processing the TUP through various City departments, plus \$986.94 for Public Works, and \$211.00 for the Fire Inspection.

Total fees: \$1,509.94

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A – TUP Community Easter Egg Festival

Exhibit B – Conditions of Approval Community Easter Egg Festival



City of National City ■ Neighborhood Services Department  
 1243 National City Boulevard ■ National City, CA 91950  
 (619) 336-4364 ■ fax (619) 336-4217  
 www.nationalcityca.gov

## Special Event Application

**Type of Event**

Fair/Festival   
  Parade/March   
  Walk or Run   
  Concert/Performance  
 TUP   
  Sporting Event   
 Other (specify) Easter Egg Hunt

**Event Name & Location**

Event Title Community Easter Egg Festival  
 Event Location (list all sites being requested) Kimball Park

**Event Times**

Set-Up Starts  
 Date 04/01/2023 Time 8:00 AM Day of Week Saturday  
 Event Starts  
 Date 04/01/2023 Time 11:00 AM Day of Week Saturday  
 Event Ends  
 Date 04/01/2023 Time 3:00 PM Day of Week Saturday  
 Breakdown Ends  
 Date 04/01/2023 Time 4:00PM Day of Week Saturday



**Applicant Information**

Applicant (Your name) Oscar Navarro Sponsoring Organization Jesus Church San Diego  
 Event Coordinator (if different from applicant) \_\_\_\_\_  
 Mailing Address 129 Shasta Street, Chula Vista, California 91910  
 Day Phone 619-214-4789 After Hours Phone 619-713-4711 Cell 619-713-4711 Fax \_\_\_\_\_  
 Public Information Phone 619-713-4711 E-mail njtconavarro@yahoo.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: *Oscar Navarro* Date 02.27.2023

## Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

### Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes  No

Are admission, entry, vendor or participant fees required? Yes  No

If YES, please explain the purpose and provide amount (s):

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\$                      Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 5,000.00 Estimated Expenses for this event.

\$ 0 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

### Description of Event

First time event     Returning Event     include site map with application

Note that this description may be published in our City Public Special Events Calendar:

Kimball Park Easter Egg festival. Open to the public, including, NC Fire, Police vehicles from various agencies, Majestic car club, face painting, live music. A "easter egg event" area where kids will be able to pick up eggs/distribute candy. Various foods will be available from (3) churches.

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### Estimated Attendance

Anticipated # of Participants: 100      Anticipated # of Spectators: 400

**Traffic Control, Security, First Aid and Accessibility**

Requesting to close street(s) to vehicular traffic? Yes  No

List any streets requiring closure as a result of the event (provide map): \_\_\_\_\_

Date and time of street closure: \_\_\_\_\_ Date and time of street reopening: \_\_\_\_\_

Other (explain) \_\_\_\_\_

Requesting to post "no parking" notices? Yes  No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):

Other (explain) \_\_\_\_\_

**Security and Crowd Control**

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: Church volunteers will  
provide security and crowd control coverage throughout the event.

Have you hired Professional Security to handle security arrangements for this event?

Yes  No  If YES, name and address of Security Organization \_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission. .

Is this a night event? Yes  No  If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: \_\_\_\_\_

**First Aid**

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes  No  First aid/CPR certified? Yes  No

First aid station to be staffed by professional company. ▶ Company National City Fire will be on site

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

**Accessibility**

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Kimball Park, including on site restrooms, are ADA compliant. Area being utilized for event is an open area with access to all.

**Elements of your Event**

Setting up a stage? Yes  No

Requesting City's PA system

Requesting City Stage; if yes, which size?  Dimensions (13x28)  Dimensions (20x28)

Applicant providing own stage ▶ \_\_\_\_\_(Dimensions)

**Setting up canopies or tents?**

10 \_\_\_\_\_ # of canopies size 10' x 10'

0 \_\_\_\_\_ # of tents size \_\_\_\_\_

No canopies/tents being set up

**Setting up tables and chairs?**

Furnished by Applicant or Contractor

10 \_\_\_\_\_ # of tables       No tables being set up

70 \_\_\_\_\_ # of chairs       No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

\_\_\_\_\_ # of tables       No tables being set up

\_\_\_\_\_ # of chairs       No chairs being set up

Contractor Name \_\_\_\_\_

Contractor Contact Information \_\_\_\_\_  
Address City/State Phone Number

**Setting up other equipment?**

Sporting Equipment (explain) \_\_\_\_\_

Other (explain) Sound system-speakers-Mic (Heart Revolution Church Performing Live) \_\_\_\_\_

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes  No

PA System for announcements       CD player or DJ music

Live Music   ▶  Small 4-5 piece live band   ▶  Large 6+ piece live band

Other (explain) \_\_\_\_\_

If using live music or a DJ. ▶ Contractor Name To be determined \_\_\_\_\_

▶ \_\_\_\_\_  
Address City/State Phone Number

Using lighting equipment at your event? Yes  No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name \_\_\_\_\_

\_\_\_\_\_  
Address City/State Phone Number

Using electrical power? Yes  No

Using Kimball Park Bowl Lighting (from \_\_\_\_\_ to \_\_\_\_\_)

Using on-site electricity

For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s)

For sound and/or lighting

For food and/or refrigeration

**Vendor Information**

**PLEASE NOTE: You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.**

Having food and non-alcoholic beverages at your event? Yes  No

Vendors preparing food on-site ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

If yes, please describe how food will be served and/or prepared: \_\_\_\_\_

If you intend to cook food in the event area please specify the method:

GAS  ELECTRIC  CHARCOAL  OTHER (Specify): \_\_\_\_\_

Vendors bringing pre-packaged food ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # \_\_\_\_\_

Vendors selling food #<sup>3</sup> \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Vendors selling merchandise #<sup>5</sup> \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

▶ Explain services \_\_\_\_\_

Vendors passing out information only (no business license needed) #<sup>10</sup> \_\_\_\_\_

▶ Explain type(s) of information Church Information/Bibles/Prizes. \_\_\_\_\_

No selling or informational vendors at event

Having children activities? Yes  No

**PLEASE NOTE:** In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # \_\_\_\_\_  Rock climbing wall Height \_\_\_\_\_

Inflatable bouncer slide # \_\_\_\_\_  Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides \_\_\_\_\_  Other \_\_\_\_\_

Having fireworks or aerial display? Yes  No

Vendor name and license # \_\_\_\_\_

Dimensions \_\_\_\_\_ Duration \_\_\_\_\_

Number of shells \_\_\_\_\_ Max. size \_\_\_\_\_

**PLEASE NOTE:** In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$602.00

Arranging for media coverage? Yes  No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe \_\_\_\_\_



**Event Signage**

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes  No

Yes, we will post signage # \_\_\_\_\_ Dimensions \_\_\_\_\_

Yes, having inflatable signage # \_\_\_\_\_ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # \_\_\_\_\_

What will signs/banners say? \_\_\_\_\_

How will signs/banners be anchored or mounted? \_\_\_\_\_

Location of banners/signage \_\_\_\_\_

**Waste Management**

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes  No

If yes, please identify the following:

▶ Total number of portable toilets: \_\_\_\_\_

▶ Total number of ADA accessible portable toilets: \_\_\_\_\_

Contracting with portable toilet vendor. ▶ \_\_\_\_\_  
Company Phone

▶ Load-in Day & Time \_\_\_\_\_ ▶ Load-out Day & Time \_\_\_\_\_

Portable toilets to be serviced. ▶ Time \_\_\_\_\_

**Set-up, Breakdown, Clean-up**

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) \_\_\_\_\_

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

**NPDES-Litter Fence**

- City to install litter fence
- Applicant to install litter fence
- N/A

**Breaking down set-up the day after the event?**

- Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) \_\_\_\_\_
- No, breakdown will occur on the event day.

**How are you handling clean-up?**

- Using City crews
- Using volunteer clean-up crew during and after event.
- Using professional cleaning company during and after event.

**Miscellaneous**

Please list anything important about your event not already asked on this application:

This event will be hosted by various churches coming together to provide a safe healthy Easter

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Egg event. The theme is to love on NC kids.

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**Please make a copy of this application for your records.  
We do not provide copies.**



# Special Events

## Pre-Event Storm Water Compliance Checklist

### I. Special Event Information

Name of Special Event: <u>Easter Egg Event (with an emphasis loving NC Kids)</u>	
Event Address: <u>1920 Sweetwater Road, National City, CA</u>	Expected # of Attendees: <u>800</u>
Event Host/Coordinator: <u>Derick Ventura</u>	Phone Number: <u>619-425-9333</u>

### II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: <u>10</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: <u>10</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

# City of National City

## PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City  
Risk Management Department  
1243 National City Boulevard  
National City, CA 91950

Organization: Heart Revolution Church/Jesus Church San Diego

Person in Charge of Activity: Oscar Navarro

Address: 703 Salot Street, National City

Telephone: 619-713-4711 Date(s) of Use: 04/01/2023

## HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: Oscar Navarro

Official Title: Assistant Pastor Date: 02-21-2023

For Office Use Only

Certificate of Insurance Approved \_\_\_\_\_ Date \_\_\_\_\_





## EVANSTON INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

### ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:  
COMMERCIAL GENERAL LIABILITY COVERAGE FORM

#### SCHEDULE

**Name Of Additional Insured Person(s) Or Organization(s):**

City of National City  
Risk Management Department  
1243 National City Boulevard  
National City, CA 91950

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule of this endorsement, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by the acts or omissions of any insured listed under Paragraph **1.** or **2.** of Section II – Who Is An Insured:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.



-  CAR SHOW AREA
-  BOOTH JC
-  BOOTH NCAA
-  BOOTH HR
-  FIRST AID
-  NC FIRE
-  US NAVY
-  LMPD
-  NCPD
-  SPPD
-  FEDERAL PD
-  INFO BOOTH





**CITY OF NATIONAL CITY  
NEIGHBORHOOD SERVICES DEPARTMENT  
APPLICATION FOR A TEMPORARY USE PERMIT  
CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION:** Jesus Church San Diego

**EVENT:** Community Easter Egg Festival

**DATE OF EVENT:** April 01, 2023

APPROVALS:

COMMUNITY SERVICES	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
RISK MANAGER	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
PUBLIC WORKS	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
FINANCE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
FIRE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
POLICE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
ENGINEERING	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
COMMUNITY DEVELOPMENT	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]

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**CONDITIONS OF APPROVAL:**

**PUBLIC WORKS (619)366-4580**

Streets Division

No involvement

Parks Division

1. Three hours for set up on Thursday March 30<sup>th</sup> to mark irrigation valve boxes and paint a fire lane at regular pay @ \$66.98= \$200.94
2. Park Staff will set up the extended stage and PA system the day of event and break down after event. \$786 Total =\$986.94

Facilities Division

No comment received

**POLICE DEPARTMENT**

The police department has no comments other than "Extra Patrol" on the day of the event.

## **ENGINEERING**

No comments

## **COMMUNITY SERVICES**

No comments received

## **FINANCE**

No comments received

## **COMMUNITY DEVELOPMENT**

### Planning

1. Activities shall conform to the limitations in Table III of Title 12 (Noise) of the Municipal Code.
2. Speakers shall face away from residential properties.

### Building

No comments received

### Neighborhood Services

***Neighborhood Notifications*** – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

***Display of banners*** -- Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

**RISK MANAGER (619) 336-4370**

Risk Management has reviewed the above-captioned request for issuing a Temporary Use Permit. The applicant has provided all the necessary insurance types and levels of coverage as set out in the application.

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant at the time the Special Event Application was submitted.

**FIRE (619) 336-4550**

**An after-hours fee of \$211.00 will be required.  
Application describes food vendors will be on site. Further information on this subject is required.**

**Meeting with organizer prior to event required**

---

Stipulations required by the Fire Department for this event are as follows:

- 1) Access to the area to be maintained at all times, entrances and emergency roadways.
- 2) Fire Department access into and through booth areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches
- 3) Fire Hydrants shall not be blocked or obstructed.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Provide a 2A:10BC fire extinguisher at stage area. Extinguisher to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. Maximum travel distance from an extinguisher shall not be more than 75 feet travel distance.
- 7) Internal combustion power sources (*generator*) that may be used for this event shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted only when the ride is not in use.

- 8) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least **20** feet away from **bouncer**
- 9) Internal combustion power sources that may be used shall be of adequate capacity to permit uninterrupted operation during normal operating hours.
- 10) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only.
- 11) A fire safety inspection is to be conducted by the Fire Department prior to operations of the event to include all rides, cooking areas, etc.
- 12) If tents or canopies are used, the following information shall apply:
  - Tents having an area from 0-200 square feet shall be \$200.00
  - Tents having an area more than 201 square feet shall be \$400.00
  - Canopies having an area from 0-400 square feet shall be no charge.
  - Canopies from 401-500 square feet shall be \$250.00.
  - Canopies from 501-600 square feet shall be \$300.00.
  - Canopies from \$601.00 or greater shall be \$400.00.
  - Multiple tents and or canopies placed together equaling or greater than the above stated information shall be charged accordingly.
  - Tents shall be flame-retardant treated with an approved State Fire Marshal seal attached. A permit from the Fire Department must be obtained. Fees can only be waived by the City Council.

A ten feet separation distance must be maintained between tents and canopies. A permit from the Fire Department must be obtained. **Cooking shall not be permitted under tents or canopies unless the tents or canopies meet State Fire Marshal approval for cooking. See Fire Marshal for required explanation.**
- 13) Concession stands utilized for cooking shall have a minimum of 10 feet of clearance on two sides and shall not be located within 10 feet of tents or canopies
- 14) All cooking booths or areas to have one 2A:10BC fire extinguisher. **If grease or oil is used in cooking a 40:BC or class "K" fire extinguisher will be required.** See Fire Marshal for required explanation. All fire extinguishers to have a current State Fire Marshal Tag attached
- 15) **Automobiles and other internal combustion engines shall be a minimum distance of twenty feet (20) from Inflatable Zone area**
- 16) Approved fire extinguishers shall be furnished by all car show participants
- 17) First Aid will be provided by organization

- 18) *Required inspections taking place, after hours, holidays, and weekends will be assessed a minimum (\$211.00) dollars.*
- 19) **Inspection Is Required. Please see Fire Department for fees and required permit.**
- 20) Fire Department fees can only be waived by City Council

If you have any questions please feel free to contact me.



# AGENDA REPORT

**Department:** Community Development - Neighborhood Services  
**Prepared by:** Dionisia Trejo, Administrative Secretary  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Temporary Use Permit – The 14th Annual San Diego Granfondo Bike Ride sponsored by Life Sports Foundation on April 23, 2023 from 7:30 a.m. to 5 p.m. with no waiver of fees.

**RECOMMENDATION:**

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

This is a request from Life Sports Foundation to conduct the 14th Annual San Diego Granfondo Bike Ride through San Diego County on April 23, 2023 from 7:30 a.m. to 5 p.m. The event starts in Little Italy, downtown San Diego and finishes at Ruocco Park. 1,200 participants are expected for this event. Three routes will be offered a 34 mile short course, 56 mile intermediate and 105 mile long course.

OUTBOUND - The course begins in Downtown San Diego under the Little Italy sign and proceeds around to Pacific Hwy and then south to Harbor Drive on which it stays until it exits San Diego. It enters National City at west 8th Street, turning right onto Roosevelt Avenue and it turns left onto west Plaza Boulevard. The ride continues east on Plaza Boulevard until reaching Paradise Valley Road leaving National City jurisdiction.

Riders will follow the rules of the road.

Note: This event has been approved by City Council for prior years with no waiver of fees.

**FINANCIAL STATEMENT:**

City fee of \$312.00 for processing the TUP through various City departments, plus \$696.40 for Police Department.  
Total fees: \$1,008.40

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A TUP San Diego Granfondo Bike Ride

Exhibit B Conditions of Approval San Diego Granfondo Bike Ride



City of National City ■ Neighborhood Services Department  
1243 National City Boulevard ■ National City, CA 91950  
(619) 336-4364 ■ fax (619) 336-4217  
www.nationalcityca.gov

## Special Event Application

### Type of Event

- Fair/Festival   
  Parade/March   
  Walk or Run   
  Concert/Performance  
 TUP   
 Sporting Event   
 Other (specify) \_\_\_\_\_

### Event Name & Location

Event Title San Diego Granfondo bike ride

Event Location (list all sites being requested) use of city streets

### Event Times

Set-Up Starts  
Date 4/23/2023 Time 5:00 AM Day of Week Sunday

Event Starts  
Date 4/23/2023 Time 7:30 AM Day of Week Sunday

Event Ends  
Date 4/23/2023 Time 5:00 PM Day of Week Sunday

Breakdown Ends  
Date 4/23/2023 Time 5:00 PM Day of Week Sunday

### Applicant Information

Applicant (Your name) Tobias Panek Sponsoring Organization Life Sports Foundation

Event Coordinator (if different from applicant) \_\_\_\_\_

Mailing Address PO box 1210, Poway CA 92074

Day Phone 858-255-9709 After Hours Phone \_\_\_\_\_ Cell 858-255-9709 Fax \_\_\_\_\_

Public Information Phone 858-255-9709 E-mail tobias@gftours.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: Tobias Panek Date 2/1/2023



## Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

### Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes  No

Are admission, entry, vendor or participant fees required? Yes  No

If YES, please explain the purpose and provide amount (s):

Fundraiser for Life Sports Foundation

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\$ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 90K Estimated Expenses for this event.

\$ 10K What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

### Description of Event

First time event  Returning Event  include site map with application

Note that this description may be published in our City Public Special Events Calendar:

14th annual San Diego Granfondo bike ride through National City, Chula Vista and San Diego

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### Estimated Attendance

Anticipated # of Participants: 1000 Anticipated # of Spectators: 0

**Traffic Control, Security, First Aid and Accessibility**

Requesting to close street(s) to vehicular traffic? Yes  No

List any streets requiring closure as a result of the event (provide map): \_\_\_\_\_

Date and time of street closure: \_\_\_\_\_ Date and time of street reopening: \_\_\_\_\_

Other (explain) \_\_\_\_\_

Requesting to post "no parking" notices? Yes  No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):

Other (explain) \_\_\_\_\_

**Security and Crowd Control**

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: \_\_\_\_\_

Have you hired Professional Security to handle security arrangements for this event?

Yes  No  If YES, name and address of Security Organization \_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission. .

Is this a night event? Yes  No  If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: \_\_\_\_\_

**First Aid**

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes  No  First aid/CPR certified? Yes  No

First aid station to be staffed by professional company. ▶ Company AMR

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

**Accessibility**

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Individuals with disabilities have their own bikes

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Elements of your Event**

Setting up a stage? Yes  No

Requesting City's PA system

Requesting City Stage; if yes, which size?  Dimensions (13x28)  Dimensions (20x28)

Applicant providing own stage ▶ \_\_\_\_\_(Dimensions)

Setting up canopies or tents?

\_\_\_\_\_ # of canopies size \_\_\_\_\_

\_\_\_\_\_ # of tents size \_\_\_\_\_

No canopies/tents being set up

**Setting up tables and chairs?**

Furnished by Applicant or Contractor

\_\_\_\_\_ # of tables       No tables being set up

\_\_\_\_\_ # of chairs       No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

\_\_\_\_\_ # of tables       No tables being set up

\_\_\_\_\_ # of chairs       No chairs being set up

Contractor Name \_\_\_\_\_

Contractor Contact Information \_\_\_\_\_  
Address City/State Phone Number

**Setting up other equipment?**

Sporting Equipment (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes  No

PA System for announcements       CD player or DJ music

Live Music    ▶  Small 4-5 piece live band    ▶  Large 6+ piece live band

Other (explain) \_\_\_\_\_

If using live music or a DJ. ▶ Contractor Name \_\_\_\_\_

▶ \_\_\_\_\_  
Address City/State Phone Number

Using lighting equipment at your event? Yes  No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name \_\_\_\_\_

Address

City/State

Phone Number

Using electrical power? Yes  No

Using Kimball Park Bowl Lighting (from \_\_\_\_\_ to \_\_\_\_\_)

Using on-site electricity  For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s)  For sound and/or lighting

For food and/or refrigeration

### Vendor Information

**PLEASE NOTE:** You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes  No

Vendors preparing food on-site ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

If yes, please describe how food will be served and/or prepared: \_\_\_\_\_

If you intend to cook food in the event area please specify the method:

GAS  ELECTRIC  CHARCOAL  OTHER (Specify): \_\_\_\_\_

Vendors bringing pre-packaged food ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # \_\_\_\_\_

Vendors selling food # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Vendors selling merchandise # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

▶ Explain services \_\_\_\_\_

Vendors passing out information only (no business license needed) # \_\_\_\_\_

▶ Explain type(s) of information \_\_\_\_\_

No selling or informational vendors at event

Having children activities? Yes  No

**PLEASE NOTE:** In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # \_\_\_\_\_  Rock climbing wall Height \_\_\_\_\_

Inflatable bouncer slide # \_\_\_\_\_  Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides \_\_\_\_\_  Other \_\_\_\_\_

Having fireworks or aerial display? Yes  No

Vendor name and license # \_\_\_\_\_

Dimensions \_\_\_\_\_ Duration \_\_\_\_\_

Number of shells \_\_\_\_\_ Max. size \_\_\_\_\_

**PLEASE NOTE:** In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545.00

Arranging for media coverage? Yes  No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe \_\_\_\_\_

**Event Signage**

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes  No

Yes, we will post signage # \_\_\_\_\_ Dimensions \_\_\_\_\_

Yes, having inflatable signage # \_\_\_\_\_ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # \_\_\_\_\_

What will signs/banners say? \_\_\_\_\_

How will signs/banners be anchored or mounted? \_\_\_\_\_

Location of banners/signage \_\_\_\_\_

**Waste Management**

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes  No

If yes, please identify the following:

▶ Total number of portable toilets: \_\_\_\_\_

▶ Total number of ADA accessible portable toilets: \_\_\_\_\_

Contracting with portable toilet vendor. ▶ \_\_\_\_\_  
Company Phone

▶ Load-in Day & Time \_\_\_\_\_ ▶ Load-out Day & Time \_\_\_\_\_

Portable toilets to be serviced. ▶ Time \_\_\_\_\_

**Set-up, Breakdown, Clean-up**

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) \_\_\_\_\_

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

**NPDES-Litter Fence**

City to install litter fence

Applicant to install litter fence

N/A

**Breaking down set-up the day after the event?**

Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) \_\_\_\_\_

No, breakdown will occur on the event day.

**How are you handling clean-up?**

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

**Miscellaneous**

Please list anything important about your event not already asked on this application:

We request 1 officer at 8th st and Harbor dr to help cyclists making the left hand turn onto

8th st from 7:00 AM - 9:00 AM

**Please make a copy of this application for your records.  
We do not provide copies.**





# Special Events

## Pre-Event Storm Water Compliance Checklist

### I. Special Event Information

Name of Special Event: <u>San Diego Granfondo</u>	
Event Address: <u>PO Box 1210, Poway CA 92074</u>	Expected # of Attendees: <u>1000</u>
Event Host/Coordinator: <u>KOZ Events</u>	Phone Number: <u>858-255-9709</u>

### II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

# City of National City

## PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City  
Risk Management Department  
1243 National City Boulevard  
National City, CA 91950

Organization: Life Sports Foundation

Person in Charge of Activity: Tobias Panek

Address: PO Box 1210, Poway CA 92074

Telephone: 858-255-9709 Date(s) of Use: 4/23/2023

### HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: Tobias Panek

Official Title: President, KOZ Events Date: 2/1/2023

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*For Office Use Only*

Certificate of Insurance Approved \_\_\_\_\_ Date \_\_\_\_\_

# City of National City BUSINESS TAX CERTIFICATE



## 2023

TO BE POSTED IN A CONSPICUOUS PLACE  
AND  
NOT TRANSFERABLE OR ASSIGNABLE

"For Services Provided in National City, California Only"

**Business Name** KOZ EVENTS  
**Business Location** 9939 HIBERT ST  
SAN DIEGO, CA 92131-1029  
**Business Owner(s)** TOBAIS (PRES) PANEK  
CARRIE (VICE PRES) PANEK

**Business Type** Special Event  
**Account Number** 09018345  
**Effective Date** January 01, 2023  
**Expiration Date** December 31, 2023

TOBAIS PANEK  
KOZ EVENTS  
PO BOX 1210  
POWAY, CA 92074-1380

  
\_\_\_\_\_  
City Manager

**NOTE: IT IS YOUR OBLIGATION TO RENEW THIS CERTIFICATE WHETHER OR NOT YOU RECEIVE A RENEWAL NOTICE**

For all inquiries regarding this certificate, contact HdL Business Tax Support Center at (619) 382-2596.

**THIS BUSINESS TAX CERTIFICATE DOES NOT PERMIT A BUSINESS THAT IS OTHERWISE PROHIBITED.**

KOZ EVENTS

Thank you for your payment on your National City Business Tax Certificate. **ALL CERTIFICATES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business license, contact the Business Support Center via email at: [NationalCity@HdLgov.com](mailto:NationalCity@HdLgov.com) or by telephone at: (619) 382-2596

Keep this portion for your license separate in case you need a replacement for any lost, stolen, or destroyed license. A fee may be charged for a replacement or duplicate certificate.

This certificate does not entitle the holder to conduct business before complying with all requirements of the National City Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the National City, please display the Business Tax Certificate below in a conspicuous place at he premises. Otherwise, every Business Tax Certificate holder not having a fixed place of business in the City shall keep the Business Tax Certificate upon his or her person, or affixed in plain view any cart, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>



BUSINESS TAX SUPPO  
CENTER  
8839 N CEDAR AVE #212



## City of National City BUSINESS TAX CERTIFICATE

TOBAIS PANEK  
KOZ EVENTS  
PO BOX 1210  
POWAY, CA 92074-1380

**Account Number:** 09018345  
**Date of Issue:** 01/01/2023

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: SEP 20 2017

LIFE SPORTS FOUNDATION  
9939 HIBERT ST STE 105  
SAN DIEGO, CA 92131-0000

Employer Identification Number:  
82-2498593  
DLN:  
26053654002787  
Contact Person:  
CUSTOMER SERVICE ID# 31954  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990/990-EZ/990-N Required:  
Yes  
Effective Date of Exemption:  
July 27, 2017  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

LIFE SPORTS FOUNDATION

Sincerely,

*Stephen a. martin*

Director, Exempt Organizations  
Rulings and Agreements

Letter 947



Life Sports Foundation  
16805 Highland Valley Rd.  
Ramona CA 92065

9/2/2022

The Official notice authorizes and validates the following,

The KOZ Events organization via Tobias Panek and Jennifer Nanista are authorized agents to apply on behalf of the Life Sports Foundation to secure permits for the San Diego Granfondo scheduled for Sunday April 23, 2023. Should you have any questions, please contact me at [carrie@lifesportsfoundation.com](mailto:carrie@lifesportsfoundation.com) or 619-507-7920.

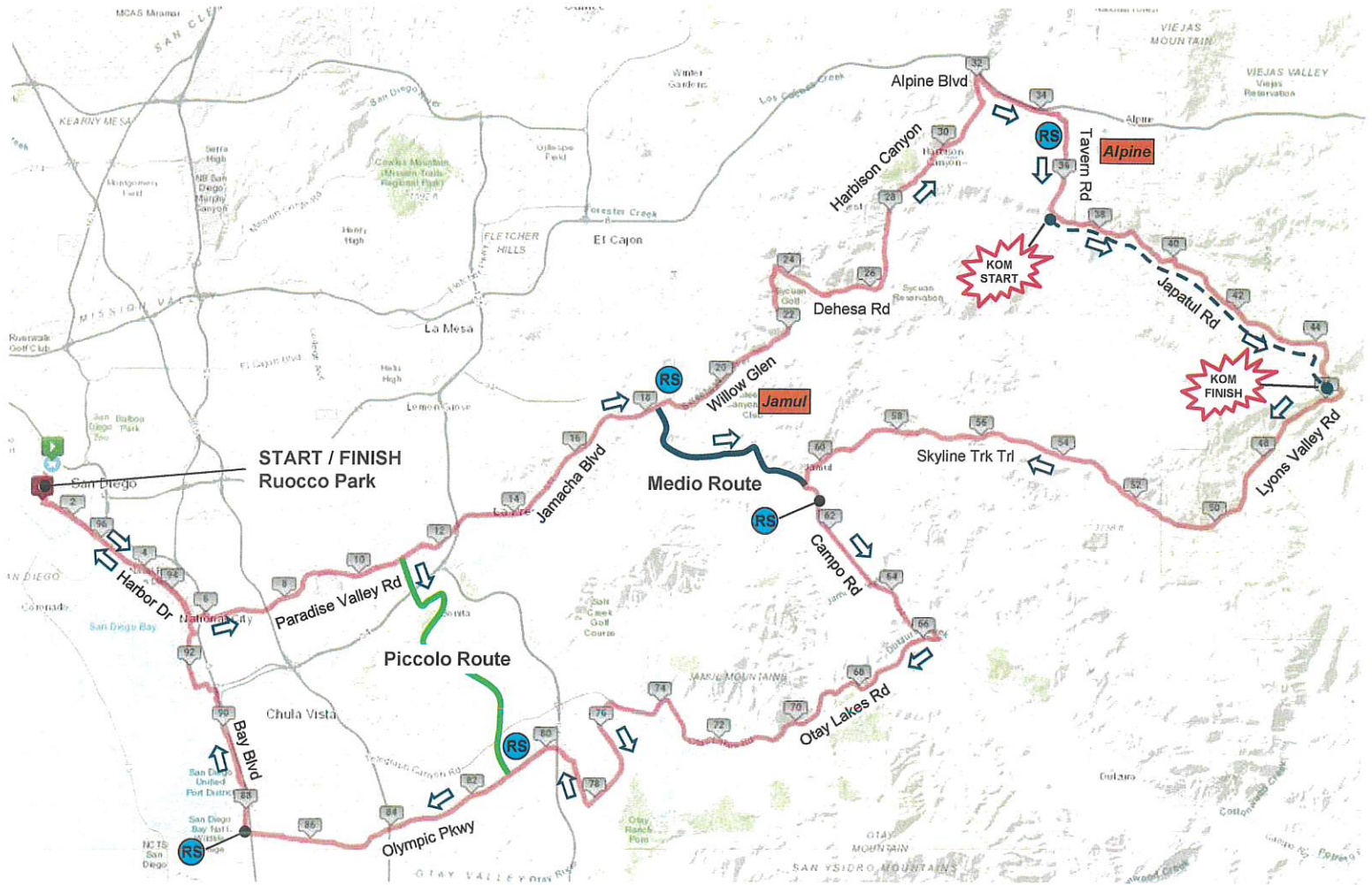
Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Panek".

Carrie Panek  
President / CEO

Life Sports Foundation  
A 501©3 Non-Profit Corporation  
Tax ID 82-2498593

# Route Map



GRANFONDO SAN DIEGO  
Permit Timeline

Saturday

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- 6:00 AM Expo set-up in Ruocco Park, close parking lots  
Set-up bike racks, finish line truss, place out
- 10:00 AM Registration Opens / Expo Opens
- 4:00 PM EXPO closes
- 5:00 PM Security Arrives

Sunday

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- 4:00 AM Finish line set-up  
Place Tapper at G st. Push S/B traffic into median lane
- 5:00 AM Registration Opens
- 7:00 AM Opening remarks, event rules, cautions

**Ride Start**

- 7:30 AM Gran Fondo 105 mi
- 8:00 AM Medio Fondo 60 mi
- 8:30 AM Piccolo Fondo 34 mi
- 8:45 AM Donut ride 20 mi
- 5:30 PM Course Closes



## Campagnolo GranFondo San Diego Gran Fondo Cue Sheet

0 mi	Start at Ruocco Park
5.6 mi	Turn left onto W 8th St
6.0 mi	Turn right onto Roosevelt Ave
6.2 mi	Turn left onto W Plaza Blvd
8.6 mi	Straight onto Paradise Valley Rd
12.7 mi	Continue onto Jamacha Blvd
17.2 mi	Turn right onto 94
17.7 mi	Continue straight onto Jamacha <b>(rest stop on Right)</b>
18.6 mi	Turn right onto Willow Glen Dr
23.6 mi	Turn right onto Dehesa Rd
26.8 mi	Continue straight onto Harbison Canyon Rd
31.4 mi	Turn left onto Arnold Way
32.2 mi	Turn right onto Alpine Blvd
34.4 mi	Turn right onto Tavern Rd <b>(rest stop on Right)</b>
37.1 mi	Continue onto Japatul Rd <b>(start KOM/QOM)</b>
44.2 mi	Turn right onto Lyons Valley Rd <b>(End KOM/QOM)</b>
51.9 mi	Turn right onto Skyline Truck Trail
59.0 mi	Continue onto Lyons Valley Rd
60.3 mi	Turn left onto Jefferson Rd
60.1 mi	Turn left onto Campo Rd <b>(rest stop on Right)</b>
65.6 mi	Turn right onto Otay Lakes Rd
75.3 mi	Turn left onto Hunte Pkwy
78.2 mi	Turn right onto Eastlake Pkwy
79.2 mi	Turn left onto Olympic Pkwy
80.2 mi	Turn right onto E Palomar St <b>(Rest stop on Right)</b>
80.5 mi	Return to Olympic Pkwy and right onto Olympic Pkwy
84.6 mi	Continue straight on E Orange Ave
87.1 mi	Turn left onto Palomar St
88.0 mi	Turn right onto Bay Blvd
90.5 mi	At E st Make left onto Gunpowder Point Dr and onto Bayshore Bikeway
91.8 mi	Turn left onto W 32nd St
92.0 mi	Turn right onto Tidelands Ave
93.3 mi	Turn left onto E Harbor Dr
98.1 mi	Finish left into Ruocco Park

**CITY OF NATIONAL CITY  
 NEIGHBORHOOD SERVICES DEPARTMENT  
 APPLICATION FOR A TEMPORARY USE PERMIT  
 CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION:** Life Sports Foundation

**EVENT:** San Diego Granfondo Bike Ride

**DATE OF EVENT:** April 23, 2023

APPROVALS:

COMMUNITY SERVICES	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
RISK MANAGER	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
PUBLIC WORKS	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
FINANCE	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
FIRE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
POLICE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
ENGINEERING	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
COMMUNITY DEVELOPMENT	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]

**CONDITIONS OF APPROVAL:**

**PUBLIC WORKS (619)366-4580**

No involvement

**POLICE DEPARTMENT**

Based on the information provided in the TUP, the recommendation would be that two officers be assigned to the procession for a period of one to four hours in order to provide a safe traffic break as the cyclists make their way through the proposed intersection. As the riders make their way through National City, they will need to comply with all appropriate traffic laws. The current officer rate is attached below: That would be for a total of (4) hours of overtime times 2 officers at a pay rate of \$87.05 per hour/per officer for a total of \$696.40 combined. \*\*Four hours of overtime is the minimum per the NCPOA MOU. \*\*

**ENGINEERING**

No comments received

**COMMUNITY SERVICES**

No comments received

## **FINANCE**

No comments received

## **COMMUNITY DEVELOPMENT**

### Planning

No comments

### Building

No comments received

### Neighborhood Services

***Neighborhood Notifications*** – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

*Display of banners* -- Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

## **FIRE (619) 336-4550**

**No fees for this event**

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Stipulations required by the Fire Department for this event are as follows:

- 1) Maintain Fire Department access at all times. Emergency services access shall be given to all emergency apparatus upon approach
- 2) Access for Fire Department shall be maintained at all times. At no time shall fire lanes, fire hydrants, fire protection systems of all types etc. be obstructed at any time. A minimum of 20 feet wide shall be maintained for the use of fire lanes
- 3) First Aid will be provided by organization
- 4) Fees can only be waived by City Council

## **RISK MANAGER (619) 336-4370**

Risk Management has reviewed the above-captioned request for the issuance of a Temporary Use Permit. In order to satisfy the City's insurance requirements, it will be necessary for the Applicant and the Event Medical Provider (American Medical Response) to provide the following:

- A valid copy of the Certificate of Liability Insurance from the applicant and American Medical Response.
- The insurance policy has a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) for each occurrence and \$2,000,000.00 (TWO MILLION DOLLARS) in aggregate that would cover the date and location of the event.
- The applicant and American Medical Response must each provide a separate additional insured endorsement wherein it notes the additional insured as "The City of National City, its officials, agents, employees, and volunteers"
- The insurance company issuing the insurance policy has an A.M. Best's Guide Rating of A: VII and is a California-admitted company.
- The Certificate Holder must reflect:  
City of National City  
c/o Risk Manager  
1243 National City Boulevard  
National City, CA. 91950-4397

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant at the time the Special Event Application was submitted.



# AGENDA REPORT

**Department:** Administrative Services - Finance  
**Prepared by:** Karla Apalategui, Sr. Accounting Assistant  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Warrant Register #31 for the period of 1/27/23 through 2/02/23 in the amount of \$2,267,218.53

**RECOMMENDATION:**

Ratify Warrants Totaling \$2,267,218.53

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

Per Government Section Code 37208, attached are the payments issued for the period 1/27/23 – 2/02/23. 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>
Eagle Paving Company	361823	\$228,355.13	CIP 22-19 National City Resurfacing
Project Professional Corp	361848	\$100,147.50	CIP 23-81 Professional Services
Tri-Group Construction & Dev	361870	\$137,034.53	CIP 19-33 Paradise Creek Edu Park
Public Emp Ret System	230201	\$276,052.63	Service Period 12/27/22 – 01/09/23

**FINANCIAL STATEMENT:**

Warrant total \$2,267,218.53

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBIT:**

Warrant Register No. 31



**WARRANT REGISTER # 31**  
**2/2/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ANDERSON	RETIREE HEALTH BENEFITS - FEB 2023	361722	2/1/2023	110.00
BEARD	RETIREE HEALTH BENEFITS - FEB 2023	361723	2/1/2023	70.00
BECK	RETIREE HEALTH BENEFITS - FEB 2023	361724	2/1/2023	140.00
BEVERIDGE	RETIREE HEALTH BENEFITS - FEB 2023	361725	2/1/2023	640.00
BISHOP	RETIREE HEALTH BENEFITS - FEB 2023	361726	2/1/2023	110.00
BOEGLER	RETIREE HEALTH BENEFITS - FEB 2023	361727	2/1/2023	260.00
BULL	RETIREE HEALTH BENEFITS - FEB 2023	361728	2/1/2023	580.00
CAMEON	RETIREE HEALTH BENEFITS - FEB 2023	361729	2/1/2023	400.00
CANEDO	RETIREE HEALTH BENEFITS - FEB 2023	361730	2/1/2023	620.00
CARRILLO	RETIREE HEALTH BENEFITS - FEB 2023	361731	2/1/2023	290.00
CASTELLANOS	RETIREE HEALTH BENEFITS - FEB 2023	361732	2/1/2023	500.00
COLE	RETIREE HEALTH BENEFITS - FEB 2023	361733	2/1/2023	165.00
COLLINSON	RETIREE HEALTH BENEFITS - FEB 2023	361734	2/1/2023	420.00
CONDON	RETIREE HEALTH BENEFITS - FEB 2023	361735	2/1/2023	280.00
CORDERO	RETIREE HEALTH BENEFITS - FEB 2023	361736	2/1/2023	520.00
DALLA	RETIREE HEALTH BENEFITS - FEB 2023	361737	2/1/2023	900.00
DANESHFAR	RETIREE HEALTH BENEFITS - FEB 2023	361738	2/1/2023	250.00
DEESE	RETIREE HEALTH BENEFITS - FEB 2023	361739	2/1/2023	660.00
DESROCHERS	RETIREE HEALTH BENEFITS - FEB 2023	361740	2/1/2023	110.00
DIAZ	RETIREE HEALTH BENEFITS - FEB 2023	361741	2/1/2023	680.00
DREDGE	RETIREE HEALTH BENEFITS - FEB 2023	361742	2/1/2023	250.00
DUONG	RETIREE HEALTH BENEFITS - FEB 2023	361743	2/1/2023	280.00
EISER III	RETIREE HEALTH BENEFITS - FEB 2023	361744	2/1/2023	250.00
ESPIRITU	RETIREE HEALTH BENEFITS - FEB 2023	361745	2/1/2023	620.00
ETZLER	RETIREE HEALTH BENEFITS - FEB 2023	361746	2/1/2023	460.00
FABINSKI	RETIREE HEALTH BENEFITS - FEB 2023	361747	2/1/2023	220.00
FERNANDEZ	RETIREE HEALTH BENEFITS - FEB 2023	361748	2/1/2023	270.00
FIFIELD	RETIREE HEALTH BENEFITS - FEB 2023	361749	2/1/2023	540.00
GAUT	RETIREE HEALTH BENEFITS - FEB 2023	361750	2/1/2023	700.00
GELSKEY	RETIREE HEALTH BENEFITS - FEB 2023	361751	2/1/2023	115.00
GIBBS JR	RETIREE HEALTH BENEFITS - FEB 2023	361752	2/1/2023	120.00
GONZALES	RETIREE HEALTH BENEFITS - FEB 2023	361753	2/1/2023	480.00
HARLAN	RETIREE HEALTH BENEFITS - FEB 2023	361754	2/1/2023	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - FEB 2023	361755	2/1/2023	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - FEB 2023	361756	2/1/2023	400.00
HODGES	RETIREE HEALTH BENEFITS - FEB 2023	361757	2/1/2023	200.00
IBARRA	RETIREE HEALTH BENEFITS - FEB 2023	361758	2/1/2023	780.00
JONES	RETIREE HEALTH BENEFITS - FEB 2023	361759	2/1/2023	60.00
JONES	RETIREE HEALTH BENEFITS - FEB 2023	361760	2/1/2023	480.00
JUNIEL	RETIREE HEALTH BENEFITS - FEB 2023	361761	2/1/2023	50.00
KIMBLE	RETIREE HEALTH BENEFITS - FEB 2023	361762	2/1/2023	300.00
KLOS	RETIREE HEALTH BENEFITS - FEB 2023	361763	2/1/2023	480.00
LAFRENIERE	RETIREE HEALTH BENEFITS - FEB 2023	361764	2/1/2023	660.00
LIMFUECO	RETIREE HEALTH BENEFITS - FEB 2023	361765	2/1/2023	160.00
MATIENZO	RETIREE HEALTH BENEFITS - FEB 2023	361766	2/1/2023	100.00
MCCABE	RETIREE HEALTH BENEFITS - FEB 2023	361767	2/1/2023	280.00
MCDANIEL	RETIREE HEALTH BENEFITS - FEB 2023	361768	2/1/2023	290.00
MEEKS	RETIREE HEALTH BENEFITS - FEB 2023	361769	2/1/2023	460.00



**WARRANT REGISTER # 31  
2/2/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MENDOZA	RETIREE HEALTH BENEFITS - FEB 2023	361770	2/1/2023	290.00
MINER	RETIREE HEALTH BENEFITS - FEB 2023	361771	2/1/2023	580.00
MUNOZ	RETIREE HEALTH BENEFITS - FEB 2023	361772	2/1/2023	640.00
NAGLE	RETIREE HEALTH BENEFITS - FEB 2023	361773	2/1/2023	460.00
NOTEWARE	RETIREE HEALTH BENEFITS - FEB 2023	361774	2/1/2023	120.00
OLIVERIA	RETIREE HEALTH BENEFITS - FEB 2023	361775	2/1/2023	360.00
PAUU JR	RETIREE HEALTH BENEFITS - FEB 2023	361776	2/1/2023	340.00
PE	RETIREE HEALTH BENEFITS - FEB 2023	361777	2/1/2023	300.00
PEASE JR	RETIREE HEALTH BENEFITS - FEB 2023	361778	2/1/2023	140.00
POST	RETIREE HEALTH BENEFITS - FEB 2023	361779	2/1/2023	280.00
RAY	RETIREE HEALTH BENEFITS - FEB 2023	361780	2/1/2023	190.00
RIOS	RETIREE HEALTH BENEFITS - FEB 2023	361781	2/1/2023	240.00
ROARK	RETIREE HEALTH BENEFITS - FEB 2023	361782	2/1/2023	135.00
RODRIGUEZ	RETIREE HEALTH BENEFITS - FEB 2023	361783	2/1/2023	260.00
RUIZ	RETIREE HEALTH BENEFITS - FEB 2023	361784	2/1/2023	310.00
SAINZ	RETIREE HEALTH BENEFITS - FEB 2023	361785	2/1/2023	300.00
SANCHEZ	RETIREE HEALTH BENEFITS - FEB 2023	361786	2/1/2023	330.00
SERVATIUS	RETIREE HEALTH BENEFITS - FEB 2023	361787	2/1/2023	340.00
SHEPHARD	RETIREE HEALTH BENEFITS - FEB 2023	361788	2/1/2023	440.00
SHOEMAKER	RETIREE HEALTH BENEFITS - FEB 2023	361789	2/1/2023	480.00
SILVA	RETIREE HEALTH BENEFITS - FEB 2023	361790	2/1/2023	580.00
SMITH	RETIREE HEALTH BENEFITS - FEB 2023	361791	2/1/2023	320.00
SMITH	RETIREE HEALTH BENEFITS - FEB 2023	361792	2/1/2023	560.00
STEWART	RETIREE HEALTH BENEFITS - FEB 2023	361793	2/1/2023	200.00
TIPTON	RETIREE HEALTH BENEFITS - FEB 2023	361794	2/1/2023	250.00
UNGAB	RETIREE HEALTH BENEFITS - FEB 2023	361795	2/1/2023	600.00
VILLAGOMEZ	RETIREE HEALTH BENEFITS - FEB 2023	361796	2/1/2023	480.00
VILLARIASA	RETIREE HEALTH BENEFITS - FEB 2023	361797	2/1/2023	480.00
WHITE	RETIREE HEALTH BENEFITS - FEB 2023	361798	2/1/2023	230.00
WILKINS	RETIREE HEALTH BENEFITS - FEB 2023	361799	2/1/2023	520.00
YBARRA	RETIREE HEALTH BENEFITS - FEB 2023	361800	2/1/2023	220.00
	<b>RETIREEHEALTH BENEFITS</b>			<b>28,685.00</b>
ACE UNIFORMS & ACCESSORIES INC	WRK-FP62BK-36X30-BLK:FP62BKDUAL / FIRE	361801	2/2/2023	2,472.65
ADAMOS	CRISIS - INTERVENTION DISPATCHER COURSE	361802	2/2/2023	359.91
AEP CALIFORNIA LLC	MAGNETIC MICROPHONE MOUNT BP	361803	2/2/2023	2,410.35
ALDEMCO	FOOD / NUTRITION CENTER	361804	2/2/2023	2,134.77
ALL FRESH PRODUCTS	CONSUMABLES AS NEEDED FOR NUTRITION	361805	2/2/2023	1,039.95
AMAZON	DELL LAPTOP CHARGER	361806	2/2/2023	33.63
AT&T	AT&T & SBC ANNUAL PHONE SERVICE FOR FY23	361807	2/2/2023	15,197.33
BAUER COMPRESSORS	10158407, G1 RFID READER/WRIER - FIRE	361808	2/2/2023	887.00
BIBLIOTHECA LLC	SELF-CHECK 500D DESKTOP KIOSK,	361809	2/2/2023	21,123.67
BRINK'S INCORPORATED	TRANSPORTATION BILLING PERIOD 01/01/23	361810	2/2/2023	391.76
CAHA	2022-2023 ANNUAL CAHA MEMBERSHIP RENEWAL	361811	2/2/2023	900.00
CORODATA RECORDS	CORODATA - FILE STORAGE	361812	2/2/2023	52.90
COUNTY OF SAN DIEGO	PARKING CITATION REVENUE - OCTOBER 2022	361813	2/2/2023	7,119.00
COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY23	361814	2/2/2023	87.19
COZZINI BROS., INC.	KNIFE/DELI SLICER/CAN OPENER SHARPENING	361815	2/2/2023	36.00
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY23 -PW/EQUIPM	361816	2/2/2023	4,401.55



**WARRANT REGISTER # 31**  
**2/2/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
DELIVERY CONCEPTS INC	50290 LATCH BODY ONLY SS2 KEY#200R	361817	2/2/2023	319.30
DELTA DENTAL INSURANCE CO	FEBRUARY 2023 GRP #05-7029600000	361818	2/2/2023	2,093.41
DELTA DENTAL INSURANCE CO	FEBRUARY 2023 - GRP #05-7029600002	361819	2/2/2023	57.11
DELTA DENTAL OF CALIFORNIA	FEBRUARY 2023 GRP #05-0908600000	361820	2/2/2023	14,088.25
DELTA DENTAL OF CALIFORNIA	FEBRUARY 2023 - GRP #05-0908601002	361821	2/2/2023	45.22
DEPASCALE	SHERMAN BLOCK SLI-4 - AARON DEPASCALE / PD	361822	2/2/2023	296.66
EAGLE PAVING COMPANY INC	CIP 22-19 NATIONAL CITY RESURFING	361823	2/2/2023	228,355.13
FASTSIGNS	COMMUNICATIONS AND SIGNAGE SERVICES FY23	361824	2/2/2023	95.70
FIRE ETC	FIRE SAFETY STATION BOOTS/FOOTWEAR	361825	2/2/2023	2,588.25
GRAINGER	MOP 65179 GENERAL SUPPLIES- PW	361826	2/2/2023	671.84
HAMMER CONSTRUCTION CO	REFUND T&A 90569 - ENG/PW	361827	2/2/2023	10,016.80
HEALTH NET	GRP #N8239C - FEBRUATY 2023	361828	2/2/2023	1,734.92
HEALTH NET	GRP #N8240A - FEBRUARY 2023	361829	2/2/2023	1,346.10
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES AS NEEDED FOR BUILDING	361830	2/2/2023	1,755.99
INTEGRATED TACTICAL CONCEPTS,	TRAINING BASIC SWAT TRAINING BERNAL	361831	2/2/2023	1,700.00
KIMBALL MIDWEST	TORQ "CB" * III	361832	2/2/2023	156.47
L N CURTIS & SONS	1 NH BUBBLE CUP 10/40 GPM NOZZLE	361833	2/2/2023	450.41
LASER SAVER INC	MOP #45725, LS PREMIUM CF287A BLK TONER/	361834	2/2/2023	369.59
LUNT	2023 CAPPO CONFERENCE REIMBURSEMENT	361835	2/2/2023	1,452.87
MAINTEX INC	CITYWIDE JANITORIAL SUPPLIES	361836	2/2/2023	2,883.62
MEGLA MANUFACTURING INC	MAINTENANCE MATERIALS FY23- PW/FACILITIES	361837	2/2/2023	485.00
MORRISON	TRAVEL EXPENSES REIMB	361838	2/2/2023	1,170.98
NATIONAL CITY CHAMBER	ECONOMIC DEVELOPMENT	361839	2/2/2023	405.00
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL	361840	2/2/2023	995.00
NATIONAL CITY TROPHY	MOP#66556 - ENGRAVE FOR TROPHY	361841	2/2/2023	9.24
NATIONAL CREDIT REPORTING	SEPTEMBER 2022 FEE FOR CRIMINAL REPORT	361842	2/2/2023	230.20
NV5 INC	CIP 21-15 MLK COMMUNITY CENTER REMODEL-	361843	2/2/2023	17,076.25
PACIFIC REFRIGERATION INC	REFRIGERATOR MOTOR MAINTENANCE- PW	361844	2/2/2023	1,613.85
PERRY ELECTRIC	CIP 23-82 FURNISH/INSTALL CHRISTMAS LIGHTS	361845	2/2/2023	23,000.00
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES- PW	361846	2/2/2023	1,543.05
PROFESSIONAL SEARCH GROUP LLC	TEAM STAFF-DANIEL GONZALEZ WEEK ENDING 1	361847	2/2/2023	6,004.00
PROJECT PROFESSIONALS CORP	CIP 23-81 PROFESSIONAL SERVICES - ENG/PW	361848	2/2/2023	100,147.50
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES FOR NUTRITION STAFF	361849	2/2/2023	316.59
R & R CONTROLS, INC	CITYWIDE ON-SITE ENVIRONMENTAL CONTROL	361850	2/2/2023	5,125.00
SAN DIEGO MECHANICAL ENERGY	REPAIRS TO HVAC SYSTEMS	361851	2/2/2023	2,439.00
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY23	361852	2/2/2023	35,947.59
SDG&E	ELECTRIC BILL	361853	2/2/2023	4,193.82
SEAPORT MEAT COMPANY	FOOD / NUTRITION CENTER	361854	2/2/2023	641.70
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES- PW	361856	2/2/2023	90.92
SMART SOURCE OF CALIFORNIA LLC	WINDOW ENVELOPES WITH RETURN ADDRESS	361857	2/2/2023	924.30
SOUTHWEST SIGNAL SERVICE	81974 81975 81976 MARKOUT REPORTS- PW/ST	361858	2/2/2023	15,382.53
STANICH	TRAINING ADV LDG SUB	361859	2/2/2023	586.32
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES/ HOUSING	361860	2/2/2023	1,885.49
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES	361861	2/2/2023	50.77
STC TRAFFIC	GENERAL PROFESSIONAL SERVICES	361862	2/2/2023	20,282.50
SULLIVAN	STRATEGIC AND SUCCESSION PLANNING -PD	361863	2/2/2023	181.79
SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES FY23 -NOV-JAN	361864	2/2/2023	370.97
SYSCO SAN DIEGO INC	FOOD / NUTRITION CENTER	361865	2/2/2023	2,229.42





**WARRANT REGISTER # 31  
2/2/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
TERMINIX INTERNATIONAL	CITY OWNED FACILITIES ONGOING PEST	361866	2/2/2023	166.00
THE NELROD COMPANY	HCV APP.BRIFING TRAINING / SECTION 8	361867	2/2/2023	714.00
THE STAR NEWS	PUBLIC NOTICING - STAR NEWS	361868	2/2/2023	520.18
TRANS-LANG	CITY COUNCIL MTG. TRANSLATION SERVICES	361869	2/2/2023	1,963.50
TRI-GROUP CONSTRUCTION AND DEV	CIP 19-33 PARADISE CREEK EDUC PARK EXTENSION	361870	2/2/2023	137,034.53
TSI INCORPORATED	PORTACOUNT MODEL WITH TABLET / FIRE	361871	2/2/2023	13,125.27
TURF STAR INC	PARKS EQUIPMENT- PW/PAKRS MAINTENANCE FY	361872	2/2/2023	521.25
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES FY	361873	2/2/2023	2,221.83
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRIC SUPPLIES- PW	361874	2/2/2023	887.96
WOODRUFF, SPRADLIN & SMART APC	RSWA REIMBURSEMENTS TO WSS FOR RSWA	361875	2/2/2023	149.67
WSP USA INC	FOCUSED GENERAL PLAN UPDATE	361876	2/2/2023	31,306.96
SWEETWATER AUTHORITY	WATER BILL FROM 9/9/2022-11/9/2022	361877	2/2/2023	767.63
			<b>A/P Total</b>	<b>819,202.86</b>
<b>WIRED PAYMENTS</b>				
PUBLIC EMP RETIREMENT SYSTEM	FY23 REPLACEMENT CHGS FOR CITY OF NC	40502	2/1/2023	46,033.80
AMAZON	AMAZON/MEMORY LAB GRANT/SUPPLIES/FY23	78933	1/31/2023	222.49
AMAZON	AMAZON/MEMORY LAB GRANT/SUPPLIES/FY23	90882	1/30/2023	212.74
AMAZON	AMAZON/MEMORY LAB GRANT/SUPPLIES/FY23	96210	1/30/2023	326.24
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 12/27/2022 - 01/09/2023	230201	2/1/2023	276,052.63
<b>SECTION 8 HAPS</b>	<b>Start Date</b>	<b>End Date</b>		
	1/25/2023	2/2/2023		<b>1,125,167.77</b>
		<b>GRAND TOTAL</b>		<b>\$ 2,267,218.53</b>



# AGENDA REPORT

**Department:** Administrative Services - Finance  
**Prepared by:** Karla Apalategui, Sr. Accounting Assistant  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Warrant Register #32 for the period of 2/03/23 through 2/09/23 in the amount of \$2,310,853.39

**RECOMMENDATION:**

Ratify Warrants Totaling \$2,310,853.39

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

Per Government Section Code 37208, attached are the payments issued for the period 2/03/23 – 2/09/23. 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 Chula Vista	361894	\$97,926.00	Animal Shelter Fees / Police
Health Net Inc	361912	\$93,730.80	Grp #R1192A February 2023
Kaiser Foundation HP	361916	\$220,012.97	Group No. 104220 – March 2023
Public Emp Ret System	230203	\$282,591.19	Service Period 1/10/23 – 1/23/23
Adminsure Inc	370824	\$129,078.96	WC Replenishment – January 2023

**FINANCIAL STATEMENT:**

Warrant total \$2,310,853.39

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Not Applicable

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBIT:**

Warrant Register No. 32



**WARRANT REGISTER # 32**  
**2/9/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACE UNIFORMS & ACCESSORIES INC	ACE UNIFORMS PANTS / NSD	361878	2/9/2023	183.18
ACME SAFETY & SUPPLY CORP	SAFETY CONE FY23 -PW/STREETS	361879	2/9/2023	483.50
ALDEMCO	FOOD / NUTRITION CENTER	361880	2/9/2023	2,414.25
ALL FRESH PRODUCTS	CONSUMABLES / NUTRITION	361881	2/9/2023	1,026.95
AMAZON	MORNING SOCIALS FOR SENIORS ARTS & CRAFT	361882	2/9/2023	506.48
ASSI SECURITY INC	PROVIDE SECURITY SERVICES AND REPAIRS	361883	2/9/2023	450.00
AT&T	AT&T & SBC ANNUAL PHONE SERVICE FOR FY23	361884	2/9/2023	193.03
AT&T	AT&T & SBC ANNUAL PHONE SERVICE FOR FY23	361885	2/9/2023	91.17
AZTEC APPLIANCE INC	ULTRA LARGE CAPACITY UNIT FY23-PW/FACILITIES	361886	2/9/2023	968.67
BENNETT BOWEN & LIGHTHOUSE INC	MOP 83599 SAFETY SUPPLIES- PW	361887	2/9/2023	462.87
BOOT WORLD	MOP 64096 SAFETY WEARING APPAREL- PW	361888	2/9/2023	3,531.64
C A P F	FEBRUARY 2023 - FIRE LTD	361889	2/9/2023	1,091.50
CAL UNIFORMS INC	POLOS FOR CNT	361890	2/9/2023	1,085.03
CALIFORNIA LAW ENFORCEMENT	FEBRUARY 2023 - PD LTD	361891	2/9/2023	2,295.00
CEPA OPERATIONS INC	FUME HOOD CERTIFICATION	361892	2/9/2023	250.00
CHIEF LEADERSHIP	TRAINING TUITION CHIEF LEADERSHP / PD	361893	2/9/2023	1,500.00
CITY OF CHULA VISTA	ANIMAL SHELTER FEES / POLICE	361894	2/9/2023	97,926.00
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	361895	2/9/2023	3,098.00
COUNTY OF SAN DIEGO	NEXTGEN REGIONAL COMMUNICATIONS SYSTEM	361896	2/9/2023	8,037.00
COUNTY OF SAN DIEGO	MAIL POSTAGE BILLING	361897	2/9/2023	4,937.59
COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY23	361898	2/9/2023	711.27
COZZINI BROS., INC.	KNIFE/DELI SLICER/CAN OPENER SHARPENING	361899	2/9/2023	36.00
CYRACOM INTERNATIONAL, INC	TRANSLATION SERVICE	361900	2/9/2023	71.50
D PREP L L C	TRAINING TUITION CN TEAM LEADERSHIP	361901	2/9/2023	249.00
DEPT OF JUSTICE	DOJ FINGERPRINTING	361902	2/9/2023	262.00
FIRE ETC	ESS MODEL 740-0284 STRIKETEAM	361903	2/9/2023	543.75
FLEET SERVICES INC	MOP 67804 AUTO SUPPLIES- PW	361904	2/9/2023	124.31
FLORES JR	LICENSE REIMBURSEMENT	361905	2/9/2023	85.00
GRAINGER	MOP 65179 GENERAL SUPPLIES- PW	361906	2/9/2023	474.36
GRIDIRON REAL ESTATE	TRAINING TUITION FTO KALANCDY	361907	2/9/2023	500.00
HAAKER EQUIPMENT COMPANY	PARTS AND SMALL EQUIPMENT PURCHASES	361908	2/9/2023	587.25
HARRIS	EDUCATION REIMBURSEMENT	361909	2/9/2023	692.42
HEALTH NET	GRP. #N8239A - FEBRUARY 2023	361910	2/9/2023	1,447.07
HEALTH NET	GRP # R1192R - FEBRUARY 2023	361911	2/9/2023	923.49
HEALTH NET INC	GRP # R1192A - FEBRUARY 2023	361912	2/9/2023	93,730.80
HEALTH NET INC	GRP # LB439A - FEBRUARY 2023	361913	2/9/2023	3,875.28
HEALTH NET INC	GRP. # LB439F - FEBRUARY 2023	361914	2/9/2023	774.98
HOME DEPOT CREDIT SERVICES	764666696952 3X25PVCGRN PLASTC PLTRY/FIRE	361915	2/9/2023	192.70
KAISER FOUNDATION HEALTH PLAN	GROUP NO. 104220 - MARCH 2023	361916	2/9/2023	220,012.97
KRONOS INC	ANNUAL MAINTENANCE AND LICENSING FOR PD	361917	2/9/2023	62.37
LASER SAVER INC	PRINTER CONSUMABLES	361918	2/9/2023	612.06
LEAGUE OF CALIFORNIA CITIES	2023 MEMBERSHIP	361919	2/9/2023	21,485.00
MAN K9 INC	MONTHLY TRAINING	361920	2/9/2023	1,376.00
MASON'S SAW	MOP 45729 EQUIPMENT SUPPLY AND REPAIR-	361921	2/9/2023	828.50
MEYERS, NAVE, RIBACK, SILVER	PROFESSIONAL SERVICES/ CAO	361922	2/9/2023	8,800.00
MOSSY NISSAN	CITY VEHICLE REPAIR FY23 -PW/EQUIPMENT	361923	2/9/2023	3,462.08
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL FY23 -PW/FAC	361924	2/9/2023	825.00
NATIONAL CITY TROPHY	MOP 66556 OFFICE SUPPLIES- PW	361925	2/9/2023	52.20



**WARRANT REGISTER # 32**  
**2/9/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	361926	2/9/2023	60.98
PENSKE FORD	R&M CITY VEHICLES FY23 -PW/EQUIPMENT	361927	2/9/2023	1,003.62
POWERSTRIDE BATTERY CO INC	MOP 67839 GENERAL SUPPLIES- PW	361928	2/9/2023	197.90
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES- PW	361929	2/9/2023	1,447.36
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES- PW	361930	2/9/2023	956.71
RED WING SHOES STORE	WORK BOOTS FY23- PW/STREETS	361931	2/9/2023	784.86
RELIANCE STANDARD	FEBRUARY 2023 - GRP VAI826233 VCI801146	361932	2/9/2023	3,831.98
SAN DIEGO MECHANICAL ENERGY	REPAIRS TO HVAC SYSTEMS AND OTHER FY23	361933	2/9/2023	2,649.00
SAN DIEGO POLICE EQUIPMENT	RAMIREZ VEST	361934	2/9/2023	836.29
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	361935	2/9/2023	123.04
SEAPORT MEAT COMPANY	FOOD / NUTRITION CENTER	361936	2/9/2023	1,064.07
SECLICKFIX INC	SECLICKFIX LICENSING FROM 3/9/23	361937	2/9/2023	19,311.55
SHARP ELECTRONICS CORPORATION	MAINTENANCE 20 SHARP COPIERS FOR FY23	361938	2/9/2023	1,704.74
SIMSUSHARE	SIMSUSHARE CTC CUSTOM /FIRE	361939	2/9/2023	1,195.00
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES- PW	361940	2/9/2023	483.61
SMART SOURCE OF CALIFORNIA LLC	BUSINESS CARD -500 /FIRE	361941	2/9/2023	179.66
SMART SOURCE OF CALIFORNIA LLC	MOP 24302 PRINTING PD	361942	2/9/2023	195.16
SPOK INC	SPOK METROCALL PAGING FY23	361943	2/9/2023	17.62
STAPLES BUSINESS ADVANTAGE	STAPLES MOP OFFICE SUPPLIES/HED	361944	2/9/2023	162.77
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY 2023	361945	2/9/2023	9,791.24
SYSCO SAN DIEGO INC	FOOD / NUTRITION CENTER	361946	2/9/2023	3,348.37
T MAN TRAFFIC SUPPLY	MOP 76666 TRAFFIC SUPPLIES- PW	361947	2/9/2023	491.18
THE COUNSELING TEAM	PEER SUPPORT	361948	2/9/2023	800.00
THE COUNSELING TEAM INTERNATIONAL	EMPLOYEE SUPPORT SVCS: 12/22=2 PEOPLE/FIRE	361949	2/9/2023	425.00
THE LINCOLN NATIONAL LIFE INS	GRP #415491 - FEBRUARY 2023	361950	2/9/2023	8,984.29
T'S & SIGNS	SAFETY APPAREL FY23- PW/PARKS	361951	2/9/2023	240.34
VALLEY INDUSTRIAL SPECIALTIES	MOP 46453 BUILDING SUPPLIES- PW	361952	2/9/2023	1,138.59
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL CARE	361953	2/9/2023	189.77
VECTOR SOLUTIONS	TARGET SOLUTIONS MEMBERSHIP /FIRE	361954	2/9/2023	3,515.00
VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY23	361955	2/9/2023	10,625.14
VERIZON WIRELESS	VERIZON TOWER DUMP	361956	2/9/2023	50.00
VISION SERVICE PLAN	JANUARY 2023 - VISION SERVICE PLAN (CA)	361957	2/9/2023	880.67
VISTA PAINT	MOP 68834 GENERAL SUPPLIES- PW	361958	2/9/2023	5,858.84
VORTEX INDUSTRIES INC	CITYWIDE ON-SITE SERVICE & REPAIRS FY23	361959	2/9/2023	14,899.28
WEST PAYMENT CENTER	INVESTIGATIVE SERVICES	361960	2/9/2023	659.00
WETMORES	MOP 80333 AUTO SUPPLIES- PW	361961	2/9/2023	243.70
WHITE CAP, LP	SAFETY EQUIPMENT FY23 -PW/STREETS	361962	2/9/2023	494.57
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRIC SUPPLIES- PW	361963	2/9/2023	718.57
WRIGHT	KITCHEN SUPPLIES FOR CATERING	361964	2/9/2023	206.55
			<b>A/P Total</b>	<b>593,095.24</b>
<b>WIRED PAYMENTS</b>				
PUBLIC EMP RETIREMENT SYSTEM	DELINQUENT PAYROLL FEE	3211	2/9/2023	200.00
ARCO BUSINESS SOLUTIONS	FUEL FOR CITY FLEET FY23 JAN	101518	2/8/2023	44,389.68
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 01/10/2023 - 01/23/2023	230203	2/3/2023	282,591.19
U S BANK	TRAINING CREDIT CARD	267760	2/9/2023	11,605.36
U S BANK	SOUTH BAY EXPRESSWAY 8LNN295	267760	2/9/2023	5.50
ADMINSURE INC	WORKERS' COMP REPLENISHMENT - JAN 2023	370824	2/6/2023	129,078.96



**WARRANT REGISTER # 32  
2/9/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<b>PAYROLL</b>				
Pay period	Start Date	End Date	Check Date	
4	1/24/2023	2/6/2023	2/15/2023	1,249,887.46
		<b>GRAND TOTAL</b>		<b><u>2,310,853.39</u></b>



# AGENDA REPORT

**Department:** Housing Authority  
**Prepared by:** Angelita Palma, Housing Programs Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Public Hearing No. 1 of 2 HUD 2023-2024 Annual Action Plan and the allocation of HUD Entitlement Grant Funds to the CDBG and HOME Program activities.

**RECOMMENDATION:**

Conduct the Public Hearing and approve recommendations for the CDBG and HOME funding allocations from the sources identified in the Financial Statement.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

**Overview** | The U.S. Department of Housing and Urban Development (HUD) provides annual grants on a formula basis to entitlement cities and counties, including the City of National City for its Community Planning and Development Programs (CPD). The City of National City (City) receives Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program funds on an annual basis. The primary statutory objectives of the CDBG Program are to develop viable urban communities by providing decent housing, a suitable living environment, and by expanding economic opportunities, principally for low and moderate-income persons. The intent of the HOME Program is to expand the supply of decent, safe, sanitary, and affordable housing.

The 2020-2024 Consolidated Plan is the framework for the HUD CDBG and HOME entitlement programs. The Consolidated Plan outlines the City's housing and non-housing community development needs and priorities over five years. An overview of the Consolidated Plan's goals and priorities is attached to this staff report (Exhibit "B"). In addition, the entire Consolidated Plan and program information can be found at [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home).

**Funding Availability** | For fiscal year (FY) 2023-2024, HUD program year 2023 the City will receive \$718,540 in CDBG entitlement funds. Of that amount, 20% of the CDBG allocation is reserved for administration and mandatory fair housing requirements. The remainder will fund the Section 108 debt service payment. The Section 108 loan payment has increased each year, which means fewer dollars have been allocated to public services, facilities, and infrastructure projects. The final Section 108 loan payment will be made in FY 2023-2024 for \$613,470.

HOME entitlement funds are \$409,716 for FY 2023-2024. Of that amount, 15% is set aside for Community Housing Development Organizations (CHDO). Another 10% of the HOME allocation is reserved for administration. The remaining amount will be set aside for an affordable housing activity.

In addition to the entitlement funds discussed above, \$393,222 in HOME funds from program income will be reallocated to HOME activities (Exhibit "A").

**Notice of Funding |** The City Council was notified of the 2023-2024 Action Plan development process and Notice of Funding Availability (NOFA) was made available to interested parties on February 14, 2023.

**Funding Recommendations/Annual Action Plan Approval |** Project and Program funding recommendations for the CDBG and HOME entitlement grant funds and program income will be presented at the first public hearing held on March 21, 2023. A second Public Hearing will be conducted on May 2, 2023, to review public comments received during a 30-day public review period (March 31 through May 1, 2023) of the draft 2023-2024 Annual Action Plan; and to provide interested persons and community groups with one last opportunity to share their thoughts regarding the Plan and the CDBG and HOME Program activities being proposed. After all public comments have been considered at the Public Hearing on May 2, 2023, the City Council will adopt the 2023-2024 Action Plan and proposed CDBG and HOME Program funding recommendations.

**HUD Review |** Upon receipt of the 2023-2024 Action Plan, HUD has 45 days to review and accept it (see Exhibit "B" for timeline). The Plan specifically details the City's utilization of its CDBG and HOME program funds.

**FINANCIAL STATEMENT:**

The City will receive \$718,540 in CDBG and \$409,716 in HOME Program funds for FY 2023-2024. In addition, the City will reprogram to FY 2023-2024 \$393,222 in HOME program income received.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Housing and Community Development

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act. Published in The Star News, on City Website and Posted on Bulletin Boards at City Hall.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A - 2023-2024 Action Plan Funding Recommendations

Exhibit B - Explanation

Exhibit C - Public Notice

Exhibit D - Presentation



**Community Development Block Grant (CDBG) and  
HOME Investment Partnership (HOME) Annual Action Plan  
Funding Recommendations for HUD Program Year 2023  
City Fiscal Year 2023-2024**

CDBG Entitlement:	\$ 718,540.00	HOME Entitlement:	\$ 409,716.00
CDBG Program Income:	\$ -	HOME Program Income:	\$ 393,222.34
<b>Total CDBG funds available:</b>	<b>\$ 718,540.00</b>	<b>Total HOME funds available:</b>	<b>\$ 802,938.34</b>

**Community Development Block Grant (CDBG) Program**

**Non-Public Service Funds Available**

Applicant Name	Program Name	Proposed Amount FY23-24	Awarded Amount FY 22-23
National City Fire Department	Fire Station 34 - Section 108 (Final) Loan Payment	\$ 613,470.00	\$ 588,861.25

**Planning and Administration Funds Available**

Applicant Name	Program Name	Proposed Amount FY23-24	Awarded Amount FY 22-23
National City Housing Authority	CDBG Program Administration	\$ 65,070.00	\$ 95,010.00
CSA San Diego County	Fair Housing & Tenant Landlord Services	\$ 40,000.00	\$ 26,171.00
<b>CDBG TOTAL:</b>		<b>\$ 718,540.00</b>	<b>\$ 710,043.00</b>

**HOME Investments Partnership(HOME) Program**

**Project Funds**

Applicant Name	Program Name	Proposed Amount FY23-24	Awarded Amount FY 22-23
SBCS Corporation	Tenant Based Rental Assistance (TBRA)	\$ 400,600.00	\$ -
National City Housing Authority	Affordable Housing Activities Set-Aside	\$ 260,587.11	\$ 428,658.91
National City Housing Authority set-aside for a Community Housing Development Organization	CHDO Set-Aside	\$ 61,457.40	\$ 60,102.15

**Planning and Administration**

Applicant Name	Program Name	Proposed Amount FY23-24	Awarded Amount FY 22-23
National City Housing Authority	HOME Program Administration	\$ 80,293.83	\$ 54,306.78
<b>HOME TOTAL:</b>		<b>\$ 802,938.34</b>	<b>\$ 543,067.84</b>



**CONDUCT THE PUBLIC HEARING AND APPROVE RECOMMENDATIONS FOR THE CDBG AND HOME FUNDING ALLOCATIONS FROM THE SOURCES IDENTIFIED IN THE FINANCIAL STATEMENT.**

**SUPPLEMENTAL EXPLANATION**

<b>2023-2024 CDBG/HOME PROGRAMS ANNUAL ACTION PLAN TIMELINE</b>	
<b>Date</b>	<b>Action</b>
February 14	CDBG/HOME Notice of funding available to city departments and grant funding applications available for distribution.
January – March	Drafting of the 2023-2024 Action Plan
February 28	Application submission deadline for CDBG/HOME FY 2023-2024 funding
March	Application Review Period
March 10 – March 20	10-day Notice of Public Review Period and Notice of Public Hearing for the Draft 2023-2024 Action Plan
March 21	Public Hearing No.1 on the 2023-2024 Action Plan and applicant funding recommendations to the City Council
March 31 – May 1	30-day Notice of Public Review Period and Notice of Public Hearing for the Draft 2023-2024 Action Plan
May 2	Virtual Public Hearing No.2 (Final) to approve the Draft 2023-2024 Action Plan
May 15	Submission of the FY 2023-2024 Action Plan to HUD
May	Application Award Notification
June – July	Begin contract negotiations with selected CDBG/HOME subrecipients and initiate environmental reviews
July 1	Beginning of Program Year
All dates listed herein are tentative and are subject to change. Therefore, persons relying on this Schedule must contact the National City Housing Authority by email at <a href="mailto:housing@nationalcityca.gov">housing@nationalcityca.gov</a> to confirm dates for each event listed above.	

**Public Noticing** | Public participation is an essential part of the development of the Annual Action Plan. All noticing for this process which sets forth the City's policies and procedures for public participation is described in the Citizen and Community Participation Plan per City Council Resolution 2020-84 and can be found at [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home).

**Eligible Applicants** | In consideration of funding availability described above and stated in CDBG Program Guidelines posted online at [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home), the Housing Authority solicited the CDBG application to non-profit fair housing service providers. Qualified agencies were invited to apply for funding to address the City and Consolidated Plan priorities. Agencies considered for funding should already provide a similar service and appear to be capable of deploying the service following the City's program guidelines and HUD rules and regulations found at 24 CFR Part 570 and 24 CFR Part 92.

**Application Review Process** | Submitted applications are first determined to be eligible under CDBG and HOME rules and regulations, Consolidated Plan goals and priorities, and were further evaluated based on the following criteria:

- Demonstrated organizational or community need
- Experience with administering CDBG/HOME or federal grant funds
- Organization's capacity, experience with projects of similar type
- Budget and value of proposed work and deliverables for dollars invested
- Quality of the approach, clarity, rationale, and feasibility

## **CONSOLIDATED PLAN GOALS:**

The 2020-2024 Consolidated Plan is the framework for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program entitlement programs. The Plan outlines the City's housing and non-housing community development needs and priorities over five years.

### **1. Goal: Provide Decent and Affordable Housing**

- **Priority: Conserve and Improve Existing Affordable Housing**
  - Assistance to aid in the rehabilitation of single-family and multi-family housing units.
  - Acquisition, with or without rehabilitation, of multi-family projects.
  - Conservation of affordable housing at risk of converting to market-rate housing.
- **Priority: Provide Homeownership Assistance**
  - Assistance to low-moderate income households to achieve homeownership
  - Assistance to developers for the acquisition and re-sale of housing units to low-moderate income homebuyers.
- **Priority: Assist in the Development of Affordable Housing**
  - Assistance to developers in the development of affordable housing, including acquisition, land assemblage, construction, conversion, purchase of affordability covenants, or other mechanisms.

### **2. Goal: Provide Community Facilities and Infrastructure**

- **Priority: Provide for Community Facilities and Infrastructure**
  - Provide for new and improve existing community facilities and infrastructure. These may include, but are not limited to: parks and recreation facilities; fire equipment;

facilities prioritized on the City's ADA Transition Plan; community facilities; and public streets, sidewalks, curbs, and rights-of-way.

- Repayment of Fire Station 34 Section 108 loan. Assess the need for and (when determined to be warranted) pursue section 108 loans for large-scale public improvement and revitalization projects.

**3. Goal: Provide Community and Supportive Services**

- **Priority: Provide Community and Supportive Services**

- Provide for a variety of community and supportive services, with special emphasis on crime awareness and prevention programs such as code enforcement, services for the homeless, seniors, at-risk youth, the disabled, and other persons with special needs.

**4. Goal: Support Initiatives that Reduce Homelessness**

- **Priority: Support Initiatives that Reduce Homelessness**

- Tenant-based rental assistance that targets families that are homeless or housing insecure, and families experiencing domestic violence.
- Participate in the San Diego County Regional Task Force on the Homeless (RTFH) and South Bay Homeless Alliance to assess needs and coordinate efforts to address needs.

**5. Goal: Promote Equal Housing Opportunity**

- **Priority: Promote Equal Housing Opportunity**

- Promote fair housing services provided by the City's fair housing services provider.
- Comply with fair housing planning requirements (as identified in the Analysis of Impediments to Fair Housing Choice).

**6. Goal: Planning and Administration**

- **Priority: Planning and Administration**

- Invest in the planning and administration of the CDBG and HOME programs.

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## PUBLIC NOTICE | CITY OF NATIONAL CITY

### FIRST PUBLIC HEARING FOR THE DRAFT FISCAL YEAR 2023-2024 ANNUAL ACTION PLAN

In accordance with the federal regulations at 24 CFR, Part 91, the City of National City (City) is required to prepare and submit an Annual Action Plan for its Housing and Community Development Entitlement Programs funded by the U.S. Department of Housing and Urban Development (HUD). The 2020-2024 Consolidated Plan outlines the City's housing and non-housing community development needs and priorities over five years. The Annual Action Plan (Action Plan), 2023-2024, outlines how the City intends to spend an estimated \$718,540 in federal Community Development Block Grant (CDBG) and \$409,716 in federal HOME Investment Partnerships (HOME) Program entitlement funds. In addition to the funding sources noted above, the City anticipates allocating \$393,222 in program income earned from the previous year's HOME activities to fund activities listed under the proposed Action Plan.

Notice is hereby given that the City Council of the City of National City will hold the first of two Public Hearings on Tuesday, March 21, 2023, at 6:00 p.m at City Hall located at 1243 National City Boulevard in National City and online [www.nationalcityca.gov/webcast](http://www.nationalcityca.gov/webcast). The purpose of the Public Hearing is to provide an opportunity for public comment on the recommendations made to the City Council for funding of the CDBG and HOME Program activities and 2023-2024 draft Action Plan. Public participation is an essential part of the development of the Action Plan. Interested persons and community groups are invited to provide public comment (details below) and review the draft Action Plan on the City's website [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home). A hardcopy of the Plan is available at the National City Housing Authority (140 E. 12<sup>th</sup> Street, National City).

A second Public Hearing will be conducted at the regularly scheduled City Council meeting on May 2, 2023, to review public comments received during a 30-day public review period (March 31 through May 1, 2023) of the draft 2023-2024 Action Plan; and to provide interested persons and community groups with one last opportunity to share their thoughts regarding the Action Plan and the CDBG and HOME Program activities being proposed. After all public comments have been considered at the Public Hearing on May 2, 2023, the City Council will adopt the 2023-2024 Action Plan and proposed CDBG and HOME Program funding recommendations. The Action Plan will then be submitted to HUD for review and acceptance.

Public comment may be submitted prior to the meeting in writing by email at [publiccomment@nationalcityca.gov](mailto:publiccomment@nationalcityca.gov); please provide the agenda item number or title of the item in the subject line of the email. All email comments received at least 2 hours prior to the City Council Meeting will allow time for distribution to the City Council. All public comments or testimony are limited to three (3) minutes and may be reduced to accommodate a large number of speakers. Persons wishing to address the City Council on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the City Clerk prior to the meeting or immediately following the announcement of the item.

Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting. Hearing-impaired persons, please use the CAL Relay Service Number 711. Spanish Interpretation Services: Spanish Interpretation Services are available, please contact the City Clerk prior to the start of the meeting for assistance. Asistencia en Español: Para que le interpreten la información en español, llame al (619) 336-4391.

Carlos Aguirre, Housing Authority Director  
City of National City  
March 3, 2023



## AVISO PÚBLICO | CIUDAD DE NATIONAL CITY

### PRIMERA AUDIENCIA PÚBLICA PARA EL PLAN DE ACCIÓN ANUAL PARA EL AÑO FISCAL 2023-2024

De acuerdo con las regulaciones federales en 24 CFR, Parte 91, la Ciudad de National City (Ciudad) debe preparar y presentar un Plan de Acción Anual para sus Programas de Vivienda y Desarrollo Comunitario financiados por el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD). El Plan Consolidado 2020-2024 describe las necesidades y prioridades de desarrollo comunitario de vivienda y no vivienda de la Ciudad durante cinco años. El Plan de Acción Anual (Plan de Acción) para el Año Fiscal 2023-2024 describe cómo la Ciudad tiene la intención de gastar \$718,540 federales en bloque de desarrollo comunitario (CDBG) y aproximadamente \$409,716 en fondos federales del Programa Home Investment Partnerships (HOME). Además de las fuentes de financiamiento mencionadas anteriormente, la Ciudad asigna \$393,222 en los ingresos del programa obtenidos de las actividades HOME de años anteriores para financiar las actividades enumeradas en el Plan de Acción propuesto.

Por la presente se notifica que el Concejo Municipal de la Ciudad de National City llevará a cabo la primera de dos Audiencias Públicas el martes 21 de marzo de 2023 a las 6:00 p. m. en el Ayuntamiento ubicado en 1243 National City Boulevard en National City y en línea [www.nationalcityca.gov/webcast](http://www.nationalcityca.gov/webcast). El propósito de la Audiencia Pública es brindar una oportunidad para comentarios públicos sobre las recomendaciones hechas al Concejo Municipal para la financiación de las actividades del programa CDBG y HOME y el borrador del Plan de Acción 2023-2024. La participación pública es una parte esencial del desarrollo del Plan de Acción. Las personas interesadas y los grupos comunitarios están invitados a proporcionar comentarios públicos (detalles a continuación) y revisar el borrador del Plan de Acción en el sitio web de la Ciudad [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home). Una copia impresa del Plan está disponible en la Autoridad de Vivienda de National City (140 E. 12th Street, National City).

Se llevará a cabo una segunda audiencia pública en la reunión del Concejo Municipal programada regularmente el 2 de mayo de 2023 para revisar los comentarios públicos recibidos durante un período de revisión pública de 30 días (del 31 de marzo al 1 de mayo de 2023) del borrador del Plan de Acción 2023-2024; y brindar a las personas interesadas ya los grupos comunitarios una última oportunidad para compartir sus pensamientos sobre el Plan de Acción y las actividades propuestas por CDBG y el Programa HOME. Después de que todos los comentarios públicos hayan sido considerados en la Audiencia Pública del 2 de mayo de 2023, el Concejo Municipal adoptará el Plan de Acción 2023-2024 y las recomendaciones de financiación propuestas por CDBG y el Programa HOME. Luego, el Plan de Acción se enviará a HUD para su revisión y aceptación.

Los comentarios públicos pueden enviarse antes de la reunión por escrito por correo electrónico a [publiccomment@nationalcityca.gov](mailto:publiccomment@nationalcityca.gov); proporcione el número de tema de la agenda o el título del tema en la línea de asunto del correo electrónico. Todos los comentarios por correo electrónico recibidos al menos 2 horas antes de la reunión del Concejo Municipal darán tiempo para su distribución al Concejo Municipal. Todos los comentarios o testimonios públicos están limitados a tres (3) minutos y pueden reducirse para dar cabida a un gran número de oradores. Las personas que deseen dirigirse al Concejo Municipal sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios Públicos. Aquellos que deseen hablar sobre los temas de la agenda pueden hacerlo cuando se esté considerando el tema. Envíe una boleta de orador al secretario municipal antes de la reunión o inmediatamente después del anuncio del tema.

Cualquier persona con una discapacidad que requiera una modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario Municipal (619) 336-4228 al menos 24 horas antes de la reunión. Las personas con problemas de audición deben usar el número de servicio de retransmisión de CAL 711. Servicios de interpretación en español: los servicios de interpretación en español están disponibles, comuníquese con el secretario municipal antes del comienzo de la reunión para obtener ayuda. Asistencia en Español: Para que le interpreten la información en español, llame al (619) 336-4391.

Carlos Aguirre, Housing Authority Director  
Ciudad de National City  
marzo 3, 2023



## PAUNAWA SA PUBLIKO | LUNGSOD NG NATIONAL CITY

### UNANG PUBLIC HEARING PARA SA DRAFT FISCAL YEAR 2023-2024 TAUNANG ACTION PLAN

Alinsunod sa mga pederal na regulasyon sa 24 CFR, Part 91, ang Lungsod ng National City (Lungsod) ay inaatasan na maghanda at magsumite ng Taunang Action Plan para sa Housing and Community Development Entitlement Programs nito na pinondohan ng U.S. Department of Housing and Urban Development (HUD). Ang 2020-2024 Consolidated Plan ay nagbabalangkas sa pabahay at hindi pabahay na mga pangangailangan sa pagpapaunlad ng komunidad at mga priyoridad sa loob ng limang taon. Ang Taunang Action Plan (Action Plan), 2023-2024, ay nagbabalangkas kung paano nilalayon ng Lungsod na gumastos ng tinatayang \$718,540 sa pederal na Community Development Block Grant (CDBG) at \$409,716 sa pederal na HOME Investment Partnerships (HOME) na mga pondo para sa karapatan sa Programa. Bilang karagdagan sa mga pinagmumulan ng pagpopondo na binanggit sa itaas, inaasahan ng Lungsod ang paglalaan ng \$393,222 sa kita ng programa na kinita mula sa mga aktibidad sa HOME noong nakaraang taon upang pondohan ang mga aktibidad na nakalista sa ilalim ng iminungkahing Action Plan.

Ang abiso ay ibinibigay dito na ang Konseho ng Lungsod ng National City ay magsasagawa ng una sa dalawang Public Hearing sa Martes, Marso 21, 2023, sa ganap na 6:00 p.m. sa City Hall na matatagpuan sa 1243 National City Boulevard sa National City at online [www.nationalcityca.gov/webcast](http://www.nationalcityca.gov/webcast). Ang layunin ng Public Hearing ay magbigay ng pagkakataon para sa pampublikong komento sa mga rekomendasyong ginawa sa Konseho ng Lungsod para sa pagpopondo sa mga aktibidad ng CDBG at HOME Program at 2023-2024 draft na Action Plan. Ang pakikilahok ng publiko ay isang mahalagang bahagi ng pagbuo ng Action Plan. Ang mga interesadong tao at grupo ng komunidad ay iniimbitahan na magbigay ng pampublikong komento (mga detalye sa ibaba) at suriin ang draft na Action Plan sa website ng Lungsod na [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home). Ang hardcopy ng Action Plan ay makukuha sa National City Housing Authority (140 E. 12th Street, National City).

Ang pangalawang Public Hearing ay isasagawa sa regular na nakaiskedyul na Pagpupulong ng Konseho ng Lungsod sa Mayo 2, 2023, upang suriin ang mga pampublikong komento na natanggap sa loob ng 30-araw na panahon ng pampublikong pagsusuri (Marso 31 hanggang Mayo 1, 2023) ng draft na 2023-2024 Action Plan; at upang bigyan ang mga interesadong tao at mga grupo ng komunidad ng huling pagkakataon na ibahagi ang kanilang mga saloobin tungkol sa Action Plan at mga aktibidad ng CDBG at HOME Program na iminumungkahi. Matapos isaalang-alang ang lahat ng pampublikong komento sa Public Hearing sa Mayo 2, 2023, ang Konseho ng Lungsod ay magpapatibay sa 2023-2024 Action Plan at mga iminungkahing rekomendasyon sa pagpopondo ng CDBG at HOME Program. Pagkatapos ay isusumite ang Action Plan sa HUD para sa pagsusuri at pagtanggap.

Maaaring isumite ang pampublikong komento bago ang pagpupulong sa pamamagitan ng sulat sa pamamagitan ng email sa [publiccomment@nationalcityca.gov](mailto:publiccomment@nationalcityca.gov); mangyaring ibigay ang numero ng item ng agenda o pamagat ng item sa linya ng paksa ng email. Ang lahat ng komento sa email na natanggap nang hindi bababa sa 2 oras bago ang Pagpupulong ng Konseho ng Lungsod ay magbibigay ng oras para sa pamamahagi sa Konseho ng Lungsod. Ang lahat ng pampublikong komento o testimonya ay limitado sa tatlong (3) minuto at maaaring bawasan upang mapaunlakan ang malaking bilang ng mga tagapagsalita. Ang mga taong gustong humarap sa Konseho ng Lungsod sa mga bagay na wala sa agenda ay maaaring gawin ito sa ilalim ng Mga Pampublikong Komento. Ang mga nagnanais na magsalita sa mga item sa agenda ay maaaring gawin ito kapag ang item ay itinuturing na. Mangyaring magsumite ng Speaker's Slip sa Klerk ng Lungsod bago ang pagpupulong o kaagad pagkatapos ng anunsyo ng item.

Ang sinumang taong may kapansanan na nangangailangan ng pagbabago o akomodasyon upang makasali sa isang pagpupulong ay dapat idirekta ang naturang kahilingan sa Opisina ng Klerk ng Lungsod (619) 336-4228 nang hindi bababa sa 24 na oras bago ang pagpupulong. Mga taong may kapansanan sa pandinig, mangyaring gamitin ang CAL Relay Service Number 711. Mga Serbisyo sa Interpretasyon ng Espanyol: Available ang mga Serbisyo sa Interpretasyon ng Espanyol, mangyaring makipag-ugnayan sa Klerk ng Lungsod bago magsimula ang pagpupulong para sa tulong. Asistencia en Español: Para que le interpreten la información en español, llame al (619) 336-4391.

Carlos Aguirre, Housing Authority Director  
Lungsod ng National City, Marso 3, 2023

HUD CDBG Entitlement FY 2023-2024 - \$718,540.00

# CDBG Funding Recommendations

<b>Community Development Block Grant (CDBG) Program</b>			
<b>Non-Public Service Funds Available</b>			
<b>Applicant Name</b>	<b>Program Name</b>	<b>Proposed Amount FY23-24</b>	<b>Awarded Amount FY 22-23</b>
National City Fire Department	Fire Station 34 – Section 108 Loan (Final) Payment	\$ 613,470.00	\$ 588,861.25
<b>Planning and Administration Funds Available</b>			
<b>Applicant Name</b>	<b>Program Name</b>	<b>Proposed Amount FY23-24</b>	<b>Awarded Amount FY 22-23</b>
National City Housing Authority	CDBG Program Administration	\$ 65,070.00	\$ 95,010.00
CSA San Diego County	Fair Housing & Tenant Landlord Services	\$ 40,000.00	\$ 26,171.00
<b>CDBG TOTAL:</b>		<b>\$ 718,540.00</b>	<b>\$ 710,043.00</b>

HOME Entitlement FY 2023-2024:	\$ 409,716.00
HOME Program Income:	\$ 393,222.34
<b>Total HUD HOME Funds Available:</b>	<b>\$ 802,938.34</b>

# HOME Funding Recommendations

HOME Investments Partnership(HOME) Program			
Project Funds			
Applicant Name	Program Name	Proposed Amount FY23-24	Awarded Amount FY 22-23
SBCS Corporation	Tenant Based Rental Assistance (TBRA)	\$ 400,600.00	\$ -
National City Housing Authority	Affordable Housing Activities Set-Aside	\$ 260,587.11	\$ 428,658.91
National City Housing Authority set-aside for a Community Housing Development Organization	CHDO Set-Aside	\$ 61,457.40	\$ 60,102.15
Planning and Administration			
Applicant Name	Program Name	Proposed Amount FY23-24	Awarded Amount FY 22-23
National City Housing Authority	HOME Program Administration	\$ 80,293.83	\$ 54,306.78
<b>HOME TOTAL:</b>		<b>\$ 802,938.34</b>	<b>\$ 543,067.84</b>





# AGENDA REPORT

**Department:** Housing Authority  
**Prepared by:** Angelita Palma, Housing Programs Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Public Hearing and Resolution of the Substantial Amendment to the 2021-2022 Annual Action Plan for the HUD Draft HOME-ARP Allocation Plan.

**RECOMMENDATION:**

Approve the Resolution titled, “Resolution of the City Council of The City of National City, California, Adopting the U.S Department of Housing and Urban Development (HUD) Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME Investment Partnerships Program-American Rescue Plan (HOME-ARP) Allocation Plan and the allocation of \$1,188,787 in grant funds proposed for affordable rental housing and planning and administration.”

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

**Overview |** The Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan establishes the programs and activities to be undertaken using HOME-ARP funds beginning July 1, 2022, and ending September 30, 2030. The City anticipates receiving \$1,188,797 in HOME-ARP funds for the program period.

HOME-ARP funding will assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations to reduce homelessness and increase housing stability. Staff recommends funding the development of affordable rental housing for all qualifying populations as defined by the HOME-ARP Program rules since HOME-ARP funds are not eligible for homeownership.

**Draft Home-ARP Allocation Plan |** A hardcopy of the draft HOME-ARP Allocation Plan is available at the City of National City Housing Authority (140 E. 12<sup>th</sup> Street, National City) during normal hours of operation. The document is also available to the public on the City of National City website CDBG and HOME webpage at [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home).

**Available Funding |** The City has been allocated \$1,188,797 of HOME-American Rescue Plan Act (HOME-ARP) funding from the US Department of Housing and Urban Development (HUD).

HUD’s CPD Notice 21-10 Requirements for the Use of Funds in the HOME-American Rescue Plan Program establishes the requirements for funds appropriated under section 3205 of the American Rescue Plan Act of 2021 for the HOME Investment Partnerships Program (HOME).

**Funding Recommendations & Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan**

Activity	Funding Amount	Percent of Allocation	Statutory Limit
Affordable Rental Housing	\$1,010,478	85%	
Administration and Planning	\$178,319	15 %	15%
Total HOME-ARP Allocation	\$1,188,797		

**HOME-ARP Housing Production Goals** | The City of National City plans to develop rental housing units with the funds allocated by this Draft HOME-ARP Allocation Plan. There will be five to ten low-income affordable rental units as a stand-alone project or, to promote inclusion, as part of a mixed-income housing project.

The City may give local preference to all qualifying populations from National City per [Resolution 2016-38](#). The preference and selection of qualifying populations would be in compliance with all applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a) when applying preferences through its referral methods. Persons who are eligible for a preference must have the opportunity to participate in all HOME-ARP activities in which they are eligible under this CPD Notice-21-10, including activities that are not separate or different and cannot be excluded because of any protected characteristics or preferential status.

**Final Submission Deadline** | Per HUD CPD-22-13, the final deadline of March 31, 2023, has been issued for the submission of all HOME-ARP Allocation Plan.

Failure to submit a HOME-ARP Allocation Plan on or before the final submission deadline of March 31, 2023, will result in the automatic loss of a participating jurisdiction’s HOME-ARP allocation. Therefore, if a participating jurisdiction fails to meet the March 31, 2023, deadline, all of the participating jurisdiction’s HOME-ARP funds will be subject to automatic recapture by HUD without opportunity for a hearing.

Upon receipt of the Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan, HUD has 45 days to review and accept the Action Plan.

**FINANCIAL STATEMENT:**

The City has been allocated \$1,188,797 of HOME-ARP funding from HUD.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Housing and Community Development

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act. Published in The Star News, on City Website and Posted on Bulletin Boards at City Hall.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

- Exhibit A - Background
- Exhibit B - Public Notices
- Exhibit C - Presentation
- Exhibit D - Resolution

**APPROVE THE RESOLUTION TITLED, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ADOPTING THE U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) SUBSTANTIAL AMENDMENT TO THE 2021-2022 ANNUAL ACTION PLAN FOR THE DRAFT HOME INVESTMENT PARTNERSHIPS PROGRAM-AMERICAN RESCUE PLAN (HOME-ARP) ALLOCATION PLAN AND THE ALLOCATION OF \$1,188,787 IN GRANT FUNDS PROPOSED FOR AFFORDABLE RENTAL HOUSING AND PLANNING AND ADMINISTRATION."**

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**Qualifying Populations** | The American Rescue Plan Act (ARP) defines qualifying individuals or families, including Veterans, that are:

1. Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act;
2. At risk of homelessness, as defined in section 401 of the McKinney-Vento Homeless Assistance Act;
3. Fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking (as defined by HUD in 24 CFR 5.2003) or human trafficking (as outlined in the Trafficking Victims Protection Act of 2000 as amended [22 USC 7102]); and
4. Part of other populations, where providing supportive services or assistance under section 212(a) of the National Affordable Housing Act 42 USC 12472(a) would:
  - a. Prevent a family's homelessness;
  - b. Serve those with the greatest risk of housing instability.

**Eligible Uses of Funds** | HOME-ARP funds may be used to benefit qualifying populations through:

1. Tenant-based Rental Assistance (TBRA);
2. Development and support of affordable housing;
3. Provision of supportive services;
4. Acquisition and development of non-congregate shelter;
5. Nonprofit capacity building and operating assistance; and
6. Program planning and administration.

**Public Hearing** | Funding recommendations for the Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan will be presented at the public hearing held on March 21, 2023, in conjunction with the City Council meeting. The public hearing notice was posted inside and outside of City Hall and published in the Star News and City website. The public hearing notice was translated and posted in English, Spanish, and Tagalog.

**Public Noticing Details** | Public participation is an essential part of the development of the Draft HOME-ARP Allocation Plan. All noticing for this process which sets forth the City's policies and procedures for citizen participation, is described in the Citizen and Community Participation Plan per City Council Resolution 2020-84 and can be found at [www.nationalcityca.gov/cdg-home](http://www.nationalcityca.gov/cdg-home). Additionally, HUD provided a waiver for the public comment period, allowing for a 15-day public comment period. The advertisement for the public comment period was made in English, Spanish, and Tagalog.

**Service Provider Consultation** | The City of National City consulted with representatives from multiple agencies, groups, and organizations involved in the development of affordable housing, addressing homelessness, and the provision of services to qualifying populations in preparing this HOME-ARP Allocation Plan.

The City’s virtual consultation session was attended by 21 representatives of 13 agencies. The survey was completed by nine representatives of nine agencies. All HUD-required agency types and qualifying populations were represented in either the virtual session or the online survey. Additional information on the Service Provider Consultation conducted is provided in the HOME-ARP Allocation Plan.

**Income Qualifications** | Eligible qualifying populations of HOME-ARP funds must be at or below 80% of the Area Median Income (AMI).

<b>San Diego County Income Limits Effective April 18, 2022</b>				
<b>FAMILY SIZE</b>	<b>30% of AMI Extremely Low Income</b>	<b>50% of AMI Very Low Income</b>	<b>80% of AMI Low Income</b>	<b>120% of AMI Moderate Income</b>
1	27,350	45,550	72,900	89,800
2	31,250	52,050	83,300	102,650
3	35,150	58,550	93,700	115,450
4	39,050	65,050	104,100	128,300
5	42,200	70,300	112,450	138,550
6	45,300	75,500	120,800	148,850
7	48,450	80,700	129,100	159,100
8	51,550	85,900	137,450	169,350

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## PUBLIC NOTICE | CITY OF NATIONAL CITY

### 15 DAY PUBLIC REVIEW PERIOD AND FINAL PUBLIC HEARING FOR THE DRAFT HOME-ARP ALLOCATION PLAN

Notice is hereby given by the City of National City that a draft Substantial Amendment to the 2021-2022 Annual Action Plan for HOME-ARP Allocation Plan has been prepared. The draft HOME-ARP Allocation Plan outlines how the City plans to spend \$1,188,797 in HOME Investment Partnerships American Rescue Plan (HOME-ARP) Program funds on activities that will assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations to reduce homelessness and increase housing stability. The City of National City has prepared the Draft HOME-ARP Allocation Plan in accordance with U.S. Department of Housing and Urban Development (HUD) requirements to prepare and submit an Allocation Plan as a condition of receiving the allocation of HOME-ARP funds.

In order to obtain the views of residents, public agencies, and other interested parties, the City of National City has the draft HOME-ARP Allocation Plan online [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home) for a 15-day public review period beginning March 6, 2023. A hardcopy of the draft HOME-ARP Allocation Plan is available at the City of National City Housing Authority (140 E. 12th Street, National City) during normal hours of operation.

A Public Hearing will be conducted at the regularly scheduled City Council meeting on March 21, 2023, at 6pm, to review public comments received during a 15-day public review period (March 6 through March 21, 2023) on the draft HOME-ARP Allocation Plan. This public hearing will also provide interested persons and community groups with one last opportunity to share their thoughts regarding the HOME-ARP Allocation Plan being proposed. After all public comments have been considered at the Public Hearing on March 21, 2023, the City Council will adopt the HOME-ARP Allocation Plan and proposed funding allocations. The HOME-ARP Allocation Plan will then be submitted to HUD for review and acceptance.

Public participation is encouraged in a number of ways as described below. Members of the public may attend the City Council Meeting in person, watch the City Council Meeting via live web stream at [www.nationalcityca.gov/webcast](http://www.nationalcityca.gov/webcast). Recording of Meetings are archived and available for viewing on the City's website.

Public comment may be submitted prior to the meeting in writing by email at [publiccomment@nationalcityca.gov](mailto:publiccomment@nationalcityca.gov); please provide the agenda item number or title of the item in the subject line of the email. All email comments received at least 2 hours prior to the City Council Meeting will allow time for distribution to the City Council. All public comments or testimony are limited to three (3) minutes and may be reduced to accommodate a large number of speakers. Persons wishing to address the City Council on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the City Clerk prior to the meeting or immediately following the announcement of the item.

Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting. Hearing-impaired persons, please use the CAL Relay Service Number 711. Spanish Interpretation Services: Spanish Interpretation Services are available, please contact the City Clerk prior to the start of the meeting for assistance.

Asistencia en Español: Para que le interpreten la información en español, llame al (619) 336-4391.

Carlos Aguirre, Housing Authority Director  
City of National City  
March 3, 2023



## AVISO PÚBLICO | CIUDAD DE NATIONAL CITY

### PERÍODO DE REVISIÓN PÚBLICA DE 15 DÍAS Y AUDIENCIA PÚBLICA FINAL PARA EL BORRADOR DEL PLAN DE ASIGNACIÓN DE HOME-ARP

Por la presente, la Ciudad de National City notifica que se ha preparado un borrador de Enmienda Sustancial al Plan de Acción Anual 2021-2022 para el Plan de Asignación de HOME-ARP. El borrador del Plan de Asignación HOME-ARP describe cómo la Ciudad planea gastar \$1,188,797 en fondos del Programa HOME Investment Partnerships American Rescue Plan (HOME-ARP) en actividades que ayudarán a las personas u hogares sin hogar, en riesgo de quedarse sin hogar y otras poblaciones vulnerables para reducir la falta de vivienda y aumentar la estabilidad de la vivienda. La Ciudad de National City ha preparado el Borrador del Plan de Asignación HOME-ARP de acuerdo con los requisitos del Departamento de Vivienda y Desarrollo Urbano (HUD) de EE. UU. para preparar y presentar un Plan de Asignación como condición para recibir la asignación de fondos HOME-ARP.

Para obtener las opiniones de los residentes, las agencias públicas y otras partes interesadas, la ciudad de National City tiene en línea el borrador del Plan de Asignación HOME-ARP [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home) para un período de revisión pública de 15 días a partir de marzo El 6 de enero de 2023. Una copia impresa del borrador del Plan de Asignación de HOME-ARP está disponible en la Autoridad de Vivienda de la Ciudad de National City (140 E. 12th Street, National City) durante el horario normal de funcionamiento.

Se llevará a cabo una audiencia pública en la reunión del Concejo Municipal programada regularmente el 21 de marzo de 2023 a las 6:00 p. m., para revisar los comentarios públicos recibidos durante un período de revisión pública de 15 días (del 6 de marzo al 21 de marzo de 2023) sobre el borrador de HOME-ARP. Plan de Asignación. Esta audiencia pública también brindará a las personas interesadas y grupos comunitarios una última oportunidad para compartir sus opiniones sobre el Plan de Asignación de HOME-ARP que se propone. Después de que se hayan considerado todos los comentarios públicos en la audiencia pública del 21 de marzo de 2023, el Concejo Municipal adoptará el Plan de Asignación de HOME-ARP y las asignaciones de fondos propuestas. El Plan de Asignación de HOME-ARP luego se enviará a HUD para su revisión y aceptación.

Se alienta la participación pública de varias maneras, como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Concejo Municipal en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo en [www.nationalcityca.gov/webcast](http://www.nationalcityca.gov/webcast). Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Los comentarios públicos pueden enviarse antes de la reunión por escrito por correo electrónico a [publiccomment@nationalcityca.gov](mailto:publiccomment@nationalcityca.gov); proporcione el número de tema de la agenda o el título del tema en la línea de asunto del correo electrónico. Todos los comentarios por correo electrónico recibidos al menos 2 horas antes de la reunión del Concejo Municipal darán tiempo para su distribución al Concejo Municipal. Todos los comentarios o testimonios públicos están limitados a tres (3) minutos y pueden reducirse para dar cabida a un gran número de oradores. Las personas que deseen dirigirse al Concejo Municipal sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios Públicos. Aquellos que deseen hablar sobre los temas de la agenda pueden hacerlo cuando se esté considerando el tema. Envíe una boleta de orador al secretario municipal antes de la reunión o inmediatamente después del anuncio del tema.

Cualquier persona con una discapacidad que requiera una modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario Municipal (619) 336-4228 al menos 24 horas antes de la reunión. Las personas con problemas de audición deben usar el número de servicio de retransmisión de CAL 711. Servicios de interpretación en español: los servicios de interpretación en español están disponibles, comuníquese con el secretario municipal antes del comienzo de la reunión para obtener ayuda.

Asistencia en Español: Para que le interpreten la información en español, llame al (619) 336-4391.

Carlos Aguirre, Housing Authority Director  
City of National City  
Marzo 3, 2023



## PAUNAWA SA PUBLIKO | LUNGSOD NG NATIONAL CITY

### 15 ARAW NA PANAHON NG PAMPUBLIKONG PAGSUSURI AT HULING PUBLIC HEARING PARA SA DRAFT NG HOME-ARP ALLOCATION PLAN

Ang abiso ay ibinibigay ng Lungsod ng National City na ang draft ng Substantial Amendment sa 2021-2022 Taunang Action Plan para sa HOME-ARP Allocation Plan ay inihanda. Binabalangkas ng draft ng HOME-ARP Allocation Plan kung paano nagpapalano ang Lungsod na gumastos ng \$1,188,797 sa mga pondo ng HOME Investment Partnerships American Rescue Plan (HOME-ARP) Program sa mga aktibidad na tutulong sa mga indibidwal o sambahayan na walang tirahan, nasa panganib ng kawalan ng tirahan, at iba pang mahihina ang loob na populasyon upang mabawasan ang kawalan ng tirahan at mapataas ang katatagan ng pabahay. Inihanda ng Lungsod ng National City ang Draft HOME-ARP Allocation Plan alinsunod sa mga kinakailangan ng U.S. Department of Housing and Urban Development (HUD) upang maghanda at magsumite ng Allocation Plan bilang kondisyon ng pagtanggap ng alokasyon ng mga pondo ng HOME-ARP.

Upang makuha ang mga pananaw ng mga residente, pampublikong ahensya, at iba pang interesadong partido, ang Lungsod ng National City ay may draft na HOME-ARP Allocation Plan online [www.nationalcityca.gov/cdbg-home](http://www.nationalcityca.gov/cdbg-home) para sa 15-araw na panahon ng pampublikong pagsusuri simula Marso 6, 2023. Ang hardcopy ng draft ng HOME-ARP Allocation Plan ay makukuha sa City of National City Housing Authority (140 E. 12th Street, National City) sa mga normal na oras ng operasyon.

Ang isang Public Hearing ay isasagawa sa regular na nakaiskedyul na Pagpupulong ng Konseho ng Lungsod sa Marso 21, 2023, sa ganap na 6:00 p.m. upang suriin ang mga pampublikong komento na natanggap sa loob ng 15-araw na panahon ng pampublikong pagsusuri (Marso 6 hanggang Marso 21, 2023) sa draft ng HOME-ARP Allocation Plan. Ang Public Hearing na ito ay magbibigay din sa mga interesadong tao at mga grupo ng komunidad ng isang huling pagkakataon upang ibahagi ang kanilang mga saloobin tungkol sa HOME-ARP Allocation Plan na iminumungkahi. Matapos isaalang-alang ang lahat ng pampublikong komento sa Public Hearing noong Marso 21, 2023, ang Konseho ng Lungsod ay magpapatibay ng HOME-ARP Allocation Plan at mga iminungkahing paglalaan ng pondo. Ang HOME-ARP Allocation Plan ay isusumite sa HUD para sa pagsusuri at pagtanggap.

Ang pakikilahok ng publiko ay hinihikayat sa maraming paraan tulad ng inilarawan sa ibaba. Maaaring dumalo nang personal ang mga miyembro ng publiko sa Pagpupulong ng Konseho ng Lungsod, panoorin ang Pagpupulong ng Konseho ng Lungsod sa pamamagitan ng live na web stream sa [www.nationalcityca.gov/webcast](http://www.nationalcityca.gov/webcast). Ang recorded na mga pagpupulong ay naka-archive at puwedeng matingnan sa website ng Lungsod.

Maaaring isumite ang pampublikong komento bago ang pagpupulong sa pamamagitan ng sulat sa pamamagitan ng email sa [publiccomment@nationalcityca.gov](mailto:publiccomment@nationalcityca.gov); mangyaring ibigay ang numero ng item ng agenda o pamagat ng item sa linya ng paksa ng email. Ang lahat ng komento sa email na natanggap nang hindi bababa sa 2 oras bago ang Pagpupulong ng Konseho ng Lungsod ay magbibigay ng oras para sa pamamahagi sa Konseho ng Lungsod. Ang lahat ng pampublikong komento o testimonya ay limitado sa tatlong (3) minuto at maaaring bawasan upang mapaunlakan ang malaking bilang ng mga tagapagsalita. Ang mga taong gustong humarap sa Konseho ng Lungsod sa mga bagay na wala sa agenda ay maaaring gawin ito sa ilalim ng Mga Pampublikong Komento. Ang mga nagnanais na magsalita sa mga item sa agenda ay maaaring gawin ito kapag ang item ay itinuturing na. Mangyaring magsumite ang Speaker's Slip sa Klerk ng Lungsod bago ang pagpupulong o kaagad pagkatapos ng anumang item.

Ang sinumang taong may kapansanan na nangangailangan ng pagbabago o akomodasyon upang makasali sa isang pagpupulong ay dapat idirekta ang naturang kahilingan sa Opisina ng Klerk ng Lungsod (619) 336-4228 nang hindi bababa sa 24 na oras bago ang pagpupulong. Mga taong may kapansanan sa pandinig, mangyaring gamitin ang CAL Relay Service Number 711. Spanish Interpretation Services: Available ang Spanish Interpretation Services, mangyaring makipag-ugnayan sa Klerk ng Lungsod bago magsimula ang pagpupulong para sa tulong. Asistencia en Español: Para que le interpreten la información en español, llame al (619) 336-4391.

Carlos Aguirre, Housing Authority Director  
Lungsod ng National City, Marso 3, 2023



# HOME-ARP

## Funding Recommendations & Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan

Activity	Funding Amount	Percent of Allocation	Statutory Limit
Affordable Rental Housing	\$1,010,478	85%	
Administration and Planning	\$178,319	15 %	15%
Total HOME-ARP Allocation	\$1,188,797		

**Qualifying Populations** | The American Rescue Plan Act (ARP) defines qualifying individuals or families, including Veterans, that are:

1. Homeless;
2. At risk of homelessness;
3. Fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking or human trafficking; and
4. Part of other populations, where providing supportive services or assistance would:
  - a. Prevent a family's homelessness;
  - b. Serve those with the greatest risk of housing instability.

**Funding Recommendation** | Staff proposes to develop rental housing units with the funds allocated by this plan.

- Five (5) to 10 low-income affordable rental units
- Developed as a stand-alone project or, to promote inclusion, as part of a mixed-income housing project
- Option to give local preference to all qualifying populations from National City per Resolution 2016-38.

## RESOLUTION NO. 2023 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ADOPTING THE U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) SUBSTANTIAL AMENDMENT TO THE 2021-2022 ANNUAL ACTION PLAN FOR THE DRAFT HOME INVESTMENT PARTNERSHIPS PROGRAM-AMERICAN RESCUE PLAN (HOME-ARP) ALLOCATION PLAN AND THE ALLOCATION OF \$1,188,787 IN GRANT FUNDS PROPOSED FOR AFFORDABLE RENTAL HOUSING AND PLANNING AND ADMINISTRATION**

**WHEREAS**, on March 11, 2021, President Biden signed ARP into law, which provides over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses; and

**WHEREAS**, to address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in American Rescue Plan (ARP) funds to be administered through HOME Investment Partnerships Program (HOME-ARP) to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations; and

**WHEREAS**, on April 8, 2021, HUD allocated HOME-ARP funds to 651 grantees using the HOME formula established by 24 CFR 92.50 and 92.60; and

**WHEREAS**, HOME-ARP requires that funds be used to primarily benefit individuals and families in specified “qualifying populations;” and

**WHEREAS**, “qualifying populations” is defined as 1) homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act, 2) at risk of homelessness, as defined in section 401 of the McKinney-Vento Homeless Assistance Act, 3) fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking (as defined by HUD in 24 CFR 5.2003) or human trafficking (as outlined in the Trafficking Victims Protection Act of 2000 as amended [22 USC 7102]), and 4) part of other populations, where providing supportive services or assistance under section 212(a) of the National Affordable Housing Act 42 USC 12472(a) would prevent a family’s homelessness and serve those with the greatest risk of housing instability; and

**WHEREAS**, per the federal regulations at 24 CFR, Part 91, the City is required to prepare and submit a Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft Home-ARP Allocation Plan; and

**WHEREAS**, HUD provided a waiver for the public comment period, allowing for a 15-day public comment period; and

**WHEREAS**, the City Council conducted a Public Hearing on March 6, 2023, and on March 21, 2023, to receive input from the public; and

**WHEREAS**, the public hearing notice was advertised in English, Spanish, and Tagalog; and

**WHEREAS**, the City will incorporate public comments received for the Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME- ARP Allocation Plan; and

**WHEREAS**, HUD has notified the City of its entitlement allocation of \$1,188,797 in HOME-ARP funds to be appropriated to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan; and

**WHEREAS**, HOME-ARP funds will be appropriated to affordable rental housing in the amount of \$1,010,478 and administration and planning activities in the amount of \$178,319.

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

**Section 1:** City Council authorizes the Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan and HUD entitlement funds in the amount of \$1,188,797 HOME-ARP to be appropriated for affordable rental housing in the amount of \$1,010,478 and administration and planning activities in the amount of \$178,319.

**Section 2:** City Council authorizes the submission of the Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan for the expenditure of said funds from HUD.

**Section 3:** City Council authorizes the City Manager or his designee to execute the final submission of the Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan, to modify and execute any and all appropriate instruments, agreements, contracts, and implementing documents related to the implementation and administration of the proposed Substantial Amendment to the 2021-2022 Annual Action Plan for the Draft HOME-ARP Allocation Plan to fully implement the activities funded under said Plan, including subrecipient grant contracts and agreements, based on HUD's appropriation to the City.

**Section 4:** City Council authorizes the City Manager or his designee to execute budget adjustments as necessary to reflect the funding allocations in the HOME-ARP Allocation Plan.

**Section 5:** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolution.

**PASSED and ADOPTED this 21st day of March, 2023.**

\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

\_\_\_\_\_  
Shelley Chapel, MMC  
Interim City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Planning  
**Prepared by:** Martin Reeder, AICP – Planning Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Consideration of the findings of the Balanced Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP).

**RECOMMENDATION:**

Adopt the Resolution of the City Council of the City of National City, California, Accepting the Findings of the Balanced Plan Environmental Impact Report and Adopting by Reference the Mitigation Monitoring and Reporting Program.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

The Planning Commission accepted the EIR findings and adopted the MMRP.

**EXPLANATION:**

Executive Summary

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City’s waterfront area. This project is collectively referred to as the “Balanced Plan” and is intended to be mutually beneficial to the region and is geographically located within the jurisdictional boundaries of the City and the District. The LCPA includes changes to the text and updated maps to reflect adoption of the Balanced Plan. The Planning Commission recommended approval of the Amendment to the City Council.

California Environmental Quality Act (CEQA)

In November 2022 the District, acting as the CEQA lead agency, certified the Balanced Plan Environmental Impact Report (EIR), which reflected several land use changes within the Port Master Plan as well as the City’s Balanced Plan. Pursuant to CEQA, the City is considered a “Responsible Agency”. As Responsible Agency, the City must only consider the environmental effects of a project that they are required by law to approve or carry out. The 2022 EIR considered environmental factors including traffic, air quality and other environmental issues that were relevant to the City’s portion of the Balanced Plan. Because the City is now amending the Land Use Plan portion of its LCP to reflect the approval of the Balanced Plan it must also consider the findings contained in the Final EIR produced by the District.

In reviewing the CEQA findings, the City Council will need to decide if the significant impacts associated with the environmental issues related to biological resources, air quality and health risk, cultural, tribal cultural and paleontological resources, greenhouse gases and climate change, hazards and hazardous materials, land use, noise and transportation circulation and parking have been fully mitigated to below a level of significance. The EIR identifies specific mitigation measures, virtually all of which would be relevant upon construction of the Bayshore Bikeway and the eventual development of the parcels that were rezoned to Tourist Commercial. The Mitigation Monitoring and Reporting Program (MMRP) for the EIR outlines the specific mitigation measures, mitigation timing, methods for monitoring, and reporting and responsible parties. The CEQA findings of fact and the MMRP are included as Exhibits A and B with the Resolution accepting the EIR Findings and adopting the MMRP (Attachment 1).

Lastly, the City Council must determine whether any alternative other than the proposed Balanced Plan project might meet the key objectives of the project while reducing its environmental impacts. The EIR considered a number of alternatives, but only two alternatives were related to the City's portion of the Balanced Plan. The alternatives considered and their respective conclusions were as follows:

- No Project/No Development Alternative – This would eliminate environmental impacts and was rejected as all project objectives would not be met.
- Reduced Development Alternative (Environmentally Superior Alternative). This alternative would have reduced the hotel development in the City owned parcels to three stories and 75 total rooms. While it would have reduced to a limited degree the environmental impacts compared to the proposed Balanced Plan project, it would have generated less transient occupancy, property and sales tax and would have rendered the project economically infeasible. Hence, the Reduced Development Alternative has been rejected.

#### Summary

The proposed Balanced Plan project will provide additional commercial opportunities for the City and the San Diego County region and generate revenue for the City through transient occupancy, sales and property tax. Further it will increase visitor-serving uses, public access and recreational activity in the City's waterfront. The project will produce new full and part time jobs and will help meet the City's revenue generation needs for the General Fund, which funds essential services throughout the City.

#### **FINANCIAL STATEMENT:**

There is no budgetary impact at this time, but as described in the summary above, the project will have a positive impact in future years.

#### **RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Balanced Budget and Economic Development

#### **ENVIRONMENTAL REVIEW:**

This is a project under CEQA and requires full environmental review and the preparation of an environmental impact report. CCR 15362.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A – CEQA Findings of Fact

Exhibit B - Consideration of the findings of the Balanced Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP)

Exhibit C - Resolution

**EXHIBIT "A"**

Findings of Fact and Statement of Overriding Considerations

(See attached.)



**THE BOARD OF PORT COMMISSIONERS  
OF THE  
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT  
FOR THE  
National City Bayfront Projects & Plan  
Amendments**

**FINAL ENVIRONMENTAL IMPACT REPORT  
(UPD #EIR-2018-232; SCH #2018121054)**

**November 2022**

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**FINDINGS OF FACT**

**FOR THE**

**NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS**

**FINAL ENVIRONMENTAL IMPACT REPORT**  
**(UPD #EIR-2018-232; SCH #2018121054)**

**INTRODUCTION**

The Board of Port Commissioners of the San Diego Unified Port District (District) hereby makes the following Findings concerning the Final Environmental Impact Report (UPD #EIR-2018-232; SCH #2018121054) for the National City Bayfront Projects and Plan Amendments (“proposed project”), pursuant to the California Environmental Quality Act, Public Resources Code §21000, *et seq.* (CEQA), and its implementing regulations, California Code of Regulations, Title 14, §15000, *et seq.* (State CEQA Guidelines).

The Final Environmental Impact Report (EIR) prepared for the proposed project consists of the following:

- Volume 1 of the Final EIR is composed of the following:
  - Chapter 1 is an introduction to the Final EIR.
  - Chapter 2 contains an overview of the revisions made to the Draft EIR.
  - Chapter 3 contains comments received on the Draft EIR during the public comment period and the District’s responses to those comments.
  - Chapter 4 contains references used in the Final EIR.
  - Attachment 1 to the Final EIR contains the Mitigation Monitoring and Reporting Program (MMRP).
- Volume 2 of the Final EIR is a revised version of the Draft EIR, identifying changes in the text of the Draft EIR and other information added by the District in response to the public comments received during the public comment period.
- Volume 3 of the Final EIR consists of Appendices A through G of the Final EIR. Appendix Da (Revised Draft Port Master Plan Amendment associated with Balanced Plan) was added to the Final EIR.
- Volume 4 of the Final EIR consists of Appendices H through J of the Final EIR. Revisions were made to Appendix H (Marine Biological Resources Report) and Appendix J (Noise and Vibration Data and Calculations). Appendix Ia (Historic Property Survey Report) was added to the Final EIR.
- Volume 5 of the Final EIR consists of Appendix K of the Final EIR. Revisions were made to Appendix K (Transportation Impact Analysis).

- Volume 6 of the Final EIR consists of Appendices L through N of the Final EIR.

## **1.0 PROJECT DESCRIPTION**

### **1.1 Project Overview**

The District, City of National City (City), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha), as project applicants and proponents (collectively, project proponents), are proposing a project with both landside and waterside development components; an amendment to the District's Port Master Plan (PMP); amendments to the City's Local Coastal Program (LCP), General Plan, Harbor District Specific Area Plan (HDSAP), and Land Use Code (LUC) (Municipal Code Title 18 Zoning) (collectively "project" or "proposed project") on approximately 77 acres, consisting of approximately 58 landside acres and 19 waterside acres (project site) within District and City jurisdiction in National City.

Specifically, the proposed project includes the following main components.

- Changes to land and water use designations in the District's PMP (National City Marina District Balanced Land Use Plan [Balanced Plan]).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District's jurisdiction (GB Capital Component).
- Construction and operation of a rail connector track and storage track within the District's jurisdiction (Pasha Rail Improvement Component).
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions and redesignation of the area to Marine-Related Industrial in the District's PMP (Pasha Road Closures Component).
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdictions (Bayshore Bikeway Component).
- Construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor-serving commercial development north of Bay Marina Drive within the City's jurisdiction (City Program – Development Component).
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, redesignate land uses, balance commercial and maritime uses, add appealable projects to the project list and change the Planning District accordingly (PMPA Component).
- Amendments to the City's LCP, General Plan, HDSAP, and LUC that would include changes to jurisdictional boundaries; changes to subarea

boundaries; and changes to land use, specific plan, and zone designations (City Program – Plan Amendments Component).

The proposed Balanced Plan includes a PMPA and corresponding LCP amendment (LCPA) to correct jurisdictional land use maps and clarify the land use authority, redesignate land uses, and balance commercial and maritime uses. The Balanced Plan was created in response to a public planning process to identify a reconfiguration of land uses to optimize recreational, maritime, and commercial uses within the National City Marina District, which is the area generally north of Sweetwater Channel and west of the wildlife refuge (Paradise Marsh). Implementation of the Balanced Plan would clearly delineate maritime land use boundaries from potential recreational and commercial land use boundaries while allowing operational efficiencies, but not throughput, to increase at the National City Marine Terminal (NCMT) and maintaining sensitivity to the function and sustainability of the Paradise Marsh, as well as public access and recreation in an expanded Pepper Park. The Balanced Plan proposes to accomplish this through the reconfiguration of roadways, a new rail connection, reconfiguration of commercial recreation and maritime-related land uses, the expansion of Pepper Park, and preservation of habitat buffers for the adjacent wildlife refuge.

The Balanced Plan, most of the GB Capital Component, the Pasha Rail Improvement Component, most of the Pasha Road Closures Component, and a portion of the Bayshore Bikeway Component are all within the District's jurisdictional boundaries. Consequently, changes proposed by these components would require a PMPA and are referred to collectively as the "Port Master Plan Amendment Component" or "PMPA Component" and include:

- Incorporation of the Balanced Plan, most of the GB Capital Component, the Pasha Rail Improvement Component, and the alignment of the Bayshore Bikeway into the PMP.
- Removal of the Street designation for the street closures associated with the Pasha Road Closures Component and redesignation of these areas (with the exception of the area within the City's jurisdiction) as Marine-Related Industrial.
- Addition of approximately 12.4 acres of the Balanced Plan, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, into the PMP.
- Addition of appealable projects to the project list.

Most of the proposed Bayshore Bikeway Component and the entire proposed City Program – Development Component are within the City's jurisdiction. Consequently, the City Program – Plan Amendments would consist of the following:

- Removal of approximately 12.4 acres of the Balanced Plan, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City's General Plan, LCP, HDSAP, and LUC to reflect changes in land use and jurisdictional authority.
- Incorporation of seven parcels north of Bay Marina Drive and adjacent rights-of-way into the City's HDSAP.

## 1.2 Project Location

The project site is located in the southwestern portion of National City, partially within the City's existing jurisdiction, partially within the District's existing jurisdiction. The project area is generally bordered by Paradise Marsh (part of the San Diego Bay National Wildlife Refuge/Sweetwater Marsh Unit) to the east, Sweetwater Channel to the south, NCMT and maritime uses to the west, and Civic Center Drive and commercial and industrial uses to the north.

Most of the project site is on land that is within the District's jurisdiction, and the District has regulatory duties and proprietary responsibilities over these portions of the project site. These portions of land have included leases since 1990 to Pasha for operation of an automotive import/export business at the marine terminal and leases since 2008 to GB Capital for operation of a recreational boat marina. In addition, Pepper Park and a portion of Sweetwater Channel (west of the mean high tide line) are part of the project site included within the District's jurisdiction, and a portion of Sweetwater Channel (east of the mean high tide line) is part of the project site included within the City's jurisdiction.

The proposed project consists of the following six components, which, while not all contiguous, total approximately 77 acres, and are in the following general locations:

- The Balanced Plan is located within the District's jurisdiction and is a land use plan to reconfigure land and water uses within the approximately 60.9-acre area generally north of Sweetwater Channel, south of the National Distribution Center, east of NCMT, and west of Paradise Marsh. The Balanced Plan proposes to reconfigure areas that are designated for Park/Plaza, Commercial Recreation, Marine Terminal, Marine-Related Industrial, Recreational Boat Berthing, and Street land uses in the Port Master Plan. The Balanced Plan also includes an expansion to Pepper Park.
- The GB Capital Component includes the Pier 32 Marina and the undeveloped lot to the north of the marina, part of the Sweetwater Channel to the south of the marina, and two existing parking lots utilized by Pasha, generally to the north and west of the marina. The GB Capital site is generally bounded by Sweetwater Channel to the south, Paradise Marsh to the east, the National Distribution Center facility to the north, and NCMT to the west. The GB Capital Component is proposed to be located generally on the area identified for a Commercial Recreation land use in the Balanced

Plan, but also extends into the City's jurisdiction, and outside the Balanced Plan boundaries, in the Sweetwater Channel. The landside portions of the GB Capital Component, as well as the existing marina, and most of the jetty are located within the District's jurisdiction.

- The Pasha Rail Improvement Component, which is located within the District's jurisdiction, would traverse the lot bounded on the north by existing railroad tracks and the National Distribution Center, on the east by Marina Way, on the south by 32nd Street, and on the west by Tidelands Avenue. The Pasha Rail Improvement Component is proposed to be located in the area identified for a Marine Related Industrial land use in the Balanced Plan.
- The Pasha Road Closures Component is located on Tidelands Avenue, from south of Bay Marina Drive to 32nd Street, and West 28th Street, between Quay Avenue and Tidelands Avenue. The Pasha Road Closures Component is mostly located within District jurisdiction, and a portion (between Bay Marina Drive and the mean high tide line) is located within City jurisdiction.
- The Bayshore Bikeway Component is generally located on a combination of existing roadways, including Bay Marina Drive, Marina Way (formerly Harrison Avenue), McKinley Avenue, and Civic Center Drive. Most of the Bayshore Bikeway Component is located within the City's jurisdiction, and the southernmost portion is located within District jurisdiction.

The City Program – Development Component is located within the City's jurisdiction, north of Bay Marina Drive, generally bounded by West 23rd Street on the north, the Interstate (I-) 5 southbound off-ramp at Bay Marina Drive to the east, Bay Marina Drive to the south, and the BNSF Railway (BNSF) railroad tracks to the west (west of the intersection of Bay Marina Drive and Marina Way).

### **1.3 Project Objectives**

To achieve the purpose and need of the proposed project, the District has identified the following objectives in coordination with the City.

1. Further activate the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, maximize recreational opportunities for visitors, maximize economic development opportunities, and to improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.
2. Reconfigure maritime and commercial uses to balance the anticipated future market demands for those uses, while also increasing public access on the project site.



3. Implement cohesive commercial development that is designed to enhance enjoyment of the National City Marina District and surrounding City area, contribute to the area's economic vitality, and generate economic revenue for the City including through increased Transient Occupancy Tax.
4. Increase park space and recreational opportunities to enhance the waterfront experience for all visitors and maximize opportunities to attract tourism to the City.
5. Reduce unnecessary train movements and reduce the required effort associated with building daily trains by improving near-terminal rail storage capacity and creating a more direct connection between the BNSF Railway National City Yard and the NCMT.
6. Offset the loss of existing land used for maritime operations, as proposed in the Balanced Plan, by closing internal District streets (i.e., Tidelands Avenue and West 28th Street) adjacent to existing maritime operations to create contiguous space for maritime operations and configuring cargo operations at and adjacent to the NCMT to create cargo-handling efficiencies to reduce cargo movements.
7. Incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act.
8. Be consistent with the City's environmental policies and the District's Climate Action Plan, Clean Air Program, and Jurisdictional Runoff Management Program to ensure that the proposed project does not adversely affect the District's or City's ability to attain their respective long-range environmental and sustainability goals.<sup>1</sup>
10. Incorporate a land use pattern for the National City Marina District into the PMP that establishes habitat buffers and implements operational features to avoid land use and operational inconsistencies between commercial, recreational, open space, and maritime uses.
11. Integrate National City, art, culture, and history into the development of the proposed project.
12. Increase the connectivity of the Project area to the surrounding area and facilitate increased pedestrian activity and enjoyment of San Diego Bay for visitors.

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<sup>1</sup> Objective 9, expand aquaculture potential on District tidelands, was removed because GB Capital withdrew its request for aquaculture from the proposed project.

## **2.0 ENVIRONMENTAL PROCEDURES**

### **2.1 Lead Agency**

Pursuant to State CEQA Guidelines §15367, the District is the “lead agency” because it has the principal responsibility for approving the proposed project and the majority of the project site is within the District’s land use jurisdiction. As the CEQA lead agency, the District also has primary responsibility for conducting an environmental review pursuant to CEQA. The District determined that an EIR should be prepared to analyze the environmental effects of the proposed project, which will be used by the Board of Port Commissioners (Board) in connection with its discretionary decisions regarding the proposed project. The Board is also responsible for approval of the PMPA and Coastal Development Permits (CDPs) and any real estate agreements for the project components within the District’s jurisdiction. If the Board approves the PMPA, the California Coastal Commission (CCC) will then consider whether to certify the PMPA. The CCC, as a CEQA responsible agency as defined State CEQA Guidelines §15381, would consider the EIR prior to making its decision whether to certify the PMPA. If the PMPA is fully certified by the CCC, the Board would consider approval of CDPs and leases for the project components within the District’s jurisdiction, allowing the proposed project within the District’s jurisdiction to proceed to construction.

The City is a responsible agency, as defined by State CEQA Guidelines §15381, and prior to reaching a decision on the proposed project, the City is required to consider the environmental effects generated from the project as analyzed in the EIR. The City is required to adopt a mitigation monitoring and reporting program for those portions within the City’s discretionary authority. The City’s approval is required for amendments to the City’s General Plan, LUC, LCP, and HDSAP and for authorization of issuance of CDP(s) for proposed project components within the City’s jurisdiction. Furthermore, the City’s approval is required for the issuance of other discretionary permits (e.g., CDPs, conditional use permit) and ministerial permits (e.g., grading, building, electrical). The CCC must approve the certification of, and final action by the City for amendments to the LCP, General Plan, LUC, and HDSAP which would occur post certification of the FEIR.

The California Department of Transportation (Caltrans) is also considered a responsible agency because approval from Caltrans would be required in order for GB Capital to use the Caltrans property south of the marina (the portion of the jetty east of the mean high tide line).

The California State Lands Commission (CSLC) is a trustee agency, as defined in State CEQA Guidelines Section 15386. CSLC may have an interest in the proposed project; however, CSLC would not issue approvals or permits that would be required to implement the proposed project.

## 2.2 Environmental Impact Report

Pursuant to State CEQA Guidelines §15080, *et seq.*, the District prepared an EIR to analyze the potential environmental impacts of the proposed project. The Final EIR contains all the information required by State CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR.

## 2.3 Public Participation

Environmental review of the proposed project began on December 20, 2018, with the publication of a Notice of Preparation (NOP) of the EIR and initiation of a public review period ending on January 31, 2019. The NOP was sent to the Office of Planning and Research and was filed with the San Diego County Clerk in accordance with State CEQA Guidelines §15082. The NOP and notices of its availability were mailed to public agencies, organizations, and other interested individuals to solicit their comments on the scope and content of the environmental analysis. The District also held a public scoping meeting on January 24, 2019, at the National City Aquatic Center.

The Draft EIR was completed and a Notice of Availability for public review was posted on September 29, 2021. A 50-day public review period began on September 29, 2021 and ended on November 17, 2021. The District received 19 comment letters during the public review period and five comment letters after close of the public review period.

These comments and the District's responses to them are included in Chapter 3, *Comments Received and District Responses*, of Volume 1 of the Final EIR, as required by State CEQA Guidelines §15088 and §15132. The Final EIR was completed and made available for review on September 30, 2022. Public hearings concerning certification of the Final EIR were held by the Board of Port Commissioners of the District on October 11, 2022 and November 16, 2022, at which interested agencies, organizations, and individuals were given an opportunity to comment on the Final EIR and the proposed project.

## 2.4 Record of Proceedings

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final EIR for the project shall include, but may not be limited to, the following:

- The Notice of Preparation and Initial Study (December 2018);
- The Draft EIR (September 2021);
- The Final EIR (September 2022);
- The appendices to the Draft EIR and the Final EIR;

- All documents and other materials referenced and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the materials identified in Chapter 9, *References*, of the Draft EIR;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the proposed project, which are before the Board of Port Commissioners as determined by the District Clerk;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;
- The minutes, video recordings, and verbatim transcripts, if any, of the public hearings held on October 11, 2022 and November 16, 2022, concerning the Final EIR and the proposed project;
- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the Port Master Plan; and
- Any other materials required to be in the record of proceedings by California Public Resources Code Section 21167.6(e).

The custodian of the documents and other materials composing the administrative record of the District's decision concerning certification of the Final EIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code §21081.6(a)(2).)

### **3.0 FINDINGS UNDER CEQA**

#### **3.1 Purpose**

CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final EIR (State CEQA Guidelines §15091). The purpose of the findings is to systematically restate the significant effects of the proposed project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final EIR that would avoid or substantially lessen the significant environmental effects. Once it has adopted sufficient measures to avoid or substantially lessen a significant impact, the District is not required to adopt every mitigation measure identified in the Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the District must review the alternatives identified in the Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the District's determinations.

#### **3.2 Terminology**

A "finding" is a written statement made by the District that explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding

contains a conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the District is required by State CEQA Guidelines §15091(a) to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A mitigation measure or an alternative is considered “feasible” if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines §15364). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “[F]easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (State CEQA Guidelines §§15093, 15043 (b); see also Public Resources Code §21081(b)). The California Supreme Court has stated, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576). A statement of overriding considerations is required for the approved project because it would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume 2 (Final EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*:

- Direct/project-level impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

### **3.3 Legal Effect**

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including future project applicants and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the District and responsible parties, which will take effect if and when the Board adopts a resolution certifying the Final EIR and adopts resolution(s) for the necessary project approvals.

### **3.4 Mitigation Monitoring and Reporting Program**

In addition to adopting these findings, the District also adopts a Mitigation Monitoring and Reporting Program pursuant to Public Resources Code §21081.6 and State CEQA Guidelines §15097. This program is designed to ensure the proposed project complies with the feasible mitigation measures identified below during implementation of the approved project. The program is set forth in the “Mitigation Monitoring and Reporting Program for the National City Bayfront Projects & Plan Amendments,” which is adopted by the District concurrently with these findings and is incorporated herein by this reference (Final EIR Attachment 1, *Mitigation Monitoring and Reporting Program*).

## **4.0 FINDINGS REGARDING POTENTIAL DIRECT AND INDIRECT SIGNIFICANT EFFECTS**

As indicated in the EIR, the proposed project could result in direct and indirect significant environmental effects with respect to aesthetics and visual resources; air quality and health risk; biological resources; cultural resources, tribal cultural resources, and paleontological resources; energy; greenhouse gas emissions and climate change; hazards and hazardous materials; land use and planning; noise and vibration; transportation, circulation, and parking; and utilities and service systems. These potential significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the applicable sections of Volume 2 (Final EIR). A summary of significant impacts and mitigation measures for the proposed project is set forth in Volume 2 (Final EIR), Chapter 2, *Executive Summary*, Table 2-3.

Set forth below are the findings regarding the potential direct and indirect significant effects of the approved project. The findings incorporate by reference the discussion of potentially significant impacts and mitigation measures contained in the Final EIR.

## 4.1 Aesthetics and Visual Resources

### 4.1.1 Impact-AES-1: Obstructed Views Within a Vista During Project Construction (GB Capital Component)

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-1) related to construction activities in the marina, on the jetty, and in Sweetwater Channel associated with the GB Capital Component (Phase 1) that would result in significant temporary impacts on vista areas from Key Observation Point (KOP) 2. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-1 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-1) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-1 would result from construction activities in the marina, on the jetty, and in Sweetwater Channel causing significant temporary impacts on vista areas from KOP 2.

The potentially significant impact on aesthetics and visual resources (Impact-AES-1) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-1: Install Construction Screening and Fencing, and MM-AES-2: Install Wayfinding and Public Access Signage, which are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-1: Install Construction Screening and Fencing (GB Capital Component). GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.

MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component). Prior to construction of any GB Capital-related project elements

within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.

Implementation of mitigation measures MM-AES-1 and MM-AES-2 would reduce impacts on existing views and access to existing vistas associated with construction of Phase 1 of the GB Capital Component to a less than significant level.

#### **4.1.2 Impact-AES-2: Inaccessibility of a Vista Area During Project Construction (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-2) related to construction activities associated with the GB Capital Component (Phase 1) that partially obstruct the view from KOP 3 and could restrict access to the KOP for up to two years. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-2 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-2) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-2 would result from construction activities partially obstructing the view from KOP and potentially restricting access to the KOP for up to two years.

The potentially significant impact on aesthetics and visual resources (Impact-AES-2) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-3: Establish a Temporary Scenic Vista, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.



This mitigation measure is discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provides as follows:

MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component). Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).

Implementation of mitigation measure MM-AES-3 would reduce impacts on existing views and access to existing scenic vistas associated with construction of Phase 1 of the GB Capital Component to less than significant levels by establishing a temporary scenic vista directly east of KOP 3.

#### **4.1.3 Impact-AES-3: Reduction in Availability of Existing Views (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-3) related to the operation of GB Capital Component (Phase 1) that would introduce several new features that would clutter the existing viewshed from KOP 2 and reduce availability of existing middleground and background views. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-3 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-3) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-3 would result from the introduction of new features related to the operation of GP Capital Component (Phase 1) that would clutter the existing viewshed from KOP 2 and reduce availability of existing middleground and background views.

The potentially significant impact on aesthetics and visual resources (Impact-AES-3) would be reduced to below a level of significance by implementation of mitigation measures MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty, and MM-AES-5: Extend the Existing Clear Zone Across Jetty, which are set forth in full in the MMRP and Table 2-3 in the *Executive*

*Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component). GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District's Development Services Department prior to issuance of the certificate of occupancy.

MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component). The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District's Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.

Implementation of mitigation measures MM-AES-4 and MM-AES-5 would reduce impacts on existing views and access to existing scenic vistas associated with operation of Phase 1 of the GB Capital Component to less than significant levels by providing wayfinding signage to a similar vista and requiring a minimum 20-foot-wide clear zone along the existing Pier 32 overlook southward across the jetty to protect the view corridor.

#### **4.1.4 Impact-AES-5: Development of the GB Capital Component Would Potentially Affect Visual Character Within the Pier 32 Marina (GB Capital Component)**

**Potentially Significant Impact:** Because the GB Capital project is designed at a schematic level, the EIR identified potentially significant impacts on aesthetics and visual resources (Impact-AES-5) and the potential for the project to be inconsistent with Section 30251 of the California Coastal Act. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-5 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-5) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-5 would result from portions of GB Capital Component being inconsistent with Section 30251 of the California Coastal Act since it is not yet fully designed.

The potentially significant impact on aesthetics and visual resources (Impact-AES-5) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-7: Design the GB Capital Component to Provide Continuity, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provides as follows:

MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component). To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.

Implementation of mitigation measure MM-AES-7 would reduce potential impacts from the GB Capital Component (Impact-AES-5) to a less-than-significant level by it to be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina to provide a natural continuity with the existing marina complex.

#### **4.1.5 Impact-AES-6: Reduction in Nighttime Views Due to Additional Lighting (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-6) resulting from the addition of new parking and landscape lighting as part of the development of GB Capital Component, which could disrupt wildlife behaviors and affect nighttime views. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-6 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-6) is analyzed in Volume

2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-6 would result from the addition of new outdoor lighting as part of the development of GB Capital Component, which could disrupt wildlife behaviors and affect nighttime views.

The potentially significant impact on aesthetics and visual resources (Impact-AES-6) would be reduced to below a level of significance by implementation of mitigation measures MM-AES-8: Limit Lighting, and MM-AES-9: Shield Security and Safety Lighting, which are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

MM-AES-9: Shield Security and Safety Lighting (GB Capital Component). Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

Implementation of mitigation measures MM-AES-8 and MM-AES-9 would reduce potential impacts on nighttime views of the adjacent land uses from additional lighting sources (Impact-AES-6) by requiring lighting features that would emit less high-frequency blue light and reduce light spillage from the GB Capital Component to the adjacent land uses.

## **4.2 Air Quality and Health Risk**

### **4.2.1 Impact-AQ-1: New Land Use Designations Not Accounted for in the RAQS and SIP (All Project Components)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-1) resulting from the new land use designations not being accounted for in the San Diego Regional Air Quality Strategy (RAQS) and state implementation plan (SIP). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health

risk identified as Impact-AQ-1 in the EIR. Further, pursuant to State CEQA Guidelines §15091(a)(2), certain of the changes or alterations are within the responsibility and jurisdiction of other public agencies and not the District and such changes can and should be adopted by such other agencies.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-1) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-1 would result from the new land use designations not being accounted for in the RAQS and SIP. The land use changes were not known at the time the RAQS and SIP were last updated. The emissions associated with the proposed land uses could be greater than under existing land uses and these new emissions have not been accounted for in the current RAQS and SIP.

The potentially significant impact on air quality and health risk (Impact-AQ-1) would be reduced to below a level of significance by implementation of mitigation measure MM-AQ-1: Update the RAQS and SIP with New Growth Projections, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provides as follows:

MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components). Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the proposed project. This includes the amendments to the District's PMP, and the City's General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City's General Plan as a whole.

Implementation of mitigation measure MM-AQ-1 would reduce potential impacts associated with inconsistency with the RAQS and SIP to a less-than-significant level by ensuring the administrative process to update SANDAG's growth projections is completed and the RAQS and SIP are updated by SANDAG and the SDAPCD. This would inform the air quality strategies contained within the RAQS and SIP and ensure these air quality plans adequately consider the redesignated uses at the project site.

#### **4.2.2 Impact-AQ-2: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Construction (All Components)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-2) associated with unmitigated project emissions during construction exceeding applicable significance thresholds.

Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-2 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-2) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-2 would result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for criteria pollutants.

The potentially significant impact on air quality and health (Impact-AQ-2) would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

These mitigation measures are discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provide as follows:

MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components). To control VOC, NOX, CO, PM10, and PM2.5 emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).

Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District's Development Services Department (for the components' within the District's jurisdiction) or the City's Community Development Department (for the component's within the City's jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:

- For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project's construction period through 2025.
- For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project's construction period beyond 2025.
- Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.
- Maintain all equipment in accordance with the manufacturers' specifications.
- Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes.
- Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site.
- Use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines for on-road and off-road diesel equipment.

MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components). To control fugitive PM10 and PM2.5 emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).

- Water the grading areas at a minimum of three times daily to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.
- Install wheel washers adjacent to a paved apron prior to vehicle entry on

- public roads.
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
  - Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
  - Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
  - Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
  - Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
  - Cover/water onsite stockpiles of excavated material.
  - Enforce a 15 mph speed limit on unpaved surfaces.
  - On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.
  - Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.
  - Limit the daily grading volumes/area.

The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction.

MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component). To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District's Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City's Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to



verify the use of low-VOC coatings.

MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:

- For all construction between 2022 and 2025, ensure all equipment is Tier 3 or better (cleaner).
- For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) is not available, then the project proponent shall ensure all equipment is Tier 4 or better.
- Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department and/or the City's Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District's Development Services Department and/or the City's Community Development Department prior to commencement of their use.

MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1)

are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components' grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.

Implementation of mitigation measures MM-AQ-2 through MM-AQ-6 would reduce potential impacts from construction-related emissions to less-than-significant levels, as shown in Tables 4.2-18 through 4.2-23 in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR, by implementing measures and practices that reduce emissions and limit the overlap of activities associated with separate projects and project components.

#### **4.2.3 Impact-AQ-3: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Operation (GB Capital Component, City Program Component, and Balanced Plan)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-3) resulting unmitigated emissions during project operation exceeding criteria pollutant thresholds for volatile organic compound (VOC) and particulate matter (PM)<sub>10</sub>. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-3 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-3) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-3 would result from emissions during the operation of the GB Capital Component, City Program Component, and the Balanced Plan exceeding the VOC and PM<sub>10</sub> thresholds that have been set to attain the NAAQS and CAAQS. The major component of VOC and PM<sub>10</sub> emissions during operation are woodburning hearths and fireplaces that may be attributed to RV park uses.

The potentially significant impact on air quality and health risk (Impact-AQ-3) would be reduced to below a level of significance by implementation of mitigation measure MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provides as follows:

MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). The

proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.

Implementation of mitigation measure MM-AQ-7 would reduce potential impacts associated with emissions from the operation of the proposed project to a less-than-significant level, as shown in Table 4.2-24 in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR, by restricting the installation of fireplaces and firepits in new construction.

#### **4.2.4 Impact-AQ-4: Health Effects During Construction (All Project Components)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on human health risk (Impact-AQ-4) from project-related emissions during construction exceeding applicable significance thresholds for VOC, PM10, PM2.5, nitrogen oxide (NO<sub>x</sub>), and carbon monoxide (CO). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-4 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-4) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-4 would result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.

The potentially significant impact on air quality and health (Impact-AQ-4) would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full above and in the MMRP and Table

2-3 in the *Executive Summary* and are discussed in Section 4.2, *Air Quality and Health Risk*, in Volume 2 of the Final EIR.

Implementation of mitigation measures MM-AQ-2 through MM-AQ-6 would reduce potential health impacts from construction-related emissions to less-than-significant levels by implementing measures and practices that reduce emissions and limiting the overlap of activities associated with separate projects and project components.

### 4.3 Biological Resources

#### 4.3.1 Impact-BIO-1: Impacts on Estuary Seablite During Construction (Bayshore Bikeway Component Route 3)

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-1) related to construction activities that could result in direct mortality of estuary seablite, a special-status plant species. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-1 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-1) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-1 would result from indirect effects, such as trampling or other inadvertent impacts on estuary seablite during construction due to the plant's proximity to the work areas for the Bayshore Bikeway Component.

The potentially significant impact on biological resources (Impact-BIO-1) would be reduced to below a level of significance by implementation of mitigation measure MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component 3): An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of the estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.

Before ground disturbance or other activities associated with construction of

Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.

Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and construction access roads shall avoid loss of individual estuary seablite and other special status species.

MM-BIO-1 requires (1) a qualified botanist to conduct a preconstruction survey to document the location of special-status plant species and ensure avoidance, and (2) an authorized biologist to be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place and followed properly. Implementation of mitigation measure MM-BIO-1 would reduce inadvertent impacts on estuary seablite (Impact-BIO-1) to less-than-significant levels by requiring surveys, monitoring, and avoidance measures when construction activities occur in close proximity to habitat for this species.

#### **4.3.2 Impact-BIO-3: Impacts on Nesting Avian Species (GB Capital Component and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-3) from construction-related noise (e.g., grading, site preparation) in close proximity to salt marsh habitats supporting Belding's Savannah sparrow or light-footed Ridgway's rail and in-water construction near low-potential California least tern nesting habitat (although very low probability to occur) that could cause nest or chick abandonment. These impacts would be a violation of the Migratory Bird Treaty Act (MBTA) or California Fish and Game Code (CFGF). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-3 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-3) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-3 would result from the noise from construction activity that could impede the use of bird nesting sites during the nesting season. Disturbance to nesting activity would be considered a significant impact in violation of the MBTA or CFGC.

The potentially significant impact on biological resources (Impact-BIO-3) would be reduced to below a level of significance by mitigation measure MM-BIO-3: Avoid Avian Species During the Breeding Season. This mitigation measure is set forth in full in the MMRP and in Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-3: Avoid Construction within 300 Feet of Avian Species During the Breeding Season (GB Capital Component, and Bayshore Bikeway Component Route 3). All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.

To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.

MM-BIO-3 requires all construction activities occurring within 300 feet of salt marsh habitat to take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15). Implementation of mitigation measure MM-BIO-3 would reduce the biological resources impact associated with disturbance to nesting activity (Impact-BIO-3) to less-than-significant levels by requiring that the start of construction activities occurs outside of the breeding season for light-footed Ridgway's rail and Belding's Savannah sparrow.

#### **4.3.3 Impact-BIO-4: Impacts on Nesting Osprey (Pepper Park Expansion, Pasha Rail Improvement Component, and Roadway Configuration in Balanced Plan)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-4) associated with construction-related noise in close proximity to osprey nests, such as those proposed for the Pepper Park Expansion, Pasha Rail Improvement Component, and roadway improvements envisioned in the Balanced Plan that could cause nest or chick abandonment. These impacts would be inconsistent with the MBTA or CFGC. Detailed

information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-4 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-4) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-4 would result from construction activities could generate noise that has the potential to cause nest or chick abandonment.

The potentially significant impact on biological resources (Impact-BIO-4) would be reduced to below a level of significance by mitigation measure MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component). To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:

- Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.
- Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/ onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under MM-BIO-5 for MBTA avian species or conducted separately.

If nests are occupied, or if the nest occupancy cannot be determined due to the

height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.

MM-BIO-4 requires the project proponent to avoid all noise-generating construction activities during the osprey nesting season (January 15 – June 15) within all proposed construction areas or to retain a qualified biologist to conduct preconstruction surveys and flag and map occupied nest locations and avoidance buffers on the construction plans. Implementation of mitigation measure MM-BIO-4 would reduce the impact related to construction noise causing potential osprey nest or chick abandonment (Impact-BIO-4) to less-than-significant levels by requiring that the start of construction activities occurs outside of the osprey breeding and nesting season or by implementing preconstruction surveys, construction avoidance and minimization measures (e.g., avoidance buffers), and monitoring.

#### **4.3.4 Impact-BIO-5: Potential Disturbance or Destruction of Nests Protected by the Migratory Bird Treaty Act and CFGC (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-5) from the removal of Diegan coastal sage scrub habitat during construction, as well as noise from construction activity, which could impede the use of bird breeding sites during the nesting season (February 15–September 15). The destruction of an occupied nest would be considered a significant impact if it were a violation of the MBTA or CFGC. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-5 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-5) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-5 would result from active nests being destroyed or abandoned (e.g., due to human disturbance or noise) during construction, such as vegetation removal, grading, or site-preparation activities.

The potentially significant impact on biological resources (Impact-BIO-5) would be reduced to below a level of significance by mitigation measure MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species. This



mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3). To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:

- If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction.
- If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.
- Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent's avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent.
- If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that

particular project component.

Implementation of MM-BIO-5 would reduce impacts on common and special-status avian species during construction activities (Impact-BIO-5) to less-than-significant levels by requiring that the start of construction activities occurs outside of the breeding and nesting season or implementing construction measures and conducting preconstruction surveys in accordance with the MBTA and similar provisions under Sections 3503 and 3503.5 of the CFGC.

#### **4.3.5 Impact-BIO-6: Bat Roost Site Direct Impacts (GB Capital Component, and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-6) related to removal or trimming of suitable roost trees, which could directly harm roosting bats, resulting in mortality of common or special-status bat species. These impacts could result in large bat mortality events and would be significant absent mitigation. Temporary indirect effects, such as noise, vibration, dust, and night lighting from construction, also could disturb roosting bats, should they be present within the area. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-6 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-6) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-6 would result from the removal or trimming of suitable roost trees, which could directly harm roosting bats, should they be present within the area during project construction.

The potentially significant impact on biological resources (Impact-BIO-6) would be reduced to below a level of significance by mitigation measure MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3). Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations,

and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present and determine an index of relative bat activity for that site on that specific evening.

If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.

The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).

Implementation of MM-BIO-6 would avoid impacts on bat maternal roost colonies by requiring that project proponents survey for maternal bat roost sites and avoid impacts on these sites through seasonal avoidance or monitoring prior to the start of construction activities.

#### **4.3.6 Impact-BIO-7: Potential Disruption of Fishes, Green Sea Turtle, and Marine Mammals and Altered Prey Availability to Sensitive Fish-Feeding Avian Species (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-7) associated with impact-hammer and vibratory-hammer pile-driving activities that could potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals. Noise-generating impacts resulting from project construction activities that cause fish to flee the project area could mean increased foraging distance for California least terns, resulting in lowered nest success for California least terns using the D Street nesting colony. The increased turbidity due to suspension of marine sediments during pile driving (impact, vibratory, jetting) or other sediment-disturbing activities can reduce the ability of fish-feeding marine birds to capture prey. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-7 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-7) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-7 would result from pile driving activities that could generate underwater noise that has the potential to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals.

The potentially significant impact on biological resources (Impact-BIO-7) would be reduced to below a level of significance by mitigation measure MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component). During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.

Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:

- For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District's Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present. Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.
- The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving.
- In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles, and fishes to flee areas adjacent to pile-driving activities.
- All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration (NOAA)'s *Guidance for Developing a Marine Mammal Monitoring Plan* (NOAA 2019).
- Recommendations in the marine mammal and green sea turtle monitoring program shall be consistent with the District's Regional General Permit (RGP) 72.
- If the biological monitor determines that underwater noise is causing an

- observable impact to any sensitive species, the biological monitor stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels.
- A silt curtain shall be placed around the pile driving activity to restrict the distribution of turbidity associated with the re-suspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District's review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving.
  - The monitoring plan shall be implemented during all pile driving activities and be a part of any construction contracts of GB Capital's in-water construction.

Implementation of MM-BIO-7 would reduce impacts on marine mammals, fishes, and green sea turtles (Impact-BIO-7) to less-than-significant levels by monitoring for marine mammals and green sea turtles prior to and during impact-hammer and vibratory pile driving and halting in-water pile-driving activities until the species has left the construction area. MM-BIO-7 would also reduce impacts on nesting California least tern to less than significant by ensuring that their prey (fish) is not disturbed during the nesting season by pile driving. Finally, MM-BIO-7 would reduce turbidity impacts on the foraging success of California brown pelican and other fish foraging marine birds to less than significant by maintaining water clarity and thereby allowing for foraging success similar to areas beyond the project area.

#### **4.3.7 Impact-BIO-9: Reflective Materials and Increased Bird Strikes (GB Capital Component and City Program – Development Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-9) from the use of reflective building and glass finishes associated with hotel development, which may confuse birds in flight, leading to an increase in strikes. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-9 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-9) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-9 would result from the use of reflective building and glass finishes associated with hotel development, which may confuse birds in flight, leading to an increase in strikes. The proposed

project is also located along the coastline and includes a portion of a bird migration corridor and likely includes important migratory stopover habitat.

The potentially significant impact on biological resources (Impact-BIO-9) would be reduced to below a level of significance by mitigation measure MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures. This mitigation measure is set forth in full in the MMRP and Table 2-3 of the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component). Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy's *Bird-Friendly Building Design* (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design strategies shall be in accordance with the *Bird-Friendly Building Design*, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:

- Building Façade and Site Structures.
  - Develop a building façade and site design that are visible as physical barriers to birds.
- Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions.
  - Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less.
    - High Threat Potential: Glass: Highly Reflective or Completely Transparent Surface.
    - Least Threat Potential: Opaque Surface
- Exterior Lighting
  - Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m.
  - Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following:
    - Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and
    - The lighting zone of the project property (at the time

construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the *Illuminating Engineering Society and International Dark Sky Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide* (2011).

- Performance Monitoring Plan
  - The project proponent (e.g., GB Capital) shall develop a 3-year postconstruction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high that shall include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions, and shall list potential design solutions and provide a process for adaptive management.
  - The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review.

Implementation of MM-BIO-9 would reduce impacts on birds in flight (Impact-BIO-9) to less-than-significant levels by requiring the incorporation of design strategies that enable birds to recognize structures from the open sky.

#### **4.3.8 Impact-BIO-10: Disruption of Wildlife Behavior Due to Additional Lighting (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-10) from new parking and landscape lighting that would be added to the GB Capital Component area as a result of the proposed development, including an RV park, retail, expanded marina, modular cabins, and hotel buildings, that would disrupt wildlife behaviors. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-10 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-10) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-10 would result from the new lighting added to the GB Capital Component area as a result of the proposed development, including an RV park, retail, expanded marina, modular cabins, and hotel buildings, that would disrupt wildlife behaviors.

The potentially significant impact on biological resources (Impact-BIO-10) would

be reduced to below a level of significance by mitigation measure MM-AES-8: Limit Lighting. This mitigation measure is set forth in full in the MMRP and Table 2-3 of the *Executive Summary* in the Final EIR and provides as follows:

MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

Implementation of MM-AES-8 would reduce the potential to disrupt wildlife behaviors from additional lighting sources (Impact-BIO-10) to less-than-significant levels by requiring lighting features that would emit less high-frequency blue light from the GB Capital Component.

#### **4.3.9 Impact-BIO-11: Potential Loss of Diegan Coastal Sage Scrub During Project Construction (GB Capital Component and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-11) related to the potential removal of Diegan coastal sage shrub (including restored and baccharis-dominated forms) from construction activities, such as grading. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-11 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-11) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-9 would result from construction activities for the Bayshore Bikeway Component and GB Capital Component, which has the potential to remove Diegan coastal sage scrub. The potentially significant impact on biological resources (Impact-BIO-11) would be reduced to below a level of significance by mitigation measure MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3). Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination



**EXHIBIT "B"**

Mitigation Monitoring and Reporting Program

(See attached.)

# Mitigation Monitoring and Reporting Program

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## A.1.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the National City Bayfront Projects and Plan Amendments implement the environmental mitigation measures required by the Final Environmental Impact Report (EIR) for the proposed project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring and reporting implementation of the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required. Adoption of the MMRP for portions within City of National City (City) discretionary authority is required by the City, as a CEQA responsible agency.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieves the same or greater impact reduction. Copies of the MMRP shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

## A.1.2 Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

## **A.1.3 Mitigation Language and Numbering**

Provides the language of the mitigation measure in its entirety.

## **A.1.4 Mitigation Timing**

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

## **A.1.5 Methods for Monitoring and Reporting**

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts.

## **A.1.6 Responsible Parties**

For each mitigation measure, the parties responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure are identified. These parties include both governmental organizations and by private sector project proponents.

**Table A1-1. Mitigation, Monitoring, and Reporting Program**

Mitigation Measures	Timing and Methods	Responsible Parties
<b>Aesthetics and Visual Resources</b>		
<p><b>MM-AES-1: Install Construction Screening and Fencing (GB Capital Component).</b> GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.</p>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Install construction-screening fencing around the perimeter of the jetty prior to the start of construction.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>
<p><b>MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component).</b> Prior to construction of any GB Capital-related project elements within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that</p>	<p><b>Timing:</b> Prior to construction and during construction</p> <p><b>Method:</b> Install temporary wayfinding signage that directs the public to other scenic vistas.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Establish a temporary scenic vista east of KOP 3.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component).</b> Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District’s Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).</p>	<p><b>Timing:</b> Upon completion of modular cabins</p> <p><b>Method:</b> Construct the open space area prior to or concurrently with the modular cabins and install permanent wayfinding signage to direct visitors to the open space area.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component).</b> GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District’s Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District’s Development Services Department prior to issuance of the certificate of occupancy.</p>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Extend the existing minimum 20-foot-wide clear</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p>
<p><b>MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component).</b> The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be</p>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Extend the existing minimum 20-foot-wide clear</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District's Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.	zone along the Pier 32 overlook southward across the jetty.	<p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>
<p><b>MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component).</b> To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.</p>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Ensure design continuity with the existing Pier 32 Marina.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District</p>
<p><b>MM-AES-8: Limit Lighting (GB Capital Component).</b> Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.</p>	<p><b>Timing:</b> Prior to construction and during project operation</p> <p><b>Method:</b> Ensure proposed outdoor lighting shall not exceed a correlated color temperature of 2,700 Kelvins.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>
<p><b>MM-AES-9: Shield Security and Safety Lighting (GB Capital Component).</b> Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.</p>	<p><b>Timing:</b> Prior to construction and during project operation</p> <p><b>Method:</b> Implement measures to minimize light spillage from security and safety lighting.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>
<b>Air Quality and Health Risk</b>		
<p><b>MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components).</b> Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the</p>	<p><b>Timing:</b> Within 6 months of approval</p> <p><b>Method:</b> Provide the new employment growth forecasts</p>	<p><b>Implementation:</b> District and City</p> <p><b>Monitoring and Reporting:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>proposed project. This includes the amendments to the District’s PMP, and the City’s General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City’s General Plan as a whole.</p>	<p>and coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated.</p>	<p><b>Verification:</b> SANDAG</p>
<p><b>MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components).</b> To control VOC, NO<sub>x</sub>, CO, PM10, and PM2.5 emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).</p> <p>Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District’s Development Services Department (for the components’ within the District’s jurisdiction) or the City’s Community Development Department (for the component’s within the City’s jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:</p> <ul style="list-style-type: none"> <li>• For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project’s construction period through 2025.</li> <li>• For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is</li> </ul>	<p><b>Timing:</b> Prior to, during, and post construction</p> <p><b>Method:</b> Ensure construction equipment and construction activities are consistent with emission-reduction requirements.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> All Project Proponents</p> <p><b>Verification:</b> District’s Development Services Department or City’s Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project’s construction period beyond 2025.</p> <ul style="list-style-type: none"> <li>• Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> <li>• Maintain all equipment in accordance with the manufacturers’ specifications.</li> <li>• Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes.</li> <li>• Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site.</li> <li>• Use diesel particulate filters (or the equivalent) if permitted under manufacturer’s guidelines for on-road and off-road diesel equipment.</li> </ul>		
<p><b>MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components).</b> To control fugitive PM10 and PM2.5 emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).</p> <ul style="list-style-type: none"> <li>• Water the grading areas at a minimum of three times daily to minimize fugitive dust.</li> <li>• Stabilize graded areas as quickly as possible to minimize fugitive dust.</li> </ul>	<p><b>Timing:</b> During construction  <b>Method:</b> Implement dust control measures to control fugitive PM10 and PM2.5 in compliance with SDAPCD Rule 55.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and/or Contractors  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> District and City</p>



Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.</li> <li>• Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.</li> <li>• Remove any visible track-out into traveled public streets within 30 minutes of occurrence.</li> <li>• Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.</li> <li>• Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.</li> <li>• Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.</li> <li>• Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour (mph).</li> <li>• Cover/water onsite stockpiles of excavated material.</li> <li>• Enforce a 15 mph speed limit on unpaved surfaces.</li> <li>• On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.</li> <li>• Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.</li> <li>• Limit the daily grading volumes/area.</li> <li>• The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction.</li> </ul>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p>
<p><b>MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component).</b> To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District’s Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City’s Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify the use of low-VOC coatings.</p>		<p><b>Verification:</b> District’s Development Services Department and City’s Community Development Department</p>
<p><b>MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component).</b> Prior to commencing any waterside construction or activities the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>• For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner).</li> <li>• For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) are not available, then the project proponent shall ensure all equipment is Tier 4 or better.</li> <li>• Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> </ul>	<p><b>Timing:</b> Prior to waterside construction</p> <p><b>Method:</b> Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District’s Development Services Department or City’s Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department and/or the City's Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District's Development Services Department and/or the City's Community Development Department prior to commencement of their use.</p>		
<p><b>MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components).</b> Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1) are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components' grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Submit a construction schedule and assumed construction activity to ensure reduction or staggering of overlapping construction phases.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and/or Contractors  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> District and City</p>
<p><b>MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan).</b> The proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Ensure all fireplaces and firepits are fueled by</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components/Operator and/or Contractors</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.</p>	<p>natural gas and no outdoor woodburning stoves, fireplaces, or firepits are installed.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<b>Biological Resources</b>		
<p><b>MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3):</b> An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.</p> <p>Before ground disturbance or other activities associated with construction of Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.</p> <p>Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and access roads shall</p>	<p><b>Timing:</b> Prior to and during project construction <b>Method:</b> Conduct preconstruction surveys for presence of estuary seablite, implement avoidance and minimization measures, and monitor for estuary seablite species during construction.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components <b>Verification:</b> District, CDFW</p>

Mitigation Measures	Timing and Methods	Responsible Parties
avoid loss of individual estuary seabirds and impacts on habitat supporting this species.		
<p><b>MM-BIO-3: Avoid Construction within 300 Feet of Avian Species During the Breeding Season (GB Capital Component and Bayshore Bikeway Component Route 3).</b> All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.</p> <p>To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile driving during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.</p>	<p><b>Timing:</b> During construction</p> <p><b>Method:</b> Ensure no construction work occurs within 300 feet of salt marsh habitat from February 15 through September 15 and avoid impact pile driving from April 1 through September 15.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District and City</p>
<p><b>MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component).</b> To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:</p> <ul style="list-style-type: none"> <li>• Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) or implement avoidance measures.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components</p> <p><b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under <b>MM-BIO-5</b> for MBTA avian species or conducted separately. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.</li> </ul>		
<p><b>MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3).</b> To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:</p> <ul style="list-style-type: none"> <li>If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Conduct all vegetation removal during the non-breeding season (September 15–January 14) or implement nesting bird avoidance measures.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.</li> <li>Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent’s avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent.</li> <li>If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that particular project component.</li> </ul>		
<p><b>MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3).</b> Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations, and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present</p>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Conduct preconstruction bat habitat assessment, avoid construction during bat maternity season if maternity sites are present, or complete bat exclusion activities.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components</p> <p><b>Verification:</b> District, CDFW</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and determine an index of relative bat activity for that site on that specific evening.</p> <p>If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.</p> <p>The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).</p>		
<p><b>MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component).</b></p> <p>During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.</p> <p>Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:</p> <ul style="list-style-type: none"> <li>For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District’s Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Reduce the daily number of pile strikes during in-water pile installation and prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponent for Component</p> <p><b>Verification:</b> District</p>



Mitigation Measures	Timing and Methods	Responsible Parties
<p>Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.</p> <ul style="list-style-type: none"> <li>• The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving.</li> <li>• In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles and fishes to flee areas adjacent to pile driving activities.</li> <li>• All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration’s <i>Guidance for Developing a Marine Mammal Monitoring Plan</i> (NOAA 2019).</li> <li>• Recommendations in the Marine Mammal and Green Sea Turtle Monitoring Program shall be consistent with the District’s Regional General Permit (RGP) 72.</li> <li>• If the biological monitor determines that underwater noise is causing an observable impact on any sensitive species, the biological monitor shall stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels.</li> <li>• A silt curtain shall be placed around the pile-driving activity to restrict the distribution of turbidity associated with the resuspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District’s review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving.</li> <li>• The monitoring plan shall be implemented during all pile-driving activities and be a part of any construction contracts of GB Capital’s in-water construction.</li> </ul>		
<p><b>MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component).</b> Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-</p>	<p><b>Timing:</b> Prior to and during project construction <b>Method:</b> Incorporate design strategies to minimize threat to avian species in accordance</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Authorized Ornithologist, Applicable Project Proponents for Components</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy’s <i>Bird-Friendly Building Design</i> (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design must demonstrate to the satisfaction of the ornithologist that design strategies shall be in accordance with the <i>Bird-Friendly Building Design</i>, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Building Façade and Site Structures <ul style="list-style-type: none"> <li>○ Develop a building façade and site design that are visible as physical barriers to birds.</li> </ul> </li> <li>• Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions. <ul style="list-style-type: none"> <li>○ Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less. <ul style="list-style-type: none"> <li>– High Threat Potential: Glass: Highly Reflective and/or Completely Transparent Surface</li> <li>– Least Threat Potential: Opaque Surface</li> </ul> </li> </ul> </li> <li>• Exterior Lighting <ul style="list-style-type: none"> <li>○ Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m.</li> <li>○ Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following: <ul style="list-style-type: none"> <li>– Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and</li> <li>– The lighting zone of the project property (at the time construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the <i>Illuminating Engineering Society and International Dark Sky</i></li> </ul> </li> </ul> </li> </ul>	<p>with the <i>Bird-Friendly Building Design</i> or equivalent guide.</p>	<p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><i>Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide (2011).</i></p> <ul style="list-style-type: none"> <li>• Performance Monitoring Plan                             <ul style="list-style-type: none"> <li>○ The project proponent (e.g., GB Capital) shall develop a 3-year post-construction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high. Include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions. List potential design solutions and provide a process for adaptive management.</li> <li>○ The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review.</li> </ul> </li> </ul>		
<p><b>MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3).</b> Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider. Compensation type and final mitigation ratios shall be determined during the project’s coastal development permitting phase. Temporary impacts on Diegan coastal sage scrub habitats shall be replaced at a 1:1 ratio through onsite restoration. Onsite, in-kind restoration of temporarily affected Diegan coastal sage scrub would occur at their current locations on completion of construction, consisting of returning affected areas to original contour grades, decompacting the soil, and replanting with hydroseeding or container plantings using a plant palette composed of native species from the local region prior to disturbance. All revegetated areas shall avoid the use of any nonnative plant species.</p> <p>For any areas that shall be restored, enhanced, or created onsite, the project proponent (e.g., National City for Bayshore Bikeway; GB Capital, etc.) shall prepare a Habitat Mitigation and Monitoring Plan (HMMP)</p>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Provide compensatory mitigation for impacts on Diegan coastal sage scrub at a minimum 1:1 ratio and prepare an HMMP for onsite restoration.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District, CCC</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prior to project construction in accordance with requirements of the CCC. The HMMP shall outline all required components, including, but not limited to, a project description, goal of the mitigation, mitigation site, implementation plan, monitoring plan, completion of mitigation/ success criteria, and contingency measures. The HMMP shall address the onsite restoration of temporary impact areas and compensatory mitigation at on- or offsite areas to mitigate for permanent impacts.</p>		
<p><b>MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy (GB Capital Component).</b> Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to provide contractor education relative to the presence and sensitivity of eelgrass beds. The contractor shall be provided with a map that depicts the location of eelgrass within the work area. The contractor shall be instructed to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity. The contractor shall also be instructed not to place anchors or spuds over portions of the seafloor that support eelgrass.</p> <p>The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom, to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.</p> <p>Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The mitigation plan shall be submitted to the District and resource agencies for approval and shall be implemented to compensate for losses to eelgrass in the event that the surveys described below indicate the project affected eelgrass. The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within 6 months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and</p>	<p><b>Timing:</b> Prior to in-water construction</p> <p><b>Method:</b> Provide contractor education relative to the presence and sensitivity of eelgrass beds, utilize ecological mooring systems, and develop an eelgrass mitigation plan.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Qualified Marine-Biologist, Applicable Project Proponent for Component</p> <p><b>Verification:</b> District and Resource Agencies</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>provide the rationale for the chosen mitigation site(s). A mitigation site must be secured prior to in-water construction that would affect eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed. To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process. The specific eelgrass mitigation plan elements shall include the following:</p> <ul style="list-style-type: none"> <li>• Prior to the commencement of any in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a preconstruction eelgrass survey per the California Eelgrass Mitigation Policy. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results shall be valid for 60 days, unless completed in September or October; if completed in those months, results shall be valid until resumption of the next growing season. The qualified marine biologist shall submit the results of the preconstruction survey to the District and resource agencies within 30 days.</li> <li>• Within 30 days of completion of in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a postconstruction eelgrass survey during the active eelgrass growing season. The postconstruction survey shall evaluate potential eelgrass impacts associated with construction. On completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.</li> <li>• At least 2 years of annual postconstruction eelgrass surveys shall be conducted during the active eelgrass growing season. The additional annual surveys shall evaluate the potential for operational impacts on eelgrass. Specifically, the surveys shall be designed to evaluate</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>potential shading impacts noted in the project’s marine biological assessment (Appendix H of the EIR).</p> <ul style="list-style-type: none"> <li>• In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following:                             <ul style="list-style-type: none"> <li>○ A qualified marine biologist that the project proponent retains for the GB Capital Component and the District approves shall develop a mitigation plan for in-kind mitigation per the California Eelgrass Mitigation Policy. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the postconstruction survey.</li> <li>○ Mitigation for eelgrass impacts shall be at a ratio of 1.2:1, and the project proponent shall determine eelgrass mitigation sites prior to the commencement of construction activities.</li> <li>○ Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.</li> <li>○ Any mitigation that requires harvesting and transplantation of eelgrass shall require the qualified marine biologist to obtain a scientific collecting permit from CDFW for the purpose of harvesting eelgrass to support the mitigation.</li> </ul> </li> <li>• Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low-growth season (November–February). Performance standards shall be in accordance with those prescribed in the California Eelgrass Mitigation Policy.</li> <li>• The qualified biologist shall submit the monitoring reports and spatial data to the District and resource agencies within 30 days after the completion of each monitoring period. The monitoring reports shall include all of the specific requirements identified in the California Eelgrass Mitigation Policy.</li> </ul>		
<p><b>MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water</b></p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Implement mitigation to reduce overwater coverage,</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Habitat and Function (GB Capital Component).</b> The waterside GB Capital Component within Sweetwater Channel shall require implementation of regulatory agency-approved mitigation prior to implementation of the project to reduce overwater coverage. This may include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the USACE permit for the construction of the marina from uplands or paying an in lieu fee (once a program is developed but prior to increase in overwater coverage). Detailed shading studies would be required in the future when construction and project design details are available, which would require supplemental environmental review. The project proponent shall conduct the shading studies and implement the following:</p> <ul style="list-style-type: none"> <li>• To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed.</li> <li>• Prior to issuance of a Coastal Development Permit, the project proponent (i.e., GB Capital) shall request a pre-application meeting with the USACE, in consultation with CCC, NMFS, USFWS, RWQCB, and the District, to identify locations within San Diego Bay or the San Diego region to mitigate impacts on both sensitive avian species and nearshore habitat associated with loss of beneficial uses associated with overwater coverage and loss of open water-habitat function as a result of increased structural fill within San Diego Bay.</li> <li>• Prior to the commencement of construction activities of the waterside improvements of the GB Capital Component, the project proponent shall implement mitigation options that the regulatory agencies identified above review and approve.</li> <li>• The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction.</li> </ul>	<p>conduct shading studies, and secure all applicable permits.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District, USACE, CCC, NMFS, USFWS, and RWQCB</p>
<b>Cultural Resources, Tribal Cultural Resources, and Paleontological Resources</b>		
<p><b>MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha</b></p>	<p><b>Timing:</b> Prior to ground-disturbing activities</p>	<p><b>Implementation:</b> All Project Proponents</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component).</b> Prior to the commencement of any ground-disturbing activities within the areas requiring archaeological monitoring (i.e., activities occurring in the area that is both east of the mean high tide line and south of Bay Marina Drive), the respective project proponent shall retain a qualified archaeologist (approved by the District for components within its jurisdiction or the City for components within its jurisdiction) who meets the SOI Professional Qualification Standards (36 CFR 61) to prepare a CRMDP for designated portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are sensitive for archaeological resources, defined as the area east of the mean high tide line and south of Bay Marina Drive. Monitoring areas are defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Procedures to follow in the event of an unanticipated discovery apply to all applicable project components. The CRMDP shall be submitted to the City and District, as applicable based on the jurisdiction in which the project component is located, and shall be reviewed and approved by the relevant agency. If the District or City do not have in-house expertise to review the CRMDP, they shall respectively hire an expert who meets the SOI Professional Qualification Standards (36 CFR 61) and the project proponent shall pay for said expert. The District’s CRMDP review shall ensure that appropriate procedures to monitor construction and treat unanticipated discoveries are in place. District review and approval of the CRMDP shall occur prior to the commencement of any construction activities subject to the requirements of the CRMDP. The CRMDP shall include required qualifications for archaeological monitors and supervising archaeologists and shall lay out protocols to be followed in relation to cultural resources, including both archaeological and tribal cultural resources. The CRMDP shall provide a summary of sensitivity for buried cultural resources. In addition, it shall describe the roles and responsibilities of archaeological and Native American monitors, District personnel (as applicable), City personnel (as applicable), and construction personnel. Additionally, the CRMDP shall describe specific field procedures to be followed for archaeological monitoring, including field protocol and methods to be followed should there be an archaeological discovery.</p>	<p><b>Method:</b> Retain a qualified archaeologist to prepare a Cultural Resources Monitoring and Discovery Plan for designated portions of identified components.</p>	<p><b>Monitoring and Reporting:</b> Qualified Archaeologist; All Project Proponents  <b>Verification:</b> District and City</p>



Mitigation Measures	Timing and Methods	Responsible Parties
<p>Evaluation of resources; consultation with Native American individuals, tribes, and organizations; treatment of cultural remains and artifacts; curation; and reporting requirements shall also be described. The CRM DP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered. The CRM DP shall delineate the area(s) of archaeological sensitivity that require archaeological monitoring. Mapping of the area(s) shall be made available to the project proponent, who shall incorporate this information into the respective construction specifications for the Balanced Plan Component, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component.</p>		
<p><b>MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component).</b> Prior to, and for the duration of, project-related ground disturbance in the areas east of the mean high tide line and south of Bay Marina Drive, the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component respective project proponent shall hire a qualified archaeologist who meets the SOI Professional Qualifications Standards (36 CFR 61) and is approved by the District for components within its jurisdiction, and the City for components within its jurisdiction, to provide cultural resources awareness training to project construction personnel. The training shall include a discussion of applicable laws and penalties under the law; samples or visual representations of artifacts that might be found in the project vicinity; and the steps that must be taken if cultural resources are encountered during construction, including the authority of archaeological monitors, if required to be on site during the project, to halt construction in the area of a discovery. A hard copy summary of cultural resource laws, discovery procedures, and contact information shall be provided to all construction workers. Completion of the training shall be documented for all construction personnel, who shall be required to sign a form confirming they have completed the training. The form shall be retained by the project proponent to demonstrate compliance with this mitigation measure.</p>	<p><b>Timing:</b> Prior to and during ground disturbance activities  <b>Method:</b> Provide cultural resources awareness training to project construction personnel by an approved qualified archaeologist.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents; Qualified Archaeologist Approved by the District and City within Respective Jurisdiction  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component).</b> Within the areas of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component east of the mean high tide line and south of Bay Marina Drive, the project proponent shall retain a qualified archaeologist(s) who meets the SOI Professional Qualifications Standards as promulgated in 36 CFR 61. The qualified archaeologist(s) shall supervise archaeological monitoring of all proposed ground-disturbing activities for the project in the archaeologically sensitive portion(s) of the project site. The archaeologically sensitive portion(s) of the project site is defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Monitoring actions and procedures shall be completed per the CRMDP described in <b>MM-CUL-2</b>.</p>	<p><b>Timing:</b> Prior to and during ground-disturbing activities  <b>Method:</b> Supervise archaeological monitoring of all ground-disturbing activities in archaeologically sensitive portions of the project site.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents, Qualified Archaeologist  <b>Verification:</b> District and City</p>
<p><b>MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component).</b> A Kumeyaay Native American monitor shall be present at all areas designated for archaeological monitoring—defined as land-based ground-disturbing activities associated with the portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are east of the mean high tide line and south of Bay Marina Drive. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors shall be retained from tribes who have expressed an interest in the project and have participated in discussions with the District. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the CRMDP described in mitigation measure <b>MM-CUL-2</b>. Costs associated with Native American monitoring shall be borne by the project proponent.</p>	<p><b>Timing:</b> During all ground-disturbing activities  <b>Method:</b> Conduct Native American monitoring at all areas designated for archaeological monitoring.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents, Kumeyaay Native American Monitor  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component).</b> A qualified paleontologist meeting the Society for Vertebrate Paleontology qualifications (retained by the respective project proponent and pre-approved by the District or City as applicable) shall review the paleontological records search prepared by the San Diego Natural History Museum to confirm the locations of paleontologically sensitive areas as well as the existing literature for the proposed project area. The following monitoring measures shall be implemented to recover remains before they are lost or destroyed.</p> <ul style="list-style-type: none"> <li>• Where highly sensitive fossil-bearing deposits are likely to be affected and the proposed construction methodology allows for the recovery of fossils, then paleontological monitoring shall be incorporated into the project specifications.</li> <li>• A qualified paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year.</li> <li>• A paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.</li> <li>• 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 a 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</li> </ul>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Review paleontological records and implement paleontological monitoring measure.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components, Qualified Paleontologist Pre-approved by the District and City within Respective Jurisdiction</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components, Qualified and Pre-approved Paleontologist</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.</p> <ul style="list-style-type: none"> <li>• Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued.</li> <li>• Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils by the project proponent shall be accompanied by financial support for initial specimen storage.</li> <li>• A final data recovery report shall be completed that outlines the results of the monitoring program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.</li> </ul>		
<p><b>Greenhouse Gas Emissions and Climate Change</b></p>		
<p><b>MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components).</b> The project proponent/operator and/or its contractor(s) for each component of the proposed project shall implement the following measures during project construction and operation and, where specified below, submit reports demonstrating compliance for review and approval to the District’s Development Services Department (or successor department) for project components in the District’s jurisdiction or the City’s Community Development Department for project components in the City’s jurisdiction.</p> <ol style="list-style-type: none"> <li>1. Construction:             <ol style="list-style-type: none"> <li>a. The project proponent shall verify that all construction equipment is maintained and properly tuned, in accordance with manufacturers’ specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles, as well as equipment, have been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the delivery driveway and loading areas. The project proponent shall submit a report prepared by the certified</li> </ol> </li> </ol>	<p><b>Timing:</b> During project construction and operation</p> <p><b>Method:</b> Implement diesel emission-reduction measures and submit reports demonstrating compliance where specified.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and Contractor(s)</p> <p><b>Monitoring and Reporting:</b> All Project Proponents/Operator</p> <p><b>Verification:</b> District’s Development Services Department and City’s Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>mechanic regarding the construction vehicles' and equipment's compliance with this requirement to the District's Development Services Department (or successor department) or the City's Community Development Department prior to commencement of their use.</p>		
<p>b. The project proponent shall limit all construction truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the construction entrance(s) and shall submit monthly reports of violators to the District. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p>		
<p>c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria:</p>		
<p>i. For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner);</p>		
<p>ii. For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and</p>		
<p>iii. Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</p>		
<p>2. Operation: The project proponent shall limit all delivery truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit annual reports of violators to the District. This measure shall be implemented by the hotel and marina supervisors. Repeat violators</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p><b>MM-GHG-2: Comply with District CAP Measures (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]).</b> Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for each component of the proposed project shall list all applicable GHG-reducing measures from the District CAP and demonstrate in the plans where the measures shall be located. A report demonstrating compliance shall be submitted to the District’s Development Services Department (or successor department). Buildings associated with the proposed project components shall achieve certification under the Leadership in Energy and Environmental Design (LEED) program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. For construction where LEED or an equivalent program or efficiency certification is not applicable (e.g., dry boat storage), all other applicable measures below shall be required, subject to verification of the District’s Development Services Department (or successor department).</p> <p>The following is a list of the proposed sustainability measures that would be consistent with the District CAP. Any measures selected shall be required and incorporated into the Coastal Development Permit for each project component.</p> <ul style="list-style-type: none"> <li>• General Measures               <ul style="list-style-type: none"> <li>○ No commercial drive-through shall be implemented.</li> </ul> </li> <li>• Water               <ul style="list-style-type: none"> <li>○ Indoor water consumption shall be reduced to a level 20% lower than that of the baseline buildings (defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all administrative and common-area bathrooms.</li> <li>○ Plantings with low water requirements and drip irrigation shall be installed, and domestic water demand from the City system for landscaping purposes shall be minimized.</li> </ul> </li> </ul>	<p><b>Timing:</b> Prior to approval of final design plans</p> <p><b>Method:</b> Demonstrate compliance with all applicable GHG-reducing measures from the District CAP and achieve LEED certification or equivalent efficiency in buildings where applicable.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components/Operator or Contractor(s)</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District’s Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Waste               <ul style="list-style-type: none"> <li>○ Compliance with AB 939 shall be mandatory and shall include recycling at least 50% of solid waste; recycling of demolition debris shall be mandatory and shall include recycling at least 65% of all construction and demolition debris. This measure shall be applied during construction and operation of the proposed project.</li> <li>○ All commercial, restaurant, and retail uses shall recycle, compost food waste and other organics, and use reusable products instead of disposable products to divert solid waste from the landfill stream.</li> <li>○ Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction.</li> </ul> </li> <li>• Energy               <ul style="list-style-type: none"> <li>○ Renewable energy design features that may be implemented are as follows:                   <ul style="list-style-type: none"> <li>– Implement onsite renewable energy to new buildings, unless the system cannot be built because of structural and operational constraints. (Evidence must be provided if not feasible, subject to District concurrence.)</li> <li>– Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site.</li> <li>– Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations.</li> <li>– For all construction after 2025, ensure all construction vehicles and equipment are alternatively fueled or electrically powered, to the extent feasible and available. (GB Capital Component and Balanced Plan only)</li> <li>– For all construction, use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. (GB Capital Component and Balanced Plan only)</li> </ul> </li> </ul> </li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>– Construct buildings that are ZNE or, if full ZNE is infeasible, implement all feasible measures identified in the feasibility analysis. (GB Capital and Balanced Plan only)</li> <li>– Incorporate renewable energy (a) on the project site, (b) within the District’s jurisdiction, or (c) within the adjacent community or member city outside of the District’s jurisdiction. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions. (GB Capital and Balanced Plan only)</li> <li>○ Energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards shall be incorporated. The measures that may be implemented are as follows: <ul style="list-style-type: none"> <li>– Use only fluorescent lights, light-emitting diodes (LEDs), compact fluorescent lights, or the most energy-efficient lighting that meets required lighting standards and is commercially available. This measure also requires replacement of existing lighting on the project site if not already highly energy efficient.</li> <li>– Install occupancy sensors for all vending machines in new buildings at the project site.</li> <li>– Install high-performance glazing with a low solar heat gain coefficient value that reduces the amount of solar heat allowed into the building, without compromising natural illumination.</li> <li>– Install increased insulation.</li> <li>– Install cool roofs with an R value of 30 or better.</li> <li>– Install sun shading devices as appropriate.</li> <li>– Install high-efficiency heating, ventilating, and air conditioning systems and controls.</li> <li>– Install programmable thermostats.</li> <li>– Install variable frequency drives.</li> <li>– Install Energy Star-rated appliances.</li> <li>– Install shore power capabilities where suitable upgrades are feasible in marinas.</li> </ul> </li> </ul>		



Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Mobile Sources                             <ul style="list-style-type: none"> <li>○ Implement a construction transportation demand management plan for each project component that promotes ride-sharing, vanpooling, alternate work schedules, and offsite parking with shuttles and provides subsidies for transit passes to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.</li> <li>○ Implement an operational transportation demand management plan for each project component that requires mandatory employer commuting measures, such as carpooling, transit subsidies, and vanpools, to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.</li> <li>○ Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.</li> </ul> </li> <li>• Carbon Sequestration and Land Use                             <ul style="list-style-type: none"> <li>○ Install trees and shrub planters throughout the project area as part of the landscape plan.</li> </ul> </li> </ul>	<p><b>Timing:</b> Prior to approval of final design plans</p> <p><b>Method:</b> Demonstrate compliance with all applicable GHG-reducing measures from the City’s CAP and achieve LEED certification or equivalent efficiency where applicable.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component/Operator and Contractor(s)</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City’s Community Development Department</p>
<p><b>MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component).</b> Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for the City Program – Development Component shall list all GHG-reducing measures from the City’s CAP and demonstrate in the plans where these measures shall be located. A report demonstrating compliance shall be submitted to the City’s Community Development Department. Buildings associated with the proposed project component shall achieve certification under the LEED program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons.</p> <p>The following is a list of proposed sustainability measures from the City CAP that shall be required and incorporated into the Coastal Development Permit for the City Program – Development Component.</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Incorporate energy efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards.</li> <li>• Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles.</li> <li>• Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations.</li> <li>• Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.</li> <li>• Encourage telework programs and alternative work schedules for new businesses.</li> <li>• Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling.</li> <li>• Implement programs to reduce, reuse, and recycle construction and demolition waste.</li> <li>• Encourage rooftop gardens for flat-roofed commercial buildings.</li> <li>• Pursue a pump efficiency cycling schedule.</li> <li>• Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at <a href="https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf">https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf</a>), such as the following: <ul style="list-style-type: none"> <li>○ Use compact, mixed-use, walkable, and transit-oriented community designs;</li> <li>○ Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats;</li> <li>○ Utilize water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality, and decrease flooding;</li> <li>○ Use low-water plantings in landscaping;</li> <li>○ Use permeable surfaces for hardscapes;</li> <li>○ Install dual plumbing that allows reuse of gray water;</li> <li>○ Maximize use of recycled water in the project design;</li> </ul> </li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and</li> <li>○ Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination.</li> <li>● Install trees and shrub planters throughout the project area as part of the landscape plan.</li> </ul>		
<p><b>MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities (GB Capital Component).</b> Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including, but not limited to, tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>● For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner);</li> <li>● For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and</li> <li>● Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> </ul> <p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize the use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department (or successor department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of waterside construction activities. Regardless of the equipment used, the project proponent/operator</p>	<p><b>Timing:</b> Prior to waterside construction</p> <p><b>Method:</b> Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department and City's Community Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and/or its contractor(s) for each project component with waterside construction activities shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each project component with waterside construction activities shall submit a report prepared by the mechanic experienced with such equipment regarding the condition of the vehicles and equipment for construction and operations to the District’s Development Services Department or the City’s Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of their use.</p>		
<p><b>MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component).</b> The City and the District shall require all development to meet the state’s ZNE standards, if and when adopted as part of the California Building Code. In addition, the City and the District shall encourage project developers to construct buildings that are ZNE. Prior to issuance of any Coastal Development Permit or City-issued permit, as applicable, the project proponents/operators and/or its contractor(s) shall submit a feasibility analysis, prepared by a qualified consultant, regarding the construction of buildings as ZNE, and the project component shall implement all feasible measures identified in the feasibility analysis (e.g., electric heating). Prior to implementation of all feasible measures, this report shall be submitted to the District for review and approval for the GB Capital Component (all phases) and Balanced Plan, and submitted to the City for review and approval for the City Program – Development Component.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Require development to meet the state’s ZNE standards if adopted, encourage construction of ZNE buildings, and require a feasibility and analysis.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District and City</p>
<p><b>MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (GB Capital Component and Balanced Plan).</b>  A. Options for Reducing GHG Emissions.  To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility,</p>	<p><b>Timing:</b> Prior to and during construction  <b>Method:</b> Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>implement the following, which may be combined with consideration to the preference described below:</p>		
<ol style="list-style-type: none"> <li>1. Incorporate renewable energy               <ol style="list-style-type: none"> <li>a) On the project site;</li> <li>b) Within the District’s jurisdiction; or</li> <li>c) Within the adjacent community or member city outside of the District’s jurisdiction.</li> </ol> </li> <li>2. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions;</li> <li>3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.<sup>1</sup> For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the District that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.</li> </ol>		
<p>For purposes of this section, the definitions are as follows:</p>		
<ol style="list-style-type: none"> <li>a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</li> <li>b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals</li> </ol>		

<sup>1</sup> Currently approved offset registries include the American Carbon Registry (ACR), Climate Action Reserve (CAR), and Verra (formerly the Verified Carbon Standard). See: <https://ww3.arb.ca.gov/cc/capandtrade/offsets/registries/registries.htm>.

Mitigation Measures	Timing and Methods	Responsible Parties
<p>otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p> <p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p> <p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [adapted from definition in 17 CCR 95802 for use in this measure] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p> <p>B. Required Annual GHG Emissions Reductions: The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p> <ul style="list-style-type: none"> <li>• Balanced Plan (only Pepper Park Expansion) = 836 MTCO<sub>2e</sub> per year or 4,317 MWh/year.</li> <li>• GB Capital = 6,627 MTCO<sub>2e</sub> per year or 34,219 MWh/year.</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>The required reductions may be reduced by the District, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p> <p>C. Implementation of GHG Emissions Reduction Options.</p> <p>Prior to becoming operational and annually thereafter, the District shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p> <ol style="list-style-type: none"> <li>1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO<sub>2e</sub> or MWh reductions specified above. <ol style="list-style-type: none"> <li>a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the District's Planning Department (or successor department), for its review and approval, a report specifying the annual amount of MTCO<sub>2e</sub> or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District's Planning Department (or successor department), to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report").</li> <li>b) If the GHG Emission Reduction Report is approved by the District, a reduction to the required offsets shall be calculated by the District's Planning Department (or successor department), and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project component ("GHG Reduction").</li> </ol> </li> <li>2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO<sub>2e</sub> or MWh specified above, which may be decreased by the</li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>amount of annual MTCO<sub>2e</sub> or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO<sub>2e</sub> or MWh shall occur as follows:</p> <ol style="list-style-type: none"> <li>a) Each project component shall purchase offsets for its first 2 years of operation.</li> <li>b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of a lease agreement (for GB Capital Component only) between the District and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO<sub>2e</sub> or MWh reduction specified above for the corresponding project component.</li> <li>c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emissions offset credits set forth in paragraph A(3) above, to the District's Planning Department (or successor department).</li> </ol> <p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO<sub>2e</sub> or MWh reductions specified above, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <ol style="list-style-type: none"> <li>1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is</li> </ol>		



Mitigation Measures	Timing and Methods	Responsible Parties
<p>requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the District's Planning Department's (or successor department's) review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the District and reduced.</p> <p>2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project proponent may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the District's Planning Department's (or successor department's) review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> <li>o Balanced Plan includes a 2.54 acre park.</li> <li>o GB Capital Component landside features, including 134 RV sites; 40,000 square feet of dry boat storage; 60 modular cabins; 10,000-square-foot administration/recreation building; 10,000-square-foot building with restrooms, laundry facilities, and staff support services in the vicinity of the existing marina buildings; and a 4,000-square-foot maintenance building and associated approximately 8,200-square-foot maintenance yard northeast of the proposed dry boat storage. Waterside uses include 20 moorings in Sweetwater Channel; 620-foot-long and 8-foot-wide floating dock that includes up to 30 fingers, which accommodate up to 50 boats; and a 580-foot-long and 8-foot-wide dock with two</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.</p> <p>4. The District or a District-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent’s written request to the District, the project proponent may waive the annual adjustment described above and purchase the required MTCO<sub>2e</sub> or MWh offsets on at least an annual basis.</p>		
<p><b>MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (City Program – Development Component).</b></p> <p>A. Options for Reducing GHG Emissions.</p> <p>To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:</p> <ol style="list-style-type: none"> <li>1. Incorporate renewable energy             <ol style="list-style-type: none"> <li>a) On the project site;</li> <li>b) Within the City’s jurisdiction; or</li> </ol> </li> </ol>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>c) Within the adjacent community or the city.</p> <p>2. Undertake other verifiable actions or activities approved by the City, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program within the city; or similar activities or actions that reduce operational GHG emissions;</p> <p>3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in California CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.<sup>2</sup> For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.</p>		
<p>For purposes of this section, the definitions are as follows:</p>		
<p>a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed</p>		

<sup>2</sup> Ibid.

Mitigation Measures	Timing and Methods	Responsible Parties
<p>GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p>		
<p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p>		
<p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p>		
<p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p>		
<p><b>B. Required Annual GHG Emissions Reductions:</b> The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p>		
<ul style="list-style-type: none"> <li>• City Program = 3,549 MTCO<sub>2</sub>e per year or 18,323 MWh/year.</li> </ul> <p>The required reductions may be reduced by the City, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p>		
<p><b>C. Implementation of GHG Emissions Reduction Options.</b> Prior to becoming operational and annually thereafter, the City shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p>		
<ol style="list-style-type: none"> <li>1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the City to meet or partially meet the required amount of MTCO<sub>2e</sub> or MWh reductions specified above.               <ol style="list-style-type: none"> <li>a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the City's Community Development Department, for its review and approval, a report specifying the annual amount of MTCO<sub>2e</sub> or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the City's Community Development Department to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report").</li> <li>b) If the GHG Emission Reduction Report is approved by the City, a reduction to the required offsets shall be calculated by the City's Community Development Department, and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project ("GHG Reduction").</li> </ol> </li> <li>2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO<sub>2e</sub> or MWh specified above, which may be decreased by the amount of annual MTCO<sub>2e</sub> or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO<sub>2e</sub> or MWh shall occur as follows:               <ol style="list-style-type: none"> <li>a) Each project component shall purchase offsets for its first 2 years of operation;</li> </ol> </li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component’s operations or until the termination of any lease agreement between the City and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO<sub>2e</sub> or MWh reduction specified above for the corresponding project component.</p> <p>c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the City that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the City’s Community Development Department.</p>		
<p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO<sub>2e</sub> or MWh reductions specified above in the reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p>		
<ol style="list-style-type: none"> <li>1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the City to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the City’s Community Development Department’s review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the City and reduced.</li> <li>2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at</li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>this time, the project proponent may be required by the City to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the City and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> <li>o City Program Plan includes a 150-room hotel along with 15,500 square feet of restaurant space and 12,000 square feet of retail space.</li> </ul> <p>4. The City or a City-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the City, the project proponent may waive the</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>annual adjustment described above and purchase the required MTCO<sub>2e</sub> or MWh offsets on at least an annual basis.</p>		
<p><b>Hazards and Hazardous Materials</b></p>		
<p><b>MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component).</b> Prior to the City’s approval of the project grading plans and the commencement of any construction activities that would disturb the soil on the City Program – Development Component site, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare and submit a Soil and Groundwater Management Plan to the City for review and approval. After the City’s review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> <li>• <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the City Program – Development Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.</li> <li>• <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential</li> </ul>	<p><b>Timing:</b> Prior to approval of grading plans and construction activities</p> <p><b>Method:</b> Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p><b>Implementation:</b> Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>



Mitigation Measures	Timing and Methods	Responsible Parties
<p>presence of contaminated soils and for compliance with the Testing and Profiling Plan.</p> <ul style="list-style-type: none"> <li>• A <i>Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.</li> <li>• A <i>Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.</li> </ul>		
<p><b>MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component).</b> Prior to commencement of construction of the City Program – Development Component, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the City for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the City Program – Development Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by <b>MM-HAZ-1</b>. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>of ground disturbance activities) to the City, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p>		
<p><b>MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component).</b> Within 30 days of completion of landside construction of the City Program – Development Component, the project proponent shall prepare a Project Closeout Report and submit it to the City for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by <b>MM-HAZ-1</b>, and the Monitoring and Reporting Program, as required by <b>MM-HAZ-2</b>.</p>	<p><b>Timing:</b> Within 30 days of landslide construction completion  <b>Method:</b> Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> City</p>
<p><b>MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component).</b> Prior to the District’s and the City’s, as applicable, approval of the project’s grading plans and the commencement of any construction activities that would disturb the soil, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration, to prepare and submit a Soil and Groundwater Management Plan to the District’s Environmental Protection Department and the City, as applicable, for review and approval. After the District’s and the City’s, as applicable, review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> <li>• <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the Pasha Road Closure Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and</li> </ul>	<p><b>Timing:</b> Prior to approval of grading plans and construction activities  <b>Method:</b> Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p><b>Implementation:</b> Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components, with approval by the District and City Depending on Jurisdiction  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.</p> <ul style="list-style-type: none"> <li>• <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.</li> <li>• <i>A Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.</li> <li>• <i>A Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component).</b> Prior to commencement of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the respective project proponent shall prepare a Monitoring and Reporting Program and submit it to the District’s Environmental Protection Department and the City, as applicable, for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by <b>MM-HAZ-4</b>. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District’s Development Services Department and the City, as applicable, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District and City</p>
<p><b>MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component).</b> Within 30 days of completion of landside construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the project proponent shall prepare a Project Closeout Report and submit it to the District’s Environmental Protection Department and the City, as applicable, for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by <b>MM-HAZ-4</b>, and the Monitoring and Reporting Program, as required by <b>MM-HAZ-5</b>.</p>	<p><b>Timing:</b> Within 30 days of landside construction completion  <b>Method:</b> Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-HAZ-7: Coordinate with the DEH (City Program – Development Component).</b> Prior to ground disturbing activities on the City Program – Development Component site, the project proponent for the City Program – Development Component shall coordinate with the DEH to reopen VAP Cases #H23772-005, #H36620-001, and #H23772-004 to determine if the existing conditions would be below acceptable cleanup thresholds for hotel use. If the DEH determines the onsite conditions do not meet thresholds for future hotel uses, the project proponent must comply with the requirements of the DEH to achieve remediation standards.</p>	<p><b>Timing:</b> Prior to ground-disturbing activities</p> <p><b>Method:</b> Coordinate with the DEH to determine if existing conditions are below cleanup thresholds or comply with requirements to achieve remediations.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>
<p><b>MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component).</b> A temporary emergency access road shall be maintained by the project proponent at all times during construction of the Pasha Road Closures Component. The location and components, as defined per the California Fire Code, of the temporary emergency access road shall be submitted to the City Fire Marshal for review and approval prior to closure of the roadway(s) to through-traffic. Written verification of inclusion of the temporary emergency vehicle access shall be provided to the District’s Director of Planning prior to closure of the roadway(s) to through-traffic. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p>	<p><b>Timing:</b> During construction</p> <p><b>Method:</b> Submit location and components of a temporary emergency access road for approval and maintain emergency access during construction.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City Fire Marshal, District’s Director of Planning</p>
<p><b>MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component).</b> Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:</p> <ul style="list-style-type: none"> <li>• An <b>emergency access road</b>, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of</li> </ul>	<p><b>Timing:</b> Prior to Pasha Road closure</p> <p><b>Method:</b> Prepare and submit road-closure plans for review and approval that demonstrate compliance with applicable state and local fire code regulations.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City Fire Marshal</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.</p> <ul style="list-style-type: none"> <li>Any <b>entrance/exit gates</b> to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches.</li> <li><b>Fire hydrants</b> shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet.</li> </ul> <p>Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal’s designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District’s Director of Planning</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prior to Pasha’s utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p>		
<p><b>MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component).</b> The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Ensure traffic-calming devices are not included unless prior-written approval is obtained.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> City Fire Marshal</p>
<b>Land Use and Planning</b>		
<p><b>MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan).</b> The project proponent for the Pepper Park expansion shall design the park to accommodate water during future flooding events. Methods to accommodate water during future flooding events include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Elevating the waterside promenades</li> <li>• Regrading coastal edges and/or inland portions of the park as appropriate</li> <li>• Creating living shorelines</li> <li>• Ensuring that any new vegetation is salt tolerant</li> <li>• Developing an operational plan to close the parking lot and move parked vehicles prior to storm events</li> <li>• Including pervious surfaces such as turf, sand, and pervious concrete</li> </ul> <p>Moreover, the public access to Pepper Park shall be restricted during flood events.</p> <p>If any structures are constructed in Pepper Park, prior to construction, the project proponent shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050.</p> <p>Additionally, the project proponent shall create an early warning system to monitor the risk of potential flooding of any structure. An early warning system should consist of protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken. Also, the project proponent shall</p>	<p><b>Timing:</b> During design of Pepper Park expansion <b>Method:</b> Design the Pepper Park expansion to accommodate water during future flooding events, conduct site-specific assessment of the projected SLR through 2050, and create an early warning system.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>establish emergency evacuation procedures for people to relocate to higher ground on short notice. Before a large storm, deployment of sandbags or inflatable barriers shall occur if deemed necessary.</p>		
<p><b>MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component).</b> The project proponent for the GB Capital Component shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050. If the assessment projects the jetty to be temporarily inundated by 2050, the development on the jetty shall include the following:</p> <p><i>Smart Design Decisions – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> <li>• Place any mechanical and electrical equipment at least 2 feet above the design flood elevation to reduce risk of flood damage. If equipment must be placed in lower areas, elevate base or ensure assets are composed of flood damage-resistant materials.</li> <li>• Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa.</li> <li>• Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane.</li> </ul> <p><i>Future Adaptation Strategies – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> <li>• Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers.</li> <li>• Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads.</li> <li>• Design key structural elements of the jetty to allow future increases in the elevation of the jetty.</li> </ul> <p><i>Operational Strategies – to be implemented during operation:</i></p> <ul style="list-style-type: none"> <li>• Establish an early warning system to monitor the risk of potential flooding. An early warning system should consist of: <ul style="list-style-type: none"> <li>○ Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken</li> </ul> </li> </ul>	<p><b>Timing:</b> Prior to GB Capital Component construction</p> <p><b>Method:</b> Conduct an engineering-level, site-specific assessment of the projected SLR through 2050 and implement design components if the jetty is projected to be inundated by 2050.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District and City</p>



Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ Protocols for monitoring water levels at nearby storm gauges prior to the storm arrival, and regular checking of the water levels along the jetty as the storm progresses</li> <li>● Establish emergency evacuation procedures for people to relocate to higher ground on short notice.</li> <li>● Obtain backup power generators for occupiable development on the jetty and portable pumps and ensure there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events.</li> <li>● Before a large storm, deploy sandbags or inflatable barriers.</li> <li>● Before a storm, test emergency power sources and pumps and ensure there is sufficient fuel to run these, and inspect building exteriors to ensure there are no penetrations that lack flood proofing.</li> <li>● Restrict public access during storms or flooding events.</li> </ul> <p>Prior to issuance of the first building permit for any development on the jetty, the assessment and project plans (revised pursuant to the findings of the assessment, if the assessment projects inundation by 2050) shall be submitted to the District’s Development Services Department and the City’s building permit department for review and approval.</p>		
<p><b>MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component).</b> For areas of the Balanced Plan (Pepper Park and the FPR), the GB Capital Component, the Pasha Road Closures Component, and the portions of the Bayshore Bikeway Component (within the District’s jurisdiction) that are projected to be inundated in 2100, the District shall conduct ongoing monitoring of these project component sites every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades,</p>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p><b>Implementation:</b> All Project Proponents</p> <p><b>Monitoring and Reporting:</b> All Project Proponents</p> <p><b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.</p>		
<p><b>MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component).</b> For the areas of the Bayshore Bikeway Component that are within the City’s jurisdiction, the City shall conduct ongoing monitoring of these areas every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, or removal or movement of assets.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> Applicable Project Proponent for Component</p>
<b>Noise and Vibration</b>		
<p><b>MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component).</b> For the Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, and Pasha Road Closures Component, the project proponent for that respective project component shall require their contractor(s) not to conduct exterior construction activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Material or equipment deliveries and collections shall also be prohibited outside of these hours. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not be permitted on the job site outside of the permitted hours.</p>	<p><b>Timing:</b> During construction  <b>Method:</b> Require exterior construction activities occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> City and District</p>
<p><b>MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component).</b> During all pile driving at the City Program – Development Component and GB Capital Component, the project proponent shall require its construction contractor to implement one of the following methods to reduce maximum pile-driving noise levels at the affected noise-sensitive</p>	<p><b>Timing:</b> During pile driving  <b>Method:</b> Reduce noise levels at affected noise-sensitive receptors by avoiding pile driving or using acoustical shroud.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>receptors (residences on Cleveland Avenue, the National City Adult School, and Pepper Park) to 70 dBA <math>L_{max}</math> or less:</p> <ul style="list-style-type: none"> <li>Avoid impact pile driving by using quieter alternative installation methods, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).</li> <li>Use an acoustical shroud around impact pile driving. The shroud shall be constructed of materials that provide a minimum sound transmission class (STC) of 28 (examples include sound-rated acoustical blankets).</li> </ul>		
<p><b>MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component).</b> During all non-pile-driving construction activity at the Bayshore Bikeway Component, GB Capital Component, and the Pasha Road Closures Component, the project proponent shall require their construction contractor(s) to implement one of the following methods to reduce maximum noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue and McKinley Avenue, and Pepper Park ) to 70 dBA <math>L_{max}</math> or less:</p> <ul style="list-style-type: none"> <li>Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of the any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors.</li> <li>Where the above-specified distances cannot be maintained, install temporary noise barrier(s) between construction activities and the noise-sensitive receptor(s). Barriers may be constructed around the site perimeter or, when construction activities are restricted to a smaller portion of the site, around that smaller portion of the site, or around any noisy stationary construction equipment such as generators or dewatering pumps. All such barriers must be at least 8 feet high and of sufficient height to break the line-of-sight between the construction equipment and the ground floor of any noise-sensitive receptor. These barriers shall be constructed in one of the following ways that the project proponent establishes, in writing and to the satisfaction of the District, shall achieve a minimum sound transmission class (STC) rating of 28:</li> </ul>	<p><b>Timing:</b> During non-pile driving</p> <p><b>Method:</b> Reduce noise levels at affected noise-sensitive receptors by avoiding high-impact demolition equipment or installing temporary noise barriers.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ From acoustical blankets hung over or from a supporting frame. The blankets should be firmly secured to the framework. The blankets should be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcro®) so that no gaps exist. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier.</li> <li>○ From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment).</li> <li>○ From common construction materials such as plywood.</li> </ul>		
<p><b>MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (City Program – Development Component).</b> During the architectural and engineering design, prior to the issuance of any building permits for the hotel, the project proponent for the City Program – Development Component shall retain an acoustical consultant to ensure that the building design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Acoustical Consultant  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> City’s Community Development Department</p>
<p><b>MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less (Pasha Rail Component, GB Capital Component).</b> The project proponent for the GB Capital Component shall design its dry boat storage so that it is enclosed and made from solid material (versus fabric, chain link fencing or similar pervious/open materials) and shall submit a noise study conducted by an acoustical consultant that analyzes the noise from the Pasha Rail Improvement Component with the enclosed dry boat storage as a buffer, demonstrating</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure dry boat storage is enclosed and made from solid material, submit a noise study, and construct a sound barrier if needed.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District’s Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>the noise levels at the proposed RV park location. The noise study shall be submitted to the District's Development Services Department for its review 3 months after issuance of a Coastal Development Permit (CDP) for any phase of the GB Capital Component and prior to the construction of the RV park. The project proponent shall construct the dry boat storage as designed. If the noise study shows that the rail noise exposure at the proposed RV sites is at or below 65 dB CNEL, then no additional steps as specified in this mitigation measure shall be required.</p> <p>If the noise study shows that noise levels are above 65 dB CNEL at the proposed RV sites, then prior to occupancy of the GB Capital RV Resort or operation of the Pasha Rail Improvement Component, whichever occurs last, a sound barrier shall be constructed to reduce the rail noise exposure at the proposed RV sites to 65 dB CNEL or less. The noise barrier shall be the equal (50/50) shared financial responsibility of the project proponents for the Pasha Rail Improvement Component and the GB Capital Component. In the event that both components are not constructed at the same time, the project proponent (Payee) of the component last constructed shall construct and pay for the entire specified noise control and the other project proponent (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the noise control unless another payment arrangement is agreed upon between the project proponents and approved by the District. Such reimbursement shall be a condition of the CDPs for the Pasha Rail Improvement Component and the RV resort associated with the GB Capital Component. The noise barrier shall be constructed between the south side of the Pasha Rail Improvement Component and the GB Capital RV Resort. The barrier shall fully block the line-of-sight between the RV sites and a standard freight locomotive on the Pasha Rail Improvement Component site, and is anticipated to be a minimum barrier height of 16 feet relative to the finished track elevation. The barrier shall be a continuous structure without gaps or openings and shall extend from the north end of the Pasha Rail Improvement Component to Tideland Avenue. The barrier shall be constructed of a solid material and, if necessary to meet the noise requirement, the density of 4 pounds per square foot (e.g., concrete block or concrete panels).</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (GB Capital Component).</b> During the architectural and engineering design, prior to the issuance of any building permits for the hotels, the project proponent for the GB Capital Component shall retain an acoustical consultant to ensure that the project design provides adequate noise insulation to achieve the City's interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the District's Development Services Department for review and approval prior to construction of any hotel.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Acoustical Consultant  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> District's Development Services Department</p>
<p><b>MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City's Noise Ordinance (City Program – Development Component).</b> During the architectural and engineering design phase, prior to the issuance of any building permits for the City Program – Development Component, the project proponent for the City Program – Development Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of this project component, including mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), are designed and will be installed to comply with the City's Noise Ordinance (Municipal Code Chapter 12.06). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustic absorption materials, louvers, screens, or enclosures; or intake and exhaust silencers. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the City's Community Development Department for review and approval prior to hotel construction.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure that all aspects of the City Program – Development Component, including mechanical equipment, comply with the City's Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Acoustical Consultant  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City’s Noise Ordinance at the Adjacent Proposed RV Resort (GB Capital Component).</b> During the architectural and engineering design phase for the dry boat storage facility, prior to the issuance of any building permits for such, the project proponent for the GB Capital Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that operation of the dry boat storage facility will comply with the City’s Noise Ordinance (Municipal Code Chapter 12.06.020) at the adjacent RV sites during the sensitive evening and nighttime hours of 7:00 p.m. to 7:00 a.m. (i.e., 65 dBA <math>L_{eq}</math> between 7 p.m. and 10 p.m., and 60 dBA <math>L_{eq}</math> between 10 p.m. and 7 a.m.). Noise control techniques may include, but are not limited to, restricting hours of operation to daytime hours (7:00 a.m. to 7:00 p.m.), selecting quieter equipment (when commercially available), or installing additional noise barriers to screen the facility from the RV resort. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all design features have been incorporated into the project design (to ensure that operation of the dry boat storage facility would comply with the City Noise Ordinance at the adjacent RV sites during the sensitive evening and nighttime hours), to the District’s Development Services Department for review and approval prior to commencement of construction of the dry boat storage facility. The project proponent shall implement the noise control techniques.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure dry boat storage complies with the City’s Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan).</b> Organized events at Pepper Park shall be properly regulated for noise control. Per Section 8.02 of the District’s Port Code, any event with over 25 attendees shall obtain a permit from the District. As further stipulated by Section 8.02 of the Port Code, each “permit shall be subject to the requirements regarding noise...as contained in the Municipal Code of the particular City in which the park is located.” Therefore, any event for which noise generating activities will occur at the amphitheater will be subject to the City’s Noise Ordinance. Although the City’s Noise Ordinance indicates that daytime and nighttime noise standards would be 65 and 60 dBA <math>L_{eq}(h)</math>, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City’s Noise Ordinance also includes</p>	<p><b>Timing:</b> During project operation  <b>Method:</b> Regulate organized events through the use of permits and notify adjacent tenants of large events.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>exceptions for these noise standards; the exceptions are on a case-by-case basis and include temporary noise exceedances for organized events (e.g., parades, concerts). Further, as part of the District’s permitting process for organized events that are proposed to have amplified sounds (e.g., concerts), the District shall coordinate with the City, and if the City requires a maximum decibel level limit or hours in which all noise needs to cease, that information shall be added to the District permit for that organized event. In addition, the District shall coordinate notification to adjacent tenants of upcoming organized large events, and the permittee of the organized event shall coordinate with the same tenants within 2 weeks of the organized event.</p>		
<p><b>MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component).</b> Where feasible, the project proponent for the GB Capital Component shall require its construction contractor(s) to avoid pile driving within a 32-foot buffer zone of existing buildings at the Pier 32 Marina. If piling cannot be avoided within this distance, the following shall be implemented:</p> <ul style="list-style-type: none"> <li>• Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).</li> <li>• The following steps shall be taken to protect buildings within 32 feet of pile-driving locations: <ul style="list-style-type: none"> <li>○ The project proponent/contractor shall retain a qualified structural or geotechnical engineer to conduct preconstruction surveys of neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities; and</li> <li>○ Based on review of the specific buildings involved, the structural/geotechnical engineer may provide updated vibration thresholds and buffer distances for potentially affected buildings; and</li> <li>○ Monitoring shall be conducted during construction to check for vibration-related damage during pile driving; such monitoring shall include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed necessary; and</li> </ul> </li> </ul>	<p><b>Timing:</b> During pile driving activities</p> <p><b>Method:</b> Avoid pile driving within the 32-foot buffer zone of existing buildings or implement measures to avoid or reduce vibration.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City and District</p>



Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ The person(s) conducting the monitoring shall have the authority to issue a stop work order to the pile-driving contractor if excessive vibration levels are measured or other observations occur that indicate potential building damage may occur; in the event of such an occurrence, the monitor shall notify the project proponent (GB Capital) and the District; and</li> <li>○ If any damage to existing buildings is determined to occur as a result of pile driving at the GB Capital Component, the project proponent shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state.</li> </ul>		
<p><b>MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component).</b> During all construction activity at the Bayshore Bikeway Component, the project proponent shall require its construction contractor(s) to observe the following buffer zones to reduce groundborne vibration at nearby residences to 0.04 in/sec or less:</p> <ul style="list-style-type: none"> <li>● Avoid the use of hydraulic breakers within 130 feet of residential buildings.</li> <li>● Avoid vibratory compaction within 115 feet of residential buildings.</li> <li>● Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings.</li> </ul> <p>If the listed buffer distances cannot be maintained, impacts can be reduced to less than significant by using alternative equipment that avoids or reduces high vibration levels at the source. Jackhammers (manually held and operated, not mounted to any other construction equipment) may be used in place of other breakers, non-vibratory rollers may be used in place of vibratory roller, and smaller earthmovers (Bobcat, skid steer, etc.) may be used instead of full size heavy earthmoving equipment.</p>	<p><b>Timing:</b> During construction  <b>Method:</b> Observe buffer zones to reduce groundborne vibration or use alternative equipment that avoids or reduces high vibration levels.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> City and District</p>
<b>Transportation, Circulation, and Parking</b>		
<p><b>MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component).</b> To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction</p>	<p><b>Timing:</b> During project operation  <b>Method:</b> Implement a Mandatory Employer Commute</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>measure from the SANDAG Mobility Management Toolbox, using the VMT Reduction Calculator Tool (SANDAG 2019b), starting the first day of project operations for the GB Capital Component and City Program – Development Component.</p> <ul style="list-style-type: none"> <li>Mandatory Employer Commute Program – The employer for the GB Capital Component and City Program – Development Component shall offer and pay for an employer commute-trip reduction program, which may include a carpool program, transit subsidy passes, or a vanpool program. Implementing these measures could result in a 2.6% reduction in the project’s employee VMT.</li> </ul>	<p>Program to reduce TDM and VMT.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<p><b>MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component).</b> For any project components that temporarily require partial and/or full roadway closures during construction, the project proponent [requiring the partial or full roadway closure(s)] shall require its contractor to plan, use, place, and maintain traffic control devices while in use at the construction site to ensure that adequate emergency access is provided throughout the duration of the road closure. If construction activities require blocking of a traffic lane(s), the project proponent shall require its contractor to use a flashing arrow board during daytime hours; however, a solar flashing arrow board shall be required for any nighttime construction that requires the closure of any traffic lanes. In certain lane closures, the use of high-level warning flags, along with other devices, is acceptable if installed in accordance with the provisions set forth in the Caltrans <i>California Manual on Uniform Traffic Control Devices</i> (Caltrans 2018). The City shall verify the proper use of traffic control devices for the Bayshore Bikeway Component, City Program – Development Component, and potentially the GB Capital Component if the proposed roadway is a City street, while the District shall verify the proper use of traffic control devices for the Balanced Plan, Pasha Rail Improvement Component, Pasha Road Closures Component, and potentially the GB Capital Component if the proposed roadway is a District street.</p>	<p><b>Timing:</b> During project construction <b>Method:</b> Implement traffic control measures during partial and/or full roadway closures and maintain lane requirements throughout the duration.</p>	<p><b>Implementation:</b> All Project Proponents <b>Monitoring and Reporting:</b> All Project Proponents <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>In addition to traffic control measures, the project proponent shall require its contractor to maintain the following traffic lane requirements throughout the duration of the partial or full road closure:</p>		
<ol style="list-style-type: none"> <li>1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction.</li> <li>2. The minimum width of a traffic lane shall be 10 feet. The lane shall be clear of obstructions, including traffic cones or delineators. Emergency vehicle access may require a traffic lane of up to 14 feet wide.</li> <li>3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane.</li> <li>4. Complete closure of a roadway shall not be permitted without a valid Special Traffic Permit (STP) or a City-approved traffic routing plan. This includes a plan that allows one lane to be used for two directions of traffic (i.e., two-way flag control). An STP is required to use two-way flag control.</li> <li>5. If work occurs at or within 100 feet of an intersection on a two-way street, an STP is required to prohibit left turns at the intersection. This requirement applies where two lanes are reduced to one and through vehicles cannot physically pass a left-turning vehicle.</li> <li>6. If needed, room for a traffic lane(s) may be made available by temporarily prohibiting parking. Traffic lanes must be at least 10 feet wide and provide a sufficient transition before the lane begins and after the lane ends.</li> </ol>		
<p>To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time shall be allowed to work on any one block. If a second contractor is planning to work on a block that has a contractor, or on an adjacent block, then the second contractor shall obtain an STP before starting any work. Moreover, a contractor shall not be allowed to work within a block of a project that is under City contract without receiving approval from the Resident Engineer for the subject contract, obtaining an STP, and notifying the City Fire Department and City Police Department.</p>		
<p>Flagging personnel shall be required when workers or equipment will temporarily block a traffic lane that is used for access into and out of a construction site. Flagging personnel shall ensure that traffic congestion</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and permanently blocked roads do not occur. The following shall apply to the flagging personnel required during project construction:</p> <ol style="list-style-type: none"> <li>1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle.</li> <li>2. Flaggers must be certified and have their certification card at all times.</li> <li>3. A minimum of two flaggers shall be required when one lane is to be used for two directions of traffic (i.e., two-way flag control).</li> <li>4. Police officers may be hired to provide flag control.</li> </ol> <p>A construction TDM plan shall be prepared by the respective project proponent for each project component and implemented during construction activities. The TDM plan shall be submitted by the respective project proponent to the City or District, depending on the jurisdiction where the project component is located, for review and approval prior to construction. The TDM plan shall incorporate various TDM strategies to reduce congestion during construction and may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Implementation of a ride-sharing program to encourage carpooling among workers.</li> <li>• Adjusting work schedules so workers do not access the site during the peak hours.</li> <li>• Providing offsite parking locations for workers outside of the area, with shuttle services to bring them onsite.</li> <li>• Providing subsidized transit passes for construction workers.</li> </ul>		
<p><b>MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component).</b> Prior to the commencement of construction activity, the project proponent for each component shall provide an offsite parking location for construction workers and a shuttle service from the offsite parking location to the project site and back. For project components within the District’s jurisdiction, the designated offsite parking location shall be approved by the District’s Development Services Department (Balanced Plan, GB Capital Component, Pasha Rail Improvement</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Provide offsite parking, shuttle transportation, and incentives for transit use and provide signage to direct visitors to available parking if onsite parking is displaced.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Component, and Pasha Road Closures Component). For project components within the City’s jurisdiction, the designated offsite parking location shall be approved by the City. In addition, the project proponent shall provide incentives for construction workers to use public transit. Workers who cannot commute by transit and must use personal vehicles shall be required to park at the offsite parking facility. The parking requirements for the workers shall be detailed in their contract with the project proponent. Moreover, during the construction phase, some public parking shall remain open, to the extent feasible, through the phasing of construction. If onsite public parking is displaced, the project proponent shall provide conspicuous signage to direct visitors to available parking facilities throughout the duration of the construction that displaced the public parking to maintain public coastal access.</p>		
<p><b>MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component).</b> Prior to implementation of the Pasha Road Closures Component, the project proponent shall restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tidelands Avenue) to provide additional parking for employees and offset the loss of 249 parking spaces. Upon completion of this restriping, there would be 590 parking spaces in Lot Q; this would accommodate the 574 existing NCMT employees. Once completed, evidence indicating completion of the restriping shall be provided by the project proponent for the Pasha Road Closures Component to the District’s Development Services Department. Pasha shall require its employees to use Lot Q and allow other employees at NCMT to use the parking lot.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Restripe Lot Q to provide additional parking.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan).</b> Prior to issuance of the Coastal Development Permit for Pepper Park (Balanced Plan), the District shall accommodate an additional 23 parking spaces, for a total of 116 parking spaces at Pepper Park. The additional 23 spaces shall be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area. Following the completion of the Pepper Park expansion (including the 23 spaces), the District shall prepare a study that determines the actual (i.e., on-the-ground) demand for parking at the newly expanded park. If the results of the study demonstrate that the amount of parking can be</p>	<p><b>Timing:</b> Prior to construction and during project operation <b>Method:</b> Accommodate an additional 23 flex parking spaces at Pepper Park and prepare a study to determine actual parking demand.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>reduced, the District will reduce the number of parking spaces to the actual on-the-ground demand identified in the study (but no more than a reduction of 23 spaces).</p>		
<b>Utilities and Service Systems</b>		
<p><b>MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component).</b> Prior to the issuance of the building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall prepare a utility infrastructure study and submit the study to the District’s Development Services Department (Balanced Plan and GB Capital Component only) and the City’s Community Development Department (GB Capital Component and City Program – Development Component only) for review and approval. The utility infrastructure study shall identify the capacity of existing utilities, the ability of those utilities to serve the project proponent’s project component, any necessary utility improvements that would be needed to serve project proponent’s project component, and alternative locations and best management practices (BMPs), if necessary, to meet the standards described as follows: avoidance of sensitive habitat and species, construction BMPs related to ground disturbance such as daily watering in high-dust areas and use of a stabilized construction entrance to reduce offsite tracking, a soil and groundwater management plan pursuant to <b>MM-HAZ-1</b> and <b>MM-HAZ-4</b>, including recommendations on pipe materials based on Sweetwater Authority Design Standards, if disturbed areas may be subject to contamination, a soil disposal plan (if applicable), a traffic management plan if roadways will need temporary closures, consistency with the City’s Noise Ordinance, and avoidance of historical, archaeological, tribal cultural, and paleontological resources. The project proponent shall implement any and all new utility improvements or upgrades identified in the utility infrastructure study.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Prepare and submit a utility infrastructure study and implement any and all new utility improvements or upgrades identified.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District’s Development Services Department and the City’s Community Development Department</p>
<p><b>MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component).</b> The project proponent for the respective project component shall incorporate and implement water-efficient design measures into its individual project component. Water-efficient design measures shall at a minimum, include:</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Incorporate and implement water-efficient design measures.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable).</li> <li>• Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices.</li> <li>• Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces.</li> <li>• Install water-efficient water coolers and equipment and monitor cooling tower and boiler water chemistry to minimize mineral buildup in the system and maximize the number of times water can be recycled through the system.</li> <li>• Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields.</li> <li>• Educate employees on water conservation measures on an annual basis and post water conservation stickers, signs, and posters in bathrooms, kitchens, cafeterias, conference rooms, and other places where employees congregate.</li> </ul>		
<p><b>MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component).</b> Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install approximately 1,500 linear feet of 16-inch main pipeline along Marina Way and upsize approximately 1,700 linear feet of the existing 12-inch PVC pipeline with 16-inch pipeline. Design, permitting, and construction of the new pipelines shall be coordinated with the City Fire Marshal and SWA.</p> <p>Prior to occupancy and operation of the project component that is constructed second (i.e., the GB Capital Component if the City Program – Development Component is constructed first, or the City Program –</p>	<p><b>Timing:</b> Prior to project operation</p> <p><b>Method:</b> Upsize the existing 12-inch PVC pipeline on Bay Marine Drive to a 16-inch pipeline and install and upsize pipeline on Marina Way.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Development Component if the GB Capital Component is constructed first), the project proponent for that project component (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the new pipelines. Such reimbursement shall be a condition of the Coastal Development Permits for the City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component.</p>		
<p><b>MM-UTIL-4: Issue Payment for City’s Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component).</b> Prior to the issuance of the respective building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall pay the City’s established sewer capacity fee.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Pay the City’s established sewer capacity fee.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> City</p>
<p><b>MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component).</b> Prior to construction of any recreational or ornamental water feature, if it is determined that there is a low water supply, then the feature shall not be constructed until water supply is secured or there is an alternative design that incorporates low water use.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Ensure features are constructed only if water supply is secured.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<p><b>MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits (Balanced Plan, City Program – Development Component, and GB Capital Component).</b> Water availability shall be confirmed by SWA prior to issuance of building permits. The confirmation of water availability shall be provided in written form by SWA. If SWA indicates there is not sufficient water supply to serve the project, the scale of the project shall be reduced to a level that is serviceable by SWA or use recycled water.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Confirm water supply availability, reduce project scale to a level that is serviceable, or use recycled water.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and SWA</p>

AB = Assembly Bill; BAU = business-as-usual; BMP = best management practice; CA Title 22 = California Code of Regulations, Title 22; CAP = Climate Action Plan; CARB = California Air Resources Board; CCC = California Coastal Commission; CCR = California Code of Regulations; CDFW = California Department of Fish and Wildlife; CDP = Coastal Development Permit; CFGC = California Fish and Game Code; CFR = Code of Federal Regulations; CNEL = Community Noise Equivalent Level; CO = carbon monoxide; CRMDP = Cultural Resources Monitoring and Discovery Plan; CWA = Clean Water Act; dB = decibel; dBA = A-weighted decibel; DEH = Department of Environmental Health; DOT = Department of Transportation; EPA = U.S. Environmental Protection Agency; ESA = environmentally sensitive area; FPR = first point of rest; GHG = greenhouse gas; HDSAP = Harbor District Specific Area Plan; HMMP = Habitat Mitigation and Monitoring Plan; in/sec = inches per second; KOP = key observation point; LCP = Local Coastal Program; LEED = Leadership in Energy and Environmental Design; Leq = equivalent sound level; Leq(h) = hourly equivalent sound level; L<sub>max</sub> = maximum sound level; LUC = Land Use Code; MBTA = Migratory Bird Treaty Act; MTCO<sub>2e</sub> = metric tons of carbon dioxide equivalent; MWh = megawatt-



hour; NCMT = National City Marine Terminal; NMFS = National Marine Fisheries Service; NO<sub>x</sub> = nitrogen oxides; PAH = polynuclear aromatic hydrocarbon; PCB = polychlorinated biphenyl; PM10 = particulate matter 10 microns or less in diameter; PM2.5 = particulate matter 2.5 microns or less in diameter; PMP = Port Master Plan; PVC = polyvinylchloride; RAQS = Regional Air Quality Strategy; RV = recreational vehicle; RWQCB = Regional Water Quality Control Board; SANDAG = San Diego Association of Governments; SDAPCD = San Diego Air Pollution Control District; SIP = State Implementation Plan; SLR = sea-level rise; SOI = Secretary of the Interior; STC = sound transmission class; STP = Special Traffic Permit; SWA = Sweetwater Authority; TDM = Transportation Demand Management; TPH = total petroleum hydrocarbons; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service; VAP = Voluntary Action Program; VMT = vehicle miles traveled; VOC = volatile organic compound; ZNE = zero net energy

**RESOLUTION NO. 2023-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ACCEPTING THE FINDINGS OF THE BALANCED PLAN ENVIRONMENTAL IMPACT REPORT AND ADOPTING BY REFERENCE THE MITIGATION MONITORING AND REPORTING PROGRAM.**

**WHEREAS**, the City of National City (City) and the San Diego Unified Port District (District) worked cooperatively to prepare the National City Balanced Plan (Project), a multi-jurisdictional plan for various public infrastructure improvements and increased access and visitor serving uses along the City's and District's waterfront; and,

**WHEREAS**, for purposes of the California Environmental Quality Act (CEQA), the District was designated as the Lead Agency and the City the Responsible Agency for preparation of the National City Balanced Plan Environmental Impact Report (EIR); and

**WHEREAS**, the District certified the EIR, adopted findings and approved a Mitigation Monitoring and Reporting Program (MMRP) at a duly noticed public hearing held on November 16, 2022; and

**WHEREAS**, as the Responsible Agency, the City must consider all significant environmental impacts analyzed in the EIR, adopt CEQA findings based substantial evidence, and approve a Mitigation Monitoring and Reporting Program (MMRP); and

**WHEREAS**, the Planning Commission of the City of National City, fully considered the environmental impacts, adopted Statements of Overriding Considerations, and appropriate mitigation measures found in the certified EIR; and

**WHEREAS**, at a duly advertised public hearing held on March 6, 2023, the Planning Commission recommended that the City Council of the City of National City make findings and accept the EIR and adopt the MMRP; and

**WHEREAS**, the City Council of the City of National City, California, considered said acceptance and adoption at a duly advertised public hearing held on March 21, 2023, 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. 2022-26 LCPA, 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 NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** That the evidence presented to the City Council at the public hearing held on March 21, 2023, support the following findings:

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is a “Responsible Agency” for the project.
2. The Final EIR was prepared in compliance with CEQA statute and Guidelines.
3. The City has independently reviewed and analyzed the Final EIR, considered all substantial evidence, public comments, public testimony, and the District’s responses to public comments, and the City’s analysis of the EIR, MMRP, and related documents reflect the independent judgment of the City.
4. The District found and determined that the proposed Balanced Plan project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091. The City Council makes and accepts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A", which are hereby incorporated herein fully by this reference and made a part of the City’s administrative record herein and declares that it considered all relevant and substantial evidence described in connection with each such findings.
5. An MMRP has been prepared by skilled and independent professionals for the project and approved by the District. The City Council adopts the mitigation measures applicable to the City’s portions of the Project or made a condition of approval of the Project. The MMRP is incorporated by reference herein as Exhibit “B” and is considered part of the Record of Proceedings for the Project.
6. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator for those mitigation measures applicable to the City’s jurisdiction.
7. 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) and all other relevant provisions of CEQA.
8. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final 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. The City Council finds that pursuant to CEQA Section 21081(a), that the adverse changes to the environment have been fully mitigated or have been determined to have overriding benefits to the City that outweigh those impacts.
11. 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 to any member of the public at the offices of the City, custodian of record for such documents or other materials.
12. Having received, reviewed, and considered all information and documents in the administrative record, the City Council conditions the Project and approves the Project consistent with the Findings herein.

**Section 2:** The City Council has considered the EIR and finds on the basis of the whole of the administrative record that the Final EIR reflects the City's independent judgment and analysis.

**Section 3:** Based on the Findings of Fact set forth above, the City Council accepts the Findings of Fact and the Statement of Overriding Consideration contained in the Final EIR and adopts the MMRP for the mitigation measures applicable to the City's portions of the Project.

**Section 4:** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21<sup>st</sup> day of March, 2023.

\_\_\_\_\_  
Ron Morrison, Mayor

ATTEST:

\_\_\_\_\_  
Shelley Chapel, MMC, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Planning  
**Prepared by:** Martin Reeder, AICP – Planning Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Approval of Amendment to City’s Local Coastal Program reflecting jurisdictional boundary changes affected by the Port of SD - National City Balanced Plan and expansion of the Bayshore Bikeway

**RECOMMENDATION:**

Adopt the Resolution entitled, “Resolution of the City Council of the City of National City, California, Approving a Local Coastal Program (LCP) Amendment to Reflect Jurisdictional Boundary Changes Affected by the Port of San Diego’s National City Balanced Plan and Expansion of the Bayshore Bikeway.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

The Planning Commission recommended approval of the Amendment.

**EXPLANATION:**

Executive Summary

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City’s waterfront area. This project is collectively referred to as the “Balanced Plan” and is intended to be mutually beneficial to the region and is geographically located within the jurisdictional boundaries of the City and the District. The LCPA includes changes to the text and updated maps to reflect adoption of the Balanced Plan. The Planning Commission recommended approval of the Amendment to the City Council.

Balanced Plan Proposal

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), District tenants, and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City’s waterfront area. This project is collectively referred to as the “Balanced Plan” and is intended to be mutually beneficial to the region. It is geographically located within the jurisdictional boundaries of the City and the District.

Specifically, the Balanced Plan includes the following main components within the City's jurisdiction, which are addressed in detail later in this section:

- Amendments to the City's LCP that would include changes to the City's and District's jurisdictional boundaries due to District land purchases; changes to subarea boundaries; and proposed changes to land use, specific plan, and zone designations subject to future City Council action.
- Removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City's General Plan, LCP, and Land Use Code (LUC) to reflect changes in jurisdictional authority.
- Construction and operation of a new segment of the Bayshore Bikeway, in coordination with the District's portion of the Bayshore Bikeway.

A resolution authorizing approval of the LCP amendments is included in Attachment 4.

### Zone Change

The City Program proposes future zoning changes for five vacant City-owned parcels located north of Bay Marina Drive. See Attachment 4. The City currently owns seven parcels that comprise two complete blocks between Bay Marina Drive to the south, West 23rd Street to the north, Harrison Avenue (vacated) to the west, and I-5 to the east. The City also owns Parcel 7 adjacent to the railroad tracks, which contains the National City Santa Fe Depot and includes the historic train station and several historic rail cars on display.

The City proposes to rezone Parcels 1, 2, 3, 5, and 6 from MM (Medium Manufacturing) to CT (Tourist Commercial) which could allow these parcels to be developed with hotel, restaurant, retail, and/or some combination of tourist/visitor-serving commercial uses. The CT zone currently allows a floor area ratio (FAR) of up to 1.0 (1.0 multiplied by the lot size), with no height limit; however, as part of the Balanced Plan, the FAR will increase to 2.0 (twice the lot size). The maximum allowable development with a FAR of 2.0 would be approximately 254,782 square feet of floor area. The proposed 2.0 FAR would allow for the development of desired land uses that require substantial floor areas, such as hotels, which would be of economic benefit to the City and provide opportunities for increased public access to the City's marina area. Development standards, such as the parking requirement and landscaping, would be based on the specific uses permitted in the CT zone at such time as future development is proposed. Parcels 4 and 7 are currently zoned CT and will remain so. No other City land use changes or development are currently proposed as part of the Balanced Plan. While this proposed zoning change is described in the LCP text, the implementation of this zoning change will be subject to future City action.

### City/District Boundary Adjustment

The Balanced Plan proposes the removal of approximately 12.4 acres of land area within the Balanced Plan area, located mostly on the current GB Capital leasehold east of the mean high tide line and on land now owned in fee by the District. This land will be removed from the LCP, City's General Plan, and LUC will be added to the District's PMP to reflect changes in jurisdictional authority. These changes will clarify the jurisdictional boundary between the City and the District and will be reflected on all City zoning and General Plan Maps. These lands are not currently regulated by the Port Master Plan and this jurisdictional amendment will ensure consistency with

the California Coastal Act and the Public Trust Doctrine. The District will amend its PMP map accordingly. See Attachment 3.

### Bayshore Bikeway

As a major goal of the City's original LCP submission, the Bayshore Bikeway is now being realized. The Bayshore Bikeway Segment 5 is generally located on a combination of existing roadways including Bay Marina Drive, Marina Way (formerly Harrison Avenue), Cleveland Avenue, McKinley Avenue, West 19th Street, Tidelands Avenue, West 14th Street, and Civic Center Drive. Most of the Bayshore Bikeway component is located within the City's jurisdiction and the southernmost portion is located within the District's jurisdiction. A small portion of the bikeway encroaches into the 100-foot buffer around the Sweetwater Marsh. Protection of the marsh will be assured through the adoption of Mitigation Measures Bio-1, Bio-3, Bio-4 and Bio-5 contained in the Mitigation Monitoring and Reporting Program (MMRP), which is part of in the Port of San Diego's Balanced Plan EIR<sup>1</sup>. City consultants are also coordinating with the California Coastal Commission and the California Department of Fish and Wildlife regarding details of marsh protection measures. These are also included in the MMRP. This new section of the Bayshore Bikeway is an important component of the 24-mile Bayshore Bikeway that circumnavigates San Diego Bay. The City is currently updating its Bicycle Master Plan to include the new Bayshore Bikeway segment.

### Harbor District Specific Area Plan (HDSAP)

The HDSAP is the area roughly south of Bay Marina Drive between Paradise Marsh and the National City Marine Terminal and was adopted by the City Council on July 28, 1998 and certified by the Coastal Commission on November 5, 1998. At that time, the HDSAP was intended to be a resource-based, environmental implementation plan to establish site-specific conservation and development standards in the OSR (Open Space Reserve), CT (Tourist Commercial), MM (Medium Manufacturing), and OS (Open Space) districts. No land use changes or specific development were included. Since 1998, the HDSAP has been implemented and is no longer relevant, given the changes in jurisdictional boundaries between the District and the City. Therefore, the HDSAP will be replaced by the Balanced Plan.

### Balanced Plan Components within the District's Jurisdiction

The Balanced Plan also includes a number of development components located within the jurisdiction of the District which are integral to the overall development and economic benefit of the waterfront and marina area. The District's Balanced Plan components are provided for informational purposes only and are not subject to any discretionary action by the City. Proposed changes within the District's jurisdiction include the following.

- Changes to land and water use designations in the District's Port Master Plan (PMP).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District's jurisdiction within lands leased to GB Capital.
- The expansion of Pepper Park from 5.2 acres to 7.7 acres to increase park space and

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<sup>1</sup> <https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=5938482&GUID=9FB18B0D-0E4C-4058-B5E3-67FE3ADD0148> (see 1. 2022-0360A Draft Resolution)

recreational opportunities for the community.

- Construction and operation of a rail connector track and storage track within the District's jurisdiction to serve the Pasha Group's maritime operations at the National City Marine Terminal.
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions, and re-designation of the area to Marine-Related Industrial in the District's PMP.
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's jurisdiction in coordination with the bikeway sections located within the City's jurisdiction.
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, re-designate land uses, and balance commercial and maritime uses.

### Phased LCP Update Program

The LCP was originally certified by the Coastal Commission in 1988 and the Implementation Plan was first certified in 1990; both were last amended in 1997. The City is aware that these important documents are out of date and need to be updated. The purpose of the Balanced Plan described in this report was to implement many years of negotiation with the District, GB Capital, and Pasha to identify mutually beneficial land uses to optimize recreational, maritime, and commercial uses within the National City Marina District.

Through agreement with the Coastal Commission, the City will be embarking on a three-part phased and comprehensive LCP update. These three phases are:

1. Balanced Plan LCP Amendment as described herein.
2. Targeted amendments to the LCP to update General Plan and Zoning Code references, strengthen coastal resilience, and lay the groundwork for a comprehensive LCP update. The scope of work would include LCP Amendments to the LCP Land Use Plan (LUP) including the zoning change previously described and updates to the Implementation Plan (IP). The City has received grant funding from the Coastal Commission to undertake these tasks which are already underway.
3. Comprehensive LCP Amendment. This third phase would be a comprehensive update to the LCP, which was last amended in 1997. City staff will be applying for substantial Coastal Commission grant funding to pay for the effort, which is expected to begin in late 2023 to 2024.

### Local Coastal Program Consistency

Section 18.16.020 of the Land Use Code states that the purpose of the CT zone is to provide areas catering specifically to the needs of the automobile-oriented trade, such as transient accommodation and services, certain special retail outlets, and commercial amusement enterprises. Within the Coastal Zone, the purpose of the CT zone is to further accommodate tourist commercial, recreational and open space uses, consistent with the description of the LCP's Tourist Commercial designation and consistent with the policies of the Local Coastal Program, Land Use Plan, and the California Coastal Act. Therefore, the proposed rezoning of the City-owned properties from MM to CT is consistent with the LCP.



### Summary

The proposed Balanced Plan project will provide additional commercial opportunities for the City and the San Diego County region and generate revenue for the City through transient occupancy, sales and property tax. Further it will increase visitor-serving uses, public access and recreational activity in the City's waterfront. The project will produce new full and part time jobs and will help meet the City's revenue generation needs for the General Fund, which funds essential services throughout the City.

### **FINANCIAL STATEMENT:**

There is no budgetary impact at this time, but as described in the summary above, the project will have a positive impact in future years.

### **RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Balanced Budget and Economic Development

### **ENVIRONMENTAL REVIEW:**

This is a project under CEQA and requires full environmental review and the preparation of an environmental impact report. CCR 15362. The Balanced Plan Environmental Impact Report was certified by the San Diego Unified Port District in November 2022.

### **PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

### **ORDINANCE:**

Not Applicable

### **EXHIBITS:**

1. Local Coastal Program (Land Use Plan) strikethrough/underline
2. City Owned Parcels to be rezoned
3. City/District Boundary Adjustment Map
4. Resolution

NATIONAL CITY LOCAL COASTAL PROGRAM

LAND USE PLAN

Prepared By

George S. Nolte & Associates, 1981,

And updated by the City of National City, 1988

Adopted by City Council Resolution No. 15,614

May 10, 1988

Amended by:

Resolution No. 91-60, April 2, 1991

Resolution No. 93 -26, March 2, 1993

Resolution No. 96-145, September 10, 1996

Resolution No. 96-177, December 17, 1996

Resolution No. 97-53, May 6, 1997

Certified by the California Coastal Commission

April 14, 1988

July 16, 1991

June 10, 1993

July 10, 1997

This document was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, as amended, and from the California Coastal Commission under the provisions of the Coastal Act of 1976.

**EXHIBIT 1**

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~~Appendix IV—City Standards for Building Aesthetics and Materials, Height, Signing and Landscaping.~~

## EXECUTIVE SUMMARY

### BACKGROUND

~~Local control over land use in the coastal zone was significantly modified with the passage of the California Coastal Zone Conservation Act by the voters of California in November, 1972. Proposition 20 set forth a distinct role for the State in coastal land use matters, and created the California Coastal Zone Conservation Commission and six Regional Coastal Commissions. The mandated mission of the Coastal Commission was to prepare a statewide comprehensive plan for the "orderly, long range conservation and the management of the coast", and to regulate development while the plan was being prepared. Preparation of the Coastal Plan commenced in 1973, and it was submitted to the state legislature in December, 1975. Based upon the Coastal Plan and the Commission's experience of the preceding years, the California legislature passed the California Coastal Act in August, 1976. Public access, resource protection, and protection of maritime related industries in the Coastal Zone were significantly enhanced with the passage of the California Coastal Zone Conservation Act by the voters of California in November, November 1972. Subsequent required changes to the Act now includes environmental justice and climate change as impacts to be mitigated. The City of National City and its Coastal Zone is an area where the community has long been impacted by toxic air pollutants that are largely attributed to port maritime industrial-related operations. The community has had few opportunities to access the bay and yet is the most impacted by airborne pollutants. From 2007 to 2022 the Port of San Diego, the City of National City, the community, and Port tenants worked collectively to develop a balanced plan that would serve as the basis for creating enhanced public access and recreational opportunities while protecting maritime-related industries. In November, 2022 the Port of San Diego certified the Balanced Plan Environmental Impact Report, which and forwarded to the Coastal Commission a Port Master Plan Amendment that reflected these several land use changes to within the Port Master Plan. As a consequence of~~ Because of that action the City is now amending its the LCPLocal Coastal Plan portion of its Local Coastal Program (LCP) (LCPA) to reflect the approval of the Balanced Plan. The Balanced Plan Local Coastal Plan Amendment (LCPA) is the first phase of a multi-phased LCPA process which will update the entire LCP to reflect changes in the Coastal Act, update background information, and make necessary corrections throughout the document. The City intends to provide the California Coastal Commission (Commission) with a comprehensive LCP update, now estimated for fiscal year 2023/2024.

The City's 2022 LCPA is in keeping with the declaration of the state legislature in adopting the Coastal Act of 1976 was that the ~~coastal zone~~ Coastal Zone is a distinct and valuable resource of vital and enduring interest to all people. The basic objectives of the Coastal Act are to achieve the following:

"Protect, maintain, and where feasible, enhance and restore the overall quality of the ~~Coastal Zone~~ coastal zone environment and its natural and man-made resources.

"Assure orderly, balanced utilization and conservation of ~~Coastal Zone coastal zone~~ resources taking into account the social and economic needs of the people of the state.

"Maximize public access to and along the coast and maximize public recreational opportunities in the ~~Coastal Zone coastal zone~~ consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

"Assure priority for coastal-dependent and coastal related development over other development on the coast. (Amended by Cal. Stats. 1979, Ch. 1090)

"Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development of mutually beneficial uses, including educational uses, in the ~~Coastal Zone coastal zone~~."

In 2015 the Commission adopted a Sea Level Rise policy that considers new development applications that may be adversely impacted from the effects of climate change. And unlike many coastal cities, National City does not have many residential development properties within its Coastal Zone jurisdiction. Most of the area is zoned Medium Manufacturing, which does not permit new residential construction. Accordingly, methods and mitigation measures that would typically include retreat policies, development exclusion zones, and minimizing the armoring of the coastline have little application to the City. However, areas that are near the Sweetwater Marsh area, that have not been previously developed, may include the requirement be required to increase the elevations of any new building, or other appropriate mitigation measures described in the Balanced Plan Final Environmental Impact Report of 2022.

In 2019 the Coastal Commission adopted an Environmental Justice Policy that recognizes that marginalized populations have been subjected to discriminatory land use practices that have precluded access to affordable recreational assets along the coastline. These communities have also been disproportionately impacted by pollution. The City of National City is an environmental justice community with its residents long subjected to toxic air pollutants from Port District operations and a lack of access to lower cost recreational facilities along the bay. In large part, the Balanced Plan project is directed at expanded access to the bay, providing affordable recreational amenities, and creating well-paying jobs. While there is much work to be done, the Balanced Plan provides the framework addressing the goals of the Commission's Environmental Justice Policy.

The implementation of the Coastal Act is predicated upon the involvement of local government. The Act declares that "to achieve maximum responsiveness to local conditions, accountability and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement." To this end, the Act directs each local government within the coastal zone to prepare a Local Coastal Program (LCP). An LCP consists of a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which implement the provisions and policies of the Coastal Act at the local level.

~~During preparation of a Local Coastal program, local governments should coordinate planning with affected local, regional, state, and federal agencies, and provide the maximum opportunity for public participation. Under the Coastal Act, the responsibility for ensuring meaningful public participation rests with both the Coastal Commission and local government; however, the local government retains the primary responsibility for involving the public in the actual planning process.~~

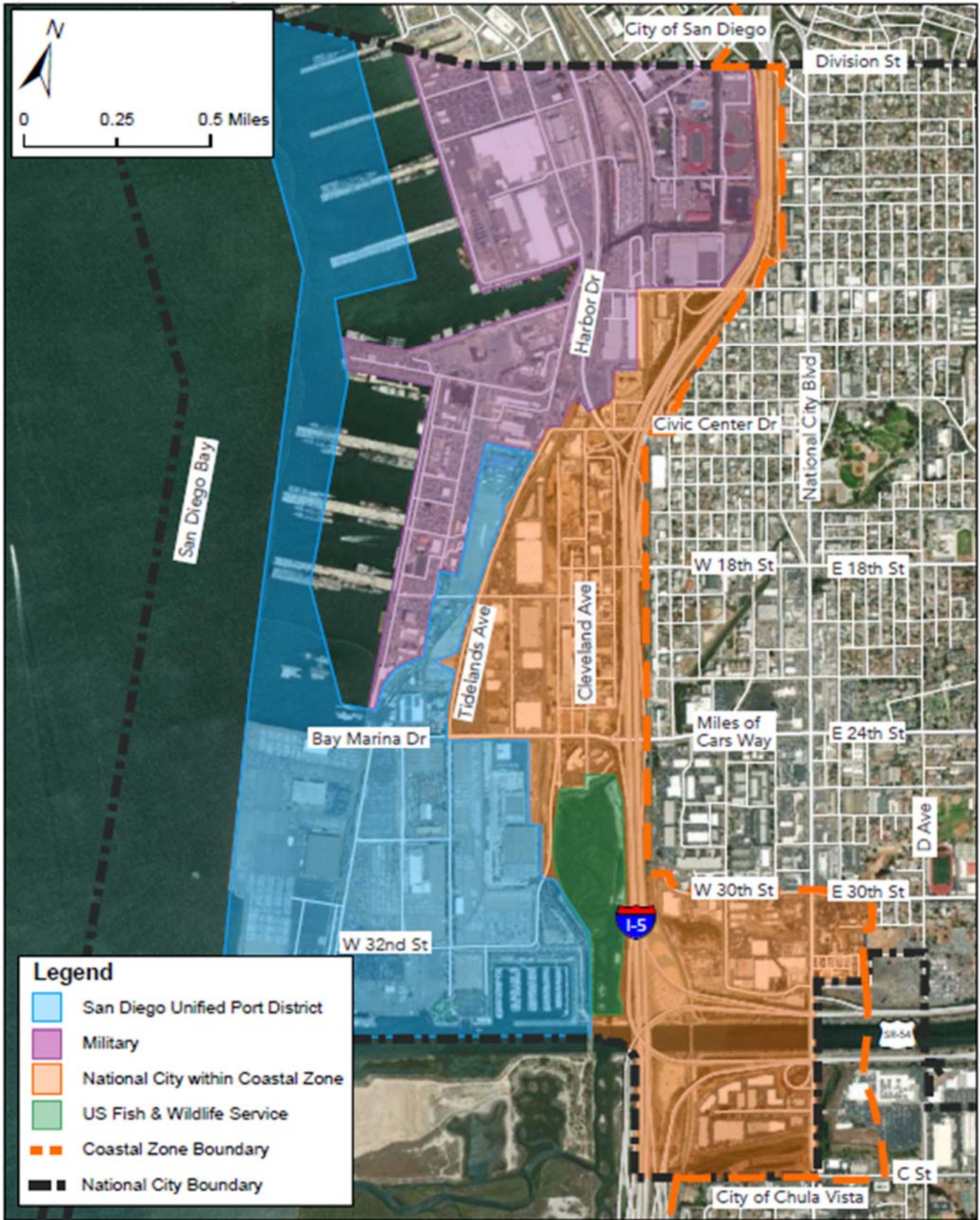
After the LCP has been reviewed and approved by the local government, it is then submitted to the State Coastal Commission for review. In certifying the land use plan, the Commission must find that the plan conforms to Chapter 3 of the Coastal Act, and contains the required public access component. The zoning and implementing ordinances are then reviewed to determine conformance with the approved land use plan. Once the land use plan and implementing ordinances have been certified, the review authority for new development within the Coastal Zone~~coastal zone~~ will revert from the Coastal Commission to local government. The local government in issuing coastal development permits must then make the finding that the development is in conformity with the approved LCP.

The Coastal Zone~~coastal zone~~ of National City includes all the area west of I-5, and a small area east of I-5 south of 30th Street. However, the Coastal Zone~~coastal zone~~ is controlled by three separate governmental agencies: the San Diego Unified Port District, the United States Navy, and the City of National City. The Port District has jurisdiction over all of the state tidelands bayward of the adjudicated mean high tide line, approximately 250 acres of land area and any property acquired by the Port and approved by the State Lands Commission (~~—~~ See Figure 1). The Port District's jurisdiction also includes an isolated parcel of tidelands which is located in the salt flats south of Chula Vista that is connected to National City by a 300-foot wide corridor through San Diego Bay. The Port District submitted its Master Plan to the Coastal Commission, and it was conditionally approved in October, 1980. The plan and has been amended several times since then. Under the jurisdiction of the United States Navy is approximately 300 acres and 8,300 lineal feet of bay frontage. Federal lands are under the jurisdiction of the Federal Coastal Zone Management Act, which states that military lands shall comply with coastal planning to the extent that national security is not imperiled. The Coastal Zone~~coastal zone~~ area over which National City retains jurisdiction totals approximately 575 acres, and is bounded by the U.S. Navy lands to the north, and the Chula Vista Bayfront to the south.

The purpose of the Land Use Plan of National City's Local Coastal Program (LCP)~~contains~~ is to provide technical background information, policy recommendations, and a land use plan map (~~—~~ See Figure 2). The substantive areas of discussion, as directed by the work program approved by the Coastal Commission, are public access, recreation, marsh preservation, visual resources, industrial development, and environmental hazards. The City's LCP is now revised to include a new section of a plan prepared in conjunction with the San Diego Unified Port District (District) referred herein as the Balanced Plan. The Balanced Plan essentially replaces the City's Harbor District Area Specific Area Plan (HDSAP) due to the fact that the HDSAP has been implemented and no longer relevant given the changes in jurisdictional boundaries between the District and the City. The Balanced Plan preserves all applicable HDSAP public access and, resource protection policies. Each of the above issue areas is discussed and evaluated as to existing conditions and existing planning and zoning regulations. This discussion is then followed by a more in-depth analysis of

planning issues and their applicability to Coastal Act policies and Coastal Commission guidelines. Each discussion category is concluded with appropriate policy recommendations.

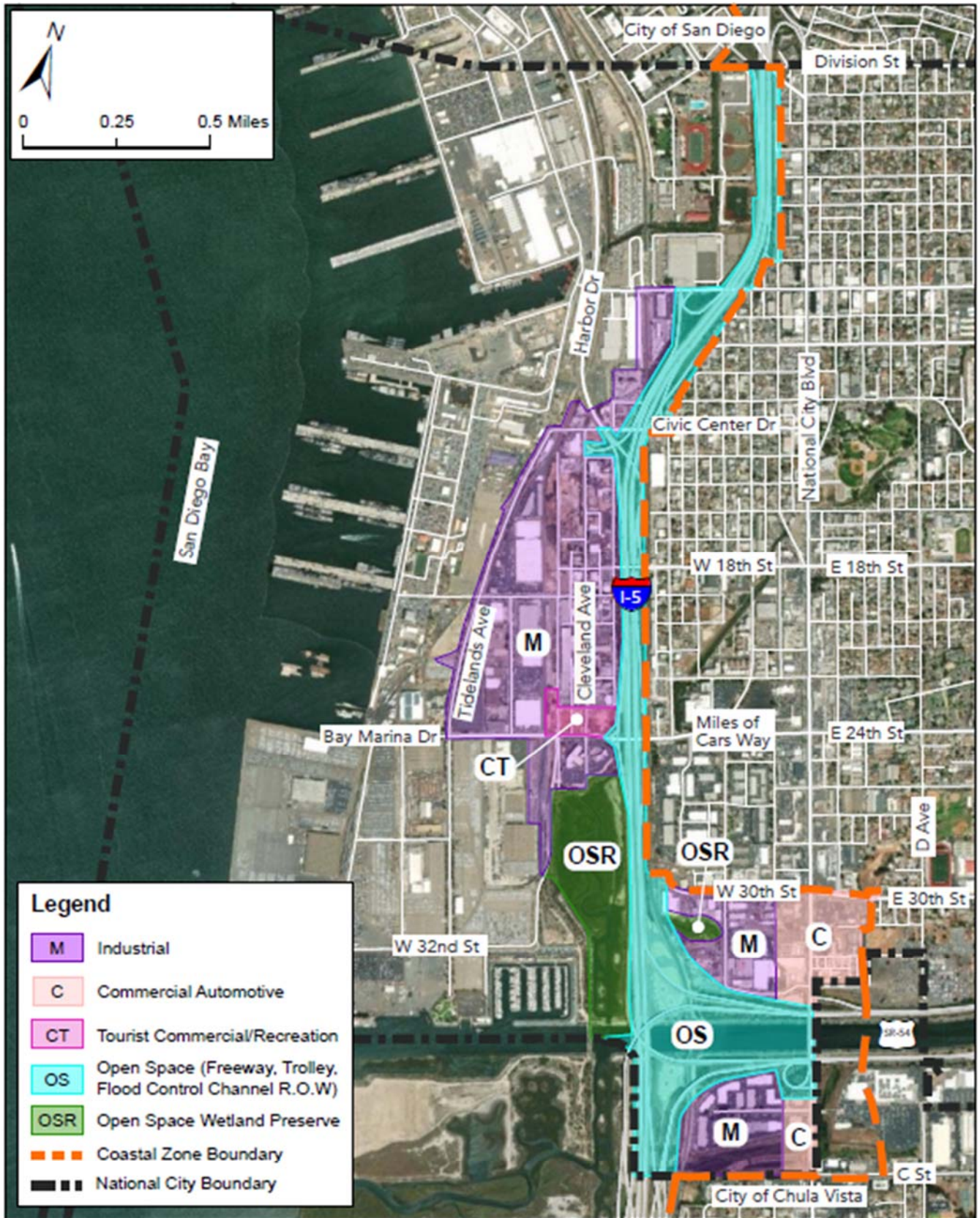




National City Political Jurisdictions Map

Figure 1





National City Land Use Plan

Figure 2



A listing of those recommendations is presented in the “POLICY RECOMMENDATION” section on page x below:

## THE BALANCED PLAN

### OVERVIEW

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), District tenants, and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City’s waterfront area. This project is collectively referred to as the “Balanced Plan” and is intended to be mutually beneficial to the region. It is geographically located within the jurisdictional boundaries of the City and the District.

Specifically, the Balanced Plan includes the following main components within the City’s jurisdiction, which are addressed in detail later in this section:

- Amendments to the City’s LCP, General Plan, and Land Use Code (—, LUC), that would include changes to the City’s and District’s jurisdictional boundaries due to District land purchases; changes to subarea boundaries; and changes to land use, specific plan, and zone designations
- Removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City’s General Plan, LCP, and LUC to reflect changes in land use and jurisdictional authority.
- Construction and operation of a new segment of the Bayshore Bikeway
- Supplant the Harbor District Specific Area Plan (HDSAP) and incorporate applicable HDSAP components into the City’s Amended LCP.

The Balanced Plan also includes a number of development components located within the jurisdiction of the District which are integral to the overall development of the waterfront and marina area. However, as a function of State law under the Unified Port District Act (“Act”) the City has no land use authority over lands acquired by the District and as a result are no longer addressed in the City’s LCP. Per the requirements of the Act and the California Coastal Act, all District development components are addressed in the District’s Port Master Plan Amendment. Changes within the District’s jurisdiction include the following and are presented for informational purposes:

- Changes to land and water use designations in the District’s Port Master Plan (PMP).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District’s jurisdiction within lands leased to GB Capital.
- The expansion of Pepper Park from 5.2 acres to 7.7 acres to increase park space and

recreational opportunities for the community.

- Construction and operation of a rail connector track and storage track within the District's jurisdiction to serve the Pasha Group's maritime operations at the National City Marine Terminal.
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions, and re-designation of the area to Marine-Related Industrial in the District's PMP.
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's jurisdiction in coordination with the bikeway sections located in the City's jurisdiction.
- Construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor serving commercial development north of Bay Marina Drive
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, re-designate land uses, and balance commercial and maritime uses.

### HARBOR DISTRICT SPECIFIC AREA PLAN (HDSAP)

The HDSAP was adopted by the City Council on July 28, 1998 and was certified by California Coastal Commission November 5, 1998. At that time, the HDSAP was intended to be a resource-based, environmental implementation plan to establish site-specific conservation and development standards in the OSR (Open Space Reserve), CT (Tourist Commercial), MM (Medium Industrial Manufacturing), and OS (Open Space) districts. No land use changes or specific development were included, however. Since 1998, the HDSAP has been implemented and no longer relevant given the changes in jurisdictional boundaries between the District and the City and, hence, the HDSAP will be replaced by the Balance Plan in the following manner:

- The Balanced Plan includes the removal of approximately 12.4 acres located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District (Subareas B-1 and B-2). Because this land is no longer in the City's jurisdiction, it is eliminated from the City's General Plan, LCP, and LUC to reflect changes jurisdictional authority.
- HDSAP Subarea A, approximately 8.3 acres, has already been developed with the Marina Best Weste rn-Gateway project, consistent with the HDSAP.
- HDSAP Subarea B-3 is being utilized as a buffer to the Paradise Marsh, public access, the Bayshore Bikeway, and for utility corridor, including large-SDG&E transmission towers. Additionally, the U.S. Fish and Wildlife Service has an easement providing access to the Paradise Marsh and the D Street Fill, located just south of the site.
- HDSAP Subarea C proposed the Harrison Avenue Public Access Corridor which has been completed.
- HDSAP Subarea D, a 3,500-foot-long segment of filled land, which lies between the I-5 freeway and the Paradise Marsh, has been restored with native landscaping, consistent with the HDSAP.
- The Paradise Marsh unit of the Sweetwater Marsh National Wildlife Refuge is federally owned, operated, and managed and is no longer under National City Coastal Development authority.

- In 2008, Pier 32 Marina, entirely located within the District’s jurisdiction, opened to the public and provided increased public access and public views to the water, consistent with the HDSAP.

## BALANCED PLAN-CITY PROGRAM

### Land Use Changes

The City Program is an integral component of the overall Balanced Plan. Development on the Balanced Plan City Program would not be subject to the Public Trust, but it would be within the California Coastal Zone and the City's LCP area. As previously discussed, the City Program would require amendments to the City's General Plan, LUC, and LCP and would replace the HDSAP. The general components of the Balanced Plan are shown in Figure 3. Balanced Plan components that are within the jurisdiction of the Port District are show for illustrative purposes only.

The City Program proposes amendments to the City's General Plan, LCP, and LUC for seven City-owned parcels located north of Bay Marina Drive. See Figure 4. Parcels 1 through 6 are owned by the City and compose two complete blocks between Bay Marina Drive to the south, West 23rd Street to the north, Marina Way (formerly Harrison Avenue) to the west, and I-5 to the east. The City proposes to rezone Parcels 1, 2, 3, 5 ,and 6 from MM (Medium Industrial) to CT which could allow these parcels to be developed with hotel, restaurant, retail, and/or some combination of tourist-/visitor-serving commercial uses. The CT zone currently allows a floor area ratio (FAR) of up to 1.0, with no height limit; however, as part of the Balanced Plan, the FAR will increase to 2.0. The maximum allowable development with a FAR of 2.0 would be approximately 254,782 square feet of floor area. The proposed 2.0 FAR would allow for the development of desired land uses that require substantial floor areas such as hotels which would be of economic benefit to the City and provide opportunities for increased public access to the City’s marina area. Development standards such as the parking requirement and landscaping would be based on the specific uses permitted in the CT zone at such time as future development is proposed.

Additionally, there are two easements along the wetlands; one is owned by SDG&E and the other provides access to the US Fish and Wildlife Service Refuge and is operated by the Service. These easements are located directly east of the Pier 32 Marina and across the Sweetwater Channel and terminating at the wildlife refuge may. With the removal of the South Bay Power Plant in Chula Vista, the SDG&E easement area may provide additional recreation opportunities under and enhance opportunities to meet the goals of the Balanced Plan. This area could serve as parking or overnight accommodations or other development that would enhance the marina environment. Such uses would be required, as part of the CEQA environmental review process, to fully mitigate any biological impacts to adjoining habitats or to protect other coastal resources.

The remaining Parcels 4 and 7 are currently zoned CT and will remain so. Parcel 7 (approximately 1.2 acres), owned by the City and leased to the San Diego Railway Association, is at the northwest corner of Bay Marina Drive and Marina Way. The historic Santa Fe Rail Depot is on this parcel, and no new development is proposed on this parcel. No other City land use changes or

development are currently proposed as part of the Balanced Plan.

#### City/District Jurisdictional Changes

The Balanced Plan proposes the removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the current day GB Capital leasehold east of the mean high tide line and on land now owned in fee by the District, from the City's General Plan, LCP, and LUC to reflect changes in land use and jurisdictional authority. This change will clarify the jurisdictional boundary between the City and the District and will be reflected on all City zoning and General Plan Maps. These lands are not currently regulated by the PMP and this jurisdictional amendment will ensure consistency with the California Coastal Act, Public Trust Doctrine, and Act. The District will amend its PMP map accordingly.

#### Bayshore Bikeway

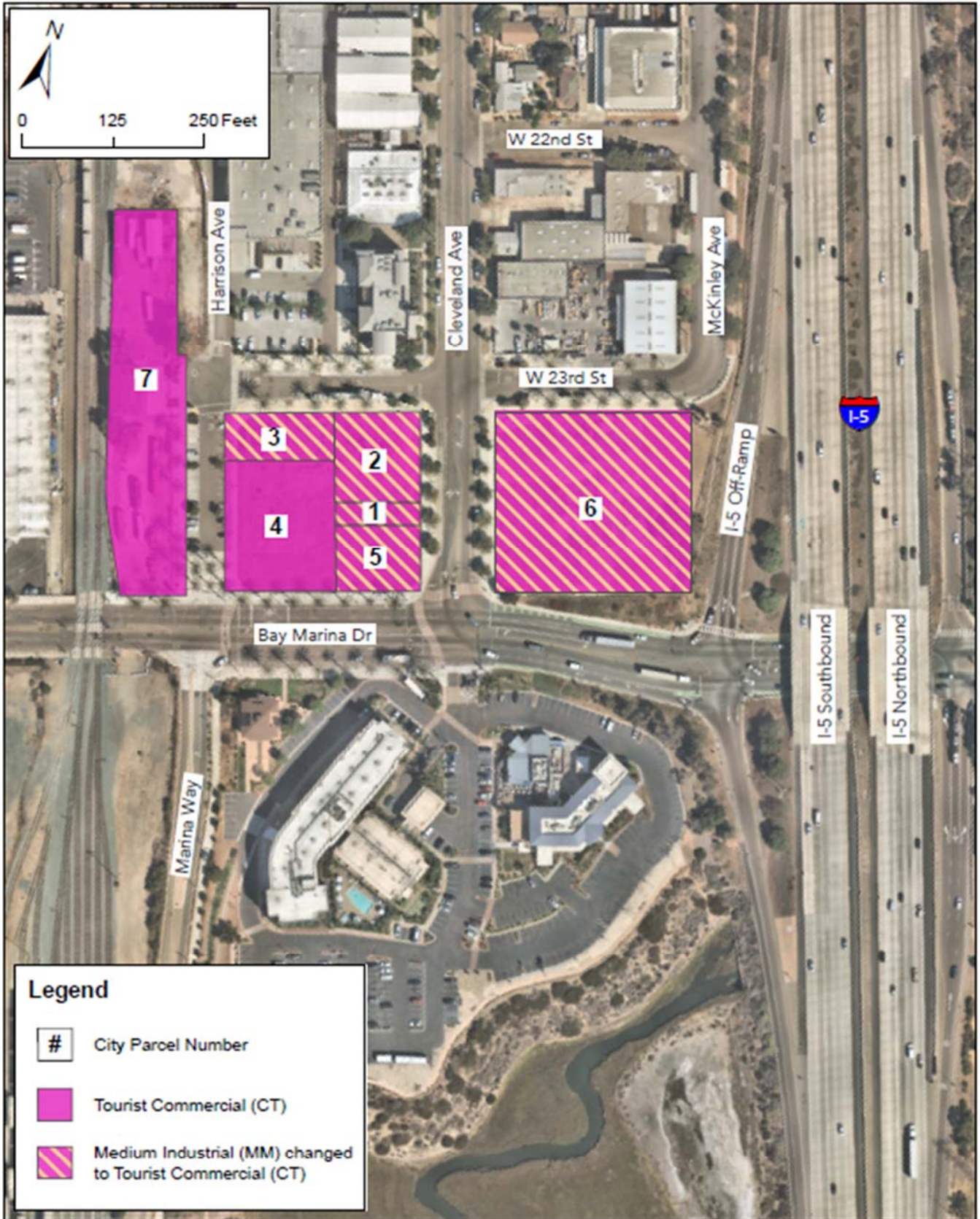
As a major goal of the City's original LCP submission, the Bayshore Bikeway is now being realized. The Bayshore Bikeway Segment 5 is generally located on a combination of existing roadways, including Bay Marina Drive, Marina Way (formerly Harrison Avenue), Cleveland Avenue, McKinley Avenue, West 19th Street, Tidelands Avenue, West 14th Street, and Civic Center Drive. Most of the Bayshore Bikeway Component is located within the City's jurisdiction, and the southernmost portion is located within District jurisdiction. This new section of the Bayshore Bikeway is an important component of the 24-mile Bayshore Bikeway that circumnavigates San Diego Bay.



**Balance Plan Map**  
National City and Port of San Diego Components\*

Figure 3





**Balance Plan City Program**  
Existing & Proposed Zoning

Figure 4





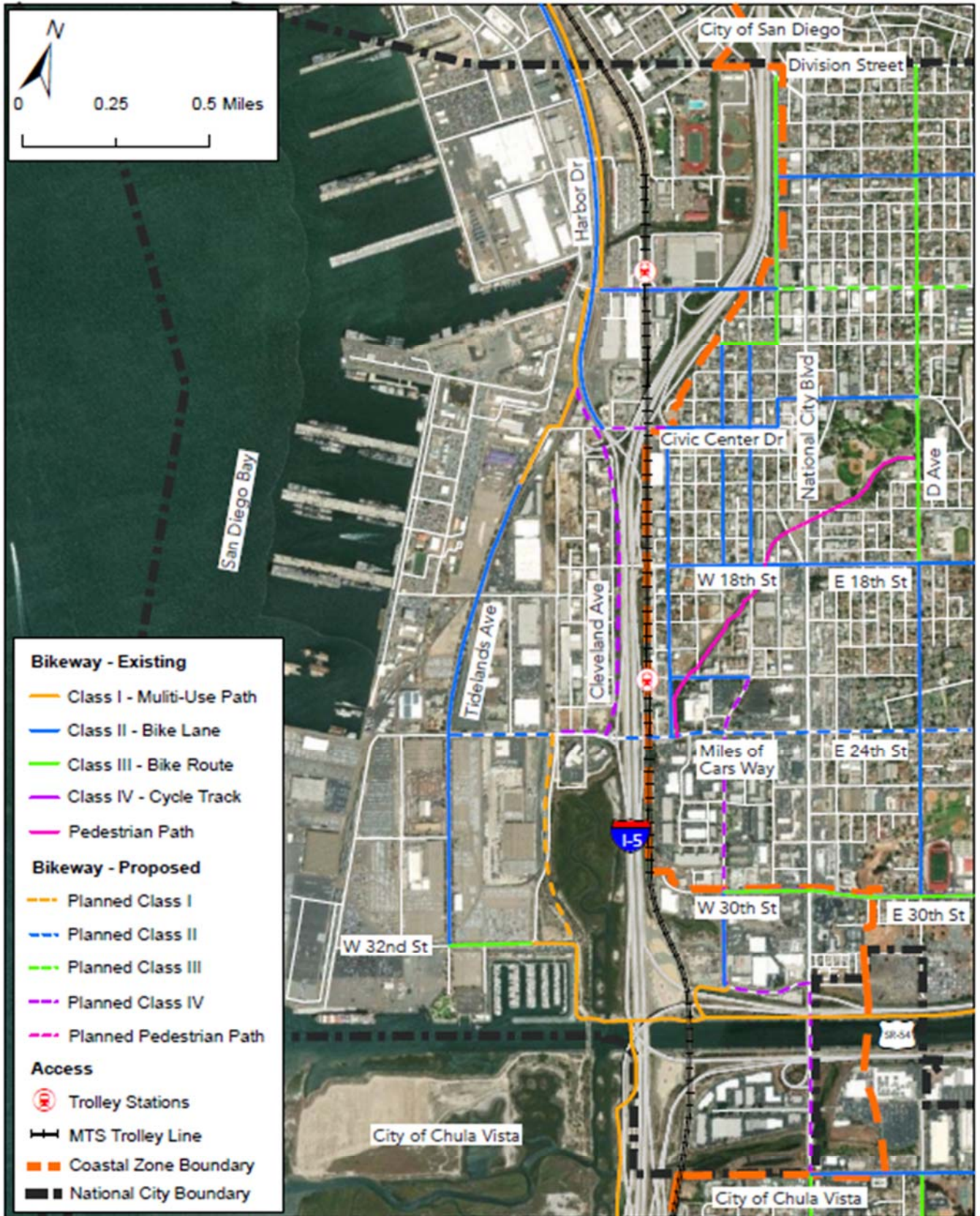
## POLICY RECOMMENDATION

### PUBLIC ACCESS

1. New public shoreline accessways shall be designated to and along Paradise Marsh and the Sweetwater River Channel as generally shown in [See Figure 5](#).
2. Public accessways [to or near the water](#) ~~as designated in Condition Number One~~ shall be provided in conjunction with new development and protected through public access easements or other suitable means of conveyance.
3. In the event that new development is not forthcoming, it is the City's policy to seek the assistance of the Coastal Conservancy, or other appropriate agency, to acquire, plan, and finance public shoreline access.
4. The precise location, design and identification of public accessways shall be consistent, to the maximum degree feasible, with the coastal access standards prepared jointly by the Coastal Commission and the Coastal Conservancy.
5. As indicated in the General Plan, it is the City's policy that the Bay Route Bikeway ([now the Bayshore Bikeway](#)) be extended southerly from ~~24th Street~~ [Bay Marina Drive and Harrison Street](#) ~~Avenue~~ to the Paradise Marsh and boat launching ramp areas and across Sweetwater River Channel to the Chula Vista Bayfront. It is also the City's policy that additional nature trails and bicycle trails be developed adjacent to the Paradise Marsh to connect to the Bay Route Bikeway and Sweetwater River Flood Control Channel Trail System.
6. Alternative modes of access to National City's Bayfront shall be actively encouraged. Specifically, the trail systems proposed as a part of the Army Corps' Sweetwater River Flood Control Channel project, which would provide linkage from National City's Bayfront to inland areas, are supported.
7. All new development shall incorporate adequate on-site parking to accommodate the parking demand generated. The number of required parking spaces for new development shall be determined during the implementation phase of the Local Coastal Program, but shall be, at a minimum, consistent with the schedule of parking requirements of the Municipal Code (Appendix III).
8. ~~Marina Drive~~ [Way](#), ~~A~~ [a](#) new access road [formerly known as Harrison Avenue](#), ~~located~~ westerly and parallel to the Paradise Marsh ~~would~~ [extend](#) southerly from the vicinity of ~~Bay Marina Drive~~ [Harrison Avenue at 24th Street ~~Bay Marina Drive~~ to the National City Boat Launching Facilities and ~~future marine oriented~~ \[Pier 32 Marina\]\(#\), ~~which includes a variety of~~, commercial and ~~or~~ recreational uses. A buffer shall be ~~provided~~ \[maintained\]\(#\) between the roadway and the marsh. ~~A Specific Plan shall be prepared to~~ \[The Balanced Plan\]\(#\) ~~identifies~~ \[a desirable\]\(#\) ~~continued~~ buffering between the marsh and roadway, located in the upland area west of Paradise Marsh. It ~~will~~ \[should\]\(#\) also ~~propose~~ \[propose\]\(#\) landscaping or other](#)

design elements to provide visual linkage and identity for the Paradise Marsh area and appropriate visual separation from the industrial area to the west and freeway to the east.

9. ~~9. New development shall not interfere with desirable public access that may exist or be established by public use on or across private property, i.e. prescriptive rights. Desirable public access shall include access to natural or constructed coastal, recreational resources, except where necessary to protect fragile coastal resources or public safety, or where adequately provided for in another area. Development projects shall be reviewed to determine evidence of public use. The proposed Balanced Plan, in conjunction with the Port of San Diego, would also increase the availability of lower costs visitor serving uses and allow greater public access to the waterfront. —Implementation of the Balanced Plan would provide new opportunities to experience views of the Bay and Sweetwater Channel from the expansion of Pepper Park, and new hotels, a recreational vehicle park, and modular cabins. These land use changes provide lower cost recreational opportunities for the community and members of the near-by region that have been historically underserved.~~
10. Public access shall include access to natural or constructed coastal, recreational resources, except where necessary to protect fragile coastal resources or public safety, or where adequately provided for in another area.



**National City Public Access**

*Figure 5*



## RECREATION

1. The National City Bayfront shall be designated for tourist commercial and recreational use, as indicated in the Land Use Plan (Figure 12). Using the SD&AE railroad as a point of demarcation, consistent with the wetland area proposed for acquisition by the Army Corps of Engineers, the area located to the east, including Paradise Marsh and surrounding lands, shall be designated suitable for passive recreational uses only. The areas to the west and to the north of the Marsh shall be designated for tourist commercial and recreational uses. Wetland resources located west of the railroad, which are not proposed for public acquisition, shall be protected from incompatible development, consistent with marsh preservation policies.
2. The passive recreational area would accommodate the preservation of Paradise Marsh, along with the provision of public accessways and landscaped areas. Public access would be provided and managed consistent with the public access component of the LCP and the maintenance of wetland resource values. Beyond this area, a transition to more active uses could begin. Landscaped areas suitable for picnicking and general recreation may be appropriate.
3. In order to meet specific recreational market demand and provide an attraction for secondary uses, overnight uses and boating uses shall be assigned the highest commercial development priority for the commercial recreational areas. For the area west of Paradise Marsh, appropriate uses include expanded marina development, new hotel/motel and restaurant facilities, recreational vehicle park/campground, dry-storage and boat service facility, and/or public park areas. For the area north of Paradise marsh, hotel/motel facilities, restaurants and other tourist commercial uses would be appropriate. The intensity of development shall be reviewed for impacts on traffic circulation. A Specific Plan shall be prepared to address traffic circulation and roadway improvements, in conjunction with development plans for the tourist commercial area west of Paradise Marsh. The Specific Plan shall determine the location of roadway improvements, based on resource protection standards, i.e., consistency with marsh preservation policies.  
  
~~Tourist-Visitor commercial development in the above referenced areas shall be consistent with existing or currently planned road capacities to the north and south of the proposed tourist commercial area, including the planned extension of Harrison Avenue and the Tidelands Avenue crossing proposed in the City of Chula Vista Bayfront LCP. The intensity of development shall also be reflective of the constraints placed on these roadways by the Marsh Preservation policies of the LCP, this Plan. Approval of these land uses shall not be considered precedent for increasing the capacity of the roads to the north and south of the tourist commercial area.~~
4. In order to develop the visitor~~tourist~~ commercial and recreational area west of Paradise Marsh coordination with the Port District for concurrent development of Port District lands shall continue to be encouraged while environmental justice impacts are mitigated~~, shall be encouraged~~. A higher quality project and a better design should result from such coordination and a more viable development will likely be attracted to the area.
5. To enhance the recreational potential and attractiveness~~public use~~ of the National City waterfront, the restoration of Paradise Marsh is a desirable program. A feasible restoration program shall be determined with the potential assistance of the Coastal Conservancy, or other appropriate agencies, to finance, plan, and implement such a restoration program. The program shall also involve

coordination with the Bayfront Conservancy Trust in its efforts to finance, plan and implement a restoration program, including access and recreational features.

6. To ensure that the recreational potential of the area is maximized, development shall take into account the proximity to the ~~MTDB's MTS Trolley System~~ "San Diego Trolley", the Bays ~~Shore Route~~ Bikeway, and the Sweetwater River Flood Control Channel's recreational areas and trails systems, as well as recreational uses planned ~~in~~for the adjacent Chula Vista Bayfront and other waterfront development ~~along the~~ San Diego Bay.

## MARSH PRESERVATION

1. The wetlands of the Paradise Creek Marsh as well as the secondary area of Paradise Marsh, east of I-5, including salt marsh, freshwater marsh, salt-pan, channel, and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved. The plan designation for these areas shall be OPEN SPACE/WETLAND PRESERVE. The boundaries of the "Open Space Wetland Preserve" areas include the marsh area required for acquisition by the Army Corps of Engineers for the Sweetwater River flood control improvements, marsh area within Caltrans right-of-way easterly of the SDG&E right-of-way, and the secondary area of Paradise Marsh east of the I-5 freeway. The Sweetwater River area, south of 35th Street, designated for industrial and commercial use, and the wetlands located west of the railroad, which are not proposed for public acquisition, also contain valuable biological resources which shall be preserved under an overlay zone or other appropriate, implementing regulation which shall be defined in the implementation plan. The overlay zone or implementing regulation shall include requirements for mapping all wetlands not included in the "Open Space Wetland Reserve" land use designation, execution of open space easements over identified resources and their buffers in conjunction with new development and a determination of appropriate buffers for any new development.
2. In order to preserve Paradise Marsh, ~~the~~ the wetlands located west ~~of the former railroad right-of-way, including the proposed part of the Bayshore Bikeway Segment 5, of the railroad,~~ which are not proposed for public acquisition; the secondary area of Paradise Marsh, east of I-5; and the Sweetwater River south of 35th Street ~~shall adhere to the following:~~
  - Alteration shall be limited to minor incidental public facilities, restoration measures, and nature study. Consistent with the provisions of Section 30233, the diking, dredging and filling of wetlands, open waters, estuaries and lakes shall be permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: incidental public service purposes, restoration purposes, and nature study. There shall be no alteration of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, as well as of the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, except as determined by a marsh restoration program which has been approved by the California Coastal Commission.
  - The dumping of rubbish or commercial waste into the marsh areas shall be prohibited.
  - The intrusion of off-road vehicles and unauthorized pedestrian traffic into the marsh areas shall be discouraged.

A buffer area shall be established for new development adjacent to wetlands. A 100 ft. distance from the edge of the wetland shall generally provide an acceptable buffer acceptable to the sState and fFederal agencies.

~~• The required distance may be increased or decreased based on consultation with the Department of Fish and Game. A buffer area less than 100 feet wide may be permitted, depending upon the analysis of the specific site proposed for development. Examples which may demonstrate that a lesser distance would be acceptable include but are not limited to the type and size of development, proposed buffer improvements such as landscaping or fencing, and existing site characteristics such as a grade differential between a marsh area and adjacent upland area, existing development in the area, and parcel size and configuration. Consistency with buffers required as part of the Sweetwater River Channel/Rt. 54 project shall also be considered in order to determine appropriate buffers less than 100 feet wide. The buffers shall be determined with the concurrence of the state Department of Fish and Game.~~

~~• 3. To enhance the habitat and aesthetic value of Paradise Marsh, the wetlands located west of the railroad, which are not proposed for acquisition, as well as the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, feasible restoration activities shall be encouraged. Feasible restoration activities shall be determined with the potential assistance of the Coastal Conservancy, or other public agency or private group, including the Bayfront Conservancy Trust, to finance, plan, implement and manage a restoration program. The recommended elements for a restoration program include:~~

~~• A public access and information program that would be designed to allow observation of the marsh, while controlling intrusion into the marsh itself. A component of the access program should be an interpretive nature trail along the western margins of Paradise Marsh, which could connect with an observation platform.~~

~~• The removal of all rubbish and debris from the marsh through a volunteer effort, or the California Conservation Corps.~~

~~• The dredging of Paradise Marsh, consistent with a marsh restoration program, prepared in consultation with the California Department of Fish and Game and approved by the California Coastal Commission, possibly concurrent with the construction of the Sweetwater River Flood Control Channel, to improve tidal flow and flushing. Dredging shall be restricted to existing tidal channels.~~

~~• The encouragement of a scientific research program.~~

4. To enhance the habitat and aesthetic value of Paradise Marsh, the wetlands located west of the railroad and , proposed new development, including roadways, located near to the wetlands of Paradise Marsh, Proposed new development, including roadways, located adjacent to the wetlands of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, shall be designed to discourage the intrusion of pedestrians, vehicles, or domestic animals into the marsh through physical barriers such as fencing and/or landscaping with appropriate non-invasive species. In association with new development or remodeling of existing development contiguous with the wetlands, including roadways, drainage shall be directed off-site toward the Sweetwater River Flood Control Channel, or to existing street drains, whenever possible, or channeled into a settling area before entering the marsh. Potential increase in the rate

of storm-water runoff, which may result from new development, including roadways, adjacent to wetlands, shall be controlled by detention basins or other means to avoid impacts of erosion and sedimentation on wetlands consistent with all applicable local, state, and federal standards. The size, design and placement of such sedimentation control devices shall be developed in consultation with the State Department of Fish and Game resource agencies prior to or concurrent with the commencement of construction and shall be installed and maintained by the developer, or any successors in interest.

5. Wetlands in private ownership, which may be located in the CT, C and M, as well as OSR designated areas, shall be protected from development through the application of mitigation measures that include, but not be limited to, buffer zones, shielding of lights, barriers, educational signage, predator control measures, and run-off protection features.  
~~of an overlay zone or other appropriate, implementing regulation proposed in Policy #1. Necessary protective measures, including adequate buffers, regulations regarding the design and siting of structures, etc., and open space easements shall be determined during review of proposals for development, by application of criteria to be specified in the LCP Implementation Plan.~~

6. Landscaping in areas adjacent to wetlands shall include only native plants ~~only~~ which are non-invasive species. ~~of wetlands.~~

7. ~~For all properties that have wetland features, each projects shall incorporate BMP erosion control measures Specific erosion control measures and shall be in place during all construction activities, biological monitoring and planning, and control of run-off during all grading activities shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained in conjunction with all grading activities, along Marina Way, consistent with Section X (B)(4)(k) of the Implementation Plan, during the period of November 1 to April 1 of each year for all properties which drain directly to marsh and wetland areas. These properties shall include all properties located in the following areas:~~

~~All properties between 35th Street and the southerly City limits;~~

~~All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street and the MTDB San Diego Trolley Line;~~

~~All properties in the City's jurisdiction located westerly of Highway I-5 and south of 24th Street Bay Marina Drive.~~

## VISUAL RESOURCES

1. ~~To ensure that the Army Corps of Engineer's Sweetwater River Flood Control project improves the scenic resources of the area, National City shall support and encourage the project as proposed with the following mitigations:~~

~~• The restoration of the marsh connections with the Sweetwater River, and~~

~~• The development of shoreline recreational features along the banks of the flood control channel.~~

12. To ensure that the development of the proposed commercial and recreational area adjacent to Paradise Marsh ~~west of the SD&AE railroad~~ is of the highest aesthetic quality, the City shall require that the development of the site shall be in accordance with development standards and requirements to be determined by a Specific Plan for the area. The Specific Plan shall determine appropriate height limits, landscape elements, signage, and view protection and enhancement, consistent with the policies of the Land Use Plan. Vistas shall be provided from public roadways and public open space areas to Paradise Marsh and the Sweetwater River Flood Control Channel. Height limits shall be established as determined necessary to provide for focal points in key activity areas.

32. To ensure that the new road to provide access to the proposed recreation area adjacent to Paradise Marsh is of high visual quality, its design shall implement and incorporate the General Plan policy proposing the construction of landscaped entryways ~~from~~ Landscaped entryway improvements for 24th Street Bay Marina Drive. ~~would be especially appropriate.~~

~~4. A Specific Plan shall be prepared to identify design improvements to enhance the visual identity of the Paradise Marsh area, provide a visual linkage between recreational uses near the Sweetwater River Channel and tourist commercial uses west of the Marsh and at 24th Street Bay Marina Drive, and appropriate visual separation or buffering of industrial uses to the west and freeway to the east. The design improvements identified in the Specific Plan shall include landscape elements, signing, and architectural elements or criteria, such as height, scale, bulk, color and building materials. Protection or creation of vistas should also be identified in the Specific Plan.~~

345. To ensure that new development throughout the Coastal Zone ~~coastal zone~~ is visually appropriate, projects shall be reviewed for conformance to City standards for building aesthetics and materials, height, signing and landscaping. See Appendix IV.

45. All visual resource mitigation measures, as identified in the National City Bayfront Projects and Plan Amendments Environmental Impact Report applicable to the City, shall be incorporated into all projects located in the in the City's Coastal Zone and Balanced Plan area. Project design shall also be reviewed with regard to other appropriate visual elements identified throughout the development review process.

## INDUSTRIAL DEVELOPMENT

1. In the event that different industrial land uses are competing for available industrial land, priority shall be given to marine related industrial uses

## ENVIRONMENTAL HAZARDS

1. Review of new development for sea level rise, and potential flooding ~~potential flood~~, seismic, and geologic hazards shall determine necessary improvements to minimize risk during the site plan review process, or during any applicable, discretionary review process.

2. Geotechnical and sea level rise reports shall be required for new development in areas subject to flooding and geologic hazards. ~~Geotechnical reports shall be required for new development in areas subject to geologic hazard.~~



3. Waivers of liability shall be required from applicants for Coastal Development Permits in areas of sea level rise and geologic hazards.
4. Prior to the development of the parcels on both sides of the existing Sweetwater River Channel, south of 35th Street, a sea level rise and flood hazard study shall be conducted, based upon design criteria anticipating the potential flood hazard remaining after the construction of the Sweetwater River Flood Control Channel or from a 100-year flood, whichever is applicable at the time of development. ~~Only development consistent with the recommendations of the study shall be approved for the area.~~ Specific development policies shall be provided in the Implementation Plan. The policies shall stress provision of adequate setbacks to minimize the amount of fill necessary for flood protection, and no armoring or channelization of the existing river channel for flood protection shall be allowed.

## LAND USE PLAN SUMMARY

### COMMERCIAL/RECREATION/OPEN SPACE

The National City Bayfront should be designated for tourist commercial, recreational and open space use. Using the SD&AE railroad spur as a point of demarcation, the area located to the east, including Paradise Marsh and surrounding lands, would be suitable for passive recreational and open space uses only. Areas to the north of the marsh and west of the marsh and railroad spur should be designated for tourist commercial and recreational uses.

The total land area within National City which is developable, west of the ~~railroad spur~~ Bayshore Bikeway and SDG&E right-of-way, and designated for tourist commercial and recreational open space use is approximately 23 acres, ~~and is owned by the Santa Fe Land Improvement Company and Atchison Topeka & Santa Fe Railway. However, additional vacant land totaling 15 acres, under the jurisdiction of the Port District, lies adjacent to the west, southeast of 32nd Street and Tidelands Avenue, and east and north of the boat launch facilities. The Port's Master Plan designates the area for commercial recreation and Public Park. It is important to emphasize that the development of this area should be closely coordinated with the Port during the project planning phase. Also, to ensure a well integrated and quality development, the concurrent development of both the National City parcel and the Port District parcel should be encouraged.~~

Although the tourist visitor commercial designation covers a broad range of uses, one or two anchor uses should be sought for the area. ~~Particularly appropriate for the area would be an overnight use and a boating related use, the two activities with the greatest unmet demand. Desirable forms of overnight use include hotel or motel facilities, and/or a recreational vehicle park/campground complex. Such uses, in a close proximity to the Port's launching ramp and the Army Corps' proposed recreational features, would have apparent possibilities. The Balanced Plan includes the expansion of Pepper Park, a new dry boat storage, and additional boat piers, RV park, and future hotels all within the Port District jurisdiction. Development of a marina on adjacent Port District property may also be appropriate. With the proposed extension of the channel for the flood control project, increased boat usage will become even more desirable. Other boating related facilities that would be appropriate include a dry storage area and a sales/service establishment. Again, available space for boat storage near San Diego Bay is at a premium and the situation is only going to become tighter. A stacked or tiered dry storage area, similar to that at Perez Cove on Mission Bay, would be a desirable use at the National City location. With an overnight use and~~

~~boating use serving as anchors, it can be expected that other related uses such as eating establishments and specialty shops will be attracted to the area.~~

The area to the north of the Paradise Marsh, east of the SD&AE railroad right-of-way and south of ~~24th Street~~ Bay Marina Drive is also designated for tourist commercial use. As part of the Balanced Plan, a transition area from the working waterfront to expanded recreational facilities will provide a gateway to the National City Bayfront.

~~A transition from existing industrial uses to future commercial is appropriate to provide a gateway to the Bayfront and Port area.~~

## INDUSTRIAL

National City's portion of the ~~Coastal Zone~~ coastal zone includes two separate areas that are characterized by industrial development. The most heavily industrialized area is located west of I-5. It is almost entirely developed with medium industrial uses, and is designated "Medium ~~Industrial~~ Manufacturing" and "Heavy ~~Industrial~~ Manufacturing" in the General Plan. Truck access in this planning area is from I-5 and includes limited rail access. The other industrial area within National City's eCoastal zZone is the Sweetwater industrial area which is 160 acres in size and located east of I-5. The area is well served by truck access via I-5, rail access, and ship access through Port District lands. The other industrial area within National City's coastal zone is the Sweetwater industrial area which is 160 acres in size and located east of I-5. The entire central portion of this area has been reserved for the joint Army Corps/CALTRANS Sweetwater River flood control channel and Highway 54 project and is designated as open space. The areas to the north and south are virtually all developed with light industrial use and some commercial areas fronting on National City Boulevard. As in the General Plan, both areas are designated for industrial and commercial use in the Land Use Plan. As further described in the Balanced Plan section of the LCP, the City proposes to rezone Parcels 1, 2, 3, 5, and 6 from MM (Medium ~~Industrial~~ Manufacturing) to CT (Tourist Commercial), which could allow these parcels to be developed with hotel, restaurant, retail, and/or some combination of tourist-/visitor-serving commercial uses.

National City's ~~coastal zone~~ Coastal Zone is largely characterized by industrial development, much of which is related to the proximity of the ~~Port's operations~~ container terminal and wharfage. Due, in large part to the attraction of the marine terminal, virtually all of the industrial zoned land in National City's Bayfront has been developed. ~~New industrial development and redevelopment will occur as older residential uses are eliminated; however, the assemblage of parcels large enough to accommodate and attract major industrial uses will be difficult. Taken together with the fact that National City has no direct bay frontage, the imposition of a policy giving preference only to marine related industrial use could be unnecessarily burdensome.~~

~~In most situations, the free market should adequately handle the allocation of available industrial land to marine related industrial uses. The reason being that industrial uses that benefit from a coastal oriented location will compete more effectively for such parcels. However, a land use policy which would allow the free market to operate with the minimum regulatory intervention, and would also achieve consistency with the objectives of the Coastal Act for coastal dependent industrial activity would be advisable. Such a policy would only be applicable in situations where different industrial uses are competing for land, and in such instances would assign priority to marine related industry.~~

## OPEN SPACE/WETLAND PRESERVE

The wetlands of the Paradise Creek Marsh, including salt marsh, freshwater marsh, salt-pan, [Sweetwater eChannel](#), and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved. To that end, the plan designation for these areas is OPEN SPACE/WETLAND PRESERVE.

The value of the Paradise Marsh includes, but is not limited to, the following:

- Through photosynthesis of algal species, the marsh provides an oxygen supply for the waters of San Diego Bay, necessary for survival of fish species and natural pollution impact abatement.
- Flushing of plant and animal detritus from the marsh provides organic matter important for food chains in the bay.
- The marsh acts as a nursery for at least nine fish species, including several important sport fish species.
- The wetland habitats are extremely important wildlife areas, supporting a very high diversity of bird species. These include a number of sensitive species, i.e., Belding's Savannah Sparrow, [California Least Tern](#) and ~~potentially~~ the Light-footed Clapper Rail. The wetlands also are an important stop-over point for migratory species along the Pacific Flyway.

Potential uses for wetlands are:

- ~~Basic~~ [Scientific research, nature study, or](#) educational uses;
- Passive recreation (i.e., bird watching);
- A possible source for applied research into the use of marsh species to introduce salt-tolerant genes into economically important plants (in agriculture), through selective cross-breeding.

One technique of preserving wetlands commonly referred to is the provision of a buffer area between the wetland and development. The ~~Coastal Commission~~ [state and federal resource agencies](#) generally recommends that development be set back 100 feet from the landward edge of a wetland. The 100-foot wide buffer may be increased or decreased in consultation with the ~~Department of Fish and Game~~ [resource agencies](#). The purpose of the 100-foot buffer is to ensure that the type and scale of development will not significantly degrade the adjacent habitat area. ~~The distinction must be made, however, that the application of the 100-foot buffer assumes that the area surrounding the wetland is substantially undeveloped.~~ With respect to Paradise marsh, the wetland is almost entirely surrounded by existing industrial development and transportation corridors including lumber storage yards, slaughter houses, steel fabricating plant, I-5, and rights-of-way for the AT&SF and SD&AE Railroads. ~~In most locations, this existing development lies immediately adjacent to the landward edge of the wetlands. In such situations, the Commission's guidelines recommend that new development observe an appropriate setback based on unique characteristics of the property. It should also be noted that the marsh areas recommended and required for acquisition as mitigation for the Sweetwater River Flood Control Channel/Route 54 freeway project were determined to include necessary buffers.~~

The essential measure necessary to guarantee the preservation of Paradise Marsh is the maintenance of tidal flushing. As long as the marsh is kept open to tidal flushing and free from industrial and urban run-off, the existing water quality will be maintained at acceptable levels. and as long as the major input of freshwater continues to be runoff from the upstream areas rather than industrial discharge, the existing water quality will be maintained at acceptable levels. Other management alternatives, such as implementing increased street sweeping programs or sediment control measures in selected subbasins, do not appear to be necessary on the basis of the data and results presently available.

## CHAPTER 1

### THE COASTAL ACT

#### HISTORY

Traditionally, the regulation of land use along California's coastline has been by local government pursuant to State Planning and Zoning Law. This enabling legislation mandates local governments to prepare general plans and zoning to ensure orderly physical growth and development within their jurisdictions as well as the protection of public health, safety and welfare.

However, local control over land use in the Coastal Zone~~coastal zone~~ was significantly modified with the passage of the California Coastal Zone Conservation Act by the voters of California in November, 1972. In approving Proposition 20, the people of California declared that;

“The permanent protection of the remaining natural and scenic resources of the Coastal Zone~~coastal zone~~ is a paramount concern to present and future residents of the state and nation”, and

“It is the policy of the state to preserve, protect, and where possible, to restore the resources of the Coastal Zone~~coastal zone~~ for enjoyment of the current and succeeding generations.”

Proposition 20 set forth a distinct role for the State in coastal land use matters, and created the California Coastal Zone Conservation Commission. The mandated mission of the Coastal Commission was to prepare a statewide comprehensive plan for the “orderly, long-range conservation and the management of the coast”, and to regulate development while the plan was being prepared. Preparation of the Coastal Plan commenced in 1973, and it was submitted to the state legislature in December, 1975. Based upon the Coastal Plan and the Commission's experience of the preceding years, the California legislature passed the California Coastal Act in August, 1976.

#### GOALS AND POLICIES

The Coastal Act of 1976 in its opening section, Section 30001, contains the following finding and declaration of the state legislature:

- (a) That the California Coastal Zone~~coastal zone~~ is a distinct and valuable resource of vital and enduring interest to all the people and exists as a delicately balanced~~balance~~ ecosystem.
- (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.
- (c) That to promote the public safety, health, and welfare and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the

natural environment, it is necessary to protect the ecological balance of the Coastal Zone~~coastal zone~~ and prevent its deterioration and destruction.

- (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the Coastal Zone~~coastal zone~~. (Amended by Cal. Stats. 1979 Ch. 1090)

The basic goals of the legislature for the Coastal Zone are defined in Section 30001.5 of the Coastal Act:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone~~coastal zone~~ environment and its natural and man-made resources.
- (b) Assure orderly, balanced utilization and conservation of Coastal Zone~~coastal zone~~ resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone~~coastal zone~~ consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal related development over other development on the coast. (Amended by Cal. Stats. 1979, Ch. 1090)
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development of mutually beneficial uses, including educational uses, in the Coastal Zone~~coastal zone~~.

The heart of the Coastal Act is found in Chapter 3, Coastal Resources Planning and Management Policies. These policies constitute the standards that local plans must meet in order to be certified by the State as well as the yardstick for evaluating proposed developments within the Coastal Zone~~coastal zone~~. Topics covered by coastal policies include: beach access, recreation, marine environment, environmentally sensitive habitat areas, agriculture, visual resources, and coastal dependent and industrial development. In essence, these policies are the rules for future growth and development in the Coastal Zone~~coastal zone~~.

## IMPLEMENTATION

The implementation of the Coastal Act is predicated upon the involvement of local government. Section 3004 of the Act declares that “to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.” To this end, the Act directs each local government within the Coastal Zone~~coastal zone~~, wholly or partly, to prepare a Local Coastal

Program (LCP). An LCP consist of a local government’s land use plans, zoning ordinances, zoning district maps, and implementing actions which implement the provisions and policies of the Coastal Act at the local level. (30108.6).

The basis of the LCP is the land use plan. According to the Coastal Act, the land use plan means the “relevant portions of a local government’s general plan, or local coastal element, which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.” (32108.5) The zoning ordinances and district maps are the legal tools for implementing the land use plan. The Coastal Act also requires each LCP to “contain a specific public access component to assure that maximum access to the coast and public recreation areas is provided.”

During preparation of a Local Coastal Program, local governments should coordinate planning with affected local, regional, state, and federal agencies, and provide the maximum opportunity for public participation. Under the Coastal Act, the responsibility for ensuring meaningful public participation rests with both the Coastal commission and local government; however, the local government retains the primary responsibility for involving the public in the actual planning process.

After the LCP has been reviewed and approved by the local government, it is then submitted to the State Coastal Commission for review. In certifying the land use plan, the Commission must find that the plan conforms to Chapter 3 of the Coastal Act, and contains the required public access component. The zoning and implementing ordinances are then reviewed to determine conformance with the approved land use plan. Once the land use plan and implementing ordinances have been certified, the review authority for new development within the Coastal Zone ~~coastal zone~~ will revert from the Coastal Commission to local government. The local government in issuing coastal development permits must then make the finding that the development is in conformity with the approved LCP.

The State Commission will continue to exercise permit jurisdiction over certain kinds of developments (i.e., development in state tidelands). The State Commission will also review amendments to LCPs, and continue to hear permit appeals. However, only certain kinds of developments can be appealed after a local government’s LCP has been certified; these include:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face, of any coastal bluff.
- (3) Any development which constitutes a major public works project or major energy facility. The phrase “major public works project or major energy facility” as used in Public Resources Code Section 30603(a)(5) shall mean any proposed public works project, as

defined by Section 13012 of the Coastal Commission Regulations (Title 14, California Administrative Code, Division 5.5) or energy facility, as defined by Public Resources Code Section 30107.



## CHAPTER II

### NATIONAL CITY

#### HISTORY

The City of National City is located ~~long~~ along the eastern shores of San Diego Bay within the urbanized South Bay area of the San Diego Region. The City of San Diego's central business district lies approximately five miles to the north. It is bordered by the City of San Diego to the north and east, and by Chula Vista to the south. The National City incorporated area includes approximately 8.65 square miles. The population of National City is currently 55,408 (January 1, 1986 est.).

National City is a general law city, incorporated in 1887, and is the second oldest city in San Diego County. Founded in 1868 by Frank Kimball as a competitor to Alonzo Horton's new San Diego venture, it was planned to be a major terminus for the railroads then opening lines to the West Coast. Although the railroads chose other cities for their terminals, the agriculture industry flourished. Population grew slowly until the great boom of the 1940's, when the population more than doubled in ten years. This was due to the large number of servicemen brought to the area during World War II. National City's population has fluctuated greatly since then, reflecting changes in the number of military personnel on base. However, household population has continued to increase in a more stable, steady manner, as has the general industrial base.

In modern times, the City's community members are subject to one the highest levels of toxic air pollution in the state stemming from the near-by Port operations and vehicular traveling along I-5. Prior to the Balanced Plan, the area had few recreational amenities and access to the bay was severely limited due to the industrialized waterfront. While direct access to the bay continues to be problematic the development of the marina, expansion of Pepper Park, and addition of new restaurants, and new hotels havewill help helped increase bayfront usage by local and regional visitors. The 2022 Balanced Plan's intent is to allow for the continued use and expansion of the working waterfront, while at the same time providing for new lower cost visitor serving uses for the community and region. The efforts to reduce toxic emissions from Port District industrial uses remains a paramount goal and priority for the City.

#### COASTAL ZONE

The ~~C~~oastal ~~Z~~zone of National City includes all the area west of I-5, and a small area east of I-5 south of 30th Street. However, the Coastal Zone ~~coastal zone~~ is controlled by three separate governmental agencies: the San Diego Unified Port District, the United States Navy, and the City of National City. The ~~coastal zone area over which National City retains~~ City's retained jurisdiction totals approximately ~~575-561~~ acres, and is bounded by the Navy Lands to the north, the Chula Vista Bayfront to the south, and the Port District jurisdiction to the west.

#### RELATED COASTAL PLANS

Plans adopted by the San Diego Unified Port District and the City of Chula Vista designate land uses adjacent to National City's coastal jurisdiction. They also designate ~~transportation facilities~~uses which extend ~~into or through~~near National City's jurisdiction. National City's coastal land use designations and proposed circulation improvements should be based upon consideration of the plans of the adjacent jurisdictions to the extent that compatible uses ~~can be developed~~.are developed. ~~National City's policies, however, need not be decided to implement plans of adjacent jurisdictions.~~

The Port District has jurisdiction ~~approximately 250~~280 acres of land area.~~over all of the state tidelands bayward of the adjudicated mean high tide line, approximately 250 acres of land area.~~ The Port jurisdiction also includes an isolated parcel of tidelands which is located in the salt flats south of Chula Vista and is connected to National City by a 300-foot wide corridor through San Diego Bay.- The Port District submitted its Master Plan to the Coastal Commission, and it was conditionally-~~approved~~ in October, 1980. The Port District's plan designated land areas west of the mean high tide line primarily for industrial use. It designates areas south of 32nd Street and generally east of Tidelands Avenue for commercial recreation and for park uses along the Sweetwater Channel, with vista area, public fishing, and bridge, boat launching ramp, public access and comfort station. The park designation reflects existing uses with expansion to the east. The channel itself is designated for berthing and navigation corridor up to the boat launching facilities, with open bay further east. National City's land use designations for adjacent area are complementary to the Port's.

As described in the Balanced Plan section of this LCP, the Balanced Plan proposes the removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the current day GB Capital leasehold east of the mean high tide line and on land owned in fee by the District, from the City's General Plan, LCP, ~~and~~LCP, and LUC to reflect changes in land use and jurisdictional authority. This change will clarify the jurisdictional boundary between the City and the District and will be reflected on all City zoning and General Plan ~~m~~Maps. These lands are not currently regulated by the PMP and this jurisdictional amendment will ensure consistency with the California Coastal Act, Public Trust Doctrine, and Act. The District will amend its PMP map accordingly.

~~The Port District is studying the feasibility of marina development in the area north of the Sweetwater Channel, adjacent to National City coastal jurisdiction. Marina development would complement National City's plans for tourist commercial and recreational use in the area.~~

The Port's plan also provides for the extension of off-ramps from I-5 and Route 54 through the National City Bayfront to 32nd Street. However, the off-ramps are not included in current State freeway plans. The Port's plan also indicates the need to connect Tidelands Avenue from National City to Chula Vista, via bridge over the channel. However, Chula Vista's Local Coastal Program locates a bridge in the vicinity of the SD&AE railroad right-of-way, generally in line with the proposed extension of Harrison Avenue.

Chula Vista's land use plan, approved by the State Coastal Commission in 1984 and subsequently amended, designates 21 acres across the channel from National City for marina related uses, which includes commercial uses related to waterfront activities, ship repair services and boat marinas or haul out areas. Chula Vista's Bayfront Specific Plan permits dredging for a small marina for 200 boats just west of the proposed bridge to cross the channel. The Port District also has jurisdiction over lands across the channel from National City west of area included in Chula Vista's Local Coastal Program. The Port District lands in Chula Vista across the channel from National City are designated for marine sales and services and, at the most westerly location, expansion reserve.

Under the jurisdiction of the United States Navy is approximately 300 acres and 8,300 lineal feet of bay frontage. Federal lands are under the jurisdiction of the Federal Coastal Zone Management Act, which states that military lands shall comply with coastal planning to the extent that national security is not imperiled.

### COASTAL ZONE SUBAREAS

National City's Coastal Zone ~~coastal zone~~ can be divided into four districts: the industrial area west of I-5 (Subarea I), the Paradise Marsh wetlands area (Subarea II), the Sweetwater industrial area east of I-5 and south of 30th Street (Subarea III), and the I-5 freeway and San Diego Trolley rights-of-way (Subarea IV).

#### SUBAREA I

The industrial area west of I-5 contains approximately 210 acres and is almost entirely developed with light and medium industrial uses. The Combined General Plan/Zoning Map designates the area as primarily "MM", Medium Manufacturing with a small portion of "MH", Heavy Manufacturing. Approximately 6.4 acres located north of the marsh, east of the SD&AE railroad right-of-way, and south of 24th Street Bay Marina Drive are designated for tourist commercial use, but contain industrial uses (meat packing). The area provides the entryway to National City's Bayfront. The area is well served by truck access via I-5, rail access, and ship access through the Port District. There are a number of older residential uses located in this area, which would be considered non-conforming with the General Plan and zoning designation of industrial.

#### SUBAREA II

The Paradise Marsh area contains approximately 75 acres and consists primarily of wetlands. The marsh was originally formed by Paradise Creek, which entered the area from the northeast and flowed across what is now the Port District property to the Bay. The filling of the Port District property destroyed the natural creek bed. The creek now runs due south in a man-made channel to the Sweetwater River and hence into the Bay. This channel allows limited tidal action to enter the marsh.

Upstream of the marsh, outside of the coastal area, Paradise Creek has also been altered. The drainage area has been reduced due to urban development, and the creek is entirely contained in man-made drainage facilities. It enters the marsh through culverts under I-5.

National City's General Plan designated this area as Open Space Reserve for preservation of open space wetlands and passive recreational use, and as Tourist Commercial, with the recognition that this area is the only potential area for waterfront recreational facilities.

### SUBAREA III

The Sweetwater industrial area contains approximately 160 acres. The entire central portion of this area has been reserved for the Route 54/Sweetwater River Flood Control Channel Project.

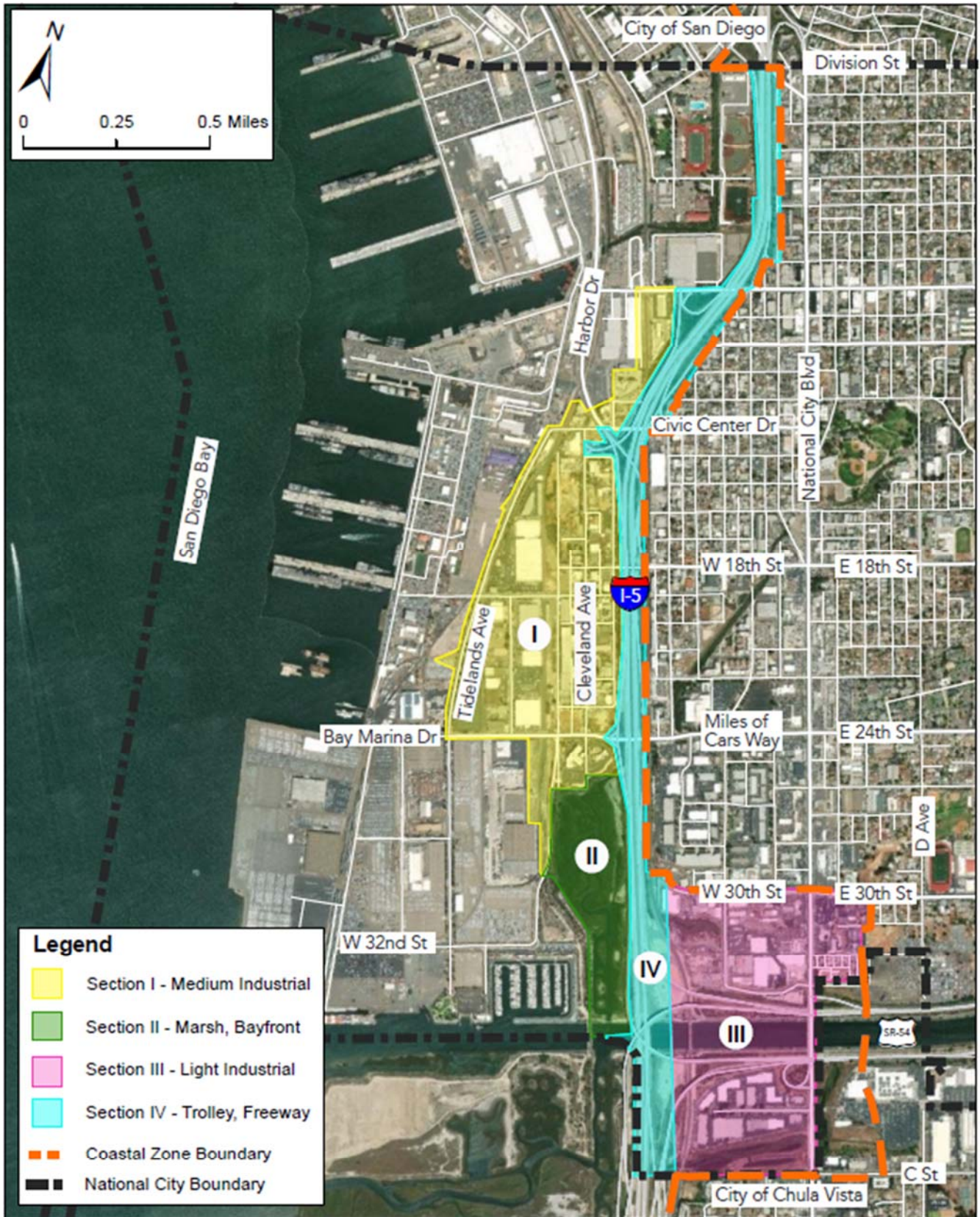
This project combines the construction of State Highway Route 54 from I-805 to I-5 with the construction of a flood control channel from approximately 600 ft. west of Plaza Bonita Road, immediately upstream of I-805, to San Diego Bay. The flood control channel would generally occupy the area between eastbound and westbound lanes of Route 54. In addition, the project proposes the acquisition of a total of 188 acres of marshlands in both the Sweetwater and Paradise Marshes. This acquisition includes 44 acres as compensation for the impacts of the project and 144 acres for preservation of habitat for endangered species.

The project also includes a recreation element consisting of bicycle, equestrian, and pedestrian trails, rest and staging areas, and shoreline access and recreational features (to be located in Subarea II).

The remaining portions of the area are either designated for and/or partially developed with light industrial uses and some commercial areas fronting on National City Boulevard.

### SUBAREA IV

The Interstate 5 Freeway and ~~San Diego Trolley System~~ (MTSDB) ~~right-of-ways~~rights-of-way include approximately 130 acres. The two regional transportation facilities are separated from discussion of the other subareas for two reasons. First, the two facilities are existing and under the jurisdiction of the State Department of Transportation (Caltrans) and Metropolitan Transit ~~Development Board~~System (MTDB/MTS). Second, the facilities and right-of-ways provide existing access and are designated as Open Space by the Combined General Plan/Zoning Map. Other than landscaping and transportation related improvements, no development in the subarea is anticipated.



National City Subareas

Figure 6



CHAPTER III  
PUBLIC ACCESS  
(PUBLIC ACCESS COMPONENT)

COASTAL ACT POLICIES

Sections 30210, 30211, 30212 and 30214 require that public access and recreational opportunities be provided for all the people; that development not interfere with the public's right of access; that new development provide public access to the shoreline; and that public access be managed to protect fragile resources and property rights.

EXISTING CONDITIONS

The United States Navy controls approximately two-thirds of National City's Bayfront, through which public access is expressly prohibited. The remainder of the Bayfront is under the jurisdiction of the Unified Port District, and is developed predominantly with industrial uses. However, the Port has developed a launching ramp and an adjacent public recreation area which accommodates public access to the shoreline - both pedestrian and boating. In addition, it should be pointed out that considerable off-road vehicle activity has taken place in the area. ORV access occurs through Port lands and overlaps into National City's jurisdiction. Because of numerous problems, including vandalism, violence and accidents, the Port has erected a fence to discourage such use.

The only opportunity for public access within the limits of the City is Paradise Marsh and its surrounding lands. However, there is presently no public access to nor public use of this area. Although the Paradise Marsh is subject to limited tidal flow, it is not public tidelands and is not in public ownership. The northern portion of Paradise Marsh west of I-5 will be acquired by the federal government as a condition of approval of the Sweetwater River Flood Control project. The southern portion west of I-5 is Caltrans right-of-way.

EXISTING PLANNING AND ZONING

National City's combined General Plan/Zoning Map designates the Paradise Marsh area as Open Space Reserve (OSR) and Tourist Commercial (CT). The Open Space Reserve designation will preserve wetland areas and provide for passive recreational use, i.e. nature study. The Tourist Commercial designation is established for the provision of services, goods and accommodations for visitors to the area.

~~The City of National City has historically recognized the Paradise Marsh area as the only potential area for waterfront recreational facilities, and thus public shoreline access.~~

The General Plan contains several policy statements which support the concept of increased public access to and use of National City's Bayfront. These policies speak to supporting the Bay-Route Bikeway, Sweetwater Regional Park Connection, and improved transit to the area.

Other planning which would affect the National City Coastal Zone is the Highway 54/Sweetwater flood control project. CALTRANS and Army Corps of Engineers are lead agencies for the project. The recreational aspects of the flood control channel will be discussed in more detail in the Recreation section. With respect to access, the proposed Highway 54 project will improve access to National City's Bayfront. A direct connection from Route 54 and I-5 to the 32nd Street area should be encouraged to further improve access.

## ANALYSIS

### DEMAND

The subject of demand will be explored more thoroughly in the next section dealing with Recreation. However, it should be pointed out that the demand for coastal recreation, and therefore public access to coastal areas, is increasing at a very fast rate. CPO, in their Coastal Access Study for the San Diego Region, estimated that the demand for coastal recreation will increase by 55% over the next 20 years.

### TRAVEL MODE

The CPO study contains other revealing information as to how individuals actually travel to coastal areas. According to their survey, 80% of all coastal trips are by private vehicle (primarily the automobile), 11% by walking, 6% by bicycle, and 4% by transit. Because of the extremely high incidence of automobile usage shown in the survey, the factors of traffic congestion and parking availability become crucial to shoreline access. In examining the National City situation, no problem presently exists with respect to access by automobile. Information available through both National City and the Port District indicates that traffic counts and projections are well below designed capacities on Tidelands Avenue and [24th Street Bay Marina Drive](#). However, factors other than traffic counts must be considered in evaluating vehicular access to the recreational areas, existing and potential, along National City's Bayfront. Several factors which could result in definite conflict between recreational and industrial use include the type of vehicle, the frequency of railroad and container activity and the effectiveness of the [24th Street Bay Marina Drive](#)/I-5 intersection. With respect to the type of vehicle, large lumber hauling are continuously traveling along and across Tidelands Avenue to service the lumber yards. The Port's container terminal at [24th Street Bay Marina Drive](#) is scheduled for expansion, which will result in similar increases in truck and rail traffic in the area. Finally, the functional design of the [24th Street Bay Marina Drive](#) intersection with I-5 has presented problems with drainage and difficult turning maneuvers for larger vehicles. Fortunately, peak travel times for recreational trips usually do not coincide with trip to work peaks. Although industrial activity along the Port does not follow an 8 to 5 Monday through Friday regimen, no intolerable conflicts between recreational and industrial traffic are foreseen.

In conjunction with the CALTRANS Highway 54 project, a 32nd Street off-ramp that would also serve I-5 was proposed but has been deleted from State freeway plans. This new off-ramp would have provided direct vehicular access into the recreational areas of the Bayfront, bypassing most industrial areas. Also, as a part of this LCP a new access road is proposed to provide more direct access to the Bayfront. This new road is proposed to intersect with [24th Street Bay Marina Drive](#)

between the ~~right-of-ways~~rights-of-way for the AT&SF and SD&AE railroads, and connect with 32nd Street. Although the new road would still be dependent upon the ~~24th Street~~ Bay Marina Drive /I-5 intersection, it would bypass the majority of the industrial areas and would improve both ingress and egress to the proposed recreational area.

Parking capacity is, of course, a prime determinant in assessing recreational access. Although on peak summer weekends the parking lot for the Port's launching ramp and park sometimes overflows, availability of parking in the area is not considered critical. On-street parking is abundant in the area, and even with the unauthorized ORV activity in the area, parking has been available. As the area develops with more formalized and permanent uses, care must be taken that adequate parking is provided.

Recent developments in the realm of public transit and bicycle travel have some potential for improving recreational access to National City's Bayfront through travel modes other than the automobile. Those developments are the Metropolitan Transit Development Board's "San Diego Trolley" along the main line of the old SD&AE railroad right-of-way, and the Bay Route~~Bayshore~~ Bikeway. The MTDB-MTS trolley incorporates a station (24th Street) at 24th Street~~Mile of Cars Way and Wilson Avenue~~. The 24th Street station is used for commuter traffic. However, presuming that the National City Bayfront will become a visitor destination, the proximity of the 24th Street station would be of potential benefit. It is within short walking distance from the designated tourist commercial area north of Paradise Marsh on the south side of 24th Street~~Bay Marina Drive~~Bay Marina Drive. However, pedestrian and bicycle facilities underneath the I-5 freeway could be improved to increase separation from traffic and the safety and comfort of users. While the station location may be beyond comfortable walking range for some users from potential recreation areas at the Sweetwater River channel, other intermediate modes such as bicycles or jitneys may be feasible. The 24th Street station also connects with routes for National City Transit.

The Bay Route~~Bayshore~~ Bikeway presents another mode of travel which has positive potential for National City.<sup>5</sup> In its original form, the bikeway was to have passed right by Paradise Marsh and its adjacent lands along the extension of Tidelands Avenue across Sweetwater Marsh. The Coastal Commission, in separate actions, eliminated the extension of Tidelands Avenue across Sweetwater Marsh, and approved an alternative route for the bikeway that would take it up 24th Street~~Bay Marina Drive~~ to National City Boulevard. Although the original route would have been much more conducive for public access to the National City area, the current routing still retains access potential. The extension of a secondary route to the Port's launching ramp and Paradise Marsh complex would be entirely appropriate and consistent with both National City's General Plan and the Port Master Plan.

~~Because a direct connection with Chula Vista Bayfront would be preferable to the National City Boulevard routing now approved for the Bay Route Bikeway, efforts to provide a direct connection should not be abandoned. One alternative alignment which would be consistent with the Coastal Commission goal of preserving Sweetwater Marsh would be to utilize the abandoned Coronado Beach line of the SD&AE railroad which already crosses the marsh on trestles. The SD&AE right-of-way is now owned by MTDB; however, the fixed rail transit system will be using the mainline which is east of I 5. Providing that appropriate agreements can be reached with MTDB to use the old branch line for bikeway purposes, recreation and commuter bicycle access in the area will be~~



~~greatly improved. The Regional Transportation Plan adopted by the San Diego Association of Governments still designates the future Bay Route Bikeway crossing the Sweetwater River west of I-5.~~

~~The City of Chula Vista Local Coastal Program designates a roadway crossing with bicycle lanes over the Sweetwater River channel, along the alignment of the SD&AE railroad right of way. A bicycle lane crossing should be encouraged independent of decisions to be reached on the potential roadway crossing.~~

~~The roadway crossing proposed by Chula Vista between National City and Chula Vista Bayfront areas requires further study. Proposed policies do not require its construction. However, public access policy 8 requires a new roadway extension in the area westerly of Paradise Marsh (Harrison Avenue extension). If found desirable, it could extend to a bridge. An amendment could be pursued to add the bridge to the Land Use Plan. Proposed recreation policy 3 requires that a Specific Plan address traffic circulation and roadway improvements, in conjunction with development plans for the tourist commercial area west of Paradise Marsh.~~

~~The trails systems, (equestrian, bicycle and pedestrian), proposed in conjunction with the County's Sweetwater Regional Park and the Army Corps Sweetwater River Flood Control Channel, are other access potentials that should be actively encouraged. These trails are of particular importance since they would provide direct linkage between the Bayfront and inland areas.~~

## LOCATION

As previously discussed, the only area that has potential for public shoreline access within National City's corporate boundaries is Paradise Marsh and its surrounding lands. The reason for this is simply because it is the only area within National City's jurisdiction that has a shoreline.

It should be noted, however, that provisions are made for public access within the immediate area. The Port District's boat launching ramp and recreational area is located directly adjacent to National City's jurisdictional limit, and provides shoreline access for the boating enthusiast, the fisherman, and the general recreationist. Whereas the Port has made a concerted effort to accommodate public access and use within its jurisdiction, the U.S. Navy has not- due to security concern for the naval bases, which is- ~~When considering the security requirements of naval operations, the prohibition of the public for recreational use is appropriate and~~ consistent with the Federal Coastal Zone Management Act.

When assessing the locational needs of public access, care should be taken to differentiate between vertical and lateral access. Vertical meaning access to the shoreline, and lateral meaning access along the shoreline. Rather than reciting all the information contained in the Coastal Commission's Interpretive Guidelines for access, suffice it to say that both forms of access are needed in National City.

## REGULATION AND MANAGEMENT

As established in the General Plan and in the Coastal Act, it is a desired goal to provide public shoreline access within the city limits of National City. Thus far, the potential location for such access and the alternative travel modes to reach it, have been discussed. What will now be examined are the various methods by which the public access can be protected and provided in accordance with City objectives and the Coastal Act.

~~The first method to be investigated would be through public action. Since the Paradise Marsh and its adjacent lands are privately held (Santa Fe Land Company), the feasibility of public action (acquisition, eminent domain) is questionable because of cost and time involved. However, public action for acquisition and development should be considered as an option to provide public facilities and attract appropriate, private development.~~

The most economic method for the local government would be the dedication of public accessways at the time of development; this action is specifically allowed by the Coastal Act (Section 30212). Essentially, there are three forms such dedications can take: deed restriction, grant of fee interest, or grant of an easement. Taking into account the development potential of the area adjacent to Paradise Marsh, the most appropriate method of providing access would be through deed restrictions. With a deed restriction, no interest in the land proposed for access is granted and the land owner retains responsibility for the access way. Deed restrictions are especially suited for commercial/recreational developments, since the security needs of the facility and maintenance of the accessways are most effectively handled by the owner/operator of the development. Other methods would be appropriate for obtaining public roadway and park areas. The provision of public access concurrent with private development is not envisioned as a problem since the type and form of development envisioned would be predicated upon public use and enjoyment.

Another consideration in the provision of public access, especially in areas adjacent to wetlands, is that the resource areas are protected from overuse. Achieving consistency with this section of the Coastal Act (30210) is really a matter of design, [habitat buffers](#), and location of the access way. Lateral accessways, especially along the shoreline of Paradise Marsh, should be set back a sufficient distance to ensure protection of the marsh. ~~However, closer proximity to the marsh can be achieved through the utilization of controlled access points.~~ Overall, access ways should be provided and identified in accordance with the coastal access standards adopted by the Coastal Commission and Coastal Conservancy.

~~A final point on public access has to do with prescriptive rights. In brief, prescriptive rights deals with the legal doctrine of implied dedication, which grants the right of pass and repass over private property to the public if they have not been restricted from passing over that property for a specified number of years. Prescriptive rights may be considered where appropriate, especially, if development does not occur in the near future and if access is not acquired as a condition of development. However, there are no areas in the National City coastal zone where prescriptive rights have been determined to exist. New development, however, should be reviewed to determine that it will not interfere with desirable public access that may be established on or across private property. In addition, it would be in the public interest to provide for controlled access with appropriately designed development, whether public or private.~~

## POLICY RECOMMENDATIONS

- ~~1. New public shoreline accessways shall be designated to and along Paradise Marsh and the Sweetwater River Channel as generally shown in Figure No. 4.~~
- ~~2. Public accessways as designated in Condition Number One shall be provided in conjunction with new development and protected through public access easements or other suitable means of conveyance.~~
1. In order to provide new public shoreline accessways, the City will seek the assistance of the Coastal Conservancy, or other appropriate agency, to acquire, plan, and finance public shoreline access.
2. The precise location, design and identification of public accessways shall be consistent, to the maximum degree feasible, with the coastal access standards prepared jointly by the Coastal Commission, resource agencies, and the Coastal Conservancy.
3. As indicated in the General Plan, it is the City's policy that the Bayshore Bikeway continue its development south of Bay Marina Drive
- ~~2.4. Alternative modes of access to National City's Bayfront shall be actively encouraged. Specifically, the trail systems proposed as a part of the Army Corps Sweetwater River Flood Control Channel project, which would provide linkage from National City's Bayfront to inland areas, are supported.~~
- 3.5. All new development shall incorporate adequate on-site parking to accommodate the parking demand generated. The number of required parking spaces for new development shall be determined during the implementation phase of the Local Coastal Program, but shall be, at a minimum, consistent with the schedule of parking requirements of the Municipal Code. (Appendix III).
- 4.6. A new access road located westerly and parallel to the Paradise Marsh would extend southerly from the vicinity of Harrison Avenue at ~~24th Street~~ Bay Marina Drive to the National City Boat Launching Facilities and future marine oriented, commercial/and or recreational uses. A buffer shall be provided between the roadway and the marsh. A Specific Plan shall be prepared to identify desirable buffering between the marsh and roadway, located in the upland area west of Paradise Marsh. It should also proposed landscaping or other design elements to provide visual linkage and identity for the Paradise Marsh area and appropriate visual separation from the industrial area to the west and freeway to the east.

New development shall not interfere with desirable public access that may exist or be established by public use on or across private property, ~~i.e., prescriptive rights~~. Desirable public access shall include access to natural or constructed coastal, recreational resources, except where necessary to

protect fragile coastal resources or public safety, or where adequately provided for in another area. ~~Development projects shall be reviewed to determine evidence of public use.~~

## CHAPTER 1V RECREATION

### COASTAL ACT POLICIES

Sections 30212.5, 30213, 30220-30223, and 30256(c) require the provision of public and low-cost recreation and visitor-serving facilities, and the protection of coastal water and land areas that are suitable for recreational use. Also, visitor-serving commercial uses designed to enhance public opportunities for coastal recreation are assigned a higher priority than other private residential or general commercial development. ~~As previously discussed, the Balanced Plan creates new low-cost visitor serving amenities for the public; such as a: A dry boat storage facility, RV Park, expanded park spaces, boating finger piers, and improved access to the bay.~~

### EXISTING CONDITIONS

As mentioned in the previous section on access, the majority of National City's Bayfront is either under the jurisdiction of the United States Navy or the Unified Port District. In the case of the Navy lands, public access and recreational use is prohibited. The majority of the Port's holdings are developed with large scale industrial marine uses. ~~The only provision for public recreation within the general area is the launching ramp and park provided by the Port. Approximately 7 acres of land area are devoted to this recreational use. The Port Master Plan reports that continued heavy use of the launching ramp and park is anticipated, and that the area is plagued with problems of vandalism and crime. The District has developed recreational opportunities in Pepper Park, the Aquatic Center, and the Pier 32 Marina. While all of these are within the District's jurisdiction, they do offer recreational opportunities and public access to both National City residents and the general public.~~

Also, as referenced in the section on Public Access, unauthorized off-road vehicle activity has been taking place on the undeveloped tidelands located east of the launching ramp and park. The ORV activity has also extended into areas within National City's jurisdiction around the Paradise Marsh, and the "D" Street fill in Chula Vista. Because of surveillance problems and intrusion into sensitive resource areas, the Port District has erected a fence around the perimeter of the area.

~~The only area within National City's portion of the Bayfront that is suitable for recreational use are the lands around Paradise Marsh. These lands are now privately owned and are not developed for any public recreational use. The City of National City has long recognized the potential of the Paradise Marsh area, and has examined this potential in both the General Plan and precise planning documents.~~

### EXISTING PLANNING AND ZONING

A discussion of the General Plan designations and policies relative to the recreational potential of the Paradise Marsh is presented in the preceding section on Public Access. Rather than duplicate

that discussion, the primary proposals of the Sweetwater River Flood Control Channel plans will be examined.

## SWEETWATER RIVER PLANS

### ARMY CORPS FLOOD CONTROL CHANNEL

~~The recreation element of the Army Corps of Engineers' Sweetwater River Flood Control Channel Plan calls for bicycle, equestrian and pedestrian trails along the length of the channel on levees that would connect with the National City Bayfront and the County's Sweetwater Regional Park. A bicycle staging area is proposed to be located in the vicinity of the existing boat launching ramp, and would provide easy access to the Bay Route Bikeway. Also proposed are shoreline access and recreational features along the northern shore of the channel in the area easterly of the launching ramp.~~

### SAN DIEGO COUNTY SWEETWATER REGIONAL PARK

~~The purpose of mentioning the County's Sweetwater Regional Park is to highlight the potential of linking three recreational areas together: National City's Bayfront, Army Corps' Flood Control Channel, and the County's Regional Park. Such linkage is especially significant in terms of providing an access to and from inland areas and offering a high quality recreational experience.~~

## ANALYSIS

### DEMAND

To quote from the California Coastal Plan,

"The California coast provides an almost endless variety of recreational opportunities for people to play, to be refreshed, and to be inspired: wide sandy beaches for cooling off from the heat of the city, rocky headlands for exploring; high bluffs for watching the ever-changing ocean; waters for swimming, boating, surfing, and fishing; and tide pools, sea caves, and coastal wetlands for nature study. In short, the coast is a major provider of recreation important to the quality of life in California."

Even with the many public and commercial recreational opportunities and facilities which exist along the coast, a shortage of facilities persists for almost every popular recreational activity. According to the Coastal Plan, a reason for this situation is that 85% of California's population lives within 30 miles of the ocean. Although the exact demand for specific types of recreational facilities is difficult to project, studies universally indicate a continued high demand for the traditionally popular coastal activities such as fishing, sightseeing, beach and general day use throughout the southern portions of the state.

These same findings are particularly true for the San Diego coast. The CPO Coastal Access Study conservatively estimated that participation in recreational activities at coastal areas will grow by at least 55% over the next 20 years. The study also shows that the activities pursued by the highest

number of participants are sunbathing, walking and swimming. Whereas sunbathing, walking and swimming are the most popular coastal recreational activities, the two activities which probably have the greatest unmet demand are beach camping and boating. San Diego County's Regional Park Implementation Study states that the greatest unmet recreation need is for beach camping, and projected that, in 1980, 10% to 15% of the demand for overnight facilities would be met. With respect to boating, the Port District projected that available slip sites might be exhausted by 1985.

Of particular importance to National City is the fact that there is a pent-up demand for coastal recreation opportunities throughout the state and San Diego. Because the South Bay has comparatively fewer recreational areas than other coastal areas in the San Diego Region, it could be deduced that there is even a larger unmet demand for coastal recreation in the South Bay. Not only is there demand, but the activities which are most popular or in greatest demand are those which are especially suitable to National City's Bayfront.

## ENVIRONMENTAL CONSTRAINTS

When discussing, in specific terms, the recreational development of National City's Bayfront in accordance with Coastal Act policy, the market, traffic usage, access, and other environmental constraints must first be considered.— The Environmental Impact Report of 2022 considered these factors in developing the Balanced Plan development program. The Balanced Plan was a careful balance between maritime-related industrial and the creation of new recreational facilities and uses. the environmental constraints must first be considered. In other words, what areas should be preserved, and what areas should be developed?

As explained in the Marsh Preservation discussion, the preservation of coastal wetland areas is a paramount objective of the Coastal Act. It is the position of both the U.S. Fish and Wildlife Service and the State Department of Fish and Game, that Paradise Creek Marsh is tidal marsh, and is an important and inseparable part of the Sweetwater Marsh complex. Any new recreational uses should be passive in nature. The obvious conclusion, based upon the Coastal Act and the mitigation plans for the Sweetwater River Flood Control Channel to acquire the Paradise Marsh, is that development in the marsh for intensive recreation cannot be considered. Both of these Both features are within federal ownership and are protected by existing regulations.

Realistically, restoration will be required to turn Paradise Marsh into a natural attraction. One factor that will have a positive influence is the construction of the Sweetwater River Flood Control Channel. Not only should the flood control channel improve water circulation to Paradise Marsh, but as a mitigation it is also proposed that the connection to the marsh be reconditioned. Another possible avenue to follow would be the involvement of the Coastal Conservancy. A similar restoration program is now underway for the San Dieguito Lagoon in Del Mar. Through funding by the Conservancy, a restoration plan for San Dieguito Lagoon was prepared. The Conservancy also funded the preparation of the engineering studies to accomplish the restoration work. Joint efforts with the Bayfront Conservancy Trust should also be considered. Enhancement of the Paradise Marsh could have secondary, beneficial effects to the Chula Vista Bayfront and Nature Interpretive Center.

With respect to the recreational potential of the marsh and its surrounding lands, a passive concept conducive to preservation should be observed. A logical separation between passive recreational uses and more active commercial recreational uses would be the SD&AE spur line that runs to the west of Paradise Marsh. To ensure that the area will be utilized by the public, it is proposed that accessways be sited along the edges of the marsh in a controlled manner. It is also proposed that one or two viewing platforms be allowed adjacent to the wetland area in order to facilitate the observation of the wetland's flora and fauna. Such development would be consistent with Section 30233(e) which allows nature study activities to be located in wetland areas.

Beyond the SD&AE spur line, areas can begin a transition to a more active use. While no active play fields are proposed, landscaped areas that are suitable for picnicking and Frisbee throwing, etc., would be appropriate.

As a design element that would provide separation and a functional element that would provide access, a new road is proposed. As discussed in the Access section, the road would intersect 24th Street between the AT&SF and SD&AE railroad tracks and would run parallel with the tracks to the point at which it would turn or branch to the west and would provide access to 32nd Street and the Boat Launch facilities. This new road would provide better access to the area since it would bypass and eliminate the potential conflict with industrial traffic along Tidelands Avenue and 24th Street. Of equal importance, the road would open the area for recreational development. The road would also improve visual access and identity of the Paradise Marsh area. Specific roadway improvements will be determined by review of development projects. A Specific Plan will need to address traffic circulation and roadway improvements in conjunction with development plans for the tourist commercial area west of Paradise Marsh.

The area located west of the railroad spur, designated for tourist commercial and recreational use, within the jurisdiction of National City is approximately 30 acres, including 23 acres owned by the Santa Fe Land Company, the SD&AE railroad and SDG&E right-of-ways. However, additional vacant land totaling 15 acres, under the jurisdiction of the Port District, lies adjacent to the west. The Port's Master Plan designates the area for commercial recreation and Public Park. It is important to emphasize that the development of this area should be closely coordinated with the Port during the project planning phase. Also, to ensure a well integrated and quality development, the concurrent development of both the National City parcel and the Port District parcel should be encouraged.

Although the tourist commercial recreation designation covers a broad range of uses, one or two anchor uses should be sought for the area. Particularly appropriate for the area would be an overnight use and a boating related use, the two activities which the greatest unmet demand. Desirable forms of overnight use include hotel or motel facilities, and/or a recreational vehicle park/campground complex. Such uses, in a close proximity to the Port's launching ramp and the Army Corps' proposed recreational features, would have apparent possibilities. Development of a marina on adjacent Port District property may be appropriate. With the proposed extension of the channel for the flood control project, increased boat usage will become even more desirable. Other boating related facilities that would be appropriate include a dry storage area and a sales/service establishment. Again, available space for boat storage near San Diego Bay is at a premium and the situation is only going to become tighter. A stacked or tiered dry storage area,

~~similar to that at Perez Cove on Mission Bay, would be a desirable use at the National City location. With an overnight use and boating use serving as anchors, it can be expected that other related uses such as eating establishments and specialty shops will be attracted to the area.~~

~~When assessing the potential for recreational development along National City's Bayfront, there are several additional factors which should not be ignored. One factor is the proximity to the 24th Street MTDB station. Although it is over a mile away and probably beyond comfortable walking distance, the station has a parking lot and provides direct service to such destinations as Tijuana, Seaport village, and downtown San Diego. Another consideration is the numerous bicycle trails which are being proposed in the area. Using National City as a starting point, bicyclists could easily reach the Bay Route Bikeway and the Sweetwater River Channel Bikeway. A final consideration is that the development of the area, especially with overnight uses, will do much to solve the problems of crime and vandalism in the area.~~

The 24<sup>th</sup> Street Bay Marina Drive trolley station and freeway access (to I-5 and State Route Rt. 54) at 24th Street Bay Marina Drive provide opportunities for tourist commercial development in the area north of Paradise Marsh, currently developed with meat packing facilities and parking lots. Streetscape and roadway improvements, or separated pedestrian facilities would be needed to improve pedestrian access from the trolley station under I-5 to the area.

Tourist commercial development at 24th Street Bay Marina Drive north of Paradise Marsh would provide a gateway to National City's Bayfront as well as to the Port. It would provide facilities such as restaurants, hotel or motel and other complementary uses to those intended at the Bayfront itself, west of Paradise Marsh. It should be developed to encourage bicycle and pedestrian users since it is within close proximity to both the trolley station and the recreational area along the Sweetwater River Channel.

## POLICY RECOMMENDATIONS

1. The National City Bayfront shall be designated for tourist commercial and recreational use, as indicated in the Land Use Plan (See Figure 2). 1). ~~Using the SD&AE railroad as a point of demarcation, consistent with the wetland area proposed for acquisition by the Army Corps of Engineers, the area located to the east, including Paradise Marsh and surrounding lands, shall be designated suitable for passive recreational uses only.~~ The areas to the west and to the north of the Marsh shall be designated for tourist commercial and recreational uses. Wetland resources located west of the railroad, Bayshore Bikeway ~~which are not proposed for public acquisition,~~ shall be protected from incompatible development, consistent with marsh preservation policies.
2. The passive recreational area would accommodate the preservation of Paradise Marsh, along with the provision of public accessways and landscaped areas. Public access would be provided and managed consistent with the public access component of the LCP and the maintenance of wetland resource values. Beyond this area, a transition to more active uses could begin. Landscaped areas suitable for picnicking and general recreation may be appropriate.



3. In order to meet specific recreational market demands and provide an attraction for secondary uses, overnight uses and boating uses shall be assigned the highest commercial development priority for the commercial recreational areas. For the area west of Paradise Marsh, appropriate uses, as described in the Balanced Plan, include marina development, hotel/motel and restaurant facilities, recreational vehicle park/campground, dry-storage and boat service facility, and/or public park areas. For the area north of Paradise Marsh, hotel/motel facilities, restaurants and other tourist commercial use would be appropriate. ~~The intensity of development shall be reviewed for impacts on traffic circulation.~~ A Specific Plan shall be prepared to address traffic circulation and roadway and other improvements, in conjunction with development plans for the tourist commercial area west of Paradise Marsh. The Specific Plan shall determine the location of roadway improvements, based on resource protection standards, i.e., consistency with marsh preservation policies.

Tourist commercial development in the above referenced areas shall be consistent with existing or currently planned road capacities to the north and south of the proposed tourist commercial area, including the planned extension of Harrison Avenue and the Tidelands Avenue crossing proposed in the City of Chula Vista Bayfront LCP. The intensity of development shall also be reflective of the constraints placed on these roadways by the Marsh Preservation policies of this Plan. Approval of these land uses shall not be considered precedent for increasing the capacity of the roads to the north and south of the tourist commercial area.

- ~~4. A higher quality project and a better design should result from such coordination and a more viable development will likely be attracted to the area.~~
4. As previously denoted in the Balanced Plan and in order to develop the tourist commercial and recreational area west of Paradise Marsh coordination with the Port District for concurrent development of Port District lands shall continue to be encouraged.
5. To enhance the recreational potential and attractiveness of the National City waterfront, the restoration and protection of Paradise Marsh continues to be imperative and a continued City policy of Paradise Marsh is a desirable program. ~~A feasible restoration program shall be determined with the potential assistance of the Coastal Conservancy, or other appropriate agencies, to finance, plan, and implement such a restoration program. The program shall also involve coordination with the Bayfront Conservancy Trust in its efforts to finance, plan and implement a restoration program, including access and recreational features.~~
6. To ensure that the recreational potential of the area is maximized, development shall take into account the proximity to the ~~MTDBMTS~~'s "San Diego Trolley System", the Bayshore Route Bikeway, and the Sweetwater River Flood Control Channel's recreational areas and trails systems, as well as recreational uses planned for the adjacent Chula Vista Bayfront and other waterfront development on San Diego Bay.

## CHAPTER V MARSH PRESERVATION

### COASTAL ACT POLICIES

Sections 30230, 30231, and 30236 require the preservation, enhancement, and restoration of water and marine resources including coastal waters, streams, wetlands, estuaries, and lakes. Sections 30233 and 30235 establish conditions under which diking, dredging, filling and the use of shoreline structures may and may not occur. Section 30233 (c) limits dredging related to maritime industries and facilities, minor public facilities, restorative measures, and other marine dependent uses. ~~in the 19 priority wetlands identified by the Department of Fish and Game to minor public facilities, restorative measures, and nature study.~~ Section 30240 provides for the protection of environmentally sensitive habitat areas by restricting uses within or adjacent to such areas.

### EXISTING CONDITIONS

The Paradise Creek Marsh in southwest National City consists of two areas comprising a total of 29.8 areas, as described in the Working Paper on Paradise Marsh Biological Resources. The main area, 26.1 acres in size, is located west of Interstate 5 (I-5), within a 40-acre area designated as Open Space Wetland Preserve (OSR) in the Land Use Plan. A second area of approximately 3.7 acres lies east of I-5 and is connected to the main area by a culvert. It is designated as OSR in the Land Use Plan. Paradise Creek, partly in a meandering original channel and partly in a new channelized straight course, leads from the northeast corner of the main area to join the Sweetwater River south of the National City-Chula Vista border. Because of the Sweetwater River's connection to San Diego Bay and the low elevation of the area, the marsh is subjected to tidal action.

The main area is bounded on the east by I-5, on the west ~~of the Bayshore Bikeway~~ by San Diego and Arizona Eastern railroad tracks Marina Way, and on the north by medium manufacturing along 24th ~~Twenty-Fourth~~ Bay Marina Drive-Street. The southern boundary of the subject area is the National City-Chula Vista city line, but the wetland extends 1,800 more feet (20 more acres) south to the junction of the Paradise Creek channel with the Sweetwater River. This main area contains a large 9.4-acre section of coastal salt marsh represented by the Cordgrass, Saltwort, and Pickleweed habitats. The salt marsh surrounds a small intertidal flat and is itself surrounded by slopes leading to higher upland sites. On each side of a newly dredged channel are large, flat expanses of fill which support a salt pan with occasional patches of vegetation.

The secondary area is bounded on the east by Hoover Avenue, on the north by light manufacturing properties along West Thirtieth Street, and on the south by more light industry. The Metropolitan Transit Development Board's transit line is the west boundary. About one acre of coastal salt marsh and an equal area of salt pan lie within the area. Above and north of this area is a terrace of disturbed upland, most likely a former roadbed. Slopes lead up from here to the building sites at the north edge.

Paradise Creek originally flowed into the Paradise Marsh area, then west into San Diego Bay. Presently, Paradise Creek enters the main area from a culvert at the northeast corner of the marsh.

Before entering the marsh, the creek runs in a channelized bed nearly 4,000 feet long. It drains approximately 1.5 square miles of upland National City. Almost half of its length within the marsh is the original meandering channel; the remaining length is a straight channel leading to the Sweetwater River. At the National City-Chula Vista border, the channel is about 28 feet wide. The sides are steep and the almost flat bottom is under about two feet of water at low tide of -1.5 feet. There are many small tidal creeks connected to the meandering part of the creek and a few incipient tidal creeks along the straight part. Another stream flows from a storm drain at Hoover Street, through the second marsh area and a culvert, and then joins Paradise Creek.

Historically, the wetlands of California have been subjected to ~~severe alteration by mansignificant development~~. In 1900, California had 381,000 acres of wetlands, and southern California, from Santa Barbara County to San Diego County, had 26,000 acres. California's coastal wetlands have been reduced to 126,000 acres, a 67 percent reduction. Southern California's wetlands have been reduced by a similar percentage to 8,500 acres. Within the slightly larger Southern California boundaries, between Morro Bay and Ensenada, Mexico, three of the original 28 sizeable estuaries have been destroyed, ten drastically modified, and 15 moderately modified, leaving none untouched. San Diego Bay has lost an even higher percentage of its wetlands; it has 360 acres of salt marsh plus 600 acres of tidal flats remaining from an original 2,450 acres and 1,200 acres - an overall loss of 74 percent.

The land surrounding the marsh has been heavily impacted by man through industry, major highways, dredge, ~~and historic fill operations.~~ ~~and fill operations, parks and all terrain vehicle (ATV) activity.~~ The marsh itself has been impacted by ATV, pedestrian activity and rubbish dumping. These ~~man-induced~~ impacts can be traced back to 1888 when a pier was built at the end of Twenty-Fourth Street. The open area to the west of the marsh was filled in 1946. Construction of the 1,960-acre Twenty-Fourth Street Terminal began in 1967. The area between Paradise Creek and San Diego Bay was filled in 1968, and the channel was dredged between Paradise Creek and the Sweetwater River. The land around the dredged channel is, for the most part, bare fill. The D Street fill in Chula Vista was formed in 1969, covering an area of 108 acres. It has eroded on its western edge, depositing sediment into a 26-acre tidal flat, degrading the tidal flat habitat. Due to creation of the Twenty-Fourth Street Marine Terminal, the dredging of the Twenty-Fourth Street channel and filling of some wetland area, another channel was dredged in 1969 to divert Paradise Creek south into the Sweetwater River.

Today, Paradise Creek is a remnant of a formerly extensive marsh system. It once joined with the Sweetwater River Marsh to create a continuous estuarine area all along National City's shoreline, and extended inland beyond National City Boulevard. It is now reduced to 29+ acres and is separated from the Sweetwater Marsh by the D Street fill. Still, the Sweetwater-Paradise Marsh complex is the highest quality marsh remaining in San Diego Bay.

#### EXISTING PLANNING AND ZONING

The Natural Setting Section of the National City's Updated General Plan contains several policy statements recommending the preservation of Paradise Marsh. For example:

Policy F. The City will preserve open space as necessary and desirable to conserve natural resources, to provide adequate recreation, and to protect public health and safety.

Policy H. The City will support efforts by ~~the Coastal Commission and Army Corps of Engineers-state and federal resource agencies~~ related to preserving valuable natural habitats in the Paradise Marsh and Sweetwater River areas.

Implementation Policy 9. Seek implementation of the adopted Local Coastal Program’s Land Use Plan, regarding preservation and ~~upgrading-enhancing~~ of natural resources in the Paradise Marsh and Bayfront areas of the ~~cCoastal zZone~~ in National City.

National City’s Combined General Plan/Zoning Map designates the Paradise Marsh as Open Space Reserve (OSR). The secondary area of the marsh, that which is located east of I-5, is also designated as Open Space Reserve. The designation is applied primarily to implement the Local Coastal Plan, regarding preservation of open space wetland areas and passive use of the land for limited nature study purposes.

The Paradise Marsh area is also located within the Floodway Fringe (FF-1). This zone is applied to those areas of special flood hazard designated as Floodway Fringe on the “Flood Boundary and Floodway Map” of the Federal Flood Insurance Study. Before development can proceed within a special flood hazard area, a Flood Hazard Development Permit must be obtained concurrently with routinely required development permits. The FF-1 zone establishes the development standards with which development must comply to receive the Flood Hazard Development Permit.

~~Another project that would impact the Paradise Marsh area is the joint Army Corps/Caltrans Sweetwater River Flood Channel Highway 54 Project. The Paradise Marsh would be acquired as mitigation for the construction of the flood control channel. Also, the connection between the marsh and the flood control channel would be restored to improve tidal flow.~~

## ANALYSIS

### RESOURCE VALUE

The value of the Paradise Marsh includes, but is not limited to, the following:

1. Through photosynthesis of algal species, the marsh provides an oxygen supply for the waters of San Diego Bay, necessary for survival of fish species and natural pollution impact abatement.
2. Flushing of plant and animal detritus from the marsh provides organic matter important for food chains in the bay and protection from sea level rise.
3. The marsh acts as a nursery for at least nine fish species, including several important sport fish species.

4. The wetland habitats are extremely important wildlife areas, supporting a very high diversity of bird species. These include a number of sensitive species, i.e., Belding's Savannah Sparrow, and potentially the Light-footed Clapper Rail. The wetlands also are an important stopover point for migratory species along the Pacific Flyway.

Potential uses for the wetlands, if preserved, are:

1. Basic scientific research, nature study, or educational uses;
2. Passive recreation (i.e., bird watching);

~~3. A possible source for applied research into the use of marsh species to introduce salt-tolerant genes into economically important plants (in agriculture), through selective cross-breeding.~~

## IMPACT ON MARSH

The biological resources of the Paradise Creek Marsh have been affected by both past and current impacts. Past impacts to the marsh, which changed its character and size, were reduction in total area of wetlands, landfill activities, and channel alteration of Paradise Creek. Current, ongoing impacts to the biological resources include off-road vehicle activity, rubbish disposal, and sedimentation and pollutant deposition from urban runoff.

~~The most adverse of these impacts is by off-road vehicle activity, especially in the southern salt-pan habitat. There is also evidence of refuse and commercial waste dumping along the northern and western margins of the salt marsh from the meat packing plant and railroad easement. The secondary area, to the east of I-5, has been degraded to a great extent by landfill, erosion, and vehicular activity. Preservation of the Paradise Marsh will require reduction of the current impacts of off-road vehicles, rubbish and commercial waste dumping into the marsh, and, at a minimum, maintenance of current sedimentation and total dissolved solids in runoff at or below present levels.~~

## PRESERVATION CONSIDERATIONS

One ~~technique of mitigation measure for~~ preserving wetlands commonly referred to is the provision of a buffer area between the wetland and development. The Coastal Commission and other resource agencies generally recommends that development be set back 100 feet from the delineated landward edge of a wetland. The 100-foot-wide buffer may be increased ~~or decreased~~ in consultation with the Department of Fish and Game resource agencies. The purpose of the 100-foot buffer is to ensure that the type and scale of development will not significantly degrade the adjacent habitat area. ~~The distinction must be made, however, that the application of the 100-foot buffer assumes that the area surrounding the wetland is substantially undeveloped.~~ With respect to Paradise Marsh, the wetland is almost entirely surrounded by existing industrial development and transportation corridors, including lumber storage yards, automobile storage, I-5, and State Route 54 rights-of-ways., slaughter houses, steel fabricating plant, I-5, and rights of way for the AT&SF and SD&AE Railroads. In most locations, this existing development lies

immediately adjacent to the landward edge of the wetlands. In such situations, the Commission's guidelines recommend that new development observe an appropriate setback based on unique characteristics of the property. ~~It should also be noted that the marsh areas recommended and required for acquisition as mitigation for the Sweetwater River Flood Control Channel/Rt. 54 freeway projects were determined to include necessary buffers for protection of wetlands.~~

In order to preserve the marsh, it is essential that the marsh be open to tidal flushing. Salt marshes need nitrogen, and preliminary fertilizer experiments have indicated that a marsh could be more productive if more nitrogen were available. One important source of nitrogen is ammonium from the ocean via tidal flushing. For example, in the Tijuana estuary, flushing can supply 1.0 - 2.16g nitrogen per square meter per year (28 percent of the nitrogen required for vascular plants, 10 percent of that required by vascular and algal plants combined). Another source of nitrogen is mineral recycling within the marsh itself, partly through decomposition. Also, tidal flushing exports about 30 percent of the marsh's net primary productivity to the ocean. For example, organic carbon leaves the Tijuana estuary at the rate of 35-105g carbon per square meter per year, mostly in the dissolved form. Since little particulate organic carbon (i.e., carbon in detritus) leaves, it is assumed that the detritus is consumed within the marsh and is a partial source of nutrients.

~~Lowered tidal flushing has several possible effects. In years of high rainfall, it could lead to increased production, as happened in Los Penasquitos Lagoon in 1978. Less organic matter is lost to the ocean and is available for recycling. Soil nutrients remain high. Higher production by vascular plants initially appears to be an advantage, but algal productivity can suffer due to shading and may upset the balance of detritus versus grazer-based food chains. Detritus feeders consume broken plant parts where grazers feed on the algal mats that grow between the vascular plants.~~

In years of low rainfall, lower tidal flushing can lead to hyper-salinity of the soil, which can reduce productivity, leading possibly to the elimination of some species. For example, Cordgrass cannot tolerate either high salinity or widely fluctuating salinities, and a population of Light-footed Clapper Rails would disappear from an area if it were deprived of Cordgrass for its nesting sites. It has been hypothesized that Los Penasquitos Lagoon lost its Cordgrass between 1942 and the 1970's due to altered tidal circulation.

As mentioned previously, the essential measure necessary to guarantee the preservation of Paradise Marsh is the maintenance of tidal flushing. As long as the marsh is kept open to tidal flushing, and as long as the major input of freshwater continues to be runoff from the upstream areas rather than industrial discharge, the existing water quality will be maintained at acceptable levels. Other management alternatives, such as implementing increased street sweeping programs or sediment control measures in selected sub-basins, do not appear to be necessary on the basis of the data and results presently available.

## RESTORATION CONSIDERATIONS

As proposed, the Sweetwater River Flood Control Channel would have an overall beneficial impact upon the biological resources of Paradise Marsh. The reason for this, in addition to the preservation of the marsh itself through acquisition, is the restoration of the marsh's primary

connection channel. The intended result of these actions is to increase the rates of tidal flushing, thereby improving the productivity of the marsh.

Consideration of restoration activities should definitely not be limited to the connection channel. Improving the tidal inundation of the main marsh itself would result in a more productive habitat and an increased number and diversity of wildlife utilizing the marsh. In addition, the marsh could become an aesthetic asset of National City's Coastal Zone~~coastal zone~~.

In general, restoration of the area would entail removal of some of the fill from the present high salt-pan to the south of the marsh itself and in the secondary area to the east of I-5, and re-channelization of these two areas. ~~It would be desirable to complete these actions in conjunction with construction of the Sweetwater River Flood Control Channel project in order to minimize disruptions to the wetland and wildlife.~~

## POLICY RECOMMENDATIONS

1. The wetlands of the Paradise Creek Marshes well as the secondary area of Paradise Marsh, east of I-5, including salt marsh, freshwater marsh, salt-pan, channel, and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved. The plan designation for these areas shall be OPEN SPACE/WETLAND PRESERVE; ~~t. The boundaries of the "Open Space Wetland Preserve" areas include the marsh area required for acquisition by the Army Corps of Engineers for the Sweetwater River flood control improvements, marsh area within Caltrans right of way easterly of the SDG&E rights of way, and the secondary area of Paradise Marsh east of the I-5 freeway. The Sweetwater River area, south of 35th Street, designated for industrial and commercial use;~~ and the wetlands located west of the railroad, which are not proposed for public acquisition, also contain valuable biological resources which shall be preserved under an overlay zone or other appropriate, implementing regulation which shall be defined in the implementation plan. The overlay zone or implementing regulation shall include requirements for mapping all wetlands not included in the "Open Space Wetland Reserve" land use designation, execution of open space easements over identified resources and their buffers in conjunction with new development and a determination of appropriate buffers for any new development.
2. In order to preserve Paradise Marsh; the wetlands located west of the Bayshore Bikeway; ~~;~~ railroad, which are not proposed for public acquisition; the secondary area of Paradise Marsh, east of I-5; and the Sweetwater River south of 35th Street shall be subject to the following policies:
  - Alteration shall be limited to marine--dependent uses, minor incidental public facilities, restoration measures, and nature study. Consistent with the provisions of Section 30233, the diking, dredging and filling of wetlands, open waters, estuaries and lakes shall be permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: incidental public service purposes, restoration purposes, and nature study. There

shall be no alteration of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, as well as of the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, except as determined by a marsh restoration program which has been approved by the California Coastal Commission.

- The dumping of rubbish or commercial waste into the marsh areas shall be prohibited.
- The intrusion of off-road vehicles and unauthorized pedestrian traffic into the marsh areas shall be discouraged.
- ~~the Department of Fish and Game. A buffer area less than 100 feet wide may be permitted, depending upon the analysis of the specific site proposed for development. Examples which may demonstrate that a lesser distance would be acceptable include but are not limited to the type and size of development, proposed buffer improvements such as landscaping or fencing, and existing site characteristics such as a grade differential between a marsh area and adjacent upland area, existing development in the area, and parcel size and configuration. Consistency with buffers required as part of the Sweetwater River Channel/Rt. 54 project shall also be considered in order to determine appropriate buffers less than 100 feet wide. The buffers shall be determined with the concurrence of the State Department of Fish and Game.~~
- A buffer area shall be established for new development adjacent to wetlands. A 100 ft. distance from the edge of the wetland shall generally provide an acceptable buffer. The required distance may be increased or decreased based on consultation with state and federal resource agencies.

3. To enhance the habitat and aesthetic value of Paradise Marsh, the wetlands located west of the railroad, which are not proposed for acquisition, as well as the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, feasible restoration activities shall be encouraged. Feasible restoration activities shall be determined with the potential assistance of the Coastal Conservancy, or other public agency or private group, including the Bayfront Conservancy Trust, to finance, plan, implement and manage a restoration program. The recommended elements for a restoration program include:

- A public access and information program that would be designed to allow observation of the marsh, while controlling intrusion into the marsh itself. A component of the access program should be an interpretive nature trail along the western margins of Paradise Marsh, which could connect with an observation platform.
- The removal of all rubbish and debris from the marsh through a volunteer effort, or the California Conservation Corps.



- The dredging of Paradise Marsh, consistent with a marsh restoration program, prepared in consultation with the California Department of Fish and Game and approved by the California Coastal Commission, possibly concurrent with the construction of the Sweetwater River Flood Control Channel, to improve tidal flow and flushing. Dredging shall be restricted to existing tidal channels.
  - The encouragement of a scientific research program.
4. Proposed new development, including roadways, located adjacent to the wetlands of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, shall be designed to discourage the intrusion of pedestrians, vehicles, or domestic animals into the marsh through physical barriers such as fencing and/or landscaping with appropriate non-invasive species. In association with new development or remodeling of existing development contiguous with the wetlands, including roadways, drainage shall be directed off-site toward the Sweetwater River Flood Control Channel, or to existing street drains, whenever possible, or channeled into a settling area before entering the marsh. Potential increase in the rate of storm-water runoff, which may result from new development, including roadways, adjacent to wetlands, shall be controlled by detention basins or other means to avoid impacts of erosion and sedimentation on wetlands. The size, design and placement of such sedimentation control devices shall be developed in consultation with ~~the State Department of Fish and Game~~ [state and federal resource agencies and Game](#) prior to or concurrent with the commencement of construction and shall be installed and maintained by the developer, or any successors in interest.
  5. Wetlands in private ownership, which may be located in the CT, C and M, as well as OSR designated areas, shall be protected from development through the application of an overlay zone or other appropriate, implementing regulation proposed in Policy #1. Necessary protective measures, including adequate buffers, regulations regarding the design and siting of structures, etc., and open space easements shall be determined during review of proposals for development, by application of criteria to be specified in the LCP Implementation Plan.
  6. Landscaping in areas adjacent to wetlands shall include plants only which are not invasive of wetlands.
  7. Specific erosion control measures shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained in conjunction with all grading activities, consistent with Section X (B) (4) (k) of the Implementation Plan, during the period of November 1 to April 1 of each year for all properties which drain directly to marsh and wetland areas. These properties shall include all properties located in the following areas:

All properties between 35th Street and the southern City limits;

All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street, and the ~~MTDB San Diego~~ [MTS](#) Trolley ~~L~~Line;

All properties in the City's jurisdiction located westerly of Highway I-5 and south of ~~24th Street~~Bay Marina Drive.

~~(NOTE): The preceding has been largely paraphrased from the work conducted by Regional Environmental Consultants (RECON), on the biological resources of Paradise Marsh. RECON's report is incorporated as Appendix II of this Land Use Plan. All references for the Marsh Preservation section are in RECON's report, and are not duplicated in the reference list for the overall Plan.~~

## CHAPTER VI VISUAL RESOURCES

### COASTAL ACT POLICIES

Section 30251 of the Coastal Act calls for the protection of the scenic and visual qualities of coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

### EXISTING CONDITIONS

The industrial character of National City's Bayfront generally does not provide ~~generally~~ scenic values commonly associated with the natural resources of the ~~Coastal Zone~~coastal zone. Nonetheless, coastal industrial areas are essential to the economy of the City and region. Recreational facilities were added on the National City waterfront in the early 2000s with the construction of the National City Marina. The Balanced Plan includes the expansion of the existing Pepper Park, adds a dry boat storage facility, RV Park, and provides for future hotel projects. At the same time, it allows the marine--dependent industries to continue and to expand. ~~city and region, and their physical form and functional activity can foster public interest. While such areas do not usually provide for public viewing, observation opportunities can be educational and provide a different perspective to the varied functions of the coastal zone. As an example, a school excursion to the area would offer exposure to a number of coastal related industrial activities and operations such as container terminals, lumber storage, railroad transportation, resource recovery operations, and petroleum handling.~~

The Balanced Plan provides new scenic areas, vista points, and public access corridors. Within National City, the most notable scenic resource is ~~the~~Paradise Marsh and, under the Balanced Plan, the marsh ~~is~~ fully protected along with its public vista points.

~~On the subject of coastal visual resources, the more commonly referred to elements are scenic areas, vista points, and public access corridors. Within National City, the most notable scenic resource is the Paradise Marsh. Although the area could not be considered pristine and urban development does intrude, the marsh does provide visual open space which is accentuated by its linkage with Sweetwater Marsh. The best and most accessible vantage points to view the marsh are along I-5. The shorefront area adjacent to the Port District's launching ramp offers vista opportunities of San Diego Bay. In fact, this area has been designated a vista area in the Port's Master Plan.~~

The only public access area to the bay itself is from the existing boat launching ramp. Direct access to the bay is preclude<sup>d</sup> by the National City Marine Terminal operated by the Port District. Pasha Automotive is an automobile importer and exporter with many land areas surrounding the Marine Terminal being used as car storage areas. ~~ABay Marina Drive~~Bay Marina DriveThe areas north of the terminal are typical small industrial facilities, as well as ~~and~~ the Port's maintenance center.

~~A discussion of the existing visual qualities of National City's access corridors is in some respects irrelevant. The reason for this is that the only public access area (boat launching ramp) and the immediate access corridor to it (Tidelands Avenue south of 24th Street) are under the jurisdiction~~

~~of the Port. Of course, 24th Street is under National City's jurisdiction, and its intersection with I-5 provides the main entrance to the Bayfront area, and sets the tone for the industrial nature of the area.~~

## EXISTING PLANNING AND ZONING

National City's General Plan includes policies for the protection of the Paradise Marsh, which provides aesthetic, as well as biologic values. Also of importance are policies which propose the upgrading of landscaping throughout the City. A specific policy proposes the construction and landscaping of special entryways to National City, ~~as well as addressing Sea Level Rise.~~ It is proposed, as a part of this LCP, that this policy be applied to the recreational and commercial areas ~~adjacent to Paradise Marsh when they develop within the Coastal -Zone.~~ Appropriate landscaping should also be incorporated into proposed roadways, along ~~24th Street Bay Marina Drive Marina Way~~ and adjacent to I-5 in order to provide an improved image and identity for the Paradise Marsh area.

~~In matters of coastal zone aesthetics, signs have traditionally been an issue. However, National City's Land Use Code contains a sign ordinance which adequately manages the quality of signage and recognizes the importance of using signage as waypoints to public coastal access. sign issue. The sign ordinance requires a permit for all signs and outdoor advertising, and requires that they be in conformance with the Uniform Building Code.~~ The ordinance designates permitted signs in each zone, and establishes locational and size criteria. The sign ordinance also identifies signs that are prohibited, which includes billboards, and establishes a procedure for the abatement of such non-conforming signs.

Of particular significance to any new development within National City's ~~Coastal Zone coastal zone~~ is the City's Site Plan Review Ordinance. The ordinance requires that prior to the issuance of building permits, accurately dimensioned architectural drawings and plot plans be submitted for the review and approval of the Planning Department. Review criteria includes, but is not limited to, the following:

- desirable site layout and design
- utility of open areas
- adequacy of landscaping
- compliance with general plan

It is important to note that National City's site plan review far exceeds routine design review, in that both the Planning Department and Commission, on appeal, have the authority to deny site plans.

The tourist commercial designation and the Planned Development (PD) overlay zone is applied to the area north of Paradise Marsh and south of ~~24th Street Bay Marina Drive~~, designated for commercial and recreational use in the Coastal Plan. The PD overlay requires approval by the Planning Commission, or City Council on appeal, for new project design, determined by a Planned Development permit. A Planned Development Permit may be approved, subject to consistency

with the City's zoning ordinance, if after public notice and hearing, required findings for approval are determined to be supported by project information or by required conditions of approval.

~~Another on-going planning effort that will improve the aesthetic qualities of National City's coastal zone is the Sweetwater River Flood Control Channel.~~ There are several elements of this project which will greatly enhance the visual quality of the area. These elements are the creation of shoreline access and recreational features along the banks of the channel, the restoration of the connection between the Sweetwater River and Paradise Marsh, and the preservation of the marsh itself through acquisition. It should be noted that the enhancement of the area's visual quality is really a secondary benefit resulting from the primary objectives of the area's natural resources and providing recreational opportunities.

With respect to the appearance of access corridors, attention must be devoted to the Port District's Master Plan. Tidelands Avenue south of ~~24th Street~~ Bay Marina Drive is the only existing access route to the proposed recreational areas of National City, and it is located almost entirely within the jurisdiction of the Port District.

## ANALYSIS

The control of signs, attention to landscaping, enhancement of marsh areas and development of parks will all contribute to improving the visual quality of National City's shoreline areas and should be actively encouraged. However, the single action that would have the most significant beneficial visual impact on the area will be the development of the proposed recreational and commercial areas ~~contained in the Balanced Plan, adjacent to Paradise Marsh and the new road that would provide direct access.~~ In order to create an environment that will be a successful public attraction, it is essential that attention not only be devoted to the ultimate use of the area, but also to its appearance. The mandatory application of the City's site plan review procedure to a single, large scale development would ensure that the development of this critical area is of the highest aesthetic quality. The Planned Development Permit requirement would ensure public review for proposed projects. Additional control would be gained by applying a Specific Plan requirement, particularly if further land divisions are proposed. It could also address the need for construction of the roadway concurrent with recreational and commercial development in the area west of Paradise Marsh and north of the Sweetwater River Channel. Further, it is recommended that the General Plan policy proposing the construction of landscaped entryways be implemented for ~~24th Street~~ Bay Marina Drive, ~~as well as incorporated into the design of the proposed new road to provide direct access to the recreation area.~~

## POLICY RECOMMENDATIONS

1. To ensure that the Army Corps of Engineer's Sweetwater River Flood Control project improves the scenic resources of the area, National City shall support and encourage the project as proposed with the following mitigations.
  - the restoration of the marsh connections with the Sweetwater River, and

- the development of shoreline recreational features along the banks of the flood control channel
2. To ensure that the development of the proposed commercial and recreational area adjacent to Paradise Marsh west of ~~the the SD&AE railroad~~Bayshore Bikeway is of the highest aesthetic quality, the City shall require that the development of the site shall be in accordance with development standards and requirements to be determined by a Specific Plan for the area. The Specific Plan shall determine appropriate height limits, landscape elements, signage, and view protection and enhancement, consistent with the policies of the Land Use Plan. Vistas shall be provided from public roadways and public open space areas to Paradise Marsh and the Sweetwater River Flood Control Channel. Height limits shall be established as determined necessary to provide for focal points in key activity areas.
  3. ~~To ensure that the new road to provide access to the proposed recreation area adjacent to Paradise Marsh is of high visual quality, its design shall implement and incorporate the General Plan policy proposing the construction of landscaped entryways. Landscaped entryway improvements for 24th Street would be especially appropriate.~~
  4. ~~A Specific Plan shall be prepared to identify design improvements to enhance the visual identity of the Paradise Marsh area, provide a visual linkage between recreational uses near the Sweetwater River Channel and tourist commercial uses west of the Marsh and at 24th Street, and appropriate visual separation or buffering of industrial uses to the west and freeway to the east. The design improvements identified in the SpecificBalanced Plan shall include landscape elements, signage, and architectural elements or criteria, such as height, scale, bulk, color, and building materials. ~~Protection or creation of vistas should also be identified in the Specific Plan.~~~~
  5. To ensure that new development throughout the Coastal Zone ~~coastal zone~~ is visually appropriate, projects shall be reviewed for conformance to City standards for building aesthetics and materials, height, signing and landscaping. ~~See Appendix IV.~~ Project design shall also be reviewed with regard to other appropriate visual elements identified through the development review process for the development facilities contained in the Balanced Plan.

## CHAPTER VII INDUSTRIAL DEVELOPMENT

### COASTAL ACT POLICIES

Sections 30232, 30250(b), 30255, and 30260-64 of the Coastal Act provide guidelines for industrial facilities, tanker facilities, liquefied natural gas terminals, oil and gas development, refineries, and electrical generating plants. Sections 30255 and 30260 establish locational criteria for coastal-dependent industrial development.

### BACKGROUND

The following explanation of coastal-dependent and related industries is excerpted from the Unified Port District's Master Plan, and is included to provide the reader with a basic understanding of marine related industrial uses.

Marine related industry requires sites within close proximity to water because of functional dependencies for access to waterborne products, processes, raw materials or large volumes of water. The primary users of marine related industrial areas are dependent upon large ships, deep water and specialized loading and unloading facilities, typically associated with ship building and repair, processing plants and marine terminal operations. Other activities suitable for marine related industrial areas include railroad switching and spur tracks, cargo handling equipment (such as bulk loaders and container cranes), berthing facilities, warehouses, silos and fueling facilities, ship building, repair and conversion yards, steel fabrication and foundry, storage, repair and maintenance of marine machinery and construction equipment, kelp and seafood processing, canning and packaging, and aquaculture. Support industries linked to these primary industrial activities can be clustered together to capitalize on the benefits of reduced material handling costs, reduced on-site storage requirements, faster deliveries, and a reduction of industrial traffic on public roads.

### EXISTING CONDITIONS

National City's portion of the Coastal Zone ~~coastal zone~~ includes two separate areas that are characterized by industrial development. The most heavily industrialized area is located west of I-5. It is almost entirely developed with medium industrial uses, and is designated "MM" (Medium Manufacturing) on the Combined General Plan/Zoning Map, with an isolated area of "MH" (Heavy Manufacturing). The area is well served by truck access via I-5, rail access, and ship access through Port District lands.

The proximity of the Port lands is significant to this area because of the intense industrial activity which is generated. The National City Marine Terminal is one of only two terminals within the Port, and is the only one capable of expansion. The north wharf of the terminal is primarily used for the shipment of scrap metal and the receipt of petroleum products. ~~A high speed 33-ton container crane, having a capacity of 40 long tons and capable of handling 30 containers per hour, runs along the southerly half of the west wharf.~~ Due to continuing increases in terminal operations,

needs for additional berthing facilities are being created. The proposals contained in the Port's Master Plan to respond to this need would more than double berthing space at the National City Marine Terminal, and add a second container crane. The area located to the rear of the Marine Terminal is used almost exclusively for the storage and handling of lumber and wood products.

The other industrial area within National City's Coastal Zone ~~coastal zone~~ is the Sweetwater industrial area which is 160 acres in size and located east of I-5. The entire central portion of this area has been reserved for the joint Army Corps/CALTRANS Sweetwater River flood control channel and Highway 54 project. This area is virtually all developed with light industrial uses and some commercial areas fronting on National City Boulevard.

### EXISTING PLANNING AND ZONING

National City's zoning ordinance contains four zones which implement the General Plan designation of industrial. Those zones are:

- light manufacturing (ML) zone
- medium manufacturing (MM) zone
- heavy manufacturing (MH) zone, and
- tidelands manufacturing (MT) zone

The purpose of the different zones is to designate compatible groupings of industrial uses and assign them appropriate zoning categories and locations. As the name of the different zones would imply, the intensity of the industrial use, in terms of both input and output, is the criterion utilized to segregate the various uses. Light manufacturing areas are located near residential and commercial uses, thereby creating a transition to more intense industrial uses. Examples of light manufacturing uses would include cabinet shops, electronics and appliance assembly, and auto body repair. Medium and heavy manufacturing areas would include such uses as petroleum recycling, steel fabrication and salvage areas. The other industrial zone is the tidelands manufacturing (MT) zone, which is coterminous with the jurisdiction of the Unified Port District. Although the City of National City does not retain land use authority over this area, the zone does identify those uses which would be compatible with Section 19 of the San Diego Unified Port District Act.

National City's zoning ordinance specifies permitted and conditional uses for the different industrial zone classifications, and also lists uses that are prohibited. In addition, the ordinance outlines a comprehensive set of development standards which establish design parameters. Standards are set forth for lot area, frontage, setbacks, aesthetics and materials, height, floor area ratio, lot coverage, parking, signing, and landscaping.



## ANALYSIS

As discussed previously, National City's ~~Coastal Zone coastal zone~~ is characterized by industrial development, much of which is related to the proximity of the Port's ~~container terminal and wharfage~~ marine terminal activities. Due, in large part to the attraction of the marine terminal, virtually all of the industrial zoned land in National City's Bayfront has been developed. New industrial development and redevelopment will occur as older residential uses are eliminated; however, the assemblage of parcels large enough to accommodate and attract major industrial uses will be difficult. Taken together with the fact that National City has no direct bay frontage, the imposition of a policy giving preference only to marine related industrial use could be unnecessarily burdensome.

In most situations, the free market should adequately handle the allocation of available industrial land to marine related industrial uses. The reason being that industrial uses that benefit from a coastal oriented location will compete more effectively for such parcels. However, a land use policy which would allow the free market to operate with the minimum regulatory intervention, and would also achieve consistency with the objectives of the Coastal Act for coastal dependent industrial activity would be advisable. Such a policy would only be applicable in situations where different industrial uses are competing for land, and in such instances would assign priority to marine related industry.

## POLICY RECOMMENDATION

1. In the event that different industrial land uses are competing for available industrial land, priority shall be given to marine ~~related dependent~~ industrial uses.

## CHAPTER VIII ENVIRONMENTAL HAZARDS

### COASTAL ACT POLICIES

Section 30253(1) of the Coastal Act requires that new development minimize risks in areas of high geologic, flood and fire hazard.

### EXISTING CONDITIONS

Potential sources of hazards within National City's jurisdiction of the Coastal Zone ~~coastal zone~~ include land settlement hazards, seismic hazards, ~~and sea level rise, and~~ flood hazards.

Settlement hazards in the area result from the presence of soft, sedimentary soil in the low lying areas, including areas of fill over bay/alluvium deposits. Bay mud has an almost liquid consistency and makes a poor foundation material.

No active faults are located within the area. Nearby, local faults include the northwest trending Rose Canyon fault, the Sweetwater fault and the La Nacion fault. The Rose Canyon fault is traceable as a fault zone from offshore at La Jolla to a point about 5 miles north of National City's Coastal Zone ~~coastal zone~~ and is thought to extend through San Diego Bay to the Mexican border. The Sweetwater fault runs north-south along the eastern edge of National City, about 2 miles east of the coastal zone. The La Nacion fault also runs north-south, about a mile further east.

The Rose Canyon fault would be the most probable local source for a serious earthquake. The most severe shaking for the San Diego area occurred on May 27, 1982, possibly in the Rose Canyon fault zone, with a magnitude of 5.7 to 6.0. Seismic hazards to the area may also be expected from movement on the Elsinore fault zone, located about 40 miles to the east, with a maximum probable magnitude of 7.3.

The loose soils in the area are subject to potentially severe shaking from a magnitude 5.9 local earthquake. Older one-story buildings in the area would not provide great potential for damage. Newer buildings constructed in accordance with the Uniform Building Code would be expected to provide for specified safety standards. Other seismic-related hazards include subsidence, liquefaction and lateral spreading (movement of soil materials toward an unsupported slope, i.e. along stream channels. Ground rupture is considered a remote but possible earthquake occurrence related to movement on the nearby rose Canyon fault.

Other possible seismic hazards include tsunamis, sea waves generated by offshore, submarine earthquakes, and searching, surface waves within adjacent landlocked water bodies.

Flood hazards in the area result from natural watercourses, including Paradise Creek and the Sweetwater River. Within National City's Coastal Zone ~~coastal zone~~ areas of potential flooding include the Paradise Marsh wetlands in Subareas I and III, and other low lying areas in Subarea III (Sweetwater industrial area). Completion of the U.S. Army corps of Engineers Sweetwater River Flood Control Project will mitigate this flooding hazard.

## Sea Level Rise

As mentioned previously, is that the City has no residential development within its Coastal Zone and very few properties are impacted by sea level rise due to the distances between the bay and development. Additionally, there are very few properties that are available for either redevelopment or for new development within the City's Coastal Zone. However, the City will review each project to determine if the any proposed development may be impacted for by sea level rise, consistent with the Coastal Act and the Commission's policies on sea level rise. The below Coastal policies noted below will be taken into consideration as new development occurs within the City's Coastal Zone. These policies were produced by the Commission in the 2018 "Coastal Commission Sea Level Rise Policy Guidance" and adapted to meet the City's limited development within its Coastal Zone:

1. ~~1.~~ Acknowledge and address sea level rise as necessary in the General Plan and CDP decisions.
2. ~~2.~~ Use the best available science to determine City relevant and context-specific sea level rise projections for all stages of planning, project design, and CEQA permitting reviews.
3. ~~3.~~ Recognize scientific uncertainty by using scenario planning and adaptive management techniques where applicable.
3. ~~4.~~ Use
4. Use a precautionary approach by planning and providing adaptive capacity for the higher end of the range of possible sea level rise when supported by updated sea level rise modeling.
1. ~~5.~~ Design adaptation strategies according to City conditions and existing development patterns, in accordance with the Coastal Act and the City's LCP policies.
- 5.
6. ~~6.~~ Avoid significant coastal hazard risks to new development where feasible.
7. ~~7.~~ Minimize hazard risks to new development over the life of authorized structures.
8. ~~8.~~ Minimize coastal hazard risks and resource impacts when making redevelopment decisions.
9. ~~9.~~ Account for the social and economic needs of the people of the City; assure priority for coastal-dependent and coastal-related development over other development as shown in the City's LCP.
10. ~~10.~~ Ensure that property owners understand and assume the risks, and mitigate the coastal resource impacts, of new commercial development in flood hazardous areas.



Policy B	The City will explore necessary measures to protect areas in danger from <a href="#">sea level and</a> flood hazards.
Policy C	Assessment of potential flood and drainage impacts will be required of all major new developments. When significant impacts are identified, the project will provide adequate mitigation either directly or will provide the means for financing necessary public drainage improvements.
Implementation Policy 1	Maintain and improve the City’s participation in regional planning for natural hazards, such as earthquakes and floods, and evaluate any new circumstances that may apply to National City.
Implementation Policy 2	Monitor any new information concerning the Sweetwater Fault, currently judged inactive, which runs through the far eastern portions of the City, and the La Nacion Fault, judged potentially active, which is less than a mile east of the City limits.
Implementation Policy 3	Revise and enforce appropriate development regulations as necessary to comply with recognized standards for protection from geologic, soils and seismic hazards, to ensure public safety.
Implementation Policy 4	Ensure through development regulations that proposed new development adequately provides for on- and off- site mitigation of potential flood hazards and drainage problems.

National City’s Combined General Plan/Zoning Map applies the Floodway designation to land within the City that is vulnerable to flooding and subject to special, protective development regulations. The designated areas conform to the areas of special flood hazard identified by the Federal Insurance Administration.

The Army Corps of Engineers is constructing flood control channel improvements to alleviate flood hazards from the Sweetwater River. The area of the flood control channel is designated as open space by National City’s Combined General Plan/Zoning Map.

ANALYSIS

Environmental hazards in National City’s [Coastal Zone](#) ~~coastal zone~~ are not substantially different from other areas in the City, except for area of fill over bay/alluvium deposits. General Plan policies and implementing ordinances address environmental hazards. Building permit applications require site plan review by the Planning Department, which incorporates concerns of other City Departments, i.e., Building, Fire, Police and Engineering. Uniform Building Code requirements address adequacy of soils for proposed construction and adequacy of proposed construction with regard to seismic hazards. Additional policies are recommended to address geologic hazard in the coastal area.

## POLICY RECOMMENDATIONS

1. Consistent with the above sea level rise policies, review of new development for potential flood. For, seismic, and geologic hazards by the City shall Review of new development for potential flood, seismic and geologic hazards shall determine necessary improvements to minimize risk during the site plan review process, or during any applicable, discretionary review process.
2. Geotechnical reports shall be required for new development in areas subject to geologic hazard.
3. Waivers of liability shall be required from applicants for coastal development permits in areas of geologic hazard.
4. Prior to the development of the parcels on both sides of the existing Sweetwater River Channel, south of 35th Street, a sea level flood hazard study shall be conducted, based upon design criteria anticipating the potential flood hazard remaining after the construction of the Sweetwater River Flood Control channel or from a 100-year flood, whichever is applicable at the time of development. Only development consistent with the recommendations of the study shall be approved for the area. Specific development policies shall be provided in the Implementation Plan. The policies shall stress provision of adequate setbacks to minimize the amount of fill necessary for flood protection, and no armoring or channelization of the existing river channel for flood protection shall be allowed.

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U.S. Army Corps of Engineers, Los Angeles District, Sweetwater River Flood Control Improvement, General Design Memorandum for Sweetwater River Flood Control Channel, San Diego County, California, Main Report, March 1982.

U.S. Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Study - City of National City, August, 1978.

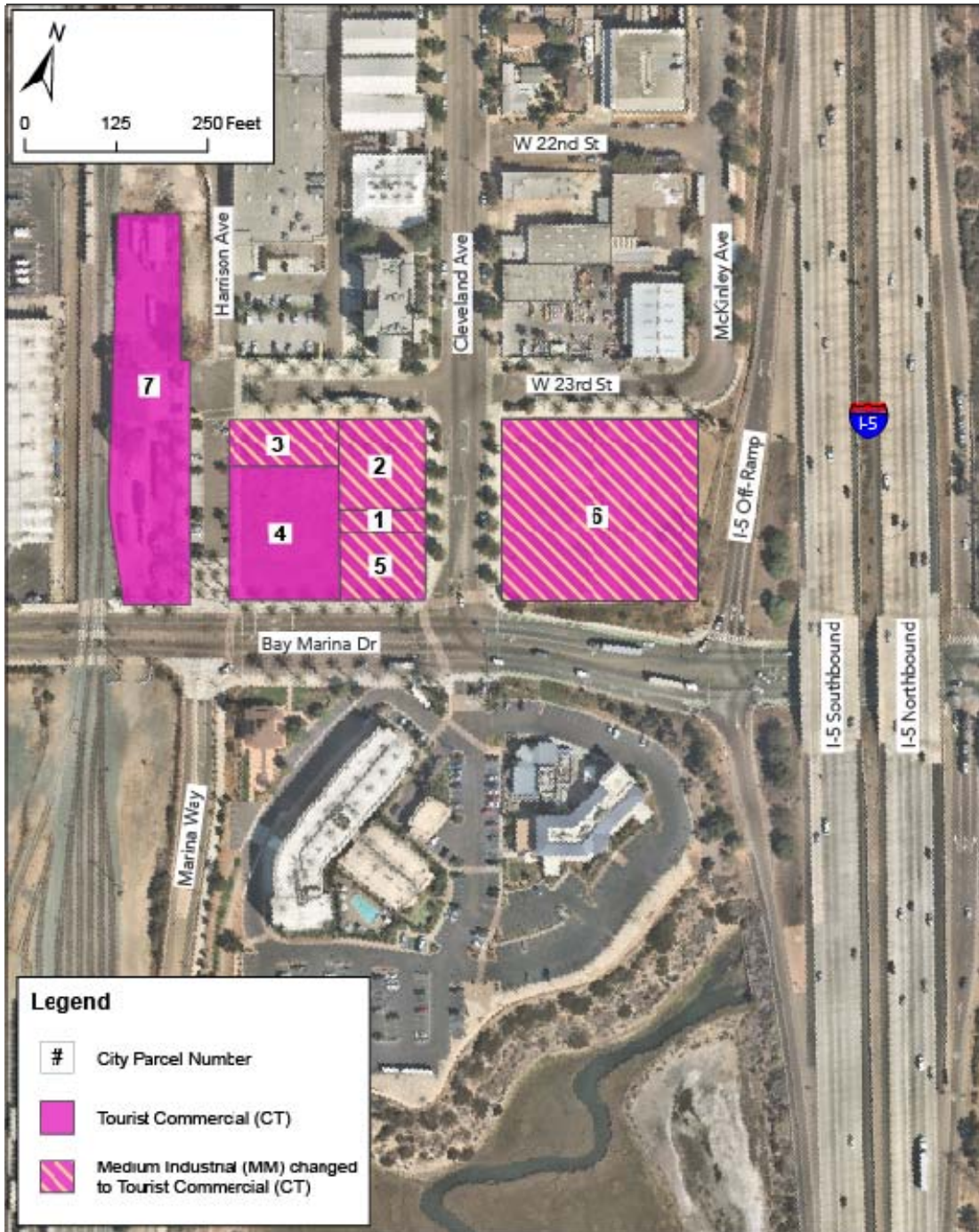
[CALIFORNIA COASTAL COMMISSION SEA LEVEL RISE POLICY GUIDANCE Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits. Nov. 7, 2018](#)

[CALIFORNIA COASTAL COMMISSION ENVIRONMENTAL JUSTICE POLICY. March 8, 2019.](#)

[Port of San Diego Environmental Impact Report Balanced Plan. PMPA and DEIR Nov 2021.](#)



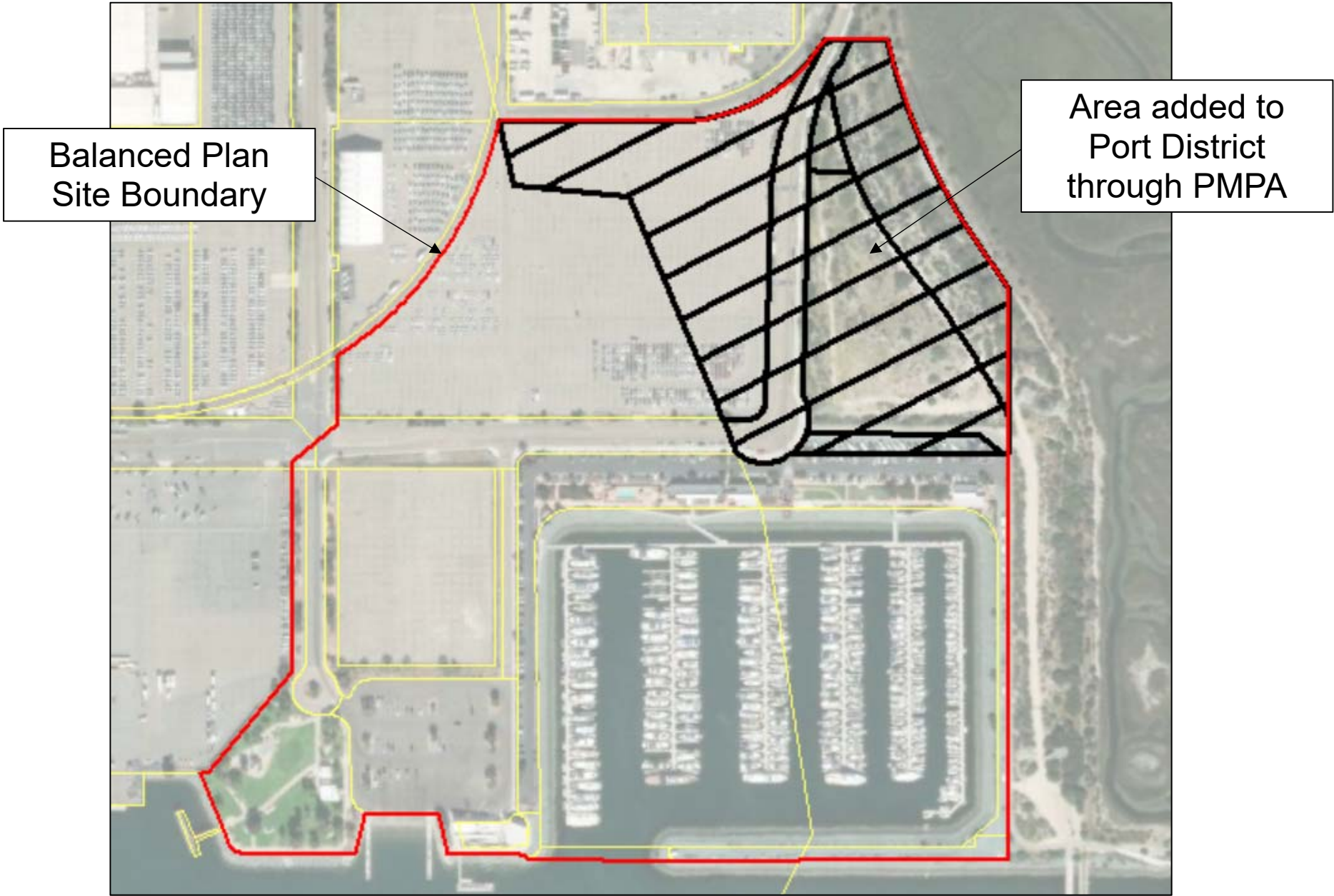
City-owned parcels proposed to be rezoned 2022-26 LCPA



**Balance Plan City Program**  
Existing & Proposed Zoning  
C+R

Figure 4

City/District Boundary Adjustment Map



**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A LOCAL COASTAL PLAN (LCP) AMENDMENT TO REFLECT JURISDICTIONAL BOUNDARY CHANGES AFFECTED BY THE PORT OF SAN DIEGO'S NATIONAL CITY BALANCED PLAN AND EXPANSION OF THE BAYSHORE BIKEWAY.**

**WHEREAS**, Section 30500 of the California Public Resources Code requires each county and city to prepare a Local Coastal Program ("LCP") for the portion of the coastal zone within its jurisdiction; and

**WHEREAS**, the City of National City adopted its LCP by City Council Resolution No.15,614 on May 10, 1988 and was certified by the California Coastal Commission on April 14, 1988; and

**WHEREAS**, the City has amended the LCP most recently by the adoption of Resolution No. 97-53, on May 6, 1997 and said LCP amendment was certified by the California Coastal Commission on July 10, 1997; and

**WHEREAS**, California Public Resources Code, Division 20, California Coastal Act Sections 30512 and 30513 provide that a proposed local coastal program may be submitted to the Coastal Commission if it is submitted pursuant to a resolution adopted by the local government after a public hearing, that certifies that the local coastal program is intended to be carried out in a manner fully in conformity with this division; and

**WHEREAS**, the LCP Amendment is intended to provide consistency between the Unified Port of San Diego's National City Balanced Plan and City zoning and land use designations, as well as provide a path for future economic develop and public access to the waterfront; and

**WHEREAS**, the Planning Commission of the City of National City, California, considered said LCP Amendment at a duly advertised public hearing held on March 6, 2023 and recommended approval of the amendment to the City Council; and

**WHEREAS**, the City Council accepted the findings of the Balanced Plan Environmental Impact Report and adopted by reference the Mitigation Monitoring and Reporting Program at a duly advertised public hearing on March 21, 2023; and

**WHEREAS**, at a duly advertised public hearing held on March 21, 2023 the City Council considered the staff report provided for Case File No. 2022-26 LCPA, 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 NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** That the evidence presented to the City Council supports the following findings:

1. The amendments to the Local Coastal Program Land Use Plan (LCP) attached to the staff report as Exhibit "1" and incorporated herein by this reference are in the public interest and consistent with Coastal Act policies because they will incorporate the recently adopted Port of San Diego's Balanced Plan into the City's LCP. The Balanced Plan will provide additional commercial opportunities for the City and the San Diego region, generate revenue for the City through transient occupancy tax, sales tax, and property tax, and increase visitor serving and public access uses in the City's waterfront.
2. The Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act, Division 20 of the Public Resources Code.

**Section 2:** Based on the findings set forth above, the City Council hereby approves the LCP Amendment.

**Section 3:** That this Resolution shall become effective, final, and conclusive on the day following the City Council meeting where this Resolution is adopted. The time within which judicial review of this decision may be sought is governed by the provisions of Code of Civil Procedures Section 1094.6.

**Section 4:** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 21<sup>st</sup> day of March, 2023.**

\_\_\_\_\_  
Ron Morrison, Mayor

ATTEST:

\_\_\_\_\_  
Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Planning  
**Prepared by:** Martin Reeder, AICP – Planning Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Ratifying the Sale of Real Property known as APN: 559-118-02 and Declaring that the property is no longer needed for City purposes and that such properties are exempt under the Surplus Land Act.

**RECOMMENDATION:**

Adopt the Resolution of the City Council of the City of National City, California, Ratifying the Sale of Real Property known as APN: 559-118-02 and declaring that the property is no longer needed for City purposes and that such properties are exempt under the Surplus Land Act.

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

Background

The property is located at 720 West 23<sup>rd</sup> Street, with Interstate 5 to the east of the site and Bay Marina Drive to its South. The parcel of land is 1.27 acres and is currently zoned as Medium Manufacturing (MM). The property is located in the Coastal Zone and is subject to the requirements of the California Coastal Act as implemented by the City's Local Coastal Program ("LCP").

The site was included in the Port of San Diego Balanced Plan environmental review process and will be subject to an amendment to the City's LCP and General Plan.

The Surplus Lands Act requires public agencies to notify affordable home developers and a number of state agencies before the land is offered for sale to other private parties. Processing public lands through the Surplus Lands Act is highly time consuming and complex. However, if the land falls within a narrow set of exemptions, then the process is more expeditious.

Here, the property meets the criteria for a Surplus Lands Act exemption because it has an environmental deed restriction placed on all future owners of the property. The deed restriction

was a result of a hazardous waste closure investigation in 2009. The site was a former burn dump where industrial and municipal wastes were dumped and then buried in the early part of the 1900's. The deed restriction was imposed on the property by the County of San Diego and prohibits residential uses on the property.

#### Analysis:

The Surplus Lands Act (CA Gov. Code Section 54230) was amended in 2019 and became effective on Jan. 1, 2020. In April 2021 the California Housing and Community Development ("HCD") issued Surplus Lands Guidelines. The intent of the Surplus Lands Act is to increase affordable home opportunities when governmental agencies surplus their lands. The Surplus Lands Act mandates that agencies first offer their properties to affordable home developers or housing agencies prior to it being offered to other parties. To complete this, the process can exceed nine months or longer. However, the Surplus Lands Act contains a group of narrowly tailored exemptions that allow agencies to sell or lease their properties without having to undergo the complex noticing, negotiating, and reporting requirements of non-exempt properties.

Under the Surplus Lands Act Guidelines Section 103(b)(3)(G) concerns validly restricted land that was subject to a valid legal restriction not imposed by the City itself that would make housing prohibited.

Here, the subject property qualifies for one of the Surplus Lands Act exemptions because it once served as a municipal waste dump that was closed by the State and the County, as part of that closure process, mandated that a deed restriction be placed on the property prohibiting all residential uses.

In order for the City to avail itself of this exemption it must declare the property to be exempt at a public hearing and adopt a resolution that supports the Council's findings that the property has been properly exempted.

This staff report and the resolution will then be transmitted to HCD for their review upon Council's approval. Prior to this action, HCD was provided a copy of the deed restriction in an effort to seek their early guidance. HCD recently provided the City with their concurrence that the property is subject to a valid residential restriction that was imposed by another agency.

#### Zoning and the Balanced Plan

As noted above, this property was included in the Balanced Plan and was evaluated in the recently certified Environmental Impact Report by the Port of San Diego. There, the City proposed to change the current zoning from "Medium Manufacturing" to "Tourist Commercial." This rezoning effort will be formalized in a Local Coast Program Amendment which will allow the property to be developed for hotel and similar visitor serving uses.

#### Summary/Action

The subject property is subject to a valid residential restriction that was imposed by the County of San Diego. In order to allow the property to be developed for hotel and similar visitor serving uses, as encouraged by the City's Strategic Plan (Economic Development), the City Council must

determine that the subject property, APN 559-118-02, is “Exempt Surplus Lands” under the Surplus Lands Act Guidelines Section 103(b)(3)(G) and is no longer needed for City uses and adopt a resolution and its Findings as required by the Surplus Lands Act.

**FINANCIAL STATEMENT:**

Not Applicable

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Balanced Budget and Economic Development

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBIT:**

Exhibit A - Resolution

**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA  
RATIFYING THE SALE OF REAL PROPERTY KNOWN AS APN: 559-118-02  
AND DECLARE THE PROPERTY IS NO LONGER NEEDED FOR CITY PURPOSES  
AND THAT SUCH PROPERTIES ARE EXEMPT UNDER THE SURPLUS LAND ACT.**

**WHEREAS**, the City owns certain real property located at 720 West 23<sup>rd</sup> Street, with Interstate 5 to the east of the site and Bay Marina Drive to its south known as APN: 559-118-02 which is comprised of 1.27 acres; and

**WHEREAS**, the subject property is no longer needed for City purposes and can better serve the City's redevelopment efforts along the San Diego Bay; and

**WHEREAS**, prior to the disposition of this property the Surplus Lands Act requires that the property first be offered to affordable home developers or housing agencies, unless otherwise exempt; and

**WHEREAS**, this property was formerly used in the early 1900's as a municipal and industrial waste disposal site commonly known then as "Burn Dumps"; and

**WHEREAS**, in December 2000 the County Department of Environmental Health ("DEH") was appointed by the State of California to be the administering agency to mitigate the adverse environmental conditions found on the subject property; and

**WHEREAS**, as part of the mitigation process, DEH imposed a deed restriction that runs with the land and binds all future land owners to the conditions of the deed restriction; and

**WHEREAS**, section 4.01 (a) of the deed restriction strictly prohibits residential uses on the subject property; and

**WHEREAS**, the Surplus Lands Act and its corresponding Guidelines exempts certain properties where a validly imposed restriction is placed on the property that prohibits residential development and where such restrictions are imposed by another agency having authority of such matters; and

**WHEREAS**, the subject property qualifies for such exemption due to its environmental conditions and restriction under Surplus Lands Act Exemption Section 103(b)(3)(G); and

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

**Section 1:** The Findings of Fact are as follows:



1. The subject property was used extensively for municipal and industrial waste disposal throughout the early 1900's where waste was burned and then buried.
2. This waste is largely still buried onsite at shallow depths and would present a danger to the health and safety of long-term residents if residential housing was allowed to occur on the subject property.
3. By deed restriction Document No. 2009-0261358 the DEH under Section 4.01 (a) prohibits residential uses on the subject property.
4. The County of San Diego DEH is not an agency of the City of National City.
5. The Surplus Lands Act and its Guidelines exempts these properties under Surplus Lands Act Guidelines Section 103(b)(3)(G).
6. The subject property conforms to this exemption because of the facts stated in the above Findings of Fact.
7. The subject property is no longer needed or useful for City purposes.
8. Disposing of the subject property will aid in the City's efforts to enhance its Bayfront planning and economic goals.

**Section 2:** Based on the Findings of Fact set forth above, the City Council hereby declares that the property is no longer needed for City use and that the property is exempt under the Surplus Lands Act Guidelines Section 103(b)(3)(G).

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

PASSED and ADOPTED this 21<sup>st</sup> day of March, 2023

\_\_\_\_\_  
Ron Morrison, Mayor

ATTEST:

\_\_\_\_\_  
Shelley Chapel, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Barry J. Schultz, City Attorney



# AGENDA REPORT

**Department:** Planning  
**Prepared by:** Martin Reeder, AICP – Planning Manager  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Amendment to Title 18 (Zoning) of the National City Municipal Code to create an Interim Use Ordinance related to the use of nonconforming buildings within the City.

**RECOMMENDATION:**

Introduce the Ordinance

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

The Planning Commission

**EXPLANATION:**

Overview

In recent years, multiple buildings have lost their nonconforming status as structures due to discontinuance of use and are currently vacant. As nonconforming structures, they may no longer be used as they were designed (e.g., a nonconforming commercial building in a residential zone) without either redevelopment of the property or significant and expensive alteration. As a result, these buildings are languishing, in addition to not creating any income for their owners nor business taxes for the City. Furthermore, some could potentially be in danger of becoming nuisances if the nonuse continues indefinitely.

Proposal

Staff suggests adding a new subsection to NCMC Chapter 18.11 (Nonconforming uses, structures, and parcels) that would permit the use of a nonconforming building for a set amount of time in the interim period of time between the current nonconforming situation and the eventual redevelopment of the property. The maximum suggested timeframe for this Interim Use Permit (IUP) is seven years and would be staff-level approval. No development would be allowed without remedying the nonconforming condition.

The proposed initial expiration of the permit would be five years with the ability to extend for two additional years (one year at a time). The current Minor Use Permit (MUP) fee is recommended as it is considered to be a similar amount of work and such fee would need to be approved by City Council following a public hearing. The current fee for an MUP is \$700, which would be the fee for each stage of the permit (initial application and extension request). As with all staff-level decisions, said decision would be appealable to the Planning Commission. The current fee for an appeal is \$1,000.

## Analysis

NCMC Chapter 18.11 (Nonconforming uses, structures, and parcels) of the Land Use Code (Title 18 of the Municipal Code) outlines the regulations afforded to properties that are considered lawful nonconforming. A lawful nonconforming use, building, or property (“use”) is one that was legally established, but is no longer consistent or conforming with the Municipal Code due to subsequent changes in zoning or allowable uses. Examples include churches in single-family residential zones, residential uses in the industrial zones west of Interstate 5, and commercial buildings in residential zones of the Downtown Specific Plan (to name a few).

Generally-speaking, Chapter 18.11 allows for the continuation of lawful nonconforming uses, so long as they do not lapse for more than 12 months. If more than this period of time passes between lawful uses of the property in question, the property loses its lawful nonconforming status. Use of the property would henceforth revert to the current zoning. This is not always an issue with a lawful nonconforming commercial use in a commercial building, as the building may be leased to a different and conforming commercial use; however, if the building is an industrial building located in a residential zone of the Westside Specific Plan, the building may no longer be used for industrial purposes, as it was initially designed to do.

Since the creation of the Downtown and Westside Specific Plans, there have been issues with buildings and uses becoming nonconforming. The issues have been exacerbated by downturns in the economy and (in particular) the COVID-19 pandemic. Without timely replacement of tenants (within 12 months), some properties have lost their lawful nonconforming status and can no longer function as originally intended.

The intent of the proposed Interim Use Permit (IUP) is to allow use of a property for up to seven years so that property owners may create a revenue stream leading to eventual redevelopment or conversion. For the initial application submittal, the applicant will be required to provide a timeline for redevelopment of the property. Furthermore, any request for an extension would need to be accompanied by documentation that the timeline is being followed and that redevelopment is being pursued.

As previously mentioned, the application would be approved by staff and appealable to the Planning Commission. However, there will undoubtedly be times when more than seven years is needed. In this case. If there is to be consideration of additional time, it should be through a discretionary process. There is a “Time Extension with Public Hearing” fee of \$1,150 on the City’s fee schedule, which would be appropriate given the need to go to the Planning Commission. This option is not necessarily recommended, as it is the intention of this effort to encourage redevelopment rather than prolong a nonconforming situation. That being said, a case-by-case approach could be taken.

The proposed Interim Use Permit Ordinance will make reference to an approved list of uses for certain uses and structures (which will be developed and maintained by staff), with latitude given for staff-level determinations to be made in cases of unique proposed uses. Examples may include:

- Co-work office space
- Art studios or galleries
- Resource centers
- “Pop-up” retail

Previous discussions have also included addressing design-specific buildings (e.g., auto repair) or warehouses in Westside residential zones. Uses in these situations could include minor auto repair (e.g., oil change, tire installation, etc.) or interior storage in Westside areas. However, uses would need to be addressed on a case-by-case basis and would factor into approval of the permit. Ultimately, while this process is intended to allow interim use of the property for the owner to gain income, any interim uses should not be impactful upon neighboring uses.

### Planning Commission

The Planning Commission held a public hearing on the proposed Interim Use Ordinance and recommended approval of the Ordinance to the City Council. Three changes were made to the initial draft code section presented by staff as follows:

1. Extend the initial and maximum expiration period from three and five years respectively to five and seven years.
2. Prohibit expansion of premises approved for an Interim Use Permit.
3. Limit the Interim Use Program to 15 years from adoption of this Ordinance, with both the program and any active Interim Use Permits expiring at the end of that time.

The attached draft Ordinance takes these recommendations into account.

### Findings

There are two findings required for approval of a Code Amendment, one related to General Plan consistency and one related to compliance with the California Environmental Quality Act (CEQA).

### General Plan Conformance

The proposed amendment adding NCMC section 18.11.120 is consistent with the General Plan in that the uses permitted on an interim basis are those typically permitted by right elsewhere in the City and within buildings designed for the use and are temporary as means to accomplishing redevelopment consistent with the General Plan. The Interim Use Permit program would provide a revenue stream both for the property/business owner and for the City, as well as prevent site deterioration, ultimately increasing the likelihood of successful future redevelopment.

### CEQA compliance

The ordinance being proposed is categorically exempt from environmental review under CEQA pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to adoption of the ordinance. As proposed, the ordinance would allow the temporary continuance of existing nonconforming uses and would therefore have no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Additionally, each project would be subject to review under CEQA upon submission of an application.

### Summary and next steps

Staff is recommending an addition to the City's Municipal Code related to interim uses and recommends that the City Council approve the amendment. The Planning Commission voted unanimously (with one member absent) to recommend approval of the amendment to the City Council. Notice of this public hearing was published in the Star News.

**FINANCIAL STATEMENT:**

Not Applicable

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Balanced Budget and Economic Development

**ENVIRONMENTAL REVIEW:**

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities CCR 15301.  
This project qualifies for a Notice of Exemption. CCR 15374.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

First Reading

**EXHIBIT:**

Exhibit A - Ordinance

**ORDINANCE NO. 2023 –**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
AMENDING TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE TO CREATE  
AN INTERIM USE ORDINANCE RELATED TO THE USE OF NONCONFORMING  
BUILDINGS WITHIN THE CITY.**

**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**, 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**, on November 7, 2022, 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 March 21, 2023, 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 does ordain 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.** Section 18.11 (Nonconforming uses, structures, and parcels) is hereby amended to read as follows:

18.11.120 – Interim Uses.

A. Purpose. To provide a process for the temporary use of buildings that were previously legal nonconforming and lost their nonconforming status due to lack of use and establish a set amount of time for their use in the interim period between the current nonconforming situation and the eventual redevelopment of the property. The interim use will require administrative review in order to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.

B. Applicability. An interim use permit is required to authorize proposed interim land uses as being allowable in the applicable zoning district subject to the approval of an interim use permit.

C. Application Requirements. An application for an interim use permit shall contain all information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code and to accomplish the requirements of this section, including the means to provide notice of the application. It is the responsibility of the applicant to provide evidence in support of the findings required by this section. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing. The application shall include a timeline for eventual redevelopment of the property.

D. Notice of Application.

1. The designated staff person shall mail notice of the application no later than ten days after an application has been deemed complete to:

a. The applicant; and

b. The owners of any real property, as shown on the latest equalized property tax assessment roll of the San Diego County Assessor, located within three hundred feet of the boundary of the property that is the subject of the application.

E. Contents of the Notice of Application.

1. The notice of application shall include at least the following information:

a. A general description of the proposed use, including activities and duration of the use.

b. The location and size of the property that is the subject of the application.

c. The name, telephone number, and city address of the designated staff person to contact for additional information.

d. An explanation that an interim use permit is an administrative process whereby the decision to approve, conditionally approve, or deny the proposed development will be made by the planning division without a public hearing.

e. An explanation of the process to appeal the decision.

F. Requests for Notice of Decision. Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person indicated in the notice of application. The request must be received no later than ten business days after the date on which the notice of application is mailed.

G. Findings and Decision. The planning division may approve or deny an application for an interim use permit. The designated staff person shall record the decision and the findings on

which the decision is based. The planning division may approve an interim use permit only after first finding all of the following:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
4. 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 zoning district in which the property is located.

#### H. Issuance of Permit and Duration.

1. Upon the approval of an application, the planning division shall authorize the issuance of an interim use permit, with or without conditions, and one copy of which shall be forwarded to each of the following:

- a. The applicant;
- b. The building official;
- c. Any other department or agency the planning division considers affected by the issuance of the permit; and
- d. The division files for permanent retention.

2. Interim use permits shall be in effect for five years, at which time up to two annual extensions may be granted for a total of seven years. Application for an extension shall be subject to a nonrefundable fee, in such amount as established by the city council from time to time by resolution and in effect at the time of filing of the extension. Extensions exceeding two additional years or seven total years may be requested and require a public hearing and approval by the Planning Commission.

3. No expansion of the premises shall be permitted.

I. Conditions of Approval. In approving an interim use permit, the planning division may impose any conditions deemed reasonable and necessary to ensure that the approval would comply with the findings required by this section.



J. This Code section shall be in effect for 15 years from time of adoption, at which time the Interim Use Permit program will cease and all issued Interim Use Permits shall be null and void.

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

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall publish in accordance with the law.

Section 6. Introduced at a Regular Meeting of the City Council of the City of National City, held on this \_\_\_\_ day of \_\_\_\_, 2023.

PASSED and ADOPTED this \_\_\_ day of April, 2023.

\_\_\_\_\_  
Ron Morrison, Mayor

ATTEST:

\_\_\_\_\_  
Shelley Chapel, MMC, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Barry J. Schultz  
City Attorney



# AGENDA REPORT

**Department:** City Clerk's Office  
**Prepared by:** Shelley Chapel, MMC, City Clerk  
**Meeting Date:** Tuesday, March 21, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Second Reading and Adoption of Ordinance Amending National City Municipal Code Chapter 2.75 adjusting campaign contribution limits as required every odd-numbered year to reflect changes in the Consumer Price Index

**RECOMMENDATION:**

Adopt Ordinance entitled, "Ordinance of the City Council of the City of National City, California, Amending Various Sections of the National City Municipal Code Chapter 2.75 to adjust the Campaign Contribution Limit for any Election Held on or after January 1, 2024."

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

National City Municipal Code Section 2.75.030 (L) requires the City Clerk to adjust the campaign contribution limit every odd-numbered year to reflect any changes in the Consumer Price Index (CPI) for the San Diego Metropolitan Area for the two-year period ending on December 31<sup>st</sup> of the previous year and requires these adjustments to be rounded to the nearest five-dollars (\$5) as a cost of living adjustment.

*Chapter 2.75 Section 2.75.030 (L)*

*The campaign contribution limits and contribution acceptance and solicitation limits specified in subsections A, B, C and D of this section shall be adjusted in February of each odd-numbered year commencing in 2023, for changes in the Consumer Price Index (CPI) over the previous two-year period. The City Clerk shall apply the annual percent change in the CPI for all Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this subsection shall be rounded to the nearest five dollars.*

Data reported by the Bureau of Labor Statistics regarding annual changes in the Consumer Price Index (CPI) for the San Diego Metropolitan Area was used to determine the adjustments to the contribution limits. Between 2020 and 2022 the CPI for the San Diego Metropolitan area rose from 303.932 to 344.416, an overall increase of 13.3 percent.

The contribution limits were previously set at one-thousand dollars (\$1,000) in a calendar year for individuals (subsection A, and B), and two-thousand dollars (\$2,000) in a calendar year from political party committees (subsections D, and E), political action committees and independent committees to candidates or controlled committees.

Applying the percentage of change of the Consumer Price Index and rounding to the nearest five dollars (\$5), the City Clerk adjusted the contribution limits to **\$1,135 for individuals and \$2,265 for political action committees and independent committees to candidates or controlled committees.**

The City Clerk will be publishing the Notice of Campaign Contribution Limit Adjustment in the Star News, as required on Friday, March 10, 2023. Additionally, the Federal Voting Rights Act, together with an agreement between the U.S. Department of Justice and the San Diego County Registrar of Voters, requires translation of all election-related materials and notices into covered languages predominantly spoken by 10,000 voters of more in the County. Therefore, the City Clerk has caused the notice to be translated into and published in language-specific newspapers as follows:

Spanish	El Latino – publishing on March 10, 2023
Chinese	Epoch Times on March 10, 2023
Vietnamese	Nguoi Viet between March 8 and March 17, 2023
Filipino	Filipino Press between March 8 and March 17, 2023

**FINANCIAL STATEMENT:**

Not Applicable

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Communication and Outreach

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours in on the City Website, Bulletin Boards, and Social Media. Published in the Star News, El Latino, Filipino Press, and Nguoi Viet.

**ORDINANCE:**

Second Reading and Adoption

**EXHIBITS:**

Exhibit A – Ordinance

**ORDINANCE NO. 2023 –**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING SECTION 2.75.030 OF THE NATIONAL CITY MUNICIPAL CODE CHAPTER 2.75 TO ADJUST THE CAMPAIGN CONTRIBUTION LIMIT FOR ANY ELECTION HELD ON OR AFTER JANUARY 2024**

**NOW, THEREFORE,** the City Council of the City of National City does ordain as follows:

**Section 1. FINDINGS.** The City Council of the City of National City hereby finds and declares as follows:

**WHEREAS,** the City Council finds that the National City Municipal Code Chapter 2.75 Section 2.75.030 (L), requires the City Clerk to adjust the campaign contribution limit every odd-numbered year to reflect any changes in the Consumer Price Index for the San Diego Metropolitan area; and

**WHEREAS,** the two-year period ending December 31 of the previous year is the period of December 31, 2020 through December 31, 2022; and

**WHEREAS,** data reported by the Bureau of Labor Statistics regarding the annual changes in the Consumer Price Index (CPI) for the San Diego Metropolitan area showed that between 2020 and 2022 the CPI for the San Diego Metropolitan area rose from 303.932 to 344.416, an overall an increase of 13.3 percent; and

**WHEREAS,** The contribution limits were previously set at one-thousand dollars (\$1,000) in a calendar year for individuals (subsection A, and B), and two-thousand dollars (\$2,000) in a calendar year from political party committees (subsections D, and E), political action committees and independent committees to candidates or controlled committees.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** That Chapter 2.75 Section 2.75.030 is amended to the National City Municipal Code, to read as follows:

**2.75.030 - Campaign contributions—Limitations and exclusions.**

A. Contributions by individuals to candidates or controlled committees. No individual shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single city election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one thousand one hundred thirty-five dollars (\$1,135) in a calendar year.

B. Acceptance or solicitation by candidates or controlled committees from individuals. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any individual with respect to any single city election, which will cause the total

amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one thousand one hundred thirty-five dollars (\$1,135) in a calendar year.

C. Contributions by candidates. The provisions of subsections A and B of this section shall not apply to contributions from a candidate to his or her controlled committee, nor to the expenditure by the candidate of his or her personal funds on behalf of his or her own candidacy.

D. Contributions by political party committees, political action committees and independent committees to candidates or controlled committees. No political party committee, political action committee or independent committee, shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single city election, which will cause the total amount contributed to the candidate and the candidate's controlled committee, when combined, to exceed two thousand two hundred sixty-five dollars (\$2,265) in a calendar year.

E. Acceptance or solicitation by candidates or controlled committees from political party committees, political action committees and independent committees. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any political party committee, political action committee, or independent committee, with respect to any single city election, which will cause the total amount accepted by such political party committee, political action committee, or independent committee to the candidate and the candidate's controlled committee, when combined, to exceed two thousand two hundred sixty-five dollars (\$2,265) in a calendar year.

F. Family contributions. Contributions by spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen years of age shall be treated as contributions attributed equally to each parent or guardian.

G. Applicability of section to candidate and committees. The provisions of this section are applicable to any contributions made to a candidate or controlled committee whether used by such candidate or controlled committee to finance a current campaign, to pay debts incurred in prior campaigns, or otherwise.

H. Contributions by city contractors. No individual who contracts with the City of National City, either for the rendition of personal services or for the furnishing of any materials, supplies, or equipment to the city, or for the sale or lease of any land or building, to or from the city, shall make any contribution to a city candidate or controlled committee at any time between the commencement of negotiations for and (i) the completion of performance of such contract or (ii) the termination of negotiations for such contract, whichever occurs later.

I. Contributions from city employees.

1. It is unlawful for a candidate or a candidate's controlled committee, to solicit, directly or indirectly, a contribution from a city employee with knowledge that the person from whom the contribution is solicited is a city employee.

2. This subsection shall not prohibit a candidate or a candidate's controlled committee from soliciting contributions from city employees if the solicitation is part of a solicitation made to a significant segment of the public that may include city employees, and the solicitation does not otherwise violate the provisions of this chapter.

3. Nothing in this subsection prohibits a city employee from making a contribution to a candidate, and nothing in this subsection prohibits a candidate from accepting a contribution from a city employee.

4. As used in this subsection, the term "city employee" means any employee of the City of National City (city) or any of its organizational subdivisions, agencies, offices, boards, or commissions.

J. Aggregation of contributions from different individuals financed, maintained, or controlled by same individual. Contributions from different individuals, but which are financed, maintained, or controlled by the same individual, shall be aggregated for purposes of the contribution limits of subsections A and B of this section. All contributions made by an individual whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same individual.

K. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elected city office. A non-monetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elective city office.

L. Adjustments for cost of living. The campaign contribution limits and contribution acceptance and solicitation limits specified in subsections A, B, D and E of this section shall be adjusted in February of each odd-numbered year commencing in 2023, for changes in the Consumer Price Index (CPI) over the previous two-year period. The city clerk shall apply the annual percent change in the CPI for all Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this subsection shall be rounded to the nearest five dollars.

**SECTION 4.** This Ordinance shall take effect and be enforced thirty (30) days following its adoption by the City Council.

**SECTION 5.** The City Clerk shall certify to the adoption of this Ordinance and shall publish in accordance with the law.

**INTRODUCED** at a regular meeting of the City Council of the City of National City, held on this 7th day of March, 2023.

**PASSED and ADOPTED this 21st day of March, 2023**

\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

\_\_\_\_\_  
Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barry J. Schultz, City Attorney