



AGENDA

Consolidated Regular Meeting

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

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

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, April 4, 2023, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA

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 Fair Housing Month Proclamation

5

5.2 Introduction of New City Employees

6

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	Police Captain Salary Increase	7
	<p>Recommendation: Adopt the Resolution of the City of National City, California, amending the National City Management Salary Schedule for the position of Police Captain.</p>	
7.3	Authorize an agreement with Blue Violet Networks to provide video surveillance and access control products and related services.	14
	<p>Recommendation: Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to execute an agreement with A3 Communications, Inc., DBA Blue Violet Networks, for a not-to-exceed amount of \$150,000 to provide video surveillance and access control products and related services."</p>	
7.4	Approval of Letter of Support for Assembly Bill 436 to Allow Cruising Across California	41
	<p>Recommendation: Approve, send and file.</p>	
7.5	Notice of Decision – Planning Commission approval of a Conditional Use Permit (CUP) for a new Wireless Communications Facility to be located at 1900 National City Blvd.	43
	<p>Recommendation: Receive and File</p>	
7.6	Temporary Use Permit — St. Anthony of Padua Church presentation of the "Live Stations of the Cross" starting at 410 W. 18th Street on April 7, 2023 from 3 p.m. to 4 p.m. with no waiver of fees.	98
	<p>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.</p>	
7.7	Warrant Register #33 for the period of 2/10/23 through 2/16/23 in the amount of \$556,762.50.	117
	<p>Recommendation: Ratify Warrants Totaling \$556,762.50</p>	
7.8	Warrant Register #34 for the period of 2/17/23 through 2/23/23 in the amount of \$2,267,953.57	120
	<p>Recommendation: Ratify Warrants Totaling \$2,267,953.57</p>	

8. PUBLIC HEARING

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

- 8.1 Consideration of the findings of the Balanced Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP). 124
- 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.
- 8.2 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 344
- 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."
- 8.3 Authorizing the sale of real properties known as APNs: 559-117-04, 559-117-05, 559-117-06, 559-117-07, 559-117-12 & declaring that the properties are no longer needed for City purposes & that such properties are non-exempt under the Surplus Land Act 424
- Recommendation:
Adopt the Resolution of the City Council of the City of National City, California, authorizing the sale of real properties known as APNs: 559-117-04, 559-117-05, 559-117-06, 559-117-07, and 559-117-12 and declare the properties as no longer needed for City purposes and that such properties are non-exempt under the Surplus Land Act.
- 8.4 Authorizing 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 the property is exempt under the Surplus Land Act. 429
- Recommendation:
Adopt the Resolution of the City Council of the City of National City, California, Authorizing 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 the property is exempt under the Surplus Land Act.
- 8.5 Public Hearing and Resolution approving the Section 8 Housing Choice Voucher Program Fiscal Year 2023-2024 434
- Recommendation:
Conduct the public hearing, receive public input, and adopt a Resolution

entitled, “Resolution of the Community Development Commission–Housing Authority of the City of National City, California, approving the Streamlined Annual Public Housing Agency Plan for the Housing Choice Voucher Program for Fiscal Year 2023-2024 and authorizing the submittal of the Plan to the U.S. Department of Housing and Urban Development.”

- 8.6 Second Reading and Adoption of Ordinance 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. 457

Recommendation:
Adopt the Ordinance

- 8.7 Introduction and First Reading of the Ordinance Amending Title 11 of the National City Municipal Code (NCCMC) – Vehicles and Traffic. 463

Recommendation:
Introduce Ordinance by First Reading entitled, “Ordinance of the City Council of the City of National City, California, Amending Title 11 of the National City Municipal Code – Vehicles and Traffic by Repealing Chapter 11.68 (Cruising) and Implementing the City’s Parking Program.”

9. STAFF REPORTS

- 9.1 Consider Authorizing City Attorney to Hire Special Counsel to prepare response regarding 105 Request Primary Voting System 584

Recommendation:
Consider authorizing preparation and allocating funds.

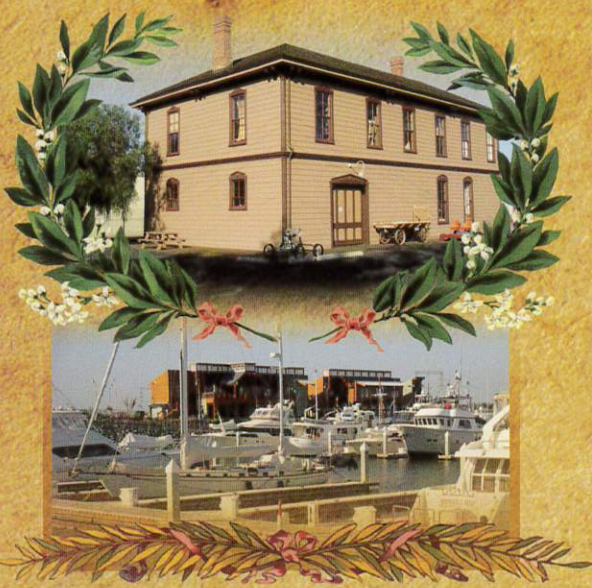
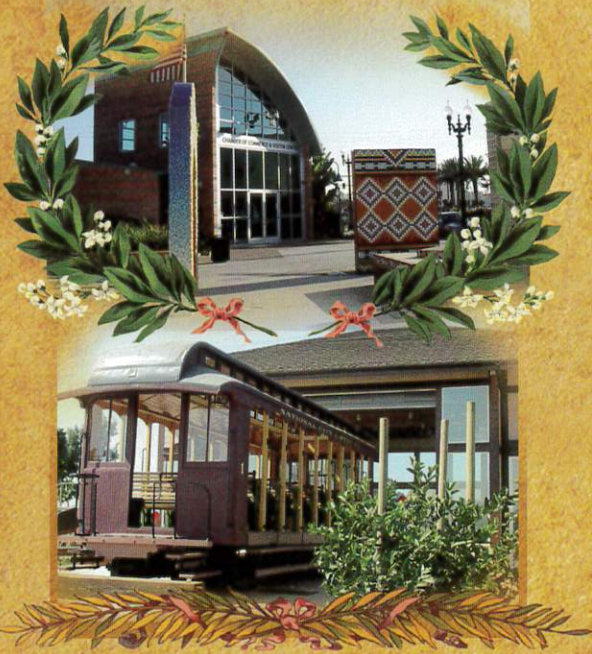
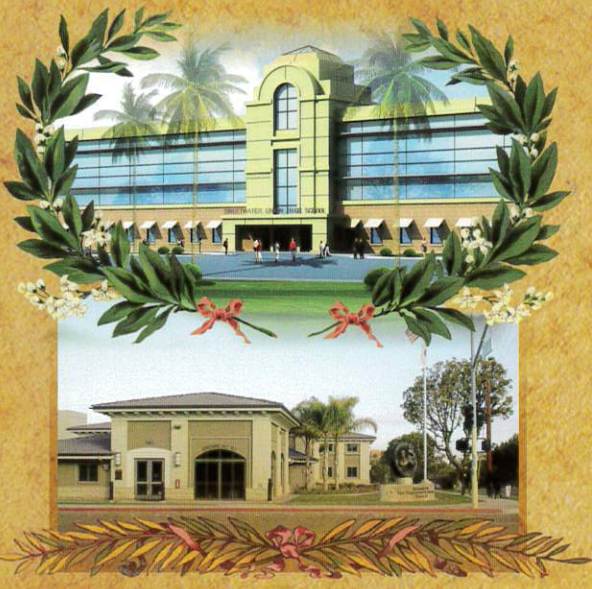
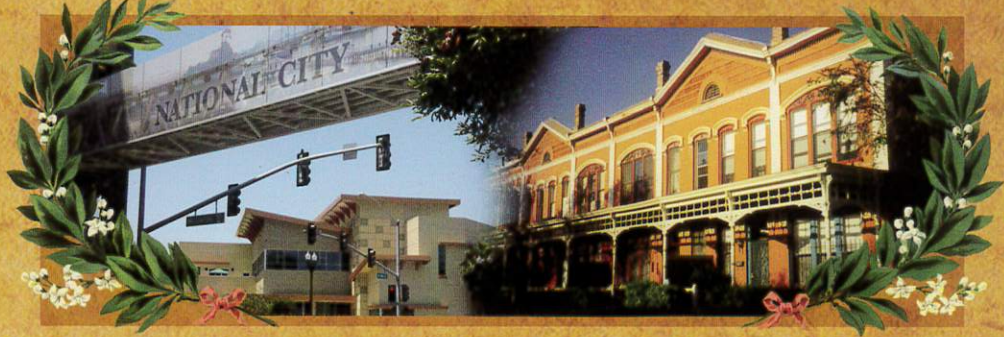
10. CITY MANAGER'S REPORT

11. ELECTED OFFICIALS REPORT

12. CITY ATTORNEY REPORT

13. ADJOURNMENT

Regular Meeting of the City Council of the City of National City - Tuesday, April 18, 2023 - 6:00 p.m. - Council Chambers - National City, California.



Proclamation



WHEREAS, April marks the anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, CSA has addressed the ongoing struggle for dignity and equal housing opportunities for all; and

WHEREAS, vigorous local efforts to combat discrimination have been effectively eradicating such practices; and

WHEREAS, affirmatively furthering strong collaborations, community outreach, and education of Fair Housing rights between CSA San Diego County and the City of National City has led to broader awareness of fair housing law among the most vulnerable populations. **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 April 4, 2023 as:

FAIR HOUSING MONTH

As the Mayor of the City of National City in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women in the City of National City I, hereby urge all citizens of National City to take a moment to join us in the national celebration of Fair Housing Month!



Ron Morrison
Proud to be Mayor of National City



NEW HIRE
MARCH
2023

POLICE DEPARTMENT



FELIPE GOMEZ
POLICE RECRUIT



DEVON CLIMMONS
POLICE RECRUIT

FINANCE



MARGARITA MOLINA
ACCOUNTING ASSISTANT

ENGINEERING/PUBLIC WORKS



CARLEE BATTLE
ADMINISTRATIVE ASSISTANT



AGENDA REPORT

Department: Administrative Services - Human Resources
Prepared by: Molly Brennan, Administrative Service Director
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Police Captain Salary Increase

RECOMMENDATION:

Adopt the Resolution of the City of National City, California, amending the National City Management Salary Schedule for the position of Police Captain.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Within the National City Police Department, the rank structure of leadership goes from Lieutenant, a Police Officer Association (POA) represented position, to Captain, a Management group position. During the last collective bargaining agreement between the City and the POA, the benefits for a Lieutenant with an Advanced POST certification increased to 9% of base pay as of July 2022 and 10% of base pay as of July 2023. This increase, along with the wage increase POA members received in August 2022 as a result of the regional salary survey, have resulted in the compensation package for Lieutenant and Captain being almost equivalent. As of July 2023, a Lieutenant at top step with an Advanced POST certification will receive \$183,032.71 per year in base salary plus POST pay. Once promoted to Captain, those individuals no longer receive POST pay. As of July 2023, a National City Captain at top step will be paid \$184,161.76. A difference of \$1,129.05 more than a Lieutenant, or 0.6% more.

The City strives to maintain some level of differential between positions in a series in order to recognize the higher-level duties of the higher-level position, as well as incentivize employees to promote. In accordance with the POA MOU, Lieutenants may receive an additional salary increase in September of this year based on the results of the regional salary survey. Therefore, staff is recommending a 3% increase to the base salary of Captain to be effective the first full pay period following City Council approval. This will create a 3.6% differential between the top step Lieutenant plus POST pay and top step Captain compensation.

The already approved equity increase and COLA for Management employees for February 2024 is 5.76% for Captains, which should maintain a differential even after the potential Lieutenant increase in September 2023. However, if the regional salary survey results come back higher than anticipated, staff may return to this topic at a future City Council agenda once again.

FINANCIAL STATEMENT:

A 3% salary increase for the City's two Captains will cost approximately \$14,000 over a one-year period. For the remainder of fiscal year 2023, the cost will be \$2,900. Due to savings from other vacancies within the Police Department, the Police budget for full-time salaries has enough allocated to cover the \$2,900 for fiscal year 2023 with no additional appropriations necessary at this time. If approved, the \$14,000 increase will be added to the fiscal year 2024 preliminary budget.

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 – Management Salary Schedule

Exhibit B – Resolution

City of National City
Human Resources Department
MANAGEMENT POSITIONS
February 2023

POSITION TITLE	SALARY BAND (MONTHLY)	SALARY BAND (ANNUAL)
Asst Director of PW/Engineering	\$ 9,629.75 – \$ 13,475.03	\$ 115,556.96 – \$ 161,700.36
Battalion Chief ²	\$ 8,909.86 – \$ 12,150.52	\$ 106,918.33 – \$ 145,806.23
Budget Manager	\$ 6,586.07 – \$ 10,942.52	\$ 79,032.82 – \$ 131,310.23
Building Official	\$ 8,071.68 – \$ 12,003.17	\$ 96,860.15 – \$ 144,038.05
Community Development Manager	\$ 8,039.06 – \$ 11,084.12	\$ 96,468.73 – \$ 133,009.43
Community Development Specialist III	\$ 6,453.17 – \$ 9,699.44	\$ 77,438.00 – \$ 116,393.32
Community Services Manager	\$ 6,330.63 – \$ 9,821.12	\$ 75,967.52 – \$ 117,853.42
Deputy City Attorney	\$ 8,074.32 – \$ 11,842.34	\$ 96,891.87 – \$ 142,108.10
Deputy City Clerk	\$ 6,000.10 – \$ 8,326.19	\$ 72,001.20 – \$ 99,914.25
Deputy Director of Human Resources	\$ 8,146.57 – \$ 11,232.36	\$ 97,758.89 – \$ 134,788.29
Equipment Maint Supervisor	\$ 5,997.13 – \$ 9,071.85	\$ 71,965.56 – \$ 108,862.22
Facilities Maint Supervisor	\$ 4,630.17 – \$ 7,711.14	\$ 55,562.05 – \$ 92,533.69
Financial Services Officer	\$ 8,267.75 – \$ 11,321.03	\$ 99,212.94 – \$ 135,852.35
Homelessness Services Coordinator	\$ 7,368.07 – \$ 10,035.32	\$ 88,416.84 – \$ 120,423.84
Housing Programs Manager	\$ 7,414.34 – \$ 10,375.83	\$ 88,972.11 – \$ 124,510.00
Human Resources Manager	\$ 8,146.57 – \$ 11,232.36	\$ 97,758.89 – \$ 134,788.29
Information Technology Manager	\$ 8,961.99 – \$ 11,641.69	\$ 107,543.87 – \$ 139,700.25
Management Analyst I	\$ 4,385.73 – \$ 6,673.69	\$ 52,628.75 – \$ 80,084.31
Management Analyst II	\$ 4,984.60 – \$ 7,584.44	\$ 59,815.24 – \$ 91,013.28
Management Analyst III	\$ 5,578.55 – \$ 8,495.18	\$ 66,942.63 – \$ 101,942.12
Neighborhood Council Coordinator	\$ 5,467.58 – \$ 8,326.19	\$ 65,610.98 – \$ 99,914.25
Neighborhood Services Manager	\$ 4,660.05 – \$ 9,490.53	\$ 55,920.62 – \$ 113,886.38
Nutrition Program Manager	\$ 5,070.96 – \$ 9,170.92	\$ 60,851.53 – \$ 110,051.03

City of National City
Human Resources Department
MANAGEMENT POSITIONS
February 2023

POSITION TITLE	SALARY BAND (MONTHLY)	SALARY BAND (ANNUAL)
Park Superintendent	\$ 6,669.28 – \$ 9,500.58	\$ 80,031.33 – \$ 114,006.94
PIO/Mgmt Analyst III	\$ 5,821.35 – \$ 8,864.92	\$ 69,856.23 – \$ 106,379.04
Planning Manager	\$ 8,274.15 – \$ 10,871.08	\$ 99,289.86 – \$ 130,453.00
Police Captain ¹	\$ 12,254.60 – \$ 15,807.22	\$ 147,055.24 – \$ 189,686.61
Police Support Services Manager	\$ 8,446.62 – \$ 9,346.74	\$ 101,359.39 – \$ 112,160.85
Principal Civil Engineer	\$ 9,572.05 – \$ 11,915.60	\$ 114,864.55 – \$ 142,987.22
Principal Librarian	\$ 7,164.83 – \$ 9,175.15	\$ 85,977.93 – \$ 110,101.78
Principal Planner	\$ 7,875.42 – \$ 10,347.19	\$ 94,504.99 – \$ 124,166.27
Project Officer	\$ 6,159.07 – \$ 9,439.24	\$ 73,908.84 – \$ 113,270.89
Purchasing Agent	\$ 5,699.04 – \$ 9,908.69	\$ 68,388.46 – \$ 118,904.27
Recreation Superintendent	\$ 6,395.87 – \$ 9,170.92	\$ 76,750.42 – \$ 110,051.03
Risk Manager	\$ 5,987.35 – \$ 11,012.65	\$ 71,848.15 – \$ 132,151.77
Senior Accountant	\$ 6,643.78 – \$ 8,267.75	\$ 79,725.39 – \$ 99,212.94
Special Assistant to the Mayor	\$ 4,697.55 – \$ 7,433.57	\$ 56,370.55 – \$ 89,202.81
Street Maintenance Supervisor	\$ 5,447.32 – \$ 7,711.14	\$ 65,367.82 – \$ 92,533.69
Street & Wastewater Maint Superintendent	\$ 6,708.01 – \$ 9,896.19	\$ 80,496.14 – \$ 118,754.24
Traffic Engineer	\$ 9,205.57 – \$ 11,920.60	\$ 110,466.87 – \$ 143,047.19
Wastewater Supervisor	\$ 5,879.62 – \$ 7,869.16	\$ 70,555.49 – \$ 94,429.92

¹ Police Captain receives a \$750 Uniform Allowance

² Battalion Chief receives a \$650 Uniform Allowance

City of National City
Human Resources Department
MANAGEMENT POSITIONS
February 2024

POSITION TITLE	SALARY BAND (MONTHLY)	SALARY BAND (ANNUAL)
Asst Director of PW/Engineering	\$ 10,270.12 – \$ 14,371.12	\$ 123,241.50 – \$ 172,453.43
Battalion Chief ²	\$ 9,473.85 – \$ 12,919.65	\$ 113,686.26 – \$ 155,035.76
Budget Manager	\$ 7,128.76 – \$ 11,844.18	\$ 85,545.13 – \$ 142,130.20
Building Official	\$ 8,614.10 – \$ 12,809.78	\$ 103,369.15 – \$ 153,717.41
Community Development Manager	\$ 8,443.43 – \$ 11,641.65	\$ 101,321.10 – \$ 139,699.80
Community Development Specialist III	\$ 6,737.75 – \$ 10,127.19	\$ 80,853.02 – \$ 121,526.27
Community Services Manager	\$ 6,520.55 – \$ 10,115.75	\$ 78,246.54 – \$ 121,389.03
Deputy City Attorney	\$ 8,771.94 – \$ 12,865.52	\$ 105,263.33 – \$ 154,386.24
Deputy City Clerk	\$ 6,180.10 – \$ 8,575.97	\$ 74,161.24 – \$ 102,911.67
Deputy Director of Human Resources	\$ 8,613.37 – \$ 11,875.97	\$ 103,360.48 – \$ 142,511.65
Equipment Maint Supervisor	\$ 6,177.04 – \$ 9,344.01	\$ 74,124.52 – \$ 112,128.08
Facilities Maint Supervisor	\$ 4,769.08 – \$ 7,942.48	\$ 57,228.91 – \$ 95,309.70
Financial Services Officer	\$ 8,686.92 – \$ 12,054.63	\$ 104,243.04 – \$ 144,655.58
Homelessness Services Coordinator	\$ 7,589.11 – \$ 10,336.38	\$ 91,069.32 – \$ 124,036.56
Housing Programs Manager	\$ 7,814.72 – \$ 10,936.13	\$ 93,776.60 – \$ 131,233.54
Human Resources Manager	\$ 8,613.37 – \$ 11,875.97	\$ 103,360.48 – \$ 142,511.65
Information Technology Manager	\$ 9,557.96 – \$ 12,415.86	\$ 114,695.53 – \$ 148,990.31
Management Analyst I	\$ 4,562.91 – \$ 6,943.31	\$ 54,754.95 – \$ 83,319.71
Management Analyst II	\$ 5,185.98 – \$ 7,890.85	\$ 62,231.78 – \$ 94,690.21
Management Analyst III	\$ 5,803.93 – \$ 8,838.38	\$ 69,647.11 – \$ 106,060.58
Neighborhood Council Coordinator	\$ 5,631.61 – \$ 8,575.97	\$ 67,579.31 – \$ 102,911.67
Neighborhood Services Manager	\$ 4,909.36 – \$ 9,998.28	\$ 58,912.38 – \$ 119,979.31
Nutrition Program Manager	\$ 5,294.59 – \$ 9,575.36	\$ 63,535.09 – \$ 114,904.28

City of National City
Human Resources Department
MANAGEMENT POSITIONS
February 2024

POSITION TITLE	SALARY BAND (MONTHLY)	SALARY BAND (ANNUAL)
Park Superintendent	\$ 7,087.44 – \$ 10,096.26	\$ 85,049.29 – \$ 121,155.18
PIO/Mgmt Analyst III	\$ 6,186.93 – \$ 9,421.64	\$ 74,243.20 – \$ 113,059.64
Planning Manager	\$ 8,522.38 – \$ 11,197.22	\$ 102,268.55 – \$ 134,366.59
Police Captain ¹	\$ 12,960.47 – \$ 16,717.71	\$ 155,525.63 – \$ 200,612.56
Police Support Services Manager	\$ 9,217.79 – \$ 10,200.09	\$ 110,613.51 – \$ 122,401.13
Principal Civil Engineer	\$ 10,177.96 – \$ 12,669.86	\$ 122,135.48 – \$ 152,038.31
Principal Librarian	\$ 7,398.40 – \$ 9,474.26	\$ 88,780.81 – \$ 113,691.10
Principal Planner	\$ 8,492.85 – \$ 11,158.41	\$ 101,914.18 – \$ 133,900.90
Project Officer	\$ 6,343.84 – \$ 9,722.42	\$ 76,126.10 – \$ 116,669.02
Purchasing Agent	\$ 5,870.01 – \$ 10,205.95	\$ 70,440.11 – \$ 122,471.40
Recreation Superintendent	\$ 6,677.93 – \$ 9,575.36	\$ 80,135.12 – \$ 114,904.28
Risk Manager	\$ 6,289.11 – \$ 11,567.69	\$ 75,469.30 – \$ 138,812.22
Senior Accountant	\$ 6,980.62 – \$ 8,686.92	\$ 83,767.47 – \$ 104,243.04
Special Assistant to the Mayor	\$ 4,838.47 – \$ 7,656.57	\$ 58,061.67 – \$ 91,878.89
Street Maintenance Supervisor	\$ 5,610.74 – \$ 7,942.48	\$ 67,328.85 – \$ 95,309.70
Street & Wastewater Maint Superintendent	\$ 7,275.51 – \$ 10,733.40	\$ 87,306.12 – \$ 128,800.85
Traffic Engineer	\$ 9,934.65 – \$ 12,864.71	\$ 119,215.85 – \$ 154,376.53
Wastewater Supervisor	\$ 6,117.75 – \$ 8,187.86	\$ 73,412.99 – \$ 98,254.33

¹ Police Captain receives a \$750 Uniform Allowance

² Battalion Chief receives a \$650 Uniform Allowance

RESOLUTION NO. 2023 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,
AMENDING THE NATIONAL CITY MANAGEMENT SALARY SCHEDULE FOR THE POSITION
OF POLICE CAPTAIN**

WHEREAS, Police Lieutenant and Police Captains are currently being paid a similar amount of income; and

WHEREAS, the City strives to maintain some level of differential between positions in a series in order to recognize the higher-level duties of the higher-level position, as well as incentivize employees to promote; and

WHEREAS, a 3% salary increase for Police Captains will bring the differential between Lieutenant and Captain to 3.6%; and

WHEREAS, City staff recommends amending the National City Management Salary Schedule to provide Police Captains a 3% increase effective the first full pay period following City Council adoption.

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

Section 1: Approves a salary increase of 3% for the Police Captain classification in the Management Salary Schedule as illustrated Exhibit A.

Section 2: This Resolution shall take effect immediately upon its passage.

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 4th day of April, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Engineering
Prepared by: Tirza Gonzales, Management Analyst II
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Authorize an agreement with Blue Violet Networks to provide video surveillance and access control products and related services.

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to execute an agreement with A3 Communications, Inc., DBA Blue Violet Networks, for a not-to-exceed amount of \$150,000 to provide video surveillance and access control products and related services."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City owns and operates a network of 170 cameras in various locations. In order to properly operate this network, the City desires to enter into a three-year agreement with Blue Violet Networks. This agreement will perform the necessary upgrades to the equipment listed in Exhibit A, including but not limited to the following:

- Replacement of existing Pan, Tilt, and Zoom (PTZ) cameras and wireless radios on Roosevelt Street, 4th, 5th, 7th, and 8th Street.
- Replace all Analog cameras at City Hall, National City Police Department, National City Public Library and National City Fire Department with new network IP cameras.
- Remove old analog encoders from system and utilize licensing.
- Install new cable for National City Police Department Dual Head cameras.
- Removal of Kimball Park Skate Park cameras located at the National City Public Library.

In addition, this agreement will provide maintenance services for the duration of the agreement for the cameras listed in Exhibit B.

Blue Violet Networks is our current provider of equipment and services for the City and has installed the majority of the cameras citywide. They are a California Multiple Award Schedules (CMAS) supplier and provide government pricing through a streamlined procurement process available to state and local government agencies. NCMC Section 2.60.260 – Cooperative Purchasing - provides authority to the purchasing agent to join with other public jurisdictions to take advantage of cooperative purchasing opportunities, including but not limited to any federal, state or local agency pricing program or structure that is determined by the purchasing agent to allow a procurement that is in the best interests of the City. The purchasing agent may buy directly from a vendor at a price established through competitive bidding by another public agency whose

procedures have been determined by the purchasing agent to be in substantial compliance with the City's procurement procedures, irrespective of the contracting limits of that jurisdiction or agency, even if the City had not initially joined with that public agency in the cooperative purchase.

Funds are appropriated through the Capital Improvement Program (CIP) and the operational budget in the Information Systems division as part of the Annual Budget process. Maintenance services will be used on an as-needed basis through approved budget.

Therefore, staff recommends Council authorize an agreement with Blue Violet Networks in a not-to-exceed amount of \$150,000 to provide video surveillance and access control products and related services.

FINANCIAL STATEMENT:

Expenditure Account No. 629-409-500-598-1500 – CIP Information Systems Facilities Upgrades - \$80,000 (one time)

Expenditure Account No. 629-403-082-299-0000 - Information Systems Contract Services - \$70,000 (spread over three years)

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:

1. Agreement
2. Exhibit A - Quote
3. Exhibit B – Cameras by Location
4. Resolution

**AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
A3 COMMUNICATIONS INC.
DBA BLUE VIOLET NETWORKS**

THIS AGREEMENT is entered into on this 4th day of April, 2023, by and between the CITY OF NATIONAL CITY, a municipal corporation (the “CITY”), and A3 COMMUNICATIONS INC., DBA BLUE VIOLET NETWORKS (the “CONSULTANT”).

R E C I T A L S

WHEREAS, the CITY desires to employ a CONSULTANT to provide video surveillance and access control products and related services, including but not limited, to replacing all analog cameras at various City of National City buildings with new IP cameras, installing new cable for PD dual head cameras, removing Skate Park cameras located at the Library, and replacing existing PTZ and wireless radios.

WHEREAS, the CITY has determined that the CONSULTANT is a video surveillance and access control products and services company 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 to provide video surveillance and access control products and related services, including but not limited, to replacing all analog cameras at various City of National City buildings with new IP cameras, installing new cable for PD dual head cameras, removing Skate Park cameras located at the Library, and replacing existing PTZ and wireless radios, 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 April 4, 2023. The duration of this Agreement is for the period of April 4, 2023 through June 30, 2026. Completion dates or time durations for specific portions of the project are set forth in Exhibit “A”.

3. **SCOPE OF SERVICES.** The CONSULTANT will provide video surveillance and access control products and related services, including but not limited, to replacing all analog cameras at various City of National City buildings with new IP cameras, installing new cable for PD dual head cameras, removing Skate Park cameras located at the Library, and replacing existing PTZ and wireless radios.

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 CONSULTANT shall appear at meetings specified in Exhibit "A" to keep staff and City Council advised of the progress on the project.

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.** Roberto Yano, Director of Public Works/City Engineer 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. Nick Allard thereby is designated as the Account Manager 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 \$150,000. The compensation for the CONSULTANT'S work 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 for this project, whether paper or electronic, shall: (1) be free from defects; (2) become the property of the CITY for use with respect to this project; 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 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: Roberto Yano
Director of Public Works/City Engineer
Engineering & Public Works
City of National City
1243 National City Boulevard
National City, CA 91950-4397

To CONSULTANT:
Nick Allard
Account Manager
BlueViolet Networks
17815 Newhope Street, Suite M
Fountain Valley, CA 92708

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.

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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.

CITY OF NATIONAL CITY

**A3 COMMUNICATIONS INC.
DBA BLUE VIOLET NETWORKS**

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

By: _____
Ron Morrison, Mayor

By:  _____
(Name)

APPROVED AS TO FORM:

Brian Thomas
(Print)

By: _____
Barry J. Schultz
City Attorney

President
(Title)

By:  _____
(Name)

Dave Lewis
(Print)

Chief Financial Officer
(Title)



Quote

Date: 2/15/2023

Expiration Date: 3/17/2023

To: Tirza Gonzales
City Of National City
1243 National City Blvd
National City, CA 91950
619.336.4380

Install:

Salesperson	Job Location or Description	Payment Terms
Nick Allard	National City - Roosevelt PTZs Rev 1 CMAS	Progressive

CMAS 3-17-84-0052B

Scope of Work

Blue Violet to replace existing PTZ and wireless radios on Roosevelt St 4th,5th,7th and 8th street. Customer to provide lift for this work.

Qty	Manufacturer	Part Number	Description	Unit Price	Qty Total
Cameras					
4.00	AVIGILON	2.0C-H5A-PTZ-DP36	H5A, 2MP 36x Pendant PTZ Dome	\$ 2,404.26	\$ 9,617.04
4.00	AVIGILON	IRPTZ-MNT-WALL1	Pedant wVideo mount adapter. For use with H4 IR PTZ or H4A-MH-AD-PEND1 on H4 Multisensor.	\$ 80.38	\$ 321.51
4.00	AVIGILON	ACC7-ENT	ACC 7 Enterprise camera channel	\$ 242.37	\$ 969.48
3.00	SIKLU	MH-B100-CCS-PoE-MWB	MultiHaul™ BU, 90°, 500Mbps upgradable to 1800Mbps, 2 RJ-45 & 1 SFP (1 port PSE enabled), MK & PoE injector included, IP-65, White	\$ 2,335.20	\$ 7,005.60
3.00	SIKLU	MH-T200-CNN-PoE-MWB	MultiHaul™ TU, 90°, base rate 100Mbps upgradable to 1000Mbps, 1 RJ-45, MK & PoE injector included, IP-65, White	\$ 927.20	\$ 2,781.60
3.00	SIKLU	SR-PRO-3Y-MH-B	SikluCare "Pro" support plan - 3-year plan	\$ 467.20	\$ 1,401.60
3.00	SIKLU	SR-PRO-3Y-MH-T	SikluCare "Pro" support plan - 3-year plan	\$ 220.00	\$ 660.00
3.00	SIKLU	MH-UPG-TU-100-1000	MultiHaul™ TU capacity upgrade from 100 Mbps to 1 Gbps	\$ 200.00	\$ 600.00
3.00	SIKLU	MH-UPG-BU-500-1800	MultiHaul™ BU capacity upgrade from 500 Mbps to 1800 Mbps	\$ 267.20	\$ 801.60
6.00	SIKLU	AX-SRG-10G	10 GbE Ethernet/PoE Surge Protector (indoor) 802.3ab/bz/an	\$ 146.66	\$ 879.98
4.00	Trendnet	TI-UPG62	6-PORT HARDENED INDUSTRIAL GIGABIT POE+	\$ 489.72	\$ 1,958.88
4.00	Trendnet	TI-S24048	DIN RAIL 48V 240W POWER SUPPLY FOR TI-PG	\$ 216.32	\$ 865.28
MISC/Cable					
1.00	BVN	BVN	cable connectors	\$ 225.00	\$ 225.00
Lift Rental					
0.00	BVN	BVN	Lift to be provided by customer	\$ -	\$ -
Labor					
1.00	BVN	Labor	Labor to configure and install:	\$ 7,750.00	\$ 7,750.00

This is a quotation on the goods named, subject to the conditions below

* Software has no annual fees and no limit of client connections to server

This quote comes with a standard 1 year maintenance and service

Blue Violet Networks Technical Service Team will assist with further instructions upon request.

To accept this quotation, sign below and return to your Blue Violet Sales Person

Sign: _____

Subtotal	\$ 28,087.57
Sales Tax @ 8.75 %	\$ 2,457.66
Installation	\$ 7,750.00
Rental	\$ -
Shipping	\$ 274.62
Total	\$ 38,569.86

Date: 2/15/2023

A DIVISION OF THE COOK & BOARDMAN GROUP, LLC

Expiration Date: 3/17/2023

To: Tirza Gonzales
 City Of National City
 1243 National City Blvd
 National City, CA 91950
 619.336.4380

Install:

Salesperson	Job Location or Description	Payment Terms
Nick Allard	National City - Rev 2 Camera Upgrades 2022	Progressive

CMAS Pricing # 3-17-84-0052B

Scope of Work

BVN to replace all Analog cameras at City Hall/PD/Library/FD with new IP cameras. BVN will reuse the existing COAX cable with converter to IP. BVN assumes COAX cable is in good working condition. If BVN finds cable not in good condition we will give customer quote for pulling new cable. BVN to remove old analog encoders from system and utilize licensing. BVN to install new cable for PD Dual Head cameras. Removal of Skate Park cameras located at the Library. (Client to provide Lift to remove)

Qty	Manufacturer	Part Number	Description	Unit Price	Qty Total
Cameras					
1.00	AVIGILON	3.0C-H5A-CR2-IR	PD Holding Cell, Replace Analog with Corner Mount IP	\$ 1,168.12	\$ 1,168.12
1.00	AVIGILON	5.0C-H5SL-BO1-IR	City Hall Parking 2 Replace Analog with 5.0MP SL Bullet	\$ 605.40	\$ 605.40
1.00	AVIGILON	2.0C-H5SL-D1-IR	City Hall 1st Fl North Replace Analog with 2.0MP SL Dome	\$ 402.10	\$ 402.10
1.00	AVIGILON	2.0C-H5SL-D1-IR	City Hall Basement Elevator Replace Analog 2.0MP SL Dome	\$ 402.10	\$ 402.10
1.00	AVIGILON	2.0C-H5SL-DO1-IR	City Hall Jail (4) Replace Analog 2.0MP SL Dome	\$ 469.86	\$ 469.86
1.00	AVIGILON	2.0C-H5SL-D1-IR	City Hall CMO Replace Analog 2.0MP SL Dome	\$ 402.10	\$ 402.10
1.00	AVIGILON	2.0C-H5SL-D1-IR	City Hall Council Side Ent Replace Analog 2.0MP SL Dome	\$ 402.10	\$ 402.10
1.00	AVIGILON	2.0C-H5SL-D1-IR	City Hall Housing Hall Replace Analog 2.0MP SL Dome	\$ 402.10	\$ 402.10
1.00	AVIGILON	2.0C-H5SL-D1-IR	Library Street (Homeless) Exterior Replace Analog 2.0MP SL Dome	\$ 402.10	\$ 402.10
2.00	AVIGILON	2.0C-H5SL-D1-IR	Library Interior 2.0MP SL Dome	\$ 402.10	\$ 804.20
1.00	AVIGILON	2.0C-H5SL-D1-IR	Fire Department Interior Front Dr Replace Analog 2.0MP SL Dome	\$ 402.10	\$ 402.10
1.00	AVIGILON	5.0C-H5SL-BO1-IR	City Hall Council Parking Replace Analog 5.0MP SL Bullet	\$ 605.40	\$ 605.40
1.00	AVIGILON	2.0C-H5SL-D1-IR	City Hall Emergency Side Entry Replace Analog 2.0MP SL Dome	\$ 469.86	\$ 469.86
1.00	AVIGILON	10.0C-H5DH-DO1-IR	City Hall Rear Parking Replace 2 Analog with 10.0mp Dual Head	\$ 1,361.95	\$ 1,361.95
1.00	AVIGILON	H5DH-DO-JBOX1	Junction Box for H5A Dual Head Camera	\$ 80.71	\$ 80.71
MISC/Cable					
15.00	AVIGILON	VHW-HWPS-B	Veracity Highwire Powerstar Ethernet & POE Over Coax Converter Base Side	\$ 243.20	\$ 3,648.00
15.00	AVIGILON	VHW-HWPS-C	Veracity Highwire Powerstar Ethernet & POE Over Coax Converter Camera Side	\$ 233.32	\$ 3,499.80
15.00	AVIGILON	VPSU-57V-1500-US	Veracity Vpsu-57v-1500 Optional 57v Power Supply	\$ 91.20	\$ 1,368.00
4.00	BVN	Cable Run	Cat6e Cable run	\$ 360.00	\$ 1,440.00
1.00	BVN	MISC	MISC connectors/Backboxes	\$ 500.00	\$ 500.00
Lift Rental					
0.00	BVN	BVN	Lift to be provided by customer	\$ -	\$ -
Labor					
1.00	BVN	Labor	Labor to configure and install:	\$ 16,500.00	\$ 16,500.00

This is a quotation on the goods named, subject to the conditions below

* Software has no annual fees and no limit of client connections to server

This quote comes with a standard 1 year maintenance and service

Blue Violet Networks Technical Service Team will assist with further instructions upon request.

To accept this quotation, sign below and return to your Blue Violet Sales Person

Sign: _____

Subtotal	\$ 18,836.00
Sales Tax @ 8.75 %	\$ 1,648.15
Installation	\$ 16,500.00
Rental	\$ -
Shipping	\$ 225.27
Total	\$ 37,209.42

I. Warranty Policies

Blue Violet Networks Workmanship Guarantee

Upon the completion of any new installation performed by Blue Violet Networks, the initial one-year warranty will go into effect. This Limited Warranty is our pledge to clients that all workmanship has been performed to the highest industry standard by competent staff using quality products and materials in accordance with manufacturer recommendations, best practices and applicable codes.

Standard Limited Warranty – (12) Months

Warranty Coverage

Under this Limited Warranty, Blue Violet Networks will incur all labor costs associated with replacing field installable parts, correcting workmanship issues and coordinating the repair and/or replacement of faulty material that is either covered under the manufacturer's limited warranty or presents a manufacturing defect during the first year of ownership.

Not Covered Under Warranty

Blue Violet Networks' Limited Warranty is voided by unauthorized attempts by any non-Blue Violet representatives to repair or maintain equipment. In addition, the Limited Warranty does not cover maintenance or repairs attributable to network configuration changes, human error or catastrophe, fault, and customer negligence, or external factors related to the equipment, such as, but not limited to, power failure, air conditioning failure, human error, acts of God and vandalism.

The Limited Warranty does not cover field devices, hardware and cabling that is not provided or installed by Blue Violet Networks. All maintenance or repairs to this equipment or these systems will be provided as a billable service.

Billing Outside of Limited Warranty

Maintenance or repairs attributable to the causes detailed in the subsection titled "Not Covered Under Warranty" will not be covered by the Limited Warranty. These services will be billed at the standard hourly rate in effect at the time of the service call, plus any applicable materials.

Limited Warranty Response

Services covered under the Limited Warranty are subject to the availability of Blue Violet Networks' personnel and will be responded to on a first-come-first-serve basis. Blue Violet Networks will make every reasonable effort to dispatch a qualified technician in a timely manner to service warranty related tickets but makes no guarantee as to response and resolution times. The time to fully restore operation may also be delayed by uncontrollable circumstances, including backorders, special order lead times for replacement materials and other unforeseeable impediments.

Manufacturer Hardware Warranty

Blue Violet Networks only deploys products that are produced by reputable, qualified industry leaders. These manufacturers offer different periods of hardware warranties that range from one year to a lifetime of product ownership.

As a result, a manufacturer's warranty may be longer than the Blue Violet Networks' Limited Warranty. Once the initial Blue Violet Networks Limited warranty has lapsed, service will be billed at the effective hourly rate for troubleshooting, repair, returns and replacements of defective hardware. All product warranties are subject to the unique terms and conditions of their respective manufacturer's warranty documentation. Warranty terms and conditions will vary by manufacturer and part number.

II. Blue Violet Networks Premier Support Plan

Premier Support Plan Overview

Clients with a Premier Support Plan (PSP) receive unlimited phone and remote support 24 hours a day, 7 days a week, along with (16) hours of end-user training (annually), guaranteed response and resolution times per the Service Level Agreements (SLA).

If a service issue can not be remotely resolved, Blue Violet Networks will dispatch a technician who will arrive on-site within the guaranteed selected response time. With this service, Blue Violet Networks will make every reasonable effort to restore the covered system to a functional state before the assigned the technician leaves the site.

For support options applicable to and customizable to your specific environment, Blue Violet Networks offers extended standard options and add-ons to enhance your Premier Support Plan. These standard options are noted below in section III.

Standard Response Time Service Level Agreement

The standard SLA included in every PSP agreement guarantees on-site service within eight (8) business hours, defined as Monday through Friday, from 8:00 a.m. until 5:00 p.m., excluding holidays. Tickets will be routed through priority queuing within our ticketing system.

If a service ticket is placed during normal business hours and cannot be resolved remotely, a technician will be on-site within eight (8) business hours measured from the time the request was received. For example, if the client requests service at 4:00 p.m. on Wednesday for an issue that can't be resolved remotely, Blue Violet Networks guarantees a technician will be on-site by 3:00 p.m. on Thursday.

Optional Faster Response Times

For our clients that require a faster onsite response time, Blue Violet Networks offers 2 optional, faster response times. Unlike the Standard Response Time SLA which is measured in business hours, these options are measured in clock hours and are in affect 24 hours a day, 7 days a week, 365 days a year. This means an Blue Violet Networks Technician will be onsite faster and the issue will be resolved sooner.

Extended Response Time: 8 Clock Hours

If a service request is received at any time, on any day, for an issue that can't be remotely resolved, Blue Violet Networks guarantees a technician will arrive on-site within eight (8) hours from receipt of the request. For example, if the client requests service at 1:20 p.m. on Wednesday for an issue that can't be resolved remotely, we guarantee a technician will arrive on-site by 9:20 p.m. on Wednesday evening.

Emergency Response Time: 4 Clock Hours

If a service request is received at any time, on any day, for an issue that can't be remotely resolved, Blue Violet Networks guarantees a technician will arrive on-site within four (4) hours from receipt of the request. For example, if the client requests service at 4:33 a.m. on Saturday for an issue that can't be resolved remotely, we guarantee a technician will arrive on-site by 8:33 a.m. on Saturday morning.

PSP - Standard Resolution Service Level Agreement

Blue Violet Networks guarantees a reported issue will be restored to a functioning level, at a minimum, before the technician leaves. If hardware failure occurs and the technician doesn't have the same make or model for a replacement part readily available, he or she will install a temporary, similar loaner part to restore functionality.

Once a replacement part is available, Blue Violet Networks will schedule a time to reinstall the replacement part during normal business hours. If the device is covered under a manufacturer warranty, Blue Violet Networks will handle the return process and install the repaired device once it's returned by the manufacturer. If a device is not covered under our extended hardware warranty or a manufacturer warranty, the replacement device will be billed at discounted rates. Please see Blue Violet Networks' discounted service rates below for more information.

Remote Monitoring & Management

Blue Violet Networks will provide a Remote Monitoring & Management software license to remotely monitor system status and manage processes without the requirement to physical be on site.

- The software can be installed on a dedicated "server" or existing servers based on customer needs
- Real-time monitoring: Implement system-wide monitoring with intelligent alerting
- Auto-Response: Automatically generates notifications and creates service tickets based on agreed upon thresholds
- Remote Access: Provides a fully encrypted and secure remote management with comprehensive auditing
- Patch Management: Schedule maintenance and updates

Reporting

Reporting will be provided on an annual basis, as requested, during a review process with your designated point-of-contact for the following metrics:

- Response times
- Ticket management
- Resolution times
- Credit balance
- Resolution data
- Customer satisfaction
- Suggested improvements
- Suitability of selected agreement(s)

All reports and ticket data can be viewed in real time via your customized Blue Violet Networks service portal.

Billable Service

All labor is included for devices covered by a PSP agreement during the length of the selected Service Level Agreement. If a repair requires escalation outside of the selected Service Level Agreement, Blue Violet Networks will charge discounted service rates.

Service Agreement Coverage

Service labor for lightning, power surges and water damage is included, however damaged hardware may not be covered and will be based on the discretion of the manufacturer's warranty.

Not Covered Under Service Agreement

Labor and hardware warranties will be void upon unauthorized attempts to alter, repair, maintain or change system equipment, configuration, components, operation or installation of software by a non- Blue Violet Networks representative. The Service Level Agreement will also not cover any maintenance or repairs due to these actions or as made necessary by anyone other than a representative of Blue Violet Networks.

The Service Level Agreement does not cover programming, defined as a modification of the software configuration, unless otherwise specified. Additional items that are not covered include field devices, hardware or cabling provided or installed by another service provider, unless specifically identified on Schedule A or a quote.

If the client requests services that are not covered under the terms of this Agreement, it is understood that these services will be considered billable and billed as separate, individual services.

Discounted Service Rates

Clients with a Premier Support Plan will receive discounted hourly rates for Billable Service. These rates are not applicable to new installations, projects, additions or changes.

Service Provider	Normal Hourly Rates	Discounted Hourly Rates
Normal Business Hours (Monday-Friday; 8:00 a.m. – 5:00 p.m.)	\$160.00/hour	\$115.00/hour
After Hours (Monday-Friday; 5:01p.m. – 7:59 a.m.)	\$240.00/hour	\$195.00/hour
Weekends and Holidays	\$320.00/hour	\$275.00/hour
Materials	Standard Mark-Up	Our cost +16%
Travel Charges	\$75.00	No charge

Requirements

- All software must be current with the manufacturer software support plan (SMA, SUSP, ADV, etc.)
- Blue Violet Networks to have remote access to customer's network (scheduled with customer IT)

III. Premier Support Plan Add-ons

To complement your Premier Support Plan; Blue Violet Networks offers the following optional and additional value added services at an additional cost:

Optional Planned Preventative Maintenance

Your new system is fully functional and being serviced under a PSP. However, in the evolving landscape of technology and through the normal course of wear and tear; components require updates, periodic testing and verification of proper operation. This is essential in keeping your system running at optimal levels, ensuring proper functionality of all system elements while also extending the life span of the system.

Through necessary testing, qualified Blue Violet Networks' engineers or technicians will identify and correct any deficiencies and potential problems to reduce emergency system issues and system downtime. A detailed report of deficiencies and corrections will be provided once preventative maintenance is complete.

Highlighted features include:

- Surveillance
 - Clean and refocus cameras;
 - Upgrade video management software;
 - Update firmware;
 - Test and verify video retention;
 - Test and verify motion windows;
 - Test and verify alarms; and
 - Inspect all connections and terminations.
- Access Control
 - Update system software;
 - Update firmware;
 - Test backup batteries and replace as necessary;
 - Test and verify valid access and unauthorized access;
 - Test and verify door-forced-open alarm; and
 - Inspect all connections and terminations.

Optional Extended Hardware Warranty

Blue Violet Networks will cover devices and hardware no longer eligible under a manufacturer warranty through an Extended Hardware Warranty. Hardware covered under our Extended Hardware Warranty will be replaced at no additional charge with a device of the same technology and/or specifications upon failure. Please note that all hardware covered under the Blue Violet Networks Extended Hardware Warranty must also have Planned Preventative Maintenance coverage. Please see Planned Preventative Maintenance for more information. The Extended Hardware Warranty option must be purchased as part of a 'year-1' plan. The Extended Hardware Warranty option can not be added to an existing agreement in subsequent years. The Extended Hardware Warranty option is available through year-7. The Extended Hardware Warranty will be subject to the same terms and conditions as provided by the initial manufacturer warranty respectively for each product being covered.

Not Covered Under Warranty

Blue Violet Networks' Extended Hardware Warranty is voided by unauthorized attempts by any non- Blue Violet Networks representatives to repair or maintain equipment. In addition, the Extended Hardware Warranty does not cover maintenance or repairs attributable to network configuration changes, human error or catastrophe, fault, and customer negligence, or external factors related to the equipment, such as, but not limited to, power failure, air conditioning failure, human error, acts of God and vandalism. The Extended Hardware Warranty does not cover field devices, hardware and cabling that is not provided or installed by Blue Violet Networks. All maintenance or repairs to this equipment or these systems will be provided as a billable service.

IV. Premier Support Plan Comparison

	<u>Standard Limited Warranty</u>	<u>Standard SLA</u>	<u>Extended SLA</u>	<u>Emergency SLA</u>
<u>All Labor During Business Hours*</u>	<input checked="" type="checkbox"/> (Workmanship Only)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>All Labor After-hours*</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>All Labor Weekends and Holidays*</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Guaranteed Certified Technician</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Guaranteed Onsite Responce Times</u>	<input checked="" type="checkbox"/>	 8 Business Hours	 8 Clock Hours	 4 Clock Hours
<u>Guaranteed Resolution on first visit</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Discounted Service Rates for Billable Service</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Unlimited Phone/ Remote Support</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Included Additional System Training</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 16 Hours	<input checked="" type="checkbox"/> 16 Hours	<input checked="" type="checkbox"/> 16 Hours
<u>Annual Reporting</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Access to Web Portal</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Remote Monitoring & Management</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

* All Labor for Covered Items only – See “Billable Service”

V. Premier Support Plan Pricing

<u>Standard Limited Warranty</u>	Price	Included	
<u>Standard SLA</u> (8 business hours)	\$18,000	X	
<u>Extended SLA</u> (8 clock hours)	\$21,000		
<u>Emergency SLA</u> (4 clock hours)	\$24,000		
<u>Optional Preventative Maintenance</u>	Frequency	Price	Included
	Once a Year	\$1,200	
	Twice A year	\$2,350	
	4X A year	\$4,200	X
	Every Month	\$12,000	
<u>Optional Extended Hardware Warranty</u>	Price	Included	
<u>1 year Extnded Hardware Warranty</u>	\$15,000		

Service Agreement Price \$22,200

Valid Through 12/31/2023

VI. Custom Agreements

Blue Violet Networks recognizes that the standard Premier Support Plan and its various available options may not be suitable for all of our customers' needs. For this reason, we have Custom Agreements available that are tailored to customer-specific needs that may fall outside of our standard agreement offerings. Custom Agreements are often developed for a variety of customer-specific needs such as:

- Strict regulation compliance requirements
- Specialized equipment and/or systems (LPR, integrated locksets, automation/integration, analytics, etc.)
- Critical infrastructure
- Variable SLA (ie: mix of Standard/Extended/Emergency levels based on location, function, etc. of each specific device/entity)
- Embedded technicians
- Event staffing
- Enhanced software support
- Managed Services

Custom Agreements require in-depth consultation with your Blue Violet Networks Service Team to develop a service and maintenance plan that best fits the unique needs of your organization.

VII. Block of Hours Agreements

BOH Agreement Overview

Maximize your technological investments through a convenient Block of Hours Agreement with Blue Violet Networks. Under this program, your business can conveniently request assistance from a skilled engineer or technician for support of your IT infrastructure without additional charges. Available services include:

- Repairs;
- Maintenance;
- Configuration Changes;
- Labor only equipment moves;
- Remote support; and
- End-user training.

BOH Agreement Options

For your convenience, Blue Violet Networks offers the following Block of Hours Agreement options:

BOH Agreement Options	Rate/Hour	Savings/Hour
8-19 Hour Block	\$140.00	\$20.00
20, 30 or 40 Hour Block	\$135.00	\$25.00
50, 60, 70, 80 or 90 Hour Block	\$125.00	\$35.00
100+ Hour Block	\$115.00	\$45.00

Please note, that these rates can change based on the following date and time terms:

Type of Rate	Definition	Billing
Business Hours	8:00 a.m. – 5:00 p.m, Monday through Friday	Normal Rate
After-Hours	5:01 p.m. – 7:59 a.m, Monday through Friday	1.5x Normal Rate
Emergency/Holiday/Weekend	Emergency*; Recognized Holidays; Saturday and Sunday	2x Normal Rate

**Emergencies are recognized when the client requests immediate prioritization in Blue Violet Networks’ service queue. All other requests will be scheduled based on next availability.*

BOH Agreement Terms

‘Block of Hours’ agreements are to be paid in advance. Applicable time will be deducted from the hour balance in 1-hour increments for on-site work and 30-minute increments for remote/phone support. A monthly status report of hours used and hours remaining will be provided at the end of each month wherein Block of Hours agreement time was accrued. Block of Hours agreements are non-refundable.

National City Cameras

City Hall	27
Fire Station 34	9
Library	27
Street Cameras	3
Casa De Salud	8
PW Wilson Street	5
MLK	16
Paradise Creek	24
Granger Storage Lot	3
Kimball Park	12
El Toyon	3
Police Department	33
Total Cameras	170

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH A3 COMMUNICATIONS, INC., DBA BLUE VIOLET NETWORKS, FOR A NOT-TO-EXCEED AMOUNT OF \$150,000, TO PROVIDE VIDEO SURVEILLANCE AND ACCESS CONTROL PRODUCTS AND RELATED SERVICES.

WHEREAS, the City owns and operates a network of 170 cameras in various locations. In order to utilize and maintain this network, the City desires to enter into a three-year agreement with Blue Violet Networks. This agreement will upgrade equipment, as well as provide maintenance services; and

WHEREAS, Blue Violet Networks is our current provider of equipment and services for the City and has installed the majority of the cameras citywide. They are a California Multiple Award Schedules (CMAS) supplier and provide government pricing through a streamlined procurement process available to state and local government agencies; and

WHEREAS, City staff recommends Council authorize an agreement with Blue Violet Networks in a not-to-exceed amount of \$150,000 to provide video surveillance and access control products and related services.

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 an agreement with A3 Communications, Inc., DBA Blue Violet Networks, for a not-to-exceed amount of \$150,000 to provide video surveillance and access control products and related 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 4th day of April 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Manager's Office
Prepared by: Brad Raulston, City Manager
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Approval of Letter of Support for Assembly Bill 436 to Allow Cruising Across California

RECOMMENDATION:

Approve, send and file.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On behalf of the City of National City, the City Council has expressed their support of Assembly Bill 436 as written, to repeal bans and regulations on cruising in California.

Sending a Letter of Support confirms this position.

FINANCIAL STATEMENT:

Not Applicable

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:

Exhibit A – Letter of Support



March 28, 2023

Assemblyman David Alvarez
State Capitol
1021 O Street, Suite 5320
Sacramento, CA 94249-0080

Dear Assemblyman,

RE: Assembly Bill 436 (AB 436)

On behalf of the City of National City, we strongly support Assembly Bill 436 (AB 436), as written, to repeal bans and regulations on cruising in California. This new bill will effectively repeal sections of the California Vehicle Code to make cruising possible across California.

Since the 1980's, the state vehicle code has allowed local governments to stop drivers from cruising and driving cars that have been modified to be of a certain height. Assembly Bill 436 will remove those provisions.

As an organization which is in the process of repealing the ban on car cruising to be consistent with the State Assembly's bill (AB 436). AB 436 honors and supports bringing back a community event that has been part of National City's for decades. The City supports this bill to provide the community an opportunity to revisit history, display their art, and celebrate the Hispanic Latino culture.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ron Morrison", is written over a light blue horizontal line.

Ron Morrison
Mayor



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Notice of Decision – Planning Commission approval of a Conditional Use Permit (CUP) for a new Wireless Communications Facility to be located at 1900 National City Blvd.

RECOMMENDATION:

Receive and File

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission recommended approval of the Conditional Use Permit by a vote of five to one, with Commissioner Sanchez absent.

EXPLANATION:

AT&T Wireless has applied for a CUP to construct a new wireless telecommunications facility and install associated equipment in the parking lot of Ball Kia. All antennas would be mounted to an artificial eucalyptus tree and screened by the associated foliage. The associated equipment is proposed in a walled enclosure that would be textured and painted to match existing buildings on site.

The Planning Commission conducted a public hearing on March 20, 2023, and voted to 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:

The applicant has paid all required fees to the City for processing this CUP and will pay any future City fees associated with the construction of this project.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Public Safety

ENVIRONMENTAL REVIEW:

This is a project under CEQA subject to a Categorical Exemption. Class 3 – New Construction or Conversion of Small Structures 14 CCR § 15303. 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

EXHIBITS:

Exhibit A – Planning Commission Staff Report with attachments

Exhibit B – 3/20/23 Planning Commission PowerPoint slides



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 3 OF THE CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND CONDITIONAL USE PERMIT FOR A NEW WIRELESS COMMUNICATIONS FACILITY TO BE LOCATED AT 1900 NATIONAL CITY BLVD.

Case File No.: 2022-37 CUP

Location: Ball Kia

Assessor's Parcel No.: 560-204-04

Staff report by: Martin Reeder, AICP – Planning Manager

Applicant: Harold Thomas Jr.

Zoning designation: CA – Commercial Automotive

Adjacent land use/zoning:

North: Retail automotive (Car Hop) / CA

East: Retail automotive across National City Blvd. (Ball Mitsubishi) / CA

South: Automotive service (Jerauld's Car Care) / CA

West: Wholesale fabric sales across Roosevelt Ave. (UFO) / CA

Staff recommendation: 1. Open the public hearing, receive evidence and testimony, and close the public hearing;
2. Determine that the project is categorically exempt under Class 3 of the CEQA Guidelines related to New Construction or Conversion of Small Structures (14 CCR §15303 (d) & (e)); and
3. Approve the Conditional Use Permit.

Staff Recommendation

Staff is recommending approval of the Conditional Use Permit (CUP) request and a determination that the project is exempt from CEQA. The proposal will increase the effectiveness of the AT&T Wireless communications network.

Executive Summary

AT&T Wireless has applied for a CUP to construct a new wireless telecommunications facility and install associated equipment in the parking lot of Ball Kia. All antennas would be mounted to an artificial eucalyptus tree and screened by the associated foliage. The associated equipment is proposed in a walled enclosure that would be textured and painted to match existing buildings on site.

Site Characteristics

The project location is Ball Kia, a retail automotive dealership located on the Mile of Cars. The lot has frontages on both National City Blvd. and Roosevelt Avenue. Surrounding land uses are almost all automotive-related, with the exception of UFO located to the west in the Westside Specific Plan area. Hillcrest Sanitarium is located across National City Blvd. to the northwest.

Proposal

The proposed facility would consist of three sectors of antennas mounted to a 50-foot high artificial eucalyptus tree. The antenna sectors would face north, east-southeast and west-southwest. The antennas would be screened by the “leaves” of the artificial tree. Associated equipment would be located in a nine-foot high walled enclosure. The proposed enclosure has a footprint of approximately 24 feet by 14 feet and would house the operating equipment and an emergency backup generator. It is located west of the proposed tree between the tree and one of the buildings on site.

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 CA 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 artificial tree would hide the antennas, but would be relatively obtrusive, as there are no trees in this location currently. Nearby trees along National City Blvd. are palm trees, most of which are taller than 50 feet. Other options such as a palm tree or a building-mounted facility would likely be more obtrusive – the building is only one story tall and could not be extended to facilitate a 50-foot installation; a 50-foot tall palm would be disproportionate in height to the existing trees, and a facility imitating a Mexican Fan Palm (*Washingtonia robusta*) would have little in the way of foliage to screen the antennas. Furthermore, artificial palm trees are not always as stealthy as are intended to be. As such, the applicant proposed a more traditional tree. The original application showed a mono-broadleaf tree, but was updated to a mono-eucalyptus at the request of staff. The reason was to provide a more homogenous and proportional design. Exhibit 'B' (Attachment 6) shows a photo simulation of the proposed facility.

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 250 feet away to the northeast (Hillcrest Sanitarium). In addition, none of the three antenna sectors points in that direction. One other requirement of the LUC for such facilities is section 18.30.220(d), which states that telecommunication facilities and appurtenances should not be situated between the primary building on the parcel and any public or private street adjoining the parcel. Technically-speaking, the proposed facility does not meet this standard. However, it meets the purpose of the standard because the buildings on site are more accessory in nature, given the operational nature of retail automotive uses. In addition, if the facility were behind the buildings, they would be closer to Roosevelt Avenue, which would be counter to the intent of the requirement. Therefore, the proposed location is consistent with the purpose and intent of NCMC section 18.30.220(d).

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 CA 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 CA zone.

3. Compatibility, LUC and Traffic – The buildings on the site were previously analyzed for traffic impacts when constructed and the use is conditionally-allowed in the CA zone. 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 facility will be located in a paved parking area without impacting required parking, and the facility will meet all development standards and distance requirements for wireless communications facilities.
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, including compliance with Federal Communications Commission regulations.
6. California Environmental Quality Act (CEQA) – The proposal has been reviewed in compliance with the California Environmental Quality Act (CEQA). Staff is recommending that the Planning Commission determine that the proposed use is categorically exempt from environmental review pursuant to Class 3 of the CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; and includes utility extensions of reasonable length to serve such construction and accessory (appurtenant) structures.. 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, facility design, 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 36.

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 the artificial tree would screen the antennas from adjacent uses. The facility will improve coverage in the area for AT&T Wireless customers.

Options

1. Find the project exempt from CEQA under Class 3 of the CEQA Guidelines Section 15303 or other exemption and approve 2022-37 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. Find the project not exempt from CEQA and/or deny 2022-37 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 36 property owners and occupants)
5. Notice of Exemption
6. Applicant's Plans (Exhibits A and B, Case File No. 2022-37 CUP, dated 2/14/2023)
7. Radio Frequency – Electromagnetic Energy (RF-EMF) Jurisdictional Report



MARTIN REEDER, AICP
Planning Manager

ARMANDO VERGARA
Director of Community Development

RESOLUTION NO. 2023-06

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
DETERMINATING THAT THE PROJECT IS CATEGORICALLY EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
UNDER CLASS 3 OF THE CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION
OR CONVERSION OF SMALL STRUCTURES) AND
APPROVING A CONDITIONAL USE PERMIT FOR A
NEW WIRELESS COMMUNICATIONS FACILITY TO BE
LOCATED AT 1900 NATIONAL CITY BLVD.
CASE FILE NO. 2022-37 CUP
APN: 560-204-04

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 1900 National City Blvd. at a duly advertised public hearing held on March 20, 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. 2022-37 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; 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 20, 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 CA 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.

ATTACHMENT 1

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 and 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 CA 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 50-foot artificial tree will adequately screen the facility. Furthermore, the nine-foot block wall will provide adequate screening of the equipment from adjacent properties.
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 facility will be located in a paved parking area without impacting required parking, and the facility will meet all development standards and distance requirements for wireless communications facilities.
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 3 of the CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; and includes utility extensions of reasonable length to serve such construction and accessory (appurtenant) structures. 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 1900 National City Blvd. 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. 2022-37 CUP, dated 2/14/23. 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. 6222006336, dated November 21, 2022) shall be installed and implemented prior to operation.
16. A yellow CAUTION 2B sign shall be posted at the base of the monotree.
17. All workers and individuals accessing the monotree or persons (including arborists), accessing elevated structures or trees within areas exceeding the general public MPE, must be made aware of the presence and locations of antennas and their associated fields.
18. The equipment enclosure shall be designed to incorporate design cues (e.g. finish, color, style) from other structures on the property.
19. All exposed cables or cable runs shall be painted to match the surface to which they are mounted.
20. 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.

21. 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.
22. 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 20, 2023, by the following vote:

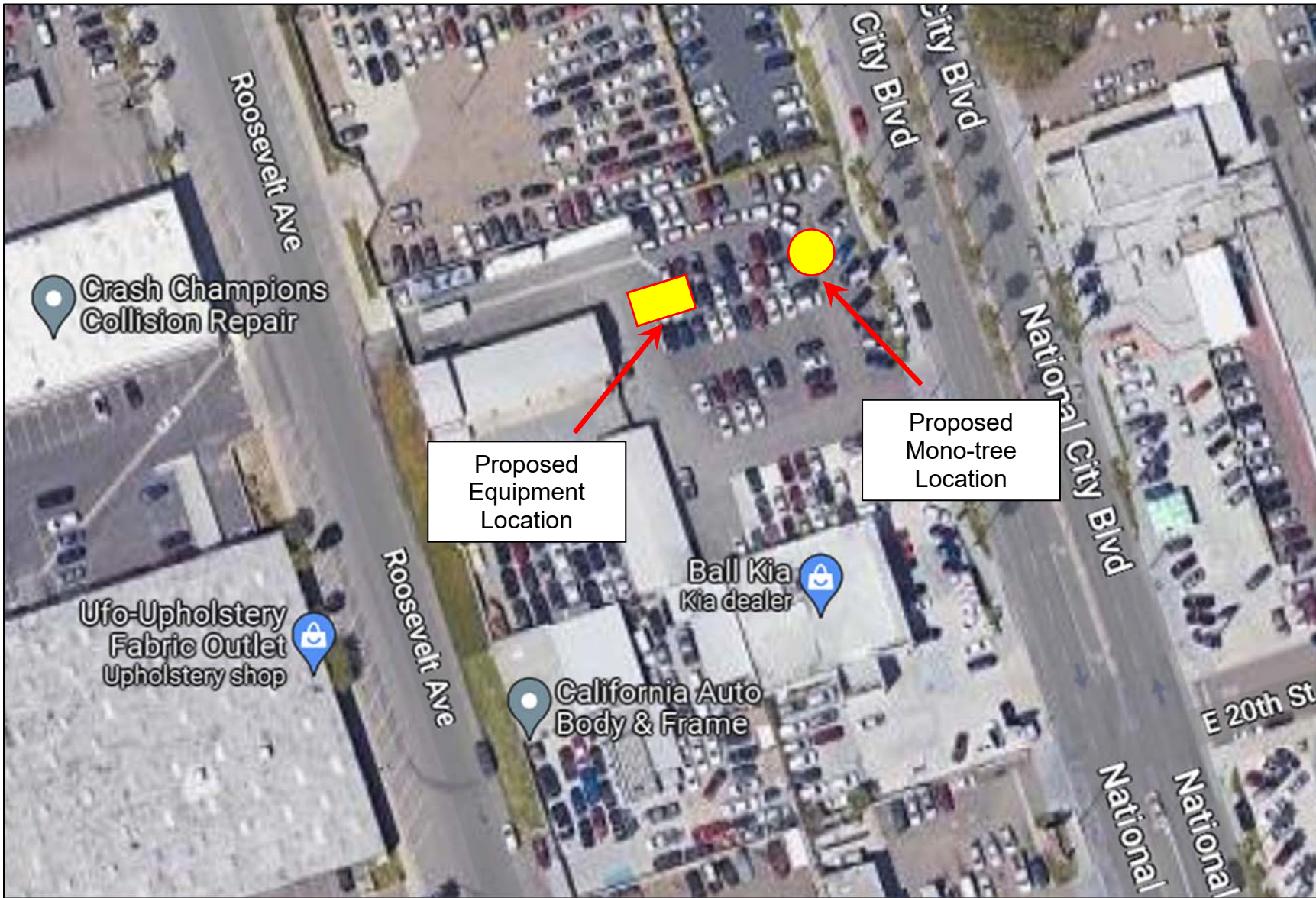
AYES:

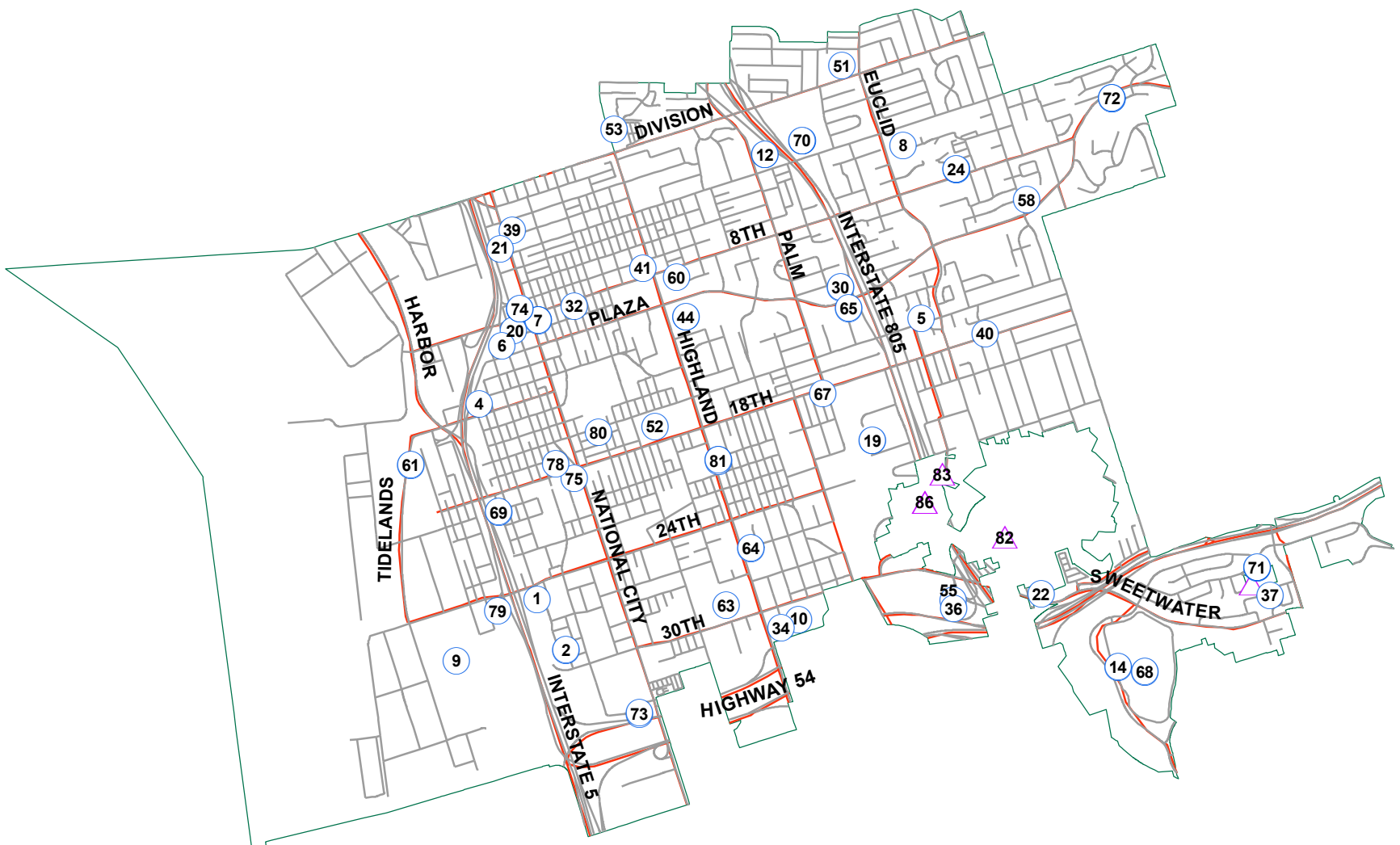
NAYS:

ABSENT:

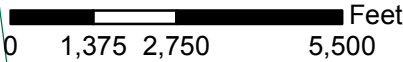
ABSTAIN:

CHAIRPERSON





- Wireless facilities in National City
- △ Wireless facilities in unincorporated area



Wireless Communication Facilities

National City Planning Department 2012



FACILITY	APN	LOCATION	PROVIDER	FILE_NO_
1	562-340-44	2434 Southport	Urban Comm Rad	CUP-1992-11 Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna
2	562 340 26	300 W 28th	AirTouch	CDC Reso 94-28 75-foot monopole with three sector antennas and 450-sa foot equipment building.
	562-340-26	300 W 28th	Nextel	CUP-2003-30 12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment
4	559-032-02	1215 Wilson	Pac Bell	CUP-1995-11 Located on roof of existina building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.
5	557-410-03	1645 E Plaza	Pac Bell	CUP--1995-13 Located on roof of Quality Inn. PCS facility- six panel antennas and equipment cabinet.
6	555-086-11	910 Hoover	AirTouch	CUP-1995-18 Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet
7	556-471-24	801 National City Blvd	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	801 National City Blvd	Nextel	CUP-1994-8 Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.
	556-471-24	801 National City Blvd	Pagenet	CUP-1996-12 Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.
	556-471-24	801 National City Blvd	AT&T	CUP-1999-5 Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base svstem.
8	554-120-30	2400 E 4th	AT&T	CUP-1996-4 Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal PPositioninasatellite antenna and equipment cabinet.
9	559-160-13	1022 W Bay Marin	GTE	CUP-1996-5 Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.
10	563-370-36	3007 Highland	Pac Bell	CUP-1996-6 Located on existing Super Saver building. PCS facility- six panel antennas and two equipment cabinets.
12	554-050-12	303 Palm	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	303 Palm	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	3030 Plaza Bonita Rd	Nextel	CUP-1997-8	Located atop Plaza Bonita sign. ESMR facility- nine antennas and equipment cabinet.
	564-471-01	3030 Plaza Bonita Rd	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	1840 E 12th	Nextel	CUP-1999-4	60-foot monopole on vacant commercial lot.
20	555-082-11	111 W 9th	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	330 National City Blvd	GTE	CUP-2000-11	Located atop Bay Theatre. Wireless communication facility- twelve panel antennas and four equipment cabinets.
22	564-250-50	2435 Sweetwater	Sprint	CUP-2000-14	Located at Sweetwater Inn. Global Positioning System with nine panel antennas.
30	557-420-36	1905 E Plaza	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	242 E 8th	AT&T	CUP-2001-6	Located atop an existing church.
34	563-370-35	3007 Highland	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	1914 Sweetwater	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	3737 Sweetwater	Cingular	CUP-2002-4	72 foot tall monopole with standard equipment enclosure
39	556-101-15	241 National City Blvd	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	2415 E 18th	Cingular	CUP-2002-13	Panel antennas located inside new light standards; equipment located inside existing commercial building
41	556-354-13	716 Highland	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	1019 Highland	Sprint PCS	CUP-2002-24	6 panel antennas in a new monument sign in the South Bay Plaza shopping center
	556-590-61	1019 Highland	Cingular	CUP-2002-2	Located atop South Bay Plaza on an existing mechanical equipment screen.
51	552-283-11	2323 E Division	Sprint	CUP-2004-6	3 panel antennas in a 9x10x16 roof-mounted cupola

52	560-191-30	1701 D Ave	Nextel	CUP-2004-12	12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure
53	551-570-20	51 N Highland	Sprint	CUP-2004-15	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets
55	563-231-39	1914 Sweetwater	Nextel	PC Reso 20-2002	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets
57	554-120-24	2701 E 8th	Cingular	PC Reso 02-2001	Co-location in church spire-3 antennas within existing architectural feature
	554-120-24	2701 E 8th	T-Mobile	CUP-2000-19	Located at existing church. Antennas located in a 60-foot monument.
	554-120-24	2701 E 8th	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	2701 E 8th	AT&T	CUP-2000-19	Located at existing church. Antennas located in a 60-foot monument
58	558-030-30	1035 Harbison	Nextel	CUP-2005-3	12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.
60	556-510-12	914 E 8th	Cingular	CUP-2005-10	12 panel antennas on 39-ft monopine with 280 sq. ft. equipment shelter
61	559-040-53	1439 Tidelands	Cingular	CUP-2005-9	12 panel antennas on monopalm with associated equipment shelter
	559-040-53	1445 Tidelands	Nextel	CUP-2000-31	40-foot monopalm with three sectors of four antennas each and equipment shelter
63	562-200-02	2900 Highland	Cingular	CUP-2005-12	3 antennas on replacement light standard with associated equipment shelter
64	563-010-47	2605 Highland	Cricket	CUP-2006-11	3 antennas in new architectural feature of church with associated equipment
	563-010-47	2605 Highland	Sprint	CUP-2002-18	Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.
65	557-420-31	1900 E Plaza	Cricket	CUP-2006-6	3 antennas on new faux palm tree with associated equipment
	557-420-31	1900 E Plaza	Cingular	CUP-2004-4	5 panel antennas in a new pole sign at Jimmy's Restaurant
67	561-222-23	1526-40 E 18th	T-Mobile	CUP-2006-10	12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter
68	564-471-07	3030 Plaza Bonita Rd	Cingular	CUP-2005-24	12 antennas facade mounted to new rooftop enclosure that will house equipment

68	564-471-07	3030 Plaza Bonita Rd	Verizon	CUP-2003-13	12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall
69	559-106-17	525 W 20th	Cricket	CUP-2005-25	3 antennas on existing self storage building painted to match with associated equipment
	559-106-17	525 W 20th	Sprint	CUP-2001-4	Located on existina storaae building. Wireless communication facility- 9 antennas and equipment building.
70	554-050-15	2005 E 4th	Cricket	PC Reso 09-2003	3 antennas on existing light standard with associated equipment shelter
	554-050-15	2005 E 4th	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	2005 E 4th	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	2005 E 4th	Nextel	CUP-2005-15	12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft.equipment shelter
71	564-290-06	3820 Cagle St	Cricket	PC RESO 10-2004	3 antennas on existing faux pine tree with vaulted equipment shelter
	564-290-06	3820 Cagle St	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	3820 Cagle St	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	3820 Cagle St	Cingular	PC Reso 11-2002	Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault
72	669-060-26	5800 Boxer Rd	Cricket	PC RESO 32-2003	3 antennas on existing water tower with associated equipment shelter
	669-060-26	5800 Boxer Rd	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	5800 Boxer Rd	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	5800 Boxer Rd	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
73	562-330-43	152 W 33rd	Cricket	PC Reso 21-2002	3 antennas on existing self storage within matching architectural projection with associated equipment
	562-330-43	152 W 33rd	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	700 NCB	Cricket	PC Reso 05-2000	3 antennas facade mounted to existina hotel with associated equipmen
	555-053-17	700 NCB	Metricom	CUP-2000-4	Located atop Holiday Inn. Wireless communication facility with equipment cabinet.
	555-053-17	700 NCB	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	1800 National City Blvd	Nextel	CUP-2006-15	15 panel antennas behindscreen wall atop existing car dealership with associated equipment
76	561-360-35	1810 E 22nd	Cricket	2007-14 CUP	3 antennas on recreation building at Las Palmas Park
	561-360-35	1820 E 22nd	Sprint-Nextel	CUP-2000-8	Located in Las Palmas Park. Monopalm and equipment along with live palms.
78	560-143-36	1703 Hoover	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	700 Bay Marina Dr	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	142 E 16th	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	2005 Highland Ave	Plancom	2010-31 CUP	12 antenas on a 43-foot mono-palm on eastern property line
	561-271-01	2005 Highland	T-Mobile	CUP-2003-4	12 antennas on the roof of a Highland Avenue office building
	561-271-01	2005 Highland	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	2909 Shelby Dr		P95-025	75-foot monopole and equipment building.
83	563-062-17	2524 Prospect St	AT&T	ZAP99-028	35-foot monopalm with three sector directional antenna system and equipment cabinets.
85	564-310-32	3312 Bonita Heights Lane	AT&T	ZAP00-133	
86	563-063-29	2563 Grove St	AT&T	MUP91-026W2	

86	563-063-29 2563 Grove St 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 1900 NATIONAL CITY BLVD.

CASE FILE NO.: 2022-37 CUP

APN: 560-204-04

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, March 20, 2023**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Harold Thomas Jr.)

The project site is located on the northeast corner of the Ball Kia Dealership parking lot, facing National City Boulevard. The applicant proposes to build a new wireless facility with a 50-foot-tall artificial tree. The area will include an equipment structure as well as a backup generator. The Planning Commission will also be requested to find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) under Class 3, Section 15303 (New Construction or Conversion of small structures).

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 20, 2023** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION



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: 2022-37 CUP

Project Location: 1900 National City Blvd., 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 wireless communications facility on a property developed with a retail automotive dealership. The project would increase signal strength and service area for AT&T Wireless customers.

Applicant:

Harold Thomas Jr.
10590 W. Ocean Air Dr. # 250
San Diego, CA 92130

Telephone Number:

(858) 750-1798

Exempt Status:

Categorical Exemption. Class 3 Section 15303 (New Construction or Conversion of small structures)

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment because the facility is located on a lot developed with a new car dealership, and the antennas will be screened by an artificial eucalyptus tree, thus will not affect use of the property.

Date:

MARTIN REEDER, AICP
Planning Manager

EXHIBIT "A"
Case File No.: 2022-37 CUP
Date: 2/14/2023



BALL KIA
CAL02905-NSB
MONO BROADLEAF
FA: 15558389
1900 "A" NATIONAL CITY BLVD
NATIONAL CITY, CA 91950

DRAWING INDEX

T-1.0	TITLE SHEET
T-2.0	GENERAL NOTES
T-3.0	GENERAL NOTES (CONT.)
C-1	TOPOGRAPHIC SURVEY
A-1.0	OVERALL SITE PLAN
A-1.1	ENLARGED SITE PLAN
A-2.0	EXISTING & NEW EQUIPMENT PLANS
A-3.0	EXISTING AND NEW ANTENNA PLAN
A-4.0	ELEVATIONS

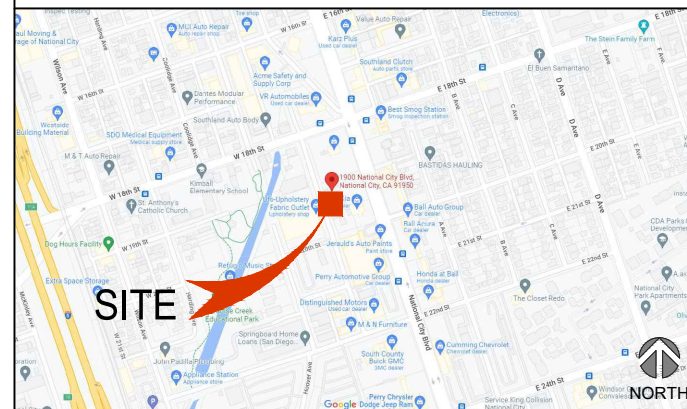


MD7, LLC
 10590 West Ocean Air Dr. Suite 250
 San Diego, CA 92130
 858-964-7439

REVISIONS

REV.	DATE	DESCRIPTION	INITIALS
0	08/30/2022	90% ZDs	NAC
1	11/02/2022	REVISED 90% ZDs	LT
2	11/17/2022	REVISED 90% ZDs	JC
3	11/29/2022	REVISED 90% ZDs	NAC

VICINITY MAP



PROJECT TEAM

APPLICANT AGENT:
 AT&T WIRELESS
 5738 PACIFIC CENTER BLVD.
 SAN DIEGO, CA 92121
 CONTACT: MARCO MENDEZ
 PHONE: TBD
 EMAIL: TBD

SITE ACQUISITION AGENT:
 MD7, LLC.
 10590 WEST OCEAN AIR DRIVE
 SUITE 300
 SAN DIEGO, CA 92130
 CONTACT: ROBERTO POLITO
 PHONE: (858) 291-1915
 EMAIL: rpoltito@md7.com

RF ENGINEER:
 AT&T
 5738 PACIFIC CENTER BLVD.
 SAN DIEGO, CA 92121
 CONTACT: CHRISTIAN SOTO
 EMAIL:

ARCHITECT:
 MD7 ARCHITECTURE SERVICES, INC
 10590 WEST OCEAN AIR DRIVE
 SUITE 250
 SAN DIEGO, CA 92130
 ARCHITECT: MARIO MARTINEZ
 CONTACT: NICHOLAS BRITT
 PHONE: (858) 997-1011
 EMAIL: nbritt@md7.com

ZONING
 MD7, LLC.
 10590 WEST OCEAN AIR DRIVE
 SUITE 300
 SAN DIEGO, CA 92130
 CONTACT: ROBERTO POLITO
 PHONE: (858) 291-1915
 EMAIL: rpoltito@md7.com

ENGINEER:
 MAGARAM ENGINEERING, LLC.
 4491 HOLLY AVE
 FAIRFAX, VA 22030
 CONTACT: BRETT MAGARAM, PE
 PHONE: (914) 450-8416
 EMAIL: brett@magaramengineering.com

SITE INFORMATION

PROPERTY OWNER: SAN DIEGO 2 LLC
 C/O CUSHMAN & WAKEFIELD
 3870 MURPHY CANYON ROAD # 150
 SAN DIEGO, CA 92123

STRUCTURE HEIGHT: 52'-0"

PARCEL NUMBER: 560-204-04

LATITUDE (NAD 83): 32°39' 58.10"N

LONGITUDE (NAD 83): 117°06' 12.33"W

ZONING JURISDICTION: CITY OF NATIONAL CITY

ZONING DISTRICT: C-A

OCCUPANCY GROUP: PARKING AREA

CONSTRUCTION TYPE: II-B

OTHER WIRELESS FACILITIES: NONE

POWER COMPANY: SDG&E

TELEPHONE COMPANY: AT&T

PROJECT SUMMARY

CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR, TOOLS, TRANSPORTATION, ETC. TO FULLY EXECUTE WORK. WORK REQUIREMENTS DETAILED ON THE DRAWINGS AND SPECIFICATIONS AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING ITEMS:

ALL NEW EQUIPMENT INDICATED IN DRAWINGS IS AN UNMANNED TRANSMISSION FACILITY FOR TELECOMMUNICATION CELLULAR SERVICES.

- INSTALL (1) NEW AT&T 52'-0" HIGH MONO BROADLEAF
- INSTALL (6) NEW COMMSCOPE PANEL ANTENNAS
- INSTALL (6) NEW ERICSSON AIR ANTENNAS STACKED
- INSTALL (12) NEW AT&T RRU @ ANTENNA LEVEL
- INSTALL (1) NEW 9'-0" CMU WALL EQUIPMENT ENCLOSURE
- INSTALL (1) NEW VERTIV 512 SYSTEM POWER PLANT
- INSTALL (2) NEW PURCELL FLX21 STACKED
- INSTALL (4) NEW SURGE SUPPRESSOR
- INSTALL (1) EMERGENCY GENERATOR INSIDE EQUIPMENT ENCLOSURE
- INSTALL (11) NEW AT&T BOLLARDS
- INSTALL FIBER & POWER CABLES CONDUIT FROM EXISTING POC TO NEW EQUIPMENT ENCLOSURE
- INSTALL FIBER & POWER CABLE RUN FROM EQUIPMENT TO (N) ANTENNAS

THE SIZE, HEIGHT AND DIRECTION OF ANTENNAS SHALL BE ADJUSTED TO MEET SYSTEM REQUIREMENTS.

DRIVING DIRECTIONS

FROM AT&T OFFICE:

1. HEAD NORTHEAST ON PACIFIC CENTER BLVD TOWARD PACIFIC HEIGHTS BLVD
2. TURN LEFT ONTO MIRA MESA BLVD ONTO I-15 S
3. TURN RIGHT TO MERGE I-15 S
4. CONTINUE ONTO I-5 S TO NATIONAL CITY BLVD
5. EXIT W 8TH ST & TURN RIGHT ON THE RAMP
6. CONTINUE ONTO W 8TH ST & TURN RIGHT ONTO NATIONAL CITY BLVD
7. CONTINUE ONTO NATIONAL CITY BLVD & PASS W 18TH ST
8. A TOWER SIGN KIA ON THE RIGHT, ENTER ON THE ENTRANCE PARKING
9. DESTINATION OF 1900 BLDG, NATIONAL CITY BLVD, ACROSS THE PARKING

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND MAY IMPOSE CHANGES OR SITE MODIFICATIONS.

AT&T COMPLIANCE: _____

AT&T RF ENGINEER: _____

AT&T OPERATIONS: _____

AT&T PM: _____

CONSTRUCTION: _____

SITE ACQUISITION: _____

SITE OWNER: _____

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.

CODE COMPLIANCE

2019 CALIFORNIA BUILDING CODE	2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA RESIDENTIAL CODE	2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA TITLE 24	TIA-222 CODE
2019 CALIFORNIA FIRE CODE	2019 CBC SECTION 301.4 RESIDENTIAL GROUP R-3
2019 CALIFORNIA ENERGY CODE	2019 CFC SECTION 1206.11.1 THROUGH 1206.11.10
2019 CALIFORNIA PLUMBING CODE	

DRAWING SYMBOLS

ELEVATION NUMBER SHEET NUMBER FOR ELEVATION

REVISION

DETAIL NUMBER SHEET NUMBER FOR DETAIL

REFER: ELECTRICAL FOR ADDITIONAL SYMBOLS

811 IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

Know what's below. Call before you dig.

ATTACHMENT 6

CONFIDENTIAL AND PROPRIETARY

NOT FOR DISCLOSURE OUTSIDE TELECOMMUNICATION CLIENT WITHOUT WRITTEN PERMISSION.

SITE INFORMATION

BALL KIA
 CAL02905-NSB
 15558389
 MONO BROADLEAF
 1900 "A" NATIONAL CITY BLVD
 NATIONAL CITY, CA 91950

SHEET TITLE

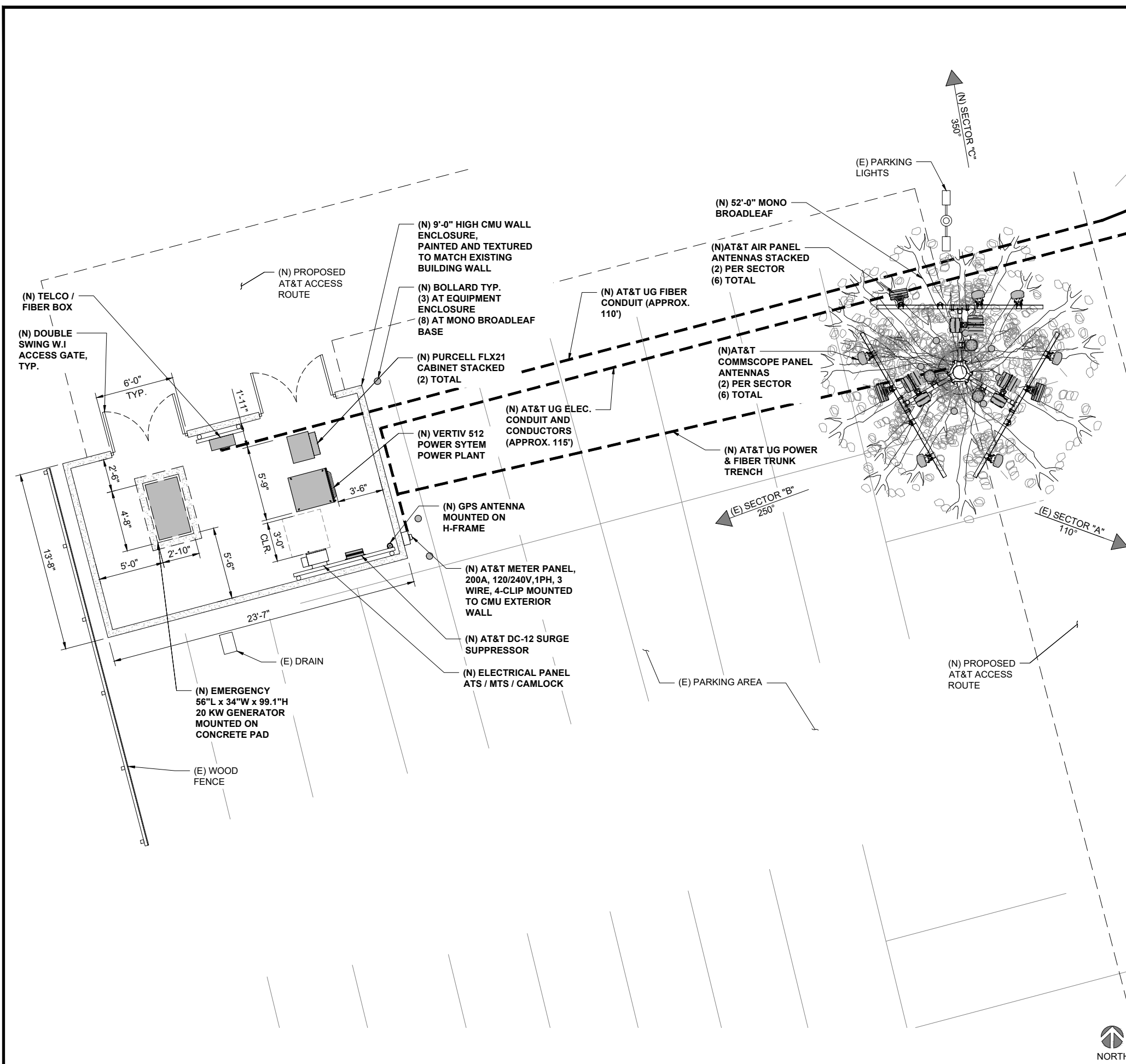
TITLE SHEET

SHEET NUMBER

T-1.0

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



GENERAL NOTES

THIS IS NOT A SITE SURVEY. THESE DRAWINGS HAVE BEEN CREATED BY INFORMATION GATHERED AT THE SITE, AS-BUILTS PROVIDED BY AT&T AND WITHOUT A SURVEY. PLEASE VERIFY ALL DIMENSIONS, LENGTHS, PROPERTY LINES AND CONDUIT RUNS. ALL PROPERTY BOUNDARIES, ORIENTATION OF TRUE NORTH AND STREET HALF-WIDTHS HAVE BEEN OBTAINED FROM A TAX PARCEL MAP AND ARE APPROXIMATE. REFER TO LAND SURVEY FOR COMPLETE SITE INFORMATION.

UNDERGROUND UTILITIES:
EXISTING UNDERGROUND UTILITIES ARE NOT SHOWN. CONTRACTOR TO LOCATE AND PROTECT ALL EXISTING UNDERGROUND UTILITIES DURING CONSTRUCTION.

- CONTRACTOR NOTES:**
- CONTRACTOR SHALL REPAIR ALL DAMAGE RESULTING FROM CONSTRUCTION BACK TO PRE-CONSTRUCTION CONDITION AT COMPLETION OF WORK.
 - CONTRACTOR SHALL COORDINATE SITE ACCESS TIMES AND EQUIPMENT STAGING LOCATIONS WITH LANDLORD.



REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	08/30/2022	90% ZDs	NAC
1	11/02/2022	REVISED 90% ZDs	LT
2	11/17/2022	REVISED 90% ZDs	JC
3	11/29/2022	REVISED 90% ZDs	NAC

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA

SITE INFORMATION
BALL KIA
CAL02905-NSB
15558389
MONO BROADLEAF
1900 "A" NATIONAL CITY BLVD
NATIONAL CITY, CA 91950

SHEET TITLE
ENLARGED SITE PLAN

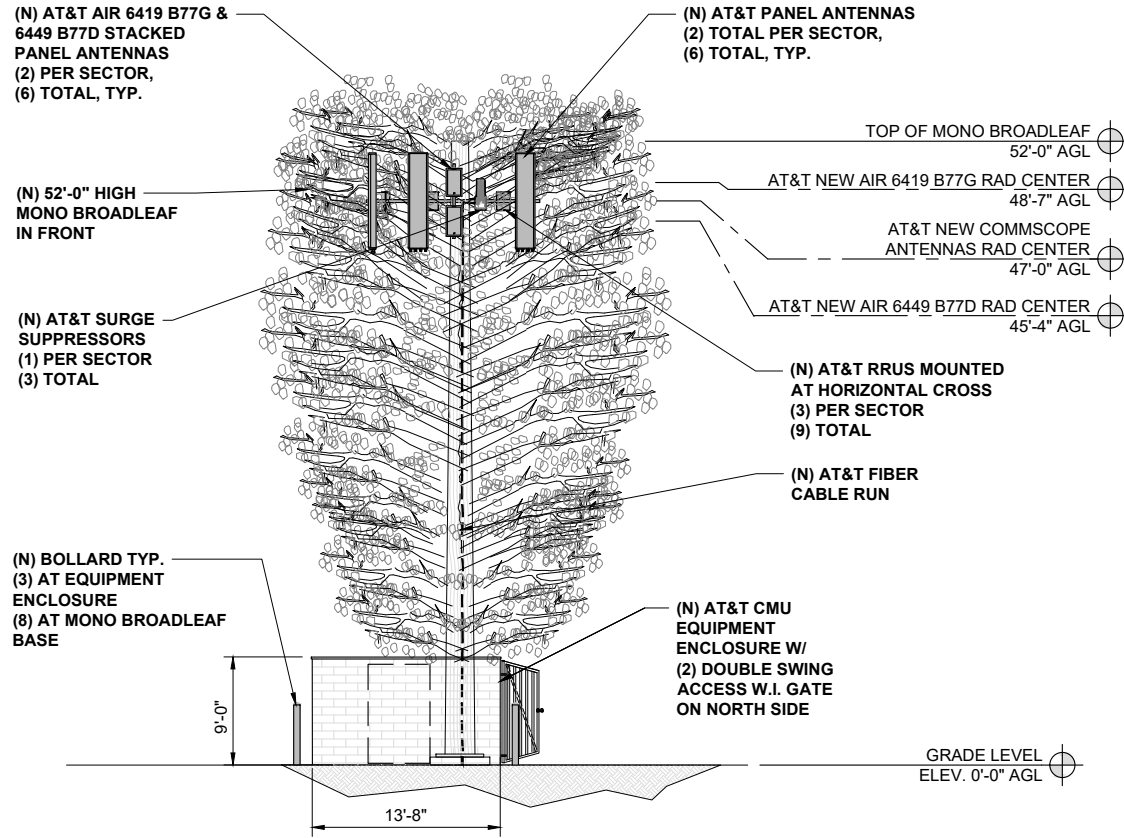
SHEET NUMBER
A-1.1



LEGEND

- PROPERTY LINE
- ROAD CENTERLINE

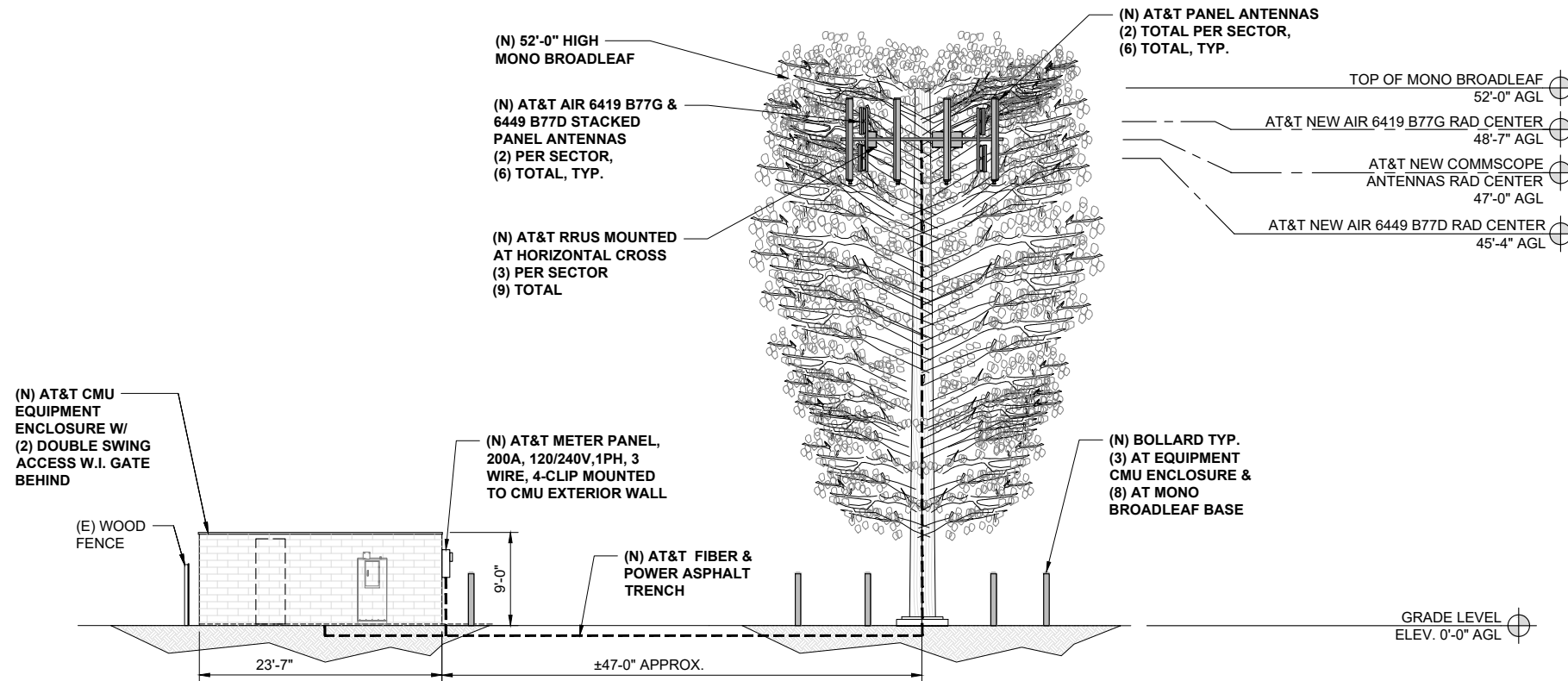
THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



PROPOSED EAST ELEVATION

0 1' 2' 4' SCALE: 1/4"=1'-0" (22x34)
(OR) 1/8"=1'-0" (11x17)

2



PROPOSED SOUTH ELEVATION

0 1' 2' 4' SCALE: 1/4"=1'-0" (22x34)
(OR) 1/8"=1'-0" (11x17)

1

GENERAL NOTES

- THIS DRAWING IS FOR COORDINATION PURPOSES ONLY.
- THE SIZE, HEIGHT AND DIRECTION OF ANTENNAS SHALL BE ADJUSTED TO MEET SYSTEM REQUIREMENTS, RE: CURRENT/FINAL NCR.
- REFER TO STRUCTURAL (BY OTHERS) FOR ADEQUACY OF STRUCTURE WITH LESSEE'S EQUIPMENT.
- FOR ANTENNA AND EQUIPMENT DETAILS, REFERENCE CURRENT RF DESIGN AND DETAILS THIS SHEET. FOR MORE INFORMATION REFERENCE STRUCTURAL (BY OTHERS).
- FOR TRANSMISSION CABLE ATTACHMENT AND ROUTING REFERENCE STRUCTURAL (BY OTHERS).
- PRIOR TO COMMENCEMENT OF WORK, CONTRACTOR TO CHECK & VERIFY DIMENSIONS & LAYOUT OF EXISTING EQUIPMENT/ANTENNAS AS MARKED ON THE DRAWINGS. REPORT ANY DISCREPANCIES TO THE ARCHITECT OF RECORD IMMEDIATELY.



REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	08/30/2022	90% ZDs	NAC
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"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

SITE INFORMATION
BALL KIA
CAL02905-NSB
15558389
MONO BROADLEAF
1900 "A" NATIONAL CITY BLVD
NATIONAL CITY, CA 91950

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-4.0

BALL KIA

1900 NATIONAL CITY BLVD NATIONAL CITY CA 91950

VIEW 1



EXISTING



PROPOSED LOOKING NORTHWEST FROM NATIONAL CITY BOULEVARD



at&t

CAL02905

BALL KIA

1900 NATIONAL CITY BLVD NATIONAL CITY CA 91950



AEsims.com
877.9AE.sims

VIEW 2



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM NATIONAL CITY BOULEVARD



at&t

CAL02905

BALL KIA

1900 NATIONAL CITY BLVD NATIONAL CITY CA 91950



AEsims.com
877.9AE.sims

VIEW 3



EXISTING



PROPOSED MONOBROADLEAF

PROPOSED EQUIPMENT ENCLOSURE

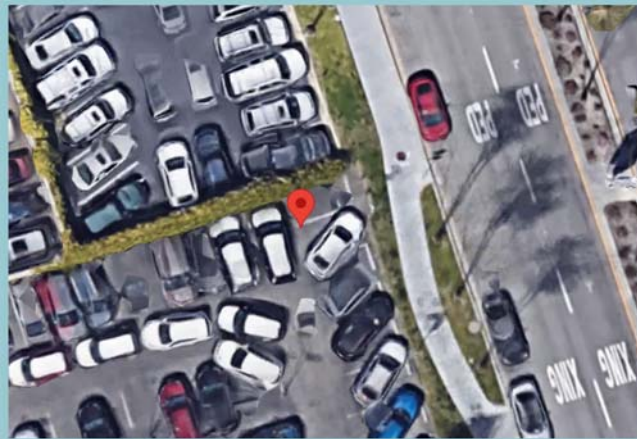
PROPOSED PARKING BOLLARDS

PROPOSED

LOOKING SOUTHWEST ACROSS NATIONAL CITY BOULEVARD

Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report

Site Name: Ball Kia
FA#: 15558389
USID: 321852
Site ID: CAL02905
Address: 1900 National City Blvd
National City, California 91950
San Diego County
Latitude: 32.66613889 NAD83
Longitude: -117.10342500 NAD83
Structure Type: Monotree
RFDS ID: 5380919
RFDS Technology: LTE Only IC
EBI Project 6222006366
Number: November 21, 2022
Report Date: MRSDDL044418/MRSDDL044437/MRSDDL044450/
Pace Job: MRSDDL044406/MRSDDL042323/MRSDDL044652/
MRSDDL044656



The proposed AT&T installation will be in compliance with FCC regulations upon proper installation of recommended signage.

Prepared for:
AT&T Mobility, LLC
c/o MD7, LLC
10590 West Ocean Air Drive,
Suite 300
San Diego, CA 92130

Prepared by:
 **EBI Consulting**
environmental | engineering | due diligence

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS	3
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3.0 WORST-CASE PREDICTIVE MODELING	5
4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN	7
5.0 SUMMARY AND CONCLUSIONS	8
6.0 LIMITATIONS	8

APPENDICES

Appendix A	Personnel Certifications
Appendix B	Compliance/Signage Plan
Appendix C	Antenna Inventory

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site CAL02905 located at 1900 National City Blvd in National City, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 1.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. 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.

This report contains the RF EME analysis for the site, including the following:

- Site Plan with antenna locations
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

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, there are no modeled exposures on any accessible light fixture level and ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site. Additionally, there are areas where elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 39 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

As such, the proposed AT&T installation is in compliance with FCC regulations upon proper installation of recommended signage and/or barriers.

AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common

industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014.

The following signage is recommended at this site:

- Yellow CAUTION 2B sign posted at the base of the monotree.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. To reduce the risk of exposure and/or injury, EBI recommends that access to the monotree or areas associated with the active antenna installation be restricted and secured where possible. More detailed information concerning site compliance recommendations is presented in Section 4.0 and Appendix B of this report.

1.0 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 (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of these populations.

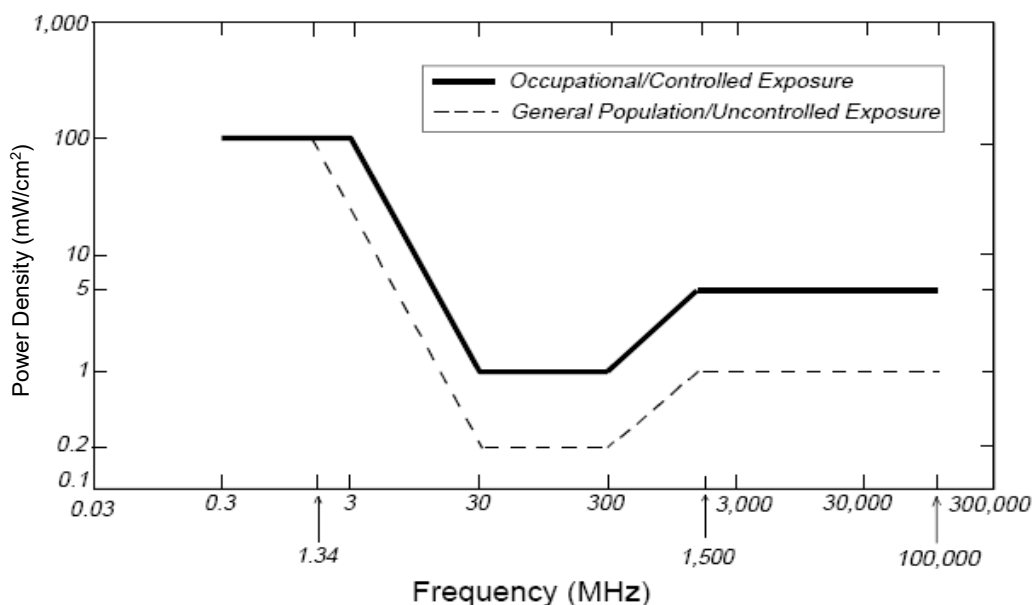
Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	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 ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	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 ²	1.00 mW/cm ²
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm ²	0.47 mW/cm ²
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

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 AT&T in this area operate within a frequency range of 700-1900 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.

2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 3.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 4.0.

3.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofMaster™ software to estimate the worst-case power density at the site light fixture level and ground-level and/or nearby rooftops resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed 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 (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. A statistical power factor may be applied to the antenna system based on guidance from the carrier and system manufacturers.

For this report, EBI utilized antenna and power data provided by AT&T 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 AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled exposures on any accessible light fixture level and ground walking/working surface related to ATT's proposed antennas that exceed the

FCC's occupational and/or general public exposure limits at this site. Additionally, there are areas where elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 39 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

At the nearest walking/working surfaces to the AT&T antennas on the light fixture level, the maximum power density generated by the AT&T antennas is approximately 81.01 percent of the FCC's general public limit (16.20 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 81.01 percent of the FCC's general public limit (16.20 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. It should be noted that percentage of MPE is based on spatially-averaged power densities over a height of six feet, with the height of the light fixture being centered within that spatial range. Based on worst-case predictive modeling, there are no areas at ground/street level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground/street level, the maximum power density generated by the antennas is approximately 15.63 percent of the FCC's general public limit (3.126 percent of the FCC's occupational limit).

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. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

CRAN / HETNET Small Cell Decals / Signs		Alerting Signs	
	NOTICE DECAL		
	NOTICE SIGN		
	CAUTION DECAL		
	CAUTION SIGN		

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, and additional guidance provided by AT&T, the following signage is recommended on the site:

- Yellow CAUTION 2B sign posted at the base of the monotree.

No barriers are required for this site. The signage is graphically represented in the Signage Plan presented in Appendix B. .

All workers and individuals accessing the monotree or persons (including arborists), accessing elevated structures or trees within areas exceeding the general public MPE, must be made aware of the presence and locations of antennas and their associated fields, where applicable

5.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at 1900 National City Blvd in National City, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible light fixture level and ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site. Additionally, there are areas where elevated workers may be exposed to power densities greater than the occupational limits. The worst-case emitted power density may exceed the FCC's occupational limit within approximately 39 feet of AT&T's proposed antennas at the antenna face level. Workers and the general public should be informed about the presence and locations of antennas and their associated fields.

To reduce the risk of exposure and/or injury, EBI recommends that access to the monotree or areas associated with the active antenna installation be restricted and secured where possible. Signage is recommended at the site as presented in Section 4.0 and Appendix B. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

6.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC to meet requirements outlined in AT&T's corporate RF safety guidelines. 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 and its partners are based solely on information supplied by AT&T, including modeling instructions, inputs, parameters and methods. Calculations, data, and modeling methodologies for C Band equipment include a statistical factor reducing the power to 32% of maximum theoretical power to account for spatial distribution of users, network utilization, time division duplexing, and scheduling time. AT&T recommends the use of this factor based on a combination of guidance from its antenna system manufacturers, supporting international industry standards, industry publications, and its extensive experience. 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

Personnel Certifications

Preparer Certification

I, Thanh Estevam, 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 been trained in on the procedures outlined in AT&T’s RF Exposure: Responsibilities, Procedures & Guidelines document (dated October 28, 2014) and on RF-EME modeling using RoofMaster™ modeling software.
- 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.



Appendix B

Compliance/Signage Plan

Nearest Walking Surface Simulation



	Existing Sign
	Proposed Sign
	Installed Sign

SIGN IDENTIFICATION LEGEND			
	AT&T NOTICE 2 Sign		AT&T CAUTION 2 – Rooftop Sign
	AT&T WARNING 1B and 2A Signs		AT&T CAUTION 2B – Tower Sign
	AT&T NOTICE Small Cell Signs		AT&T CAUTION 2C – Parapet Sign
	AT&T CAUTION Small Cell Signs		AT&T TRILINGUAL NOTICE Sign

Ground Level Simulation



<div style="border: 1px solid black; width: 20px; height: 10px;"></div>	Existing Sign
<div style="border: 2px dashed orange; width: 20px; height: 10px;"></div>	Proposed Sign
<div style="border: 2px dashed red; width: 20px; height: 10px;"></div>	Installed Sign

SIGN IDENTIFICATION LEGEND			
	AT&T NOTICE 2 Sign		AT&T CAUTION 2 – Rooftop Sign
	AT&T WARNING 1B and 2A Signs		AT&T CAUTION 2B – Tower Sign
	AT&T NOTICE Small Cell Signs		AT&T CAUTION 2C – Parapet Sign
	AT&T CAUTION Small Cell Signs		AT&T TRILINGUAL NOTICE Sign

Appendix C

Antenna Inventory

Antenna #	Operator	Frequency (MHz)	Azimuth (Degrees)	Power Input (Watts)	Transmitter Count	Total ERP (Watts)	Total EIRP (Watts)
1	ATT	700	350	120	1	1545.90	2535.28
1	ATT	850	350	120	1	2094.99	3435.78
1	ATT	1900	350	120	1	2692.66	4415.96
1	ATT	2100	350	120	1	3682.83	6039.84
2	ATT	3700	350	108.4425	1	23999.35	39358.94
3	ATT	3500	350	54.2175	1	11998.85	19678.11
4	ATT	700	350	120	1	1545.90	2535.28
5	ATT	700	110	120	1	1545.90	2535.28
6	ATT	3700	110	108.4425	1	23999.35	39358.94
7	ATT	3500	110	54.2175	1	11998.85	19678.11
8	ATT	700	110	120	1	1545.90	2535.28
8	ATT	850	110	120	1	2094.99	3435.78
8	ATT	1900	110	120	1	2692.66	4415.96
8	ATT	2100	110	120	1	3682.83	6039.84
9	ATT	700	250	120	1	1545.90	2535.28
10	ATT	700	250	120	1	1545.90	2535.28
10	ATT	850	250	120	1	2094.99	3435.78
10	ATT	1900	250	120	1	2692.66	4415.96
10	ATT	2100	250	120	1	3682.83	6039.84
11	ATT	3700	250	108.4425	1	23999.35	39358.94
12	ATT	3500	250	54.2175	1	11998.85	19678.11

- Note there are 4 AT&T panel antennas per sector at this site. For clarity, the different frequencies for each antenna are entered on separate lines.
- A 75% duty cycle was applied to NR and LTE technologies.

Public Hearing

CONDITIONAL USE PERMIT FOR A NEW
WIRELESS COMMUNICATIONS FACILITY
AT 1900 NATIONAL CITY BLVD.



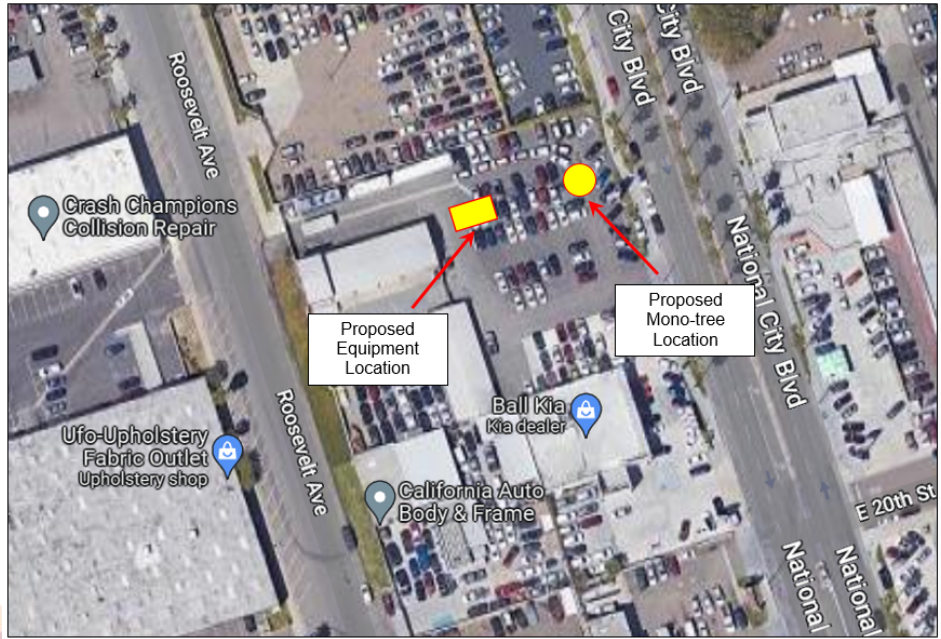
Site Characteristics

- BALL KIA
 - CA zone
 - Mile of Cars
 - Frontages on National City Blvd. & Roosevelt Ave.
 - 47,045 ft²
 - Area mostly retail automotive in nature
 - UFO located to west
 - Across Roosevelt Ave.
 - Hillcrest Sanitarium located to northeast
 - Across National City Blvd.



EXHIBIT "B"

Overhead



Site Photos



Site Photos



Site Photos



Proposal

- 50-FT MONO EUCALYPTUS TREE & EQUIPMENT SHELTER
 - Antenna sectors would face N, ESE & WSW
 - Antennas screened by “leaves” of artificial eucalyptus tree
- Associated equipment would be located in 9-ft. high walled enclosure
 - 24 ft. by 14 ft.
 - Operating equipment and emergency backup generator
 - Located west of the proposed tree



Site Plan

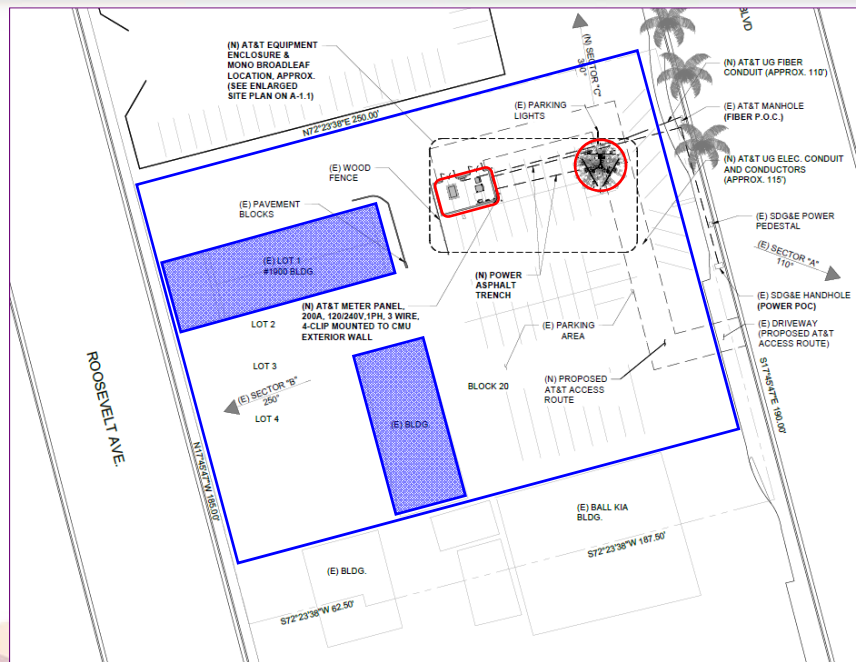


Photo Simulation



Photo Simulation



Photo Simulation



Analysis

- PROPOSAL CONSISTENT WITH GENERAL PLAN POLICY E-3.3
 - Education and Public Participation – increased access to communication technology
- PROPOSAL CONSISTENT WITH LUC
 - Wireless facilities a conditionally-allowed use in CA zone
 - LUC requires such facilities be sensitively designed to minimize visual impacts
 - Facilities and appurtenances shall be screened
 - Artificial eucalyptus
 - Different than area trees (Mexican fan palm)
 - located at least 75 ft. from habitable structures
 - Closest residential building approximately 250 ft. away to northeast



Conditions / Summary

- CONDITIONS OF APPROVAL
 - Building and Fire Code compliance
 - Standard Conditions for wireless facility CUPs
 - Screening, facility design, required operating permits, etc.
 - All required state and federal permits
- PROPOSED USE CONSISTENT WITH GENERAL PLAN
 - Project is consistent with General Plan and LUC
 - Meets applicable design requirements
 - Project considered 'stealth'
 - Improve coverage for AT&T Wireless customers

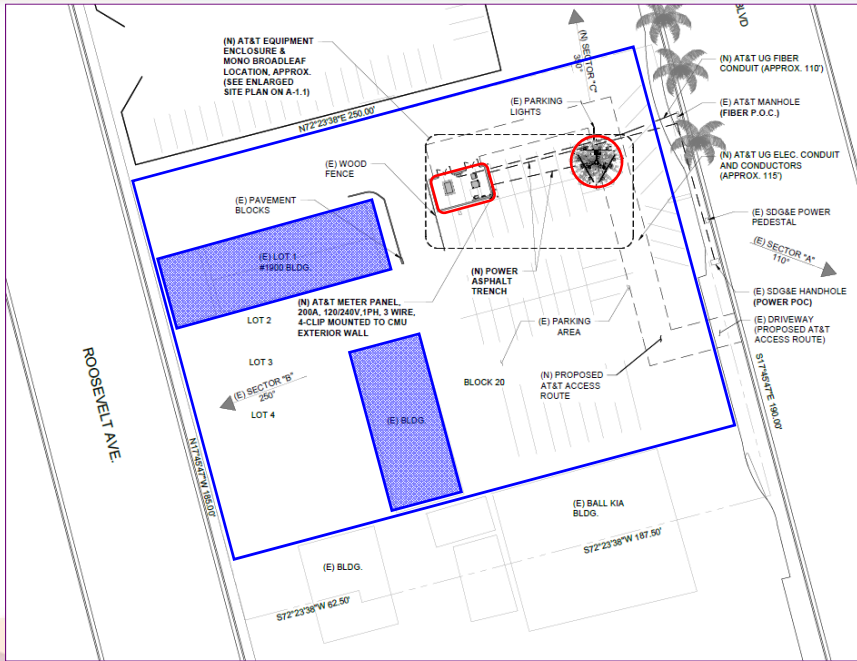


Options

- FIND PROJECT EXEMPT FROM CEQA & APPROVE CUP BASED ON FINDINGS LISTED IN THE DRAFT RESOLUTION / FINDINGS DETERMINED BY THE COMMISSION; OR
- FIND PROJECT NOT EXEMPT FROM CEQA AND/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



Site Plan





AGENDA REPORT

Department: Community Development - Neighborhood Services
Prepared by: Dionisia Trejo, Administrative Secretary
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Temporary Use Permit — St. Anthony of Padua Church presentation of the “Live Stations of the Cross” starting at 410 W. 18th Street on April 7, 2023 from 3 p.m. to 4 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 St. Anthony of Padua’s Church to conduct it’s representation of the passion and death of Jesus Christ on April 7, 2023 from 3 p.m. to 4 p.m. Event begins on church grounds; followers will start the church walk on Harding Avenue going northbound until reaching W.16th Street. The church walk will then continue westbound on W.16th Street where they will turn south going onto Wilson Avenue. The walk will then continue southbound on Wilson Avenue to end inside St. Anthony’s parking lot on the corner of Wilson Avenue & W.19th Street. During the walk, amplified sound will be used for certain prayers to reflect the presentation and the incidents from station to station.

FINANCIAL STATEMENT:

City fee of \$312.00 for processing the TUP through various City departments.
Total Fees: \$312.00

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 Live Stations of the Cross
Exhibit B – Conditions of Approval Live Stations of the Cross



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 LIVE STATIONS OF THE CROSS

Event Location (list all sites being requested) St. Anthony of Padua Church

Event Times

Set-Up Starts
Date N/A Time _____ Day of Week _____

Event Starts
Date 04/07/2023 Time 3:00PM Day of Week Friday

Event Ends
Date 04/07/2023 Time 4:00PM Day of Week Friday

Breakdown Ends
Date N/A Time _____ Day of Week _____

RECEIVED
 FEB 23 2023
 Neighborhood Services Department
 City of National City

Applicant Information

Applicant (Your name) Very Rev. Jose Edmundo Zar Sponsoring Organization St. Anthony of Padua

Event Coordinator (if different from applicant) Judith Navarro

Mailing Address 410 W. 18th Street National City, CA 91950

Day Phone (619) 477-4520 After Hours Phone (619)259-4641 Cell _____ Fax (619) 477-45;

Public Information Phone (619) 477-4520 E-mail admin@stanthonyofpaduanc.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: _____ Date Feb 21, 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):

\$ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ N/A Estimated Expenses for this event.

\$ N/A 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:

On Good Friday we invite the community to attend and participate in prayer and meditation

on our annual representation of the Passion & Death of Jesus Christ. The procession will begin

in front of St. Anthony's Church and will end in the church parking lot. Our actors, volunteers,

and PA truck will be walking through the street and the community will be walking on

the sidewalk as we go through the Stations of the Cross.

Estimated Attendance

Anticipated # of Participants: 50 Anticipated # of Spectators: 250

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 _____

Our volunteers & parish staff will be in charge of crowd control, & will rely on the National City Police

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 _____

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:

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 \$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:

**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>LIVE STATIONS OF THE CROSS</u>	
Event Address: <u>410 W. 18th Street National City</u>	Expected # of Attendees: <u>250</u>
Event Host/Coordinator: <u>Very Rev. Jose Edmundo Zarate Suarez</u> Phone Number: <u>(619) 477-4520</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: ST. ANTHONY OF PADUA PARISH


Person in Charge of Activity: Very Rev. Jose Edmundo Zarate- Suarez

Address: 410 W. 18th Street National City, CA 91950

Telephone: (619) 477-4520 Date(s) of Use: 04 / 07 / 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: 

Official Title: PASTOR  Date: Feb 21, 2023

For Office Use Only

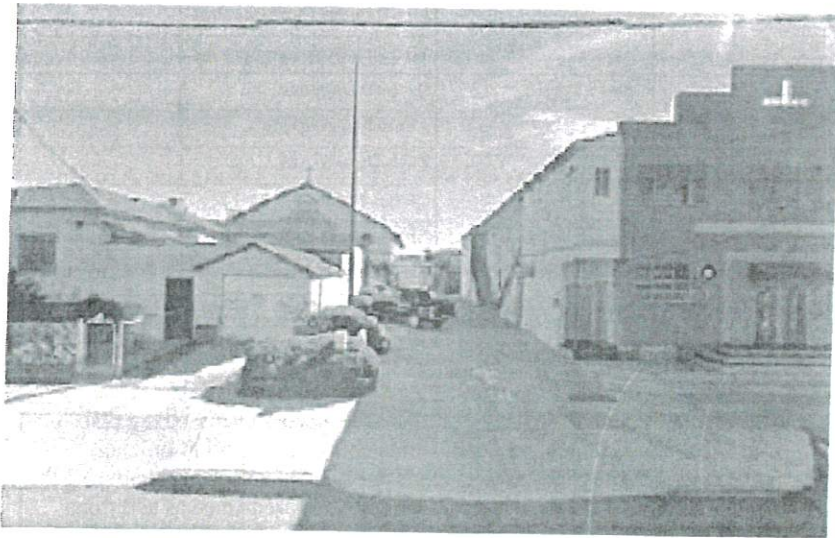
Certificate of Insurance Approved _____ Date _____



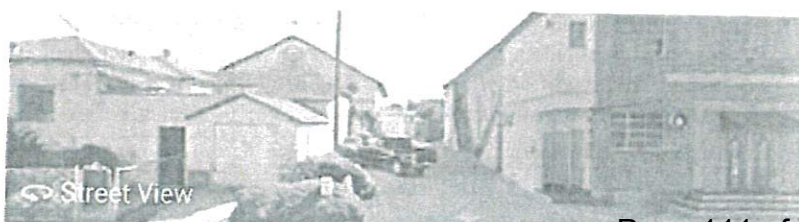
Google Maps 410 W 18th St



Map data ©2016 Google 100 ft



410 W 18th St
National City, CA 91950



Certificate of Coverage

Date: 2/21/2023

Certificate Holder
 The Roman Catholic Bishop of San Diego,
 A Corporation Sole
 Pastoral Center
 P.O. Box 85728
 San Diego, CA 92186

This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.

Company Affording Coverage
 THE CATHOLIC MUTUAL RELIEF
 SOCIETY OF AMERICA
 10843 OLD MILL RD
 OMAHA, NE 68154

Covered Location
 St. Anthony of Padua Parish
 410 West 18th Street
 National City, CA 91950

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

	Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits
	Property				Real & Personal Property
	D. General Liability <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	8585	7/1/2022	7/1/2023	Each Occurrence
					General Aggregate
					Products-Comp/OP Agg
					Personal & Adv Injury
					Fire Damage (Any one fire)
					Med Exp (Any one person)
	Excess Liability				Each Occurrence
					Annual Aggregate
	Other				Each Occurrence
					Claims Made
					Annual Aggregate
					Limit/Coverage

Description of Operations/Locations/Vehicles/Special Items (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)
 Coverage extends only for claims directly arising out of the St. Anthony of Padua Parish Live Stations of the Cross event, taking place on APRIL 7, 2023, from 3 pm to 4 pm. Procession begins in from of St. Anthony's Church, and ends in the church parking lot utilizing Harding Avenue, West 19th Street, Wilson Avenue, and West 18th Street. Liability coverage extends only for claims occurring during the date and time of the St. Anthony of Padua event. Coverage does not extend to the City of National City's failure to maintain properties or for any unsupervised activities. The City of National City, its officials, agents and employees are named as additional protected person(s), except as it pertains to their own active negligence.

Holder of Certificate

Cancellation

Additional Protected Person(s)

 City of National City
 Risk Management Department
 1243 National City Blvd.
 National City, CA 91950

Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative



0168009370

ENDORSEMENT

(TO BE ATTACHED TO CERTIFICATE)

Effective Date of Endorsement: 4/7/2023

Cancellation Date of Endorsement: 4/8/2023

Certificate Holder: The Roman Catholic Bishop of San Diego,
A Corporation Sole
Pastoral Center
P.O. Box 85728
San Diego CA 92186

Location: St. Anthony of Padua Parish
410 West 18th Street
National City, CA 91950

Certificate No. 8585 of The Catholic Mutual Relief Society of America is amended as follows:

SECTION II - ADDITIONAL PROTECTED PERSON(S)

It is understood and agreed that Section II - Liability (only with respect to Coverage D - General Liability), is amended to include as an Additional Protected Person(s) members of the organizations shown in the schedule, but only with respect to their liability for the **Protected Person(s)** activities or activities they perform on behalf of the **Protected Person(s)**.

It is further understood and agreed that coverage extended under this endorsement is limited to and applies only with respect to liability assumed by contract or agreement; and this extension of coverage shall not enlarge the scope of coverage provided under this certificate or increase the limit of liability thereunder. Unless otherwise agreed by contract or agreement, coverage extended under this endorsement to the **Additional Protected Person(s)** will not precede the effective date of this certificate of coverage endorsement or extend beyond the cancellation date.

Schedule - ADDITIONAL PROTECTED PERSON(S)
City of National City
Risk Management Department
1243 National City Blvd.
National City, CA 91950

Remarks (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language):

Coverage extends only for claims directly arising out of the St. Anthony of Padua Parish Live Stations of the Cross event, taking place on APRIL 7, 2023, from 3 pm to 4 pm. Procession begins in front of St. Anthony's Church, and ends in the church parking lot utilizing Harding Avenue, West 19th Street, Wilson Avenue, and West 18th Street. Liability coverage extends only for claims occurring during the date and time of the St. Anthony of Padua event. Coverage does not extend to the City of National City's failure to maintain properties or for any unsupervised activities. The City of National City, its officials, agents and employees are named as additional protected person(s), except as it pertains to their own active negligence.

Authorized Representative

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 ST ANTHONY OF PADUA CHURCH
Business Location 1816 HARDING AVE
NATIONAL CITY, CA 91950-5587
Business Owner(s) JOSE(PASTOR) ZARATE-SUAREZ
VINCE TAIJERON (GROUNDS KEEPER)

Business Type Exempt / Non-Profit
Account Number 09009229
Effective Date January 01, 2023
Expiration Date December 31, 2023

ST ANTHONY OF PADUA CHURCH
410 W 18TH ST
NATIONAL CITY, CA 91950-5528

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**

ST ANTHONY OF PADUA CHURCH

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@HdL.gov 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 the 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

ST ANTHONY OF PADUA CHURCH
410 W 18TH ST
NATIONAL CITY, CA 91950-5528

Account Number: 09009229
Date of Issue: 01/01/2023

**CITY OF NATIONAL CITY
NEIGHBORHOOD SERVICES DEPARTMENT
APPLICATION FOR A TEMPORARY USE PERMIT
CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION: St. Anthony of Padua
EVENT: Live Stations of the Cross
DATE OF EVENT: April 07, 2023**

APPROVALS:

COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS []
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS []
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS []
FINANCE	YES [x]	NO []	SEE CONDITIONS []
FIRE	YES [x]	NO []	SEE CONDITIONS []
POLICE	YES [x]	NO []	SEE CONDITIONS []
ENGINEERING	YES [x]	NO []	SEE CONDITIONS []
COMMUNITY DEVELOPMENT	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

PUBLIC WORKS (619)366-4580

Streets Division

No comments

Facilities Division

No comments received

Parks Division

No comments received

POLICE DEPARTMENT

No comments received

ENGINEERING

No comments received

COMMUNITY SERVICES

No comments

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.

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

Fire has no comments or requirements for this event.



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Warrant Register #33 for the period of 2/10/23 through 2/16/23 in the amount of \$556,762.50.

RECOMMENDATION:

Ratify Warrants Totaling \$556,762.50

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 2/10/23 - 2/16/23. 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>
Bereau Veritas	361971	\$120,322.69	Plan Review Services / Planning – Building
Eagle Paving Co	361982	\$ 94,387.81	CIP 22-19 National City Street Resurfacing
SDG&E	362020	\$ 92,233.67	Gas & Electric for Facilities FY23

FINANCIAL STATEMENT:

Warrant total \$556,762.50

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. 33



**WARRANT REGISTER # 33
2/16/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
CANNING	REFUND OF T&A 90564 AND 90565 - ENG/PW	361965	2/16/2023	2,769.74
D-MAX ENGINEERING INC	T&A 90101 - NC ENPING INVESTMENT 79 UNIT	361966	2/16/2023	2,263.69
AETNA BEHAVIORAL HEALTH	EMPLOYEE ASSISTANCE PROGRAM - FEBRUARY	361967	2/16/2023	768.84
ALTA LANGUAGE SERVICES INC	EMPLOYEE BILINGUAL TESTING	361968	2/16/2023	66.00
AMAZON	JABRA ENGAGE 75 WIRELESS HEADSET DELL	361969	2/16/2023	381.67
BAKER & TAYLOR	BAKER AND TAYLOR/BOOKS/FY23	361970	2/16/2023	218.95
BUREAU VERITAS N AMERICA INC	PLAN REVIEW SERVICES / PLANNING-BUILDING	361971	2/16/2023	120,322.69
CAL PACIFIC TRUCK CENTER, LLC	MODULE INTERFACE- PW/EQUIPMENT MAINT	361972	2/16/2023	1,790.58
CITY OF SAN DIEGO	MUNICIPAL SEWER TRANSPORTATION FOR 2ND QTI	361973	2/16/2023	1,229.66
CLAIMS MANAGEMENT ASSOCIATES	PROFESSIONAL SERVICES	361974	2/16/2023	8,000.00
CLEAN HARBORS ENVIRONMENTAL	HOUSEHOLD HAZAROUS WASTE PICK UP	361975	2/16/2023	2,219.98
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS	361976	2/16/2023	2,802.00
CORODATA RECORDS	FILE STORAGE - CORODATA	361977	2/16/2023	52.50
CV VENTURES LLC	FAIR SHARE DUCK POND QUARTLY MONITORING	361978	2/16/2023	10,467.83
DEPARTMENT OF JUSTICE	NEW EMPLOYEE FINGERPRINT TEST RESULTS	361979	2/16/2023	160.00
DFM ASSOCIATES	2023 CALIFORNIA ELECTIONS CODE BOOK	361980	2/16/2023	70.78
DFM ASSOCIATES	2023 CALIFORNIA ELECTIONS CODE BOOK	361981	2/16/2023	66.00
EAGLE PAVING COMPANY INC	CIP 22-19 NATIONAL CITY STREET RESURFACING	361982	2/16/2023	94,387.81
ENTERPRISE FLEET MANAGEMENT	FY23 ENTERPRISE FLEET LEASE MANAGEMENT	361983	2/16/2023	17,827.50
ESGIL LLC	PLAN REVIEW SERVICES / PLANNING-BUILDING	361984	2/16/2023	3,890.43
FACTORY MOTOR PARTS	MOP 82766 AUTO SUPPLIES- PW	361985	2/16/2023	167.36
FIRE ETC	FIRE SAFETY STATION BOOTS/FOOTWEAR	361986	2/16/2023	565.50
FLEET SERVICES INC	MOP 67804 AUTO SUPPLIES- PW	361987	2/16/2023	354.00
G2SOLUTIONS, INC	NEW EMPLOYEE FINGERPRINT TEST RESULTS	361988	2/16/2023	3.00
GARCIA	REIMBURSEMENT - COFFEE STATIONS	361989	2/16/2023	942.73
GUERRERO	INSTRUCTOR WINTER 2022 GRUPO FOLKLORICO	361990	2/16/2023	4,757.20
HOME DEPOT CREDIT SERVICES	A KIMBALL HOLIDAY EVENT SUPPLIES	361991	2/16/2023	2,483.46
HOME DEPOT CREDIT SERVICES	BOSCH COMPACT LASER L-PW/STREETS	361992	2/16/2023	392.18
INTERNATIONAL INSTITUTE OF CITY CLERKS	MEMBERSHIPS	361993	2/16/2023	131.00
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING,FY23	361994	2/16/2023	4,081.19
KIMBALL MIDWEST	56PC SUPER PRIM DRILL F2Y23-PW/EQUIPMENT	361995	2/16/2023	552.13
LASER SAVER INC	MOP 45725 BUILDING/LASER SAVER	361996	2/16/2023	445.70
LIEBERT CASSIDY WHITMORE	PERSONNEL MATTER	361997	2/16/2023	29,515.69
MEYERS, NAVE, RIBACK, SILVER	PROFESSIONAL SERVICE/ CAO	361998	2/16/2023	7,292.00
MICRONICHE INC	PROFESSIONAL SERVICES	361999	2/16/2023	900.00
MIDWEST TAPE, LLC	MIDWEST TAPE/DVDS/FY23	362000	2/16/2023	34.30
MTS	MTS FLAGGING SERVICES / NSD	362001	2/16/2023	191.62
MUNICIPAL MAINTENANCE EQUIP	004599 V-BELT FOR WATER PUMP	362002	2/16/2023	47.17
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL	362003	2/16/2023	14,832.00
NATIONAL CITY TROPHY	MOP 66556 OFFICE SUPPLIES- PW	362004	2/16/2023	13.05
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES- PW	362005	2/16/2023	19.24
PACIFIC PRODUCTS & SERVICES	MANUAL TOOL BLACK HANDLE FY23- PW/STREET	362006	2/16/2023	494.81
PARAJO	REFUND - CLASS CANCELATION DUE TO COVID	362007	2/16/2023	123.10
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	362008	2/16/2023	159.80
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	362009	2/16/2023	14.94
PENSKE FORD	R&M CITY VEHICLES FY 2023	362010	2/16/2023	746.60
PORTES	MILEAGE REIMBURSEMENT	362011	2/16/2023	162.81
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES FY23- PW/EQUIPMENT	362012	2/16/2023	306.50



**WARRANT REGISTER # 33
2/16/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES- PW	362013	2/16/2023	3,063.47
PROFESSIONAL SEARCH GROUP LLC	OFFICE TEMP SERVICES - CARLEE BATTLE W/ENG	362014	2/16/2023	5,250.00
PROFESSIONAL SEARCH GROUP LLC	OFFICE TEMP SERVICES - CAROLINA / NUTRITION	362015	2/16/2023	240.00
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES FOR NUTRITION STAFF	362016	2/16/2023	924.26
S D COUNTY VECTOR CNTRL PROGRM	MOSQUITO AND VECTOR DISEASE CONTROL	362017	2/16/2023	862.93
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY FY23- PW	362018	2/16/2023	70.00
SAN DIEGO HYDRAULICS	MUNCIE CS20 PTO OVERHAUL KIT	362019	2/16/2023	1,651.17
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY23	362020	2/16/2023	92,233.67
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY23	362021	2/16/2023	49.22
SESAC INC	MUSIC PERFORMANCE LICENSE	362022	2/16/2023	1,798.00
SHER EDLING LLP	PROFESSIONAL SERVICE/ CAO	362023	2/16/2023	946.00
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES- PW	362024	2/16/2023	306.59
SONSRAY MACHINERY LLC	TUBE RIGID - PW/EQUIPMENT MAINTENANCE	362025	2/16/2023	800.90
SOUTH COAST EMERGENCY	SEND, TEMP W/ SW 250/230 - PW/EQUIPMENT	362026	2/16/2023	1,392.73
SOUTHWEST SIGNAL SERVICE	332L CABINET -PW/STREETS	362027	2/16/2023	13,942.65
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES- PW	362028	2/16/2023	3,971.46
STEWART TITLE GUARANTY	ABSTRACT / NSD	362029	2/16/2023	250.00
SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES FY23 NOV-JAN	362030	2/16/2023	4,711.09
TECHNOLOGY INTEGRATION GROUP	MIS EQUIP	362031	2/16/2023	261.54
TERMINIX INTERNATIONAL	CITY OWNED FACILITIES ONGOING PEST	362032	2/16/2023	159.00
THE SHERWIN WILLIAMS CO	MOP 77816 PAINT SUPPLIES / NSD	362033	2/16/2023	277.92
THE STAR NEWS	PUBLIC NOTICING - STAR NEWS	362034	2/16/2023	430.50
TRANS-LANG	CITY COUNCIL MEETING TRANSLATION SERVICE	362035	2/16/2023	2,350.25
TRI-GROUP CONSTRUCTION AND DEV	CIP 19-33 PARADISE CREEK EDUCATIONAL PARK	362036	2/16/2023	11,276.50
U S BANK	MONTHLY CREDIT CARD STATEMENT - JANUARY	362037	2/16/2023	125.00
UNITED TRANSMISSION EXCHANGE	CITY VEHICLE PARTS FY23-PW/EQUIPMENT	362038	2/16/2023	984.49
VALLEY INDUSTRIAL SPECIALTIES	MOP 46453 BUILDING SUPPLIES-PW	362039	2/16/2023	176.25
VELOCITY TRUCK CENTERS	ENGINE AND TRANSMISSION PARTS FY23-PW	362040	2/16/2023	436.74
VORTEX INDUSTRIES INC	CITYWIDE ON-SITE SERVICE, REPAIRS, FY23-PW	362041	2/16/2023	1,875.00
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES FY	362042	2/16/2023	2,783.75
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRIC SUPPLIES- PW	362043	2/16/2023	68.36
WORLD ADVANCEMNT OF TECHNOLOGY	STREET FIRE RMS FEATURE REQUEST	362044	2/16/2023	1,250.00
SERENE HEALTH IPA MEDICAL CORP	8 PRTMS TREATMENTS / FIRE	362045	2/16/2023	28,000.00

A/P Total 522,405.17

WIRED PAYMENTS

EDD	UI REIM BENEFIT CHARGES - PREIOD OCT 1 T	475458	2/14/2023	2,810.00
U S BANK	US BANK CARD	563053	2/13/2023	5,276.33

SECTION 8 HAPS

<u>Start Date</u>	<u>End Date</u>	<u>AMOUNT</u>
2/10/2023	2/16/2023	26,271.00

GRAND TOTAL \$ 556,762.50



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Warrant Register #34 for the period of 2/17/23 through 2/23/23 in the amount of \$2,267,953.57

RECOMMENDATION:

Ratify Warrants Totaling \$2,267,953.57

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 2/17/23 - 2/23/23. 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>
Chen Ryan Associates	362069	\$108,201.07	CIP 21-25 W. 19 th Street Greenway Eng/PW
City of San Diego	362072	\$106,300.08	Fire & Emergency Med Dispatch Services
Tyler Technologies Inc	362143	\$159,224.54	Tyler Tech Munis and CAD Services
Public Emp Ret System	230217	\$289,784.27	Service Period 1/24/23 – 2/6/23

FINANCIAL STATEMENT:

Warrant total \$2,267,953.57

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. 34



WARRANT REGISTER # 34
2/23/2023

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
BEHAVIORAL ANALYSIS TRAINING	TRAINING TUITION INTR INTRRG HAWK	362046	2/20/2023	575.00
DEPASCALE	TRAINING SLI 5	362047	2/20/2023	468.00
HAWK	TRAINING INTRVW INTRG	362048	2/20/2023	1,231.60
IRISH CONGRESS OF SOUTHERN	41ST ENTRANCE FEE INTO ST PATRICK'S DAY	362049	2/20/2023	50.00
ACE UNIFORMS & ACCESSORIES INC	ACE UNIFORMS / NSD	362050	2/23/2023	7,269.23
ADAMOS	TRAINING POST &AVD LDG DISPTCH SPRVSR	362051	2/23/2023	1,987.34
ADMINSURE INC	WORKERS' COMPENSATION CLAIMS - MARCH	362052	2/23/2023	8,353.00
ALDEMCO	FOOD / NUTRITION CENTER	362054	2/23/2023	12,104.03
ALL FRESH PRODUCTS	CONSUMABLES / NUTRITION	362055	2/23/2023	1,495.05
AMAZON	SENIOR RECREATION PROGRAM MORNING SOCIAL	362056	2/23/2023	28.21
ANGULA	CITATION REFUND - JANUARY 2023	362057	2/23/2023	90.00
APS LIGHTING & SAFETY PRODUCTS	CITY VEHICLE PARTS FY23- PW/EQUIPMENT	362058	2/23/2023	8,228.79
AT&T	AT&T & SBC ANNUAL PHONE SERVICE FOR FY23	362059	2/23/2023	2,214.61
AVILA	CITATION REFUND - JANUARY 2023	362060	2/23/2023	130.00
BAKER & TAYLOR	BAKER AND TAYLOR/BOOKS/FY23	362061	2/23/2023	457.74
BOWMAN	CITATION REFUND - JANUARY 2023	362062	2/23/2023	10.00
BRAMBILA	CITATION REFUND - JANUARY 2023	362063	2/23/2023	110.00
BROADWAY AUTO GLASS	OFF-SITE WINDOW TINT, REPAIR FY23-PW/EQUIP	362064	2/23/2023	1,253.13
BSN SPORTS LLC	VOLLEYBALLS FOR CAMACHO	362065	2/23/2023	306.02
CAFFE TAZZA	BREAKFAST & LUNCN FOR FIRE ASSESSEMENT	362066	2/23/2023	530.30
CAFFE TAZZA	BREAKFAST & LUNCH FOR FIRE ASSESSEMENT	362067	2/23/2023	401.90
CALIFORNIA ELECTRIC SUPPLY	MOP 45698 ELECTRIC SUPPLIES- PW	362068	2/23/2023	362.13
CHEN RYAN ASSOCIATES INC	CIP 21-25 W. 19TH ST GREENWAY - ENG/PW	362069	2/23/2023	108,201.07
CITY OF CHULA VISTA	ROPE RESCUE TECHNICIAN CLASS/FIRE	362070	2/23/2023	1,050.00
CITY OF NATIONAL CITY	PETTY CASH REPLENISHMENT	362071	2/23/2023	358.30
CITY OF SAN DIEGO	FIRE&EMERGNCY MED DISPATCH SVCS FY22-23	362072	2/23/2023	106,300.08
CLEAR WATER TECHNOLOGIES LLC	MONTHLY WATER TREATMENT FY23- PW/FACILITIES	362073	2/23/2023	475.00
CODE ENFORCEMENT OFFICERS	CACEO MEMBERSHIP / NSD	362074	2/23/2023	136.00
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICAL & DOT EXAM	362075	2/23/2023	790.00
COPWARE INC	COPWARE/INVESTIGATIONS LICENSE	362076	2/23/2023	2,550.00
CORELOGIC SOLUTIONS LLC	REALQUEST MONTHLY REPORTS FY23	362077	2/23/2023	127.09
COUNTY OF SAN DIEGO	PARKING CITATION REVENUE - DECEMBER 2022	362078	2/23/2023	13,711.00
DATA DETECTION GROUP	DATA CONVERSION	362079	2/23/2023	255.00
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	362080	2/23/2023	1,790.95
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	362081	2/23/2023	203.00
DEPT OF JUSTICE	DOJ FINGERPRINTING JANUARY	362082	2/23/2023	164.00
D-MAX ENGINEERING INC	CIP 22-46 STORM WATER SERVICES - ENG/PW	362083	2/23/2023	9,174.77
ENSAFE INC	CIP 22-14 PARADISE CREEK EDU PARK LAND	362084	2/23/2023	1,960.20
FACTORY MOTOR PARTS	MOP 82766 AUTO SUPPLIES- PW	362085	2/23/2023	199.98
FLEET SERVICES INC	MOP 67804 AUTO SUPPLIES- PW	362086	2/23/2023	100.92
GARCIA	TRAINING ADV SUB DUI	362087	2/23/2023	631.81
GARCIA	REIMBURSEMENT FOR PEDRO GARCIA	362088	2/23/2023	152.24
GUZMAN	CITATION REFUND DECEMBER 2022	362089	2/23/2023	35.00
HDR ENGINEERING, INC.	CIP 22-55 WASTEWATER MASTER PLAN UPDATE	362090	2/23/2023	7,216.00
HERNANDEZ	PARKING CITATION REFUNDS - DECEMBER 2022	362091	2/23/2023	10.00
JENSEN	PARKING CITATION REFUNDS - DECEMBER 2022	362092	2/23/2023	10.00
KIMLEY HORN	CIP 19-33 PARADISE CREEK PARK EXTENSION	362093	2/23/2023	2,567.50



**WARRANT REGISTER # 34
2/23/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
LIEBERT CASSIDY WHITMORE	2023 LCW ANNUAL CONFERENCE - HR STAFF	362094	2/23/2023	2,875.00
LUND	CITATION REFUND - JANUARY 2023	362095	2/23/2023	110.00
LYNN PEAVEY COMPANY	P&E SUPPLIES	362096	2/23/2023	792.86
MAINTEX INC	MAINTEX CORNER TURKISH TOWELS / NSD	362097	2/23/2023	390.08
MARQUEZ	CITATION REFUND - DECEMBER 2022	362098	2/23/2023	80.00
MARQUEZ	CITATION REFUND - DECEMBER 2022	362099	2/23/2023	80.00
MARQUEZ	CITATION REFUND - DECEMBER 2022	362100	2/23/2023	80.00
MIKES WHOLESAL	CITATION REFUND - DECEMBER 2022	362101	2/23/2023	35.00
MIKES WHOLESAL	CITATION REFUND - JANUARY 2023	362102	2/23/2023	35.00
MURPHY	CITATION REFUND - JANUARY 2023	362103	2/23/2023	10.00
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL FY23-PW/FACI	362104	2/23/2023	580.00
NATIONAL GRANTS MANAGEMENT	TRAINING TUITION GUTLY	362105	2/23/2023	1,243.00
NATIONAL GRANTS MANAGEMENT	TRAINING TUITION GIL	362106	2/23/2023	1,243.00
NOWDOCS INTERNATIONAL INC	W2 FORMS & ENVELOPES, 1099 MISC ENVELOPE	362107	2/23/2023	242.73
OFFICE SOLUTIONS BUSINESS	SRJ48967A, CHAIR, SERTA, BK	362108	2/23/2023	950.01
ON DUTY HEALTH, PLLC	ANNUAL FIREFIGHTER HEALTH & FITNESS	362109	2/23/2023	38,512.00
PACIFIC STATES PETROLEUM INC	HYDRAULIC OIL, ENGINE OIL FY23- PW/EQUIP	362110	2/23/2023	1,497.70
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	362111	2/23/2023	110.48
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	362112	2/23/2023	56.27
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES- PW	362113	2/23/2023	54.20
PERRY FORD-NATIONAL CITY LLC	DRIVEABILITY DIAGNOSIS FY23- PW/EQUIPM	362114	2/23/2023	1,262.67
POLICE AND FIRE PSYCHOLOGY	PSYCH EVAL CARD	362115	2/23/2023	675.00
PORTILLO CONCRETE INC	CIP 22-40 CAMAQCHO REC CENTER ADA UPGRADE	362116	2/23/2023	2,141.63
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES FY23- PW/EQUIPMENT	362117	2/23/2023	1,092.20
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES- PW	362118	2/23/2023	5,111.28
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES FOR NUTRITION STAFF	362119	2/23/2023	1,030.20
RANDALL LAMB ASSOCIATES INC	CIP 19-42 STANDBY POWER CONVERSION - ENG	362120	2/23/2023	8,230.00
S D COUNTY SHERIFF'S DEPT	JANUARY TRAINING SHOOT	362121	2/23/2023	100.00
SASI	INVOICE #120685 / INVOICE DATE 02/01/23	362122	2/23/2023	782.50
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY23	362123	2/23/2023	13.30
SEAPORT MEAT COMPANY	FOR FOOD AS NEEDED FOR NUTRITION CENTER	362124	2/23/2023	614.31
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES- PW	362125	2/23/2023	227.73
SMART & FINAL	MENU ITEMS FOR 2/16 / NUTRITION	362126	2/23/2023	14.99
SOUTH BAY FENCE INC	300 FEET CHAIN LINK FENCE RENTAL	362127	2/23/2023	300.00
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES- PW	362128	2/23/2023	29.07
SOUTHERN CROSS PROPERTY	REFUND FOR SC PROPERTY CONSULTANTS	362129	2/23/2023	690.00
SPEEDPRO IMAGING	VEHICLE DECALS FY23- PW/EQUIPMENT	362130	2/23/2023	221.97
STAPLES BUSINESS ADVANTAGE	MOP 45704 PLANNING/OFFICE SUPPLIES	362131	2/23/2023	476.65
STC TRAFFIC	CIP 22-51 PLAZA BLVD TRAFFIC SIGNAL ASSEMNT	362132	2/23/2023	6,885.00
SWRCB	ANNUAL PERMIT FEE FOR PARADISE CREEK -ENG	362133	2/23/2023	4,959.00
SYMBOLARTS, LLC	COMMAND HAT BADGES	362134	2/23/2023	1,090.69
SYSCO SAN DIEGO INC	FOOD / NUTRITION CENTER	362135	2/23/2023	6,601.71
TANOIVAEONO	CITATION REFUND - DECEMBER 2022	362136	2/23/2023	80.00
TECHNOLOGY INTEGRATION GROUP	MISC MIS EQUIP	362137	2/23/2023	2,108.66
THE LAW OFFICE OF BILL PARKS	LIABILITY CLAIM COST	362138	2/23/2023	45,000.00
THE PUN GROUP LLP	AUDIT FOR THE YAR ENDED JUNE 30, 2022	362139	2/23/2023	20,000.00
THOMSON REUTERS WEST	SUBSCRIPTIONS	362140	2/23/2023	607.47



**WARRANT REGISTER # 34
2/23/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
TOYOTA OF LANCASTER	CITATION REFUND - DECEMBER 2022	362141	2/23/2023	190.00
T'S & SIGNS	A KIMBALL HOLIDAY MARKETING	362142	2/23/2023	1,076.63
TYLER TECHNOLOGIES INC	TYLER TECHNOLOGIES MUNIS AND CAD SERVICES	362143	2/23/2023	159,224.54
TYLER TECHNOLOGIES INC	TRAINING TUITION TYLER CONNECT	362144	2/23/2023	3,201.00
UNIFIED PROTECTIVE SERVICES	CITATION REFUND - JANUARY 2023	362145	2/23/2023	105.00
VELOCITY TRUCK CENTERS	ENGINE AND TRANSMISSION PARTS - PW/EQUIP	362146	2/23/2023	2,871.19
VISION SERVICE PLAN	FEBRUARY 2023 - VISION SERVICE PLAN CA	362147	2/23/2023	968.74
W. GERRIETS INTERNATIONAL INC.	DANCE FLOORING FOR EL TOYON - CSD	362148	2/23/2023	30,040.94
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES FY23	362149	2/23/2023	3,671.20
WEST PAYMENT CENTER	INVESTIGATIVE SERVICES	362150	2/23/2023	659.00
WETMORES	MOP 80333 AUTO SUPPLIES- PW	362151	2/23/2023	483.27
WHILLOCK CONTRACTING	CIP 18-07 PARADISE CREEK PARK SITE REMED	362152	2/23/2023	6,676.46
WILLIAMS	CITATION REFUND - JANUARY 2023	362153	2/23/2023	10.00
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRIC SUPPLIES- PW	362154	2/23/2023	48.38
WSP USA INC	CIP 22-59 NC BIKE MASTER PLAN - ENG/PW	362155	2/23/2023	19,380.81
YORK	CITATION REFUND - JANUARY 2023	362156	2/23/2023	10.00
			A/P Total	693,766.51
WIRED PAYMENTS				
PAYCHEX BENEFIT TECH INC	BENETRAC ESR SERVICES BASE FEE - FEBRUARY	152290	2/17/2023	621.68
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 01/24/2023- 02/06/2023	230217	2/17/2023	289,784.27
U S BANK	MOP 19657 CC PD	263645	2/23/2023	258.43
THE BANK OF NEW YORK MELLON	TRUSTEE FEE-PERIOD 11/16/22 TO 11/15/23	307437	2/21/2023	1,710.00
THE BANK OF NEW YORK MELLON	TRUSTEE FEE- PERIOD 11/03/22 TO 11/02/23	307440	2/21/2023	1,350.00
PAYROLL				
Pay period	Start Date	End Date	Check Date	
5	2/7/2023	2/20/2023	3/1/2023	1,280,462.68
			GRAND TOTAL	<u>2,267,953.57</u>



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

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.¹
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.

¹ 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)₁₀. 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 PM₁₀ thresholds that have been set to attain the NAAQS and CAAQS. The major component of VOC and PM₁₀ 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, PM_{2.5}, nitrogen oxide (NO_x), 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

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.

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) 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 permanent impacts.

Implementation of MM-BIO-10 would mitigate for impacts (Impact-BIO-11) on Diegan coastal sage scrub to less-than-significant levels by requiring the project proponent to provide assurances for the provision of compensatory mitigation at ratios agreed on by the resource agencies.

4.3.10 Impact-BIO-13: Potential Reduction in Eelgrass Habitat and Productivity During Construction (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-13) related to eelgrass beds within the waterside portion of the GB Capital Component being potentially reduced by in-water construction activities. 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-13 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-13) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-13 would result from in-water construction activities, which have the potential to affect eelgrass beds within the waterside portion of the GB Capital Component. Impacts to eelgrass

may include direct physical disturbance to the beds from anchoring, propeller wash, and staging of equipment, temporary shading from construction-related equipment, and elevated turbidity levels from construction-related activities such as pile driving.

The potentially significant impact on biological resources (Impact-BIO-13) would be reduced to below a level of significance by mitigation measures MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities, 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, and 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 Habitat and Function. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. MM-BIO-7 also is set forth in full above and MM-BIO-12 and MM-BIO-13 provide as follows:

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). 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.

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.

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 six 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 provide the rationale for the chosen

mitigation site(s). A mitigation site must be secured prior to in-water construction that would impact 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:

- 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.
- 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.
- 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 potential shading impacts noted in the project's marine biological assessment (Appendix H of the EIR).
- In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following:
 - 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.
 - 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.

- 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.
- 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.
- 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.
- 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.

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 Habitat and Function (GB Capital Component). 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:

- To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed.
- 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.

- 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.
- The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction.

Implementation of MM-BIO-7, MM-BIO-12, and MM-BIO-13 would reduce impacts on eelgrass during construction (Impact-BIO-13) to less-than-significant levels by mitigating any loss of eelgrass habitat at a ratio of 1.2:1, as prescribed in the California Eelgrass Mitigation Policy, and requiring mitigation to be reviewed and approved by appropriate resource agencies.

4.3.11 Impact-BIO-14: Potential Loss of Eelgrass Habitat Due to Overwater Coverage or Shading Impacts During Operations (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-14) related to the potential loss of eelgrass habitat within the waterside portion of the GB Capital due to shading from overwater structures, including the floating dock, docked vessels, and moored vessels. Scouring from mooring chains and tackle can also directly disturb soft-bottom vegetated habitats. 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-14 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-14) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-14 would result from operations associated with the waterside portion of the GB Capital Component, which have the potential to affect eelgrass beds due to shading of eelgrass habitat from overwater structures, including the floating dock, docked vessels, and moored vessels.

The potentially significant impact on biological resources (Impact-BIO-14) would be reduced to below a level of significance by mitigation measures 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, and 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 Habitat and Function. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-BIO-12 and MM-BIO-13 would reduce impacts on eelgrass during construction (Impact-BIO-14) to less-than-significant levels by mitigating any loss of eelgrass habitat at a ratio of 1.2:1, as prescribed in the California Eelgrass Mitigation Policy, and requiring mitigation to be reviewed and approved by appropriate resource agencies.

4.3.12 Impact-BIO-15: Potential Conflict with the INRMP (Pepper Park Expansion and Roadway Configuration Balanced Plan, GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-15) related to the potential conflict with related strategies and objectives of the INRMP. 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-15 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-15) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-15 would result from potential conflicts between strategies and objectives of the INRMP and operations associated with the waterside portion of Pepper Park Expansion and Roadway Configuration Balanced Plan and the GB Capital Component.

The potentially significant impact on biological resources (Impact-BIO-15) would be reduced to below a level of significance by implementation of mitigation measures MM-BIO-1 through MM-BIO-10. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-BIO-1 through MM-BIO-10 would reduce impacts relating to conflict with the strategies and objectives of the INRMP (Impact-BIO-15) to less-than-significant levels by avoiding or reducing the related physical impacts to biological resources and ensuring that the project does not conflict with or obstruct implementation of the INRMP.

4.3.13 Impact-BIO-16: Potential Conflict with City General Plan – Agriculture and Open Space Element (Bayshore Bikeway Component Route 3)

Potentially Significant Impact: The EIR identifies a potentially significant impact on biological resources (Impact-BIO-16) related to the potential conflict with related strategies and objectives of the City General Plan – Agriculture and Open Space Element (Bayshore Bikeway Component Route 3). 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-16 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on biological resources (Impact-BIO-16) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-16 would result from potential conflicts between strategies and objectives of the City General Plan – Agriculture and Open Space Element and the Bayshore Bikeway Component Route 3.

The potentially significant impact on biological resources (Impact-BIO-16) would be reduced to below a level of significance by implementation of mitigation measures MM-BIO-1 through MM-BIO-10. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-BIO-1 through MM-BIO-10 would reduce impacts relating to conflict with the strategies and objectives of the City General Plan – Agriculture and Open Space Element (Impact-BIO-16) to less-than-significant levels by avoiding or reducing the related physical impacts to biological resources and ensuring that the project does not conflict with or obstruct implementation of the City General Plan – Agriculture and Open Space Element.

4.4 Cultural Resources, Tribal Cultural Resources, and Paleontological Resources

4.4.1 Impact-CUL-2: Excavation Related to the Proposed Project Would Potentially Damage Significant Archaeological Resources (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on archeological resources (Impact-CUL-2) resulting from inadvertently unearthing significant unknown archaeological resources during ground-disturbing construction activities in areas of archaeological sensitivity. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2

(Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological 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 cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-2 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on archeological resources (Impact-CUL-2) is analyzed in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*. Potential Impact-CUL-2 would result from inadvertently damaging or destroying significant unknown archaeological resources during ground-disturbing construction activities in areas of archaeological sensitivity (defined as the area east of the mean high tide line and south of Bay Marina Drive).

The potentially significant impact on archaeological resources (Impact-CUL-2) would be reduced to below a level of significance by mitigation measures MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan, MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction, MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity, and MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component). 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. 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 CRMDP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered.

The CRMDP 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.

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). 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.

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). 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 MM-CUL-2.

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). 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 MM-CUL-2. Costs associated with Native American monitoring shall be borne by the project proponent.

After implementation of mitigation measures MM-CUL-2 through MM-CUL-5, Impact-CUL-2 would be reduced to a less-than-significant level because the preparation and implementation of a Cultural Resources Monitoring and Discovery Plan and Cultural Resources Awareness Training, as well as archaeological and Native American monitoring of any ground-disturbing activities on designated

portions of the project site, would minimize the potential to damage, or result in the loss of, unknown subsurface archaeological resources.

4.4.2 Impact-CUL-3: Excavation Related to the Proposed Project Would Potentially Damage Tribal Cultural Resources (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on tribal cultural resources (Impact-CUL-3) resulting from inadvertently unearthing significant unknown tribal cultural resources during ground-disturbing construction activities in areas of archaeological sensitivity. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological 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 cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-3 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on tribal cultural resources (Impact-CUL-3) is analyzed in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*. Potential Impact-CUL-3 would result from inadvertently damaging or destroying significant unknown tribal cultural resources during ground-disturbing construction activities in areas of archaeological sensitivity (defined as the area east of the mean high tide line and south of Bay Marina Drive).

The potentially significant impact on tribal cultural resources (Impact-CUL-3) would be reduced to below a level of significance by mitigation measures MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan, MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction, MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity, and MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

After implementation of mitigation measures MM-CUL-2 through MM-CUL-5, Impact-CUL-3 would be reduced to a less-than-significant level because the preparation and implementation of a Cultural Resources Monitoring and Discovery Plan and Cultural Resources Awareness Training, as well as archaeological and Native American monitoring of any ground-disturbing activities on designated portions of the project site, would minimize the potential to for damage or loss of unknown tribal cultural resources.

4.4.3 Impact-CUL-4: Excavation Related to the Proposed Project Would Potentially Disturb Buried Paleontological Resources (City Program – Development Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on paleontological resources (Impact-CUL-4) related to the excavation for the proposed project at the City Program – Development Component and portions of the proposed Bayshore Bikeway Component. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological 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 cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-4 in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on paleontological resources (Impact-CUL-4) is analyzed in Volume 2 (Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*. Potential Impact-CUL-4 has the potential to result from excavation in excess of 1,000 cubic yards and to depths greater than 10 feet, which could directly or indirectly impact a unique paleontological resource or site.

The potentially significant impact on paleontological resources (Impact-CUL-4) would be reduced to below a level of significance by mitigation measure MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity. 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-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component). 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.

- 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.
- 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.
- 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.
 - 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 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.
 - Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued.
 - 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.
 - 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.

After implementation of mitigation measure MM-CUL-6, Impact-CUL-4 would be reduced to a less-than-significant level because the recommended monitoring of any ground-disturbing activities in areas of paleontological sensitivity would minimize the potential to directly or indirectly destroy a unique paleontological resource or site or a unique geologic feature.

4.5 Energy

4.5.1 Impact-EN-1: Potential Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources During Construction (Balanced Plan, Bayshore Bikeway Component, GB Capital Component, Pasha Rail Improvement, Pasha Road Closures Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on energy (Impact-EN-1) due to the potential wasteful, inefficient, or unnecessary

consumption of energy resources during construction of the proposed project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.5, *Energy*.

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 effects on energy (Impact-EN-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on energy (Impact-EN-1) is analyzed in Volume 2 (Final EIR), Section 4.5, *Energy*. Potential Impact-EN-1 would result from the potential wasteful, inefficient, or unnecessary consumption of energy resources during construction.

The potentially significant impact on energy (Impact-EN-1) will be reduced to below a level of significance by mitigation measures MM-GHG-1: Implement Diesel-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Implement Diesel Emission-Reduction Measures During Project Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Offsite Tidelands, or Within another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, 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, and MM-AQ-5 Use Modern Harbor Craft During Construction Activities. These measures are discussed in detail and set forth in full in Section 4.2, *Air Quality and Health Risk*, and Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-GHG-1 would help ensure that the use of diesel-operated vehicles during construction would not be wasteful. MM-GHG-2 and MM-GHG-3 (applies to the City Program Component) would require several sustainability measures to help ensure the project would reduce energy demand and avoid inefficient use of energy resources. MM-GHG-4 would require use of modern harbor craft for waterside construction activities. MM-GHG-5 would require all development to meet the state's draft zero net energy standards, if and when adopted as part of the California Building Code, and for the City and the District to encourage project developers to construct all-electric buildings. MM-GHG-6 and MM-GHG-7 would require project proponents to incorporate renewable energy and/or the purchase of an equivalent of greenhouse gas (GHG) offsets at the time of future design. MM-AQ-5 would require the GB Capital Component to use modern harbor craft during construction to reduce emissions. Implementation of mitigation measures MM-GHG-1 through MM-GHG-7, and MM-AQ-5, would reduce potential impacts

related to the wasteful, inefficient, and unnecessary consumption of energy (Impact-EN-1) to less-than-significant levels.

4.5.2 Impact-EN-2: Potential Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources During Operation (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on energy (Impact-EN-2) due to the potential wasteful, inefficient, or unnecessary consumption of energy resources during operation of the proposed project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.5, *Energy*.

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 effects on energy (Impact-EN-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on energy (Impact-EN-2) is analyzed in Volume 2 (Final EIR), Section 4.5, *Energy*. Potential Impact-EN-2 would result from the potential wasteful, inefficient, or unnecessary consumption of energy resources during operation.

The potentially significant impact on energy (Impact-EN-2) will be reduced to below a level of significance by mitigation measures MM-GHG-1: Implement Diesel-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Offsite Tidelands, or Within another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and 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, . These measures also are discussed in detail in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-GHG-1 would help ensure that the use of diesel-operated vehicles during construction would not be wasteful. MM-GHG-2 and MM-GHG-3 (applies to the City Program Component) would require several sustainability measures to help ensure the project would reduce energy demand and avoid inefficient use of energy resources. MM-GHG-5 would require all development to meet the state's draft zero net energy standards, if and when adopted as part of the California Building Code, and for the City and the District to encourage project developers to

construct all-electric buildings. MM-GHG-6 and MM-GHG-7 would require project proponents to incorporate renewable energy and/or the purchase of an equivalent of greenhouse gas (GHG) offsets at the time of future design. Implementation of mitigation measures MM-GHG-1 through MM-GHG-3 and MM-GHG-5 through MM-GHG-7 would reduce potential impacts related to the wasteful, inefficient, and unnecessary consumption of energy (Impact-EN-2) to less-than-significant levels.

4.5.3 Impact-EN-3: Potential Inconsistency with Applicable Energy Use Reduction Plans (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on energy (Impact-EN-3) due to the project's potential inconsistency with applicable energy use reduction plans. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.5, *Energy*.

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 effects on energy (Impact-EN-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on energy (Impact-EN-3) is analyzed in Volume 2 (Final EIR), Section 4.5, *Energy*. Potential Impact-EN-3 would result from the project's potential inconsistency with the District's Climate Action Plan (CAP) and the City's CAP, since the project does not include measures specific to either CAP. The potentially significant impact on energy (Impact-EN-3) will be reduced to below a level of significance by mitigation measures MM-GHG-2: Comply with District CAP Measures and MM-GHG-3: Comply with the Applicable City CAP Measures. These measures are discussed in detail and set forth in full in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-GHG-2 is designed to ensure that the District's CAP measures will be incorporated into the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]). Mitigation measure MM-GHG-3 is designed to ensure that applicable City CAP measures will be incorporated into the City Program – Development Component. Implementation of MM-GHG-2 and MM-GHG-3 would ensure compliance with the District's CAP and the City's CAP, respectively, and would reduce Impact-EN-3 to less-than-significant levels.

4.6 Greenhouse Gas Emissions and Climate Change

4.6.1 Impact-GHG-1: Inconsistency with District and City Climate Action Plan Numerical Targets (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant impact on greenhouse gas emissions (GHG) and climate change (Impact-GHG-1) because the project construction and operations would not meet efficiency targets in 2025 or 2050 and therefore the project would be inconsistent with the District and City CAPs. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*.

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 effects on GHG emissions and climate change (Impact-GHG-1) as identified in the EIR. However, it cannot be stated with certainty that such measures would reduce the significant effects to a level below significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on GHG emissions and climate change (Impact-GHG-1) is analyzed in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Potential Impact-GHG-1 would result from the project's potential inconsistency with the District's Climate Action Plan (CAP) and the City's CAP, since the project construction and operations would not meet numerical efficiency targets in 2025 or 2050.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-1) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project Onsite, 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, and 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. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components). 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.

1. Construction:

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 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.

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.

c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria: (i) For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); (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 (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.

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 shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.

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]). 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). 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.

- General Measures
 - No commercial drive-through shall be implemented.
- Water
 - 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.
 - 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.
- Waste
 - 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.
 - 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.

- Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction.
- Energy
 - Renewable energy design features that may be implemented are as follows:
 - 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.)
 - Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site.
 - Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations.
 - 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)
 - 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)
 - 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)
 - 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)
 - 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:
 - 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.

- Install occupancy sensors for all vending machines in new buildings at the project site.
 - 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.
 - Install increased insulation.
 - Install cool roofs with an R value of 30 or better.
 - Install sun shading devices as appropriate.
 - Install high-efficiency heating, ventilating, and air-conditioning systems and controls.
 - Install programmable thermostats.
 - Install variable frequency drives.
 - Install Energy Star-rated appliances.
 - Install shore power capabilities where suitable upgrades are feasible in marinas.
- Mobile Sources
 - 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.
 - 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.
 - 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.
 - Carbon Sequestration and Land Use
 - Install trees and shrub planters throughout the project area as part of the landscape plan.

MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component). 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. 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:

- Incorporate energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards.
- Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles.
- Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations.
- 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.
- Encourage telework programs and alternative work schedules for new businesses.
- Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling.
- Implement programs to reduce, reuse, and recycle construction and demolition waste.
- Encourage rooftop gardens for flat-roofed commercial buildings.
- Pursue a pump-efficiency cycling schedule.
- Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf), such as the following:
 - Use compact, mixed-use, walkable, and transit-oriented community designs;
 - Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats;

- 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;
 - Use low-water plantings in landscaping;
 - Use permeable surfaces for hardscapes;
 - Install dual plumbing that allows reuse of gray water;
 - Maximize use of recycled water in the project design;
 - Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and
 - Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination.
- Install trees and shrub planters throughout the project area as part of the landscape plan.

MM-GHG-4: Use Modern Harbor Craft for Waterside 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 2020 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 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
- 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 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 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 successor 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.

MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component). 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 verification the City for review and approval for the City Program – Development Component.

MM-GHG-6: Implement a Renewable Energy Project Onsite, 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).

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, implement the following, which may be combined with consideration to the preference described below:

1. 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.

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;

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. 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.

For purposes of this section, the definitions are as follows:

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]

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]

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]

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]

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]

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.

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:

- Balanced Plan (only Pepper Park Expansion) = 836 MTCO_{2e} per year or 4,317 MWh/year.
- GB Capital Component = 6,627 MTCO_{2e} per year or 34,219 MWh/year.

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.

C. Implementation of GHG Emissions Reduction Options. 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:

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_{2e} or MWh reductions specified above.

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_{2e} 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”).

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”).

2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} 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_{2e} or MWh shall occur as follows:

a) Each project component shall purchase offsets for its first 2 years of operation;

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_{2e} or MWh reduction specified above for the corresponding project component.

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 emission offset credits set forth in paragraph A(3) above, to the District’s Planning Department (or successor department).

D. Adjustments to Required GHG Emissions Reductions.

If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} 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.

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 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 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.

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 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.

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:

- Balanced Plan includes a 2.54-acre park.
- 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 80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.

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 MTCO₂e or MWh offsets

on at least an annual basis.

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).

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, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy
 - a) On the project site,
 - b) Within the City’s jurisdiction, or
 - c) Within the adjacent community or the city.

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;

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.⁷ 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.

For purposes of this section, the definitions are as follows:

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]

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]

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]

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]

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]

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.

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:

- City Program = 3,549 MTCO_{2e} per year or 18,323 MWh/year.

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.

C. Implementation of GHG Emissions Reduction Options.

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 identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:

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_{2e} or MWh reductions specified above.

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_{2e} 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").

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").

2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} 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_{2e} or MWh shall occur as follows:

a) Each project component shall purchase offsets for its first 2 years of operation;

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_{2e} or MWh reduction specified above for the corresponding project component.

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.

D. Adjustments to Required GHG Emissions Reductions.

If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO_{2e} 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.

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.

2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at 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.

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:

- 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.

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 annual adjustment described above and purchase the required MTCO_{2e} or MWh offsets on at least an annual basis.

Implementation of MM-GHG-1 through MM-GHG-7 would result in emissions below the numerical target. Mitigation would ensure the project would generally comply with plans, policies, and regulatory programs outlined in the adopted Scoping Plan and those adopted or recommended by CARB or other California agencies for the purpose of reducing the emissions of GHGs. However, because no plans, policies, and regulatory programs have been adopted to achieve the carbon neutrality goal set by Executive Order B-55-18, it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions toward the statewide carbon neutrality goal. Therefore, Impact-GHG-1 would remain significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.6.2 Impact-GHG-2: Inconsistency with District Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on GHG emissions and climate change (Impact-GHG-2) because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable District CAP measures and applicable state reduction goals and plans, policies, or regulations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*.

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 effects on GHG emissions and climate change (Impact-GHG-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on GHG emissions and climate change (Impact-GHG-2) is analyzed in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Potential Impact-GHG-2 would result because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable

City CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing GHG emissions.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-2) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, and MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions*, of Volume 2 of the EIR and are set forth in full above. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-GHG-1, MM-GHG-2, MM-GHG-4, and MM-GHG-5 would reduce Impact-GHG-2 to less than significant levels because the project would be consistent with the relevant plans, policies, and regulatory programs.

4.6.3 Impact-GHG-3: Inconsistency with City Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs (City Program – Development Component, a Portion of the Bayshore Bikeway Component, and a Portion of the GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on GHG emissions and climate change (Impact-GHG-3) because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*.

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 effects on GHG emissions and climate change (Impact-GHG-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on GHG emissions and climate change (Impact-GHG-3) is analyzed in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Potential Impact-GHG-3 would result because the project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing GHG emissions.

The potentially significant impact on GHG emissions and climate change (Impact-GHG-3) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project

Construction and Operation, MM-GHG-3: Comply with City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, and MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions*, of Volume 2 of the EIR and are set forth in full above. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of MM-GHG-1, MM-GHG-3, MM-GHG-4, and MM-GHG-5 would reduce Impact-GHG-3 to less than significant levels because the project would be consistent with the relevant plans, policies, and regulatory programs.

4.7 Hazards and Hazardous Materials

4.7.1 Impact-HAZ-1: Residual Soil Contamination (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-1) from the disturbance of potentially contaminated soils during project construction activities that could result in a release of hazardous materials and exacerbate the existing hazardous conditions. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

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 effects on hazards and hazardous materials (Impact-HAZ-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-1) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-1 would result from the disturbance of potentially contaminated soils during project construction activities that could result in a release of hazardous materials and exacerbate the existing hazardous conditions.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-1) will be reduced to below a level of significance by mitigation measures MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan, MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program, and MM-HAZ-3: Prepare and Submit a Project Closeout Report. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component). 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:

- A *Site Contamination Characterization Report* (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.
- A *Soil Testing and Profiling Plan* (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.
- A *Soil Disposal Plan* (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.
- A *Site Worker Health and Safety Plan* (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.

MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component). 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 MM-HAZ-1. 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 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.

MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component). 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 MM-HAZ-1, and the Monitoring and Reporting Program, as required by MM-HAZ-2.

Mitigation measure MM-HAZ-1 would ensure the proper handling and disposal of contaminated soil during construction activities. In addition, MM-HAZ-2 and MM-HAZ-3 requires the preparation and submittal of a Monitoring and Reporting Program and a Project Closeout Report, which would ensure that the Soil Management Plan is properly implemented and documented. Implementation of MM-HAZ-1, MM-HAZ-2, and MM-HAZ-3 would reduce Impact-HAZ-1 to less-than-significant levels by ensuring safeguards would be implemented during ground-disturbing construction activities to ensure upset and accidental conditions do not occur, and detrimental effects in the event of unanticipated upset conditions would be minimized.

4.7.2 Impact-HAZ-2: Residual Soil Contamination (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-2) from the disturbance of potentially contaminated soils during project construction activities associated with the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component that could result in the release of hazardous materials and exacerbate the existing hazardous conditions. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

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 effects on hazards and hazardous materials (Impact-HAZ-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-2) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-2 would result from the disturbance of potentially contaminated soils during project construction activities that could result in a release of hazardous materials and exacerbate the existing hazardous conditions.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-2) will be reduced to below a level of significance by mitigation measures MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan, MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program, and MM-HAZ-6: Prepare and Submit a Project Closeout Report. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). 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:

- A *Site Contamination Characterization Report* (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 concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.

- A Soil Testing and Profiling Plan (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.
- A *Soil Disposal Plan* (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.
- A Site Worker Health and Safety Plan (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.

MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). 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 MM-HAZ-4. 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.

MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). 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 MM-HAZ-4, and the Monitoring and Reporting Program, as required by MM-HAZ-5.

Mitigation measure MM-HAZ-4 would ensure the proper handling and disposal of contaminated soil during construction activities related to the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. In addition, MM-HAZ-5 and MM-HAZ-6 require the preparation and submittal of a Monitoring and Reporting Program and a Project Closeout Report, which would ensure that the Soil Management Plan is properly implemented and documented. Implementation of MM-HAZ-4, MM-HAZ-5, and MM-HAZ-6 would reduce Impact-HAZ-2 to less-than-significant levels by ensuring safeguards would be implemented during ground-disturbing construction activities to ensure upset and accidental conditions do not occur, and detrimental effects in the event of unanticipated upset conditions would be minimized.

4.7.3 Impact-HAZ-3: Conflict with Conditions of Regulatory Closure (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-3) resulting from a conflict with the requirements of the Department of Environmental Health (DEH) closure and the proposed development of the City Program – Development Component, which would include hotel uses. Detailed information and analysis regarding this

potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

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 effects on hazards and hazardous materials (Impact-HAZ-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-3) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-3 would result from the development of City Program – Development Component for hotel use, which would conflict with the requirements of the DEH closure and could exacerbate existing hazardous conditions.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-3) will be reduced to below a level of significance by mitigation measure MM-HAZ-7: Coordinate with the DEH. 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-HAZ-7: Coordinate with the DEH (City Program – Development Component). 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.

Implementation of MMHAZ-7 would reduce Impact-HAZ-3 to less-than-significant levels because coordination with the DEH would ensure the cases would be reviewed, and remediated if necessary, to the appropriate remediation standard for future hotel use.

4.7.4 Impact-HAZ-4: Inadequate Emergency Access from Temporary Road Closures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards and hazardous materials (Impact-HAZ-4) from construction activities causing potential road blockages that could prevent emergency response vehicles from accessing parts of the project site or vicinity and physically interfere with the implementation of an emergency access or response plan. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

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 effects on hazards and hazardous materials (Impact-HAZ-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards and hazardous materials (Impact-HAZ-4) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-4 would result from construction activities causing potential road blockages that could prevent emergency response vehicles from accessing parts of the project site or vicinity and physically interfere with the implementation of an emergency access or response plan.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-4) will be reduced to below a level of significance by mitigation measures MM-TRA-3: Implement Traffic Control Measures During Construction, and MM-HAZ-8: Maintain Emergency Access Road During Construction. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

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, City Program – Development Component). See Section 4.12, *Transportation, Circulation, and Parking*.

MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component). 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.

MM-TRA-3 would require the implementation of a Traffic Control Plan, which would maintain emergency access to the proposed project and nearby properties. MM-HAZ-8 would require the project proponent to submit the location and components of the temporary emergency access road to the City Fire Marshal. Implementation of MM-TRA-3 and MM-HAZ-8 would reduce Impact-HAZ-4 to less-than-significant levels by ensuring emergency vehicle access would be maintained to the proposed project site and nearby properties during construction.

4.7.5 Impact-HAZ-5: Inadequate Emergency Access from the Closure of Tidelands Avenue During Operation (Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards (Impact-HAZ-5) due to inadequate emergency access during operation from the closure of portions of Tidelands Avenue. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

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 effects on hazards (Impact-HAZ-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards (Impact-HAZ-5) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. Potential Impact-HAZ-5 would result from the closure of portions of Tidelands Avenue causing inadequate emergency access during operation.

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-5) will be reduced to below a level of significance by mitigation measure MM-HAZ-9: Coordinate with the City Fire Marshal. 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-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). 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:

- An emergency access road, 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 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.
- Any entrance/exit gates 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.

- Fire hydrants 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.

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 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.

MM-HAZ-9 would require coordination with the City Fire Marshal that would ensure that necessary features would be included as part of the Pasha Road Closures Component, such as an emergency access road, entrance/exit gates, and fire hydrants. Implementation of MM-HAZ-9 would reduce Impact-HAZ-5 to less-than-significant levels by ensuring emergency vehicle access would be maintained to the proposed project site and nearby properties during operation.

4.7.6 Impact-HAZ-7: Inadequate Emergency Access from Marina Way Realignment (Balanced Plan or GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on hazards (Impact-HAZ-7) associated with inadequate emergency access during operation from the implementation of traffic calming devices along Marina Way. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*.

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 effects on hazards (Impact-HAZ-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on hazards (Impact-HAZ-7) is analyzed in Volume 2 (Final EIR), Section 4.7, *Hazards and Hazardous Materials*. The realignment of Marina Way (Balanced Plan or GB Capital Component, if that alignment of Marina Way is selected) has the potential to result in inadequate emergency access during operation through the installation of traffic-calming devices (Impact-HAZ-7).

The potentially significant impact on hazards (Impact-HAZ-7) will be reduced to below a level of significance by mitigation measure MM-HAZ-11: Manage Marina Way Realignment Conditions. 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-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). 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.

MM-HAZ-11 would ensure that any traffic-calming devices incorporated as part of the Marina Way alignment (whether it is the alignment in the Balanced Plan or the alignment in the GB Capital Component) would be approved by the City Fire Marshal. Implementation of MM-HAZ-11 would reduce Impact-HAZ-7 to less-than-significant levels by ensuring unapproved traffic calming devices would not be installed and emergency vehicle access would be maintained to the proposed project site and nearby properties.

4.8 Land Use and Planning

4.8.1 Impact-LU-2: Temporary Inundation for 2030 and 2050 (Balanced Plan, GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-2) associated with temporary inundation that is projected to impact the Pepper Park expansion of the Balanced Plan and the jetty area of the GB Capital Component. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*.

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 effects on land use and planning (Impact-LU-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on land use and planning (Impact-LU-2) is analyzed in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*. Potential Impact-LU-2 would result from temporary inundation that is anticipated to impact greater portions of Pepper Park and park expansion site as well as the jetty area of the GB Capital Component. The potentially significant impact on land use and planning (Impact-LU-2) would be reduced to below a level of significance by mitigation measures MM-LU-2: Design the Pepper Park Expansion to Account for Sea Level-Rise through 2050 and MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea Level-Rise through 2050. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan). 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:

- Elevating the waterside promenades;
- Regrading coastal edges and/or inland portions of the park as appropriate;
- Creating living shorelines;
- Ensuring that any new vegetation is salt tolerant;
- Developing an operational plan to close the parking lot and move parked vehicles prior to storm events;
- Including pervious surfaces such as turf, sand, and pervious concrete.

Moreover, public access to Pepper Park shall be restricted during flood events.

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.

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 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.

MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component). 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:

Smart Design Decisions – to be incorporated into building design and part of construction:

- 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.
- Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa.
- Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane.

Future Adaptation Strategies – to be incorporated into building design and part of construction:

- Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers.
- Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads.
- Design key structural elements of the jetty to allow future increases in the elevation of the jetty.

Operational Strategies – to be implemented during operation:

- Establish an early warning system to monitor the risk of potential flooding. 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;
 - 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;
- Establish emergency evacuation procedures for people to relocate to higher ground on short notice;
- 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;
- Before a large storm, deploy sandbags or inflatable barriers;
- 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;
- Restrict public access during storms or flooding events.

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.

Implementation of mitigation measures MM-LU-2 and MM-LU-3 would reduce Impact-LU-2 to a less-than-significant level because those project components would be designed and constructed to accommodate projected inundation. However, because permanent inundation at Pepper Park is not expected until closer to 2100, coastal protections that effectively mitigate permanent inundation could be implemented later in the century, rather than in the near future.

4.8.2 Impact-LU-3: Temporary and/or Permanent Inundation for 2100 (Balanced Plan, GB Capital Component, Pasha Road Closures Component, Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on land use and planning (Impact-LU-3) associated with temporary and permanent inundation that is projected to occur in 2100 at the Pepper Park expansion and the first point of rest parcel of the Balanced Plan, the jetty area of the GB Capital Component, the Pasha Road Closures Component, and the Bayshore Bikeway Component. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*.

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 effects on land use and planning (Impact-LU-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on land use and planning (Impact-LU-3) is analyzed in Volume 2 (Final EIR), Section 4.9, *Land Use and Planning*. Potential Impact-LU-3 would result from temporary and permanent inundation that is anticipated to impact Pepper Park expansion and the first point of rest parcel of the Balanced Plan, the jetty area of the GB Capital Component, the Pasha Road Closures Component, and the Bayshore Bikeway Component in 2100.

The potentially significant impact on land use and planning (Impact-LU-3) would be reduced to below a level of significance by mitigation measures 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) and MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

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). 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, additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.

MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). 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.

Implementation of mitigation measures MM-LU-4 and MM-LU-5 would reduce Impact-LU-3 to a less-than-significant level because ongoing monitoring of these project component sites would be conducted to observe SLR conditions and, if necessary, site-specific assessments would be prepared to identify appropriate adaptation strategies to ensure that areas projected to be inundated are resilient.

4.9 Noise and Vibration

4.9.1 Impact-NOI-1: Exceedance of the City's Noise Ordinance During Project Construction (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-1) associated with construction-related noise that would exceed the threshold of 70 dBA L_{max} at noise-sensitive receptors. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-1) as identified in the EIR. However, such changes or alterations may not reduce all construction noise levels to a level below significance and a

Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-1) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-1 would result from project construction noise exceeding 70 dBA L_{max} between 7:00 a.m. and 7:00 p.m. at noise-sensitive receptors. These impacts would occur during construction of the Bayshore Bikeway at residential receptors within 520 feet of the selected bikeway alignment; at residential receptors north of the site (on Cleveland Avenue) and the National City Adult School to the east (across I-5) during pile driving at the City Program – Development Component; and at the proposed Balanced Plan Pepper Park due to construction at the GB Capital Component and the Pasha Road Closures Component.

The potentially significant impact on noise and vibration (Impact-NOI-1) would be reduced by mitigation measures 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), MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component), and 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). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

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). 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.

MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component). 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 receptors (residences on Cleveland Avenue, the National City

Adult School, and Pepper Park) to 70 dBA L_{max} or less:

- 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).
- 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).

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). 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 L_{max} or less:

- Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors.
- 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:
 - 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.
 - From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment).

- From common construction materials such as plywood.

Implementation of mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3 would reduce Impact-NOI-1. However, it may not be possible to fully reduce all construction noise levels to comply with the noise limits specified in the City's Noise Ordinance (Municipal Code Section 12.10.160). Limitations may include the inability to use alternative pile-driving methods or acoustical shrouds due to engineering, constructability, or safety considerations; the need to operate construction equipment in proximity to noise-sensitive receptors; or the inability to construct efficient temporary noise barriers due to local terrain conditions, or engineering, constructability, or safety considerations. As a result, construction noise impacts would remain significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.9.2 Impact-NOI-2: Exceedance of the City's General Plan Noise Exposure Standards Due to Traffic Noise at Onsite Visitor Accommodations (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-2) associated with traffic noise that could exceed 65 dB CNEL at the proposed City Program – Development Component proposed hotel site due to traffic on Cleveland Avenue and Bay Marina Drive. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-2) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-2 would result from traffic noise that could exceed 65 dB CNEL at the proposed City Program – Development Component proposed hotel site due to traffic on Cleveland Avenue and Bay Marina Drive.

The potentially significant impact on noise and vibration (Impact-NOI-2) would be reduced by mitigation measure 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. 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-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). 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.

Implementation of mitigation measure MM-NOI-4 would reduce Impact-NOI-2 to less-than-significant levels because it would ensure that development at the City Program – Development Component site would be designed and constructed to control exterior-to-interior noise that could affect sensitive occupied spaces. As a result, interior noise levels would comply with the interior noise standards specified in the National City General Plan Noise Element (i.e., 45 dB CNEL at sensitive interior spaces).

4.9.3 Impact-NOI-3: Exceedance of the City’s General Plan Noise Exposure Standards Due to Rail Noise at Proposed Onsite Visitor Accommodations (GB Capital Component, Pasha Rail Improvement Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-3) associated with rail noise exposure that could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations of the proposed Pasha Rail Improvement Component and existing National City Marine Terminal rail operations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-3) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-3 would result from rail noise exposure that could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations of the proposed Pasha Rail Improvement Component and existing National City Marine Terminal rail operations.

The potentially significant impact on noise and vibration (Impact-NOI-3) would be reduced by mitigation measures MM-NOI-5: Reduce Rail Noise Levels at the

Proposed GB Capital RV Sites to 65 dB CNEL or Less and 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. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

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). 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 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.

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).

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). 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.

Implementation of mitigation measures MM-NOI-5 and MM-NOI-6 would reduce Impact-NOI-3 to less-than-significant levels. Mitigation measure MM-NOI-5 would require a noise barrier or the dry boat storage (proposed by GB Capital) to be enclosed and made from solid material to reduce the rail noise exposure at the proposed GB Capital Component RV sites to 65 dB CNEL or less for compliance with the City's exterior noise compatibility guidelines, as specified in the National City General Plan Noise Element. Mitigation measure MM-NOI-6 would ensure GB Capital Component hotels would be designed and constructed so as to control exterior-to-interior noise that could affect sensitive occupied spaces. As a result, interior noise levels would be in compliance with the interior noise standards specified in the National City General Plan Noise Element (i.e., 45 dB CNEL at sensitive interior spaces).

4.9.4 Impact-NOI-4: Potential Exceedance of the City's Municipal Code Noise Standards at Existing Offsite Sensitive Receptors Due to Onsite Operations (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-4) associated with mechanical equipment noise levels from the City Program – Development Component proposed hotel, which could exceed the municipal code limits at nearby homes to the north and at the Best Western Hotel to the south. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-4) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-4 would result from mechanical equipment noise levels from the City Program – Development

Component proposed hotel potentially exceeding the nighttime limits of 45 dBA L_{eq} at nearby homes to the north and 60 dBA L_{eq} at the Best Western Hotel to the south. Mechanical equipment noise would also cause a nighttime ambient noise increase of 5 dB at the Best Western Hotel.

The potentially significant impact on noise and vibration (Impact-NOI-4) would be reduced by mitigation measure 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. 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-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). 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.

Implementation of mitigation measure MM-NOI-7 would reduce Impact-NOI-4 to less-than-significant levels by ensuring that development at the City Program – Development Component site would be designed and constructed so that noise from onsite mechanical equipment and other onsite stationary sources would comply with the City’s Noise Ordinance.

4.9.5 Impact-NOI-5: Potential Exceedance of the City’s Municipal Code Noise Standards at Onsite Sensitive Receptors Due to Onsite Operations (GB Capital Component, Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-5) associated with noise levels from the dry boat storage facility which could exceed municipal code noise limits at the Phase 1 and Phase 2 RV resort at the GB Capital Component. Additionally, noise levels from events at the potential Balanced Plan Pepper Park amphitheater could exceed nighttime noise limits at GB Capital Component RV Resort Phase 1, Hotel #1, Hotel #2, and modular cabins. Detailed information and analysis regarding this

potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-5) as identified in the EIR. Although such changes or alterations would reduce noise impacts associated with the potential Balanced Plan Pepper Park Amphitheater to below a level of significance, impacts from noise from the dry boat storage facility would remain significant even after implementation of the required changes or alterations and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-5) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-5 would result from noise levels from the dry boat storage facility, which could exceed both the daytime and nighttime limits of 60 and 65 dBA L_{eq} , respectively, at the Phase 1 and Phase 2 RV resort at the GB Capital Component. Noise levels from events at the proposed Balanced Plan Pepper Park amphitheater could exceed nighttime limits of 60 dBA L_{eq} at GB Capital Component RV Resort Phase 1, Hotel #1, Hotel #2, and modular cabins. Noise from the amphitheater could also exceed the daytime limits of 65 dBA L_{eq} at the GB Capital Component RV Resort Phase 1, Hotel #1, and modular cabins.

The potentially significant impact on noise and vibration (Impact-NOI-5) would be reduced by mitigation measures 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 and MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

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). 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 L_{eq} between 7 p.m. and 10 p.m., and 60 dBA L_{eq} 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.

MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan). 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 $L_{eq}(h)$, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City's Noise Ordinance also includes 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.

Implementation of mitigation measures MM-NOI-8 and MM-NOI-9 would reduce Impact-NOI-5. However, it is possible that full implementation of MM-NOI-8 would not be feasible due to factors such as the type of mechanical equipment required to lift and transport boats, the desired hours of operation (including the sensitive evening and nighttime hours), the proximity to the RV sites, and the difficulty in providing effective shielding given the height of the storage structure and the southerly access to the facility from Marina Way. Mitigation measure MM-NOI-9 would ensure that events at Pepper Park would be conducted in compliance with local requirements including obtaining and complying with the terms of an applicable event permit granted by the District and coordination with the City and adjacent tenants. Therefore, potential noise impacts associated with operation of Pepper Park would be reduced to less than significant with implementation of MM-NOI-9. However, given the uncertainty associated with implementing adequate noise control, Impact-NOI-5 would remain potentially significant and unavoidable with respect to noise from the dry boat storage facility and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.9.6 Impact-NOI-6: Exceedance of Caltrans Guideline Criteria for Potential Building Damage During Project Construction (GB Capital Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-6) associated with vibration levels from pile driving which could exceed Caltrans Guideline Criteria during construction of Hotel #3 at the GB Capital Component. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-6) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-6) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-6 would result from vibration levels from pile driving which could exceed 0.5 in/sec at the closest structure (Waterfront Grill at the Pier 32 Marina) during construction of Hotel #3 at the GB Capital Component.

The potentially significant impact on noise and vibration (Impact-NOI-6) would be reduced by mitigation measure MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). 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-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). 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:

- Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).
- The following steps shall be taken to protect buildings within 32 feet of pile-driving locations:
 - 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

- 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
- 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
- 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
- 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.

Implementation of mitigation measure MM-NOI-10 would reduce Impact-NOI-6 to less-than-significant levels because the measure would ensure that buildings located close to proposed pile driving would be protected from potential damage or repaired if any cosmetic or structural damage was to occur.

4.9.7 Impact-NOI-7: Exceedance of Caltrans Guideline Criteria for Potential Human Annoyance During Project Construction (Bayshore Bikeway Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on noise and vibration (Impact-NOI-7) associated with vibration levels from vibratory rollers (compactors) or heavy earthmoving equipment which could exceed Caltrans Guideline Criteria at the closest residential structures during construction of the proposed Bayshore Bikeway. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*.

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 effects on noise and vibration (Impact-NOI-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on noise and vibration (Impact-NOI-7) is analyzed in Volume 2 (Final EIR), Section 4.10, *Noise and Vibration*. Potential Impact-NOI-7 would result from vibration levels due to vibratory rollers (compactors) or heavy earthmoving

equipment, which could exceed 0.04 in/sec at the closest residential structures during construction of the proposed Bayshore Bikeway.

The potentially significant impact on noise and vibration (Impact-NOI-7) would be reduced to less than significant by mitigation measure MM-NOI-11: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). 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-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component). 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:

- Avoid the use of hydraulic breakers within 130 feet of residential buildings.
- Avoid vibratory compaction within 115 feet of residential buildings.
- Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings.

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.

Implementation of mitigation measure MM-NOI-10 would reduce Impact-NOI-6 to less-than-significant levels because the measure would ensure that buildings located close to proposed pile driving would be protected from potential damage or repaired if any cosmetic or structural damage was to occur.

4.10 Transportation, Circulation, and Parking

4.10.1 Impact-TRA-1: Generate Vehicle Miles Traveled in Exceedance of Employment-Based Thresholds During Project Operations (Phase 1 and Phase 2 of GB Capital Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-1) associated with vehicle miles traveled (VMT) exceeding employment-based thresholds during project operations. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-1) as identified in the EIR. However, the changes or alterations required will not reduce the significant effects (Impact TRA-1) below a level of significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-1) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-1 would result because employment associated with operation of the proposed project would not reduce VMT to 15% below the 2050 regional average. Therefore, employment uses associated with the proposed project (GB Capital Component, City Program – Development Component) would have a significant VMT impact.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-1) would be reduced by mitigation measure MM-TRA-1: Implement TDM and VMT Reduction Measures. 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-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component). To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction 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.

- 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.

Mitigation measure MM-TRA-1 would reduce Impact-TRA-1 by requiring implementation of transportation-demand-management (TDM) and VMT reduction measures from the San Diego Association of Governments (SANDAG) Mobility Management Toolbox, using the VMT Reduction Calculator Tool, which would reduce employment-based VMT generated during project operations. However, despite implementation of the measures, employment-based VMT generated by the proposed project would not be below the applicable threshold. Therefore, this

impact would remain significant and unavoidable and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

4.10.2 Impact-TRA-3: Inadequate Emergency Access from Temporary Road Closures During Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) associated with blocked roadways during construction, which could prevent access to the project site or surrounding vicinity by emergency vehicles. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-3) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-3 would result from inadequate emergency access from temporary road closures during project construction. Lanes and/or entire roadways may be closed during construction for each of the project components because of equipment, material deliveries, or construction activities within the right-of-way.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) will be reduced to below a level of significance by mitigation measure MM-TRA-3: Implement Traffic Control Measures During Construction. 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-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). 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 *California Manual on Uniform Traffic Control Devices* (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.

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:

1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction.
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.
3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane.
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.
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.
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.

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.

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 and permanently blocked

roads do not occur. The following shall apply to the flagging personnel required during project construction:

1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle.
2. Flaggers must be certified and have their certification card at all times.
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).
4. Police officers may be hired to provide flag control.

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:

- Implementation of a ride-sharing program to encourage carpooling among workers.
- Adjusting work schedules so workers do not access the site during peak hours.
- Providing offsite parking locations for workers outside the area, with shuttle services to bring them onsite.
- Providing subsidized transit passes for construction workers.

Mitigation measure MM-TRA-3 would reduce Impact-TRA-3 to less-than-significant levels by requiring implementation of traffic control measures during project construction. This would ensure that emergency vehicle access to the project site and surrounding area would be maintained.

4.10.3 Impact-TRA-5: Inadequate Emergency Access from the Closure of Tidelands Avenue During Operation (Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-5) from the closure of Tidelands Avenue during project operations, which could result in inadequate emergency access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-5) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-5 would result from the closure of Tidelands Avenue during project operations, which could result in inadequate emergency access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-5) will be reduced to below a level of significance by mitigation measure MM-HAZ-9: Coordinate with the City Fire Marshal. 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-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). 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:

- An emergency access road, 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 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.
- Any entrance/exit gates 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.

- Fire hydrants 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.

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 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.

Mitigation measure MM-HAZ-9 would reduce Impact-TRA-5 to less-than-significant levels by requiring coordination with the City Fire Marshal to ensure that necessary features would be included as part of the Pasha Road Closures Component, such as an emergency access road, entrance/exit gates, and fire hydrants.

4.10.4 Impact-TRA-7: Inadequate Emergency Access from Marina Way Realignment (Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-7) associated with the realignment of Marina Way, which could result in inadequate emergency access during operation through the installation of traffic-calming devices. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-7) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-7) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-7 could result in inadequate emergency access during operation through the installation of traffic-calming devices.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-7) will be reduced to below a level of significance by mitigation measure MM-HAZ-11 Manage Marina Way Realignment Conditions. 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-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). 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.

Mitigation measure MM-HAZ-11 would reduce Impact-TRA-7 to less-than-significant levels by ensuring that any traffic-calming devices incorporated into the realignment Marina Way would be approved by the City Fire Marshal.

4.10.5 Impact-TRA-8: Insufficient Parking During Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-8) related to loss of parking during construction of the proposed project, which could temporarily decrease public coastal access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-8) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-8) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-8 would result from the potential overlap of construction for several of the project components and number of daily construction workers and trucks, which could cause a temporarily insufficient parking supply that would lead to a temporary decrease in public coastal access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-8) will be reduced to below a level of significance by mitigation measure MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors. 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-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). 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 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.

With implementation of MM-TRA-5, impacts related to the loss of parking during construction and its effects on public coastal access (Impact-TRA-8) would be reduced to less than significant because public parking would continue to be accessible, and construction workers would be required to park at an offsite location and use a shuttle system or use public transit, thereby maintaining sufficient parking and continued coastal access for the public.

4.10.6 Impact-TRA-9: Insufficient Parking for Terminal Employees During Operations (Pasha Road Closures Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-9) related to loss of parking for National City Marine Terminal (NCMT) employees from proposed road closures, which could inhibit public coastal access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-9) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-9) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-9 would result from the proposed road closures (Pasha Road Closures Component) causing a net decrease in the number of parking spaces available for NCMT employees who would have to park on adjacent roadways, which could inhibit public coastal access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-9) will be reduced to below a level of significance by mitigation measure MM-TRA-6: Reconfigure Lot Q [located on the southwest corner of Bay Marina Drive and Tideland Avenue] to Accommodate 590 Striped Parking Spaces. 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-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component). 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 Tideland 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.

Mitigation measure MM-TRA-6 would reduce Impact-TRA-9 to less-than-significant levels by increasing the amount of employee parking at Lot Q to accommodate the existing NCMT employees and ensure sufficient parking.

4.10.7 Impact-TRA-10: Insufficient Parking for Pepper Park Expansion and Reconfiguration (Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant impact on transportation, circulation, and parking (Impact-TRA-10) related to insufficient parking for the Pepper Park expansion, which could inhibit public coastal access. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*.

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 effects on transportation, circulation, and parking (Impact-TRA-10) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on transportation, circulation, and parking (Impact-TRA-10) is analyzed in Volume 2 (Final EIR), Section 4.13, *Transportation, Circulation, and Parking*. Potential Impact-TRA-10 would result from an insufficient amount of parking for the Pepper Park expansion, which could inhibit public coastal access.

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-10) will be reduced to below a level of significance by mitigation measure MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot. 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-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan). 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 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).

With implementation of MM-TRA-7, impacts related to the loss of parking at Pepper Park and its impacts on public coastal access (Impact-TRA-10) would be reduced to less than significant because adequate parking would be added at Pepper Park, thereby maintaining sufficient parking for continued coastal access for the public.

4.11 Utilities and Service Systems

4.11.1 Impact-UTIL-1: Insufficient Water Facilities Available to Serve the Proposed Project (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-1) associated with a potentially significant increase in water demand because of implementation of the proposed project which could require relocation or construction of new or expanded water facilities to provide water to the project components. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

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 effects on utilities and service systems (Impact-UTIL-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-1) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-1 would result from a potentially significant increase in water demand because of implementation of the proposed project, which could require relocation or construction of new or expanded water facilities to provide water to the project components.

The potentially significant impact on utilities and service systems (Impact-UTIL-1) will be reduced to below a level of significance by mitigation measures MM-UTIL-1: Prepare Utility Infrastructure Study and MM-UTIL-2: Implement Water Conservation Measures. These mitigation measures are set forth in full in the

MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component). 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 MM-HAZ-1 and MM-HAZ-4, 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.

MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component). 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:

- Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable).
- Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices.
- Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces.
- 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.
- Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields.
- 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.

Mitigation measure MM-UTIL-1 would ensure the capacity of utility facilities are assessed prior to construction, and mitigation measure MM-UTIL-2 would require the implementation of water conservation measures, which would require the application of BMPs to reduce potential impacts on the environment should new or expanded facilities be required. Therefore, implementation of MM-UTIL-1 and MM-UTIL-2 would reduce Impact-UTIL-1 to a level below significance.

4.11.2 Impact-UTIL-2: Insufficient Pipeline Capacity to Meet the Fire Flow Demands Plus Maximum Day Demands (GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-2) associated with the pipeline upgrades that are needed in order to accommodate the fire-flow demands of the project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

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 effects on utilities and service systems (Impact-UTIL-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-2) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-2 would result in the event that upsizing of the pipelines does not occur because the current pipeline capacity is insufficient to accommodate fire-flow demands of the project.

The potentially significant impact on utilities and service systems (Impact-UTIL-2) will be reduced to below a level of significance by mitigation measure 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. 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-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). 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.

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 – 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.

Mitigation measure MM-UTIL-3 would reduce Impact-UTIL-2 to less-than-significant levels by requiring the upsizing of existing 12-inch PVC pipeline on Bay Marina Drive to ensure sufficient fire flow would be available to serve the proposed project.

4.11.3 Impact-UTIL-3: Insufficient Sewer Facilities to Convey Wastewater Generated by Future Development (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-3) associated with potentially insufficient capacity to accommodate future project-specific generated wastewater. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

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 effects on utilities and service systems (Impact-UTIL-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-3) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-3 would occur in the event that wastewater facility improvements are required and do not occur, resulting in insufficient capacity to accommodate future project-specific generated wastewater.

The potentially significant impact on utilities and service systems (Impact-UTIL-3) will be reduced to below a level of significance by mitigation measures MM-UTIL-1: Prepare Utility Infrastructure Study, and MM-UTIL-4: Issue Payment for City's Sewer Capacity Fee. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component), as described above.

MM-UTIL-4: Issue Payment for City's Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component). 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.

Mitigation measure MM-UTIL-1 would require the preparation of a utility infrastructure study that would require sufficient sewer, stormwater, electricity, natural gas, and telecommunications facilities to be available to serve operation of the proposed project. Mitigation measure MM-UTIL-4 would require project proponents to issue payment for the City's sewer capacity fee. Therefore, mitigation measures MM-UTIL-1 and MM-UTIL-4 would reduce impacts associated with sewer capacity (Impact-UTIL-3) to less-than-significant levels.

4.11.4 Impact-UTIL-4: Insufficient Stormwater Facilities to Convey Stormwater Generated by Future Development (Balanced Plan, GB Capital Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-4) associated with potentially insufficient capacity to accommodate future project-specific generated stormwater. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

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 effects on utilities and service systems (Impact-UTIL-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-4) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-4 would occur in the event that stormwater facility improvements are required and do not occur, resulting in insufficient capacity to accommodate future project-specific generated stormwater.

The potentially significant impact on utilities and service systems (Impact-UTIL-4) will be reduced to below a level of significance by mitigation measure MM-UTIL-1: Prepare Utility Infrastructure Study. This mitigation measure is set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-UTIL-1 would require the preparation of a utility infrastructure study that would require sufficient sewer, stormwater, electricity, natural gas, and telecommunications facilities to be available to serve operation of

the proposed project. Therefore, mitigation measure MM-UTIL-1 would reduce Impact-UTIL-4 to less-than-significant levels.

4.11.5 Impact-UTIL-5: Insufficient Electricity, Natural Gas, and Telecommunications Facilities to Serve the Project Components (Balanced Plan, GB Capital Component, City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-5) associated with potential construction of new or expanded electricity, natural gas, or telecommunications facilities to serve the project components, which could result in physical impacts on the environment. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

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 effects on utilities and service systems (Impact-UTIL-5) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-5) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-5 would result from the potential construction of new or expanded electricity, natural gas, or telecommunications facilities to serve the project components, which could have physical impacts on the environment.

The potentially significant impact on utilities and service systems (Impact-UTIL-5) will be reduced to below a level of significance by mitigation measure MM-UTIL-1: Prepare Utility Infrastructure Study. This mitigation measure is set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-UTIL-1 would reduce Impact-UTIL-5 to less-than-significant levels by ensuring electricity, natural gas, and telecommunications facilities with the ability to serve the project components are assessed prior to construction.

4.11.6 Impact-UTIL-6: Insufficient Water Supplies Available to Serve the Proposed Project (Balanced Plan, GB Capital Component, and City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant impact on utilities and service systems (Impact-UTIL-6) related to uncertainties around available water supply which is necessary for the operation of the proposed project. Detailed information and analysis regarding this potentially significant impact are provided in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*.

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 effects on utilities and service systems (Impact-UTIL-6) as identified in the EIR.

Facts in Support of Finding: The potentially significant impact of the proposed project on utilities and service systems (Impact-UTIL-6) is analyzed in Volume 2 (Final EIR), Section 4.14, *Utilities and Service Systems*. Potential Impact-UTIL-5 would result from the proposed project having insufficient water availability to serve the project and reasonably foreseeable future development. Sweetwater Authority cannot guarantee that at some point in the future, supply of imported water would not be diminished due to uncertainty with the pending lawsuit filed by the Imperial Irrigation District, potential cutback in Colorado River water deliveries in accordance with the Lower Basin Drought Contingency Plan, and potential for prolonged droughts due to climate change that could last more than the multiple 3-dry-year scenario analyzed in the Water Supply Assessment prepared for the proposed project.

The potentially significant impact on utilities and service systems (Impact-UTIL-5) will be reduced to below a level of significance by mitigation measures MM-UTIL-1: Prepare Utility Infrastructure Study, MM-UTIL-2: Implement Water Conservation Measures, MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature, and MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component), as described above.

MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, City Program – Development Component, and GB Capital Component), as described above.

MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component). 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.

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). 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.

Implementation of mitigation measure MM-UTIL-1 would ensure the capacity of utility facilities is assessed prior to construction, and mitigation measure MM-UTIL-2 would require the implementation of water conservation measures. Implementation of MM-UTIL-5 and MM-UTIL-6 would ensure sufficient water supplies are available or require project design to match availability, prior to construction and issuance of building permits, respectively. Therefore, MM-UTIL-1, MM-UTIL-2, MM-UTIL-5, and MM-UTIL-6 would reduce Impact-UTIL-6 to a less-than-significant level.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (State CEQA Guidelines §15130(a)). Cumulative impacts are those that are considered significant when viewed in connection with the impacts of other closely related past, present, and reasonably foreseeable future projects (State CEQA Guidelines §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

The EIR analyzes cumulative impacts by compiling a list of past, present, and probable future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction (State CEQA Guidelines §15130(b)(1)(A)). The list of "past, present and probable future projects" should include related projects that already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the Draft EIR is prepared (State CEQA Guidelines §15130, *Discussion of Cumulative Impacts*). The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The EIR cumulative analysis of near-term conditions for a majority of issue areas used the List Method, which is "a list of past, present, and probable activities producing related or cumulative impacts" based on State CEQA Guidelines Section 15130(b). However, the Transportation Impact Analysis for the proposed project bases the 2050 future year conditions on the San Diego Association of Governments' (SANDAG's) Series 13 Travel Demand Model. Consequently, the cumulative analyses for transportation as well as traffic-related impacts on air quality, greenhouse gas emissions, and noise and vibration use the Plan Method. Additionally, the cumulative analysis related to future water supply in the utilities and service systems chapter uses the Plan Method because it is based on the adopted 2015 Sweetwater Authority Urban Water Management Plan (UWMP).

The EIR considered 53 cumulative projects in the evaluation of cumulative impacts. The projects listed in the proposed project's cumulative study area have had applications submitted or have been approved, are under construction, or have recently been completed. A detailed description of these cumulative projects is provided in Table 5-2 and a map depicting the location of these projects in relation to the project site is provided on Figure 5-1 (project numbering

corresponds to numbers shown in Table 5-2) in Chapter 5, *Cumulative Impacts*, of Volume 2 (Final EIR).

The proposed project would contribute to cumulative impacts related to air quality and health risk, GHG emissions and climate change, noise and vibration, and transportation, circulation, and parking. The findings below identify each of the significant cumulative environmental impacts, the mitigation measures adopted to substantially lessen or to avoid them, or the reasons proposed mitigation measures are infeasible due to specific economic, social, or other considerations, if an impact is identified as significant and unavoidable. The findings incorporate by reference the analysis of significant cumulative impacts contained in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts*.

The significant cumulative impacts related to air quality and health risk, and noise and vibration identified in the EIR would be reduced to a level below significance after implementation of all feasible mitigation measures. However, even with mitigation incorporated, the proposed project would result in cumulatively considerable and unavoidable contributions to impacts related to GHG emissions and climate change; and transportation, circulation, and parking.

5.1 Air Quality and Health Risk

5.1.1 Impact-C-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 cumulative impact on air quality and health risk (Impact-C-AQ-1) in that the proposed project would conflict with applicable state and regional air quality plans because 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. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (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 (Impact-C-AQ-1) as identified 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 cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-1 will result from the new land use designations not being accounted for in the RAQS and SIP.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-1) will be reduced to below a level of significance by mitigation measure MM-AQ-1: Update the RAQS and SIP with New Growth Projections. This mitigation measure is set forth in full in Section 4.2.1 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-AQ-1 requires the District to pursue the administrative process to update SANDAG's growth projections. Pursuant to California Evidence Code § 664, it is presumed that SANDAG and the SDAPCD will update the RAQS and SIP to adequately consider the redesignated land and water uses at the project site. With implementation of MM-AQ-1, the proposed project's inconsistency with the RAQS and SIP (Impact-C-AQ-1) would be rectified and would be less than cumulatively considerable.

5.1.2 Impact-C-AQ-2: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Construction (All Components)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) in that project emissions during construction, before mitigation, would exceed the applicable significance thresholds. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (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 (Impact-C-AQ-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-2) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-2 will result because unmitigated project emissions during construction would exceed applicable significance thresholds that have been set to attain the NAAQS and CAAQS.

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) will be reduced to below a level of significance by 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 Section 4.2.2 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of mitigation measures MM-AQ-1 through MM-AQ-6 would reduce the proposed project's contribution to cumulative air quality impacts during construction (Impact-C-AQ-2) to a level considered less than cumulatively considerable by implementing measures and practices that reduce emissions and limit the overlap of activities associated with separate projects and project components.

5.1.3 Impact-C-AQ-3: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Operations (GB Capital Component, City Program – Development Component, and Balanced Plan)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-3) in that unmitigated project emissions during operation would exceed the applicable significance thresholds. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (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 (Impact-C-AQ-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-3) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-3 will result because unmitigated project emissions during operation of the GB Capital Component, City Program – Development Component, and Balanced Plan would exceed applicable significance thresholds that have been set to attain the NAAQS and CAAQS.

Potential Impact-C-AQ-3 will be reduced to below a level of significance by mitigation measure 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). This mitigation measure is set forth in full in Section 4.2.3 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-AQ-7 would restrict the use of wood-burning fireplaces and firepits at the City Program – Development Component, the GB Capital Component, and the Balanced Plan. With implementation of mitigation measure MM-AQ-7, Impact-C-AQ-3 would be less than cumulatively considerable because it would reduce operational-related VOC and PM10 emissions to a level below the threshold.

5.1.4 Impact-C-AQ-4: Emissions that Contribute to Health Effects During Proposed Project Construction (All Project Components)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-4) from project-related emissions during construction exceeding applicable significance

thresholds for VOC, PM10, PM2.5, NO_x, and CO that have been set to protect public health. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (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 (Impact-C-AQ-4) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-4) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-4 will 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.

Potential Impact-C-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 in Section 4.2.4 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

MM-AQ-2 through MM-AQ-6 would reduce emissions during construction to below thresholds that were adopted for the purpose of protecting human health. Therefore, with implementation of mitigation measures MM-AQ-2 through MM-AQ-6, Impact-C-AQ-4 would be less than cumulatively considerable.

5.2 Greenhouse Gas Emissions and Climate Change

5.2.1 Impact-C-GHG-1: Inconsistency with the District and City Climate Action Plans' Numerical Targets

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) in that the proposed project would not meet the numerical efficiency targets in the District and City CAPs. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change).

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 GHG emissions and climate change (Impact-C-GHG-1) as identified in the EIR. However, it cannot be stated with certainty that such measures would reduce the significant effects to a level below significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on GHG emissions and climate change (Impact-C-GHG-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change). Potential Impact-C-GHG-1 will result because the proposed project's combined construction and operation emissions would exceed the numerical efficiency target for both 2025 and 2050 set forth in the District and City CAPs.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) will be reduced by mitigation measures MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project Onsite, 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, and 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. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.1.

Implementation of MM-GHG-1 through MM-GHG-7 would result in project-related GHG emissions below the numerical efficiency targets. However, because it cannot be stated with certainty that the project would result in emissions that would represent a fair share of the requisite reductions toward the statewide carbon neutrality goal, impacts would be cumulatively considerable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15091 is required.

5.2.2 Impact-C-GHG-2: Inconsistency with District Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) in that the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable District CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing

GHG emissions. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change).

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 GHG emissions and climate change (Impact-C-GHG-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on GHG emissions and climate change (Impact-C-GHG-2) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change). Potential Impact-C-GHG-2 will result because the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable District CAP measures and applicable state reduction goals and plans, policies, or regulations.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-2) will be reduced by mitigation measures MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, and MM-GHG-6: Implement a Renewable Energy Project Onsite, 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. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.2.

MM-GHG-1, MM-GHG-2, and MM-GHG-4 through MM-GHG-6 would ensure consistency with plans, policies, and regulatory programs that are outlined in local and statewide plans, policies, and regulations that have been adopted for the purpose of reducing the emissions of GHGs, including the District's CAP. Therefore, with implementation of mitigation measures MM-GHG-1, MM-GHG-2, and MM-GHG-4 through MM-GHG-6, Impact-C-GHG-2 would be less than cumulatively considerable.

5.2.3 Impact-C-GHG-3: Inconsistency with the City's Climate Action Plan and Only Partial Consistency with Statewide Greenhouse Gas Reduction Plans, Policies, and Regulatory Programs

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-3) in that the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations for the purpose of reducing GHG emissions. Detailed information and analysis regarding this potentially

significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change).

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 GHG emissions and climate change (Impact-C-GHG-3) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on GHG emissions and climate change (Impact-C-GHG-3) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Greenhouse Gas Emissions and Climate Change). Potential Impact-C-GHG-3 will result because the proposed project would only partially comply with plans, policies, and regulatory programs outlined in applicable City CAP measures and applicable state reduction goals and plans, policies, or regulations.

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-3) will be reduced by mitigation measures MM-GHG-3: Comply with the Applicable City CAP Measures, and 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. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.3.

MM-GHG-3 and MM-GHG-7 would ensure consistency with plans, policies, and regulatory programs that are outlined in local and statewide plans, policies, and regulations that have been adopted for the purpose of reducing the emissions of GHGs, including the City's CAP. Therefore, with implementation of mitigation measures MM-GHG-3 and MM-GHG-7, Impact-C-GHG-3 would be less than cumulatively **considerable**.

5.3 Noise and Vibration

5.3.1 Impact-C-NOI-1: Exceedance of the City's General Plan Noise Exposure Standards Due to Traffic Noise at Onsite Visitor Accommodations (City Program – Development Component)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) in that traffic noise exposure could exceed 65 dB CNEL at the proposed hotel at the City Program – Development Component site due to traffic on Cleveland Avenue and Bay Marina Drive. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration).

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 noise and vibration (Impact-C-NOI-1) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on noise and vibration (Impact-C-NOI-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration). Potential Impact-C-NOI-1 will result because traffic noise exposure could exceed 65 dB CNEL at the proposed hotel at the City Program – Development Component site due to traffic on Cleveland Avenue and Bay Marina Drive.

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) will be reduced to below a level of significance by mitigation measure 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. This mitigation measure is set forth in full in Section 4.9.2 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Implementation of mitigation measure MM-NOI-4 would reduce the project's contribution to cumulative traffic noise impacts (Impact-C-NOI-1) to less-than-significant levels because it would ensure that development at the City Program – Development Component site would be designed and constructed to control exterior-to-interior noise that could affect sensitive occupied spaces.

5.3.2 Impact-C-NOI-2: Exceedance of the City's General Plan Noise Exposure Standards Due to Rail Noise at Onsite Visitor Accommodations (GB Capital Component, Pasha Rail Improvement Component)

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on noise and vibration (Impact-C-NOI-2) in that rail noise exposure could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations at the proposed Pasha Rail Improvement Component and existing NCMT rail operations. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration).

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 noise and vibration (Impact-C-NOI-2) as identified in the EIR.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on noise and vibration (Impact-C-NOI-2) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Noise and Vibration). Potential Impact-C-NOI-2 will result because rail noise exposure could exceed 65 dB CNEL at the proposed hotels and RV resort at the GB Capital Component site due to operations at the proposed Pasha Rail Improvement Component and existing NCMT rail operations.

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-2) will be reduced to below a level of significance by mitigation measures MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less, and 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. These mitigation measures are set forth in full in Section 4.9.3 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-NOI-5 would require a noise barrier or the dry boat storage (proposed by GB Capital) to be enclosed and made from solid material to reduce the rail noise exposure at the proposed GB Capital Component RV sites to 65 dB CNEL or less for compliance with the City's exterior noise compatibility guidelines, as specified in the National City General Plan Noise Element. Mitigation measure MM-NOI-6 would ensure GB Capital Component hotels would be designed and constructed so as to control exterior-to-interior noise that could affect sensitive occupied spaces. Therefore, implementation of mitigation measures MM-NOI-5 and MM-NOI-6 would reduce the project's contribution to cumulative rail noise impacts (Impact-C-NOI-2) to less-than-significant levels because interior noise levels would be in compliance with the interior noise standards specified in the National City General Plan Noise Element.

5.4 Transportation, Circulation, and Parking

5.4.1 Impact-C-TRA-1: Generate Cumulatively Considerable Vehicles Miles Traveled in Exceedance of Employment-Based Thresholds During Project Operations

Potentially Significant Impact: The EIR identifies a potentially significant cumulative impact on transportation, circulation, and parking (Impact-C-TRA-1) associated with VMT exceeding employment-based thresholds during project operations. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking).

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 effects on transportation, circulation, and parking (Impact-C-TRA-1) as identified in the EIR. However, the changes or alterations required will not reduce the significant effects (Impact-C-TRA-1) below a level of significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

Facts in Support of Finding: The potentially significant cumulative impact of the proposed project on transportation, circulation, and parking (Impact-C-TRA-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Transportation, Circulation, and Parking). Potential Impact-C-TRA-1 would result because employment associated with operation of the proposed project would not reduce

VMT to 15% below the 2050 regional average. Therefore, employment uses associated with the proposed project (GB Capital Component, City Program – Development Component) would have a significant VMT impact.

The potentially significant impact on transportation, circulation, and parking (Impact-C-TRA-1) would be reduced by mitigation measure MM-TRA-1: Implement TDM and VMT Reduction Measures. This mitigation measure is set forth in full in Section 4.10.1 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

Mitigation measure MM-TRA-1 would reduce Impact-C-TRA-1 by requiring implementation of TDM and VMT reduction measures from the SANDAG Mobility Management Toolbox’s VMT Reduction Calculator Tool, which would reduce employment-based VMT generated during project operations. However, despite implementation of the measures, employment-based VMT generated by the proposed project would not be below the applicable threshold. Therefore, Impact-C-TRA-1 would be cumulatively considerable and unavoidable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15091 is required.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

CEQA requires an EIR to evaluate feasible mitigation measures and alternatives which would avoid or substantially lessen any of the significant environmental impacts of the proposed project. In preparing and adopting findings pursuant to Public Resources Code § 21081 and State CEQA Guidelines § 15091, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level below significance solely by the adoption of mitigation measures, the lead agency has no obligation in its findings to consider the feasibility of alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the project, the District considers only those significant environmental impacts of the project that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after the incorporation of all feasible mitigation measures identified in an EIR, the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. “Feasible” means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors. (Pub. Res. Code § 21061.1; State CEQA Guidelines § 15364.) The concept of “feasibility” also encompasses the ability of an alternative to accomplish the objectives of a project and the desirability of an alternative from a policy standpoint, to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social and

technological factors.

While an EIR evaluates whether alternatives are potentially feasible, the lead agency's decision-making body considers in its findings whether the alternatives are actually feasible. A lead agency may not approve a project if there are feasible alternatives which would avoid or substantially lessen any unmitigated significant impacts. If there are no feasible alternatives, the lead agency may approve a project if it determines that the benefits of the project outweigh its unavoidable environmental risks and the lead agency adopts a Statement of Overriding Considerations. (State CEQA Guidelines § 15093.)

The Final EIR concluded that the project may result in the following unavoidable significant impacts which would not be mitigated to a level below significance even after the incorporation of all feasible mitigation measures:

- Direct/project 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.

The Final EIR also examined a range of reasonable alternatives to determine whether they could meet the project objectives while avoiding or substantially lessening one or more of the proposed project's significant impacts. The EIR analyzed four alternatives to the proposed project: (1) the No Project Alternative, (2) the No Waterside Development in Sweetwater Channel Alternative, (3) GB Capital Component Phase 1 Only Alternative, and (4) Reduced Development Intensity Alternative. Detailed information and analysis concerning these alternatives are set forth in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project*.

In considering the feasibility of the alternatives evaluated in the EIR, the District examined the project objectives and weighed the ability of each alternative to meet these objectives. The objectives of the project are set forth in Volume 2 (Final EIR), Section 3.3, *Project Objectives* as follows:²

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 improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.

2. Reconfigure maritime and commercial uses to balance the anticipated

² Objective 9, expand aquaculture potential on District tidelands, was removed because GB Capital withdrew its request for aquaculture from the proposed project.

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.

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.

The findings below describe the alternatives examined in Volume 2, Chapter 7 of

the EIR, discuss their ability to avoid or substantially lessen any of the unavoidable significant impacts of the project, and determine whether they are feasible. Based on the substantial evidence contained in the record of these proceedings, the District hereby finds that the alternatives analyzed in the EIR which would avoid or substantially lessen any of the unavoidable significant impacts of the project are infeasible for the reasons set forth below.

6.1 Alternative 1 – No Project Alternative

The No Project Alternative is required by CEQA (State CEQA Guidelines §15126(d)(2)) to discuss and analyze potential impacts that would occur if the project was not implemented. The No Project Alternative serves as the alternative to compare the effects of the proposed project and other project alternatives on the existing conditions.

Under the No Project Alternative, the site would operate in its current state, and the land use redesignations associated with the Balanced Plan would not occur. Tidelands Avenue between Bay Marina Drive on the north and 32nd Street on the south and West 28th Street between Quay Avenue and Tidelands Avenue would still function as roadways, and no Pasha rail improvements would occur. The existing Pier 32 Marina would not be expanded to include overnight accommodations, moorings, floating docks, and piers. The alternate Segment 5 of the Bayshore Bikeway would not be developed, and the existing Segment 5 on Tidelands Avenue and 32nd Street would remain in place. Pepper Park would not be expanded. In addition, the following would not be built: recreational vehicle (RV) resort, dry boat storage, and modular cabins; two-story building with restrooms, laundry facilities, and staff support services; maintenance building and yard; public access corridors; view corridors; or hotels (up to four). In addition, the City Program – Plan Amendments Component—which includes amendments to the City’s General Plan, LCP, Harbor District Specific Area Plan, and Land Use Code for seven parcels north of Bay Marina Drive and development of a five-story hotel with retail and restaurant space—would not be implemented and future development would not occur.

The potential impacts of the No Project Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.1). Because the proposed project would not be implemented, the No Project Alternative would avoid or substantially reduce the unavoidable significant impacts related to GHG emissions and climate change; noise and vibration; and traffic, circulation, and parking.

However, the No Project Alternative is not a feasible alternative as defined by CEQA because it would not meet any of the project objectives, which include further activating the project site by modifying the land use and their configurations to foster the development of high-quality commercial and recreational uses, maximizing employment, recreational, and economic development opportunities, and improving cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.

The District finds that the No Project Alternative would not achieve any of the project's objectives and would preclude obtaining the benefits of the project. The District finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. The District further finds that, although the No Project Alternative would avoid or substantially lessen these significant potential impacts, the No Project alternative is infeasible because it would not attain any of the project objectives and would not provide the District and the region with any of the benefits of the project described in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.2 Alternative 2 – No Waterside Development in Sweetwater Channel Alternative

Alternative 2 would include the land use redesignations associated with the Balanced Plan; most of the GB Capital Component, including construction and operation of an RV park, modular cabins, dry boat storage, and up to four hotels; the Pasha Rail Improvement Component, including construction and operation of a rail connector track and storage track; the Pasha Road Closures Component; the Bayshore Bikeway Component, including development of Segment 5 of the Bayshore Bikeway; and the City Program – Development Component, including construction and operation of hotel, restaurant, retail, and/or a combination of tourist-/visitor-serving commercial development north of Bay Marina Drive. However, under Alternative 2, the Pier 32 Marina would not be expanded into Sweetwater Channel, which would avoid potential impacts on eelgrass, an essential fish habitat. Alternative 2 would include the proposed waterside Pier 32 Marina improvements of constructing an approximately 580-foot-long and 8-foot-wide dock with two 80-foot-long and 5-foot-wide gangways within the existing Pier 32 Marina basin north of the jetty.

The potential impacts of the No Waterside Development in Sweetwater Channel Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.2). This alternative would slightly reduce impacts associated with biological resources (i.e., avoiding removal of eelgrass and reducing pile-driving noise impacts on wildlife) compared to the project because of the elimination of construction activities within Sweetwater Channel. All other impacts under this alternative would be similar to those of the proposed project. As a result, this alternative would not avoid or substantially lessen the unavoidable significant impacts of the project related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking.

The No Waterside Development in Sweetwater Channel Alternative would also not meet the project objectives associated with the development and operation of the

project. Alternative 2 would meet Objectives #1, 5, 6, 7, 10, and 11 by modifying the land uses and their configurations to further activate the project area. Alternative 2 would only meet a portion of Objectives #2, 3, 4, 8 and 12 by reconfiguring maritime and commercial uses while increasing public access in the project area to eliminate impediments, such as existing roads and non-contiguous land use configurations; fostering the development of high-quality commercial uses and increasing park space and recreational opportunities; and ensuring consistency with the Jurisdictional Runoff Management Program.

The District finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. The District further finds that the No Waterside Development in Sweetwater Channel Alternative is not a feasible alternative as defined by CEQA because it would not avoid or substantially lessen the project's potential unavoidable significant impacts related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking. The District further finds that this alternative is not a feasible alternative because it would partially meet Objectives # 2, 3, 4, 8, and 12, but not to the same extent as the project because it would not provide as much recreational and visitor-serving opportunities, public access and meet market demand. This alternative also would not provide the District and the region with all of the benefits of the project described above and in the Statement of Overriding Considerations to the same extent as the project and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.3 Alternative 3 – GB Capital Component Phase 1 Only Alternative

Alternative 3 would include the land use redesignations associated with the Balanced Plan; the Pasha Rail Improvement Component, including construction and operation of a rail connector track and storage track; the Pasha Road Closures Component; the Bayshore Bikeway Component, including development of Segment 5 of the Bayshore Bikeway; and the City Program – Development Component, including construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor-serving commercial development north of Bay Marina Drive. However, only Phase 1 of the GB Capital Component would be included. Phase 2 of the GB Capital Component would be eliminated. Consequently, construction and operation of the following elements would not occur: an up-to-three-story hotel with as many as 40 rooms generally on Parcel B1 of the Balanced Plan; an up-to-four-story building, including approximately 16,500 square feet of retail space and a hotel with up to 60 rooms on Parcel B6 of the Balanced Plan; an up-to-11-story hotel with up to 282 rooms on Parcel B3 of the

Balanced Plan; and an up-to-four-story hotel with up to 81 rooms on Parcel B3 of the Balanced Plan.

The potential impacts of the GB Capital Component Phase 1 Only Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.3). This alternative would slightly reduce impacts associated with GHG emissions compared to the project because of the elimination of the development of up to four hotels. Although activities that have the potential to generate significant GHG emissions would be reduced, all other project components would be constructed and operated, would not meet the numerical efficiency targets in 2025 or 2050, and would only partially comply with plans, policies, and regulatory programs outlined in applicable District and City CAP measures and applicable state reduction goals and plans, policies, or regulations. Overall, under Alternative 3, impacts related to GHG emissions and climate change would be reduced compared to those of the project, but would still remain significant.

Alternative 3 would also reduce noise and vibration impacts associated with construction of four hotels, including the pile driving that would be required to support those buildings. Alternative 3 would eliminate the significant onsite rail noise impacts at adjacent hotel locations and would incrementally reduce traffic noise levels by reducing the number of visitors to the hotel. All other impacts under this alternative would be similar to those of the proposed project. Alternative 3 would not eliminate the remaining impacts predicted at onsite noise-sensitive receptors due to traffic, rail, and operational noise, or at offsite locations due to project mechanical equipment. The project's significant and unavoidable impacts related to rail noise exposure at the proposed RV sites at the GB Capital Component, and operational noise from the proposed dry boat storage facility, would remain unchanged.

Although Alternative 3 would not include Phase 2 of the GB Capital Component, this alternative would include development of all waterside components of the proposed project and a majority of the landside components. As such, Alternative 3 would still generate vehicle trips and total VMT from these uses, but the amount of vehicle trips and total VMT generated would be reduced compared to the project due to the elimination of four hotels under this alternative. However, while total VMT would be reduced under this alternative, it is anticipated that Alternative 3 would still result in significant and unavoidable impacts related to VMT after mitigation because the ratio of VMT per employee and per visitor would not improve, similar to under the proposed project. Additionally, Alternative 3 would result in significant impacts associated with inadequate emergency access during construction, as well as insufficient parking during construction and insufficient parking for terminal employees during operations that could lead to a decrease in public coastal access. Because the extent of construction would be reduced under Alternative 3, construction-related impacts on emergency access and parking supply would be slightly reduced compared to the proposed project. Similar to those of the proposed project, however, these impacts would be reduced to less-than-significant levels with mitigation identified in Section 4.13, *Transportation, Circulation, and Parking*.

The GB Capital Component Phase 1 Only Alternative would only partially meet the project objectives associated with the development and operation of the project. Alternative 3 would meet Objectives #1, 3, 4, 5, 6, and 7 by modifying the land uses and their configurations to further activate the project area; however, activation would be reduced with the absence of up to four hotels. Alternative 3 would only meet a portion of Objectives #2, 8, 10, 11, and 12 by increasing public access in the project area to eliminate impediments, such as existing roads and non-contiguous land use configurations; increasing park space and recreational opportunities; and ensuring consistency with the Jurisdictional Runoff Management Program.

The District finds that the GB Capital Component Phase 1 Only Alternative is not a feasible alternative as defined by CEQA because it would not avoid or substantially lessen the unavoidable significant impacts of the project related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking. The District further finds that this alternative is not a feasible alternative because it would partially meet Objectives # 2, 8, 10, 11 and 12, but not to the same extent as the project because activation of the project area would be reduced by the absence of up to four hotels. This alternative also would not provide the District and the region with all of the benefits of the project described above and in the Statement of Overriding Considerations to the same extent as the project and thus would be undesirable from a policy standpoint. The District further finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

6.4 Alternative 4 – Reduced Development Intensity Alternative

Under Alternative 4, the overall development intensity within the GB Capital Component would be reduced by approximately 50% by reducing the number of hotel rooms. Specifically, the height of the 11-story hotel and number of rooms proposed for that hotel would be reduced to six stories and 140 rooms; the three-story, 40-room hotel would be eliminated; and that area would continue in its current use as a small grassy area and putting green for Pier 32 Marina. The reduction in the size of the features would enable the expansion of the Central Promenade extending from the existing Marina Way alignment to the viewpoint at Pier 32 from a 24-foot width to a 30-foot width. Similarly, under this alternative, the height of the five-story hotel and number of hotel rooms proposed for the City Program – Development Component would be reduced to a three-story hotel with 75 rooms.

All other project components would be the same as under the project, including the land use redesignations associated with the Balanced Plan, a portion of the GB Capital Component (i.e., construction and operation of dry boat storage), the Pasha Rail Improvement Component (i.e., construction and operation of a rail connector track and storage track), the Pasha Road Closures Component, and one route of

the Bayshore Bikeway Component (i.e., development of Segment 5 of the Bayshore Bikeway).

The potential impacts of the Reduced Development Intensity Alternative are discussed in detail in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project* (Section 7.5.4). Alternative 4 reduces the second-largest number of significant impacts and is considered the environmentally superior alternative. Alternative 4 would reduce the height of the hotels and number of rooms proposed under the GB Capital Component and reduce the height of the five-story hotel and number of hotel rooms as part of the City Program – Development Component, which would reduce impacts related to aesthetics and visual resources, air quality and health risk, GHG emissions, noise and vibration, and transportation, circulation, and parking.

The Reduced Development Intensity Alternative would result in construction and operational sources similar to those of the project, but in lesser quantities because Alternative 4 includes reduced intensity and less development than the proposed project. Similar to under the project, however, project components would not meet the numerical efficiency targets in 2025 or 2050 and would only partially comply with plans, policies, and regulatory programs outlined in applicable District and City CAP measures and applicable state reduction goals and plans, policies, or regulations prior to mitigation identified in Volume 2 (Final EIR), Section 4.6, *Greenhouse Gas Emissions and Climate Change*. Therefore, although Alternative 4 would result in slightly reduced GHG impacts compared to the project, impacts would remain significant and unavoidable.

The Reduced Development Intensity Alternative would eliminate some noise and vibration associated with construction. It would also reduce the intensity and/or duration of construction at the GB Capital Component. However, these sites would be a large distance from the closest offsite noise-sensitive receptors and, therefore, Alternative 4 would not change the predicted significant construction impacts at offsite locations. The reduced intensity of visitor accommodations would incrementally reduce traffic noise levels by reducing the number of visitors to the GB Capital Component and Pier 32 Marina. However, this alternative would not eliminate the remaining impacts predicted at onsite noise-sensitive receptors due to traffic, rail, and operational noise, or at offsite locations due to project mechanical equipment. Although slightly reduced when compared to the project, overall noise and vibration impacts under Alternative 4 would remain significant and unavoidable.

The Reduced Development Intensity Alternative would result in a reduced number of hotel rooms and reduced vehicle trips and total VMT due to the decrease in overall development intensity under this alternative. However, while total VMT would be reduced under this alternative, it is anticipated that Alternative 4 would still result in significant and unavoidable impacts related to VMT after mitigation because the ratio of VMT per employee and per visitor would not improve. Additionally, Alternative 4 would result in significant impacts associated with inadequate emergency access during construction and operation, as well as insufficient parking during construction and insufficient parking for terminal employees during operations that could lead to

a decrease in public coastal access. Because the extent of construction would be reduced under Alternative 4, construction-related impacts on emergency access and parking supply would be slightly reduced compared to the proposed project. Similar to those of the proposed project, however, these impacts would be reduced to less-than-significant levels with mitigation measures identified in Section 4.13, *Transportation, Circulation, and Parking*. Overall, Alternative 4 would have slightly reduced impacts on transportation, circulation, and parking when compared to the project, but impacts would remain significant and unavoidable.

The Reduced Development Intensity Alternative would only partially meet the project objectives. It would meet Objectives # 2, 4, 5, 6, 7, 10 and 11. The reduction of hotel heights and number of hotel rooms proposed by this alternative would only partially meet Objectives #1, 3, 8, and 12 by modifying land uses and their configurations to further activate the project area. This alternative would fail to meet Objective #1 by failing to maximize employment opportunities and resulting in economic impacts associated with the proposed hotel development. Objective #3 would not be met in that the economic vitality of the project and its revenue generation, including Transient Occupancy Tax, would be substantially compromised, possibly jeopardizing the feasibility of this portion of the project. This alternative would partially meet Objective #8 by ensuring consistency with the Jurisdictional Runoff Management Program. Objective #12 would only be partially met because the reduced number of hotel rooms would result in less fewer visitors and less pedestrian activity and enjoyment of San Diego Bay for visitors.

The District finds that the Reduced Development Intensity Alternative is not a feasible alternative as defined by CEQA because it would not avoid or substantially lessen the unavoidable significant impacts of the project related to GHG emissions and climate change, noise and vibration, and transportation, circulation and parking. The District further finds that this alternative is not a feasible alternative because it would not achieve several of the fundamental objectives of the project to the same extent as the project. With the reduced number of hotel rooms, fewer economic development opportunities would occur and less transient occupancy tax would be collected and Alternative 4 would only partially meet Objectives #1 and #3, respectively. It would only partially meet Objective #8 because it would only ensure consistency with the Jurisdictional Runoff Management Program. With fewer hotel rooms, there also would be fewer visitor-serving opportunities and enjoyment of the Bay by visitors, resulting in Alternative 4 only partially meeting Objective #12. This alternative also would not provide the District and the region with all of the benefits of the project described above and in the Statement of Overriding Considerations to the same extent as the project, and thus would be undesirable from a policy standpoint. The District further finds that all potential significant environmental impacts of the project will be mitigated by the design of the project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the project's significant impacts on GHG emissions and climate change, noise and vibration, and traffic, circulation, and parking. For the potential significant impacts which cannot be avoided or mitigated to a level below

significance, therefore, the District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

STATEMENT OF OVERRIDING CONSIDERATIONS

The proposed project would have significant environmental impacts on the following areas after implementation of all feasible mitigation measures, which are described in detail in Volume 2 (Final EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*:

- Project/direct 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.

The District analyzed a reasonable range of alternatives to the proposed project in Volume 2 (Final EIR), Chapter 7, *Alternatives to the Proposed Project*, including the No Project/No Build Alternative, the No Waterside Development in Sweetwater Channel Alternative, the GB Capital Component Phase 1 Only Alternative, and the Reduced Development Intensity Alternative. Based on the evidence contained in the EIR and presented during the administrative proceedings, the District determined that none of the alternatives is feasible because they would not avoid or substantially reduce the unavoidable significant impacts of the proposed project and would not meet all or some of the fundamental objectives to the same extent as the project. Therefore, the Board of Port Commissioners of the District has adopted the proposed project.

Notwithstanding the unavoidable significant environmental impacts of the projects, CEQA allows the District to approve the project as proposed. Pursuant to CEQA Guidelines §§15043 and 15093, the District must adopt a Statement of Overriding Considerations in order to approve the proposed project. A Statement of Overriding Considerations allows a lead agency to consider the specific economic, social, or other expected benefits of a project in order to determine whether these benefits outweigh the project's potential unavoidable significant environmental risks. Although the District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts that will be mitigated to a level below significance, the District wishes to make clear its determination that the benefits of the approved project described below are of such importance to the community and the region as to outweigh all significant adverse impacts described in the EIR or suggested by participants in the public review process.

Pursuant to CEQA Guidelines §15093, the District hereby finds that the proposed project would have the following benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the proposed project:

- The project will advance the goal articulated in the Port's mission statement that provides: "While protecting the Tidelands Trust resources, the Port will

balance economic benefits, community services, environmental stewardship, and public safety on behalf of the citizens of California.” The project will provide a stimulus to the local and regional economy through the creation of temporary and permanent jobs for the construction and operation of the hotels, restaurant, retail development, RV park, dry boat storage, and expanded marina components of the project. In addition, the public access areas and expanded Pepper Park would be available for future visitor and public uses that will provide community services to residents and visitors to the San Diego region and National City.

- The project would further the District’s commitment to lower cost visitor and recreational facilities, consistent with Section 30213 of the Coastal Act. The project proposes to improve the existing Pepper Park and expand Pepper Park by 2.5 acres. Pepper Park is a recreational facility that is free and accessible to the public; and after the park expansion it would remain free and accessible to the public. The project would also implement several recreational opportunities, including bicycle and pedestrian paths. In addition, the project would expand Pepper Park in order to attract more visitors. Further, the overnight accommodations included in the proposed project are anticipated to be lower-cost because the National City hotel market is a lower cost market as compared to the City of San Diego. The overnight accommodations (e.g., hotels, motels) currently operating in National City have average daily rates below \$100.00. The proposed overnight accommodations included with the proposed project will reflect the local hotel market conditions.
- The project will stimulate economic growth for the District, the City of National City, and the overall region by paying leasing fees to the District, creating hotel tax revenues for the City, and by providing a hotel for overnight accommodations to visitors to the San Diego region and National City that will contribute to the local economy.
- The project will increase employment opportunities within the region by providing approximately 211 temporary jobs during construction and approximately 437 jobs during operation of the components of the project.
- The project would provide a connection to the regional bikeway network, create a safer environment for bicyclists, and support the implementation of SANDAG’s Regional Bike Plan through the construction of Segment 5 of the Bayshore Bikeway.
- The project would incorporate a parcel into the Port Master Plan that is owned by the District and the District should have land use jurisdiction over but is currently in the City’s Local Coastal Program.

The District has weighed the benefits of the proposed project against its potential unavoidable significant environmental risks in determining whether to adopt it as the approved project. After balancing the specific economic, legal, social, technological, and other benefits of the project, the Board of Port Commissioners has determined

that the specific benefits identified above outweigh the significant unavoidable environmental impacts of the project. Each of the benefits and the fulfillment of the objectives of the approved project, as stated herein, is determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, the District finds that the proposed project's potentially significant unavoidable environmental impacts are outweighed by the benefits described above.

EXHIBIT "B"

Mitigation Monitoring and Reporting Program

(See attached.)

Mitigation Monitoring and Reporting Program

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
Aesthetics and Visual Resources		
<p>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.</p>	<p>Timing: Prior to and during construction</p> <p>Method: Install construction-screening fencing around the perimeter of the jetty prior to the start of construction.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District's Development Services Department</p>
<p>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</p>	<p>Timing: Prior to construction and during construction</p> <p>Method: Install temporary wayfinding signage that directs the public to other scenic vistas.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: 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>Timing: Prior to and during construction</p> <p>Method: Establish a temporary scenic vista east of KOP 3.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department</p>
<p>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).</p>	<p>Timing: Upon completion of modular cabins</p> <p>Method: 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>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District’s Development Services Department</p>
<p>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.</p>	<p>Timing: Prior to and during construction</p> <p>Method: Extend the existing minimum 20-foot-wide clear</p>	<p>Implementation: Applicable Project Proponent for Component</p>
<p>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</p>	<p>Timing: Prior to and during construction</p> <p>Method: Extend the existing minimum 20-foot-wide clear</p>	<p>Implementation: Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>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.</p>	<p>zone along the Pier 32 overlook southward across the jetty.</p>	<p>Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department</p>
<p>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.</p>	<p>Timing: Prior to construction Method: Ensure design continuity with the existing Pier 32 Marina.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District</p>
<p>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.</p>	<p>Timing: Prior to construction and during project operation Method: Ensure proposed outdoor lighting shall not exceed a correlated color temperature of 2,700 Kelvins.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department</p>
<p>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.</p>	<p>Timing: Prior to construction and during project operation Method: Implement measures to minimize light spillage from security and safety lighting.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department</p>
Air Quality and Health Risk		
<p>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</p>	<p>Timing: Within 6 months of approval Method: Provide the new employment growth forecasts</p>	<p>Implementation: District and City Monitoring and Reporting: 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>Verification: SANDAG</p>
<p>MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components). To control VOC, NO_x, 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:</p> <ul style="list-style-type: none"> • 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 	<p>Timing: Prior to, during, and post construction Method: Ensure construction equipment and construction activities are consistent with emission-reduction requirements.</p>	<p>Implementation: All Project Proponents/Operator and/or Contractors Monitoring and Reporting: All Project Proponents Verification: 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"> • 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. 		
<p>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).</p> <ul style="list-style-type: none"> • 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. 	<p>Timing: During construction Method: Implement dust control measures to control fugitive PM10 and PM2.5 in compliance with SDAPCD Rule 55.</p>	<p>Implementation: All Project Proponents/Operator and/or Contractors Monitoring and Reporting: All Project Proponents Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • 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 miles per hour (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. 	<p>Timing: Prior to and during construction</p> <p>Method: Use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0.</p>	<p>Implementation: Applicable Project Proponents for Components/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p>
<p>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</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>Verification: District's Development Services Department and City's Community Development Department</p>
<p>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:</p> <ul style="list-style-type: none"> • For all construction between 2020 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) are 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 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. 	<p>Timing: Prior to waterside construction</p> <p>Method: Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p>Implementation: Applicable Project Proponent for Component/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: 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>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.</p>	<p>Timing: Prior to construction Method: Submit a construction schedule and assumed construction activity to ensure reduction or staggering of overlapping construction phases.</p>	<p>Implementation: All Project Proponents/Operator and/or Contractors Monitoring and Reporting: All Project Proponents Verification: District and City</p>
<p>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</p>	<p>Timing: Prior to construction Method: Ensure all fireplaces and firepits are fueled by</p>	<p>Implementation: 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>Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>
<p>Biological Resources</p>		
<p>MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 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 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>Timing: Prior to and during project construction Method: Conduct preconstruction surveys for presence of estuary seablite, implement avoidance and minimization measures, and monitor for estuary seablite species during construction.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components Verification: District, CDFW</p>

Mitigation Measures	Timing and Methods	Responsible Parties
avoid loss of individual estuary seablite and impacts on habitat supporting this species.		
<p>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.</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>Timing: During construction</p> <p>Method: 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>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District and City</p>
<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Timing: Prior to and during project construction</p> <p>Method: Avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) or implement avoidance measures.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> 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. 		
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Timing: Prior to and during project construction</p> <p>Method: Conduct all vegetation removal during the non-breeding season (September 15–January 14) or implement nesting bird avoidance measures.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> 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. 	<p>Timing: Prior to and during project construction</p> <p>Method: Conduct preconstruction bat habitat assessment, avoid construction during bat maternity season if maternity sites are present, or complete bat exclusion activities.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponents for Components</p> <p>Verification: District, CDFW</p>
<p>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</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>MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component).</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"> 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. 	<p>Timing: Prior to and during project construction</p> <p>Method: 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>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Authorized Biologist, Applicable Project Proponent for Component</p> <p>Verification: 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"> • 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’s <i>Guidance for Developing a Marine Mammal Monitoring Plan</i> (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 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. • 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. • 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. 		
<p>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-</p>	<p>Timing: Prior to and during project construction Method: Incorporate design strategies to minimize threat to avian species in accordance</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: 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"> • Building Façade and Site Structures <ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> ○ 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"> – High Threat Potential: Glass: Highly Reflective and/or Completely Transparent Surface – Least Threat Potential: Opaque Surface • Exterior Lighting <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> – 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 <i>Illuminating Engineering Society and International Dark Sky</i> 	<p>with the <i>Bird-Friendly Building Design</i> or equivalent guide.</p>	<p>Verification: 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"> • Performance Monitoring Plan <ul style="list-style-type: none"> ○ 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. ○ 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. 		
<p>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 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>Timing: Prior to construction</p> <p>Method: 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>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: 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>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). 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>Timing: Prior to in-water construction</p> <p>Method: Provide contractor education relative to the presence and sensitivity of eelgrass beds, utilize ecological mooring systems, and develop an eelgrass mitigation plan.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Qualified Marine-Biologist, Applicable Project Proponent for Component</p> <p>Verification: 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"> • 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. • 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. • 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 		

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"> • 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"> ○ 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. ○ 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. ○ 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. ○ 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. • 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. • 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. 	<p>Timing: Prior to construction Method: Implement mitigation to reduce overwater coverage,</p>	<p>Implementation: Applicable Project Proponent for Component</p>
<p>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</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Habitat and Function (GB Capital Component). 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"> • To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed. • 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. • 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. • The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction. 	<p>conduct shading studies, and secure all applicable permits.</p>	<p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District, USACE, CCC, NMFS, USFWS, and RWQCB</p>
Cultural Resources, Tribal Cultural Resources, and Paleontological Resources		
<p>MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha</p>	<p>Timing: Prior to ground-disturbing activities</p>	<p>Implementation: All Project Proponents</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component). 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>Method: Retain a qualified archaeologist to prepare a Cultural Resources Monitoring and Discovery Plan for designated portions of identified components.</p>	<p>Monitoring and Reporting: Qualified Archaeologist; All Project Proponents Verification: 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>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). 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>Timing: Prior to and during ground disturbance activities Method: Provide cultural resources awareness training to project construction personnel by an approved qualified archaeologist.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents; Qualified Archaeologist Approved by the District and City within Respective Jurisdiction Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>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). 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 MM-CUL-2.</p>	<p>Timing: Prior to and during ground-disturbing activities Method: Supervise archaeological monitoring of all ground-disturbing activities in archaeologically sensitive portions of the project site.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents, Qualified Archaeologist Verification: District and City</p>
<p>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). 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 MM-CUL-2. Costs associated with Native American monitoring shall be borne by the project proponent.</p>	<p>Timing: During all ground-disturbing activities Method: Conduct Native American monitoring at all areas designated for archaeological monitoring.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents, Kumeyaay Native American Monitor Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component). 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"> • 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. • 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. • 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. • 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 	<p>Timing: Prior to and during construction</p> <p>Method: Review paleontological records and implement paleontological monitoring measure.</p>	<p>Implementation: Applicable Project Proponents for Components, Qualified Paleontologist Pre-approved by the District and City within Respective Jurisdiction</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components, Qualified and Pre-approved Paleontologist</p> <p>Verification: 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"> • Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued. • 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. • 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. 		
<p>Greenhouse Gas Emissions and Climate Change</p>		
<p>MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components). 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"> 1. Construction: <ol style="list-style-type: none"> 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 	<p>Timing: During project construction and operation</p> <p>Method: Implement diesel emission-reduction measures and submit reports demonstrating compliance where specified.</p>	<p>Implementation: All Project Proponents/Operator and Contractor(s)</p> <p>Monitoring and Reporting: All Project Proponents/Operator</p> <p>Verification: 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>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]). 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"> • General Measures <ul style="list-style-type: none"> ○ No commercial drive-through shall be implemented. • Water <ul style="list-style-type: none"> ○ 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. ○ 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. 	<p>Timing: Prior to approval of final design plans</p> <p>Method: 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>Implementation: Applicable Project Proponents for Components/Operator or Contractor(s)</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: District’s Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Waste <ul style="list-style-type: none"> ○ 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. ○ 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. ○ Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction. • Energy <ul style="list-style-type: none"> ○ Renewable energy design features that may be implemented are as follows: <ul style="list-style-type: none"> – 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.) – Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site. – Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations. – 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) – 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) 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> – 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) – 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) ○ 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"> – 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. – Install occupancy sensors for all vending machines in new buildings at the project site. – 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. – Install increased insulation. – Install cool roofs with an R value of 30 or better. – Install sun shading devices as appropriate. – Install high-efficiency heating, ventilating, and air conditioning systems and controls. – Install programmable thermostats. – Install variable frequency drives. – Install Energy Star-rated appliances. – Install shore power capabilities where suitable upgrades are feasible in marinas. 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Mobile Sources <ul style="list-style-type: none"> ○ 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. ○ 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. ○ 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. • Carbon Sequestration and Land Use <ul style="list-style-type: none"> ○ Install trees and shrub planters throughout the project area as part of the landscape plan. 		
<p>MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component). 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>	<p>Timing: Prior to approval of final design plans</p> <p>Method: Demonstrate compliance with all applicable GHG-reducing measures from the City’s CAP and achieve LEED certification or equivalent efficiency where applicable.</p>	<p>Implementation: Applicable Project Proponent for Component/Operator and Contractor(s)</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City’s Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Incorporate energy efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards. • Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles. • Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations. • 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. • Encourage telework programs and alternative work schedules for new businesses. • Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling. • Implement programs to reduce, reuse, and recycle construction and demolition waste. • Encourage rooftop gardens for flat-roofed commercial buildings. • Pursue a pump efficiency cycling schedule. • Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf), such as the following: <ul style="list-style-type: none"> ○ Use compact, mixed-use, walkable, and transit-oriented community designs; ○ Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats; ○ 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; ○ Use low-water plantings in landscaping; ○ Use permeable surfaces for hardscapes; ○ Install dual plumbing that allows reuse of gray water; ○ Maximize use of recycled water in the project design; 		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and ○ Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination. ● Install trees and shrub planters throughout the project area as part of the landscape plan. 		
<p>MM-GHG-4: Use Modern Harbor Craft for Waterside 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:</p> <ul style="list-style-type: none"> ● For all construction between 2020 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 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 ● 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>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>Timing: Prior to waterside construction</p> <p>Method: Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p>Implementation: Applicable Project Proponent for Component/Operator and/or Contractors</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: 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>MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component). 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>Timing: Prior to construction Method: Require development to meet the state’s ZNE standards if adopted, encourage construction of ZNE buildings, and require a feasibility and analysis.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>
<p>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). 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>Timing: Prior to and during construction Method: Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: 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"> 1. Incorporate renewable energy <ol style="list-style-type: none"> 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. 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; 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.¹ 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. 		
<p>For purposes of this section, the definitions are as follows:</p>		
<ol style="list-style-type: none"> 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] b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals 		

¹ 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"> • Balanced Plan (only Pepper Park Expansion) = 836 MTCO_{2e} per year or 4,317 MWh/year. • GB Capital = 6,627 MTCO_{2e} per year or 34,219 MWh/year. 		

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"> 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_{2e} or MWh reductions specified above. <ol style="list-style-type: none"> 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_{2e} 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"). 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"). 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>amount of annual MTCO_{2e} 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_{2e} or MWh shall occur as follows:</p> <ul style="list-style-type: none"> a) Each project component shall purchase offsets for its first 2 years of operation. 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_{2e} or MWh reduction specified above for the corresponding project component. 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). <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_{2e} 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"> 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 		

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"> o Balanced Plan includes a 2.54 acre park. 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 		

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_{2e} or MWh offsets on at least an annual basis.</p>		
<p>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).</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"> 1. Incorporate renewable energy <ol style="list-style-type: none"> a) On the project site; b) Within the City’s jurisdiction; or 	<p>Timing: Prior to and during construction</p> <p>Method: Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: 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.² 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>		

² 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. 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"> • City Program = 3,549 MTCO₂e per year or 18,323 MWh/year. <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>C. Implementation of GHG Emissions Reduction Options. 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"> 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_{2e} or MWh reductions specified above. <ol style="list-style-type: none"> 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_{2e} 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"). 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"). 2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO_{2e} or MWh specified above, which may be decreased by the amount of annual MTCO_{2e} 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_{2e} or MWh shall occur as follows: <ol style="list-style-type: none"> a) Each project component shall purchase offsets for its first 2 years of operation; 		

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_{2e} 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_{2e} 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"> 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. 2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at 		

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"> 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. <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_{2e} or MWh offsets on at least an annual basis.</p>		
Hazards and Hazardous Materials		
<p>MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component). 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"> • <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. • <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 	<p>Timing: Prior to approval of grading plans and construction activities</p> <p>Method: Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p>Implementation: Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: 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"> • 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. • 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. 		
<p>MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component). 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 MM-HAZ-1. 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>Timing: Prior to construction Method: Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p>Implementation: Applicable Project Proponent for Component, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer Monitoring and Reporting: Applicable Project Proponent for Component Verification: 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>MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component). 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 MM-HAZ-1, and the Monitoring and Reporting Program, as required by MM-HAZ-2.</p>	<p>Timing: Within 30 days of landslide construction completion Method: Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: City</p>
<p>MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). 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"> • <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 	<p>Timing: Prior to approval of grading plans and construction activities Method: Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p>Implementation: Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components, with approval by the District and City Depending on Jurisdiction Verification: 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"> • <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. • <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. • <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. 		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). 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 MM-HAZ-4. 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>Timing: Prior to construction Method: Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p>Implementation: Applicable Project Proponents for Components, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>
<p>MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). 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 MM-HAZ-4, and the Monitoring and Reporting Program, as required by MM-HAZ-5.</p>	<p>Timing: Within 30 days of landside construction completion Method: Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM-HAZ-7: Coordinate with the DEH (City Program – Development Component). 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>Timing: Prior to ground-disturbing activities</p> <p>Method: Coordinate with the DEH to determine if existing conditions are below cleanup thresholds or comply with requirements to achieve remediations.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City</p>
<p>MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component). 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>Timing: During construction</p> <p>Method: Submit location and components of a temporary emergency access road for approval and maintain emergency access during construction.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City Fire Marshal, District’s Director of Planning</p>
<p>MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). 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"> • An emergency access road, 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 	<p>Timing: Prior to Pasha Road closure</p> <p>Method: Prepare and submit road-closure plans for review and approval that demonstrate compliance with applicable state and local fire code regulations.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: 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"> Any entrance/exit gates 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. Fire hydrants 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. <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>MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). 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>Timing: Prior to construction Method: Ensure traffic-calming devices are not included unless prior-written approval is obtained.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: City Fire Marshal</p>
Land Use and Planning		
<p>MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan). 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"> • Elevating the waterside promenades • Regrading coastal edges and/or inland portions of the park as appropriate • Creating living shorelines • Ensuring that any new vegetation is salt tolerant • Developing an operational plan to close the parking lot and move parked vehicles prior to storm events • Including pervious surfaces such as turf, sand, and pervious concrete <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>Timing: During design of Pepper Park expansion Method: 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>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: 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>MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component). 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"> • 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. • Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa. • Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane. <p><i>Future Adaptation Strategies – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> • Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers. • Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads. • Design key structural elements of the jetty to allow future increases in the elevation of the jetty. <p><i>Operational Strategies – to be implemented during operation:</i></p> <ul style="list-style-type: none"> • 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"> ○ Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken 	<p>Timing: Prior to GB Capital Component construction</p> <p>Method: 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>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ 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 ● Establish emergency evacuation procedures for people to relocate to higher ground on short notice. ● 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. ● Before a large storm, deploy sandbags or inflatable barriers. ● 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. ● Restrict public access during storms or flooding events. <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>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). 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>Timing: Prior to construction</p> <p>Method: Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p>Implementation: All Project Proponents</p> <p>Monitoring and Reporting: All Project Proponents</p> <p>Verification: 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>Timing: Prior to construction Method: Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: Applicable Project Proponent for Component</p>
Noise and Vibration		
<p>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). 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>Timing: During construction Method: Require exterior construction activities occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents Verification: City and District</p>
<p>MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component). 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>Timing: During pile driving Method: Reduce noise levels at affected noise-sensitive receptors by avoiding pile driving or using acoustical shroud.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: 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 L_{max} or less:</p> <ul style="list-style-type: none"> 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). 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). 		
<p>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). 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 L_{max} or less:</p> <ul style="list-style-type: none"> 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. 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: 	<p>Timing: During non-pile driving</p> <p>Method: Reduce noise levels at affected noise-sensitive receptors by avoiding high-impact demolition equipment or installing temporary noise barriers.</p>	<p>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ 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. ○ From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment). ○ From common construction materials such as plywood. 		
<p>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). 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>Timing: During project design Method: Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant Monitoring and Reporting: Applicable Project Proponent for Component Verification: City’s Community Development Department</p>
<p>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). 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>Timing: During project design Method: Ensure dry boat storage is enclosed and made from solid material, submit a noise study, and construct a sound barrier if needed.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: 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>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). 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>Timing: During project design Method: Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component, Acoustical Consultant Monitoring and Reporting: Applicable Project Proponent for Component Verification: District's Development Services Department</p>
<p>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). 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>Timing: During project design Method: 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>Implementation: Applicable Project Proponent for Component, Acoustical Consultant Monitoring and Reporting: Applicable Project Proponent for Component Verification: City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>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). 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 L_{eq} between 7 p.m. and 10 p.m., and 60 dBA L_{eq} 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>Timing: During project design Method: Ensure dry boat storage complies with the City’s Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District’s Development Services Department</p>
<p>MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan). 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 $L_{eq}(h)$, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City’s Noise Ordinance also includes</p>	<p>Timing: During project operation Method: Regulate organized events through the use of permits and notify adjacent tenants of large events.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: 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>MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). 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"> • Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles). • The following steps shall be taken to protect buildings within 32 feet of pile-driving locations: <ul style="list-style-type: none"> ○ 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 ○ 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 ○ 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 	<p>Timing: During pile driving activities</p> <p>Method: Avoid pile driving within the 32-foot buffer zone of existing buildings or implement measures to avoid or reduce vibration.</p>	<p>Implementation: Applicable Project Proponent for Component</p> <p>Monitoring and Reporting: Applicable Project Proponent for Component</p> <p>Verification: City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> ○ 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 ○ 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. 		
<p>MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component). 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"> ● Avoid the use of hydraulic breakers within 130 feet of residential buildings. ● Avoid vibratory compaction within 115 feet of residential buildings. ● Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings. <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>Timing: During construction Method: Observe buffer zones to reduce groundborne vibration or use alternative equipment that avoids or reduces high vibration levels.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: City and District</p>
Transportation, Circulation, and Parking		
<p>MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component). To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction</p>	<p>Timing: During project operation Method: Implement a Mandatory Employer Commute</p>	<p>Implementation: 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"> 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. 	<p>Program to reduce TDM and VMT.</p>	<p>Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>
<p>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). 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>Timing: During project construction Method: Implement traffic control measures during partial and/or full roadway closures and maintain lane requirements throughout the duration.</p>	<p>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents Verification: 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"> 1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction. 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. 3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane. 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. 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. 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. 		
<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"> 1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle. 2. Flaggers must be certified and have their certification card at all times. 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). 4. Police officers may be hired to provide flag control. <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"> • Implementation of a ride-sharing program to encourage carpooling among workers. • Adjusting work schedules so workers do not access the site during the peak hours. • Providing offsite parking locations for workers outside of the area, with shuttle services to bring them onsite. • Providing subsidized transit passes for construction workers. 		
<p>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). 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>Timing: Prior to construction Method: 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>Implementation: All Project Proponents Monitoring and Reporting: All Project Proponents Verification: 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>MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component). 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>Timing: Prior to construction Method: Restripe Lot Q to provide additional parking.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: District’s Development Services Department</p>
<p>MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan). 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>Timing: Prior to construction and during project operation Method: Accommodate an additional 23 flex parking spaces at Pepper Park and prepare a study to determine actual parking demand.</p>	<p>Implementation: Applicable Project Proponent for Component Monitoring and Reporting: Applicable Project Proponent for Component Verification: 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>		
Utilities and Service Systems		
<p>MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component). 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 MM-HAZ-1 and MM-HAZ-4, 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>Timing: Prior to construction Method: Prepare and submit a utility infrastructure study and implement any and all new utility improvements or upgrades identified.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District’s Development Services Department and the City’s Community Development Department</p>
<p>MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component). 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>Timing: Prior to construction Method: Incorporate and implement water-efficient design measures.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> • Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable). • Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices. • Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces. • 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. • Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields. • 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. 		
<p>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). 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>Timing: Prior to project operation</p> <p>Method: 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>Implementation: Applicable Project Proponents for Components</p> <p>Monitoring and Reporting: Applicable Project Proponents for Components</p> <p>Verification: 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>MM-UTIL-4: Issue Payment for City’s Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component). 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>Timing: Prior to construction Method: Pay the City’s established sewer capacity fee.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: City</p>
<p>MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component). 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>Timing: Prior to construction Method: Ensure features are constructed only if water supply is secured.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: District and City</p>
<p>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). 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>Timing: Prior to construction Method: Confirm water supply availability, reduce project scale to a level that is serviceable, or use recycled water.</p>	<p>Implementation: Applicable Project Proponents for Components Monitoring and Reporting: Applicable Project Proponents for Components Verification: 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; L_{eq} = equivalent sound level; $L_{eq}(h)$ = hourly equivalent sound level; L_{max} = maximum sound level; LUC = Land Use Code; MBTA = Migratory Bird Treaty Act; $MTCO_{2e}$ = metric tons of carbon dioxide equivalent; MWh = megawatt-

hour; NCMT = National City Marine Terminal; NMFS = National Marine Fisheries Service; NO_x = 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, at a duly advertised public hearing held on March 21, 2023, the City Council continued the item to their meeting on April 4, 2023; and

WHEREAS, the City Council of the City of National City, California, considered said acceptance and adoption at a duly advertised public hearing on April 4, 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 April 4, 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 4th day of April, 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, April 4, 2023
Approved by: Brad Raulston, City Manager

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 EIR¹. 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

¹ <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:

Exhibit A - Local Coastal Program (Land Use Plan) strikethrough/underline

Exhibit B - City Owned Parcels to be rezoned

Exhibit C - City/District Boundary Adjustment Map

Exhibit D - 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 A

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~~Appendix I—California Coastal Act—Chapter 3 Policies~~

~~Appendix II—Biological Resources of Paradise Marsh (RECON)~~

~~Appendix III—Schedule of Parking Requirements~~

~~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.

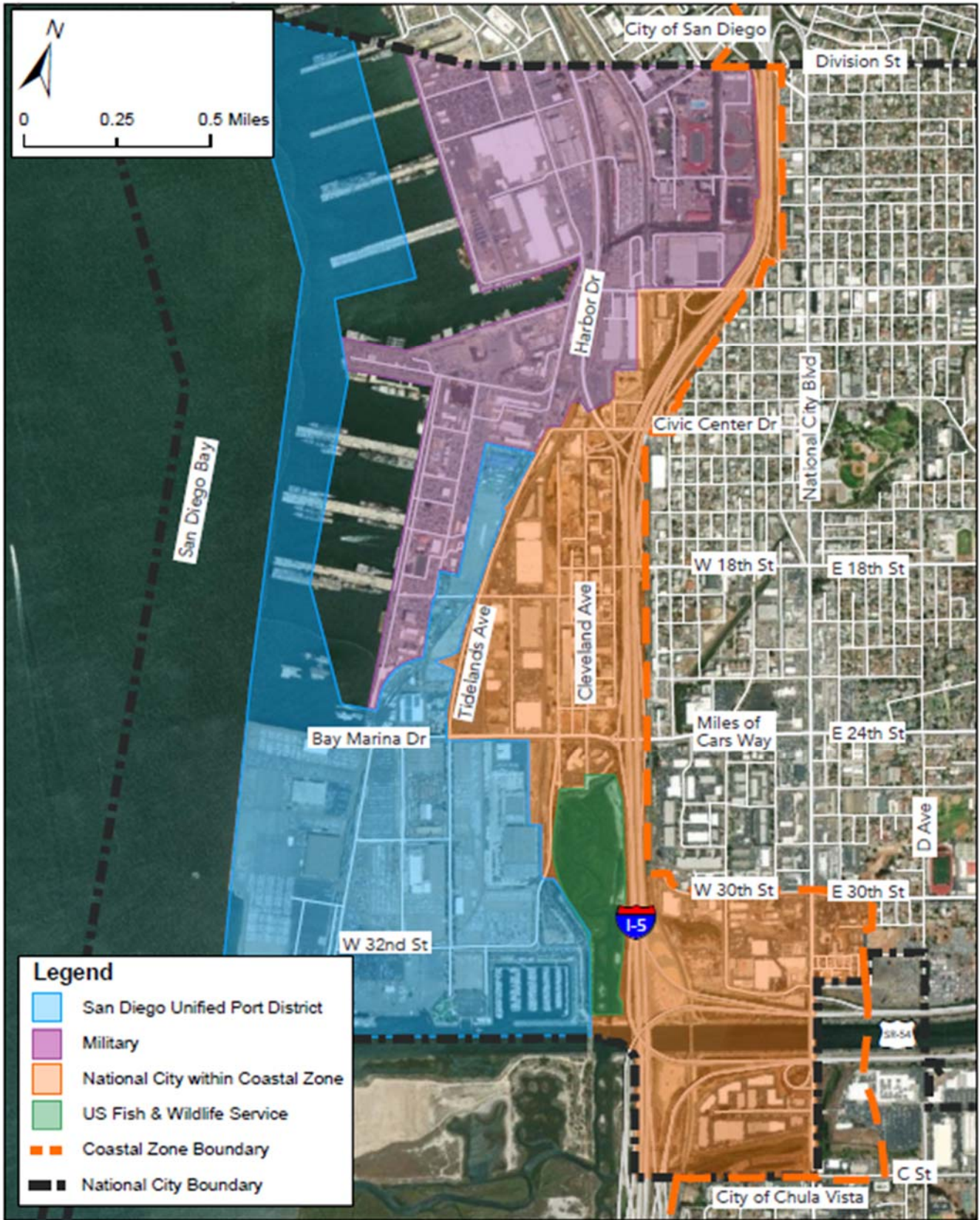
~~During preparation of a Local Coastal program, local governments should coordinate planning with affected local, regional, state, and federal agencies, and provide the maximum opportunity for public participation. Under the Coastal Act, the responsibility for ensuring meaningful public participation 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

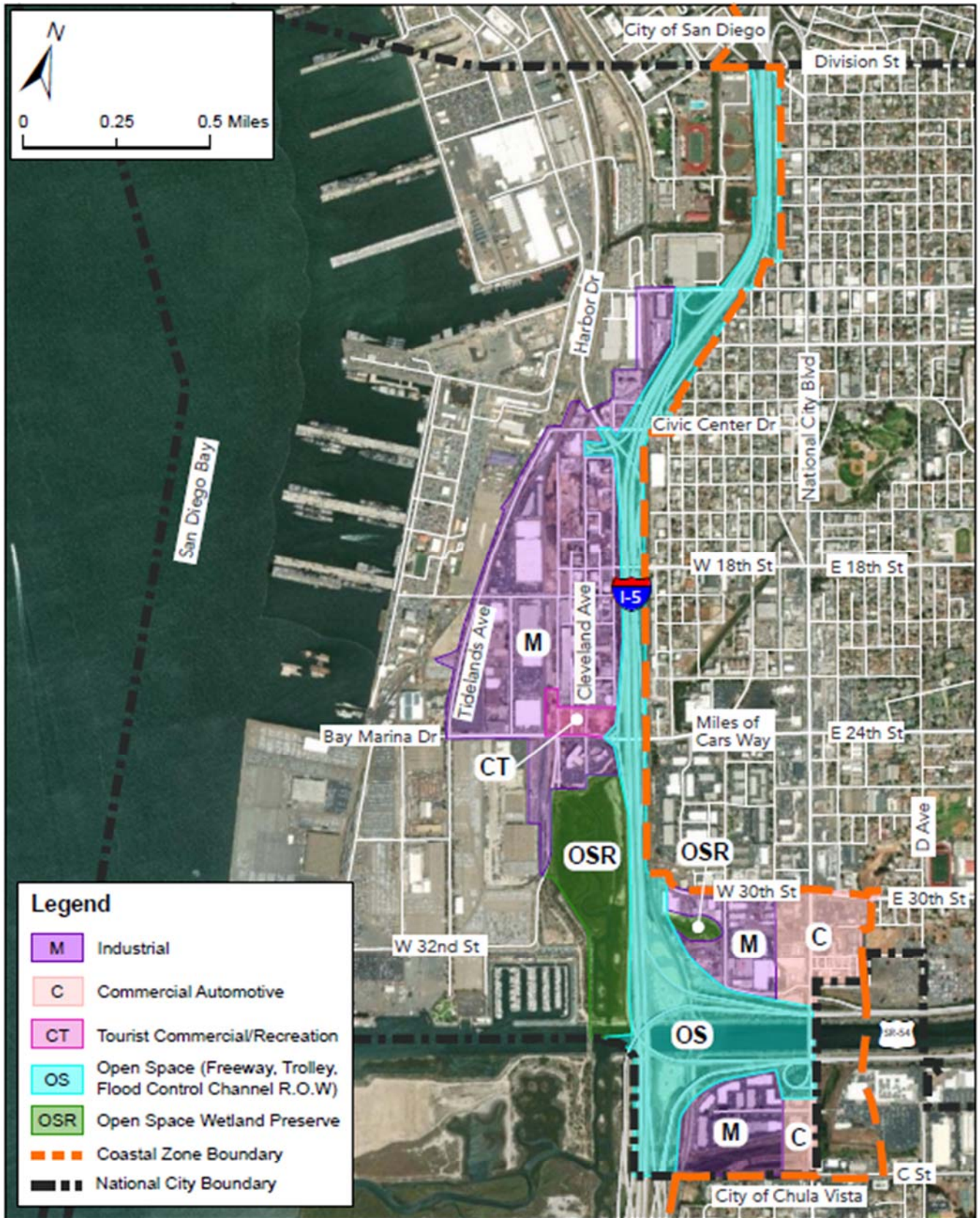
planning issues and their applicability to Coastal Act policies and Coastal Commission guidelines. Each discussion category is concluded with appropriate policy recommendations.



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

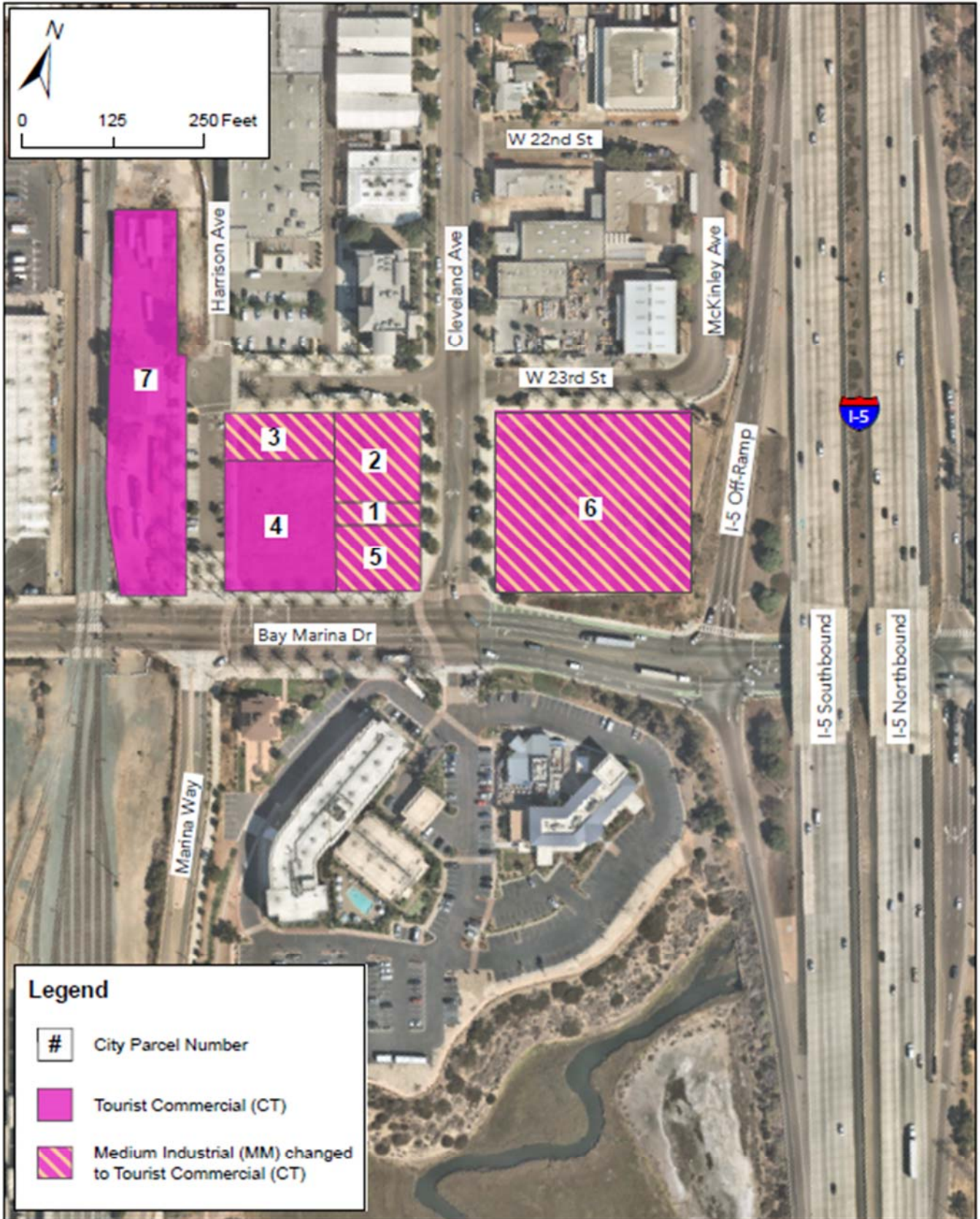
As a major goal of the City's original LCP submission, the Bayshore Bikeway is now being realized. The Bayshore Bikeway Segment 5 is generally located on a combination of existing roadways, including Bay Marina Drive, Marina Way (formerly Harrison Avenue), Cleveland Avenue, McKinley Avenue, West 19th 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



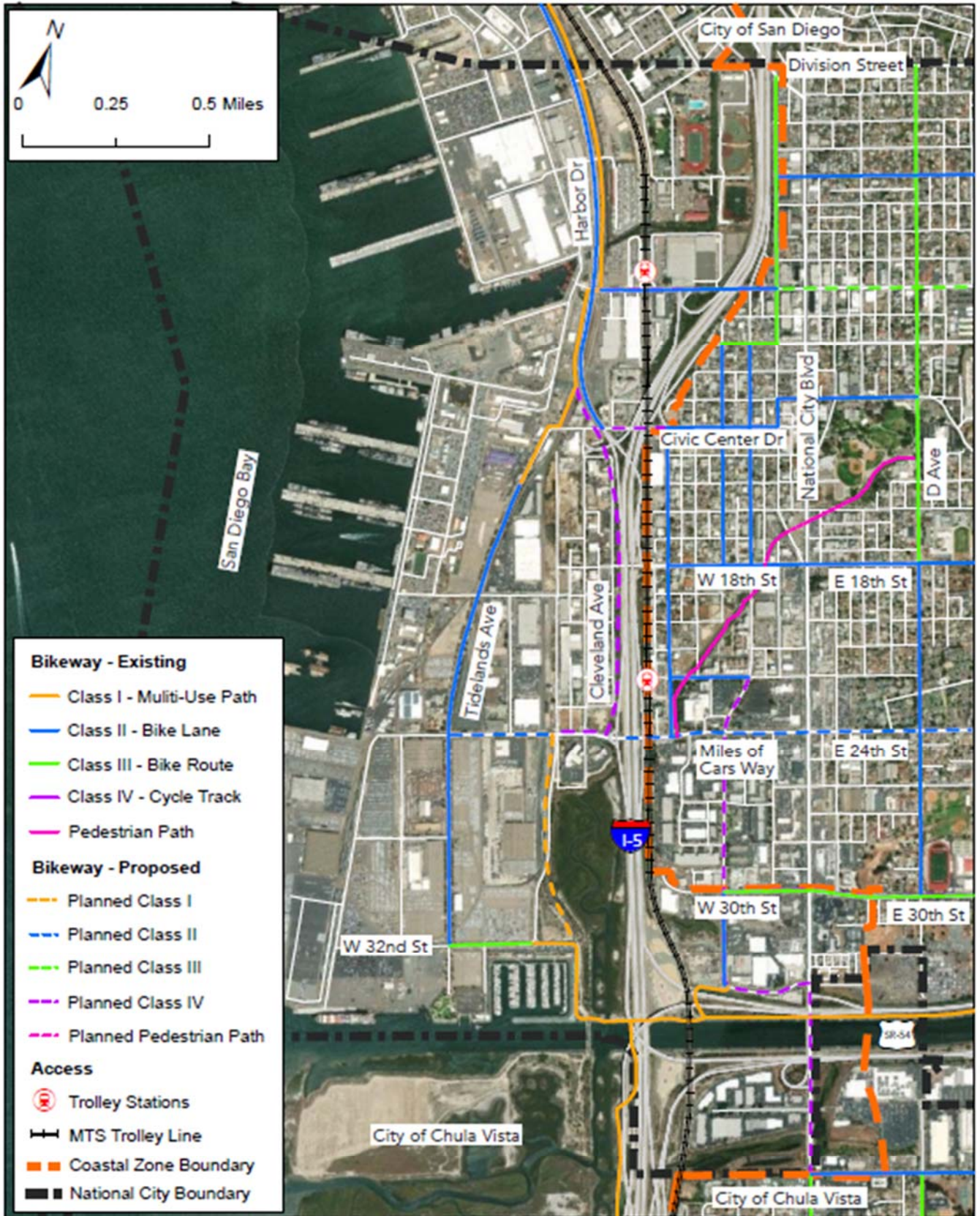
POLICY RECOMMENDATION

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, Aa~~ [Aa](#) 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](#) 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~~bikeway~~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.

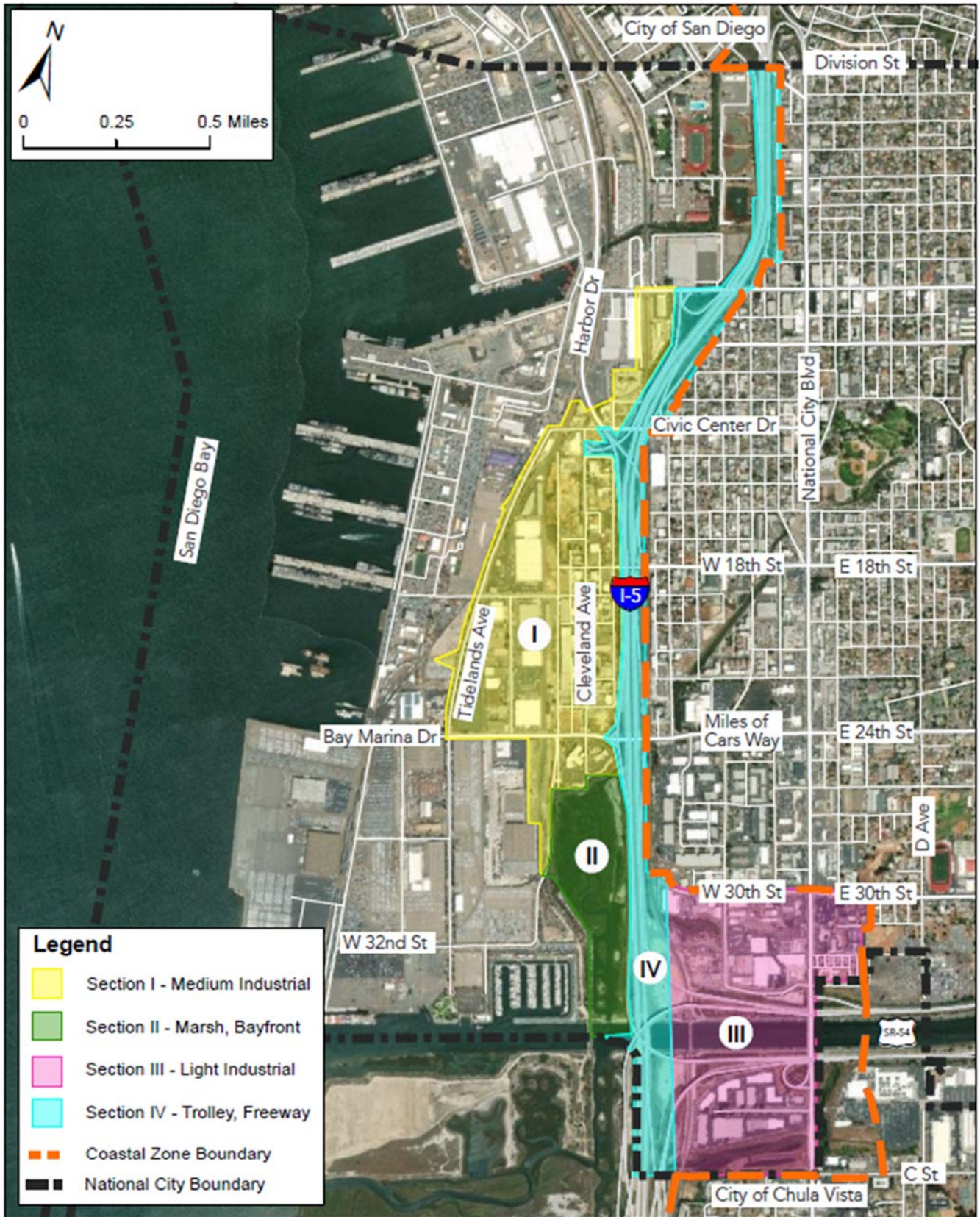
This project combines the construction of State Highway Route 54 from I-805 to I-5 with the construction of a flood control channel from approximately 600 ft. west of Plaza Bonita Road, immediately upstream of I-805, to San Diego Bay. The flood control channel would generally occupy the area between 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 (MTDBMTS). 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.⁵ 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 24th 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^d 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. Tideland 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.

11. ~~11.~~ Provide for maximum protection of coastal resources in all coastal planning and regulatory decisions.
12. ~~12.~~ Where applicable, maximize natural shoreline values and processes; avoid expansion and minimize the perpetuation of shoreline armoring.
13. ~~13.~~ Recognize that sea level rise will cause the public trust boundary to move inland. Protect public trust lands and resources, including as sea level rises. New shoreline protective devices should not result in the loss of public trust lands such as the Paradise March.
14. ~~14.~~ Address other potential coastal resource impacts (wetlands, habitat, agriculture, scenic, etc.) from hazard management decisions, consistent with the Coastal Act.
15. ~~15.~~ Address the cumulative impacts and City context of planning and permitting decisions.
- 2.16. Require mitigation of unavoidable coastal resource impacts related to permitting and shoreline management decisions.
17. ~~17.~~ Consider best available information on resource valuation when mitigating coastal resource impacts.
18. ~~18.~~ Coordinate planning and City decision making with other appropriate other local, or state and federal agencies.
19. ~~19.~~ Consider conducting vulnerability assessments when funding is available and adaptation planning.
20. ~~20.~~ Provide for maximum public participation in the CEQA and Coastal planning and other regulatory processes.

EXISTING PLANNING AND ZONING

The Natural Setting Section of National City's Updated General Plan contains several policies which address environmental hazards. For example:

Policy A	The City will enforce appropriate development regulations concerning geologic, soils and seismic hazards, and will monitor regional conditions, such as fault activity, which pertain to National City.
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Policy B	The City will explore necessary measures to protect areas in danger from sea level and 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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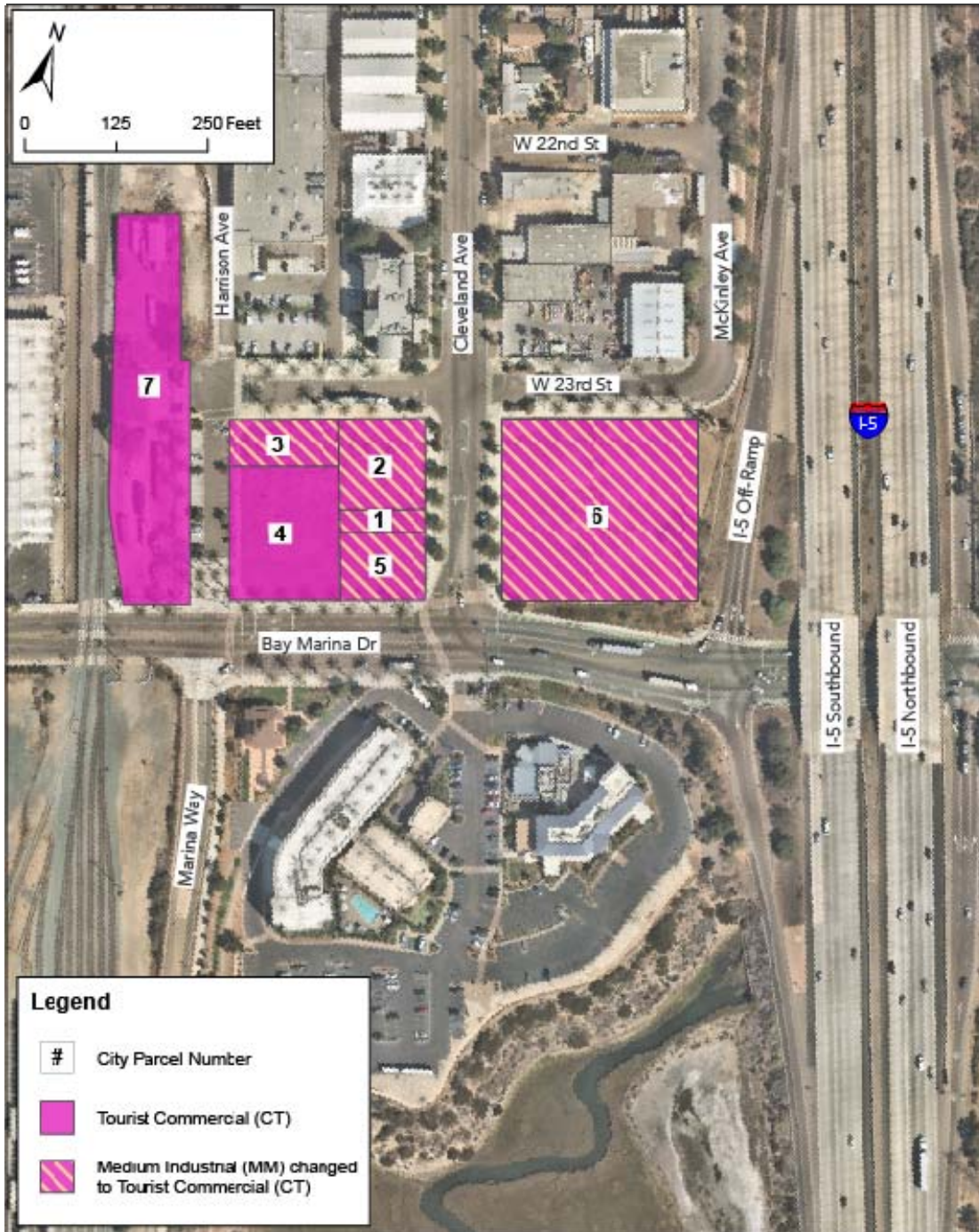
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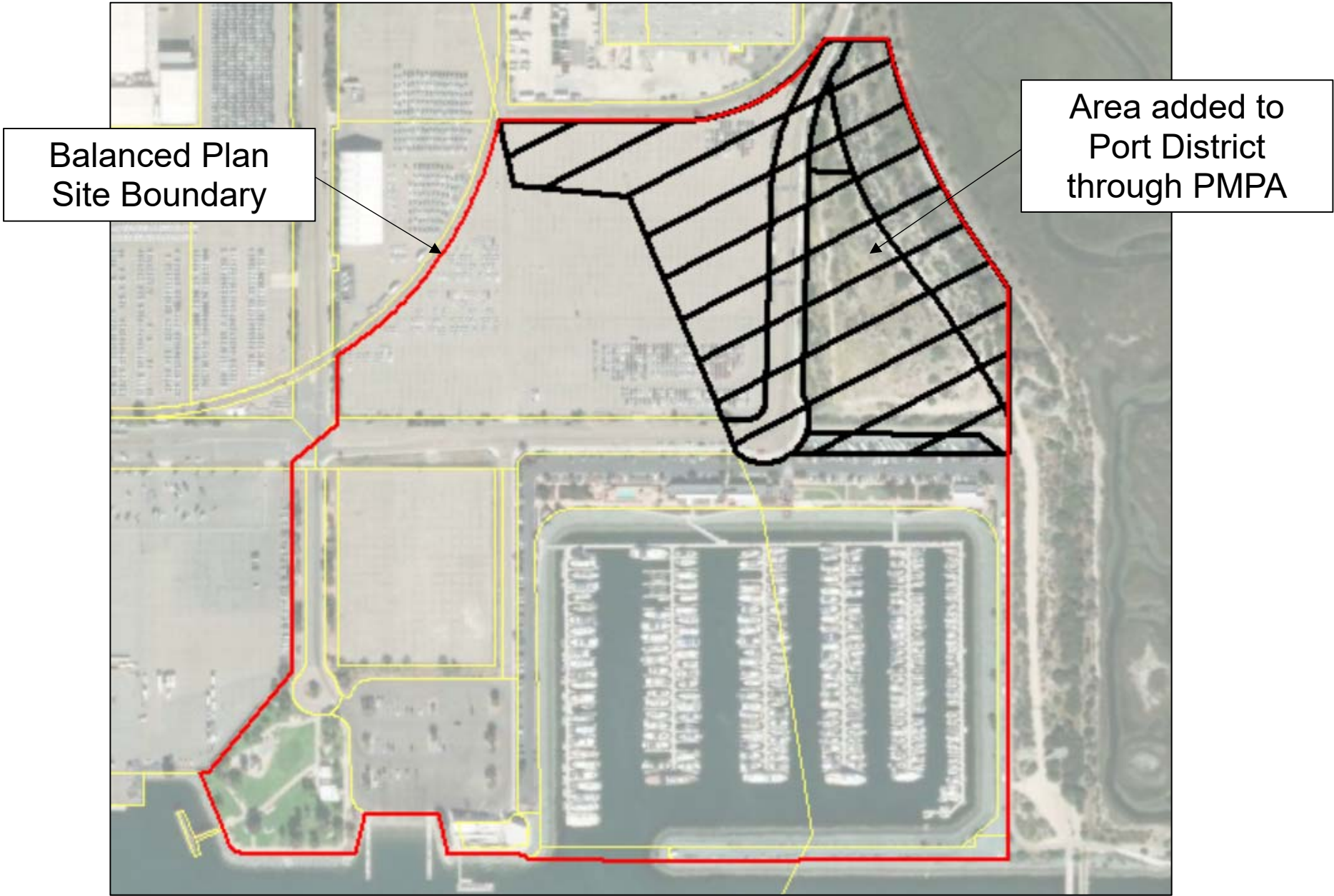
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[Port of San Diego Environmental Impact Report Balanced Plan. PMPA and DEIR Nov 2021.](#)

City-owned parcels proposed to be rezoned 2022-26 LCPA



City/District Boundary Adjustment Map



RESOLUTION NO. 2023 -

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.

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, at a duly advertised public hearing held on March 21, 2023, the City Council continued the item to their meeting on April 4, 2023; and

WHEREAS, 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 public hearing on April 4, 2023; and

WHEREAS, at said hearing the City Council accepted the findings of the Balanced Plan Environmental Impact Report and adopted by reference the Mitigation Monitoring and Reporting Program; 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 4th day of April, 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: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Authorizing the sale of real properties known as APNs: 559-117-04, 559-117-05, 559-117-06, 559-117-07, and 559-117-12 & declaring that the properties are no longer needed for City purposes & that such properties are non-exempt under the Surplus Land Act

RECOMMENDATION:

Adopt the Resolution of the City Council of the City of National City, California, authorizing the sale of real properties known as APNs: 559-117-04, 559-117-05, 559-117-06, 559-117-07, and 559-117-12 and declare the properties as no longer needed for City purposes and that such properties are non-exempt under the Surplus Land Act.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Background

The Surplus Land Act requires the Council to declare surplus land to be either exempt or non-exempt land. Exemptions under the Surplus Land Act are narrowly tailored, and the subject properties do not fall within any exemptions under the Act. For non-exempt land, the City must first offer the properties to affordable housing agencies, recreation agencies, tribal governments, and affordable home developers. The notices are called “Notices of Availability” and are sent to over 600 hundred developers and agencies throughout the State.

The subject parcels of the Council action are located at 830 and 835-839 West 23rd Street, 2300 Cleveland Avenue, and 801 Bay Marina Drive, with Interstate 5 to the east of the site and Bay Marina Drive to the south. The parcels of land total approximately 1.44 acres and are currently zoned as Medium Manufacturing (MM). The parcels are located in the Coastal Zone and as such, subject to the requirements of the California Coastal Act as implemented by the City’s Local Coastal Program (“LCP”).

The parcels were included in the Port of San Diego Balanced Plan environmental review process and will be subject to an amendment to the City’s LCP. This action is consistent with the City’s adoption of the Port of San Diego’s certified Balanced Plan Environmental Impact Report.

Processing public land through the Surplus Land Act is highly time consuming and complex. In addition to the noticing process, there are specific wait periods and negotiation periods prescribed by the Act.

Analysis

The Surplus Land Act (CA Gov. Code Section 54230) was amended in 2019 and became effective on January 1, 2020. In April 2021, the California Housing and Community Development Agency (“HCD”) issued Surplus Land Guidelines. The intent of the Surplus Land Act is to increase affordable home opportunities when governmental agencies surplus their lands. This process can take over nine months to complete.

If approved by Council, the adopted resolution will be transmitted to HCD for their review. Then a “Notice of Availability” will be sent to the home developers and agencies. There is then a mandatory 60 day wait period for the City to receive responses from developers or agencies. Should the City receive a “Notice of Interest” from developers or agencies, it must then enter into a 90-day negotiation period with those who provided a Notice of Interest.

The City can reject any offer that does not comply with its reasonable terms. (*Surplus Land Act Guidelines 2021 Sec. 202 (b)(4)(A)*). For example, the City may condition the sale on receiving fair market value, that the development be consistent with the Coastal Act, and that the developer or agency comply with any reasonable land restrictions. These conditions are included in the Notice of Availability.

Zoning and the Balanced Plan

As noted above, these parcels were included in the Balanced Plan and were 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 Industrial” to “Tourist Commercial.” This rezoning effort will be formalized in a Local Coastal Program Amendment which will allow the property to be developed for hotel and similar visitor serving uses.

Affordable housing would not be consistent with this zoning determination and it is likely that any affordable home development will not be consistent with Coastal Act regulations. And while a City’s zoning determinations do not supersede the requirements of the Surplus Lands Act, the CA California Coastal Act is not superseded by the Surplus Lands Act. And as a result, an affordable home development may be denied by the Coastal Commission. One of the conditions that will be included in the Notice of Availability is that any developer or agency must first receive a consistency determination by the Coastal Commission in order to successfully purchase the property.

Summary/Action

In order to allow the properties 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 properties, APNs 559-117-04, 559-117-05, 559-117-06, 559-117-06, 559-117-12, are “Non-Exempt Surplus Lands” under the Surplus Lands Act Guidelines and are no longer needed for City uses and adopt a resolution and its Findings as required by the Surplus Lands Act.

FINANCIAL STATEMENT:

Approval of this item would result in the eventual sale of these parcels at a value to be determined and would provide a long term benefit under the City’s economic development program.

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 AUTHORIZING THE SALE OF REAL PROPERTIES KNOWN AS APNS: 559-117-04, 559-117-05, 559-117-06, 559-117-07, 559-117-12 AND DECLARING THE PROPERTIES ARE NO LONGER NEEDED FOR CITY PURPOSES AND THAT SUCH PROPERTIES ARE NON-EXEMPT UNDER THE SURPLUS LAND ACT.

WHEREAS, the City owns certain real property assets located at 830 and 835-839 West 23rd Street, 2300 Cleveland Avenue, and 801 Bay Marina Drive, with Interstate 5 to the east of the site and Bay Marina Drive to its South, known as APNs: 559-117-04, 559-117-05, 559-117-06, 559-117-07, 559-117-12 and is comprised of approximately 1.44 acres; and

WHEREAS, these subject properties are no-longer needed for City purposes and can better serve the City's redevelopment efforts as part of the Balanced Plan which was recently approved by the Port of San Diego; and

WHEREAS, prior to the disposition of these properties the Surplus Lands Act requires that these properties first be offered to affordable home developers or housing agencies, unless otherwise exempt; and

WHEREAS, these subject properties are non-exempt properties and are to be processed under the Surplus Lands Act; and

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

Section 1: The Findings of Fact are as follows:

1. The subject properties would support the planning goals contained in the Balanced Plan in creating new jobs and recreational uses for the community of National City.
2. The subject properties are within close proximity to San Diego Bay where coastal access has been historically impeded. Having the ability to develop the property for recreational purposes better meets the planning goals of the City, but nonetheless these properties must first be offered to affordable home developers and other agencies.
3. While the current zoning does not afford housing opportunities on the site, the Surplus Lands Act supersedes local zoning determinations.

4. The subject property is no longer needed or useful for City purposes.
5. 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 these properties are no longer needed for City uses and that the properties are non-exempt under the Surplus Lands Act Guidelines.

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 4th day of April, 2023

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, 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, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Authorizing 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 the property is exempt under the Surplus Land Act.

RECOMMENDATION:

Adopt the Resolution of the City Council of the City of National City, California, Authorizing 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 the property is exempt under the Surplus Land Act.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Background

The property is located at 720 West 23rd 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 Coastal 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:

Approval of this item will enable the eventual sale of this property at a value to be determined and for uses that will further economic development within the City.

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
AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS APN: 559-118-02
AND DECLARE THE PROPERTY IS NO LONGER NEEDED FOR CITY PURPOSES
AND THAT THE PROPERTY IS EXEMPT UNDER THE SURPLUS LAND ACT.**

WHEREAS, the City owns certain real property located at 720 West 23rd Street, with Interstate 5 to the east of the site and Cleveland Avenue 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 4th day of April, 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: Marta Rios, Housing Programs Manager
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Public Hearing and Resolution approving the Section 8 Housing Choice Voucher Program Fiscal Year 2023-2024

RECOMMENDATION:

Conduct the public hearing, receive public input, and adopt a Resolution entitled, “Resolution of the Community Development Commission–Housing Authority of the City of National City, California, approving the Streamlined Annual Public Housing Agency Plan for the Housing Choice Voucher Program for Fiscal Year 2023-2024 and authorizing the submittal of the Plan to the U.S. Department of Housing and Urban Development.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The U.S. Department of Housing and Urban Development (“HUD”) in response to the Quality Housing and Work Responsibility Act of 1998 requires housing authorities to prepare a Section 8 Housing Choice Voucher Program Public Housing Agency Plan. The Public Housing Agency Plan concept is based on the consolidated planning process used for HUD's community development programs. Like the Consolidated Plan required by HUD for jurisdictions using federal funds for housing and community development, the PHA Plan provides a planning mechanism by which the National City Housing Authority Section 8 and Emergency Housing Voucher Programs can examine its long-range needs and short-term needs. Specifically, the PHA Plan identifies the needs of the families that it serves and develops both long-term strategies through a Five-Year Public Housing Authority Plan and short-term strategies through a Streamlined Annual Public Housing Authority Plan for addressing the needs.

The Streamlined Annual Public Housing Authority Plan provides details about the immediate operations of the Section 8 Program and identifies strategies for the National City Housing Authority to manage operational and participant concerns, program needs and services. The Streamlined Annual Public Housing Authority Plan for Fiscal Year 2023-2024 was made available for public review and comment on the National City Section 8 Program webpage, www.nationalcityca.gov/section8, and at two locations at City Hall for a period of 45 days starting on February 10, 2023. There was no public comment received during the public review and comment period.

FINANCIAL STATEMENT:

The Housing Authority will provide 1163 total housing vouchers in Fiscal Year 2023-2024 with an annual housing subsidy value of \$13.7 million and a total program budget of \$15.4 million.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Housing and Community Development

ENVIRONMENTAL REVIEW:

This action does not constitute a project under the California Environmental Quality Act ("CEQA") Guidelines Section 15378(b)(2).

PUBLIC NOTIFICATION:

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

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A- Public Hearing Notice with Proof of Publication

Exhibit B- Streamlined Annual PHA Plan for Fiscal Year 2023-2024

Exhibit C- Resolution

NOTICE OF PUBLIC HEARING

Community Development Commission-Housing Authority of the City of National City
Fiscal Year 2023-2024 Streamlined Annual Public Housing Agency Plan (PHA)

NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Community Development Commission-Housing Authority of the City of National City will hold a public hearing on April 4, 2023, at 6:00 p.m., in the National City Council Chambers located at 1243 National City Boulevard, National City, California. The purpose of the public hearing is to gather input on the Fiscal Year 2023-2024 Streamlined Annual PHA Plan. The Streamlined Annual PHA Plan will also be released for a 45-day public review and comment period on or about February 10, 2023.

The PHA Plan is a comprehensive guide to the Section 8 Housing Choice Voucher Program (HCV) policies, programs, operations, and strategies for meeting local housing needs and goals. The Streamlined Annual Plan is submitted to HUD every year. The Section 8 HCV Administrative Plan is also subject to review as part of the Streamlined Annual PHA Plan and governs the Housing Authority’s administration of its Section 8 HCV Program.

The referenced and supporting documents will be available for public review after February 10, 2023 at the following locations and on the City of National City website:

CDC, Housing Authority
of the City of National City
Section 8–Housing Choice Voucher Program
140 E. 12th Street, Suite B
National City CA 91950

City of National City – City Clerk
1243 National City Blvd
National City CA 91950

Written comments may be submitted prior to the public hearing and during the 45-day comment period ending on or about April 4, 2023, to:

CDC, Housing Authority of the City of National City
Section 8 - Housing Choice Voucher Program
Attn: Marta Rios, Housing Programs Manager
140 E. 12th Street, Suite B National City CA 91950
Phone: (619) 336-4259 Fax: (619) 477-3747

DATED: January 24, 2023

Date of Publication:

February 10, 2023

Legal Notices-STAR

BUSINESS NAME STATEMENT NO. 2023-9002874 Auto Repairs Pro Located at 868 Elis St, Chula Vista, CA 91911. This business is registered by the following: Sergio Lara, 929 Fuchsia Ln, San Diego, CA 92154. This business is conducted by: Individual The first day of business was: 02/07/2023

Legal Notices-STAR

Signature: Sergio Lara Statement filed with the Recorder/County Clerk of San Diego County on: 2/07/2023 CV127702 2/10,17,24,3/3/23 FICTITIOUS BUSINESS NAME STATEMENT NO. 2023-9001406 SD 24 7 Movers Located at 986 Broadway Apt 102, Chula Vista,

Legal Notices-STAR

CA 91911. This business is registered by the following: Andrew J Packer, 986 Broadway Apt 102, Chula Vista, CA 91911. This business is conducted by: Individual The first day of business was: 01/18/2023 Signature: Andrew J Packer Statement filed with the Recorder/County Clerk of San Diego County on: 1/20/2023

Legal Notices-STAR

CV127706 2/10,17,24,3/3/23 FICTITIOUS BUSINESS NAME STATEMENT NO. 2023-9002683 Economy Upholstery Located at 3679 Main Street, Chula Vista, CA 91911. This business is registered by the following: Jose Madrigal Montanez, 3679 Main Street, Chula Vista, CA 91911.

Legal Notices-STAR

This business is conducted by: Individual The first day of business was: 01/01/2023 Signature: Jose Madrigal Montanez Statement filed with the Recorder/County Clerk of San Diego County on: 2/03/2023 CV127712 2/10,17,24,3/3/23 FICTITIOUS BUSINESS NAME STATEMENT NO. 2023-9002091

Legal Notices-STAR

Barcelona, Chula Vista, CA 91914. This business is conducted by: Individual The first day of business was: 01/01/2023 Signature: Gavina Cristina Unzueta Statement filed with the Recorder/County Clerk of San Diego County on: 1/27/2023 CV127722 2/10,17,24,3/3/23

Legal Notices-STAR

21716 of the Business & Professions Code, Section 2328 of the UCC, Section 535 of the Penal Code and provisions of the Civil Code. Any vehicles sold will be under Section 3071 of motor vehicle code. The Online bidding

Legal Notices-STAR

NOTICE IS HEREBY GIVEN that Chula Vista Elementary School District, acting by and through its Governing Board, hereinafter referred to as the "DISTRICT" will receive up to, but no later than TWO O'CLOCK PM (2:00PM) on the 2nd of March, 2023 the required prequalification documents for the forthcoming 2023 Calendar year.

NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION of the City of Chula Vista, CA, has received an application for a Design Review Permit for Stirling at Cota Vera, consisting of 272 market-rate townhomes:

CONSIDERATION DATE: February 22, 2023 LOCATION: City Council Chambers 276 Fourth Ave, Chula Vista, CA 91910 TIME: 6:00 p.m. PROJECT NUMBER: DR22-0008 APPLICANT: Cota Vera Townhomes, LLC SITE ADDRESS: Parcel D of Otay Ranch Village Eight West Sectional Planning Area, North and east of the intersection of La Media Parkway North and Main Street West

PROJECT DESCRIPTION: Design Review permit for 272 market-rate rental townhome units and associated amenities, open space and parking. The Project is located on an existing, previously graded, vacant 18.3-acre site within the Otay Ranch Village Eight West Sectional Planning Area, zoned Neighborhood Center (NC) with a General Plan designation of Residential Medium High (RMH).

ENVIRONMENTAL STATUS: The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act ("CEQA") and has determined that the Project was adequately covered in previously certified Final Environmental Impact Report (FEIR 10-03; SCH #2010062093, Resolution No. 2013-269), for the Otay Ranch Village Eight West SPA Plan, dated December 17, 2013.

HOW TO SUBMIT COMMENTS IN PERSON: Attend the meeting at the date, time and location set forth above and submit a speaker slip. When the item is called you will be given the opportunity to address the Commission from the podium. Each speaker will be given up to 3 minutes if speaking on an item that is not on the agenda and 5 minutes for an item that is on the agenda.

HOW TO SUBMIT COMMENTS IN WRITING: Options to submit written comments in writing in advance of the hearing are as follows: (1) Mail comments to the City Clerk Kerry Bigelow, Attn: Janice Kluth, 276 Fourth Avenue, Chula Vista, CA 91910 (mailed comments must be received by 5 p.m. on February 21, 2023, to be distributed to Commissioners and considered part of the record of the proceeding); (2) Email comments to Janice Kluth at jkluth@chulavistaca.gov (emailed comments must be received by 5 p.m. on February 21, 2023, to be distributed to Commissioners and considered part of the record of the proceeding); (3) Provide comments via the online eComment portal for this meeting at: www.chulavistaca.gov/virtualmeetings (recommend using Google Chrome browser). The commenting period will be open shortly after the agenda is published for the hearing and will remain open until one hour prior to the hearing. Comments received after the times set forth above will not be considered by the Planning Commission.

If you have any questions regarding the project, or are have difficulty submitting a comment, please contact Janice Kluth at jkluth@chulavistaca.gov or at (619) 691-5022 for assistance. Please include the project number noted above in all correspondence.

If you wish to challenge the City's action on this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City at or prior to the public hearing, as described in this notice. A copy of the application and the accompanying documentation and plans are on file and available for inspection and review by contacting Janice Kluth. Within ten days after the decision is rendered, the applicant or other interested person may appeal the decision of the Planning Commission to the City Council by submitting an appeal form and the required fee to the City Clerk's office. Please notify Janice Kluth if you wish to receive a copy of the Planning Commission's decision.

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA) The City of Chula Vista, in complying with the American with Disabilities Act, requests individuals who require special accommodation to access, attend and/or participate in a City meeting, activity or service request such accommodation at least 48 hours in advance, for meetings, and 5 days for scheduled services and activities. Please contact Patricia Salvacion for specific information at (619) 476-5391. California Relay Service is available for the hearing impaired by dialing 711, at least forty-eight hours in advance of the meeting. CV127644 2/10/2023

NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION of the City of Chula Vista, CA, is considering amendments to Chula Vista Municipal Code Sections 19.58.022 (Accessory Dwelling Units) and 19.58.023 (Junior Accessory Dwelling Units).

CONSIDERATION DATE: February 22, 2023 LOCATION: Chula Vista City Council Chambers 276 Fourth Avenue, Chula Vista, CA 91910 TIME: 6:00 p.m. APPLICANT: City of Chula Vista SITE ADDRESS: Citywide

PROJECT DESCRIPTION: Consideration of amendments to Chula Vista Municipal Code ("CVMC") Sections 19.58.022 (Accessory Dwelling Units) and 19.58.023 (Junior Accessory Dwelling Units). These updates will help clarify development regulations and comply with State Law.

ENVIRONMENTAL STATUS: The Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act ("CEQA") and determined that the action qualifies for the "common sense" exemption under State CEQA Guidelines Section 15061(b)(3). The action involves updates and modifications to the CVMC related to state law compliance and clarification of previously-adopted text, regarding ADUs and JADUs. The action of updating and modifying the CVMC with these changes will not result in a material intensification of uses or a change in development potential within the City above what already is permitted under the existing land use and zoning policies of the CVMC that are being updated. Based on an analysis of the nature and type of these changes to the CVMC, there is a certainty that there is no possibility that the amendments may have a significant effect on the environment.

HOW TO SUBMIT COMMENTS IN PERSON: Attend the meeting at the date, time and location set forth above and submit a speaker slip. When the item is called you will be given the opportunity to address the Commission from the podium. Each speaker will be given up to 5 minutes to make their comments.

HOW TO SUBMIT COMMENTS IN WRITING: Options to submit written comments in writing in advance of the hearing are as follows: (1) Mail comments to the City Clerk Kerry Bigelow, Attn: Christopher Mallec, 276 Fourth Avenue, Chula Vista, CA 91910 (mailed comments must be received by February 21, 2023, to be distributed to Commissioners and considered part of the record of the proceeding); (2) Email comments to Christopher Mallec, AICP, at cmallec@chulavistaca.gov (emailed comments must be received by February 21, 2023, to be distributed to Commissioners and considered part of the record of the proceeding); (3) Visit the online eComment portal for this meeting at: www.chulavistaca.gov/virtualmeetings (recommend using Google Chrome browser). The commenting period will be open shortly after the agenda is published for the hearing and will remain open until one hour prior to the hearing. Comments received after the times set forth above will not be considered by the Planning Commission.

If you have any questions regarding the project, or are have difficulty submitting a comment, please contact Christopher Mallec, AICP at (619) 409-5420 or email cmallec@chulavistaca.gov mailto:for assistance.

If you wish to challenge the City's action on this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City at or prior to the public hearing, as described in this notice. A copy of the application and the accompanying documentation and plans are on file and available for inspection and review on the City's website. The item is also subject to review by the City Council, who is the final decision maker to approve or deny the proposed changes.

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA) The City of Chula Vista, in complying with the American With Disabilities Act, requests individuals who require special accommodation to access, attend and/or participate in a City meeting, activity or service request such accommodation at least 48 hours in advance for meetings and 5 days for scheduled services and activities. Please contact Patricia Salvacion for specific information at (619) 691-5101 Service for the hearing impaired is available at 585-5647 (TDD). CV127663 2/10/2023

NOTICE INVITING BIDS

NOTICE IS HEREBY GIVEN that the Chula Vista Elementary School District ("District") is seeking sealed bids from qualified construction contractors for construction of the following public-works project ("Project"): Experienced firms that can perform repairs to asphalt playground, parking and drive areas included but not limited to asphalt patching, seal coating, striping, grinding and replacement of damaged areas in accordance with this Bid No: 22/23-4 Asphalt Patch and Repair

PLACE FOR SUBMITTING BIDS: Bids must be submitted to the District at the following location ("Place for Submitting Bids"):

Chula Vista Elementary School District Attn: Shaun Gabriels, Maintenance Manager 84 East J Street Chula Vista, CA 91910

BID DEADLINE: Bids must be received at the Place for Submitting Bids not later than 11:00 am on Thursday, March 10, 2023 ("Bid Deadline").

BID DOCUMENTS: The Bid Documents, available on February 10, 2023 may be downloaded, at no cost, by requesting the link via email from Shaun Gabriels Shaun.Gabriels@CVESD.org

REQUIRED BID SECURITY: Each bid must be submitted with bid security as described in the Instructions For Bidders.

CONTRACTOR LICENSE: The class or classes of California contractor licenses required to bid on and perform the Work are: C-12 (Earthwork and Paving).

PRE-BID CONFERENCE: A non-mandatory site walk will be conducted Friday, February 24, 2023, at 9:00 am. Walk will begin at Chula Vista Elementary School District Office in front of the Facilities Department at 84 East J St., Chula Vista, CA 91910. Building 700 - Facilities

AWARD OF CONTRACT: The award of the Contract will be based on the following method of determining the lowest bid: Lowest responsible bid received for the Combined Total Pricing of assigned schools and Matrix Total (Base Bid), as shown on the Bid Form.

SURETY BONDS: As described in the General Provisions, the successful bidder must provide a Performance Bond and a separate Payment Bond, each in an amount equal to 100% of the total Contract Price, and each issued by a California-admitted surety as defined in Code of Civil Procedure Section 995.120.

LABOR LAW: The Project is a "public work" project that is subject to, among other laws, Labor Code Sections 1720 through 1861, inclusive. As described in the Instructions For Bidders, each contractor (including subcontractors) must be registered with the California Department of Industrial Relations ("DIR") in accordance with Labor Code Section 1725.5, and bidders must provide evidence of registration for themselves and their subcontractors. Each worker on the Project must be paid not less than the applicable prevailing rates of per-diem wages in the locality in which the Work is to be performed for each craft or type of worker needed to execute the Contract ("Prevailing Wages"). A copy of the applicable rates of Prevailing Wages is on file and available for review at the Place for Submitting Bids, and a copy will be posted at the Project Site. The Project is subject to compliance monitoring and enforcement by the DIR. The successful bidder will be required to post all job-site notices required by DIR regulations and other applicable law. If so specified in the Special Provisions, the District will conduct a mandatory conference for the purpose of describing labor-law requirements. If so specified in the Special Provisions, the Project will be subject to a "project labor agreement" or "PLA" as described in the Instructions for Bidders.

RETENTION: Substitution of securities in lieu of Retention, pursuant to Public Contract Code Section 22300, will be permitted as provided in the General Provisions.

PUBLICATION DATES: February 10, 2023; February 16, 2023. CV127657 2/10,17/2023

They shall be addressed to the District's Project Construction Manager, (Balfour Beatty Construction), and received at the following location:

Chula Vista Elementary School District Attn: Balfour Beatty Construction, Shawn O'Neil 84 East J Street Chula Vista, CA 91910

Prequalification Documents will be available via Building Connected. Please contact Shawn O'Neil at soneil@balfourbeattyus.com, Jesus Cruz at jcruz@balfourbeattyus.com and Carolina Lopez at clopez@balfourbeattyus.com for access. CV127310 2/3,10/2023

CITY OF NATIONAL CITY NOTICE AND SUMMARY OF INTENT TO ADOPT PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that at a Regular Meeting held on Tuesday, February 7, 2023 the City Council of the City of National City introduced a proposed ordinance for the first reading, which if adopted, would establish the compensation of the Mayor and City Council pursuant to the provisions of Sections 36516, 36516.1, and 36516.5 of the California Government Code.

The City Council will have the Second reading of this ordinance wherein they will consider its adoption at its Regular Meeting to be held on Tuesday, February 21, 2023 at 6:00 p.m. via LIVE WEBCAST in the City Council Chamber, 1243 National City Boulevard, National City, California. Written comments or testimony from the public must be submitted via e-mail to clerk@nationalcityca.gov by 4:00 P.M. on the day of the City Council Meeting.

A full text copy of the proposed ordinance, and Regular Online Meeting of the City Council, will be webcast and archived on the City's website at: www.nationalcityca.gov.

Shelley Chapel, MMC, Interim City Clerk Published in the Star News February 10, 2023 CV127718 2/10/2023

NOTICE OF PUBLIC HEARING

Community Development Commission-Housing Authority of the City of National City Fiscal Year 2023-2024 Streamlined Annual Public Housing Agency Plan (PHA)

NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Community Development Commission-Housing Authority of the City of National City will hold a public hearing on April 4, 2023, at 6:00 p.m., in the National City Council Chambers located at 1243 National City Boulevard, National City, California. The purpose of the public hearing is to gather input on the Fiscal Year 2023-2024 Streamlined Annual PHA Plan. The Streamlined Annual PHA Plan will also be released for a 45-day public review and comment period on or about February 10, 2023.

The PHA Plan is a comprehensive guide to the Section 8 Housing Choice Voucher Program (HCV) policies, programs, operations, and strategies for meeting local housing needs and goals. The Streamlined Annual Plan is submitted to HUD every year. The Section 8 HCV Administrative Plan is also subject to review as part of the Streamlined Annual PHA Plan and governs the Housing Authority's administration of its Section 8 HCV Program.

The referenced and supporting documents will be available for public review after February 10, 2023 at the following locations and on the City of National City website:

CDC, Housing Authority of the City of National City Section 8-Housing Choice Voucher Program 140 E. 12th Street, Suite B National City CA 91950 City of National City - City Clerk 1243 National City Blvd National City CA 91950

Written comments may be submitted prior to the public hearing and during the 45-day comment period ending on or about April 4, 2023, to:

CDC, Housing Authority of the City of National City Section 8 - Housing Choice Voucher Program Attn: Marta Rios, Housing Programs Manager 140 E. 12th Street, Suite B National City CA 91950 Phone: (619) 336-4259 Fax: (619) 477-3747

DATED: January 24, 2023 Date of Publication: February 10, 2023 CV126994 2/10/2023

Streamlined Annual PHA Plan <i>(HCV Only PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. The Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS and SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																																			
A.1	<p> PHA Name: <u>National City Housing Authority</u> PHA Code: <u>CA116</u> PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2023</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Housing Choice Vouchers (HCVs) <u>1131</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. </p> <p> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below) </p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Participating PHAs</th> <th style="width: 10%;">PHA Code</th> <th style="width: 25%;">Program(s) in the Consortia</th> <th style="width: 20%;">Program(s) not in the Consortia</th> <th style="width: 20%;">No. of Units in Each Program</th> </tr> </thead> <tbody> <tr> <td>Lead HA:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	Lead HA:																													
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B.	Plan Elements.
B.1	<p>Revision of Existing PHA Plan Elements.</p> <p>a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Informal Review and Hearing Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification.</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p>
B.2	New Activities. – Emergency Housing Voucher (32) total 07/2021
B.3	<p>Progress Report. See Attachment.</p> <p>Provide a description of the PHA’s progress in meeting its Mission and Goals described in its 5-Year PHA Plan. (SEE ATTACHMENT)</p>
B.4	Capital Improvements. – Not Applicable
B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
C.	Other Document and/or Certification Requirements.
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
C.2	<p>Certification by State or Local Officials. See Attachment.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.3	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. See Attachment.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>

D.	Affirmatively Furthering Fair Housing (AFFH).
D.1	<p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Fair Housing Goal:</p> <p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Fair Housing Goal:</p> <p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> </div> <div style="border: 1px solid black; padding: 5px;"> <p>Fair Housing Goal:</p> <p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> </div>

Instructions for Preparation of Form HUD-50075-HCV

Annual PHA Plan for HCV-Only PHAs

A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

A.1 Include the full **PHA Name**, **PHA Code**, **PHA Type**, **PHA Fiscal Year Beginning** (MM/YYYY), **Number of Housing Choice Vouchers (HCVs)**, **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the public hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Plan Elements. All PHAs must complete this section. (24 CFR §903.11(c)(3))

B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.”

Statement of Housing Needs and Strategy for Addressing Housing Needs. Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR 5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR § 903.7(a)). “NO”

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA’s reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. (24 CFR §903.7(b)) “NO”

Financial Resources. A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c)) “NO”

Rent Determination. A statement of the policies of the PHA governing rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. (24 CFR §903.7(d)) “NO”

Operation and Management. A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. (24 CFR §903.7(e)). “NO”

Informal Review and Hearing Procedures. A description of the informal hearing and review procedures that the PHA makes available to its applicants. (24 CFR §903.7(f)) “NO”

Homeownership Programs. A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k)) “NO”

Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements. A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA’s partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA’s partnerships with other entities, and activities subject to Section 3 of the Housing and Community Development Act of 1968 (24 CFR Part 135) and under requirements for the Family Self-Sufficiency Program and others. Include the program’s size (including required and actual size of the FSS program) and means of allocating assistance to households. (24 CFR §903.7(l)(i)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. (24 CFR §903.7(l)(iii)). “NO”

Substantial Deviation. PHA must provide its criteria for determining a “substantial deviation” to its 5-Year Plan. (24 CFR §903.7(r)(2)(i)) “NO”

Significant Amendment/Modification. PHA must provide its criteria for determining a “Significant Amendment or Modification” to its 5-Year and Annual Plan. “NO”

If any boxes are marked “yes”, describe the revision(s) to those element(s) in the space provided.

- B.2 New Activities.** This section refers to new capital activities which is not applicable for HCV-Only PHAs. **32 Emergency Housing Vouchers 7-2021**
- B.3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. (24 CFR §903.11(c)(3), 24 CFR §903.7(r)(1)) SEE ATTACHMENT
- B.4 Capital Improvements.** This section refers to PHAs that receive funding from the Capital Fund Program (CFP) which is not applicable for HCV-Only PHAs. Emergency Housing Voucher funding – July 2021.
- B.5 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark “yes” and describe those findings in the space provided. (24 CFR §903.7(p)) “NO”

C. Other Document and/or Certification Requirements.

- C.1 Resident Advisory Board (RAB) comments.** If the RAB had comments on the annual plan, mark “yes,” submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR §903.13(c), 24 CFR §903.19) “NO”
- C.2 Certification by State of Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR §903.15). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.
- C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154; or 24 CFR 5.160(a)(3) as applicable (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations. impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).
- C.4 Challenged Elements.** If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

D. Affirmatively Furthering Fair Housing (AFFH).

D.1 Affirmatively Furthering Fair Housing. The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: “To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) Strategies and actions must affirmatively further fair housing” Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the Annual PHA Plan. The Annual PHA Plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 6.02 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

A.1) PHA Information

Location where the public may obtain copies of the Annual PHA Plan:

Main Administrative office of the PHA:

National City Housing Authority
Section 8 Housing Choice Voucher Program
140 E 12th Street, Suite B
National City, CA 91950

Main Administrative office of Local, County or State government:

City of National City – City Clerk Office
1243 National City Boulevard National City, CA 91950
www.nationalcityca.gov

B.3) PROGRESS REPORT

Mission and Goals

PHA Goal: Expand the supply of assisted housing.

Objective: Increase housing choices for families and individuals.

Progress: The National City Housing Authority continued its leasing process to maximize the number of families assisted through the Housing Choice Voucher (HCV) and Emergency Housing Voucher (EHV) Programs.

PHA Goal: Improve the quality of assisted housing.

Objective: Provide replacement vouchers for HCV.

Progress: Once a family leaves the program, a replacement family is immediately available. Maintain safe, decent, sanitary units and improve quality of life for residents living in assisted units.

National City Housing Authority (NCHA) inspects each assisted unit at least once a year to make sure that residents are living in a unit that is decent, safe and sanitary. Due to COVID-19 NCHA has followed HUD's safety guidance on Housing Quality Standard inspections, accepting written self-certifications from Owner and Tenant.

PHA Goal: Increase assisted housing choices

Objective: Maintain current number of vouchers within funding level.

Progress: Management closely monitors the utilization of vouchers and makes sure that there are within the funding level.

PHA Goal: Provide an improved living environment

Objective: Assists the local economy by increasing the occupancy rate and the amount of money flowing in the community.

Progress: The current occupancy rate is at 97%, thus, maximizing the number of families being assisted which turns into more spending power for residents in the community.

PHA Goal: Promote self-sufficiency and asset development of families and individuals.

Objective: Increase the number and percentage of employed persons within the assisted units.

Progress: Continued referrals to the National City Collaborative and other supportive services to increase independence.

PHA Goal: Ensure equal opportunity and affirmatively further fair housing.

Objective: Promote equal housing opportunities.

Progress: Fair housing programs and resources are included in all issuance briefings.

PHA Goal: Deter and eliminate program fraud.

Objective: Take all steps necessary to prevent fraud, waste and mismanagement.

Progress: Continued tenant counseling and providing detailed understanding of the program at briefings, annuals and moves.

VAWA Attachment

On January 5, 2006, President Bush signed the Violence Against Women Act (VAWA) into law as Public Law 109-162.

Recently, Congress passed the Violence Against Woman Reauthorization Act of 2022 (VAWA 2022), which went into effect October 1, 2022. In response to VAWA, the National City Housing Authority (NCHA) has taken the following steps:

NCHA partners with the National City Collaborative (NCC) to provide services to individuals and families caught in domestic violence. These services include: 24-hour crisis line, legal support, transitional housing program referrals, clinical counseling, support groups, domestic violence treatment program for people who abuse, youth education and prevention programs, and volunteer training.

NCHA refers child or adult victims of domestic violence, dating violence, sexual assault, or stalking to NCC for assistance.

NCHA has revised many of its policies and procedures so as to enable child or adult victims of domestic violence, dating violence, sexual assault, or stalking to obtain or maintain housing. NCC provides numerous domestic violence prevention and intervention programs and classes. Clients are referred when there is a belief that they may be victims of domestic violence, or potential victims.

VAWA Components in the Housing Choice Voucher Administrative Plan

VAWA policies are incorporated throughout the Housing Choice Voucher Administrative Plan. Those policies are summarized below:

NCHA may deny assistance to applicants if any household member is currently engaged in, or has engaged in violent criminal activity or criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity during the past five years. However, no applicant who has been a victim of domestic violence, dating violence or stalking will be denied assistance if they are otherwise qualified for the program.

NCHA may terminate a participant family's assistance if any household member has violated the family's obligation not to engage in any violent criminal activity or criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity during participation in the HCV Program. However, no Applicant who has been a victim of domestic violence, dating violence or stalking will have their assistance terminated if they are otherwise qualified for the program. Any incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy or occupancy rights of the victim.

NCHA may terminate the assistance of an individual family member to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

There is no limitation on the ability of the NCHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims. NCHA will require certification by the victim of the victim status on such forms as the NCHA and/or HUD shall prescribe or approve.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date.

If the family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

Purpose and Applicability

The purpose of this policy is to implement the applicable provisions of the violence against women and department of justice reauthorization act of 2022 and more generally to set forth the NCHA's policies and procedures regarding domestic violence, dating violence, and stalking, as hereafter defined.

The policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

Goals and Objectives

This policy and the following goals and objectives:

Maintaining compliance with all applicable legal requirements imposed by VAWA; Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by NCHA; Providing and maintaining housing opportunities for victims of domestic violence, dating violence, or stalking; Creating and maintaining collaborative arrangements between NCHA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by NCHA; and taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by NCHA.

Other NCHA Policies and Procedures

This Policy shall be referenced in and incorporated in and made a part of NCHA's Admission and Continued Occupancy Policy. To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of NCHA, the provisions of this Policy shall prevail.

Definitions

As used in this Policy;

Domestic Violence – The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence – means violence committed by a person– who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

Stalking - means to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of death of, or serious bodily injury to, or to cause substantial emotional harm to –that person; a member of the immediate family of that person; or the spouse or intimate partner of that person.

Immediate Family Member - means, with respect to a person - a spouse, parent, brother, sister or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood or marriage.

Perpetrator – means person who commits an act of domestic violence, dating violence or stalking against a victim.

ADMISSIONS AND SCREENING

Non-Denial of Assistance. NCHA will not deny admission to public housing to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

TERMINATION OF TENANCY OR ASSISTANCE

VAWA Protections. Under VAWA, public housing residents have the following specifications, which will be observed by NCHA. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence. In additions to the foregoing, tenancy or assistance will not be terminated by NCHA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant's control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

Nothing contained in this paragraph shall limit any otherwise available authority of NCHA or to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant's household. However, in taking any such action, the NCHA may apply a more demanding standard to the victim of domestic violence dating or stalking than that applied to other tenants.

Nothing contained in this paragraph shall be construed to limit the authority of NCHA to evict or terminate from assistance any tenant or lawful applicant if the NCHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

B. Removal of Perpetrator. Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, HACNC, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by NCHA.

VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

Requirement for Verification. The law allows, but does not require, NCHA to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. NCHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by NCHA. Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

HUD-approved form – by providing the NCHA a written certification, on a form approved by U.S.

Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question must be described in reasonable detail as required in the HUD approved form, and the completed certification must include the name of the perpetrator.

Other documentation – by providing to NCHA documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

Police or court record – by providing to NCHA a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

8. Time allowed to provide verification/failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by NCHA, to provide verification, must provide such verification with 14 business days (*i.e., calendar days, excluding Saturdays, Sundays, and federally-recognized holidays*) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

C. Waiver of verification requirement. The Executive Director of NCHA may with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case of cases, regardless of similarity in circumstances.

CONFIDENTIALITY

Right of confidentiality. All Information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided to NCHA in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is: Requested or consented to by the individual in writing, or required for use in a public housing eviction proceeding, as permitted in VAWA, or otherwise required by applicable law

B. Notification of rights. All tenants of public housing shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

Transfer to New Residence Application for transfer. "Emergency Transfer Plan for Victims of Domestic Violence". In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, or stalking, NCHA will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence, dating violence, or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

Action on Applications. NCHA will act upon such an application promptly.

No right to transfer. NCHA will make every effort to accommodate requests for transfer when suitable alternative vacant units are available and the circumstances warrant such action.

COURT ORDERS/FAMILY BREAK-UP

Court Orders. It is NCHA's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by NCHA and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

B. *Family Break-Up.* Other NCHA policies regarding family break-up are contained in NCHA's Administrative Plan.

NOTIFICATION

NCHA shall provide written notification to applicants, tenants, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.

RELATIONSHIP WITH OTHER APPLICABLE LAWS

Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

AMENDMENT

This policy may be amended from time to time by NCHA as approved by the NCHA Board of Commissioners.

DEFINITION OF SUBSTANDARD DEVIATION AND SIGNIFICANT CHANGE OR MODIFICATION

Substandard deviation;

The following actions would be considered a substantial deviation from the 5-year plan:

Change to the target population included in the adopted plan. Decisions to change the process for accepting applications to the Housing Choice Voucher Program.
Decision to change Priority of Preference Criteria for the Housing Choice Voucher Program.

It will not be considered a substantial deviation from the plan:

- To choose another course of action not specifically spelled out in the plan to meet the established goals.
- To meet goals of the program to assist low-and moderate-income population in a manner not discussed in the adopted plan.
- To increase or decrease the Payment Standard (PS) (within budget authority) based on, (1) in the case of an increase to the PS, unforeseen increases in rents or inability of tenants to rent units within the program rules or (2) in the case of decreases to the PS, reductions in the budget authority awarded by HUD.
- To make modifications to the Administrative Plan which improve the access to the program by applicants and participants or clarification of new issues in order to provide a consistent implementation of the rules.
- To incorporate new procedures brought about by new regulations or clarification of regulations by HUD.

To make changes to parts of the plan, which are found to be inconsistent with regulations. To make changes required by statute or regulation that need to take place before a consultative process can take place. Changes in the Standard Operating Procedures that do not involve policy decisions.

Significant change or modification:

A significant change or modification is defined as discretionary changes in the plan or policies of the housing authority that fundamental changes the mission, goals, objectives or plans of the agency which require the formal approval of the Board of Commissioners. Other similar circumstances will be treated as defined above. Those items which are considered a substantial deviation would require Board Approval at a Regular Meeting of the Housing Authority Board of Commissioners and submission to HUD at the next annual submission, where a report will be given of policies changed since the last submission of the Plan. Where feasible on discretionary issues, the Housing Authority will make an effort to consult with the Resident Advisory Committee

prior to bringing the issue to the Board.

SMALL AREA FAIR MARKET RENT (SAFMR)

The Small Area Fair Market Rent (SAFMR) Final Rule was published on November 16, 2016 and became effective on January 17, 2017. Under the final rule, the use of Small Area FMRs is required in the administration of the HCV Program for certain metropolitan areas, including San Diego-Carlsbad, CA MSA, beginning on October 1, 2017. Although HUD has suspended the implementation of the SAFMR, it was reinstated effective January 1, 2018. The purpose of this rule is to establish a more effective means for HCV tenants to move into areas of higher opportunity and lower poverty by providing the tenants with a subsidy adequate to make such areas accessible and, consequently, help reduce the number of voucher families that reside in areas of higher poverty concentration.

	National City	FY2023	Payment Standards	
Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1,584	\$1,740	\$2,220	\$3,036	\$3,696
FY2023 SAFMR's By Unit Bedrooms				
Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1320	\$1,450	\$1,850	\$2,530	\$3,080

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Carlos Aguirre, the Housing Director
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2021-2025 and/or Annual PHA Plan for fiscal year 2023-2024 of the National City Housing Authority is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

City of National City
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State Consolidated Plan.

The goals of the PHA Plan are aimed at meeting the priority housing needs outlined in the Consolidated Plan by expanding Housing Choice Voucher utilization to increase affordable housing to families earning less than 50% AMI. Its goal is also to increase availability of service-enriched housing.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official: CARLOS AGUIRRE	Title: HOUSING DIRECTOR
Signature:	Date:

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

RESOLUTION NO. 2023 -

RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION–HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE STREAMLINED ANNUAL PUBLIC HOUSING AGENCY PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM FOR THE FISCAL YEAR 2023-2024 AND AUTHORIZING THE SUBMITTAL OF THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, on October 21, 1998, the U.S. Congress enacted Public Law 105- 276, known as the Quality Housing and Work Responsibility Act (“QHWRA”) requiring housing authorities to adopt and amend an Administrative Plan and submit a Public Housing Agency (“PHA”) Annual Plan; and

WHEREAS, the Streamlined Public Housing Agency Annual Plan provides details about the Community Development Commission–Housing Authority of National City’s immediate operations, program participants, programs, and services and also identifies the Community Development Commission–Housing Authority’s strategy for handling operational concerns, resident concerns, and needs, programs, and services; and

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) requires a Public Hearing to receive public input; and

WHEREAS, on April 4, 2023, a Public Hearing was held for review and recommendation by the public of the proposed Streamlined Annual Public Housing Agency Plan for the Fiscal Year 2023-2024; and

WHEREAS, the Resident Advisory Board, composed of all Section 8 Housing Choice Voucher participants, was given an opportunity to review and comment on the proposed plan. No recommendations or comments were received regarding the proposed plan.

NOW, THEREFORE, THE COMMUNITY DEVELOPMENT COMMISSION–HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Approves the Annual Public Housing Agency Plan (“PHA”) for Fiscal Year 2023-2024.

Section 2. Approves submitting the Streamlined PHA Plan for Fiscal Year 2023-2024 by the Executive Director to the U.S. Department of Housing and Urban Development (“HUD”).

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 4th day of April 2023.

Ron Morrison, Chairman

ATTEST:

Shelley Chapel, Secretary

APPROVED AS TO FORM:

Barry J. Schultz, General Counsel



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Second Reading and Adoption of Ordinance 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.

RECOMMENDATION:

Adopt the Ordinance

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission recommended adoption of the Ordinance with changes 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.

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.

Previous Action

The City Council held a public hearing at their meeting of March 21, 2023 and introduced the Ordinance. Staff is recommending adopting the Ordinance tonight. The Code Amendment would then take effect 30 days from the date of adoption.

FINANCIAL STATEMENT:

Businesses applying for Interim Use Permits will pay a fee for permit processing and will pay business license taxes annually.

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:

Second Reading

EXHIBITS:

Exhibit A - Ordinance

ORDINANCE NO. 2023 –

AN ORDINANCE 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 April 4, 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

PASSED and ADOPTED this 4th day of April, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz
City Attorney



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Armando Vergara, Director of Community Development
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Introduction and First Reading of the Ordinance Amending Title 11 of the National City Municipal Code (NCMC) – Vehicles and Traffic.

RECOMMENDATION:

Introduce Ordinance by First Reading entitled, “Ordinance of the City Council of the City of National City, California, Amending Title 11 of the National City Municipal Code – Vehicles and Traffic by Repealing Chapter 11.68 (Cruising) and Implementing the City’s Parking Program.”

BOARD/COMMISSION/COMMITTEE

Not Applicable.

PRIOR ACTION:

Not Applicable.

EXPLANATION:

Title 11 of the National City Municipal Code (NCMC) contains the rules and regulations for motor vehicles and traffic in the City of National City. Title 11 also contains the ban on cruising and the City’s current parking regulations. Staff has completed a refresh and clean-up of Title 11, which includes the elimination of Chapter 11.68 that prohibits cruising. Staff is now bringing this item to the City Council for consideration and adoption. For efficiency of the public hearing notice requirements, staff is asking the City Council to consider the repeal of the cruising chapter and the implementation of the City’s updated parking program concurrently. However, the Council may vote on the repeal of Chapter 11.68 that prohibits cruising and implementation of the updates to Title 11 separately.

Cruising:

The proposed Ordinance attached to this agenda report includes the complete elimination of Chapter 11.68, which contains the prohibition on cruising within the City. If the City Council votes to move forward with the repeal of Chapter 11.68, it would eliminate the ban on cruising and effectively make cruising legal within the City.

A new state bill (AB 436) has been introduced in the Assembly and it is proposing to repeal bans and regulations on car cruising. This new bill would legalize cruising across California. The State Legislature has previously encouraged local jurisdictions to recognize the cultural significance of cruising in California. Several jurisdictions across the state have already abolished its ban on car cruising. If the Council votes to repeal Chapter 11.68 and end the prohibition on cruising, it would be ahead of the state’s proposed new law and in line with other jurisdictions in California.

Parking Management:

In 1951, the City of National City approved and adopted Ordinance No. 827, which established regulations and governance related to motor vehicles and traffic, with various amendments approved by City Council through 2017. As National City continues to grow and develop, the need for effective parking management plays a critical role in the economic vitality of businesses, ease of access for residents and convenience for visitors. The City is currently undertaking a refresh of their parking program that includes plans for improved enforcement technology and citation management, permit management, expansion of permit parking areas, increased parking supply, uniformity of time-limited parking for increased turnover, and other parking solutions.

In addition to current parking initiatives, City staff is in the process of updating Title 11 to codify a systematic approach to the overall parking program. The proposed updates will include:

- Opportunities for increased curb space management
- Disabled parking regulations and exclusions
- No re-parking related to 72-hour limits and 2-hour parking zones for turnover
- Cost recovery for the City to process and install curb color change requests
- Inclusion of residential and employee permit parking options
- Recreational vehicle update to include width and height limits
- Street Sweeping parking prohibitions
- Establishment of parking meter zones and rates
- Parking meter use of collected funds

The updates, when combined with the current parking program initiatives, improved enforcement, and citation processing, will strengthen National City's parking program, particularly related to the user experience. In addition, the updates will help future-proof the parking management process and grow the parking program as National City continues to grow.

FINANCIAL STATEMENT:

This implementation of the new parking regulations would result in additional revenues to the City that are expected to offset the costs of management and enable the City to provide a more systematic approach to the overall parking program.

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:

First Reading

EXHIBITS:

Exhibit A – Ordinance with NCMC Title 11 Proposed Amendments – Redline Version

Exhibit B- Ordinance with NCMC Title 11 Proposed Amendments – Clean

ORDINANCE NO. 2023 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING TITLE 11 OF THE NATIONAL CITY MUNICIPAL CODE – VEHICLES AND TRAFFIC BY REPEALING CHAPTER 11.68 (CRUISING) AND IMPLEMENTING THE CITY’S PARKING PROGRAM.

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, in 1951, the City of National City approved and adopted Ordinance No. 827, which established regulations and governance related to motor vehicles and traffic, with various amendments approved by the City Council through 2017; and

WHEREAS, effective parking management plays a critical role in the economic vitality of businesses, ease of access for residents and convenience for visitors as the City continues to grow and develop; and

WHEREAS, the City is undertaking a refresh of their parking program which includes plans for improved enforcement technology and citation management, permit management, expansion of permit parking areas, increased parking supply, uniformity of time-limited parking for increased turnover, and other parking solutions; and

WHEREAS, the City is repealing the ban on car cruising consistent with the State Assembly’s previous encouragement of the recognition of the cultural significance of cruising in California as well as the introduction of the new state bill (AB 436) that proposes to repeal the ban and regulations on car cruising.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY HEREBY ORDAINS AS FOLLOWS:

SECTION 2. That Title 11 of the National City Municipal Code is amended to read as set forth in Attachment 1 attached to this Ordinance.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days following its adoption by the City Council.

SECTION 4. 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 4th day of April, 2023.

PASSED and ADOPTED this _____ day of _____, **2023**

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney

Title 11 VEHICLES, TRAFFIC AND PARKING

Chapter 11.01 GENERAL PROVISIONS

11.01.010 Purpose

- A. The purpose of this title is to provide a convenient compilation of the rules and regulations governing and controlling the movement of motor vehicles and traffic in the City of National City (City).
- B. It is the intent of the city council to make these rules and regulations available to the general public in support of the following initiatives:
 - 1. Provide for the safe, orderly flow of traffic through the City.
 - 2. Provide “complete streets” that balance the needs of all roadway users.
 - 3. Provide access to alternative modes of transportation.
 - 4. Provide smart parking solutions.
- C. This title is adopted to supplement the State of California Vehicle Code (CVC), which contains general statutes adopted by the State of California legislature regarding traffic laws, “rules of the road,” and local regulation. The CVC provides authority to local agencies to adopt rules and regulations for traffic control, parking and enforcement by ordinance or resolution. Any reference herein to the CVC, or a specific sSection thereof, shall refer to the most currently amended edition.

(Ord. XXX)

Chapter 11.04 DEFINITIONS

11.04.010 Definitions—Generally General.

- A. The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter.
- B. Whenever any words or phrases used in this title are defined in the ~~Vehicle Code of this state~~CVC, such definitions are incorporated herein and apply to such words and phrases used herein as though set forth herein in full.
- C. Whenever any words or phrases used herein are not defined herein but are defined in the CVC and amendments thereto, such definitions shall apply.

(Ord. 827 § 1, 1951)

11.04.020 Definitions.

- A. “Alley” means any unnamed street less than twenty-five feet in width between property lines, primarily used for access to the rear or side entrances of abutting properties.
- B. “Block” means the land adjoining one side of a street between two consecutive junctions of said street with streets, railways, rights-of-way, or waterways crossing or meeting said side of said street.
- C. “CA-MUTCD” means California Manual of Uniform Traffic Control Devices published by the State of California Department of Transportation (Caltrans) and is issued to adopt uniform standards and specifications for all official traffic control devices, in accordance with Section 21400 of the CVC.
- D. “City Council” means the City Council of National City.

- E. "CVC" means California Vehicle Code, which is a rulebook containing California's laws and regulations for drivers and vehicles.
- F. "Holiday" means any day designated as such in Section 10 of the Political Code of the state California Code of Civil Procedure; provided however, that Saturday afternoon shall not be considered a holiday for the purposes of this title.
- G. "Loading zone" means the space adjacent to the curb or edge of roadway reserved for the exclusive use of vehicles for active loading or unloading of passengers or materials.
- H. "Motor vehicle" is defined as follows:
1. "Motor vehicle" means a vehicle or device that is self-propelled.
 2. "Motor vehicle" does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
- I. "Official time standard," which applies whenever certain hours are named herein, refers to standard time or daylight saving time as may be in current use in the City.
- J. "Official traffic control device" includes any sign, signal, marking or device defined in the CA-MUTCD, and not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps or other roadway design features.
- K. "Official traffic signal" includes any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- L. "Oversized vehicle or load" means any building, structure, vehicle, load, trailer, or combination thereof, which exceeds the height, width, length, size or weight of vehicle or load limitations provided for in Division 15 of the CVC.
- M. "Park" means to stand or leave standing any vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.
- N. "Parking Authority" means the Parking Authority of the City of National City established by City Council Resolution 12,402 in accordance with Division 18 of the California Streets and Highways Code.
- O. "Parking Meter" means a mechanical, electro-mechanical or electronic device installed for the purpose of controlling the period of time a vehicle occupies a parking space.
- P. "Parking Regulations Officer" means any regularly employed City or contracted employee authorized to direct or regulate traffic or to enforce parking law and regulations.
- Q. "Parkway" means that portion of a street between the curb line or edge of roadway and the adjacent property line not designated for use by vehicles, bicycles or pedestrians.
- R. "Pay Station" means a multi-space parking meter that allows for a single location for the payment and control of parking for multiple parking spaces placed at various locations along streets or on surface lots.
- SR. Pedestrian" is a person who is afoot or who is using any of the following:
1. A means of conveyance propelled by human power other than a bicycle, or
 2. An electric personal assistive mobility device.
- TS. "Person" means every natural person, firm, co-partnership, association or corporation.
- UF. "Police officer" means every officer of the police department of this City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic laws and regulations.

VU. "Recreational vehicle" means any camp trailer, camper, fifth-wheel travel trailer, trailer coach, or house car as defined in CVC Sections 242, 243, 324, 362, 396, 635, recreational vehicle as defined in California Health and Safety Code Section 18010, or boat or boat on a trailer, regardless of whether the boat or boat on a trailer is attached to a motor vehicle or carrier trailer as defined in CVC 14.005.

WV. "Roadway" is defined as follows:

1. "Roadway" means that portion of a street improved, designed, or ordinarily used by motor vehicles.
2. "Roadway" may include designated areas for shared or exclusive use of bicycles.

XW. "Stop" is defined as follows:

1. "Stop," when required, means complete cessation of movement.
2. "Stop" or "stand," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

YX. "Traffic" means pedestrians, bicycles, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

(Ord. XXX)

11.04.020 Alley.

"Alley" means any unnamed street less than twenty five feet in width between property lines.

(Ord. 827 § 2, 1951)

11.04.030 California Maintenance Manual.

"California Maintenance Manual" means that book of traffic engineering standards and instructions formulated and published by the Division of Highways of the Department of Public Works of the state, entitled "Manual of Instructions" together with such amendments and additions thereto as may be hereafter approved by the city council by resolution.

(Ord. 827 § 3, 1951)

11.04.040 Central traffic district.

"Central traffic district" means all streets and portions of streets within the area described as follows: All that area bounded and described as follows:

Beginning at the intersection of the southerly line of 6th Street and the westerly line of National Avenue; thence southerly along the westerly line of National Avenue to the northerly line of 7th Street; thence westerly along the northerly line of 7th Street to the easterly line of Roosevelt Avenue; thence southerly along the easterly line of Roosevelt Avenue to the southerly line of 9th Street; thence easterly along the southerly line of 9th Street to the westerly line of National Avenue; thence southerly along the westerly line of National Avenue to the northerly line of 10th Street; thence westerly along the northerly line of 10th Street to the easterly line of Roosevelt Avenue; then southerly along the easterly line of Roosevelt Avenue to the southerly line of 10th Street; thence easterly along the southerly line of 10th Street to the westerly line of National Avenue; thence southerly along the westerly line of National Avenue to the northerly line of 13th Street; thence easterly along the easterly prolongation of the northerly line of 13th Street to the easterly line of National Avenue; thence northerly along the easterly line of National Avenue to the southerly line of 10th Street; thence easterly along the southerly line of 10th Street one hundred thirty five feet; thence at right angles northerly to a point on the northerly line of 10th Street, a distance thereon one hundred thirty five feet easterly from National Avenue; thence westerly along the northerly line of 10th Street to the easterly line of National Avenue; thence northerly along the easterly line of National Avenue to the southerly line of 9th Street; thence easterly along the southerly line of 9th Street to the

easterly line of "A" Avenue; thence northerly along the easterly line of "A" Avenue to the southerly line of 8th Street; thence easterly along the southerly line of 8th Street to the westerly line of "C" Avenue; thence northerly along the westerly line of "C" Avenue to the northerly line of 8th Street; thence westerly along the northerly line of 8th Street to the easterly line of "A" Avenue; thence northerly along the easterly line of "A" Avenue to the northerly line of 7th Street; thence westerly along the northerly line of 7th Street to the easterly line of National Avenue; thence northerly along the easterly line of National Avenue to the southerly line of 6th Street; thence westerly along the southerly line of 6th Street to the point of beginning.

(Ord. 827 § 4, 1951)

~~11.04.050 City council.~~

"City council" means the city council of National City.

(Ord. 827 § 5, 1951)

~~11.04.060 Holiday.~~

"Holiday" means any day designated as such in Section 10 of the Political Code of the state; provided however, that Saturday afternoon shall not be considered a holiday for the purposes of this title.

(Ord. 827 § 6, 1951)

~~11.04.070 Loading zone.~~

"Loading zone" means the space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(Ord. 827 § 7, 1951)

~~11.04.080 Official time standard.~~

Whenever certain hours are named herein, they mean standard time or daylight saving time as may be in current use in the city.

(Ord. 827 § 8, 1951)

~~11.04.090 Official traffic control device.~~

"Official traffic control device" includes all signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

(Ord. 827 § 9, 1951)

~~11.04.100 Official traffic signal.~~

"Official traffic signal" includes any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(Ord. 827 § 10, 1951)

~~11.04.110 Park.~~

"Park" means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

(Ord. 827 § 11, 1951)

11.04.120 Parkway.

"Parkway" means that portion of a street other than a roadway or a sidewalk.

(Ord. 827 § 12, 1951)

11.04.130 Passenger loading zone.

"Passenger loading zone means, the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(Ord. 82-7 § 13, 1951)

11.04.140 Pedestrian.

"Pedestrian" means every person afoot.

(Ord. 827 § 14, 1951)

11.04.150 Person.

"Person" means every natural person, firm, copartnership, association or corporation.

(Ord. 827 § 15, 1951)

11.04.160 Police officer.

"Police officer" means every officer of the police department of this city.

(Ord. 827 § 16, 1951)

11.04.165 Recreational vehicle.

"Recreational vehicle" means any camp trailer, camper, fifth-wheel travel trailer, trailer coach, or house car as defined in California Vehicle Code sections 242, 243, 324, 362, 396, 635, recreational vehicle as defined in California Health and Safety Code section 18010, or boat or boat on a trailer, regardless of whether the boat or boat on a trailer is attached to a motor vehicle or carrier trailer as defined in California Vehicle Code 14.005.

(Ord. No. 2016-2410, § 5, 3-15-2016)

11.04.170 Secondary traffic district.

"Secondary traffic district" means all streets and portions of streets within the area described as follows: All that area bounded and described as follows:

- A. ~~Parcel 1. Beginning at the intersection of the easterly line of Roosevelt Avenue and the southwesterly line of Main Street; thence southeasterly along the southwesterly line of Main Street to the westerly line of National Avenue; thence southerly along the westerly line of National Avenue to the northerly line of 5th Street; thence westerly along the northerly line of 5th Street to the westerly line of Hoover Avenue; thence southerly along the westerly line of Hoover to the southerly line of 10th Street; thence easterly along the southerly line of 10th Street to the westerly line of Roosevelt Avenue; thence southerly along the westerly line of Roosevelt Avenue to the southerly line of 13th Street; thence easterly along the southerly line of 13th Street to the westerly line of National Avenue; thence southerly along the westerly line of National Avenue to the northerly line of 18th Street; thence easterly along the northerly line of 18th Street to the easterly line of National Avenue; thence northerly~~

along the easterly line of National Avenue to the easterly prolongation of the northerly line of 13th Street; thence westerly along said easterly prolongation and the northerly line thereof of 13th Street to the easterly line of Roosevelt Avenue; thence northerly along the easterly line of Roosevelt Avenue to the southerly line of 12th Street; thence easterly along the southerly line of 12th Street to the westerly line of National Avenue; thence northerly along said westerly line of National Avenue to the northerly line of 12th Street; thence westerly along the northerly line of 12th Street to the easterly line of Roosevelt Avenue; thence northerly along the easterly line of Roosevelt Avenue to the southerly line of 11th Street; thence easterly along the southerly line of 11th Street to the westerly line of National Avenue; thence northerly along the westerly line of National Avenue to the northerly line of 11th Street; thence westerly along the northerly line of 11th Street to the easterly line of Roosevelt Avenue; thence northerly along the easterly line of Roosevelt Avenue to the northerly line of 9th Street; thence westerly along the northerly line of 9th Street to the westerly line of Roosevelt Avenue; thence northerly along the westerly line of Roosevelt Avenue to the northerly line of 7th Street; thence easterly along the northerly line of 7th Street to the easterly line of Roosevelt Avenue; thence northerly along the easterly line of Roosevelt Avenue to the southerly line of 6th Street; thence easterly along the southerly line of 6th Street to the westerly line of "A" Avenue; thence southerly along the westerly line of "A" Avenue to the northerly line of 7th Street; thence easterly along the northerly line of 7th Street to the easterly line of "A" Avenue; thence northerly along the easterly line and the northerly prolongation of the easterly line of "A" Avenue to the northerly line of 6th Street; thence westerly along the northerly line of 6th Street to the easterly line of National Avenue; thence northerly along the easterly line of National Avenue to the southeasterly prolongation of the northeasterly line of Main Street; thence northwesterly along the southeasterly prolongation of the northeasterly line of Main Street to the easterly line of Roosevelt Avenue; thence southerly along the easterly line of Roosevelt Avenue to the point of beginning;

B. ——— Parcel 2. Beginning at the intersection of the westerly line of "C" Avenue and the southerly line of 8th Street; thence easterly along the southerly line of 8th Street to the westerly line of Highland Avenue; thence northerly along the westerly line of Highland Avenue to the northerly line of 8th Street; thence westerly along the northerly line of 8th Street to the westerly line of "C" Avenue; thence southerly along the westerly line of "C" Avenue to the point of beginning.

(Ord. 827 § 17, 1951)

11.04.180 Stop.

A. ——— When required "stop" means complete cessation of movement.

B. ——— "Stop" or "stand," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(Ord. 827 § 18, 1951)

11.04.190 Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

(Ord. 827 § 19, 1951)

11.04.200 Oversized vehicle or load.

Oversized vehicle or load means any building, structure, vehicle, load, trailer, or combination thereof, which exceeds the height, width, length, size or weight of vehicle or load limitations provided for in Division 15 of the Vehicle Code of the state of California.

~~(Ord. 1998 § 1, 1990)~~

Chapter 11.08 ADMINISTRATION

11.08.010 City ~~traffic~~ engineer.

The office of ~~the Ceity traffic E~~ngineer is established. The ~~Ceity E~~ngineer shall serve as city traffic engineer, in addition to ~~his/her/their~~ other functions, and shall exercise the powers and duties with respect to traffic as provided in this title.

(Ord. 1428 (part), 1974; Ord. 827 § 20, 1951)

11.08.020 Signs—Installation and maintenance.

Whenever in this title signs or other notices are authorized, it shall be the duty of the ~~city manager public works director~~ Director of Public Works or ~~designee~~ to install and to maintain the signs or other notices.

(Ord. 827 § 90, 1951)

Chapter 11.12 ENFORCEMENT

11.12.010 Police—Fire department—Authority.

- A. It shall be the duty of the officers of the police department or such officers as are assigned by the ~~C~~hief of ~~police~~ Police to enforce all street traffic laws of this ~~C~~eity and all of the state vehicle laws applicable to street traffic in this ~~C~~eity.
- B. Officers of the police department or such officers as are assigned by the ~~C~~hief of ~~P~~olice are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
- C. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Ord. 827 § 21, 1951)

11.12.015 Community development department—Authority.

- A. The Director of Community Developmentcommunity development director is hereby authorized to designate regularly employed and/or contracted employees as parking regulations officers.
- B. Parking regulations officers shall enforce the provisions of this title and the CVC related to regulation of traffic and to stopping, standing and parking of vehicles.

~~(Ord. XXX)~~

11.12.020 Obedience required—Regulations.

It is a misdemeanor for any person to ~~de-perform~~ any act forbidden or fail to perform any act required in this title.

(Ord. 827 § 22, 1951)

11.12.030 Obedience required—Enforcing officers.

No person shall willfully fail or refuse to comply with any lawful order of a police officer or fire department official or other person authorized by law when directing traffic.

(Ord. 827 § 23, 1951)

11.12.040 Unauthorized person directing traffic prohibited.

No person other than an officer of the police department or a person deputized by the Chief of Police or person authorized by law or other persons designated by resolution of the city council shall direct or attempt to direct traffic by voice, hand or other signal (except that persons may operate when and as herein provided any mechanical push-button signal erected by order of the city traffic engineer).

(Ord. 827 § 24, 1951)

11.12.050 Obedience required—Public employees.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, any county or city and it is unlawful for any said driver to violate any of the provisions of this title except as otherwise permitted in this title or by state statute.

(Ord. 827 § 25, 1951)

11.12.060 Exemptions—Certain vehicles.

- A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the police or fire department, any public ambulance or public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified in the ~~Vehicle Code~~ CVC in response to an emergency call.
- B. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of ~~his/her/their~~ willful disregard of the safety of others.
- C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail; or during the periods of proclaimed national emergency to any vehicle owned or operated by the Department of the Army, Navy or Air Force.
- D. Pursuant to the CVC, Section 22511.5 (a)(1): A disabled person (DP) or disabled veteran (DV) displaying special license plates issued under Section 5007 or a distinguishing placard issued under Section 22511.55 or 22511.59 is allowed to park for any amount of time (not to exceed 72 consecutive hours) in any of the following zones:
 1. Blue indicates parking limited exclusively to the vehicles of disabled persons and disabled veterans next to a blue curb authorized for handicapped parking or on streets upon which preferential parking privileges and height limits have been given pursuant to Section 22507 of the CVC.
 2. In any parking zone that is restricted as to the length of time parking is permitted as indicated by a sign erected pursuant to a local ordinance.
 3. For free at any on-street metered parking space.
 4. A disabled person or disabled veteran is allowed to park in any paid parking space without being required to pay parking fees.

5.4. This subdivision does not apply to a zone for which state law or ordinance absolutely prohibits stopping, parking, or standing of all vehicles, or which the law or ordinance reserves for special types of vehicles, or to the parking of a vehicle that is involved in the operation of a street vending business.

65. A disabled person or disabled veteran is allowed to park a motor vehicle displaying a special disabled person license plate or placard issued by a foreign jurisdiction with the same parking privileges authorized in this code for any motor vehicle displaying a special license plate or a distinguishing placard issued by the Department of Motor Vehicles.

~~D. The provisions of this title regulating overtime parking shall not apply to any vehicle owned and operated by a permanently physically incapacitated person, as hereinafter defined, when such person parks such vehicle in a permitted parking space other than a loading, passenger or bus zone during all hours when it is otherwise lawful to park in the same space, subject to the following requirements:~~

- ~~1. Such person shall make application to the city manager for a personal identification card for use of the person to whom issued. Such application shall set forth sufficient facts to show that applicant is a permanently physically incapacitated person, as determined from time to time by resolution of the city council.~~
- ~~2. Upon approval of the application by the city manager, the chief of police shall issue such identification card.~~
- ~~3. Such identification card shall be displayed to any police officer upon request.~~
- ~~4. Abuse of privileges, or noncompliance with the above conditions, or conditions hereafter imposed by the city council shall constitute sufficient grounds for revocation by the city manager of the privileges herein granted.~~

(Ord. 827 § 26, 1951)

11.12.070 Property damage report—Required when.

- A. The driver of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, ornamental lighting post, telephone pole, electric light or power pole, or resulting in damage, to any ornamental shade tree, traffic control device, or other property of a like nature located in or along any street, alley or other public place, shall within twenty-four hours after such accident make a written report of such accident to the police department of this city.
- B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.
- C. A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event such driver shall make a report as required in subsection A within twenty-four hours after regaining ability to make such report.

(Ord. 827 § 27, 1951)

11.12.080 Violation—Penalty.

Any person violating any of the provisions of ~~Chapters 11.04 through 11.44 this Title~~ is guilty of an infraction and upon conviction thereof, unless otherwise provided, is punishable as prescribed in Section 1.20.010.

(Ord. 1621, 1978; Ord. 1358 § 2 (part), 1973; Ord. 827 § 91, 1951)

11.12.090 Parking violation—Penalties.

The penalties for violations of the provisions of this Title and the CVC related to stopping, standing and parking of vehicles shall be established by the city council pursuant to CVC Section 40203.5.

(Ord. XXX)

Chapter 11.16 SPEED LIMITS

11.16.010 Speed zones designated.

A. Whenever the City Manager determines, upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street otherwise subject to a prima facie limit of 25 miles per hour under the CVC, the City Manager may determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour, or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving such notice thereof are erected upon said street.

B. Whenever the City Manager determine upon the basis of an engineering and traffic survey that the maximum speed limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street or highway where such maximum speed limit of 65 miles per hour is applicable under the CVC, the City Manager my determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon such street.

C. The provisions of this section shall not apply to any state highway or extension thereof.

A. Pursuant to Sections 22357 and 40802 of the CVC, the City Council of the City of National City, on the basis of engineering and traffic surveys conducted and certified by a professional engineer in accordance with Section 627 of the CVC and Section 2B.13 of the MUTCD, does hereby establish the following speed limits as reasonable and safe to facilitate the orderly movement of vehicular traffic on the portions of roadways within the City of National City summarized in subsections "B" through "F" below.

B. Twenty five miles per hour is declared and established as the prima facie speed limit on the following streets:

1. 16th Street from Wilson Avenue to National City Boulevard.
2. 18th Street from Wilson Avenue to National City Boulevard.
3. 22nd Street from Wilson Avenue to National City Boulevard.
4. 32nd Street from Tidelands Avenue to Marina Way.
5. 8th Street from National City Boulevard to "D" Avenue.
6. 8th Street from "D" Avenue to Highland Avenue.
7. "D" Avenue from Division Street to 4th Street.
8. "D" Avenue from 4th Street to 8th Street.
9. "D" Avenue from 8th Street to Plaza Boulevard.
10. "D" Avenue from Plaza Boulevard to 16th Street.
11. "D" Avenue from 16th Street to 18th Street.
12. Grove Street from Prospect Street to Sweetwater Road.

13. — Hoover Avenue from 22nd Street to Mile of Cars Way.
14. — "L" Avenue from 16th Street to 18th Street.
15. — "L" Avenue from 24th Street to 28th Street.
16. — "L" Avenue from 28th Street to 30th Street.
17. — Manchester Road from Plaza Boulevard to Angelo Drive.
18. — Marina Way from Bay Marina Drive to 32nd Street.
19. — McKinley Avenue from 14th Street to 19th Street.
20. — Palm Avenue from 16th Street to 18th Street.
21. — Palm Avenue from 18th Street to 22nd Street.
22. — Plaza Boulevard from Coolidge Avenue to Hoover Avenue.
23. — Plaza Boulevard from Hoover Avenue to National City Boulevard.

C. Thirty miles per hour is declared and established as the prima facie speed limit on the following streets:

1. — 16th Street from National City Boulevard to "D" Avenue.
2. — 16th Street from Highland Avenue to "L" Avenue.
3. — 16th Street from "L" Avenue to Palm Avenue.
4. — 16th Street from Palm Avenue to Grove Street.
5. — 16th Street from Grove Street to Euclid Avenue.
6. — 16th Street from Euclid Avenue to Lanoitan Avenue.
7. — 16th Street from Lanoitan Avenue to Harbison Avenue.
8. — 18th Street from National City Boulevard to "D" Avenue.
9. — 18th Street from "D" Avenue to Highland Avenue.
10. — 18th Street from Highland Avenue to "L" Avenue.
11. — 18th Street from "L" Avenue to Palm Avenue.
12. — 18th Street from Palm Avenue to Newell Street.
13. — 18th Street from Newell Street to Euclid Avenue.
14. — 18th Street from Euclid Avenue to Granger Avenue.
15. — 18th Street from Granger Avenue to Rachael Avenue.
16. — 19th Street from Tidelands Avenue to Cleveland Avenue.
17. — 24th Street from "D" Avenue to Highland Avenue.
18. — 24th Street from Highland Avenue to "L" Avenue.
19. — 30th Street from Hoover Avenue to National City Boulevard.
20. — 30th Street from National City Boulevard to "D" Avenue.
21. — 30th Street from "D" Avenue to Highland Avenue.
22. — 4th Street from National City Boulevard to D Avenue.
23. — 4th Street from "D" Avenue to Highland Avenue.

24. — 4th Street from Highland Avenue to Palm Avenue.
25. — 4th Street from Euclid Avenue to Clairmont Avenue.
26. — 4th Street from Clairmont Avenue to Harbison Avenue.
27. — 8th Street from Harbor Drive to I-5.
28. — 8th Street from I-5 to National City Boulevard.
29. — Bay Marina Drive from Tidelands Avenue to Marina Way.
30. — Bay Marina Drive from Marina Way to I-5.
31. — Civic Center Drive from Harbor Drive to National City Boulevard.
32. — Division Street from National City Boulevard to D Avenue.
33. — Division Street from "D" Avenue to Highland Avenue.
34. — Harbison Avenue from 4th Street to 8th Street.
35. — Harbison Avenue from 8th Street to Plaza Boulevard.
36. — Harbison Avenue from Plaza Boulevard to 16th Street.
37. — Highland Avenue from North City Limit to Division Street.
38. — Highland Avenue from Division Street to 4th Street.
39. — Highland Avenue from 4th Street to 8th Street.
40. — Highland Avenue from 8th Street to Plaza Boulevard.
41. — Highland Avenue from 24th Street to 30th Street.
42. — Highland Avenue from 30th Street to South City Limit.
43. — "L" Avenue from 8th Street to Plaza Boulevard.
44. — "L" Avenue from 18th Street to 21st Street.
45. — "L" Avenue from 21st Street to 24th Street.
46. — Main Street from I-5 to National City Boulevard.
47. — McKinley Avenue from 19th Street to 23rd Street.
48. — Mile of Cars Way from I-5 to Hoover Avenue.
49. — Palm Avenue from Division Street to 4th Street.
50. — Palm Avenue from 4th Street to 8th Street.
51. — Palm Avenue from 8th Street to Plaza Boulevard.
52. — Palm Avenue from Plaza Boulevard to 16th Street.
53. — Plaza Boulevard from National City Boulevard to "D" Avenue.
54. — Plaza Boulevard from "D" Avenue to Highland Avenue.
55. — Roosevelt Avenue from Division Street to 4th Street.
56. — Roosevelt Avenue from 4th Street to 8th Street.
57. — Roosevelt Avenue from 8th Street to Plaza Boulevard.
58. — Roosevelt Avenue from Plaza Boulevard to Civic Center Drive.

59. ———— Roosevelt Avenue from Civic Center Drive to 16th Street.

60. ———— West Avenue from 16th Street to 18th Street.

61. ———— Wilson Avenue from Civic Center Drive to 18th Street.

62. ———— Wilson Avenue from 18th Street to 24th Street.

D. ———— Thirty five miles per hour is declared and established as the prima facie speed limit on the following streets:

1. ———— 16th Street from "D" Avenue to Highland Avenue.

2. ———— 24th Street from National City Boulevard to "D" Avenue.

3. ———— 30th Street from Highland Avenue to "L" Avenue.

4. ———— 30th Street from L Avenue to 2nd Avenue.

5. ———— 4th Street from Palm Avenue to "T" Avenue.

6. ———— 4th Street from "T" Avenue to Euclid Avenue.

7. ———— 8th Street from Highland Avenue to "L" Avenue.

8. ———— 8th Street from "L" Avenue to Palm Avenue.

9. ———— 8th Street from Palm Avenue to Euclid Avenue.

10. ———— 8th Street from Euclid Avenue to Harbison Avenue.

11. ———— 8th Street from Harbison Avenue to Plaza Boulevard.

12. ———— Cleveland Avenue from Civic Center Drive to 19th Street.

13. ———— Cleveland Avenue from 19th Street to Bay Marina Drive.

14. ———— "D" Avenue from 18th Street to 24th Street.

15. ———— "D" Avenue from 24th Street to 26th Street.

16. ———— "D" Avenue from 26th Street to 30th Street.

17. ———— Division Street from Highland Avenue to Palm Avenue.

18. ———— Division Street from Palm Avenue to "T" Avenue.

19. ———— Division Street from "T" Avenue to Euclid Avenue.

20. ———— Euclid Avenue from North City Limit to Division Street.

21. ———— Euclid Avenue from Division Street to 4th Street.

22. ———— Euclid Avenue from 4th Street to 8th Street.

23. ———— Euclid Avenue from 8th Street to Plaza Boulevard.

24. ———— Euclid Avenue from Plaza Boulevard to 16th Street.

25. ———— Euclid Avenue from 16th Street to 18th Street.

26. ———— Euclid Avenue from 18th Street to 24th Street.

27. ———— Harbison Avenue from Division Street to 4th Street.

28. ———— Highland Avenue from Plaza Boulevard to 16th Street.

29. ———— Highland Avenue from 16th Street to 18th Street.

30. ———— Highland Avenue from 18th Street to 24th Street.

31. — Hoover Avenue from Mile of Cars Way to 30th Street.
32. — Hoover Avenue from 30th Street to 33rd Street.
33. — Mile of Cars Way from Hoover Avenue to National City Boulevard.
34. — National City Boulevard from Division Street to 4th Street.
35. — National City Boulevard from 4th Street to 8th Street.
36. — National City Boulevard from 8th Street to Plaza Boulevard.
37. — National City Boulevard from Plaza Boulevard to Civic Center Drive.
38. — National City Boulevard from Civic Center Drive to 16th Street.
39. — National City Boulevard from 16th Street to 18th Street.
40. — National City Boulevard from 18th Street to 24th Street.
41. — National City Boulevard from 24th Street to 30th Street.
42. — National City Boulevard from 30th Street to South City Limit.
43. — Newell Street from 18th Street to Prospect Street.
44. — Palm Avenue from I-805 to Division Street.
45. — Plaza Bonita Road from Sweetwater Road to Bonita Mesa Road.
46. — Plaza Boulevard from Highland Avenue to Palm Avenue.
47. — Plaza Boulevard from Palm Avenue to I-805.
48. — Plaza Boulevard from I-805 to Euclid Avenue.
49. — Plaza Boulevard from Euclid Avenue to Harbison Avenue.
50. — Sweetwater Road from 2nd Avenue to I-805/Euclid Avenue.
51. — Tidelands Avenue from Civic Center Drive to 19th Street.
52. — Tidelands Avenue from 19th Street to Bay Marina Drive.
53. — Tidelands Avenue from Bay Marina Drive to 32nd Street.

E. — Forty miles per hour is declared and established as the prima facie speed limit on the following streets:

1. — Division Street from Euclid Avenue to Harbison Avenue.
2. — Euclid Avenue from 24th Street to Sweetwater Road.
3. — Paradise Valley Road from 8th Street to Plaza Entrada.
4. — Plaza Bonita Center Way from Valley Road to Sweetwater Road.
5. — Plaza Boulevard from Harbison Avenue to 8th Street.
6. — Valley Road from Plaza Bonita Center Way to San Miguel Court.

F. — Forty five miles per hour is declared and established as the prima facie speed limit on the following streets:

1. — Harbor Drive from North City Limit to 8th Street.
2. — Harbor Drive from 8th Street to Civic Center Drive.
3. — Sweetwater Road from I-805/Euclid Avenue to Valley Road.
4. — Sweetwater Road from Valley Road to Plaza Bonita Road.

5. ~~Sweetwater Road from Plaza Bonita Road to Calmoor Street.~~

6. ~~Sweetwater Road from Calmoor Street to Plaza Bonita Center Way.~~

7. ~~Valley Road from Sweetwater Road to Calle Abajo~~

(Ord. 2273, 2005; Ord. 2149, 1998; Ord. 2045 §§ 1—4, 1992; Ord. 2043 §§ 1—4, 1992; Ord. 1963, 1988; Ord. 1960, 1988; Ord. 1931, 1987)

(Ord. No. 2012-2378, 12-4-2012; Ord. No. 2017-2443, 12-19-2017)

11.16.020 Signs erected.

It is authorized and directed that appropriate signs giving notice of the speed zones designated in Section 11.16.010 be erected on the streets named in Section 11.16.010.

(Ord. 1884, 1986)

Chapter 11.20 TRAFFIC CONTROL DEVICES

11.20.010 Installation—Authority.

- A. The ~~city manager public works director~~ Director of Public Works shall cause to be placed and maintained official traffic control devices when and as required by resolution or ordinances of this city.
- B. Whenever the ~~Vehicle Code of this state-CVC~~ requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the ~~city manager public works director~~ Director of Public Works is authorized to cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

(Ord. 827 § 28, 1951)

11.20.020 Enforcement—Signs required.

No provision of the ~~Vehicle Code-CVC~~ or of this title for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

(Ord. 827 § 29, 1951)

11.20.030 Obedience required.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic ordinances of this city unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

(Ord. 827 § 30, 1951)

11.20.040 Installation—Procedure.

- A. When directed by resolution or ordinance of the city council the ~~city manager public works director~~ Director of Public Works shall cause to be installed and maintained official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

- B. The ~~C~~city ~~traffic~~~~E~~ngineer shall ascertain and determine the locations where such signals are required ~~by resort to field observation through field observations~~, traffic counts and other traffic information as may be pertinent and ~~his/her~~~~their~~ determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the ~~California Maintenance Manual issued by the Division of Highways of the state Department of Public Works~~CA-MUTCD.
- C. Whenever the ~~city manager~~ ~~Director of Public Work~~ ~~public works director~~ causes to be installed and maintained an official traffic signal at any intersection, ~~they~~~~he~~~~she~~ shall likewise cause to be erected and maintained at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any such intersection.

(Ord. 827 § 31, 1951)

11.20.050 Lane markings.

The ~~C~~city ~~traffic~~~~E~~ngineer is authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway. When authorized signs have been placed designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

(Ord. 827 § 32, 1951)

11.20.060 Existing devices.

~~Until removed or relocated by the city council, all~~ All traffic control devices heretofore installed by the city and in place on the effective date of the ordinance codified herein are approved.

(Ord. 827 § 33, 1951)

11.20.070 Hours of operation.

The ~~C~~city ~~traffic~~~~E~~ngineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title.

(Ord. 827 § 34, 1951)

11.20.080 Speed regulation.

The ~~C~~city ~~traffic~~~~E~~ngineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(Ord. 827 § 89, 1951)

Chapter 11.24 TURNING MOVEMENTS

11.24.010 Marking—Authority.

- A. The ~~C~~city ~~traffic~~~~E~~ngineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the ~~C~~city ~~traffic~~~~E~~ngineer is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as indicated may conform to or be other than as prescribed by law or ordinance.

- B. When authorized marker, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. 827 § 35, 1951)

11.24.020 Restricting signs—Authority.

The ~~C~~city ~~traffic E~~ngineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day or permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(Ord. 827 § 36, 1951)

11.24.030 Restricting signs—Obedience required.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Ord. 827 § 37, 1951)

11.24.040 Right turn against signal prohibited—Authority.

The ~~C~~city ~~traffic E~~ngineer is authorized to determine those intersections within any business or residence district at which the driver of a vehicle shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

(Ord. 827 § 38, 1951)

Chapter 11.28 ONE-WAY STREETS AND ALLEYS

11.28.010 Sign erection.

Whenever any ordinance or resolution of the city designates any one-way street or alley, the ~~city manager~~ ~~public works director~~ ~~Director of Public Works~~ or ~~designee~~ shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Ord. 827 § 39, 1951)

Chapter 11.32 STOPPING, STANDING AND PARKING

11.32.010 Stop sign—Erection—Authority.

Whenever any ordinance or resolution of this city designates and describes any street or portion of any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the ~~city manager~~ ~~public works director~~ ~~Director of Public Works~~ or ~~designee~~ shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the ~~Vehicle Code~~ ~~CA-~~ MUTCD.

(Ord. 1024 § 1, 1962; Ord. 827 § 40, 1951)

11.32.020 Stop sign—Obedience required.

When stop signs are erected as provided in this chapter at the entrance to any intersection or at any railway grade crossing, every driver of a vehicle shall stop as required by the ~~Vehicle Code~~CVC.

(Ord. 827 § 41, 1951)

11.32.030 Emerging from alley or private driveway.

The driver of a vehicle emerging from an alley, driveway, private property or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into a sidewalk area extending across any alley way.

(Ord. 827 § 42, 1951)

11.32.040 Regulations—Applicability.

- A. The provisions of this title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- B. The provisions of this title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the ~~State Vehicle Code~~CVC or the ordinances of this city, prohibiting or limiting the standing or parking of vehicles in specific places or at specified times.

(Ord. 827 § 56, 1951)

11.32.050 Parkways—Stopping in prohibited.

No person shall stop, stand or park a vehicle within any parkway.

(Ord. 827 § 57, 1951)

11.32.060 Vehicle storage on streets.

- A. No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street or alley for more than seventy-two consecutive hours.
- B. It is unlawful for any person to re-park a vehicle under their control or in their custody within the same block face after the expiration of seventy-two consecutive hours.
- B. In the event a vehicle is parked or left standing upon a street for more than seventy-two consecutive hours, any member of the police department authorized by the ~~C~~hief of ~~P~~police may remove such vehicle from the street in the manner and subject to the requirements of Sections 22852 and 22853 or other applicable sections of the ~~Vehicle Code~~CVC.

(Ord. 1117 § 1, 1965: Ord. 1024 § 3, 1962: Ord. 827 § 58, 1951)

11.32.070 Violation of restricted hours—Vehicle removal.

In the event a vehicle is parked or left standing ~~between seven a.m. and seven p.m. or between four a.m. and six a.m. during restricted hours~~ upon a street where parking has been prohibited by resolution of the city council, and signs giving notice thereof are thereon erected, any member of the police department authorized by the ~~C~~hief of ~~P~~police may remove such vehicle from the street in the manner provided by and subject to the requirements of the ~~Vehicle Code~~CVC.

(Ord. 1024 § 4, 1962: Ord. 827 § 59, 1951)

11.32.080 Storage or repair of vehicles prohibited.

- A. Except for emergency repairs, no person shall grease or repair a vehicle upon any public street or public property.
- B. It is unlawful for any person who deals in, or whose business involves the sale, lease, rental or charter of vehicles to store, park or stand any such vehicle upon any public street, except while such vehicle is under lease, rental or charter by a customer.
- C. It is unlawful for any person whose business involves the repair or servicing of vehicles or vehicle components to store, stand or park any vehicle on any public street or public property after that person has accepted custody of that vehicle from the customer.

(Ord. 2229 § 4, 2003: Ord. 827 § 60, 1951)

11.32.090 Parking parallel—Curb.

- A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.
- B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.
- C. The ~~Ceity traffic E~~ngineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways; ~~the public works director~~Director of Public Works or designee and shall erect signs giving notice thereof.

(Ord. 827 § 61, 1951)

11.32.100 Angle loading—~~Permit~~Prohibited.

The ~~Ceity traffic E~~ngineer ~~is authorized to issue special permits to permit~~prohibits the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials in a head-in angled parking stall. ~~subject to the terms and conditions of such permit. Such permit may be issued either to the owner or lessee of real property or to the owner of the vehicle and grants to such person the privilege as therein stated and authorized herein, and it is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.~~

(Ord. 827 § 62, 1951)

11.32.101 Angle parking zones.

The ~~city traffic engineer~~ ~~public works director~~Director of Public Works is authorized to place or cause to be placed pavement markings and signs designating angle parking zones, ~~when as determined by the Ceity traffic E~~ngineer any resolution of this city designates such a zone on any street or portion of any street within the city.

(Ord. 1900 (part), 1987: Ord. 1793, 1983)

11.32.105 Parking space markings.

The ~~public works director~~Director of Public Works is authorized to install and maintain parking space markings to delineate parking spaces adjacent to curbs or in angle parking zones where authorized parking is permitted, as determined by the ~~City traffic Engineer~~. When such parking space markings are placed on a roadway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space as delineated by said markings.

(Ord. XX)

11.32.110 Near schools.

- A. The ~~city traffic engineer~~ ~~public works director~~Director of Public Works is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, ~~in his opinion,~~ interfere with traffic or create a hazardous situation, as determined by the ~~City traffic Engineer~~.
- B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Ord. 827 § 63, 1951)

11.32.120 Narrow streets.

- A. The ~~city traffic engineer~~ ~~public works director~~Director of Public Works is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.
- B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

(Ord. 827 § 64, 1951)

11.32.130 Hills.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent within any business or residence district without blocking the wheels of such vehicle by turning them against the curb or by other means.

(Ord. 827 § 65, 1951)

11.32.140 Stopping or parking prohibited—Signs required.

The ~~city traffic engineer~~ ~~public works director~~Director of Public Works or designee shall appropriately sign or mark the following places and when so signed or marked no person shall stop, stand or park a vehicle in any of such places:

- A. ~~At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone~~Within a designated no parking zone as indicated by signs or red curb markings;
- B. ~~At any place within twenty five feet of an intersection in the central traffic district or in any business district except that a bus may stop at a designated bus stop~~Within fifteen feet of a fire hydrant;
- C. Within twenty-five feet of the approach to any traffic signal, ~~boulevard~~-stop sign, or ~~official electric flashing device~~yield sign;

- D. At any place where the Ceity traffic Eengineer determines that it is necessary in order to eliminate an unusual traffic hazard;
- E. Except where a different distance is prescribed by Ceity Ceouncil resolution, within fifty feet of any intersection marked with a sign that prohibits any vehicle whose height with or without a load exceeds six feet;
- F. At any location where parking is restricted or prohibited between hours designated by resolution of the city council;
- G. Any vehicle parked in violation of this section may also be towed after a parking citation has been issued, provided a sign has been posted authorizing the removal of vehicles parked in violation of such parking restriction.

(Ord. 2267 § 2 (part), 2005: Ord. 827 § 66, 1951)

11.32.150 Unlawful parking—Vending by vehicle.

- A. It is unlawful to park or stop a vehicle upon which merchandise is displayed or offered for sale or lease, upon any street, except upon the request of a purchaser and then only for the actual time necessary to consummate a sale, not to exceed a total of ten minutes at that location or at any immediately succeeding location that is within three hundred feet of the former location where the vendor completed the immediate last transaction.
- B. The pick-up or delivery of merchandise is not regulated or made unlawful by this section.
- C. The parking of a vehicle upon which merchandise is transported but is not being displayed or offered for sale is not made unlawful by this section, provided the vehicle is otherwise lawfully parked.
- D. As used in this section, "merchandise" is as defined in Section 10.22.010C.

(Ord. 2168 § 6, 1999: Ord. 1110 § 2, 1965; Ord. 827 § 67, 1951)

11.32.160 Emergency parking signs.

- A. Whenever the Ceity traffic Eengineer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, the Ceity traffic Eengineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the Ceity traffic Eengineer directs during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the Ceity traffic Eengineer shall cause such signs to be removed promptly thereafter.
- B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

(Ord. 827 § 68, 1951)

11.32.170 Curb parking—Right-of-way.

- A. For the purpose of this section, a "limited curb parking space" means an area open for lawful parking alongside of and adjacent to a curb, which area is not of sufficient length to permit two or more vehicles to freely move for parking therein at the same time.
- B. Any person seeking to park his-their vehicle in a limited curb parking space whose vehicle arrives at said parking space prior to any other vehicle, and who proceeds beyond said space a distance not to exceed ten feet for the purpose of backing his vehicle therein, shall have the right-of-way over any person driving or attempting to drive any other vehicle directly into such limited curb parking space or who in any manner

obstructs such limited curb parking space and the driver of such other vehicle shall immediately yield the right-of-way to the driver who first arrived at said parking space.

- C. The ~~city traffic engineer~~ ~~public works director~~ Director of Public Works shall cause to be painted on the curb adjacent to each "limited curb parking space" lines demarcating the limits of said "limited curb parking space."
- D. It is unlawful for any vehicle to be parked in front of, over or across any such line demarcating the boundary of a "limited curb parking space."

(Ord. 945 § 1, 1959; Ord. 827 § 69, 1951)

11.32.180 Loading zone—Authority—Designation.

- A. The ~~City traffic Engineer~~ is authorized to ~~designate determine and to mark~~ loading zones and passenger loading zones, to be marked by the ~~public works director~~ Director of Public Works or designee as follows:
 - 1. ~~Any place in the central traffic district or any~~ Within a business district;
 - 2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly;
 - 3. Adjacent to an official United States Postal Service mailbox.
 - 4. Loading zones and passenger loading zones shall require written approval of adjacent businesses.
 - 5. If requested by a business, the applicant will pay a one-time fee as determined by the City Engineer for recoverable costs related to installation and maintenance.
- B. In no event shall more than one-half of the total curb length in-on any block be reserved for loading zone purposes.
- C. Loading zones shall be indicated by marking curbs with yellow paint ~~a yellow paint line stenciled with black letters, "LOADING ONLY," upon the top of all curbs within such zones.~~
- D. Passenger loading zones shall be indicated by marking curbs with white paint ~~a white line stenciled with black letters, "PASSENGER-LOADING ONLY," upon the tops of all curbs in said zones.~~

(Ord. 827 § 70, 1951)

11.32.190 Curb markings.

- A. The ~~city traffic engineer~~ ~~public works director~~ Director of Public Works is authorized, when designated by the ~~City traffic Engineer~~ and subject to the provisions and limitations of this title to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, ~~and s~~ said curb markings shall have the meaning as herein set forth:
 - 1. Red means no stopping, standing or parking at any time except as permitted by the ~~Vehicle Code~~ CVC, and except that a bus may stop in a red zone marked or signed as a bus zone.
 - 2. Yellow means no stopping, standing or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays, unless otherwise indicated on posted signage, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than twenty minutes.
 - 3. White means no stopping, standing or parking at any time for any purpose other than loading or unloading of passengers, which shall not exceed three minutes ~~and such restrictions shall apply between seven a.m. and six p.m. of any day except Sundays and holidays and except as follows: When such zone is in front of a hotel or hospital, the restrictions shall apply at all times. When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed.~~

4. Green means no stopping, standing or parking for longer than fifteen or thirty minutes, as marked or signed, at any time between seven a.m. and six p.m. of any day except Sundays and holidays, unless otherwise indicated on postage signage and shall be specifically designated by resolution of the city council.

5. Blue means parking reserved exclusively for disabled persons. Vehicles must display either a distinguishing license plate or placard issued pursuant to CVC Section 22511.5.

B. When the ~~city traffic engineer~~ public works director Director of Public Works, as authorized under this title, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section, and it is unlawful for any person not duly authorized, to paint or cause said curbs to be painted. 5

(Ord. 827 § 71, 1951)

11.32.200 Loading permitted—Effect.

- A. Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials applies only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.
- B. The loading or unloading of materials applies only to commercial deliveries, and the delivery or pickup of express and parcel post packages and United States mail.
- C. Permission herein granted to stop or park for purposes of loading or unloading passengers includes the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor, and in no event for more than three minutes.
- D. Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

(Ord. 827 § 72, 1951)

11.32.210 Loading zone—Restrictions—~~Generally~~.

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 11.32.200.

(Ord. 827 § 73, 1951)

11.32.220 ~~Passenger~~ Loading zone—~~Passenger~~—Restrictions.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 11.32.200.

(Ord. 827 § 74, 1951)

11.32.225180 Disabled persons parking zone—Authority—Designation.

- A. The City Engineer is authorized to designate specially marked and posted on-street parking spaces for disabled persons pursuant to California Vehicle Code 21101, et seq. at the following facilities:
 - 1. Government Buildings serving the public such as administration buildings, public employment offices, public libraries, police stations, etc.
 - 2. Hospitals and convalescent homes with more than 75-bed capacity.

3. Medical facilities and doctors' offices staffed by a maximum of five practitioners. Zones shall be located to serve a maximum number of facilities on one block.
4. Community service facilities such as senior citizens service centers, etc.
5. Accredited vocational training and educational facilities where no off- street parking is provided for disabled persons.
6. Employment offices for major enterprises employing more than 200 persons.
7. Public recreational facilities including municipal swimming~~ing~~ pools, recreation halls, museums, etc.
8. Public theaters, auditoriums, meeting halls, arenas, stadiums with more than 300 seating capacity.
9. Other places of assembly such as schools and churches.
10. Commercial and/or office building(s) with an aggregate of more than 50,000 square feet of usable floor space. Zone shall be located to serve a maximum number of facilities on one block.
11. Hotels catering to daily guests, maintaining a ground floor lobby and a switchboard that is operated 24 hours per day.
12. A hotel or apartment house catering to weekly or monthly guests and containing more than 30 separate living units.

B. General requirements.

1. Each disabled persons parking space shall be indicated by blue paint and a sign (white on blue) showing the international symbol of accessibility (a profile view of a wheelchair with occupant).
2. Where installed under the above criteria the total number of disabled persons curb parking spaces will be limited to 4% of the total number of on-street parking spaces available in the area and shall be distributed uniformly within the area.
3. Disabled persons parking will not be installed at locations with a full-time parking prohibition. When a disabled persons parking zone is installed where a part-time parking prohibition is in effect, the disabled persons parking zone will have the same time restrictions as the part-time parking prohibition.
4. The cost of installing disabled persons parking, ~~not initiated by public request~~, will be assumed by the City on public streets and public off-street parking facilities.
5. In establishing on-street parking facilities for the disabled there shall be a reasonable determination made that the need is of an on-going nature. The intent is to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later are seldom used. Unjustified installation of such parking stalls unnecessarily increases the City's maintenance and operations costs, reduce available on- street parking for the general public, and detract from the overall effectiveness of the disabled persons parking program.
6. Applicant pays a one-time fee as determined by the City Engineer for recoverable costs related to installation and maintenance.

C. Special Hardship Cases.

1. It is not the intention of the City to provide personal reserved parking on the public right-~~of~~-way, especially in residential areas. However, exceptions may be made, in special hardship cases, provided all of the following conditions exists:
 - a. Applicant (or guardian) must be in possession of valid license plates for "disabled persons" or "disabled veterans."
 - b. The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence.

c. Subject residence must not have useable off-street parking available or off-street space available that may be converted into disabled parking.

11.32.230 Alley—Restrictions.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley, and shall not exceed such time as specified in Section 11.32.200.

(Ord. 827 § 75, 1951)

11.32.240 Bus zones.

- A. The city traffic engineer is authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof subject to the directives and limitations set forth herein.
- B. "Bus," as used in this section, means any motor bus, motor coach, trackless trolley coach, or passenger stage used as a common carrier of passengers.
- C. No bus zone shall exceed eighty feet in length, except that when satisfactory evidence has been presented to the city traffic engineer showing the necessity therefor, the city traffic engineer may extend bus zones not to exceed a total length of one hundred twenty-five feet.
- D. Bus zones shall normally be established on the far side of an intersection.
- ~~E. No bus zone shall be established opposite and to the right of a safety zone.~~
- ~~EF. The public works director Director of Public Works shall cause all curbs within a designated bus zone to be painted red and appropriately signed as a bus zone or bus stop. The city traffic engineer shall cause to be painted a red line and stenciled with white letters "NO STANDING," together with the words "BUS ZONE" upon the top or side of all curbs and places specified as a bus zone.~~
- ~~FG. No person shall stop, stand or park any vehicle other than a bus, and only if licensed to operate said bus, within a bus zone except a bus in a bus zone.~~

(Ord. 827 § 76, 1951)

11.32.250 Taxi stands.

- A. Subject to the approval of the city council, the Chief of Police ~~and the traffic safety committee are is~~ authorized to establish taxicab stands opposite curb space for the standing of taxicabs duly licensed by the city, and to determine the location and number thereof.
- B. The ~~city traffic engineer~~ public works director Director of Public Works shall cause such curb to be painted white and appropriately signed as a taxi stand ~~stenciled with black letters "NO STANDING," together with the words "TAXI STAND" upon the top or sides of all curbs and places specified as a taxicab stand.~~
- C. No person shall stop, stand or park any vehicle except a taxicab, duly licensed by the City of National City, in a taxicab stand.

- D. It is unlawful for the owner, driver, or operator of any taxicab to allow the taxicab to remain stopped or otherwise standing ~~in the central traffic district~~ except in a regularly established stand; provided, however, taxicabs may stop in any available parking space when actually loading or unloading passengers; provided, further, ~~the~~ taxicabs may stop, park, or stand in a place where parking is otherwise permitted between the hours of two a.m. and nine a.m.
- E. In the event a vehicle is parked or left standing within a taxicab zone where parking has been prohibited by resolution or ordinance of the city council and signs giving notice thereof are thereon erected, any member of the police department authorized by the ~~C~~chief of ~~P~~police may remove such vehicle in the manner provided by and subject to the requirements of ~~Section 22652(D) of the California Vehicle Code~~ the CVC.

(Ord. 1111 § 1, 1965; Ord. 1096 § 1, 2, 1964; Ord. 827 § 77, 1951)

(Ord. 827 § 80, 1951)

~~11.32.260 Time limit—Central traffic district.~~

~~When authorized signs are in place giving notice thereof no person shall stop, stand or park any vehicle within the central traffic district between the hours of seven a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than one hour, unless and until changed by resolution of the city council.~~

~~(Ord. 827 § 78, 1951)~~

~~11.32.270 Time limits—Other districts.~~

~~When authorized signs are in place giving notice thereof no person shall stop, stand or park any vehicle within a business district outside of the central traffic district or secondary traffic district between the hours of seven a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than two hours, unless and until changed by resolution of the city council.~~

~~(Ord. 827 § 79, 1951)~~

~~11.32.280 Time limits—Secondary traffic district.~~

~~When authorized signs are in place giving notice thereof no person shall stop, stand or park any vehicle within the secondary traffic district for a period of time longer than two hours at any time between the hours of seven a.m. and six p.m. of any day except Sundays and holidays, unless and until changed by resolution of the city council.~~

~~(Ord. 827 § 80, 1951)~~

~~11.32.290 Prohibited hours.~~

~~When authorized signs are in place giving notice thereof no person shall stop, stand or park any vehicle upon any street in the central traffic district between the hours of four thirty a.m. and six p.m. or between four a.m. and six a.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials subject to the limitations of Section 11.32.200.~~

~~(Ord. 1024 § 5, 1962; Ord. 827 § 81, 1951)~~

11.32.300 Absolutely prohibited.

When signs are erected giving notice thereof no person shall park a vehicle at any time upon any street hereinafter designated by resolution of the city council.

(Ord. 827 § 82, 1951)

11.32.310 Temporary parking restrictions and time limit—Generally.

It is unlawful for any person to stop, stand or park any vehicle on any street in the city at any location where temporary signs have been installed by the ~~city engineer~~ ~~public work director~~ Director of Public Works or designee prohibiting parking for purposes of maintaining or redirecting vehicular traffic during construction or street or utility service repair, provided at least twenty-four hours prior notice of such restriction has been given in accordance with CVC California Vehicle Code Section 22651(l) or (m). Any installed sign may also authorize removal of a vehicle parked in violation of such parking restriction and such vehicle may thereafter be towed after a parking citation has been issued.

(Ord. 2267 § 2 (part), 2005: Ord. 827 § 83, 1951)

11.32.320 Signs—Authorization.

Signs provided in this article shall be authorized by resolution of the city council, and shall be erected by the public works director ~~Director of Public Works~~ or designee on the street or streets set forth in such resolution.

(Ord. 827 § 84, 1951)

11.32.330 Valet parking—Permits.

The ~~city council may grant by resolution~~ Director of Public Works or designee shall establish permits for valet parking. Such permits shall be granted after receiving the recommendation of the ~~C~~chief of ~~P~~police ~~and the traffic safety committee~~. If the Director of Public Works deems necessary, the valet parking permit request shall be reviewed by the Traffic Safety Committee.

(Ord. 1219 § 1, 1969)

11.32.340 Valet parking—Defined.

"Valet parking" means a parking service conducted by the operator of private premises, through ~~his/her~~ their own employees, in which customers' cars are taken from public loading zones and parked by the proprietor's employees.

(Ord. 1219 § 2, 1969)

11.32.350 Valet parking—Spaces designated.

The ~~city council may designate by its resolution~~ Director of Public Works or designee shall establish any parking spaces, as it may deem necessary, to be reserved for the use of the proprietor of a private business for the conduct of a valet parking service. ~~The granting of permission to operate a valet parking service may be conditioned in such ways as the city council may deem proper.~~ If the Director of Public Works deems necessary, the designation of spaces for valet parking shall be reviewed by the Traffic Safety Committee.

(Ord. 1219 § 3, 1969)

11.32.360 Heavy-duty commercial vehicles—Parking restrictions in all residential districts and east of National City Boulevard.

- A. No person shall park any heavy-duty commercial vehicle more than three hours on a street in any residential district, except:
 - 1. While actually loading or unloading property and the time to complete the evolution in addition to such three-hour period that is reasonably necessary to complete the work;

2. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property, in the block in which such vehicle is parked and the time to complete the evolution in addition to such three-hour period is reasonably necessary to complete such service; or
 3. Such vehicle is parked immediately in front or ~~along side~~alongside of premises actively devoted to industry or commerce and lying contiguous to the street.
- B. Except as provided in subsection A of this section, no person shall park any heavy-duty commercial vehicle on any street east of and including National City Boulevard between the hours of two a.m. and six a.m. daily.
 - C. For the purpose of this section, "heavy-duty commercial vehicle" means a single vehicle or combination of vehicles having more than two axles or weighing more than ten thousand pounds GVWR (gross vehicle weight rating), a single vehicle or combination of vehicles twenty feet or more in length, or a single vehicle or combination of vehicles six feet, eight inches or more in width, including dump trucks, moving vans, tractors, pole or pipe dollies, trailers and detached trailers or detached flatbed trailers. It shall not include a recreational vehicle.
 - D. For purposes of this section as authorized by CVC~~California Vehicle Code~~ Section 22507.5, a "residential district" means any street or streets where the contiguous property on that block is zoned for residential use pursuant to Chapter 18.14 of this code, including single-family detached dwellings, multifamily dwellings, apartment houses, or combination. It shall not include that area south of Division Street, west of National City Boulevard, north of 8th Street and east of Interstate 5.
 - E. Heavy-duty commercial vehicles parked in violation of subsection B of this section shall not be subject to citation until a minimum of twenty-four hours has elapsed following attachment of a notice to the vehicle directing its removal. The notice directing removal shall set forth the contents of this section and shall recite that the vehicle is in violation. After a particular vehicle has been tagged with a notice of removal and twenty-four hours has elapsed, parking citations may be issued thereafter for that vehicle for any further violations of this section without the necessity for further notice.
 - F. After a parking citation has been issued, any heavy-duty commercial vehicle parked in violation of this section may also be towed from any street upon which signage authorizing removal is posted, in addition to being subject to tow when parked for more than seventy-two consecutive hours pursuant to Section 11.32.060 of this chapter.

(Ord. 2267 § 2 (part), 2005; Ord. 1184, 1967)

(Ord. No. 2016-2410, § 7, 3-15-2016)

11.32.365 Unattended heavy-duty detached trailers—Parking restrictions in commercial and industrial districts.

- A. No person shall park any unattended heavy-duty detached trailer more than three hours on any street designated by city council resolution in a commercial or industrial district where signs are posted, except:
 1. While actually loading or unloading property and the time to complete the evolution in addition to such three-hour period is reasonably necessary to complete the work; or
 2. When such vehicle is parked in connection with, and in aid of, the actual performance of a service to or on a property in the block in which such vehicle is parked and the time to complete the evolution in addition to such three hour period is reasonably necessary to complete such service.
- B. For the purpose of this section, an "unattached heavy-duty detached trailer" means a single trailer or combination of trailers having two axles or more or weighing more than ten thousand pounds GVWR (gross vehicle weight rating), any single trailer or combination of trailers twenty feet or more in length, or any single trailer or combination of trailers six feet, eight inches or more in width, including dump truck trailers, dollies, moving van trailers, pole or pipe dollies, house or travel trailers, or flat bed or enclosed trailers, none of

which is attached to a truck, tractor or similar vehicle capable of towing, pulling or otherwise moving the trailer.

- C. For purposes of this section, a "commercial or industrial district" means any block, street or streets where the contiguous property on that block is zoned for a commercial or industrial occupancy pursuant to Chapters 18.16 or 18.18 of this code.
- D. After a parking citation has been issued, any unattended heavy-duty detached trailer parked in violation of this section may be towed from any street upon which signage authorizing removal is posted, in addition to being subject to tow when parked for more than seventy-two consecutive hours pursuant to Section 11.32.060 of this chapter.

(Ord. 2267 § 2 (part), 2005)

11.32.366 Parking recreational vehicles on city streets—Restricted.

- A. The city council finds that the increase in the number of recreational vehicles parked on city streets, highways, alleys, public ways or public places, or public rights-of-way has a detrimental effect on the public health, safety, and welfare of the residents and negatively affects the quality of life in the city. The purpose and intent of the city council is to establish a process to allow a city resident to park the recreational vehicle on a city street for a limited period of time.
- B. No person shall park or leave standing any recreational vehicle, whether motorized or not, whether attached to motorized vehicle or not, at any time upon any highway, street, alley, public way, or public place, except as otherwise allowed, in the City of National City except:
 - 1. While a person is actively loading or unloading a recreational vehicle for a period not to exceed two hours; or
 - 2. When the registered owner or lessor of a recreational vehicle is in possession of a permit issued pursuant to subsection 11.32.366.C.
- C. For the purpose of this section, "recreational vehicle" is any vehicle which exceeds twenty-two feet (202') in length, seven and one-half feet (7'-1/2") in width or eight feet (8') in height that shall include, but is not limited to the following:
 - 1. Camp trailers (~~CVC~~California Vehicle Code Section 242);
 - 2. Fifth-wheel travel trailers (~~CVC~~California Vehicle Code Section 324);
 - 3. House cars (~~CVC~~California Vehicle Code Section 362);
 - 4. Trailer coaches (~~CVC~~California Vehicle Code Section 635);
 - 5. Mobile homes (~~CVC~~California Vehicle Code Section 396);
 - 6. Boats and/or trailers, including jet skis and/or jet ski trailers;
 - 7. Dune buggies and off-road or all-terrain vehicles and/or trailers;
 - 8. Attached or unattached tTrailers used for the transportation of equipment, vehicles, or animals;
 - 9. Recreational vehicles (California Health & Safety Code Section 18010);
 - 10. Folding camper trailers;
 - 11. Any other motorized or towed vehicle designed, maintained or used primarily for recreational purposes.
 - 12. Exclusions include pick-up trucks without campers and passenger vans that exceed the recreational vehicle height definition.
- D. Temporary Parking Permit Process.

1. The ~~city manager~~ community development director Director of Community Development, or designee, has the authority to adopt rules and regulations governing the permit process, and to issue permits for the parking of a recreational vehicle on a street if:
 - a. A written application is made to the ~~city manager~~ Director of Community Development community development director on a form established by the ~~city manager~~ Director of Community Development community development director, or designee;
 - b. The fees described in subsection 11.32.366.F are paid; and
 - c. The ~~city manager~~ Director of Community Development community development director, or designee, determines that the parking of the recreational vehicle will not create a safety hazard.
 2. The permit shall be issued to a city resident or city property owner.
 3. The permit shall include the name and address of the city resident or the city property owner, the license plate number of the recreational vehicle, the date of issuance, and the date(s) that the permit is valid.
 4. The permit shall be valid only within the same block of the resident's or property owners' address, or upon a street adjacent to the resident's address, on either side of the street.
 5. The permit shall be valid for no longer than twenty-four hours.
 6. A city resident or city property owner may obtain no more than three permits at one time for a period of no longer than seventy-two consecutive hours.
 7. A city resident or city property owner may not obtain more than six permits in any calendar month. A city resident or city property owner may not obtain more than seventy-two permits in any calendar year.
 8. There shall be three days between the expiration of a permit, or if a city resident or city property owner obtained two or three permits at one time the expiration of the second or third permit, and the issuance of another permit to the same city resident or city property owner.
 9. The city resident or city property owner shall display the permit in the recreational vehicle in such a manner that it is clearly visible to city enforcement officers.
 10. The permitted recreational vehicle shall be subject to all applicable parking restrictions of the National City Municipal Code and the California Vehicle CodeCVC.
 11. A city resident or city property owner in possession of a permit must comply with all state and local laws, including posted parking restrictions.
 12. The fee for obtaining a permit shall be established by resolution of the city council. The fee shall be included in the city's fee schedule.
- E. Any person violating this section is punishable as prescribed in Section 1.20.010.
- F. As an alternative to subsection E., a violation of any provision of this sSection may be punishable with an administrative citation or other civil or administrative remedy pursuant to Title 1 of the National City Municipal Code.

(Ord. No. 2016-2410, § 8, 3-15-2016)

11.32.370 Public parks.

It is unlawful to park any motor vehicle in a public park in the city other than on a public street or in an area designated by signs as a public parking area.

(Ord. 1205 (part), 1968)

11.32.371 Public property.

It is unlawful to park or leave standing any motor vehicle on land owned or in possession of the city ~~or the community development commission of the city, or the Community Development Commission – Housing Authority of the City,~~ other than in an area designated for public parking. Where signs are posted giving notice of removal, any vehicle parked or left standing in violation of this section may be removed by the police department.

(Ord. 1936, 1988)

11.32.380 Parking or obstruction of fire lane prohibited—Towing authorized.

No vehicle shall be parked or obstruction maintained within a fire lane as defined in the Uniform Fire Code as adopted by this code. No owner or person in lawful possession or control of a fire lane shall allow the parking of a vehicle or maintenance of an obstruction to a fire lane as described herein.

Any vehicle or obstruction which violates this section may be removed by city employees or a designated representative of the city. Vehicles shall only be removed as provided in the ~~California Vehicle Code~~CVC.

(Ord. 1774, 1982)

11.32.390 Unauthorized parking in reserved parking spaces prohibited.

No person, other than the person for whom the parking space is reserved, shall stop, stand or park a vehicle within a reserved parking space located on any off-street parking facility owned or operated by the city. Any vehicle parked in violation of this section is subject to removal by the police department. All reserved parking spaces shall be appropriately marked by a permanent sign and/or pavement markings installed by the ~~city traffic engineer~~ ~~public works director~~Director of Public Works or designee.

(Ord. 1880, 1986)

11.32.400 Unauthorized temporary parking in street sweeping zones prohibited.

A. No person shall park any vehicle on that portion of any street on the days, and between the hours, designated by the city council for the purpose of street cleaning. Each portion of each street so designated shall be posted with signs giving notice of the days, and the hours, of the parking prohibition effective on that portion of the street. This prohibition shall not apply to a vehicle which, after the street-sweeper has passed, is then parked on a restricted portion of the street during the posted hours.

B. Upon establishment of permit parking zones, the City Engineer or designee is hereby directed to add street sweeping parking restrictions throughout the permit parking zone. Any vehicle parked in violation of this section may also be towed after a parking citation has been issued, provided a sign has been posted authorizing the removal of vehicles parked in violation of such parking restriction.

11.32.4100 Parking violation—Penalties.

A. The registered owner, lessee or renter of a vehicle cited for violation of the provisions of Chapter 7.18 or 11.32 of this code or the ~~CV~~California Vehicle Code shall pay the fine as indicated within twenty-one days from the date the citation was issued.

B. The failure of the registered owner, lessee or renter of the cited vehicle to pay the parking fine within twenty-one days of the issuance of the citation shall result in the penalty being increased to double the amount of the original penalty amount, i.e., penalty x 2.

C. Parking penalty fines are set to amounts consistent with the then current recommendations of the San Diego County parking penalty committee, on file in the office of the city clerk, in accordance with ~~Vehicle Code CVC~~ Section 40203.5(a).

D. In accordance with ~~Vehicle Code CVC~~ Section 4760, the city shall file an itemization of unpaid parking penalties, including administrative fees and the amount of costs of the city for costs of service, with the Department of Motor Vehicles for collection with the registration of the vehicle.

(Ord. 2189, 2001: Ord. 2067, 1993: Ord. 1992, 1990: Ord. 1902, 1987)

Chapter 11.33 PARKING METERS

11.33.010 Parking Meter Zones—Establishment—Authority.

A. ~~The Ceity Eengineer, by ordinance of the city council, and pursuant to the provisions of CVC Section 22508, may establish parking meter zones to aid in the regulation, control and inspection of the parking of vehicles and/or to increase ~~park~~ utilization and turnover to support local businesses and economic development. Zones-Metered blocks within designated parking meter zones shall be established based on parking surveys of streets or portions of streets that demonstrate a parking occupancy rate of 80% or greater during the time of survey.~~

B. ~~Upon authorization by the city council, the Ceity Eengineer or public works directorDirector of Public Works shall cause parking meters or pay stations to be installed, parking meterpaid parking spaces to be designated, and required signage to be displayed within parking meter zones, as hereinafter provided. Modifications or elimination of parking meter zones shall be established by amendments to ordinance of the city council.~~

C. ~~The regulation of traffic by parking meters or pay stations and the use of any approved method of payment in such meters shall become effective upon the installation of appropriate parking meters or pay stations and signs thereon, giving notice of such parking meterpaid parking regulation and rate.~~

(Ord. XXX)

11.33.020 Parking Meter Zones—Designated.

~~Parking meter zones are hereby designated upon those public streets or portions of streets described herein in which parking of vehicles shall be regulated by parking meters or pay stations between the hours and on days specified in Section 11.33.060:~~

A. ~~“A” Avenue between E. 7th Street and E. 9th Street, both sides of street~~

B. ~~E. 8th Street between “A” Avenue and “D” Avenue, both sides of street~~

A. ~~National City Boulevard to the west, Highland Avenue to the east, 18th Avenue to the south, and 7th Avenue to the north~~

(Ord. XXX)

11.33.030 Parking Meter Rates and Time limits—Authority.

- A. It is the intent of the city council to establish a target utilization rate of 80% for all parking meters and pay stations within the city. Utilization rate refers to the amount of time that vehicles occupy a parking meterpaid parking space during the allowed hours of operation of the parking meter or pay station. The establishment of the target utilization rate of 80% is based on well-accepted parking management studies and review of targets established by other municipalities. The city council finds that the establishment of the target utilization rate of 80% is one of the most effective strategies for managing on-street parking and for recovering at least a portion of the estimated reasonable costs associated with parking, traffic control and management impacting the parking of vehicles within parking meter zones.
- B. Under the authority of CVC Section 22508, the city council establishes a parking meterpaid parking rate of \$0.25 for each 15-minute interval up to the maximum legal time limit established for each parking meter or pay station. Said rate shall be and remain in effect, unless modified by amendments to ordinance of the city council. The Ceity Eengineer or public works directorDirector of Public Works shall cause to be programmed all parking meters and pay stations within designated parking meter zones the established rates for deposit of funds.
- C. When any vehicle is parked in any space alongside of or next to a single-space parking meter which is located in accordance with the provisions of this Chapter, or when any vehicle is parked in any space or zone adjacent to which a multi-space parking meterpay station is located in accordance with the provisions of this Chapter, the operator of said vehicle shall, upon entering said parking space or zone, immediately cause to be deposited coins in the appropriate denomination, or otherwise immediately purchase time using an approved method of payment, according to the time interval desired within the maximum limit and at the displayed parking rates.
- D. Time limits for parking meters and pay stations shall be established at intervals of 15 minutes not to exceed a maximum of two hours for single vehicle use during the hours and days specified in Section 11.33.040. The Ceity Eengineer is authorized to establish shorter maximum time limits on streets or portions of streets within parking meter zones based on evaluation of parking demand, parking utilization, type and operations of adjacent land uses, and other relevant factors. Time limits shall be clearly displayed consistent with the requirements of Section 11.33.050.
- E. During a fiscal year, the City Engineer or Director of Public Works may adjust pay station and meter rates up or down \$0.25 per hour based on average occupancy rates in order to achieve a target occupancy rate of 80 %. Any increase over \$0.25 per hour in a fiscal year shall require City Council approval.
- FE. Unless otherwise permitted by signs, no person shall stop, stand, or park a vehicle in a parking meter zone between the hours designated within the parking meter zone of any day for longer than the prescribed period. For the purposes of this section, the term parking meter zone means an area in which signs, parking meters or curb markings prescribe a designated period for parking of vehicles.
- GF. When temporary special parking or traffic conditions require different hours or days of parking restrictions, the Ceity Eengineer or public works directorDirector of Public Works may vary the hours and days during which the restrictions in the parking meter zones shall be in effect; and, when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle contrary to the direction or provisions of such signs.

(Ord. XXX)

11.33.040 Parking Meters—Time of operation.

- A. Parking meters and pay stations shall be operated in parking meter zones every day between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and holidays. Modifications to hours of operation of parking meters shall be established by amendments to ordinance of the city council.
- B. The City Engineer or Director of Public Works may set and adjust the time period of operation of parking meters before 8:00 a.m., but no earlier than 7:00 a.m., and later than 6:00 p.m., but no later than 11:00 p.m., every day except on Sundays and holidays, but in no event for a length of time less than ten hours each day, consistent with achieving the target utilization rate of 80%.

(Ord. XXX)

11.33.050 Parking Meters—Installation, maintenance and operation.

- A. The ~~public works director~~Director of Public Works is hereby authorized to install or place parking meters and pay stations with appropriate parking space markings and signage in such parking meter zones as designated in Section 11.33.020 and in accordance with the provisions of this Chapter; and the ~~public works director~~Director of Public Works or designee is hereby directed to maintain said parking meters and pay stations, parking space markings and signage in good workable condition.
- B. Single-space parking meters installed in parking meter zones established as provided in Section 11.33.010 shall be placed upon the curb immediately adjacent to individual parking spaces. The hours of operation and time limits shall be clearly displayed on the meter standards and/or posted on signs within the parking meter zone or portions thereof. Each single-space parking meter shall be placed or set in such manner as to display whether the parking space adjacent to that meter is legally in use or not. Upon ~~the deposit of coins or the~~ purchase of time using an approved method of payment, each single-space parking meter shall be set to display the amount of time remaining for legal parking and shall continue to operate for that period of time not exceeding the limit of parking time which has been established for that space or zone. Upon the expiration of legal parking time, each single-space parking meter shall indicate by proper signal that the lawful parking period has expired.
- C. Multi-space ~~parking meters~~pay stations installed in parking meter zones established as provided in Section 11.33.010 shall be placed upon the curb immediately within the parking meter zone or portions thereof to which they apply. The hours of operation and time limits shall be posted on signs within the parking meter zone or portions thereof. Upon the purchase of time using an approved method of payment, a multi-space ~~parking meter~~pay station shall either produce a receipt to be used by the parking user as proof of valid parking as described in Section 11.33.070, or electronically record the expiration of the time purchased for an individual parking space entered by the parking user, which may be checked for enforcement or other purposes. ~~A receipt produced by a multi-space parking meter shall be displayed by the parking user in a fully visible location within the vehicle as instructed on the receipt,~~ in order to be valid or otherwise considered effective. A vehicle is lawfully parked in a parking meter zone if:
 - 1. Pay and Display. The vehicle displays a receipt which is legible to an enforcement officer, evidencing purchase of parking meter time at the posted parking rate and within the maximum time limit at the multi-space parking meter located immediately adjacent to the parking meter zone where the vehicle is parked. The receipt shall indicate the expiration of parking time, which shall be the equivalent of the expiration time indicated by the parking meter; or
 - 2. Pay by Space. The vehicle is parked in a numerically designated parking space which has a multi-space parking meter that does not produce a receipt for display, but which indicates a valid parking time.
 - 3. Pay by Plate. The license plate number is entered into the pay station on an alphanumeric keyboard that does not produce a receipt for display, but which indicates a valid parking time.
- D. Notwithstanding Section 11.33.030, Sections 11.33.050.A through 11.33.050.C, 11.33.070, and 11.33.080, a vehicle is lawfully parked in a parking meter zone if it displays a card or electronic device that is legible to an

enforcement officer and which has been approved by the City Engineer or community development director/Director of Community Development as an alternative method of parking meter payment. The card or electronic device shall indicate the expiration of parking time in accordance with the posted parking rate and within the maximum time limit specified for that parking meter zone.

- E. Pursuant to the provisions of CVC Section 22508, a local authority may accept but shall not require payment of parking meter fees by a mobile device.

(Ord. XXX)

11.33.060 Parking Meters—Parking regulated.

- A. The ~~public works director~~Director of Public Works is instructed to have lines or markings painted or placed upon the curb or upon the street adjacent to each single-space parking meter for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking alongside of or next to any single-space parking meter shall park within the lines or markings so established.
- B. The ~~public works director~~Director of Public Works is instructed to have lines or markings painted or placed upon the curb or upon the street in any parking meter zone that is controlled by a multi-space parking meter that does not produce a receipt to be used by the parking user as proof of valid parking as described in Section 11.33.070.
- C. No person shall park any vehicle across any line or marking or park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.
- D. When a parking space in any parking meter zone is parallel to the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and nearest the single-space parking meter except where the single-space parking meter is mounted to the rear of the parking space, in which case, any vehicle parked in such parking space shall be parked so that the rearmost part of such vehicle shall be alongside of and nearest the single-space parking meter.
- E. When a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directly at and nearest to such single-space meter except where the single-space parking meter is mounted to the rear of the parking space, in which case, any vehicle parked in such parking space shall be parked so that the rearmost part of such vehicle shall be directly at and nearest to such single-space parking meter.

(Ord. XXX)

11.33.070 Parking Meters—Overtime.

No person shall permit a vehicle to remain parked in any parking meter zone when the meter, receipt, card, or electronic device, as provided in Section 11.33.050, shows the parking time has expired.

(Ord. XXX)

11.33.080 Parking Meters—Extra time prohibited.

- A. No person shall permit a vehicle to remain parked beyond the period of legal parking time established for any parking meter.
- B. No person shall purchase time from any parking meter using any method of payment for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space or zone adjacent to which said parking meter is placed.
- C. It is unlawful for any person to re-park a vehicle under their control or in their custody within the same block face or parking facility after the expiration of the two-hour time limit. The vehicle may not return to the initial block face or parking facility sooner than two hours following the expiration of the initial time period.

(Ord. XXX)

11.33.090 Parking Meters—Tampering with.

It shall be unlawful for and a violation of the provisions of this Chapter for any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meters installed under the provisions of this Chapter.

(Ord. XXX)

11.33.100 Parking Meters—Improper use prohibited.

It shall be unlawful and a violation of the provisions of this Chapter to deposit or cause to be deposited in any parking meter any slug, device or substitute for a lawful coin of the United States.

(Ord. XXX)

11.33.110 Parking Meters—Payment by unauthorized person prohibited.

No person, other than the owner or operator of a vehicle, shall deposit payment in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space regulated by such meter.

(Ord. XXX)

11.33.120 Parking Meters—Limitations on use for certain purposes.

No person other than an authorized employee of the City shall attach anything to a parking meter or parking meter standard. No person shall allow a bicycle, news rack or any other object to lean against a parking meter or a parking meter standard.

(Ord. XXX)

11.33.130 Parking Meters—Collection of deposited coins.

The ~~community development director~~Director of Community Development is authorized to designate parking regulations officers, either employed by the city or under contract, to make regular collections of the coins deposited in the parking meters and deliver those coins collected to the city finance department for accounting.

(Ord. XXX)

11.33.140 Parking Meters—Use of funds collected.

All funds collected from parking meters in the city shall be placed in a special fund, which fund shall be devoted exclusively to any or all of the following purposes:

- A. The purchasing, leasing, installing, inspecting, repairing, maintaining, operating, removing, regulating, enforcing, and managing of parking meters in the city and for the payment of any and all expenses relating or incidental thereto;
- B. The proper regulation, control and inspection of parking and traffic upon the public streets;
- C. The painting and marking of streets and curbs required for the direction of traffic and parking of motor vehicles;
- D. The installation and maintenance of traffic control devices and signals;

- E. Increasing the parking supply through ~~The~~ purchasing, leasing, and acquiring of off-street parking facilities in the city, including inspecting, repairing, maintaining, operating, regulating, enforcing, and managing said facilities;
- F. To be pledged as security for the payment of principal and interest on off-street parking facility revenue bonds issued by the city or parking authority.
- G. Managing the existing parking inventory, including such measures as, but not limited to, parking evaluations, reconfiguration of existing on-street parking inventory, employee parking programs, reducing excessive red curb, removal of abandoned driveways and replacement with matching sidewalk, curb, and gutter, and mitigation of any adverse effects resulting from the implementation of such program
- H. Providing mobility (parking and access) information through wayfinding signage or media (maps, videos, apps or other tools), which communicates the location, availability, cost, and other pertinent information of parking options and provides navigation in and between in the parking meter zone.
- I. Providing funding for community shuttles or circulator systems with the goals to connect passengers to and from the parking meter zone, to reduce parking demand in the meter zone and to assist in the mobility of those parked around the parking meter zone.
- J. Enhancing mobility within the parking meter zone and facilitating the use of alternative forms of transportation to reduce parking demand (e.g., community shuttles, public transit, bicycling, and walking) through activities and improvements including, but not limited to, designing and installing: bike and pedestrian amenities (bike parking, corrals, and bike lanes; pedestrian ramps, crossings, pop-outs, sidewalks, countdown indicators, rectangular rapid flashing beacons); signage; and shuttle stops.

(Ord. XXX)

Chapter 11.34 TRUCK IDLING AND PARKING MANEUVERS NEAR A SCHOOL OR RESIDENCE

11.34.010 Findings and purpose.

- A. Air Pollution is a Public Health Concern in California. The San Diego Air Basin is currently designated as nonattainment for the state and federal ozone standard, and the state's particulate matter standards. Air pollution can cause or aggravate illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).
- B. The purpose of this chapter is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling and practice of parking maneuvers of diesel fueled commercial vehicles. The purpose of this chapter is also to reduce such exposure especially to school-age children.
- C. The air resources board identified diesel exhaust particulate matter as a toxic air contaminant. Particulate matter (PM-10) can collect in lungs where it can increase the number and severity of asthma attacks, cause aggravated bronchitis, and cause other lung diseases. Particulate matter can also exacerbate other illnesses. Ozone is a strong irritant which can restrict airways, resulting in difficulty breathing and forcing respiratory and cardiovascular systems to work harder. Chronic exposure reduces lung capacity, lower stamina, and leaves people vulnerable to long-term respiratory problems. Ozone is especially harmful to children, senior citizens and those suffering from asthma or existing heart and lung disease.
- D. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost-effective in reducing ozone precursor emissions and toxic air contaminants.

- E. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980's—2001 model year truck operating on diesel fuel emits one hundred forty-four grams per hour of nitrogen oxide and eight thousand two hundred twenty-four grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel per hour while idling.
- F. A limitation on engine idling is established by the city of National City to discourage the idling of engines in the city.
- G. The practice of commercial vehicles practicing repeated parking maneuvers near schools and residences contributes to the emission of toxic air contaminants in a manner similar to idling. A limitation on practicing parking maneuvers near schools and residences is established to discourage the emissions of toxic air contaminants.

(Ord. 2292 § 1 (part), 2007)

11.34.020 Definitions.

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "Commercial motor vehicle" means any vehicle or combination of vehicles as defined in ~~Vehicle Code CVC~~ Section 15210(b) and any other motor truck with a gross vehicle weight rating of ten thousand one pounds or more, except for either a zero-emission vehicle or a pickup truck as defined in ~~Vehicle Code CVC~~ Section 471.
- B. "Driver" means any person who drives, operates, or is in actual physical control of a vehicle.
- C. "Emergency" means sudden, urgent, usually unforeseen occurrence.
- D. "Gross vehicle weight rating" means the weight specified by the manufacturer as the maximum loaded weight of a single vehicle.
- E. "Idling" means the engine is running while the vehicle is stationary.
- ~~F. "Official traffic control device" means any sign, signal, marking or device, consistent with Vehicle Code Section 21400, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps or other roadway design features.~~
- ~~G. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.~~
- ~~H.F.~~ "Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.
- ~~H.G.~~ "Vehicle/equipment owner" means the registered owner, lessee, licensee or bailee of any heavy- or medium-duty vehicle who operates or directs the operation of any such vehicle on either a for hire or not for hire basis.

(Ord. 2292 § 1 (part), 2007)

11.34.030 Applicability.

This chapter applies to all diesel fueled commercial motor vehicles with a gross vehicle weight rating over ten thousand pounds.

(Ord. 2292 § 1 (part), 2007)

11.34.040 Idling.

- A. A driver of a commercial motor vehicle:
 - 1. Shall turn off the engine upon stopping at a destination;
 - 2. Shall not cause or allow an engine to idle at any location for more than five consecutive minutes; and
 - 3. Shall not cause or allow a vehicle to idle at any location within one hundred feet of a school for:
 - a. More than five consecutive minutes, or
 - b. A period or periods aggregating more than five minutes in any one hour.
- B. A private property owner shall not allow a vehicle located on the owner's property to violate the provisions of this chapter. A private property owner shall notify owners and operators of vehicles entering the owner's private property of the requirements of this chapter.

(Ord. 2292 § 1 (part), 2007)

11.34.050 Exemptions.

- A. This chapter does not apply to a vehicle for the period or periods during which:
 - 1. Idling is necessary while stopped:
 - a. For an official traffic control device,
 - b. For an official traffic control signal,
 - c. For traffic conditions over which the driver has no control, including, but not limited to, stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone, or
 - d. At the direction of a peace officer;
 - 2. Idling is necessary to ascertain that the vehicle is in safe operating condition, equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;
 - 3. Idling is necessary for testing, servicing, repairing or diagnostic purposes;
 - 4. Idling is necessary for a period not to exceed three to five minutes (as per the recommendation of the manufacturer) to cool down a turbo charged heavy-duty vehicle before turning the engine off;
 - 5. Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, such as operating a lift, crane, pump, drill, hoist, mixer or other auxiliary equipment other than a heater or air conditioner;
 - 6. Idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;
 - 7. Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers.
 - a. The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within one thousand feet of a residential area or school,
 - b. The only specific exception for passenger comfort would be vehicles with a passenger onboard with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature,

- c. In the event idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers, such idling shall not occur within one hundred feet of a residence or a school;
 - 8. Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;
 - 9. Idling is necessary to operate equipment that runs intermittently.
- B. Nothing in this chapter allows idling in excess of other applicable laws, including but not limited to:
 - 1. Title 13 Code of Regulations Section 2480—Requirements/restriction of idling near a school.
 - 2. Title 13 Code of Regulations Section 2485—Requirement/restriction of idling.
 - 3. ~~Vehicle Code~~ CVC Section 22515—Requirements for leaving a motor vehicle unattended.
 - 4. Any local provision of this code or requirement as stringent as, or more stringent than, this chapter.

(Ord. 2292 § 1 (part), 2007)

11.34.060 Practicing parking maneuvers.

- A. A driver of a commercial motor vehicle shall not practice parallel parking, angled parking, perpendicular parking, or any type of parking, for the purpose of driver instruction, improvement, or education, within one hundred feet of a school.
- B. A driver of a commercial motor vehicle shall not practice parallel parking, angled parking, perpendicular parking, or any type of parking, for the purpose of driver instruction, improvement, or education, within one hundred feet of a residential neighborhood.

(Ord. 2292 § 1 (part), 2007)

11.34.070 Enforcement.

This chapter may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in Penal Code Section 830 et seq., and their respective agencies authorized representative(s).

(Ord. 2292 § 1 (part), 2007)

11.34.080 Penalty.

Any violation of this chapter for which a penalty is not provided shall be punished according to Chapter 11.12 of this code.

(Ord. 2292 § 1 (part), 2007)

11.34.090 Severability of provisions.

The city council declares that the invalidity of any section or portion of this chapter shall not affect the validity of any other remaining section or portion; that the council would have adopted each of those remaining portions, notwithstanding any later declared invalidity. If any provision is determined by a court to be invalid, it shall be severed, or if it can be judicially interpreted in a way that would harmonize it with the remaining provisions, then it may be applied as interpreted, so as to give full purpose, meaning and effect to the remaining provisions of this chapter.

(Ord. 2292 § 1 (part), 2007)

Chapter 11.36 MISCELLANEOUS DRIVING RULES

11.36.010 Driving through funeral processions.

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such processions are conspicuously so designated.

(Ord. 827 § 43, 1951)

11.36.020 Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, roller skates or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

(Ord. 827 § 44, 1951)

11.36.030 Driving on sidewalk.

The driver of a vehicle shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

(Ord. 827 § 45, 1951)

11.36.040 New pavement.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed.

(Ord. 827 § 46, 1951)

11.36.050 Restricted access.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

(Ord. 827 § 47, 1951)

11.36.060 Freeway use.

No person shall drive or operate any bicycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by the ~~Vehicle Code CVC~~, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

(Ord. 827 § 48, 1951)

11.36.070 Traffic control devices—Damaging.

It is unlawful for any person to tear down, damage, mutilate or destroy any sign, sign-board, notice or traffic signal placed or affixed by the city, which sign is intended to direct or regulate traffic within the city.

(Ord. 827 § 49, 1951)

11.36.080 Vehicles on private property.

No person shall stop, stand or park any vehicle in a private driveway or on private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property.

(Ord. 827 § 50, 1951)

11.36.090 Driving in park—Prohibited.

A. Definitions.

1. As used in this section, "motor vehicle" includes automobiles, motorcycles, motor bikes or any device which derives its motive power from internal combustion engines.
2. A "public park" is any land within the corporate limits which has been dedicated and accepted as a public park.
3. As used in this section "public street" means any street, roadway, or highway, or alley, or court dedicated to and accepted as a public street.

B. Driving in Parks Prohibited. It is unlawful to operate a motor vehicle in a public park in the city other than on a public street.

(Ord. 1205 (part), 1968)

11.36.100 Driving in park—Violation—Penalty.

A violation of Sections 11.36.090 through 11.36.120 is a misdemeanor punishable by a fine of five hundred dollars and/or imprisonment for a period not to exceed six months.

(Ord. 1205 (part), 1968)

11.36.110 Driving in park—Damage.

Any person who violates Sections 11.36.090 through 11.36.120 and thereby causes damages to public park property shall be responsible for the cost of repairing said damage.

(Ord. 1205 (part), 1968)

11.36.120 Driving in park—Permitted.

The city council may suspend the application of Sections 11.36.090 through 11.36.120 to any person or persons, for the purpose of conducting special events in public parks.

(Ord. 1205 (part), 1968)

Chapter 11.37 PERMIT PARKING

11.37.010 Findings and purpose.

- A. The purpose of this Chapter is to outline the process, authority and evaluation criteria for establishing permit parking zones along designated public streets or portions thereof within the city that will provide preferential parking privileges to permit holders and their guests.
- B. CVC Section 22507 allows local authorities, by ordinance or resolution, to designate certain streets or portions thereof upon which preferential parking privileges are given to residents or employers adjacent to the designated streets for their use or the use of their guests / employees under which the residents or their

guests / employees may be issued a permit that exempts them from specific parking restrictions or prohibitions as defined in the ordinance or resolution.

C. Preferential permit parking districts and zones support the following initiatives of the city council:

1. Increase parking utilization;
2. Support economic development while mitigating the impacts of spillover parking into surrounding residential neighborhoods;
3. Prohibit long-term parking by non-residents;
4. Provide opportunities for local residents to park near their homes;
5. Promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by ensuring a more stable and valuable property tax base in order to generate the revenues necessary to provide essential public services.

D. This Chapter does not apply to resident-initiated requests for establishment of preferential permit parking districts, which is governed by City Council Policy 710, or any area located within the Coastal Zone as defined in Section 18.29.030 of the Code.

11.37.020 Permit Parking Districts—Designated.

The following permit parking districts are hereby designated for the purpose of establishing preferential parking privileges based on the findings and purpose established in Section 11.37.010:

A. Downtown Parking District

1. Defined as all streets and portions of streets owned and maintained by the City of National City within the area bounded by Division Street to the north, 16th Street to the south, Highland Avenue to the east and Interstate 5 to the west.
2. Incorporates all streets and portions of streets owned and maintained by the City of National City within the Downtown Specific Area Plan boundary as adopted by City Council and inclusive of any amendments thereto.

(Ord. XXX)

11.37.030 Permit Parking Zones—Establishment—Authority.

- A. The City Engineer, by ordinance or resolution of the city council, and pursuant to the provisions of CVC Section 22507, may establish preferential permit parking zones to aid in the regulation, control and inspection of the parking of vehicles, increase parking utilization, and/or mitigate the impacts of spillover parking from nearby developments or businesses. Zones shall be established within designated preferential permit parking districts based on parking surveys of streets or portions of streets that demonstrate a parking occupancy rate of 80% or greater during the time of survey.
- B. The City Engineer shall rely on the data collected from the parking surveys and/or planning studies conducted in and around the proposed permit parking zone to recommend appropriate parking restrictions or prohibitions by time of day and day of week to the city council.
- C. Upon authorization by the city council, the City Engineer or ~~public-works director~~ Director of Public Works shall cause appropriate signage to be displayed within permit parking zones. Modifications or elimination of permit parking zones shall be established by amendments to ordinance or resolution of the city council.

- D. The regulation of permit parking zones shall become effective upon the installation of appropriate signage giving notice of parking restrictions or prohibitions, at which point only vehicles displaying a valid parking permit or those vehicles registered to permit holders displaying valid license plates shall be exempt from said parking restrictions or prohibitions.
- E. The ~~city manager~~City Manager or designee has the authority to establish permit parking fees, which may differ between permit parking zones, based on the type and operations of surrounding land uses and/or market driven factors. Permit fees for each zone shall be established by ordinance or resolution of the city council and be included in the city's fee schedule. A copy of the fee schedule shall be filed in the rate book of fees on file in the Office of the City Clerk.
- F. Applications for parking permits may be obtained through the office of the ~~City~~Engineer. The number and type of permits issued to residents or employers and their guests / employees may differ between permit parking zones based on data collected from the parking surveys and other factors such as type and operations of surrounding land uses and/or the availability of off-street parking within the zone. Permit requirements for each permit parking zone shall be established by ordinance or resolution of the city council.
- G. When temporary special parking or traffic conditions require different hours or days of parking restrictions, the ~~City~~Engineer or ~~public works director~~Director of Public Works may vary the hours and days during which the restrictions in the permit parking zones shall be in effect; and, when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle contrary to the direction or provisions of such signs.

(Ord. XXX)

11.37.040 Permit Parking—Penalty provisions.

- A. It shall be unlawful and a violation for any person to stand or park a motor vehicle for a period exceeding the posted time limitation or in violation of the parking prohibition established for a permit parking zone pursuant to ordinance or resolution of the city council. Said violation shall be an infraction punishable in accordance with the provisions of this Title.
- B. It shall be unlawful and a violation for a person to falsely represent him/herself as eligible for a parking permit or to furnish false information in an application for a parking permit.
- C. It shall be unlawful and a violation for a person holding a valid parking permit issued by the city to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation both by the person holding the valid parking permit and by the person who uses or displays the permit on a motor vehicle other than that for which it is issued.
- D. It shall be unlawful and a violation for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the ~~City~~Engineer. It shall further be unlawful and a violation for a person to knowingly use or display a facsimile or counterfeit parking permit in order to evade the parking restrictions or prohibitions established for a permit parking zone.
- E. Any violation of Sections 11.37.040.B through 11.37.040.D shall be deemed a misdemeanor punishable in accordance with the provisions of this Title.

(Ord. XXX)

11.37.050 Revocation of Parking Permit.

The ~~City~~Engineer or designee is authorized to revoke the parking permit of any person found to be in violation of this Chapter and, upon written notification thereof, the person shall surrender such permit to the ~~City~~Engineer. Failure to surrender a parking permit when so requested shall constitute a violation of law.

(Ord. XXX)

Chapter 11.40 STREET USE RESTRICTIONS

~~11.40.010 Central traffic district—Prohibited vehicles.~~

- ~~A. Except on state highways, no person shall operate any of the following vehicles in the central traffic district between the hours of seven a.m. and six p.m. of any day:~~
- ~~1. Any freight vehicle more than eight and one-half feet in width, with load, or any freight vehicle so loaded that any part of its load extends more than twenty feet to the front or rear of said vehicle;~~
 - ~~2. Any vehicle carrying building material that has not been loaded, or is not to be unloaded, at some point within the central traffic district;~~
 - ~~3. Any freight vehicle with a trailer;~~
 - ~~4. Any vehicle conveying refuse, rubbish, garbage or dirt;~~
 - ~~5. Any vehicle carrying crude or fuel oil.~~
- ~~B. Provided that the chief of police may by written permit authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the central traffic district.~~

~~(Ord. 827 § 85, 1951)~~

~~11.40.020 Advertising vehicles.~~

~~No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud-speaking device upon any street or alley at any time within the central traffic district.~~

~~(Ord. 827 § 86, 1951)~~

~~11.40.030 Horse-drawn vehicles.~~

~~No person shall drive any animal-drawn vehicle into or within the central traffic district between the hours of four thirty p.m. and six p.m. of any day.~~

~~(Ord. 827 § 87, 1951)~~

~~11.40.040 Trains—Blocking streets prohibited.~~

~~No person shall operate any train or train of cars, or permit the same to remain standing so as to block the movement of traffic upon any street for a period of time longer than five minutes.~~

~~(Ord. 827 § 88, 1951)~~

~~11.40.050 Truck routes—Designated.~~

~~The [City Engineer](#) may designate certain streets as truck routes for the movement of motor vehicles exceeding a maximum gross vehicle weight of six thousand pounds for the purpose of goods movement and to mitigate cut-through truck traffic in residential neighborhoods. Designated truck routes within the city shall be established by resolution of the city council. A map of designated truck routes shall be maintained in the office of the [City Engineer](#) and made available to the public upon request.~~

~~The following streets are designated as traffic routes for the movement of motor vehicles exceeding a maximum gross weight of six thousand pounds:~~

- ~~A. Main Street from the north boundary of the city to the easterly line of Roosevelt Avenue;~~

~~B. Roosevelt Avenue from the southerly line of Main Street to the intersection with West Avenue and thereafter continuing on West Avenue to West Avenue's intersection with National Avenue.~~

~~C. National Avenue from the north line of 18th Street to the southerly boundary line of the city.~~

(Ord. 857 § 1, 1954)

11.40.060 Truck routes—Use required.

All motor vehicles exceeding a maximum gross weight of six thousand pounds are prohibited from using all other streets within said city, excepting commercial vehicles using any such street by direct route to and from the through routes for the movement of motor vehicles of more than six thousand pounds specified in Section 11.40.050, for the purpose of delivering or loading for transportation goods, wares or merchandise, and also excepting any vehicle which is subject to the provisions of Section 50 1/4 of the Public Utilities Act, and also excepting any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(Ord. 857 § 2, 1954)

11.40.070 Truck routes—Signs marking.

Appropriate signs indicating the through traffic routes prescribed in Section 11.40.050 shall be erected by order of the ~~City manager~~ ~~Engineer~~ at such points as may be designated by the ~~Chief of Police or City Engineer~~ as being best to serve notice of such routes, and thereafter it shall be the duty of the ~~superintendent of streets public works director~~ ~~Director of Public Works or designee~~ to see that said signs indicating such through traffic routes will best serve notice of Sections 11.40.050 through 11.40.080.

(Ord. 857 § 3, 1954)

11.40.080 Truck routes—Violation—Penalty.

Any person, firm or corporation violating any of the provisions of Sections 11.40.050 through 11.40.070 is guilty of an infraction and upon conviction thereof shall be punishable as prescribed in Section 1.20.010.

(Ord. 1621, 1978; Ord. 1358 § 2 (part), 1973; Ord. 857 § 4, 1954)

11.40.090 Manchester Avenue—Trucks prohibited.

Notwithstanding the provisions of Section 11.40.060, pursuant to the authority given to city by the ~~Vehicle Code of California~~ ~~CVC~~, the use of Manchester Avenue by any commercial vehicle or by any vehicle exceeding a maximum gross weight of five tons is prohibited. This prohibition shall not apply to any vehicle which is subject to the provisions of Sections 1030 to 1036, inclusive, of the Public Utilities Code of California.

(Ord. 1027 § 1, 1962; Ord. 857 § 8a, 1954)

11.40.100 Van Ness and Granger Avenues—Trucks prohibited.

- A. Notwithstanding the provisions of Section 11.40.060, pursuant to the authority given to the city by Section 33701 of the Vehicle Code of California, the use of Van Ness Avenue from the southerly line of 20th Street to the northerly line of Leonard Street and of Granger Avenue from the southerly line of 24th Street to the northerly line of Leonard Street by any vehicle exceeding a maximum gross weight of five tons is hereby prohibited. This prohibition shall not apply to any vehicle which is subject to the provisions of Sections 1030 to 1036, inclusive, of the Public Utilities Code of California.
- B. This section shall not be effective until appropriate signs are erected on Van Ness and Granger Avenue indicating that its use by the vehicles described in paragraph (a) is prohibited.

(Ord. 1875, 1986: Ord. 857, 1954)

11.40.110 Transportation permit required.

No person shall move or cause to be moved over or across any public right-of-way under the jurisdiction of the city, any oversized vehicle or load, which exceeds the height, width, length, size or weight of vehicle or load limitation provided for in Division 15 of the [Vehicle Code of the state of CaliforniaCVC](#), without first obtaining a transportation permit from the office of the [City Engineer](#), which will be subject to the following regulations:

- A. A transportation permit may be designated by the [City Engineer](#) as either a single-move transportation permit for the movement of an oversized vehicle or load over a designated route, and for a move on a specified date or dates, or an annual or repetitive transportation permit issued for the period specified on the permit. Repetitive load transportation permit may be issued on the type of vehicle carrying the load in the case of nonself-propelled vehicles, and on the specific vehicle in the case of the nonself-propelled vehicles, and on the specific vehicle in the case of the self-propelled vehicles. Repetitive load permits shall authorize the movement of the vehicles, or loads specified on the permit; provided however, that the vehicle or load shall not exceed a width of thirteen feet, a height of sixteen feet, or a length of one hundred feet. If the load proposed under the repetitive load transportation permit exceeds the weight limits as prescribed in Division 15 of the [Vehicle Code of the state of CaliforniaaCVC](#) by more than twenty-five percent, said move shall be subject to such route restrictions as are designated by the city engineer.
- B. The [City Engineer](#) shall use a standard transportation permit form established by the department of transportation.
- C. The applicant for a transportation permit shall be a person licensed as a specialty contractor by the state to engage in the business of moving oversized vehicles or loads.
- D. Application for a transportation permit shall be made to the office of the city engineer a minimum of twenty-four hours prior to the time proposed for the move.
- E. The transportation permit application shall include a sketch showing the approved route for the particular vehicle or load being moved, and no other route shall be utilized.
- F. At the time of making an application for a permit pursuant to this chapter, the applicant shall attach or have on file with the ~~e~~City a ~~C~~ertificate of [Liability Insurance](#) showing comprehensive, general liability insurance with a minimum of ~~two~~~~one~~ million dollars per ~~single~~ occurrence and four million dollars in aggregate or one million dollars per occurrence and two million dollars in aggregate with a two million dollar umbrella or excess coverage, covering all bodily injury and property damage arising out of its operation under this agreement, and vehicle insurance covering all bodily injury and property liability incurred during the moving period, with a minimum coverage of one million dollars per accident; such vehicle insurance shall include “any” auto or “owned, non-owned ~~auto~~ and hired autos.” [General aggregate limits must apply solely to the project or location and must be identified with specificity on a separate endorsement.](#)

If any insurance coverage required is provided on a "claims made" rather than "occurrence" form, such insurance coverage shall be maintained for three years after expiration of the term of this permit.

The ~~certificate~~~~Certificate~~ of [Liability Insurance](#) must include a separate endorsement adding shall show the e”City of National City, it’s elected officials, officers, agents and employees” as an additional insured under the policy of the insurance in effect for both the Commercial General Liability and Automobile coverage. The ~~C~~ertificate of [Liability Insurance](#) shall further indicate the ~~e~~City will be entitled to at least ten days' written notice of cancellation of the policy of insurance. [Blanket endorsements such as “by written contract” or “by agreement” are acceptable.](#)

The Certificate Holder must be listed as City of National City, C/O Risk Manager, 1243 National City Boulevard, National City, California, 91950-4301.

- G. Governmental agencies, including the state and its political subdivisions, will not be required to provide the insurance required by this section, but shall be required to indemnify and hold the city harmless from any loss arising out of injury to persons, or damage to property, resulting directly or indirectly from the operation permitted by the transportation permit, including the defense of any action arising therefrom, at no cost to the city.
- H. The applicant shall submit at the time of the application or have on file with the city a copy of ~~their~~^{his} policy of ~~W~~^Corkers' ~~C~~^Eompensation ~~and~~ ~~E~~^Emloyers ~~L~~^Liability insurance, ~~which meets the California statutory limits, plus Employers' Liability coverage of one million, which~~ shall be in force during the moving period. A Waiver of Subrogation in favor of the City of National City is required. If there are no employees subject to Worker's Compensation law, a signed Declaration is required.
- I. The applicant shall submit at the time of application, a copy of his city business license and/or valid business license number.
- J. The applicant shall comply at all times with the ~~California Vehicle Code~~^{CVC}.
- K. All moving operations under a transportation permit shall be in conformance with all general and special conditions set forth by the ~~City~~^Engineer on said permit.
- L. The permittee shall have the responsibility to ascertain the adequacy of the route requested for the move. When an over-height load is authorized (over thirteen feet, six inches), the permittee shall check all underpasses, bridges, overhead wires, and other limiting structures or facilities for adequate clearance. The permittee shall notify the owners of all overhead lines or structures subject to disturbances or damage by his move and shall make arrangements for the temporary removal or relocation of the conflicting facility if required. The permittee shall bear all costs for such relocation where the facility is located in accordance with state and local regulations.
- M. For any move involving a load or vehicle whose vertical height is eighteen feet or over, or whose width is thirty feet or more, the permittee shall submit to the agencies whose facilities will be affected by such move the proposed route for approval at least seventy-two hours in advance of the move. No permit shall be issued until clearances have been received from the power company and telephone company. Applicant shall be responsible for obtaining such clearance.
- N. Transportation permits shall be carried on the vehicle whose movement is authorized by such permit, and shall be available for inspection by any police officer, or any authorized agent of the city. Transportation permits issued pursuant hereto shall be nontransferable.
- O. The ~~City~~^Engineer shall not issue a transportation permit if any one of the following conditions exists:
 - 1. If the overweight per axle exceeds the limits provided in Division 15 of the ~~Vehicle Code of the state of California~~^{CVC} by fifty percent;
 - 2. If the move is determined by the ~~City~~^Engineer to be prohibitive from the standpoint of public safety or contrary to the public interest;
 - 3. If the applicant has repeatedly violated conditions of previously issued permits, or the applicant has unsettled claims against him for damages resulting from past moves;
 - 4. If the applicant has failed to obtain a permit on the next regularly scheduled working day following interim approval for an emergency move.
- P. Permit fees required subject to the following regulations:
 - 1. The fee for a transportation permit within/or through the city shall ~~be fifteen dollars for a single move and seventy dollars~~^{reflect the fee schedule} for an annual or repetitive permit. The fee shall

not exceed the fee schedule developed by the department of transportation. Special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services shall be billed separately for each permit.

2. Permit fees required in this chapter shall be collected by the finance department in an amount as designated.
3. Governmental agencies, including the state and any of its political subdivisions, shall make application for permits under the provisions of this chapter, and shall be issued a no-fee permit in accordance with the provisions herein. A contractor working for a governmental agency shall not be considered to be acting on behalf of that governmental agency and shall not be exempt from the payment of fees.
4. An extension of the effective date or an amendment to a single-move permit may be made without payment of additional fees if approved by the City Engineer, provided that the request for such extension or amendment is received before the expiration of the permit.
- Q. Permittee shall provide "wide load" signs as necessary to be visible from both the front and rear of all loads in excess of ten feet in width. Signs shall be at least three feet by five feet in dimension; shall have a yellow background with black lettering; shall spell out "WIDE LOAD" in bold letters; and shall have an amber flasher mounted on each of the upper corners of the sign.
- R. In case of damage to any street or other public improvement by reason of the moving of any vehicle or load covered by the transportation permit, the city shall cause such work to be done as may be necessary to restore the public street improvement to an equal condition as it was prior to such damage, and shall charge the cost thereof to the permit-tee. Such damages as occur may be recovered from the insurance required under subsection E-F of this section.
- S. Movement of oversize loads and/or vehicles shall be prohibited during the hours of darkness (one-half hour after sunset to one-half hour before sunrise), and between the hours of seven a.m. and nine a.m., and three p.m. and six p.m., unless otherwise approved by the city engineer.
- T. For moves which, because of their emergency nature, require approval during periods other than the regularly scheduled working hours of the city engineer or chief of police, authorized representatives thereof may grant approval for such moves on the condition that a permit will be acquired during the next regularly scheduled working day. Failure to acquire such permits may result in disqualification for obtaining future permits.

(Ord. 1998 § 2, 1990: Ord. 1940 § 2, 1988)

Chapter 11.42 SPECTATORS PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED

11.42.010 Purpose.

- A. The city council for the city finds and declares that pursuant to California Vehicle Code CVC § section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal. Motor vehicle speed contests and exhibitions of speed are more commonly known as street races or drag races.
- B. Such street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business owners to enjoy the use of their property within the city. When illegal street races occur on various streets within the city, racers and spectators gather on these streets late at night and in the early morning hours, blocking the streets and sidewalks to traffic, forming a racetrack area, placing bets, and otherwise encouraging, aiding, and abetting the racing process.

- C. Illegal street racers can accelerate to high speeds without regard to oncoming traffic, pedestrians, or vehicles parked or moving nearby. The racers can drive quickly from street to street, race for several hours, and then move to other locations upon the arrival of the police. Participants in this illegal activity use cell phones, police scanners, and other electronic devices to communicate with each other to avoid arrest. Participants also use the Internet to provide information on where to race, and give advice on how to avoid detection and prosecution.
- D. In many cases, illegal street races can attract hundreds of spectators. The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish.
- E. This chapter is adopted to prohibit spectators at illegal street races with the aim of significantly curbing this criminal activity. The division targets a very clear, limited population and gives proper notice to citizens as to what activities are lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged.
- F. This chapter makes evidence of specified prior acts admissible to show the propensity of the defendant to be present at or attend illegal street races, if the prior act or acts occurred within three years of the presently charged offense.

(Ord. 2214 § 1 (part), 2002)

11.42.020 Definitions.

- A. "Illegal motor vehicle speed contest" or "illegal exhibition of speed" means any speed contest or exhibition of speed referred to in [California Vehicle Code](#) sections 23109(a) and 23109(c).
- B. "Preparations for the illegal motor vehicle speed contest or exhibition of speed" include, but are not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in or being spectators at the event; (2) a group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event; (3) a group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event; (4) one or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event; (5) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (6) one or more drivers is revving the vehicle's engine or spinning its tires in preparation for the event; or (7) an individual is stationed at or near one or more motor vehicles serving as a race starter.
- C. "Spectator" means any individual who is present at an illegal motor vehicle speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

(Ord. 2214 § 1 (part), 2002)

11.42.030 Spectator at illegal speed contests or exhibitions of speed—Violation.

- A. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a maximum of ninety days in jail and a fine of five hundred dollars.
- B. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, where

preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor and subject to a maximum of ninety days in jail and a fine of five hundred dollars.

- C. An individual is present at the illegal motor vehicle speed contest or exhibition of speed if that individual is within two hundred feet of the location of the event, or within two hundred feet of the location where preparations are being made for the event.
- D. Exemption: Nothing in this section shall prohibit or make illegal law enforcement officers or their agents from being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course of their official duties.

(Ord. 2214 § 1 (part), 2002)

11.42.040 Relevant circumstances to prove a violation.

Notwithstanding any other provision of law, to prove a violation of Section 11.42.030, admissible evidence may include, but is not limited to, any of the following:

- A. The time of day;
- B. The nature and description of the scene;
- C. The number of people at the scene;
- D. The location of the individual charged in relation to any individual or group present at the scene;
- E. The number and description of motor vehicles at the scene;
- F. That the individual charged drove or was transported to the scene;
- G. That the individual charged has previously participated in an illegal motor vehicle speed contest or exhibition of speed;
- H. That the individual charged has previously aided and abetted an illegal motor vehicle speed contest or exhibition of speed;
- I. That the individual charged has previously attended an illegal motor vehicle speed contest or exhibition of speed; or
- J. That the individual charged previously was present at a location where preparations were being made for an illegal speed contest or exhibition of speed or where an exhibition of speed or illegal motor vehicle speed contest was in progress.

(Ord. 2214 § 1 (part), 2002)

11.42.050 Admissibility of prior acts.

The list of circumstances set forth in Section 11.42.040 is not exclusive. Evidence of prior acts may be admissible to show the propensity of the defendant to be present at or attend an illegal motor vehicle speed contest or exhibition of speed, if the prior act or acts occurred within three years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense. Evidence of prior acts shall not be limited to those that occurred within the city, and may include evidence of such acts from other jurisdictions within the county of San Diego.

(Ord. 2214 § 1 (part), 2002)

11.42.060 Enforcement.

Enforcement of this chapter shall be under the jurisdiction of the chief of police.

(Ord. 2214 § 1 (part), 2002)

Chapter 11.44 PEDESTRIANS

11.44.010 Crosswalks—Established.

A. "Crosswalk" is defined by Section 275 of the CVC as follows:

1. That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.
2. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

B. The City traffic Engineer shall make determinations as to whether or not to establish a marked crosswalk and the level of protection and/or traffic control needed based on traffic engineering guidelines, data collection and site evaluation of prevailing conditions.

~~The city traffic engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:~~

- A. ~~Crosswalks shall be established and maintained at all intersections within the central traffic district and at such intersections outside such district, and at other places within or outside said district where the city traffic engineer determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in subsection B of this section.~~
- B. ~~Other than crosswalks at intersections no crosswalk shall be established in any block which is less than four hundred feet in length. Elsewhere not more than one additional crosswalk shall be established in any one block and such crosswalk shall be located as nearly as practicable at midblock.~~

(Ord. 827 § 51, 1951)

11.44.020 Crosswalks—Use required.

~~No pedestrian shall cross a roadway other than by a crosswalk, either marked or unmarked, in the central traffic district or in any business district, or on any through street under the jurisdiction of the City of National City, when the required signs are erected giving notice thereof.~~

(Ord. 827 § 52, 1951)

11.44.030 Crossing at right angles.

~~No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.~~

(Ord. 827 § 53, 1951)

11.44.040 Standing in roadways.

~~No person shall stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. This section shall not apply to any public officer or employee or employee of a public utility when necessarily upon a street in the line of duty.~~

(Ord. 827 § 54, 1951)

11.44.050 Stopping, standing, sitting or lying down on public sidewalks.

- A. No person shall stop or stand on a public sidewalk in any commercial zone between the hours of seven a.m. and ten p.m. except as near as reasonably possible to an adjacent building or curb line.
- B. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool or any other object placed upon a public sidewalk, between the hours of seven a.m. and ten p.m. in any commercial zone.
- C. The prohibitions in subsections A and B of this section shall not apply to any person:
 - 1. Stopping, standing, sitting or lying down on a public sidewalk due to a medical emergency;
 - 2. Who, as the result of disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
 - 3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a temporary use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a temporary use or other applicable permit;
 - 4. Stopping or standing near, or sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
 - 5. Stopping or standing near, or sitting on a public sidewalk within a bus stop while waiting for public or private transportation.
- D. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a police officer that the conduct violates this section.

(Ord. 2106 § 1, 1996: Ord. 827 § 55, 1951)

Chapter 11.48 PUBLIC NUISANCE VEHICLES

11.48.010 Findings.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the ~~Vehicle Code-CVC~~ to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(Ord. 1433 § 1 (part), 1974)

11.48.020 Definitions.

As used in this chapter:

- A. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

- C. "Owner of the vehicle" means the last registered owner and legal owner of record.
- D. "Public property" does not include "highway."
- E. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ord. 1433 § 1 (part), 1974)

11.48.030 Exclusions.

This chapter shall not apply to:

- A. A vehicle, or parts thereof, which is completely enclosed within a building or behind a solid fence in a lawful manner where it is not visible from the street or other public or private property; or
- B. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the ~~Vehicle Code~~ CVC and this chapter.

(Ord. 1433 § 2, 1974)

11.48.040 Regulations not exclusive.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

(Ord. 1433 § 3, 1974)

11.48.050 Administration and enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the ~~city manager~~ ~~community development director~~ Director of Community Development. In the enforcement of this chapter such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 1433 § 4, 1974)

11.48.060 Removal contractor—Property entry right.

When the city council has contracted with or granted a franchise to any person or persons, such persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 1433 § 5, 1974)

11.48.070 Administrative costs determination.

The city council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter.

(Ord. 1433 § 6, 1974)

11.48.080 Abatement—Authorization.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the city manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

(Ord. 1433 § 7, 1974)

11.48.090 Abatement—Notices.

A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of National City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Clerk within such 10-day period, the ~~City Manager~~ Community Development Director shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle, or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed

(date)

s _____
/

(~~City Manager~~ Community Development Director)"
Community Development)"

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the (hearing body or officer) within such 10-day period, the ~~City Manager~~ Community Development Director shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____ s _____
/ _____
(date) (City Manager Community Development Director)"

(Ord. 1958, 1988; Ord. 1433 § 8, 1974)

11.48.100 Abatement—Hearing—Requests.

Upon request by the owner of the vehicle or owner of the land received by the ~~city manager~~ City Manager within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, the statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(Ord. 1433 § 9, 1974)

11.48.110 Abatement—Hearing—Procedures.

All hearings under this chapter shall be held before the city council which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The city council shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the city council may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public

property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the city council shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the city council but does not appear, he shall be notified in writing of the decision.

(Ord. 1433 § 10, 1974)

11.48.120 Vehicle disposal.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section 11.48.110, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the [California Vehicle Code CVC](#), in which case the vehicle may be reconstructed or made operable.

(Ord. 1886, 1986; Ord. 1433 § 11, 1974)

11.48.130 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(Ord. 1433 § 12, 1974)

11.48.140 Removal costs assessment.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 11.48.110 are not paid within thirty days of the date of the order or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes.

(Ord. 1433 § 13, 1974)

Chapter 11.52 BICYCLES¹

¹Editor's note(s)—Ord. No. 2021-2493, § 2, adopted Nov. 16, 2021, repealed the former Ch. 11.52, §§ 11.52.010—11.52.110, and enacted a new Ch. 11.52 as set out herein. The former Ch. 11.52 pertained to similar subject matter and derived from Ord. 1297(part), adopted 1972; Ord. 1298(part), adopted 1972; Ord. 1358 § 2(part), adopted 1973; Ord. 1374 § 1, adopted 1973; Ord. 1457 §§ 1—3, adopted 1975; and Ord. 1621, adopted 1978.

11.52.010 Bicycle defined.

- A. A "bicycle" is any device upon which a person may ride, which is propelled by human power through the assistance of belts, chains or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.
- B. An "electric bicycle" has the same meaning as in CVC section 312.5:
1. Class 1 eBike – a low-speed pedal-assisted electric bicycle, is equipped with a motor that provides assistance only when the rider is pedaling and that stops providing assistance when the bicycle reaches 20 mph. These e-bikes are legal on any paved surface that a regular bike is allowed to operate.
 2. Class 2 eBike – a low-speed throttle-assisted electric bicycle, is equipped with a motors that can exclusively propel the bicycle, but that cannot provide assistance when the bike reaches 20 mph. These e-bikes are legal on any paved surface that a regular bike is allowed to operate.
 - ~~1-3.~~ Class 3 eBike – a speed pedal-assisted electric bicycle, is equipped with a motor that provides assistance only when the rider is pedaling and stops providing assistance when the bicycle reaches 28 mph. Operators of Class 3 e-bikes must be 16 or older and wear a helmet. Class 3 e-bikes are prohibited from Class I multi-use bike paths unless specifically authorized by a local ordinance.

(Ord. No. 2021-2493, § 2, 11-16-2021)

11.53.020 Traffic regulations.

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

(Ord. No. 2021-2493, § 2, 11-16-2021)

11.52.030 Violation—Penalties.

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

(Ord. No. 2021-2493, § 2, 11-16-2021)

Chapter 11.56 TOW TRUCK REGULATIONS

11.56.010 Tow truck defined.

A "tow car" or "tow truck" is a motor vehicle which has been altered or designed and equipped for, and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line or dolly or is otherwise exclusively used to render assistance to other vehicles.

(Ord. 1168 (part), 1967)

11.56.020 Chapter purpose.

It is the intent of this chapter to prescribe the basic regulations for the operation of tow cars, or tow trucks in police emergency situations in the removal of and towing away of motor vehicles which are illegally parked, apparently abandoned or involved in an accident, or which constitute an obstruction to traffic because of mechanical failure. It is the purpose of the council in enacting the ordinance codified in this chapter to provide a fair and impartial means of selecting private operators to engage in said business in the interest of the public as well as in the interest of efficient policing operations for the removal from the public streets of said vehicles.

(Ord. 1168 (part), 1967)

11.56.030 Regulations.

The city council shall, from time to time, by resolution, adopt policies for the selection and designation of tow car or tow truck services which shall be permitted to engage in emergency police towing upon notification of the need for such services by the police department. Any and all tow car or tow truck operators not so selected and designated pursuant to the policy of the city council are hereby prohibited from removing from the public streets and towing away any vehicles involved in the situations as set forth in Section 11.56.020 provided, however, that the owner of the vehicle so involved may designate any towing service to be used for the removal and towing away of such vehicle. The police department shall strictly adhere to the policies adopted by the city council and any administrative regulations instituted to efficiently carry out said policies. However, in the event that a towing service is contacted by the police department to perform said services, and performs said services in a manner not in accordance with the policies as established, the police department is held harmless from any and all liability or damages arising therefrom and shall not be accountable for, nor investigate, complaints of negligence and deviations from the policies unless said deviations are shown to be of a repeated and frequently recurring nature, and any complaints received from the tow car or tow truck services selected and designated to carry out such police towing operations and any complaints received concerning the quality and standards of service performed by said operators shall be deemed sufficient cause for cancellation and termination of any contract or operating agreement entered into for the performance of such service.

(Ord. 1168 (part), 1967)

Chapter 11.60 INTERSTATE TRUCKS

11.60.010 Definitions—Generally.

For the purpose of carrying out the provisions of this chapter, the words, phrases and terms included herein shall be deemed to have the meanings set out in Sections 11.60.020 through 11.60.070.

(Ord. 1926 (part), 1987)

11.60.020 Terminal defined.

"Terminal" means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded or at which the interstate trucks are regularly maintained, stored or manufactured.

(Ord. 1926 (part), 1987)

11.60.030 Interstate truck defined.

"Interstate truck" means a truck tractor and semitrailer or trailer or truck tractor, semitrailer with unlimited length as regulated by the [California Vehicle CodeCVC](#).

(Ord. 1926 (part), 1987)

11.60.040 Interstate truck service area defined.

"Interstate truck service area" means an area within one-half of a lane mile of an interstate highway which provides lodging, food, fuel or servicing to interstate trucks.

(Ord. 1926 (part), 1987)

11.60.050 CALTRANS defined.

"CALTRANS" means the State of California Department of Transportation or its successor agency.

(Ord. 1926 (part), 1987)

11.60.060 Trailblazer signs defined.

"Trailblazer signs" means an approved traffic sign used to identify the city's terminal access routes.

(Ord. 1926 (part), 1987)

11.60.070 Decision point defined.

"Decision point" means any point on the city's terminal access routes where installation of a trailblazer sign is necessary to identify the routes.

(Ord. 1926 (part), 1987)

11.60.080 Purpose—Interstate trucking regulated.

The purpose of this section is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on the federally designated highway system and to promote the general health, safety and welfare of the public. It shall be unlawful for any person to operate an interstate truck upon any street within the city outside of an interstate truck service area that has not been designated and marked in accordance with this chapter, unless the vehicle is exempt from the restrictions on interstate trucks pursuant to [California Vehicle CodeCVC](#) Section 35401.5(c).

(Ord. 1926 (part), 1987)

11.60.090 Application.

- A. Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form as provided by the city, together with such information as may be required by the city engineer and appropriate fees to the city.

- B. Upon receipt of the application the [City Engineer](#) will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon his approval of that designation, he will then determine the capability of the route requested and/or alternate routes. Determination of route capability will include, without limitation, a review of adequate turning radii and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of CALTRANS.
- C. Should the requested route pass through the city to a terminal located in another jurisdiction, the applicant shall comply with the jurisdiction's application process. City route designation approval will be required for those portions of the route located within the city. Cost for trailblazer signs shall be as provided in Section 11.60.100(B) below.

(Ord. 1926 (part), 1987)

11.60.100 Fees and costs.

- A. The applicant shall pay a nonrefundable application fee, as established by the city, sufficient to pay the cost of review of the terminal designation and the review of the route and alternate route.
- B. Upon the approval of the terminal designation and route by the city and by CALTRANS, the applicant shall deposit with the city, sufficient funds as estimated by the city engineer to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the city on the route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as are required are in place. Costs for trailblazer signs may be proportioned in accordance with procedures in Section 11.60.110(C).

(Ord. 1926 (part), 1987)

11.60.110 Retrofitting.

- A. If all feasible routes to a requested terminal are found unsatisfactory by the [City Engineer](#), the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant except when retrofitting deficiencies is within the jurisdiction of CALTRANS, the actual construction will be done by the city or by a contractor acceptable to the city.
- B. When the work is to be done by the city, the applicant shall deposit with the city the estimated cost of retrofitting. Adjustment between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the [City Engineer](#), on a form satisfactory to the [City Engineer](#), a statement detailing the actual costs of the retrofitting.
- C. If at any time within five years from the date of completion of the retrofitting by the applicant, should any applicant seek terminal approval which would use the route upon which such retrofitting was accomplished, any such applicants' fee may include that applicants' proportionate share of the retrofitting, as determined by the [City Engineer](#), which fee shall be disbursed by the city to the applicant who paid for the original retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the applicant's report of costs with the city engineer as described in subsection B of this section.

(Ord. 1926 (part), 1987)

11.60.120 Revocation of route.

The City Engineer may revoke any approved terminal or route if the terminal or route becomes a traffic safety hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or interstate trucks creating unsafe driving conditions for other vehicular traffic or pedestrians.

(Ord. 1926 (part), 1987)

11.60.130 Appeal process.

- A. If the City Engineer denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten working days following the date of the receipt of the decision of the City Engineer may appeal the decision to the city council in writing. An appeal shall be made on a form prescribed by the engineering department and shall be filed with the City Clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the City Engineer or wherein his decision is not supported by the evidence in the record. Within five days of the filing of an appeal, the City Engineer shall transmit to the City Clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the City Engineer, the findings of the City Engineer, and his decision on the application.
- B. The City Clerk shall make copies of the data provided by the City Engineer available to the applicant and to the appellant (if the applicant is not the appellant) for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the city council.
- C. If CALTRANS and not the city engineer denies or revokes terminal access from federally designated highways, no appeal may be made to the city council, but must be made to CALTRANS as may be permitted by CALTRANS.

(Ord. 1926 (part), 1987)

Chapter 11.64 SKATEBOARDS MOBILITY DEVICES

11.64.010 Prohibitions and restrictions on use of skateboards, roller skates, coasters, scooters and similar toy vehicles.

- A. It is unlawful for any person upon a skateboard, roller skates, a coaster, a scooter or any similar toy vehicle or device to enter and travel upon, along or across any roadway within the city.
- B. Any person upon a skateboard, roller skates, a coaster, a scooter or any similar toy vehicle or device on any sidewalk or right-of-way not open to public vehicular traffic shall exercise due caution and shall yield the right-of-way to and not interfere with pedestrians.

(Ord. 1947 (part), 1988)

11.64.020 Violation—Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction.

(Ord. 1947 (part), 1988)

Chapter 11.68 CRUISING

~~11.68.010 Cruising defined.~~

~~"Cruising" means the repetitive driving of a motor vehicle two or more times within a four-hour period, in the same direction, past a traffic control point in traffic which is congested at or near the traffic control point, as determined by the ranking police officer on duty within the affected area, and after the vehicle operator or passenger has been given an adequate written notice that further driving past the control point will be a violation.~~

~~(Ord. 2025 (part), 1992)~~

~~11.68.020 Signs designate cruising control zone.~~

~~Signs shall be placed at the beginning and end of the portion of any street determined to be subject to cruising controls which briefly and clearly state the appropriate provisions of Section 11.68.050 of this code, and of Section 21100(k) of the California Vehicle Code CVC.~~

~~(Ord. 2025 (part), 1992)~~

~~11.68.030 Traffic control point—Establishment authority.~~

~~The ranking police officer on duty within an area affected by traffic congestion may establish one or more traffic control points at or near the area of traffic congestion.~~

~~(Ord. 2025 (part), 1992)~~

~~11.68.040 Traffic control point—Written notice of violation.~~

~~Any person who, as the operator of, or passenger in, any motor vehicle driven in a particular direction past a traffic control point established pursuant to Section 11.68.030 may be given written notice that further driving past the control point within a four-hour interval will be a violation of Section 11.68.050.~~

~~(Ord. 2025 (part), 1992)~~

~~11.68.050 Cruising prohibited.~~

~~It is unlawful for any person, as a driver or a passenger of a motor vehicle, to engage in the activity known as "cruising," as defined in Section 11.68.010, on the public streets or alleys of the city in any area which has been posted pursuant to Section 11.68.020. Each successive trip within a four-hour period past the traffic control point established pursuant to Section 11.68.030 shall constitute a separate violation, and no additional written notice shall be required for such separate violation.~~

~~(Ord. 2025 (part), 1992)~~

~~11.68.060 Exceptions.~~

~~This chapter shall not apply to persons who, according to DMV records, reside within a designated no-cruising area; nor to authorized emergency vehicles as defined in Section 165 of the California Vehicle Code CVC; nor to vehicles licensed for public transportation; nor to publicly owned vehicles of any city, county, district, state or federal agency.~~

~~(Ord. 2025 (part), 1992)~~

~~11.68.070 Violation—Penalty.~~

~~Any person violating any provision of this chapter is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.~~

Chapter 11.70 TAXICABS AND OTHER FOR-HIRE VEHICLES²

11.70.010 Purpose.

The purpose of this chapter is to provide for the regulation of taxicabs and other for-hire vehicles within the city of National City through adoption of San Diego Metropolitan Transit System (MTS) Codified Ordinance No. 11, and to implement the provisions of Public Utilities Code Section 120266 by contract with MTS to license or regulate transportation services with the city of National City.

(Ord. No. 2017-2434, 4-4-2017)

11.70.020 Definitions.

The definitions set forth in Section 1.1 of San Diego Metropolitan Transit System Codified Ordinance No. 11 shall govern this chapter.

(Ord. No. 2017-2434, 4-4-2017)

11.70.030 Regulatory administration by contract with Metropolitan Transit System.

Notwithstanding the city's right to regulate taxicabs and other for-hire vehicles within its jurisdiction, the city council, by resolution currently in effect or as may be adopted from time to time, has authorized a contract with San Diego Metropolitan Transit System ("MTS") for the administration and enforcement by MTS of regulations, policies and ordinances for taxicabs and other for-hire vehicles operated within the city, including collection and administration of all applicable regulatory fees, fines and forfeitures. While that contract is in effect, the applicable regulations, policies and ordinances of MTS, including MTS Codified Ordinance No. 11, as now in effect or as may be amended from time to time, shall govern the operation of taxicabs and other for-hire vehicles within the city. Licensing of a taxicab and other for-hire vehicle or the operator or owner by MTS does not exempt the licensee from city business tax license requirements and payment of fees pursuant to Chapter 6.04. A copy of MTS Codified Ordinance No. 11 is on file in the office of the city clerk.

(Ord. No. 2017-2434, 4-4-2017)

²Editor's note(s)—Ord. No. 2017-2434, adopted April 4, 2017, amended Ch. 11.70 in its entirety, in effect repealing and reenacting said chapter to read as set out herein. The former Ch. 11.70, §§ 11.70.010—11.70.140, pertained to regulation and licensing of transportation services and derived from Ord. 2256 (part), 2004.

ORDINANCE NO. 2023 –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING TITLE 11 OF THE NATIONAL CITY MUNICIPAL CODE – VEHICLES AND TRAFFIC BY REPEALING CHAPTER 11.68 (CRUISING) AND IMPLEMENTING THE CITY’S PARKING PROGRAM.

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, in 1951, the City of National City approved and adopted Ordinance No. 827, which established regulations and governance related to motor vehicles and traffic, with various amendments approved by the City Council through 2017; and

WHEREAS, effective parking management plays a critical role in the economic vitality of businesses, ease of access for residents and convenience for visitors as the City continues to grow and develop; and

WHEREAS, the City is undertaking a refresh of their parking program which includes plans for improved enforcement technology and citation management, permit management, expansion of permit parking areas, increased parking supply, uniformity of time-limited parking for increased turnover, and other parking solutions; and

WHEREAS, the City is repealing the ban on car cruising consistent with the State Assembly’s previous encouragement of the recognition of the cultural significance of cruising in California as well as the introduction of the new state bill (AB 436) that proposes to repeal the ban and regulations on car cruising.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY HEREBY ORDAINS AS FOLLOWS:

SECTION 2. That Title 11 of the National City Municipal Code is amended to read as set forth in Attachment 1 attached to this Ordinance.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days following its adoption by the City Council.

SECTION 4. 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 4th

day of April, 2023.

PASSED and ADOPTED this _____ day of _____, 2023

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney

Title 11 VEHICLES, TRAFFIC AND PARKING

Chapter 11.01 GENERAL PROVISIONS

11.01.010 Purpose

- A. The purpose of this title is to provide a convenient compilation of the rules and regulations governing and controlling the movement of motor vehicles and traffic in the City of National City (City).
- B. It is the intent of the city council to make these rules and regulations available to the general public in support of the following initiatives:
 - 1. Provide for the safe, orderly flow of traffic through the City.
 - 2. Provide “complete streets” that balance the needs of all roadway users.
 - 3. Provide access to alternative modes of transportation.
 - 4. Provide smart parking solutions.
- C. This title is adopted to supplement the State of California Vehicle Code (CVC), which contains general statutes adopted by the State of California legislature regarding traffic laws, “rules of the road,” and local regulation. The CVC provides authority to local agencies to adopt rules and regulations for traffic control, parking and enforcement by ordinance or resolution. Any reference herein to the CVC, or a specific section thereof, shall refer to the most currently amended edition.

(Ord. XXX)

Chapter 11.04 DEFINITIONS

11.04.010 General.

- A. The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter.
- B. Whenever any words or phrases used in this title are defined in the CVC, such definitions are incorporated herein and apply to such words and phrases used herein as though set forth herein in full.
- C. Whenever any words or phrases used herein are not defined herein but are defined in the CVC and amendments thereto, such definitions shall apply. (Ord. 827 § 1, 1951)

11.04.020 Definitions.

- A. “Alley” means any unnamed street less than twenty-five feet in width between property lines, primarily used for access to the rear or side entrances of abutting properties.
- B. “Block” means the land adjoining one side of a street between two consecutive junctions of said street with streets, railways, rights-of-way, or waterways crossing or meeting said side of said street.
- C. “CA-MUTCD” means California Manual of Uniform Traffic Control Devices published by the State of California Department of Transportation (Caltrans) and is issued to adopt uniform standards and specifications for all official traffic control devices, in accordance with Section 21400 of the CVC.
- D. “City Council” means the City Council of National City.
- E. “CVC” means California Vehicle Code, which is a rulebook containing California’s laws and regulations for drivers and vehicles.

- F. "Holiday" means any day designated as such in Section 10 of California Code of Civil Procedure; provided however, that Saturday afternoon shall not be considered a holiday for the purposes of this title.
- G. "Loading zone" means the space adjacent to the curb or edge of roadway reserved for the exclusive use of vehicles for active loading or unloading of passengers or materials.
- H. "Motor vehicle" is defined as follows:
 - 1. "Motor vehicle" means a vehicle or device that is self-propelled.
 - 2. "Motor vehicle" does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
- I. "Official time standard," which applies whenever certain hours are named herein, refers to standard time or daylight saving time as may be in current use in the City.
- J. "Official traffic control device" includes any sign, signal, marking or device defined in the CA-MUTCD, and not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps or other roadway design features.
- K. "Official traffic signal" includes any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- L. "Oversized vehicle or load" means any building, structure, vehicle, load, trailer, or combination thereof, which exceeds the height, width, length, size or weight of vehicle or load limitations provided for in Division 15 of the CVC.
- M. "Park" means to stand or leave standing any vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.
- N. "Parking Authority" means the Parking Authority of the City of National City established by City Council Resolution 12,402 in accordance with Division 18 of the California Streets and Highways Code.
- O. "Parking Meter" means a mechanical, electro-mechanical or electronic device installed for the purpose of controlling the period of time a vehicle occupies a parking space.
- P. "Parking Regulations Officer" means any regularly employed City or contracted employee authorized to direct or regulate traffic or to enforce parking law and regulations.
- Q. "Parkway" means that portion of a street between the curb line or edge of roadway and the adjacent property line not designated for use by vehicles, bicycles or pedestrians.
- R. "Pay Station" means a multi-space parking meter that allows for a single location for the payment and control of parking for multiple parking spaces placed at various locations along streets or on surface lots.
- S. "Pedestrian" is a person who is afoot or who is using any of the following:
 - 1. A means of conveyance propelled by human power other than a bicycle, or
 - 2. An electric personal assistive mobility device.
- T. "Person" means every natural person, firm, co-partnership, association or corporation.
- U. "Police officer" means every officer of the police department of this City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic laws and regulations.
- V. "Recreational vehicle" means any camp trailer, camper, fifth-wheel travel trailer, trailer coach, or house car as defined in CVC Sections 242, 243, 324, 362, 396, 635, recreational vehicle as defined in California Health and Safety Code Section 18010, or boat or boat on a trailer, regardless of whether the boat or boat on a trailer is attached to a motor vehicle or carrier trailer as defined in CVC 14.005.

- W. "Roadway" is defined as follows:
1. "Roadway" means that portion of a street improved, designed, or ordinarily used by motor vehicles.
 2. "Roadway" may include designated areas for shared or exclusive use of bicycles.
- X. "Stop" is defined as follows:
1. "Stop," when required, means complete cessation of movement.
 2. "Stop" or "stand," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- Y. "Traffic" means pedestrians, bicycles, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

(Ord. XXX)

Chapter 11.08 ADMINISTRATION

11.08.010 City engineer.

The office of the City Engineer is established. The City Engineer shall serve as city traffic engineer, in addition to their other functions, and shall exercise the powers and duties with respect to traffic as provided in this title.

(Ord. 1428 (part), 1974: Ord. 827 § 20, 1951)

11.08.020 Signs—Installation and maintenance.

Whenever in this title signs or other notices are authorized, it shall be the duty of the Director of Public Works or designee to install and to maintain the signs or other notices.

(Ord. 827 § 90, 1951)

Chapter 11.12 ENFORCEMENT

11.12.010 Police—Fire department—Authority.

- A. It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of this City and all of the state vehicle laws applicable to street traffic in this City.
- B. Officers of the police department or such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
- C. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Ord. 827 § 21, 1951)

11.12.015 Community development department—Authority.

- A. The Director of Community Development is hereby authorized to designate regularly employed and/or contracted employees as parking regulations officers.

- B. Parking regulations officers shall enforce the provisions of this title and the CVC related to regulation of traffic and to stopping, standing and parking of vehicles.

(Ord. XXX)

11.12.020 Obedience required—Regulations.

It is a misdemeanor for any person to perform any act forbidden or fail to perform any act required in this title.

(Ord. 827 § 22, 1951)

11.12.030 Obedience required—Enforcing officers.

No person shall willfully fail or refuse to comply with any lawful order of a police officer or fire department official or other person authorized by law when directing traffic.

(Ord. 827 § 23, 1951)

11.12.040 Unauthorized person directing traffic prohibited.

No person other than an officer of the police department or a person deputized by the Chief of Police or person authorized by law or other persons designated by resolution of the city council shall direct or attempt to direct traffic by voice, hand or other signal (except that persons may operate when and as herein provided any mechanical push-button signal erected by order of the city traffic engineer).

(Ord. 827 § 24, 1951)

11.12.050 Obedience required—Public employees.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, any county or city and it is unlawful for any said driver to violate any of the provisions of this title except as otherwise permitted in this title or by state statute.

(Ord. 827 § 25, 1951)

11.12.060 Exemptions—Certain vehicles.

- A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the police or fire department, any public ambulance or public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified in the CVC in response to an emergency call.
- B. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of their willful disregard of the safety of others.
- C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail; or during the periods of proclaimed national emergency to any vehicle owned or operated by the Department of the Army, Navy or Air Force.
- D. Pursuant to the CVC, Section 22511.5 (a)(1): A disabled person (DP) or disabled veteran (DV) displaying special license plates issued under Section 5007 or a distinguishing placard issued under Section 22511.55 or 22511.59 is allowed to park for any amount of time (not to exceed 72 consecutive hours) in any of the following zones:

1. Blue indicates parking limited exclusively to the vehicles of disabled persons and disabled veterans next to a blue curb authorized for handicapped parking or on streets upon which preferential parking privileges and height limits have been given pursuant to Section 22507 of the CVC.
2. In any parking zone that is restricted as to the length of time parking is permitted as indicated by a sign erected pursuant to a local ordinance.
3. For free at any on-street metered parking space.
4. A disabled person or disabled veteran is allowed to park in any paid parking space without being required to pay parking fees.
- 5.. This subdivision does not apply to a zone for which state law or ordinance absolutely prohibits stopping, parking, or standing of all vehicles, or which the law or ordinance reserves for special types of vehicles, or to the parking of a vehicle that is involved in the operation of a street vending business.
6. A disabled person or disabled veteran is allowed to park a motor vehicle displaying a special disabled person license plate or placard issued by a foreign jurisdiction with the same parking privileges authorized in this code for any motor vehicle displaying a special license plate or a distinguishing placard issued by the Department of Motor Vehicles.

(Ord. 827 § 26, 1951)

11.12.070 Property damage report—Required when.

- A. The driver of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, ornamental lighting post, telephone pole, electric light or power pole, or resulting in damage, to any ornamental shade tree, traffic control device, or other property of a like nature located in or along any street, alley or other public place, shall within twenty-four hours after such accident make a written report of such accident to the police department of this city.
- B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.
- C. A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event such driver shall make a report as required in subsection A within twenty-four hours after regaining ability to make such report.

(Ord. 827 § 27, 1951)

11.12.080 Violation—Penalty.

Any person violating any of the provisions of this Title is guilty of an infraction and upon conviction thereof, unless otherwise provided, is punishable as prescribed in Section 1.20.010.

(Ord. 1621, 1978; Ord. 1358 § 2 (part), 1973; Ord. 827 § 91, 1951)

11.12.090 Parking violation—Penalties.

The penalties for violations of the provisions of this Title and the CVC related to stopping, standing and parking of vehicles shall be established by the city council pursuant to CVC Section 40203.5.

(Ord. XXX)

Chapter 11.16 SPEED LIMITS

11.16.010 Speed zones designated.

- A. Whenever the City Manager determines, upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street otherwise subject to a prima facie limit of 25 miles per hour under the CVC, the City Manager may determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour, or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving such notice thereof are erected upon said street.
- B. Whenever the City Manager determine upon the basis of an engineering and traffic survey that the maximum speed limit of 65 miles per hour is more than is reasonable or safe upon any portion of any street or highway where such maximum speed limit of 65 miles per hour is applicable under the CVC, the City Manager my determine and declare a prima facie speed limit of 60, 55, 50, 45, 40, 35, 30, or 25 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon such street.
- C. The provisions of this section shall not apply to any state highway or extension thereof.

(Ord. 2273, 2005; Ord. 2149, 1998; Ord. 2045 §§ 1—4, 1992; Ord. 2043 §§ 1—4, 1992; Ord. 1963, 1988; Ord. 1960, 1988; Ord. 1931, 1987)

(Ord. No. 2012-2378, 12-4-2012; Ord. No. 2017-2443, 12-19-2017)

11.16.020 Signs erected.

It is authorized and directed that appropriate signs giving notice of the speed zones designated in Section 11.16.010 be erected on the streets named in Section 11.16.010.

(Ord. 1884, 1986)

Chapter 11.20 TRAFFIC CONTROL DEVICES

11.20.010 Installation—Authority.

- A. The Director of Public Works shall cause to be placed and maintained official traffic control devices when and as required by resolution or ordinances of this city.
- B. Whenever the CVC requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the Director of Public Works is authorized to cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

(Ord. 827 § 28, 1951)

11.20.020 Enforcement—Signs required.

No provision of the CVC or of this title for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

(Ord. 827 § 29, 1951)

11.20.030 Obedience required.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic ordinances of this city unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

(Ord. 827 § 30, 1951)

11.20.040 Installation—Procedure.

- A. When directed by resolution or ordinance of the city council the Director of Public Works shall cause to be installed and maintained official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.
- B. The City Engineer shall ascertain and determine the locations where such signals are required through field observations, traffic counts and other traffic information as may be pertinent and their determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the CA-MUTCD.
- C. Whenever the Director of Public Work causes to be installed and maintained an official traffic signal at any intersection, they shall likewise cause to be erected and maintained at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any such intersection.

(Ord. 827 § 31, 1951)

11.20.050 Lane markings.

The City Engineer is authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway. When authorized signs have been placed designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

(Ord. 827 § 32, 1951)

11.20.060 Existing devices.

All traffic control devices heretofore installed by the city and in place on the effective date of the ordinance codified herein are approved.

(Ord. 827 § 33, 1951)

11.20.070 Hours of operation.

The City Engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title.

(Ord. 827 § 34, 1951)

11.20.080 Speed regulation.

The City Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(Ord. 827 § 89, 1951)

Chapter 11.24 TURNING MOVEMENTS

11.24.010 Marking—Authority.

- A. The City Engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Engineer is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized marker, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. 827 § 35, 1951)

11.24.020 Restricting signs—Authority.

The City Engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day or permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(Ord. 827 § 36, 1951)

11.24.030 Restricting signs—Obedience required.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Ord. 827 § 37, 1951)

11.24.040 Right turn against signal prohibited—Authority.

The City Engineer is authorized to determine those intersections within any business or residence district at which the driver of a vehicle shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

(Ord. 827 § 38, 1951)

Chapter 11.28 ONE-WAY STREETS AND ALLEYS

11.28.010 Sign erection.

Whenever any ordinance or resolution of the city designates any one-way street or alley, the Director of Public Works or designee shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Ord. 827 § 39, 1951)

Chapter 11.32 STOPPING, STANDING AND PARKING

11.32.010 Stop sign—Erection—Authority.

Whenever any ordinance or resolution of this city designates and describes any street or portion of any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the Director of Public Works or designee shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the CA-MUTCD.

(Ord. 1024 § 1, 1962; Ord. 827 § 40, 1951)

11.32.020 Stop sign—Obedience required.

When stop signs are erected as provided in this chapter at the entrance to any intersection or at any railway grade crossing, every driver of a vehicle shall stop as required by the CVC.

(Ord. 827 § 41, 1951)

11.32.030 Emerging from alley or private driveway.

The driver of a vehicle emerging from an alley, driveway, private property or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into a sidewalk area extending across any alley way.

(Ord. 827 § 42, 1951)

11.32.040 Regulations—Applicability.

- A. The provisions of this title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- B. The provisions of this title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the CVC or the ordinances of this city, prohibiting or limiting the standing or parking of vehicles in specific places or at specified times.

(Ord. 827 § 56, 1951)

11.32.050 Parkways—Stopping in prohibited.

No person shall stop, stand or park a vehicle within any parkway.

(Ord. 827 § 57, 1951)

11.32.060 Vehicle storage on streets.

- A. No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street or alley for more than seventy-two consecutive hours.
- B. It is unlawful for any person to re-park a vehicle under their control or in their custody within the same block face after the expiration of seventy-two consecutive hours.
- B. In the event a vehicle is parked or left standing upon a street for more than seventy-two consecutive hours, any member of the police department authorized by the Chief of Police may remove such vehicle from the street in the manner and subject to the requirements of Sections 22852 and 22853 or other applicable sections of the CVC.

(Ord. 1117 § 1, 1965; Ord. 1024 § 3, 1962; Ord. 827 § 58, 1951)

11.32.070 Violation of restricted hours—Vehicle removal.

In the event a vehicle is parked or left standing during restricted hours upon a street where parking has been prohibited by resolution of the city council, and signs giving notice thereof are thereon erected, any member of the police department authorized by the Chief of Police may remove such vehicle from the street in the manner provided by and subject to the requirements of the CVC.

(Ord. 1024 § 4, 1962; Ord. 827 § 59, 1951)

11.32.080 Storage or repair of vehicles prohibited.

- A. Except for emergency repairs, no person shall grease or repair a vehicle upon any public street or public property.
- B. It is unlawful for any person who deals in, or whose business involves the sale, lease, rental or charter of vehicles to store, park or stand any such vehicle upon any public street, except while such vehicle is under lease, rental or charter by a customer.
- C. It is unlawful for any person whose business involves the repair or servicing of vehicles or vehicle components to store, stand or park any vehicle on any public street or public property after that person has accepted custody of that vehicle from the customer.

(Ord. 2229 § 4, 2003; Ord. 827 § 60, 1951)

11.32.090 Parking parallel—Curb.

- A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.
- B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.
- C. The City Engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways; the Director of Public Works or designee shall erect signs giving notice thereof.

(Ord. 827 § 61, 1951)

11.32.100 Angle loading—Prohibited.

The City Engineer prohibits the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials in a head-in angled parking stall.

(Ord. 827 § 62, 1951)

11.32.101 Angle parking zones.

The Director of Public Works is authorized to place or cause to be placed pavement markings and signs designating angle parking zones, as determined by the City Engineer.

(Ord. 1900 (part), 1987; Ord. 1793, 1983)

11.32.105 Parking space markings.

The Director of Public Works is authorized to install and maintain parking space markings to delineate parking spaces adjacent to curbs or in angle parking zones where authorized parking is permitted, as determined by the City Engineer. When such parking space markings are placed on a roadway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space as delineated by said markings.

(Ord. XX)

11.32.110 Near schools.

- A. The Director of Public Works is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation, as determined by the City traffic Engineer.
- B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Ord. 827 § 63, 1951)

11.32.120 Narrow streets.

- A. The Director of Public Works is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.
- B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

(Ord. 827 § 64, 1951)

11.32.130 Hills.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent within any business or residence district without blocking the wheels of such vehicle by turning them against the curb or by other means.

(Ord. 827 § 65, 1951)

11.32.140 Stopping or parking prohibited—Signs required.

The Director of Public Works or designee shall appropriately sign or mark the following places and when so signed or marked no person shall stop, stand or park a vehicle in any of such places:

- A. Within a designated no parking zone as indicated by signs or red curb markings;
- B. Within fifteen feet of a fire hydrant;
- C. Within twenty-five feet of the approach to any traffic signal, stop sign, or yield sign;
- D. At any place where the City Engineer determines that it is necessary in order to eliminate an unusual traffic hazard;
- E. Except where a different distance is prescribed by City Council resolution, within fifty feet of any intersection marked with a sign that prohibits any vehicle whose height with or without a load exceeds six feet;

- F. At any location where parking is restricted or prohibited between hours designated by resolution of the city council;
- G. Any vehicle parked in violation of this section may also be towed after a parking citation has been issued, provided a sign has been posted authorizing the removal of vehicles parked in violation of such parking restriction.

(Ord. 2267 § 2 (part), 2005; Ord. 827 § 66, 1951)

11.32.150 Unlawful parking—Vending by vehicle.

- A. It is unlawful to park or stop a vehicle upon which merchandise is displayed or offered for sale or lease, upon any street, except upon the request of a purchaser and then only for the actual time necessary to consummate a sale, not to exceed a total of ten minutes at that location or at any immediately succeeding location that is within three hundred feet of the former location where the vendor completed the immediate last transaction.
- B. The pick-up or delivery of merchandise is not regulated or made unlawful by this section.
- C. The parking of a vehicle upon which merchandise is transported but is not being displayed or offered for sale is not made unlawful by this section, provided the vehicle is otherwise lawfully parked.
- D. As used in this section, "merchandise" is as defined in Section 10.22.010C.

(Ord. 2168 § 6, 1999; Ord. 1110 § 2, 1965; Ord. 827 § 67, 1951)

11.32.160 Emergency parking signs.

- A. Whenever the City Engineer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, the City Engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the City Engineer directs during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the City Engineer shall cause such signs to be removed promptly thereafter.
- B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

(Ord. 827 § 68, 1951)

11.32.170 Curb parking—Right-of-way.

- A. For the purpose of this section, a "limited curb parking space" means an area open for lawful parking alongside of and adjacent to a curb, which area is not of sufficient length to permit two or more vehicles to freely move for parking therein at the same time.
- B. Any person seeking to park their vehicle in a limited curb parking space whose vehicle arrives at said parking space prior to any other vehicle, and who proceeds beyond said space a distance not to exceed ten feet for the purpose of backing his vehicle therein, shall have the right-of-way over any person driving or attempting to drive any other vehicle directly into such limited curb parking space or who in any manner obstructs such limited curb parking space and the driver of such other vehicle shall immediately yield the right-of-way to the driver who first arrived at said parking space.
- C. The Director of Public Works shall cause to be painted on the curb adjacent to each "limited curb parking space" lines demarcating the limits of said "limited curb parking space."
- D. It is unlawful for any vehicle to be parked in front of, over or across any such line demarcating the boundary of a "limited curb parking space."

(Ord. 945 § 1, 1959; Ord. 827 § 69, 1951)

11.32.180 Loading zone—Authority—Designation.

- A. The City Engineer is authorized to designate loading zones and passenger loading zones, to be marked by the Director of Public Works or designee as follows:
 - 1. Within a business district;
 - 2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly;
 - 3. Adjacent to an official United States Postal Service mailbox.
 - 4. Loading zones and passenger loading zones shall require written approval of adjacent businesses.
 - 5. If requested by a business, the applicant will pay a one-time fee as determined by the City Engineer for recoverable costs related to installation and maintenance.
- B. In no event shall more than one-half of the total curb length on any block be reserved for loading zone purposes.
- C. Loading zones shall be indicated by marking curbs with yellow paint.
- D. Passenger loading zones shall be indicated by marking curbs with white paint.

(Ord. 827 § 70, 1951)

11.32.190 Curb markings.

- A. The Director of Public Works is authorized, when designated by the City Engineer and subject to the provisions and limitations of this title to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations. Said curb markings shall have the meaning as herein set forth:
 - 1. Red means no stopping, standing or parking at any time except as permitted by the CVC, and except that a bus may stop in a red zone marked or signed as a bus zone.
 - 2. Yellow means no stopping, standing or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays, unless otherwise indicated on posted signage, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than twenty minutes.
 - 3. White means no stopping, standing or parking at any time for any purpose other than loading or unloading of passengers, which shall not exceed three minutes.
 - 4. Green means no stopping, standing or parking for longer than fifteen or thirty minutes, as marked or signed, at any time between seven a.m. and six p.m. of any day except Sundays and holidays, unless otherwise indicated on postage signage.
 - 5. Blue means parking reserved exclusively for disabled persons. Vehicles must display either a distinguishing license plate or placard issued pursuant to CVC Section 22511.5.B. When the Director of Public Works, as authorized under this title, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section, and it is unlawful for any person not duly authorized, to paint or cause said curbs to be painted.

(Ord. 827 § 71, 1951)

11.32.200 Loading permitted—Effect.

- A. Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials applies only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.
- B. The loading or unloading of materials applies only to commercial deliveries, and the delivery or pickup of express and parcel post packages and United States mail.
- C. Permission herein granted to stop or park for purposes of loading or unloading passengers includes the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor, and in no event for more than three minutes.
- D. Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

(Ord. 827 § 72, 1951)

11.32.210 Loading zone—Restrictions.

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 11.32.200.

(Ord. 827 § 73, 1951)

11.32.220 Passenger loading zone—Restrictions.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 11.32.200.

(Ord. 827 § 74, 1951)

11.32.225 Disabled persons parking zone—Authority—Designation.

- A. The City Engineer is authorized to designate specially marked and posted on-street parking spaces for disabled persons pursuant to CVC 21101, et seq. at the following facilities:
 - 1. Government Buildings serving the public such as administration buildings, public employment offices, public libraries, police stations, etc.
 - 2. Hospitals and convalescent homes with more than 75-bed capacity.
 - 3. Medical facilities and doctors' offices staffed by a maximum of five practitioners. Zones shall be located to serve a maximum number of facilities on one block.
 - 4. Community service facilities such as senior citizens service centers, etc.
 - 5. Accredited vocational training and educational facilities where no off-street parking is provided for disabled persons.
 - 6. Employment offices for major enterprises employing more than 200 persons.
 - 7. Public recreational facilities including municipal swimming pools, recreation halls, museums, etc.
 - 8. Public theaters, auditoriums, meeting halls, arenas, stadiums with more than 300 seating capacity.
 - 9. Other places of assembly such as schools and churches.
 - 10. Commercial and/or office building(s) with an aggregate of more than 50,000 square feet of usable floor space. Zone shall be located to serve a maximum number of facilities on one block.

11. Hotels catering to daily guests, maintaining a ground floor lobby and a switchboard that is operated 24 hours per day.
 12. A hotel or apartment house catering to weekly or monthly guests and containing more than 30 separate living units.
- B. General requirements.
1. Each disabled persons parking space shall be indicated by blue paint and a sign (white on blue) showing the international symbol of accessibility (a profile view of a wheelchair with occupant).
 2. Where installed under the above criteria the total number of disabled persons curb parking spaces will be limited to 4% of the total number of on-street parking spaces available in the area and shall be distributed uniformly within the area.
 3. Disabled persons parking will not be installed at locations with a full-time parking prohibition. When a disabled persons parking zone is installed where a part-time parking prohibition is in effect, the disabled persons parking zone will have the same time restrictions as the part-time parking prohibition.
 4. The cost of installing disabled persons parking, not initiated by public request, will be assumed by the City on public streets and public off-street parking facilities.
 5. In establishing on-street parking facilities for the disabled there shall be a reasonable determination made that the need is of an on-going nature. The intent is to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later are seldom used. Unjustified installation of such parking stalls unnecessarily increases the City's maintenance and operations costs, reduce available on- street parking for the general public, and detract from the overall effectiveness of the disabled persons parking program.
 6. Applicant pays a one-time fee as determined by the City Engineer for recoverable costs related to installation and maintenance.
- C. Special Hardship Cases.
1. It is not the intention of the City to provide personal reserved parking on the public right-of-way, especially in residential areas. However, exceptions may be made, in special hardship cases, provided all of the following conditions exists:
 - a. Applicant (or guardian) must be in possession of valid license plates for "disabled persons" or "disabled veterans."
 - b. The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence.
 - c. Subject residence must not have useable off-street parking available or off-street space available that may be converted into disabled parking.

11.32.230 Alley—Restrictions.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley, and shall not exceed such time as specified in Section 11.32.200.

(Ord. 827 § 75, 1951)

11.32.240 Bus zones.

- A. The City Engineer is authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof subject to the directives and limitations set forth herein.

- B. "Bus," as used in this section, means any motor bus, motor coach, trackless trolley coach, or passenger stage used as a common carrier of passengers.
- C. No bus zone shall exceed eighty feet in length, except that when satisfactory evidence has been presented to the City Engineer showing the necessity therefor, the City Engineer may extend bus zones not to exceed a total length of one hundred twenty-five feet.
- D. Bus zones shall normally be established on the far side of an intersection.
- E. The Director of Public Works shall cause all curbs within a designated bus zone to be painted red and appropriately signed as a bus zone or bus stop.
- F. No person shall stop, stand or park any vehicle other than a bus, and only if licensed to operate said bus, within a bus zone.

(Ord. 827 § 76, 1951)

11.32.250 Taxi stands.

- A. Subject to the approval of the city council, the Chief of Police is authorized to establish taxicab stands opposite curb space for the standing of taxicabs duly licensed by the city, and to determine the location and number thereof.
- B. The Director of Public Works shall cause such curb to be painted white and appropriately signed as a taxi stand.
- C. No person shall stop, stand or park any vehicle except a taxicab, duly licensed by the City of National City, in a taxicab stand.
- D. It is unlawful for the owner, driver, or operator of any taxicab to allow the taxicab to remain stopped or otherwise standing except in a regularly established stand; provided, however, taxicabs may stop in any available parking space when actually loading or unloading passengers; provided, further, taxicabs may stop, park, or stand in a place where parking is otherwise permitted between the hours of two a.m. and nine a.m.
- E. In the event a vehicle is parked or left standing within a taxicab zone where parking has been prohibited by resolution or ordinance of the city council and signs giving notice thereof are thereon erected, any member of the police department authorized by the Chief of Police may remove such vehicle in the manner provided by and subject to the requirements of the CVC.

(Ord. 1111 § 1, 1965; Ord. 1096 § 1, 2, 1964; Ord. 827 § 77, 1951)

(Ord. 827 § 80, 1951)

(Ord. 827 § 80, 1951)

11.32.300 Absolutely prohibited.

When signs are erected giving notice thereof no person shall park a vehicle at any time upon any street hereinafter designated by resolution of the city council.

(Ord. 827 § 82, 1951)

11.32.310 Temporary parking restrictions and time limit—Generally.

It is unlawful for any person to stop, stand or park any vehicle on any street in the city at any location where temporary signs have been installed by the Director of Public Works or designee prohibiting parking for purposes of maintaining or redirecting vehicular traffic during construction or street or utility service repair, provided at least twenty-four hours prior notice of such restriction has been given in accordance with CVC Section 22651(l) or

(m). Any installed sign may also authorize removal of a vehicle parked in violation of such parking restriction and such vehicle may thereafter be towed after a parking citation has been issued.

(Ord. 2267 § 2 (part), 2005: Ord. 827 § 83, 1951)

11.32.320 Signs—Authorization.

Signs provided in this article shall be authorized by resolution of the city council, and shall be erected by the Director of Public Works or designee on the street or streets set forth in such resolution.

(Ord. 827 § 84, 1951)

11.32.330 Valet parking—Permits.

The Director of Public Works or designee shall establish permits for valet parking. Such permits shall be granted after receiving the recommendation of the Chief of Police. If the Director of Public Works deems necessary, the valet parking permit request shall be reviewed by the Traffic Safety Committee.

(Ord. 1219 § 1, 1969)

11.32.340 Valet parking—Defined.

"Valet parking" means a parking service conducted by the operator of private premises, through their own employees, in which customers' cars are taken from public loading zones and parked by the proprietor's employees.

(Ord. 1219 § 2, 1969)

11.32.350 Valet parking—Spaces designated.

The Director of Public Works or designee shall establish any parking spaces, as it may deem necessary, to be reserved for the use of the proprietor of a private business for the conduct of a valet parking service. If the Director of Public Works deems necessary, the designation of spaces for valet parking shall be reviewed by the Traffic Safety Committee.

(Ord. 1219 § 3, 1969)

11.32.360 Heavy-duty commercial vehicles—Parking restrictions in all residential districts and east of National City Boulevard.

- A. No person shall park any heavy-duty commercial vehicle more than three hours on a street in any residential district, except:
 - 1. While actually loading or unloading property and the time to complete the evolution in addition to such three-hour period that is reasonably necessary to complete the work;
 - 2. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property, in the block in which such vehicle is parked and the time to complete the evolution in addition to such three-hour period is reasonably necessary to complete such service; or
 - 3. Such vehicle is parked immediately in front or alongside of premises actively devoted to industry or commerce and lying contiguous to the street.
- B. Except as provided in subsection A of this section, no person shall park any heavy-duty commercial vehicle on any street east of and including National City Boulevard between the hours of two a.m. and six a.m. daily.
- C. For the purpose of this section, "heavy-duty commercial vehicle" means a single vehicle or combination of vehicles having more than two axles or weighing more than ten thousand pounds GVWR (gross vehicle

weight rating), a single vehicle or combination of vehicles twenty feet or more in length, or a single vehicle or combination of vehicles six feet, eight inches or more in width, including dump trucks, moving vans, tractors, pole or pipe dollies, trailers and detached trailers or detached flatbed trailers. It shall not include a recreational vehicle.

- D. For purposes of this section as authorized by CVC Section 22507.5, a "residential district" means any street or streets where the contiguous property on that block is zoned for residential use pursuant to Chapter 18.14 of this code, including single-family detached dwellings, multifamily dwellings, apartment houses, or combination. It shall not include that area south of Division Street, west of National City Boulevard, north of 8th Street and east of Interstate 5.
- E. Heavy-duty commercial vehicles parked in violation of subsection B of this section shall not be subject to citation until a minimum of twenty-four hours has elapsed following attachment of a notice to the vehicle directing its removal. The notice directing removal shall set forth the contents of this section and shall recite that the vehicle is in violation. After a particular vehicle has been tagged with a notice of removal and twenty-four hours has elapsed, parking citations may be issued thereafter for that vehicle for any further violations of this section without the necessity for further notice.
- F. After a parking citation has been issued, any heavy-duty commercial vehicle parked in violation of this section may also be towed from any street upon which signage authorizing removal is posted, in addition to being subject to tow when parked for more than seventy-two consecutive hours pursuant to Section 11.32.060 of this chapter.

(Ord. 2267 § 2 (part), 2005: Ord. 1184, 1967)

(Ord. No. 2016-2410, § 7, 3-15-2016)

11.32.365 Unattended heavy-duty detached trailers—Parking restrictions in commercial and industrial districts.

- A. No person shall park any unattended heavy-duty detached trailer more than three hours on any street designated by city council resolution in a commercial or industrial district where signs are posted, except:
 - 1. While actually loading or unloading property and the time to complete the evolution in addition to such three-hour period is reasonably necessary to complete the work; or
 - 2. When such vehicle is parked in connection with, and in aid of, the actual performance of a service to or on a property in the block in which such vehicle is parked and the time to complete the evolution in addition to such three hour period is reasonably necessary to complete such service.
- B. For the purpose of this section, an "unattached heavy-duty detached trailer" means a single trailer or combination of trailers having two axles or more or weighing more than ten thousand pounds GVWR (gross vehicle weight rating), any single trailer or combination of trailers twenty feet or more in length, or any single trailer or combination of trailers six feet, eight inches or more in width, including dump truck trailers, dollies, moving van trailers, pole or pipe dollies, house or travel trailers, or flat bed or enclosed trailers, none of which is attached to a truck, tractor or similar vehicle capable of towing, pulling or otherwise moving the trailer.
- C. For purposes of this section, a "commercial or industrial district" means any block, street or streets where the contiguous property on that block is zoned for a commercial or industrial occupancy pursuant to Chapters 18.16 or 18.18 of this code.
- D. After a parking citation has been issued, any unattended heavy-duty detached trailer parked in violation of this section may be towed from any street upon which signage authorizing removal is posted, in addition to being subject to tow when parked for more than seventy-two consecutive hours pursuant to Section 11.32.060 of this chapter.

(Ord. 2267 § 2 (part), 2005)

11.32.366 Parking recreational vehicles on city streets—Restricted.

- A. The city council finds that the increase in the number of recreational vehicles parked on city streets, highways, alleys, public ways or public places, or public rights-of-way has a detrimental effect on the public health, safety, and welfare of the residents and negatively affects the quality of life in the city. The purpose and intent of the city council is to establish a process to allow a city resident to park the recreational vehicle on a city street for a limited period of time.
- B. No person shall park or leave standing any recreational vehicle, whether motorized or not, whether attached to motorized vehicle or not, at any time upon any highway, street, alley, public way, or public place, except as otherwise allowed, in the City of National City except:
 1. While a person is actively loading or unloading a recreational vehicle for a period not to exceed two hours; or
 2. When the registered owner or lessor of a recreational vehicle is in possession of a permit issued pursuant to subsection 11.32.366.C.
- C. For the purpose of this section, "recreational vehicle" is any vehicle which exceeds twenty feet (20') in length, seven feet (7'") in width or eight feet (8') in height that shall include, but is not limited to the following:
 1. Camp trailers (CVC Section 242);
 2. Fifth-wheel travel trailers (CVC Section 324);
 3. House cars (CVC Section 362);
 4. Trailer coaches (CVC Section 635);
 5. Mobile homes (CVC Section 396);
 6. Boats and/or trailers, including jet skis and/or jet ski trailers;
 7. Dune buggies and off-road or all-terrain vehicles and/or trailers;
 8. Attached or unattached trailers used for the transportation of equipment, vehicles, or animals;
 9. Recreational vehicles (California Health & Safety Code Section 18010);
 10. Folding camper trailers;
 11. Any other motorized or towed vehicle designed, maintained or used primarily for recreational purposes.
 12. Exclusions include pick-up trucks without campers and passenger vans that exceed the recreational vehicle height definition.
- D. Temporary Parking Permit Process.
 1. The Director of Community Development, or designee, has the authority to adopt rules and regulations governing the permit process, and to issue permits for the parking of a recreational vehicle on a street if:
 - a. A written application is made to the Director of Community Development on a form established by the Director of Community Development, or designee;
 - b. The fees described in subsection 11.32.366.F are paid; and
 - c. The Director of Community Development, or designee, determines that the parking of the recreational vehicle will not create a safety hazard.

2. The permit shall be issued to a city resident or city property owner.
 3. The permit shall include the name and address of the city resident or the city property owner, the license plate number of the recreational vehicle, the date of issuance, and the date(s) that the permit is valid.
 4. The permit shall be valid only within the same block of the resident's or property owners' address, or upon a street adjacent to the resident's address, on either side of the street.
 5. The permit shall be valid for no longer than twenty-four hours.
 6. A city resident or city property owner may obtain no more than three permits at one time for a period of no longer than seventy-two consecutive hours.
 7. A city resident or city property owner may not obtain more than six permits in any calendar month. A city resident or city property owner may not obtain more than seventy-two permits in any calendar year.
 8. There shall be three days between the expiration of a permit, or if a city resident or city property owner obtained two or three permits at one time the expiration of the second or third permit, and the issuance of another permit to the same city resident or city property owner.
 9. The city resident or city property owner shall display the permit in the recreational vehicle in such a manner that it is clearly visible to city enforcement officers.
 10. The permitted recreational vehicle shall be subject to all applicable parking restrictions of the National City Municipal Code and the CVC.
 11. A city resident or city property owner in possession of a permit must comply with all state and local laws, including posted parking restrictions.
 12. The fee for obtaining a permit shall be established by resolution of the city council. The fee shall be included in the city's fee schedule.
- E. Any person violating this section is punishable as prescribed in Section 1.20.010.
- F. As an alternative to subsection E., a violation of any provision of this section may be punishable with an administrative citation or other civil or administrative remedy pursuant to Title 1 of the National City Municipal Code.

(Ord. No. 2016-2410, § 8, 3-15-2016)

11.32.370 Public parks.

It is unlawful to park any motor vehicle in a public park in the city other than on a public street or in an area designated by signs as a public parking area.

(Ord. 1205 (part), 1968)

11.32.371 Public property.

It is unlawful to park or leave standing any motor vehicle on land owned or in possession of the city or the Community Development Commission – Housing Authority of the City, other than in an area designated for public parking. Where signs are posted giving notice of removal, any vehicle parked or left standing in violation of this section may be removed by the police department.

(Ord. 1936, 1988)

11.32.380 Parking or obstruction of fire lane prohibited—Towing authorized.

No vehicle shall be parked or obstruction maintained within a fire lane as defined in the Uniform Fire Code as adopted by this code. No owner or person in lawful possession or control of a fire lane shall allow the parking of a vehicle or maintenance of an obstruction to a fire lane as described herein.

Any vehicle or obstruction which violates this section may be removed by city employees or a designated representative of the city. Vehicles shall only be removed as provided in the CVC.

(Ord. 1774, 1982)

11.32.390 Unauthorized parking in reserved parking spaces prohibited.

No person, other than the person for whom the parking space is reserved, shall stop, stand or park a vehicle within a reserved parking space located on any off-street parking facility owned or operated by the city. Any vehicle parked in violation of this section is subject to removal by the police department. All reserved parking spaces shall be appropriately marked by a permanent sign and/or pavement markings installed by the Director of Public Works or designee.

(Ord. 1880, 1986)

11.32.400 Unauthorized temporary parking in street sweeping zones prohibited.

- A. No person shall park any vehicle on that portion of any street on the days, and between the hours, designated by the city council for the purpose of street cleaning. Each portion of each street so designated shall be posted with signs giving notice of the days, and the hours, of the parking prohibition effective on that portion of the street. This prohibition shall not apply to a vehicle which, after the street-sweeper has passed, is then parked on a restricted portion of the street during the posted hours.
- B. Upon establishment of permit parking zones, the City Engineer or designee is hereby directed to add street sweeping parking restrictions throughout the permit parking zone. Any vehicle parked in violation of this section may also be towed after a parking citation has been issued, provided a sign has been posted authorizing the removal of vehicles parked in violation of such parking restriction.

11.32.410 Parking violation—Penalties.

- A. The registered owner, lessee or renter of a vehicle cited for violation of the provisions of Chapter 7.18 or 11.32 of this code or the CVC shall pay the fine as indicated within twenty-one days from the date the citation was issued.
- B. The failure of the registered owner, lessee or renter of the cited vehicle to pay the parking fine within twenty-one days of the issuance of the citation shall result in the penalty being increased to double the amount of the original penalty amount, i.e., penalty x 2.
- C. Parking penalty fines are set to amounts consistent with the then current recommendations of the San Diego County parking penalty committee, on file in the office of the city clerk, in accordance with CVC Section 40203.5(a).
- D. In accordance with CVC Section 4760, the city shall file an itemization of unpaid parking penalties, including administrative fees and the amount of costs of the city for costs of service, with the Department of Motor Vehicles for collection with the registration of the vehicle.

(Ord. 2189, 2001: Ord. 2067, 1993: Ord. 1992, 1990: Ord. 1902, 1987)

Chapter 11.33 PARKING METERS

11.33.010 Parking Meter Zones—Establishment—Authority.

- A. The City Engineer, by ordinance of the city council, and pursuant to the provisions of CVC Section 22508, may establish parking meter zones to aid in the regulation, control and inspection of the parking of vehicles and/or to increase utilization and turnover to support local businesses and economic development. Metered blocks within designated parking meter zones shall be established based on parking surveys of streets or portions of streets that demonstrate a parking occupancy rate of 80% or greater during the time of survey.
- B. Upon authorization by the city council, the City Engineer or Director of Public Works shall cause parking meters or pay stations to be installed, paid parking spaces to be designated, and required signage to be displayed within parking meter zones, as hereinafter provided. Modifications or elimination of parking meter zones shall be established by amendments to ordinance of the city council.
- C. The regulation of traffic by parking meters or pay stations and the use of any approved method of payment in such meters shall become effective upon the installation of appropriate parking meters or pay stations and signs thereon, giving notice of such paid parking regulation and rate.

(Ord. XXX)

11.33.020 Parking Meter Zones—Designated.

Parking meter zones are hereby designated upon those public streets or portions of streets described herein in which parking of vehicles shall be regulated by parking meters or pay stations between the hours and on days specified in Section 11.33.060:

- A. National City Boulevard to the west, Highland Avenue to the east, 18th Avenue to the south, and 7th Avenue to the north

(Ord. XXX)

11.33.030 Parking Meter Rates and Time limits—Authority.

- A. It is the intent of the city council to establish a target utilization rate of 80% for all parking meters and pay stations within the city. Utilization rate refers to the amount of time that vehicles occupy a paid parking space during the allowed hours of operation of the parking meter or pay station. The establishment of the target utilization rate of 80% is based on well-accepted parking management studies and review of targets established by other municipalities. The city council finds that the establishment of the target utilization rate of 80% is one of the most effective strategies for managing on-street parking and for recovering at least a portion of the estimated reasonable costs associated with parking, traffic control and management impacting the parking of vehicles within parking meter zones.
- B. Under the authority of CVC Section 22508, the city council establishes a paid parking rate of \$0.25 for each 15-minute interval up to the maximum legal time limit established for each parking meter or pay station. Said rate shall be and remain in effect, unless modified by amendments to ordinance of the city council. The City Engineer or Director of Public Works shall cause to be programmed all parking meters and pay stations within designated parking meter zones the established rates for deposit of funds.
- C. When any vehicle is parked in any space alongside of or next to a single-space parking meter which is located in accordance with the provisions of this Chapter, or when any vehicle is parked in any space or zone adjacent to which a multi-space pay station is located in accordance with the provisions of this Chapter, the operator of said vehicle shall, upon entering said parking space or zone, immediately cause to immediately

purchase time using an approved method of payment, according to the time interval desired within the maximum limit and at the displayed parking rates.

- D. Time limits for parking meters and pay stations shall be established at intervals of 15 minutes not to exceed a maximum of two hours for single vehicle use during the hours and days specified in Section 11.33.040. The City Engineer is authorized to establish shorter maximum time limits on streets or portions of streets within parking meter zones based on evaluation of parking demand, parking utilization, type and operations of adjacent land uses, and other relevant factors. Time limits shall be clearly displayed consistent with the requirements of Section 11.33.050.
- E. During a fiscal year, the City Engineer or Director of Public Works may adjust pay station and meter rates up or down \$0.25 per hour based on average occupancy rates in order to achieve a target occupancy rate of 80 %. Any increase over \$0.25 per hour in a fiscal year shall require City Council approval.
- F. Unless otherwise permitted by signs, no person shall stop, stand, or park a vehicle in a parking meter zone between the hours designated within the parking meter zone of any day for longer than the prescribed period. For the purposes of this section, the term parking meter zone means an area in which signs, parking meters or curb markings prescribe a designated period for parking of vehicles.
- G. When temporary special parking or traffic conditions require different hours or days of parking restrictions, the City Engineer or Director of Public Works may vary the hours and days during which the restrictions in the parking meter zones shall be in effect; and, when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle contrary to the direction or provisions of such signs. (Ord. XXX)

11.33.040 Parking Meters—Time of operation.

- A. Parking meters and pay stations shall be operated in parking meter zones every day between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and holidays. Modifications to hours of operation of parking meters shall be established by amendments to ordinance of the city council.
- B. The City Engineer or Director of Public Works may set and adjust the time period of operation of parking meters before 8:00 a.m., but no earlier than 7:00 a.m., and later than 6:00 p.m., but no later than 11:00 p.m., every day except on Sundays and holidays, but in no event for a length of time less than ten hours each day, consistent with achieving the target utilization rate of 80%.

(Ord. XXX)

11.33.050 Parking Meters—Installation, maintenance and operation.

- A. The Director of Public Works is hereby authorized to install or place parking meters and pay stations with appropriate parking space markings and signage in such parking meter zones as designated in Section 11.33.020 and in accordance with the provisions of this Chapter; and the Director of Public Works or designee is hereby directed to maintain said parking meters and pay stations, parking space markings and signage in good workable condition.
- B. Single-space parking meters installed in parking meter zones established as provided in Section 11.33.010 shall be placed upon the curb immediately adjacent to individual parking spaces. The hours of operation and time limits shall be clearly displayed on the meter standards and/or posted on signs within the parking meter zone or portions thereof. Each single-space parking meter shall be placed or set in such manner as to display whether the parking space adjacent to that meter is legally in use or not. Upon purchase of time using an approved method of payment, each single-space parking meter shall be set to display the amount of time remaining for legal parking and shall continue to operate for that period of time not exceeding the limit of parking time which has been established for that space or zone. Upon the expiration of legal parking time, each single-space parking meter shall indicate by proper signal that the lawful parking period has expired.

- C. Multi-space pay stations installed in parking meter zones established as provided in Section 11.33.010 shall be placed upon the curb immediately within the parking meter zone or portions thereof to which they apply. The hours of operation and time limits shall be posted on signs within the parking meter zone or portions thereof. Upon the purchase of time using an approved method of payment, a multi-space pay station shall either produce a receipt to be used by the parking user as proof of valid parking as described in Section 11.33.070, or electronically record the expiration of the time purchased for an individual parking space entered by the parking user, which may be checked for enforcement or other purposes. In order to be valid or otherwise considered effective. A vehicle is lawfully parked in a parking meter zone if:
 - 1. Pay and Display. The vehicle displays a receipt which is legible to an enforcement officer, evidencing purchase of parking meter time at the posted parking rate and within the maximum time limit at the multi-space parking meter located immediately adjacent to the parking meter zone where the vehicle is parked. The receipt shall indicate the expiration of parking time, which shall be the equivalent of the expiration time indicated by the parking meter; or
 - 2. Pay by Space. The vehicle is parked in a numerically designated parking space which has a multi-space parking meter that does not produce a receipt for display, but which indicates a valid parking time.
 - 3. Pay by Plate. The license plate number is entered into the pay station on an alphanumeric keyboard that does not produce a receipt for display, but which indicates a valid parking time.
- D.
- E. Pursuant to the provisions of CVC Section 22508, a local authority may accept but shall not require payment of parking meter fees by a mobile device.

(Ord. XXX)

11.33.060 Parking Meters—Parking regulated.

- A. The Director of Public Works is instructed to have lines or markings painted or placed upon the curb or upon the street adjacent to each single-space parking meter for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking alongside of or next to any single-space parking meter shall park within the lines or markings so established.
- B. The Director of Public Works is instructed to have lines or markings painted or placed upon the curb or upon the street in any parking meter zone that is controlled by a multi-space parking meter that does not produce a receipt to be used by the parking user as proof of valid parking as described in Section 11.33.070.
- C. No person shall park any vehicle across any line or marking or park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.
- D. When a parking space in any parking meter zone is parallel to the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and nearest the single-space parking meter except where the single-space parking meter is mounted to the rear of the parking space, in which case, any vehicle parked in such parking space shall be parked so that the rearmost part of such vehicle shall be alongside of and nearest the single-space parking meter.
- E. When a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directly at and nearest to such single-space meter except where the single-space parking meter is mounted to the rear of the parking space, in which case, any vehicle parked in such parking space shall be parked so that the rearmost part of such vehicle shall be directly at and nearest to such single-space parking meter.

(Ord. XXX)

11.33.070 Parking Meters—Overtime.

No person shall permit a vehicle to remain parked in any parking meter zone when the meter, receipt, card, or electronic device, as provided in Section 11.33.050, shows the parking time has expired.

(Ord. XXX)

11.33.080 Parking Meters—Extra time prohibited.

- A. No person shall permit a vehicle to remain parked beyond the period of legal parking time established for any parking meter.
- B. No person shall purchase time from any parking meter using any method of payment for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space or zone adjacent to which said parking meter is placed.
- C. It is unlawful for any person to re-park a vehicle under their control or in their custody within the same block face or parking facility after the expiration of the two-hour time limit. The vehicle may not return to the initial block face or parking facility sooner than two hours following the expiration of the initial time period.

(Ord. XXX)

11.33.090 Parking Meters—Tampering with.

It shall be unlawful for and a violation of the provisions of this Chapter for any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meters installed under the provisions of this Chapter.

(Ord. XXX)

11.33.100 Parking Meters—Improper use prohibited.

It shall be unlawful and a violation of the provisions of this Chapter to deposit or cause to be deposited in any parking meter any slug, device or substitute for a lawful coin of the United States.

(Ord. XXX)

11.33.110 Parking Meters—Payment by unauthorized person prohibited.

No person, other than the owner or operator of a vehicle, shall deposit payment in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space regulated by such meter.

(Ord. XXX)

11.33.120 Parking Meters—Limitations on use for certain purposes.

No person other than an authorized employee of the City shall attach anything to a parking meter or parking meter standard. No person shall allow a bicycle, news rack or any other object to lean against a parking meter or a parking meter standard.

(Ord. XXX)

11.33.130 Parking Meters—Collection of deposited coins.

The Director of Community Development is authorized to designate parking regulations officers, either employed by the city or under contract, to make regular collections of the coins deposited in the parking meters and deliver those coins collected to the city finance department for accounting.

(Ord. XXX)

11.33.140 Parking Meters—Use of funds collected.

All funds collected from parking meters in the city shall be placed in a special fund, which fund shall be devoted exclusively to any or all of the following purposes:

- A. The purchasing, leasing, installing, inspecting, repairing, maintaining, operating, removing, regulating, enforcing, and managing of parking meters in the city and for the payment of any and all expenses relating or incidental thereto;
- B. The proper regulation, control and inspection of parking and traffic upon the public streets;
- C. The painting and marking of streets and curbs required for the direction of traffic and parking of motor vehicles;
- D. The installation and maintenance of traffic control devices and signals;
- E. Increasing the parking supply through purchasing, leasing, and acquiring of off-street parking facilities in the city, including inspecting, repairing, maintaining, operating, regulating, enforcing, and managing said facilities;
- F. To be pledged as security for the payment of principal and interest on off-street parking facility revenue bonds issued by the city or parking authority.
- G. Managing the existing parking inventory, including such measures as, but not limited to, parking evaluations, reconfiguration of existing on-street parking inventory, employee parking programs, reducing excessive red curb, removal of abandoned driveways and replacement with matching sidewalk, curb, and gutter, and mitigation of any adverse effects resulting from the implementation of such program
- H. Providing mobility (parking and access) information through wayfinding signage or media (maps, videos, apps or other tools), which communicates the location, availability, cost, and other pertinent information of parking options and provides navigation in and between in the parking meter zone.
- I. Providing funding for community shuttles or circulator systems with the goals to connect passengers to and from the parking meter zone, to reduce parking demand in the meter zone and to assist in the mobility of those parked around the parking meter zone.
- J. Enhancing mobility within the parking meter zone and facilitating the use of alternative forms of transportation to reduce parking demand (e.g., community shuttles, public transit, bicycling, and walking) through activities and improvements including, but not limited to, designing and installing: bike and pedestrian amenities (bike parking, corrals, and bike lanes; pedestrian ramps, crossings, pop-outs, sidewalks, countdown indicators, rectangular rapid flashing beacons); signage; and shuttle stops.

(Ord. XXX)

Chapter 11.34 TRUCK IDLING AND PARKING MANEUVERS NEAR A SCHOOL OR RESIDENCE

11.34.010 Findings and purpose.

- A. Air Pollution is a Public Health Concern in California. The San Diego Air Basin is currently designated as nonattainment for the state and federal ozone standard, and the state's particulate matter standards. Air pollution can cause or aggravate illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).
- B. The purpose of this chapter is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling and practice of parking maneuvers of diesel fueled commercial vehicles. The purpose of this chapter is also to reduce such exposure especially to school-age children.
- C. The air resources board identified diesel exhaust particulate matter as a toxic air contaminant. Particulate matter (PM-10) can collect in lungs where it can increase the number and severity of asthma attacks, cause aggravated bronchitis, and cause other lung diseases. Particulate matter can also exacerbate other illnesses. Ozone is a strong irritant which can restrict airways, resulting in difficulty breathing and forcing respiratory and cardiovascular systems to work harder. Chronic exposure reduces lung capacity, lower stamina, and leaves people vulnerable to long-term respiratory problems. Ozone is especially harmful to children, senior citizens and those suffering from asthma or existing heart and lung disease.
- D. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost-effective in reducing ozone precursor emissions and toxic air contaminants.
- E. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980's—2001 model year truck operating on diesel fuel emits one hundred forty-four grams per hour of nitrogen oxide and eight thousand two hundred twenty-four grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel per hour while idling.
- F. A limitation on engine idling is established by the city of National City to discourage the idling of engines in the city.
- G. The practice of commercial vehicles practicing repeated parking maneuvers near schools and residences contributes to the emission of toxic air contaminants in a manner similar to idling. A limitation on practicing parking maneuvers near schools and residences is established to discourage the emissions of toxic air contaminants.

(Ord. 2292 § 1 (part), 2007)

11.34.020 Definitions.

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "Commercial motor vehicle" means any vehicle or combination of vehicles as defined in CVC Section 15210(b) and any other motor truck with a gross vehicle weight rating of ten thousand one pounds or more, except for either a zero-emission vehicle or a pickup truck as defined in CVC Section 471.
- B. "Driver" means any person who drives, operates, or is in actual physical control of a vehicle.
- C. "Emergency" means sudden, urgent, usually unforeseen occurrence.
- D. "Gross vehicle weight rating" means the weight specified by the manufacturer as the maximum loaded weight of a single vehicle.
- E. "Idling" means the engine is running while the vehicle is stationary.
- F. "Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles. G. "Vehicle/equipment owner" means the registered

owner, lessee, licensee or bailee of any heavy- or medium-duty vehicle who operates or directs the operation of any such vehicle on either a for hire or not for hire basis.

(Ord. 2292 § 1 (part), 2007)

11.34.030 Applicability.

This chapter applies to all diesel fueled commercial motor vehicles with a gross vehicle weight rating over ten thousand pounds.

(Ord. 2292 § 1 (part), 2007)

11.34.040 Idling.

- A. A driver of a commercial motor vehicle:
 - 1. Shall turn off the engine upon stopping at a destination;
 - 2. Shall not cause or allow an engine to idle at any location for more than five consecutive minutes; and
 - 3. Shall not cause or allow a vehicle to idle at any location within one hundred feet of a school for:
 - a. More than five consecutive minutes, or
 - b. A period or periods aggregating more than five minutes in any one hour.
- B. A private property owner shall not allow a vehicle located on the owner's property to violate the provisions of this chapter. A private property owner shall notify owners and operators of vehicles entering the owner's private property of the requirements of this chapter.

(Ord. 2292 § 1 (part), 2007)

11.34.050 Exemptions.

- A. This chapter does not apply to a vehicle for the period or periods during which:
 - 1. Idling is necessary while stopped:
 - a. For an official traffic control device,
 - b. For an official traffic control signal,
 - c. For traffic conditions over which the driver has no control, including, but not limited to, stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone, or
 - d. At the direction of a peace officer;
 - 2. Idling is necessary to ascertain that the vehicle is in safe operating condition, equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;
 - 3. Idling is necessary for testing, servicing, repairing or diagnostic purposes;
 - 4. Idling is necessary for a period not to exceed three to five minutes (as per the recommendation of the manufacturer) to cool down a turbo charged heavy-duty vehicle before turning the engine off;
 - 5. Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, such as operating a lift, crane, pump, drill, hoist, mixer or other auxiliary equipment other than a heater or air conditioner;
 - 6. Idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;

7. Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers.
 - a. The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within one thousand feet of a residential area or school,
 - b. The only specific exception for passenger comfort would be vehicles with a passenger onboard with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature,
 - c. In the event idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers, such idling shall not occur within one hundred feet of a residence or a school;
 8. Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;
 9. Idling is necessary to operate equipment that runs intermittently.
- B. Nothing in this chapter allows idling in excess of other applicable laws, including but not limited to:
1. Title 13 Code of Regulations Section 2480—Requirements/restriction of idling near a school.
 2. Title 13 Code of Regulations Section 2485—Requirement/restriction of idling.
 3. CVC Section 22515—Requirements for leaving a motor vehicle unattended.
 4. Any local provision of this code or requirement as stringent as, or more stringent than, this chapter.

(Ord. 2292 § 1 (part), 2007)

11.34.060 Practicing parking maneuvers.

- A. A driver of a commercial motor vehicle shall not practice parallel parking, angled parking, perpendicular parking, or any type of parking, for the purpose of driver instruction, improvement, or education, within one hundred feet of a school.
- B. A driver of a commercial motor vehicle shall not practice parallel parking, angled parking, perpendicular parking, or any type of parking, for the purpose of driver instruction, improvement, or education, within one hundred feet of a residential neighborhood.

(Ord. 2292 § 1 (part), 2007)

11.34.070 Enforcement.

This chapter may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in Penal Code Section 830 et seq., and their respective agencies authorized representative(s).

(Ord. 2292 § 1 (part), 2007)

11.34.080 Penalty.

Any violation of this chapter for which a penalty is not provided shall be punished according to Chapter 11.12 of this code.

(Ord. 2292 § 1 (part), 2007)

11.34.090 Severability of provisions.

The city council declares that the invalidity of any section or portion of this chapter shall not affect the validity of any other remaining section or portion; that the council would have adopted each of those remaining portions, notwithstanding any later declared invalidity. If any provision is determined by a court to be invalid, it shall be severed, or if it can be judicially interpreted in a way that would harmonize it with the remaining provisions, then it may be applied as interpreted, so as to give full purpose, meaning and effect to the remaining provisions of this chapter.

(Ord. 2292 § 1 (part), 2007)

Chapter 11.36 MISCELLANEOUS DRIVING RULES

11.36.010 Driving through funeral processions.

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such processions are conspicuously so designated.

(Ord. 827 § 43, 1951)

11.36.020 Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, roller skates or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

(Ord. 827 § 44, 1951)

11.36.030 Driving on sidewalk.

The driver of a vehicle shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

(Ord. 827 § 45, 1951)

11.36.040 New pavement.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed.

(Ord. 827 § 46, 1951)

11.36.050 Restricted access.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

(Ord. 827 § 47, 1951)

11.36.060 Freeway use.

No person shall drive or operate any bicycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by the CVC, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

(Ord. 827 § 48, 1951)

11.36.070 Traffic control devices—Damaging.

It is unlawful for any person to tear down, damage, mutilate or destroy any sign, sign-board, notice or traffic signal placed or affixed by the city, which sign is intended to direct or regulate traffic within the city.

(Ord. 827 § 49, 1951)

11.36.080 Vehicles on private property.

No person shall stop, stand or park any vehicle in a private driveway or on private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property.

(Ord. 827 § 50, 1951)

11.36.090 Driving in park—Prohibited.

A. Definitions.

1. As used in this section, "motor vehicle" includes automobiles, motorcycles, motor bikes or any device which derives its motive power from internal combustion engines.
2. A "public park" is any land within the corporate limits which has been dedicated and accepted as a public park.
3. As used in this section "public street" means any street, roadway, or highway, or alley, or court dedicated to and accepted as a public street.

B. Driving in Parks Prohibited. It is unlawful to operate a motor vehicle in a public park in the city other than on a public street.

(Ord. 1205 (part), 1968)

11.36.100 Driving in park—Violation—Penalty.

A violation of Sections 11.36.090 through 11.36.120 is a misdemeanor punishable by a fine of five hundred dollars and/or imprisonment for a period not to exceed six months.

(Ord. 1205 (part), 1968)

11.36.110 Driving in park—Damage.

Any person who violates Sections 11.36.090 through 11.36.120 and thereby causes damages to public park property shall be responsible for the cost of repairing said damage.

(Ord. 1205 (part), 1968)

11.36.120 Driving in park—Permitted.

The city council may suspend the application of Sections 11.36.090 through 11.36.120 to any person or persons, for the purpose of conducting special events in public parks.

(Ord. 1205 (part), 1968)

Chapter 11.37 PERMIT PARKING

11.37.010 Findings and purpose.

- A. The purpose of this Chapter is to outline the process, authority and evaluation criteria for establishing permit parking zones along designated public streets or portions thereof within the city that will provide preferential parking privileges to permit holders and their guests.
- B. CVC Section 22507 allows local authorities, by ordinance or resolution, to designate certain streets or portions thereof upon which preferential parking privileges are given to residents or employers adjacent to the designated streets for their use or the use of their guests / employees under which the residents or their guests / employees may be issued a permit that exempts them from specific parking restrictions or prohibitions as defined in the ordinance or resolution.
- C. Preferential permit parking districts and zones support the following initiatives of the city council:
 - 1. Increase parking utilization;
 - 2. Support economic development while mitigating the impacts of spillover parking into surrounding residential neighborhoods;
 - 3. Prohibit long-term parking by non-residents;
 - 4. Provide opportunities for local residents to park near their homes;
 - 5. Promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by ensuring a more stable and valuable property tax base in order to generate the revenues necessary to provide essential public services.
- D. This Chapter does not apply to resident-initiated requests for establishment of preferential permit parking districts, which is governed by City Council Policy 710, or any area located within the Coastal Zone as defined in Section 18.29.030 of the Code.

11.37.020 Permit Parking Districts—Designated.

The following permit parking districts are hereby designated for the purpose of establishing preferential parking privileges based on the findings and purpose established in Section 11.37.010:

- A. Downtown Parking District
 - 1. Defined as all streets and portions of streets owned and maintained by the City of National City within the area bounded by Division Street to the north, 16th Street to the south, Highland Avenue to the east and Interstate 5 to the west.
 - 2. Incorporates all streets and portions of streets owned and maintained by the City of National City within the Downtown Specific Area Plan boundary as adopted by city council and inclusive of any amendments thereto.

(Ord. XXX)

11.37.030 Permit Parking Zones—Establishment—Authority.

- A. The City Engineer, by ordinance or resolution of the city council, and pursuant to the provisions of CVC Section 22507, may establish preferential permit parking zones to aid in the regulation, control and inspection of the parking of vehicles, increase parking utilization, and/or mitigate the impacts of spillover parking from nearby developments or businesses. Zones shall be established within designated preferential permit parking districts based on parking surveys of streets or portions of streets that demonstrate a parking occupancy rate of 80% or greater during the time of survey.

- B. The City Engineer shall rely on the data collected from the parking surveys and/or planning studies conducted in and around the proposed permit parking zone to recommend appropriate parking restrictions or prohibitions by time of day and day of week to the city council.
- C. Upon authorization by the city council, the City Engineer or Director of Public Works shall cause appropriate signage to be displayed within permit parking zones. Modifications or elimination of permit parking zones shall be established by amendments to ordinance or resolution of the city council.
- D. The regulation of permit parking zones shall become effective upon the installation of appropriate signage giving notice of parking restrictions or prohibitions, at which point only vehicles displaying a valid parking permit or those vehicles registered to permit holders displaying valid license plates shall be exempt from said parking restrictions or prohibitions.
- E. The City Manager or designee has the authority to establish permit parking fees, which may differ between permit parking zones, based on the type and operations of surrounding land uses and/or market driven factors. Permit fees for each zone shall be established by ordinance or resolution of the city council and be included in the city's fee schedule. A copy of the fee schedule shall be filed in the rate book of fees on file in the Office of the City Clerk.
- F. Applications for parking permits may be obtained through the office of the City Engineer. The number and type of permits issued to residents or employers and their guests / employees may differ between permit parking zones based on data collected from the parking surveys and other factors such as type and operations of surrounding land uses and/or the availability of off-street parking within the zone. Permit requirements for each permit parking zone shall be established by ordinance or resolution of the city council.
- G. When temporary special parking or traffic conditions require different hours or days of parking restrictions, the City Engineer or Director of Public Works may vary the hours and days during which the restrictions in the permit parking zones shall be in effect; and, when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle contrary to the direction or provisions of such signs.

(Ord. XXX)

11.37.040 Permit Parking—Penalty provisions.

- A. It shall be unlawful and a violation for any person to stand or park a motor vehicle for a period exceeding the posted time limitation or in violation of the parking prohibition established for a permit parking zone pursuant to ordinance or resolution of the city council. Said violation shall be an infraction punishable in accordance with the provisions of this Title.
- B. It shall be unlawful and a violation for a person to falsely represent him/herself as eligible for a parking permit or to furnish false information in an application for a parking permit.
- C. It shall be unlawful and a violation for a person holding a valid parking permit issued by the city to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation both by the person holding the valid parking permit and by the person who uses or displays the permit on a motor vehicle other than that for which it is issued.
- D. It shall be unlawful and a violation for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Engineer. It shall further be unlawful and a violation for a person to knowingly use or display a facsimile or counterfeit parking permit in order to evade the parking restrictions or prohibitions established for a permit parking zone.
- E. Any violation of Sections 11.37.040.B through 11.37.040.D shall be deemed a misdemeanor punishable in accordance with the provisions of this Title.

(Ord. XXX)

11.37.050 Revocation of Parking Permit.

The City Engineer or designee is authorized to revoke the parking permit of any person found to be in violation of this Chapter and, upon written notification thereof, the person shall surrender such permit to the City Engineer. Failure to surrender a parking permit when so requested shall constitute a violation of law.

(Ord. XXX)

Chapter 11.40 STREET USE RESTRICTIONS

11.40.040 Trains—Blocking streets prohibited.

No person shall operate any train or train of cars, or permit the same to remain standing so as to block the movement of traffic upon any street for a period of time longer than five minutes.

(Ord. 827 § 88, 1951)

11.40.050 Truck routes—Designated.

The City Engineer may designate certain streets as truck routes for the movement of motor vehicles exceeding a maximum gross vehicle weight of six thousand pounds for the purpose of goods movement and to mitigate cut-through truck traffic in residential neighborhoods. Designated truck routes within the city shall be established by resolution of the city council. A map of designated truck routes shall be maintained in the office of the City Engineer and made available to the public upon request.

11.40.060 Truck routes—Use required.

All motor vehicles exceeding a maximum gross weight of six thousand pounds are prohibited from using all other streets within said city, excepting commercial vehicles using any such street by direct route to and from the through routes for the movement of motor vehicles of more than six thousand pounds specified in Section 11.40.050, for the purpose of delivering or loading for transportation goods, wares or merchandise, and also excepting any vehicle which is subject to the provisions of Section 50 1/4 of the Public Utilities Act, and also excepting any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(Ord. 857 § 2, 1954)

11.40.070 Truck routes—Signs marking.

Appropriate signs indicating the through traffic routes prescribed in Section 11.40.050 shall be erected by order of the City Engineer at such points as may be designated by the Chief of Police or City Engineer as being best to serve notice of such routes, and thereafter it shall be the duty of the Director of Public Works or designee to see that said signs indicating such through traffic routes will best serve notice of Sections 11.40.050 through 11.40.080.

(Ord. 857 § 3, 1954)

11.40.080 Truck routes—Violation—Penalty.

Any person, firm or corporation violating any of the provisions of Sections 11.40.050 through 11.40.070 is guilty of an infraction and upon conviction thereof shall be punishable as prescribed in Section 1.20.010.

(Ord. 1621, 1978; Ord. 1358 § 2 (part), 1973; Ord. 857 § 4, 1954)

11.40.090 Manchester Avenue—Trucks prohibited.

Notwithstanding the provisions of Section 11.40.060, pursuant to the authority given to city by the CVC, the use of Manchester Avenue by any commercial vehicle or by any vehicle exceeding a maximum gross weight of five tons is prohibited. This prohibition shall not apply to any vehicle which is subject to the provisions of Sections 1030 to 1036, inclusive, of the Public Utilities Code of California.

(Ord. 1027 § 1, 1962; Ord. 857 § 8a, 1954)

11.40.100 Van Ness and Granger Avenues—Trucks prohibited.

- A. Notwithstanding the provisions of Section 11.40.060, pursuant to the authority given to the city by Section 33701 of the Vehicle Code of California, the use of Van Ness Avenue from the southerly line of 20th Street to the northerly line of Leonard Street and of Granger Avenue from the southerly line of 24th Street to the northerly line of Leonard Street by any vehicle exceeding a maximum gross weight of five tons is hereby prohibited. This prohibition shall not apply to any vehicle which is subject to the provisions of Sections 1030 to 1036, inclusive, of the Public Utilities Code of California.
- B. This section shall not be effective until appropriate signs are erected on Van Ness and Granger Avenue indicating that its use by the vehicles described in paragraph (a) is prohibited.

(Ord. 1875, 1986; Ord. 857, 1954)

11.40.110 Transportation permit required.

No person shall move or cause to be moved over or across any public right-of-way under the jurisdiction of the city, any oversized vehicle or load, which exceeds the height, width, length, size or weight of vehicle or load limitation provided for in Division 15 of the CVC, without first obtaining a transportation permit from the office of the City Engineer, which will be subject to the following regulations:

- A. A transportation permit may be designated by the City Engineer as either a single-move transportation permit for the movement of an oversized vehicle or load over a designated route, and for a move on a specified date or dates, or an annual or repetitive transportation permit issued for the period specified on the permit. Repetitive load transportation permit may be issued on the type of vehicle carrying the load in the case of nonself-propelled vehicles, and on the specific vehicle in the case of the nonself-propelled vehicles, and on the specific vehicle in the case of the self-propelled vehicles. Repetitive load permits shall authorize the movement of the vehicles, or loads specified on the permit; provided however, that the vehicle or load shall not exceed a width of thirteen feet, a height of sixteen feet, or a length of one hundred feet. If the load proposed under the repetitive load transportation permit exceeds the weight limits as prescribed in Division 15 of the a CVC by more than twenty-five percent, said move shall be subject to such route restrictions as are designated by the city engineer.
- B. The City Engineer shall use a standard transportation permit form established by the department of transportation.
- C. The applicant for a transportation permit shall be a person licensed as a specialty contractor by the state to engage in the business of moving oversized vehicles or loads.
- D. Application for a transportation permit shall be made to the office of the city engineer a minimum of twenty-four hours prior to the time proposed for the move.
- E. The transportation permit application shall include a sketch showing the approved route for the particular vehicle or load being moved, and no other route shall be utilized.
- F. At the time of making an application for a permit pursuant to this chapter, the applicant shall attach or have on file with the City a Certificate of Liability Insurance showing comprehensive, general liability insurance with a minimum of two million dollars per occurrence and four million dollars in aggregate or one million dollars per occurrence and two million dollars in aggregate with a two million dollar

umbrella or excess coverage, covering all bodily injury and property damage arising out of its operation under this agreement, and vehicle insurance covering all bodily injury and property liability incurred during the moving period, with a minimum coverage of one million dollars per accident; such vehicle insurance shall include "any" auto or "owned, non-owned and hired autos." General aggregate limits must apply solely to the project or location and must be identified with specificity on a separate endorsement.

If any insurance coverage required is provided on a "claims made" rather than "occurrence" form, such insurance coverage shall be maintained for three years after expiration of the term of this permit.

The Certificate of Liability Insurance must include a separate endorsement adding the "City of National City, it's elected officials, officers, agents and employees" as an additional insured under the policy of the insurance in effect for both the Commercial General Liability and Automobile coverage. The Certificate of Liability Insurance shall further indicate the City will be entitled to at least ten days' written notice of cancellation of the policy of insurance. Blanket endorsements such as "by written contract" or "by agreement" are acceptable.

The Certificate Holder must be listed as City of National City, C/O Risk Manager, 1243 National City Boulevard, National City, California, 91950-4301.

- G. Governmental agencies, including the state and its political subdivisions, will not be required to provide the insurance required by this section, but shall be required to indemnify and hold the city harmless from any loss arising out of injury to persons, or damage to property, resulting directly or indirectly from the operation permitted by the transportation permit, including the defense of any action arising therefrom, at no cost to the city.
- H. The applicant shall submit at the time of the application or have on file with the city a copy of their policy of Workers' Compensation and Employers Liability insurance which meets the California statutory limits, plus Employers' Liability coverage of one million, which shall be in force during the moving period. A Waiver of Subrogation in favor of the City of National City is required. If there are no employees subject to Worker's Compensation law, a signed Declaration is required.
- I. The applicant shall submit at the time of application, a copy of his city business license and/or valid business license number.
- J. The applicant shall comply at all times with the CVC.
- K. All moving operations under a transportation permit shall be in conformance with all general and special conditions set forth by the City Engineer on said permit.
- L. The permittee shall have the responsibility to ascertain the adequacy of the route requested for the move. When an over-height load is authorized (over thirteen feet, six inches), the permittee shall check all underpasses, bridges, overhead wires, and other limiting structures or facilities for adequate clearance. The permittee shall notify the owners of all overhead lines or structures subject to disturbances or damage by his move and shall make arrangements for the temporary removal or relocation of the conflicting facility if required. The permittee shall bear all costs for such relocation where the facility is located in accordance with state and local regulations.
- M. For any move involving a load or vehicle whose vertical height is eighteen feet or over, or whose width is thirty feet or more, the permittee shall submit to the agencies whose facilities will be affected by such move the proposed route for approval at least seventy-two hours in advance of the move. No permit shall be issued until clearances have been received from the power company and telephone company. Applicant shall be responsible for obtaining such clearance.
- N. Transportation permits shall be carried on the vehicle whose movement is authorized by such permit, and shall be available for inspection by any police officer, or any authorized agent of the city. Transportation permits issued pursuant hereto shall be nontransferable.
- O. The City Engineer shall not issue a transportation permit if any one of the following conditions exists:

1. If the overweight per axle exceeds the limits provided in Division 15 of the CVC by fifty percent;
 2. If the move is determined by the City Engineer to be prohibitive from the standpoint of public safety or contrary to the public interest;
 3. If the applicant has repeatedly violated conditions of previously issued permits, or the applicant has unsettled claims against him for damages resulting from past moves;
 4. If the applicant has failed to obtain a permit on the next regularly scheduled working day following interim approval for an emergency move.
- P. Permit fees required subject to the following regulations:
1. The fee for a transportation permit within/or through the city shall reflect the fee schedule for an annual or repetitive permit. The fee shall not exceed the fee schedule developed by the department of transportation. Special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services shall be billed separately for each permit.
 2. Permit fees required in this chapter shall be collected by the finance department in an amount as designated.
 3. Governmental agencies, including the state and any of its political subdivisions, shall make application for permits under the provisions of this chapter, and shall be issued a no-fee permit in accordance with the provisions herein. A contractor working for a governmental agency shall not be considered to be acting on behalf of that governmental agency and shall not be exempt from the payment of fees.
 4. An extension of the effective date or an amendment to a single-move permit may be made without payment of additional fees if approved by the City Engineer, provided that the request for such extension or amendment is received before the expiration of the permit.
- Q. Permittee shall provide "wide load" signs as necessary to be visible from both the front and rear of all loads in excess of ten feet in width. Signs shall be at least three feet by five feet in dimension; shall have a yellow background with black lettering; shall spell out "WIDE LOAD" in bold letters; and shall have an amber flasher mounted on each of the upper corners of the sign.
- R. In case of damage to any street or other public improvement by reason of the moving of any vehicle or load covered by the transportation permit, the city shall cause such work to be done as may be necessary to restore the public street improvement to an equal condition as it was prior to such damage, and shall charge the cost thereof to the permit-tee. Such damages as occur may be recovered from the insurance required under subsection F of this section.
- S. Movement of oversize loads and/or vehicles shall be prohibited during the hours of darkness (one-half hour after sunset to one-half hour before sunrise), and between the hours of seven a.m. and nine a.m., and three p.m. and six p.m., unless otherwise approved by the city engineer.
- T. For moves which, because of their emergency nature, require approval during periods other than the regularly scheduled working hours of the city engineer or chief of police, authorized representatives thereof may grant approval for such moves on the condition that a permit will be acquired during the next regularly scheduled working day. Failure to acquire such permits may result in disqualification for obtaining future permits.

(Ord. 1998 § 2, 1990: Ord. 1940 § 2, 1988)

Chapter 11.42 SPECTATORS PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED

11.42.010 Purpose.

- A. The city council for the city finds and declares that pursuant to CVC Section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal. Motor vehicle speed contests and exhibitions of speed are more commonly known as street races or drag races.
- B. Such street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business owners to enjoy the use of their property within the city. When illegal street races occur on various streets within the city, racers and spectators gather on these streets late at night and in the early morning hours, blocking the streets and sidewalks to traffic, forming a racetrack area, placing bets, and otherwise encouraging, aiding, and abetting the racing process.
- C. Illegal street racers can accelerate to high speeds without regard to oncoming traffic, pedestrians, or vehicles parked or moving nearby. The racers can drive quickly from street to street, race for several hours, and then move to other locations upon the arrival of the police. Participants in this illegal activity use cell phones, police scanners, and other electronic devices to communicate with each other to avoid arrest. Participants also use the Internet to provide information on where to race, and give advice on how to avoid detection and prosecution.
- D. In many cases, illegal street races can attract hundreds of spectators. The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish.
- E. This chapter is adopted to prohibit spectators at illegal street races with the aim of significantly curbing this criminal activity. The division targets a very clear, limited population and gives proper notice to citizens as to what activities are lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged.
- F. This chapter makes evidence of specified prior acts admissible to show the propensity of the defendant to be present at or attend illegal street races, if the prior act or acts occurred within three years of the presently charged offense.

(Ord. 2214 § 1 (part), 2002)

11.42.020 Definitions.

- A. "Illegal motor vehicle speed contest" or "illegal exhibition of speed" means any speed contest or exhibition of speed referred to in CVC Sections 23109(a) and 23109(c).
- B. "Preparations for the illegal motor vehicle speed contest or exhibition of speed" include, but are not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in or being spectators at the event; (2) a group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event; (3) a group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event; (4) one or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event; (5) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (6) one or more drivers is revving the vehicle's engine or spinning its tires in preparation for the event; or (7) an individual is stationed at or near one or more motor vehicles serving as a race starter.
- C. "Spectator" means any individual who is present at an illegal motor vehicle speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

(Ord. 2214 § 1 (part), 2002)

11.42.030 Spectator at illegal speed contests or exhibitions of speed—Violation.

- A. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a maximum of ninety days in jail and a fine of five hundred dollars.
- B. Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, where preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor and subject to a maximum of ninety days in jail and a fine of five hundred dollars.
- C. An individual is present at the illegal motor vehicle speed contest or exhibition of speed if that individual is within two hundred feet of the location of the event, or within two hundred feet of the location where preparations are being made for the event.
- D. Exemption: Nothing in this section shall prohibit or make illegal law enforcement officers or their agents from being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course of their official duties.

(Ord. 2214 § 1 (part), 2002)

11.42.040 Relevant circumstances to prove a violation.

Notwithstanding any other provision of law, to prove a violation of Section 11.42.030, admissible evidence may include, but is not limited to, any of the following:

- A. The time of day;
- B. The nature and description of the scene;
- C. The number of people at the scene;
- D. The location of the individual charged in relation to any individual or group present at the scene;
- E. The number and description of motor vehicles at the scene;
- F. That the individual charged drove or was transported to the scene;
- G. That the individual charged has previously participated in an illegal motor vehicle speed contest or exhibition of speed;
- H. That the individual charged has previously aided and abetted an illegal motor vehicle speed contest or exhibition of speed;
- I. That the individual charged has previously attended an illegal motor vehicle speed contest or exhibition of speed; or
- J. That the individual charged previously was present at a location where preparations were being made for an illegal speed contest or exhibition of speed or where an exhibition of speed or illegal motor vehicle speed contest was in progress.

(Ord. 2214 § 1 (part), 2002)

11.42.050 Admissibility of prior acts.

The list of circumstances set forth in Section 11.42.040 is not exclusive. Evidence of prior acts may be admissible to show the propensity of the defendant to be present at or attend an illegal motor vehicle speed contest or exhibition of speed, if the prior act or acts occurred within three years of the presently charged offense.

These prior acts may always be admissible to show knowledge on the part of the defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense. Evidence of prior acts shall not be limited to those that occurred within the city, and may include evidence of such acts from other jurisdictions within the county of San Diego.

(Ord. 2214 § 1 (part), 2002)

11.42.060 Enforcement.

Enforcement of this chapter shall be under the jurisdiction of the chief of police.

(Ord. 2214 § 1 (part), 2002)

Chapter 11.44 PEDESTRIANS

11.44.010 Crosswalks—Established.

- A. "Crosswalk" is defined by Section 275 of the CVC as follows:
1. That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.
 2. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- B. The City Engineer shall make determinations as to whether or not to establish a marked crosswalk and the level of protection and/or traffic control needed based on traffic engineering guidelines, data collection and site evaluation of prevailing conditions.

(Ord. 827 § 51, 1951)

11.44.020 Crosswalks—Use required.

No pedestrian shall cross a roadway other than by a crosswalk, either marked or unmarked, in any business district or on any through street under the jurisdiction of the City of National City.

(Ord. 827 § 52, 1951)

11.44.030 Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(Ord. 827 § 53, 1951)

11.44.040 Standing in roadways.

No person shall stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. This section shall not apply to any public officer or employee or employee of a public utility when necessarily upon a street in the line of duty.

(Ord. 827 § 54, 1951)

11.44.050 Stopping, standing, sitting or lying down on public sidewalks.

- A. No person shall stop or stand on a public sidewalk in any commercial zone between the hours of seven a.m. and ten p.m. except as near as reasonably possible to an adjacent building or curb line.
- B. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool or any other object placed upon a public sidewalk, between the hours of seven a.m. and ten p.m. in any commercial zone.
- C. The prohibitions in subsections A and B of this section shall not apply to any person:
 - 1. Stopping, standing, sitting or lying down on a public sidewalk due to a medical emergency;
 - 2. Who, as the result of disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
 - 3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a temporary use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a temporary use or other applicable permit;
 - 4. Stopping or standing near, or sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;
 - 5. Stopping or standing near, or sitting on a public sidewalk within a bus stop while waiting for public or private transportation.
- D. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a police officer that the conduct violates this section.

(Ord. 2106 § 1, 1996: Ord. 827 § 55, 1951)

Chapter 11.48 PUBLIC NUISANCE VEHICLES

11.48.010 Findings.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the CVC to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(Ord. 1433 § 1 (part), 1974)

11.48.020 Definitions.

As used in this chapter:

- A. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- C. "Owner of the vehicle" means the last registered owner and legal owner of record.
- D. "Public property" does not include "highway."
- E. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ord. 1433 § 1 (part), 1974)

11.48.030 Exclusions.

This chapter shall not apply to:

- A. A vehicle, or parts thereof, which is completely enclosed within a building or behind a solid fence in a lawful manner where it is not visible from the street or other public or private property; or
- B. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the CVC and this chapter.

(Ord. 1433 § 2, 1974)

11.48.040 Regulations not exclusive.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

(Ord. 1433 § 3, 1974)

11.48.050 Administration and enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the Director of Community Development. In the enforcement of this chapter such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 1433 § 4, 1974)

11.48.060 Removal contractor—Property entry right.

When the city council has contracted with or granted a franchise to any person or persons, such persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 1433 § 5, 1974)

11.48.070 Administrative costs determination.

The city council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter.

(Ord. 1433 § 6, 1974)

11.48.080 Abatement—Authorization.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the city manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

(Ord. 1433 § 7, 1974)

11.48.090 Abatement—Notices.

A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

**"NOTICE OF INTENTION TO ABATE AND
REMOVE AN ABANDONED, WRECKED,
DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS
A PUBLIC NUISANCE**

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of National City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Clerk within such 10-day period, the Director of Community Development shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle, or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed

(date)

s _____
/

(Director of Community
Development)"

**"NOTICE OF INTENTION TO ABATE AND
REMOVE AN ABANDONED, WRECKED,
DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS
A PUBLIC NUISANCE**

(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the (hearing body or officer) within such 10-day period, the Community Development Director shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed

(date)

s _____
/

(Community Development
Director)"

(Ord. 1958, 1988; Ord. 1433 § 8, 1974)

11.48.100 Abatement—Hearing—Requests.

Upon request by the owner of the vehicle or owner of the land received by the City Manager within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, the statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(Ord. 1433 § 9, 1974)

11.48.110 Abatement—Hearing—Procedures.

All hearings under this chapter shall be held before the city council which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The city council shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing, or

present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the city council may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the city council shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the city council but does not appear, he shall be notified in writing of the decision.

(Ord. 1433 § 10, 1974)

11.48.120 Vehicle disposal.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section 11.48.110, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the CVC, in which case the vehicle may be reconstructed or made operable.

(Ord. 1886, 1986; Ord. 1433 § 11, 1974)

11.48.130 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(Ord. 1433 § 12, 1974)

11.48.140 Removal costs assessment.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 11.48.110 are not paid within thirty days of the date of the order or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes.

(Ord. 1433 § 13, 1974)

Chapter 11.52 BICYCLES¹

11.52.010 Bicycle defined.

- A. A "bicycle" is any device upon which a person may ride, which is propelled by human power through the assistance of belts, chains or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.
- B. An "electric bicycle" has the same meaning as in CVC section 312.5:
 - 1. Class 1 eBike – a low-speed pedal-assisted electric bicycle, is equipped with a motor that provides assistance only when the rider is pedaling and that stops providing assistance when the bicycle reaches 20 mph. These e-bikes are legal on any paved surface that a regular bike is allowed to operate.
 - 2. Class 2 eBike – a low-speed throttle-assisted electric bicycle, is equipped with a motors that can exclusively propel the bicycle, but that cannot provide assistance when the bike reaches 20 mph. These e-bikes are legal on any paved surface that a regular bike is allowed to operate.
 - 3. Class 3 eBike – a speed pedal-assisted electric bicycle, is equipped with a motor that provides assistance only when the rider is pedaling and stops providing assistance when the bicycle reaches 28 mph. Operators of Class 3 e-bikes must be 16 or older and wear a helmet. Class 3 e-bikes are prohibited from Class I multi-use bike paths unless specifically authorized by a local ordinance.

(Ord. No. 2021-2493, § 2, 11-16-2021)

11.53.020 Traffic regulations.

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

(Ord. No. 2021-2493, § 2, 11-16-2021)

¹Editor's note(s)—Ord. No. 2021-2493, § 2, adopted Nov. 16, 2021, repealed the former Ch. 11.52, §§ 11.52.010—11.52.110, and enacted a new Ch. 11.52 as set out herein. The former Ch. 11.52 pertained to similar subject matter and derived from Ord. 1297(part), adopted 1972; Ord. 1298(part), adopted 1972; Ord. 1358 § 2(part), adopted 1973; Ord. 1374 § 1, adopted 1973; Ord. 1457 §§ 1—3, adopted 1975; and Ord. 1621, adopted 1978.

11.52.030 Violation—Penalties.

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

(Ord. No. 2021-2493, § 2, 11-16-2021)

Chapter 11.56 TOW TRUCK REGULATIONS

11.56.010 Tow truck defined.

A "tow car" or "tow truck" is a motor vehicle which has been altered or designed and equipped for, and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line or dolly or is otherwise exclusively used to render assistance to other vehicles.

(Ord. 1168 (part), 1967)

11.56.020 Chapter purpose.

It is the intent of this chapter to prescribe the basic regulations for the operation of tow cars, or tow trucks in police emergency situations in the removal of and towing away of motor vehicles which are illegally parked, apparently abandoned or involved in an accident, or which constitute an obstruction to traffic because of mechanical failure. It is the purpose of the council in enacting the ordinance codified in this chapter to provide a fair and impartial means of selecting private operators to engage in said business in the interest of the public as well as in the interest of efficient policing operations for the removal from the public streets of said vehicles.

(Ord. 1168 (part), 1967)

11.56.030 Regulations.

The city council shall, from time to time, by resolution, adopt policies for the selection and designation of tow car or tow truck services which shall be permitted to engage in emergency police towing upon notification of the need for such services by the police department. Any and all tow car or tow truck operators not so selected and designated pursuant to the policy of the city council are hereby prohibited from removing from the public streets and towing away any vehicles involved in the situations as set forth in Section 11.56.020 provided, however, that the owner of the vehicle so involved may designate any towing service to be used for the removal and towing away of such vehicle. The police department shall strictly adhere to the policies adopted by the city council and any administrative regulations instituted to efficiently carry out said policies. However, in the event that a towing service is contacted by the police department to perform said services, and performs said services in a manner not in accordance with the policies as established, the police department is held harmless from any and all liability or damages arising therefrom and shall not be accountable for, nor investigate, complaints of negligence and deviations from the policies unless said deviations are shown to be of a repeated and frequently

recurring nature, and any complaints received from the tow car or tow truck services selected and designated to carry out such police towing operations and any complaints received concerning the quality and standards of service performed by said operators shall be deemed sufficient cause for cancellation and termination of any contract or operating agreement entered into for the performance of such service.

(Ord. 1168 (part), 1967)

Chapter 11.60 INTERSTATE TRUCKS

11.60.010 Definitions—Generally.

For the purpose of carrying out the provisions of this chapter, the words, phrases and terms included herein shall be deemed to have the meanings set out in Sections 11.60.020 through 11.60.070.

(Ord. 1926 (part), 1987)

11.60.020 Terminal defined.

"Terminal" means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded or at which the interstate trucks are regularly maintained, stored or manufactured.

(Ord. 1926 (part), 1987)

11.60.030 Interstate truck defined.

"Interstate truck" means a truck tractor and semitrailer or trailer or truck tractor, semitrailer with unlimited length as regulated by the CVC.

(Ord. 1926 (part), 1987)

11.60.040 Interstate truck service area defined.

"Interstate truck service area" means an area within one-half of a lane mile of an interstate highway which provides lodging, food, fuel or servicing to interstate trucks.

(Ord. 1926 (part), 1987)

11.60.050 CALTRANS defined.

"CALTRANS" means the State of California Department of Transportation or its successor agency.

(Ord. 1926 (part), 1987)

11.60.060 Trailblazer signs defined.

"Trailblazer signs" means an approved traffic sign used to identify the city's terminal access routes.

(Ord. 1926 (part), 1987)

11.60.070 Decision point defined.

"Decision point" means any point on the city's terminal access routes where installation of a trailblazer sign is necessary to identify the routes.

(Ord. 1926 (part), 1987)

11.60.080 Purpose—Interstate trucking regulated.

The purpose of this section is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on the federally designated highway system and to promote the general health, safety and welfare of the public. It shall be unlawful for any person to operate an interstate truck upon any street within the city outside of an interstate truck service area that has not been designated and marked in accordance with this chapter, unless the vehicle is exempt from the restrictions on interstate trucks pursuant to CVC Section 35401.5(c).

(Ord. 1926 (part), 1987)

11.60.090 Application.

- A. Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form as provided by the city, together with such information as may be required by the city engineer and appropriate fees to the city.
- B. Upon receipt of the application the City Engineer will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon his approval of that designation, he will then determine the capability of the route requested and/or alternate routes. Determination of route capability will include, without limitation, a review of adequate turning radii and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of CALTRANS.
- C. Should the requested route pass through the city to a terminal located in another jurisdiction, the applicant shall comply with the jurisdiction's application process. City route designation approval will be required for those portions of the route located within the city. Cost for trailblazer signs shall be as provided in Section 11.60.100(B) below.

(Ord. 1926 (part), 1987)

11.60.100 Fees and costs.

- A. The applicant shall pay a nonrefundable application fee, as established by the city, sufficient to pay the cost of review of the terminal designation and the review of the route and alternate route.
- B. Upon the approval of the terminal designation and route by the city and by CALTRANS, the applicant shall deposit with the city, sufficient funds as estimated by the city engineer to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the city on the route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as are required are in place. Costs for trailblazer signs may be proportioned in accordance with procedures in Section 11.60.110(C).

(Ord. 1926 (part), 1987)

11.60.110 Retrofitting.

- A. If all feasible routes to a requested terminal are found unsatisfactory by the City Engineer, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant except when retrofitting deficiencies is within the jurisdiction of CALTRANS, the actual construction will be done by the city or by a contractor acceptable to the city.
- B. When the work is to be done by the city, the applicant shall deposit with the city the estimated cost of retrofitting. Adjustment between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as

the case may be. When the work is done by the applicant, the applicant may file with the City Engineer, on a form satisfactory to the City Engineer, a statement detailing the actual costs of the retrofitting.

- C. If at any time within five years from the date of completion of the retrofitting by the applicant, should any applicant seek terminal approval which would use the route upon which such retrofitting was accomplished, any such applicants' fee may include that applicants' proportionate share of the retrofitting, as determined by the City Engineer, which fee shall be disbursed by the city to the applicant who paid for the original retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the applicant's report of costs with the city engineer as described in subsection B of this section.

(Ord. 1926 (part), 1987)

11.60.120 Revocation of route.

The City Engineer may revoke any approved terminal or route if the terminal or route becomes a traffic safety hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or interstate trucks creating unsafe driving conditions for other vehicular traffic or pedestrians.

(Ord. 1926 (part), 1987)

11.60.130 Appeal process.

- A. If the City Engineer denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten working days following the date of the receipt of the decision of the City Engineer may appeal the decision to the city council in writing. An appeal shall be made on a form prescribed by the engineering department and shall be filed with the City Clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the City Engineer or wherein his decision is not supported by the evidence in the record. Within five days of the filing of an appeal, the City Engineer shall transmit to the City Clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the City Engineer, the findings of the City Engineer, and his decision on the application.
- B. The City Clerk shall make copies of the data provided by the City Engineer available to the applicant and to the appellant (if the applicant is not the appellant) for inspection and may give notice to any other interested party who requested notice of the time when the appeal will be considered by the city council.
- C. If CALTRANS and not the city engineer denies or revokes terminal access from federally designated highways, no appeal may be made to the city council, but must be made to CALTRANS as may be permitted by CALTRANS.

(Ord. 1926 (part), 1987)

Chapter 11.64 MOBILITY DEVICES

11.64.010 Prohibitions and restrictions on use of skateboards, roller skates, coasters, scooters and similar toy vehicles.

- A. It is unlawful for any person upon a skateboard, roller skates, a coaster, a scooter or any similar toy vehicle or device to enter and travel upon, along or across any roadway within the city.
- B. Any person upon a skateboard, roller skates, a coaster, a scooter or any similar toy vehicle or device on any sidewalk or right-of-way not open to public vehicular traffic shall exercise due caution and shall yield the right-of-way to and not interfere with pedestrians.

(Ord. 1947 (part), 1988)

11.64.020 Violation—Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction.

(Ord. 1947 (part), 1988)

Chapter 11.70 TAXICABS AND OTHER FOR-HIRE VEHICLES²

11.70.010 Purpose.

The purpose of this chapter is to provide for the regulation of taxicabs and other for-hire vehicles within the city of National City through adoption of San Diego Metropolitan Transit System (MTS) Codified Ordinance No. 11, and to implement the provisions of Public Utilities Code Section 120266 by contract with MTS to license or regulate transportation services with the city of National City.

(Ord. No. 2017-2434, 4-4-2017)

11.70.020 Definitions.

The definitions set forth in Section 1.1 of San Diego Metropolitan Transit System Codified Ordinance No. 11 shall govern this chapter.

(Ord. No. 2017-2434, 4-4-2017)

11.70.030 Regulatory administration by contract with Metropolitan Transit System.

Notwithstanding the city's right to regulate taxicabs and other for-hire vehicles within its jurisdiction, the city council, by resolution currently in effect or as may be adopted from time to time, has authorized a contract with San Diego Metropolitan Transit System ("MTS") for the administration and enforcement by MTS of regulations, policies and ordinances for taxicabs and other for-hire vehicles operated within the city, including collection and administration of all applicable regulatory fees, fines and forfeitures. While that contract is in effect, the applicable regulations, policies and ordinances of MTS, including MTS Codified Ordinance No. 11, as now in effect or as may be amended from time to time, shall govern the operation of taxicabs and other for-hire vehicles within the city. Licensing of a taxicab and other for-hire vehicle or the operator or owner by MTS does not exempt the licensee from city business tax license requirements and payment of fees pursuant to Chapter 6.04. A copy of MTS Codified Ordinance No. 11 is on file in the office of the city clerk.

(Ord. No. 2017-2434, 4-4-2017)

²Editor's note(s)—Ord. No. 2017-2434, adopted April 4, 2017, amended Ch. 11.70 in its entirety, in effect repealing and reenacting said chapter to read as set out herein. The former Ch. 11.70, §§ 11.70.010—11.70.140, pertained to regulation and licensing of transportation services and derived from Ord. 2256 (part), 2004.



AGENDA REPORT

Department: City Attorney's Office
Prepared by: Barry J. Schultz, City Attorney
Meeting Date: Tuesday, April 4, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Consider Authorizing City Attorney to Hire Special Counsel to prepare response regarding 105 Request Primary Voting System

RECOMMENDATION:

Consider authorizing preparation and allocating funds.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On Tuesday, March 7, 2023, City Council Member Jose Rodriguez submitted a City Council Policy 105 Request (Policy 105 Request) to the City Council. The item entitled, "POLICY 105 REQUEST – Request Clarity regarding General Law Cities ability to have a Primary Voting System if Municipalities would choose to do so," was presented for consideration.

City Council voted 3-2 (Ayes: Bush, Rodriguez, Yamane and Nays: Morrison and Molina) providing direction to the City Attorney to return with a report. The item is being presented this evening for consideration of a request for authorization to hire Special Counsel who specializes in Election Law to prepare an opinion regarding the ability for General Law Cities to hold a Primary Election. It is estimated that the cost of preparing the opinion will not exceed approximately \$4,000.00.

FINANCIAL STATEMENT:

Funds are appropriated and available in the City Attorney Professional Services Account.

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:

None