

**Findings of Fact and
Statement of Overriding Considerations**

**Westside Specific Plan
Environmental Impact Report
(SCH #2008071092)**

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Acronyms

DPR	Department of Parks and Recreation
ESA	Environmental Site Assessment
HEPA	high efficiency particulate air
HVAC	heating, ventilation, and air conditioning
ML-PD	Light Manufacturing Planned Development
MLR	Light Manufacturing Residential
MTS	Metropolitan Transit System's
TOD	transit oriented development

Chapter 1

Introduction

This Findings of Fact and Statement of Overriding Considerations document comprises five chapters. Chapter 1, *Introduction*, provides background information as to the purpose of the document. Chapter 2, *Project Description*, provides a description of the proposed project. Chapter 3, *Findings Regarding Significant Environmental Effects*, presents the significant effects associated with the project. Chapter 4, *Project Alternatives*, provides a brief discussion of other alternatives that were evaluated in the environmental impact report (EIR). Finally, Chapter 5, *Statement of Overriding Considerations*, is provided for those adverse effects that cannot be feasibly mitigated or avoided, even with the adopted mitigation measures.

Mitigation measures are referenced in the mitigation monitoring and reporting program (MMRP) adopted concurrently with these findings and will be effectuated through the process of constructing and implementing the project.

Except as otherwise noted, the findings reported in the following pages incorporate the facts and discussions of environmental impacts that are found in the final environmental impact report (final EIR) for the Westside Specific Plan, February 2010, as fully set forth therein. These findings constitute the decision-makers' rationale and support for their decision under the requirements of the California Environmental Quality Act (CEQA).

For each of the significant project or cumulative impacts associated with the project, the following information is provided:

- **Description of Significant Effect**—A specific description of each significant environmental impact identified in the final EIR (e.g. Impact AQ-1a);
- **Proposed Mitigation**—Mitigation measures or actions that are proposed for implementation as part of the project (e.g. MM AQ-1a);
- **Finding**—The findings made are those allowed by Section 21081 of the California Public Resources Code (PRC). For impacts found to be significant, one of three specific findings is made, in accordance with the statement of acceptable findings provided in Section 15091 of the State CEQA Guidelines; and

- **Rationale for Finding**—A summary of the reasons for the decision.

Pursuant to Section 21081.6 of the California PRC and Section 15097 of the State CEQA Guidelines, a MMRP must be adopted to ensure the efficacy of proposed mitigation measures. The MMRP for the Westside Specific Plan is appended to the final EIR, presented for adoption together with these Findings of Fact and Statement of Overriding Considerations.

The Record of Proceedings for the City of National City's decision on the proposed project consists of the following documents, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City of National City;
- A public scoping meeting held on July 30, 2008;
- Comment letters received on the NOP and public scoping meeting included as Appendix A of the draft EIR;
- The draft EIR for the Westside Specific Plan and all technical appendices (November 2009);
- All comments submitted by agencies or members of the public during the 48-day comment period on the draft EIR;
- All comments and correspondence submitted to the City of National City with respect to the project, in addition to timely comments on the draft EIR;
- The final EIR for the Westside Specific Plan, including comments received on the draft EIR, responses to those comments, errata, and technical appendices;
- The MMRP for the project;
- All findings and resolutions adopted by the City in connection with the Westside Specific Plan and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Westside Specific Plan;
- All documents submitted to the City by other public agencies or members of the public in connection with the Westside Specific Plan, up through the completion of the final EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

Overview

The City of National City proposes a General Plan Amendment, Rezone, and Specific Plan to guide the future development of the Westside neighborhood in response to conflicts between the neighborhood's current land uses. Because many of the existing industrial uses are incompatible with the existing residential uses, there has been a growing concern related to air quality emissions, traffic and parking congestion, noise levels, and the release of hazardous materials. In an attempt to minimize these adverse effects as the community grows, the proposed Westside Specific Plan includes strategies for amortizing uses that would no longer be permitted with the proposed land use changes, primarily auto body shops and auto repair shops. Details of the Westside Specific Plan are provided below.

Land Use Plan

One of the primary functions of the proposed project is to change the existing land use designations to focus on the residential character of the community and develop mixed-uses that promote walkability and transit use. The land use and zoning map illustrated in Figure 2-4 of the draft EIR depicts the proposed land uses, with the types and locations of various land uses that would be allowed on site. Lower-density residential uses composed largely of single homes on individual lots would occupy the majority of land in the neighborhood in recognition of historic development patterns and in keeping with goals that reinforce the residential neighborhood character of the Westside. Smaller scale housing would be focused in the central portion of the plan area, and surrounding mixed uses would function as commercial-residential buffers by providing a gradual transition to full commercial or industrial uses outside the plan area, thereby contributing to a pleasant and healthy living environment. In this inner area, building heights reflective of existing one- and two-story homes would help to retain the Westside neighborhood's historic character. In contrast to prior land use policy and zoning, new industrial uses (including auto body repair and auto services) would not be permissible within the residential area (RS-4 zone), and existing industrial uses would be non-conforming uses and subject to Municipal

Code Section 18.108 and 18.108.100 (Substitution of Non-Conforming Uses) unless the use is included in the acceptable, nonimpactive uses listed within the Westside Specific Plan. Table 2-4 below gives the proposed acreage of each land use/zoning district and a 20-year new development projection achieving 75% of the maximum buildout. The Westside Specific Plan uses a 75% buildout calculation based on historic and projected growth rates for National City.

Table 2-4. Acreage by Land Use/Zoning Districts and 20-Year New Development (Projected)

Land Use	20-Year New Development with 75% Buildout (Projected)			
	Acres within Project Site	Residential (dwelling units)	Retail (square feet)	Office (square feet)
Single-Family Residential	19	204	N/A	N/A
Mixed-Use Commercial- Residential (MCR-1)	26	704	140,659	281,318
Mixed-Use Commercial- Residential (Smart Growth Center) (MCR-2)	23	938	375,442	375,443
Limited Commercial	23	N/A	376,086	752,171
Civic Institutional	4	N/A	N/A	N/A
Open Space Reserve	5	N/A	N/A	N/A
TOTAL	100	1,846	892,187	1,408,932

Zoning Districts

Figure 2-4 of the draft EIR also depicts the zoning districts regulating land use and development within the plan area. Three new zones are proposed in the Westside Specific Plan:

- Residential Single Family-4 (RS-4)
- Multi-Use Commercial-Residential (MCR-1)
- Multi-Use Commercial-Residential (Smart Growth Center) (MCR-2)

The Westside Specific Plan would also utilize three citywide zoning districts established in the City's Land Use Code:

- Limited Commercial (CL)
- Civic Institutional (IC)
- Open Space Reserve (OSR)

Use regulations and development standards for the proposed and citywide zones are discussed in Section 3.7, “Land Use and Planning,” of the draft EIR. Descriptions of the purpose and intent of the proposed and citywide zones for the Specific Plan Area are provided below.

Single-Family Residential Zone

The proposed project would potentially develop up to 204 new single-family homes that would contribute an additional estimated population of 6,384 residents by 2030. This component would be included in the new single-family zoning designation, Residential Single-Family-4 (RS-4), which would permit lot sizes at a minimum of 2,500 square feet with a 35-foot height limitation. Similar to the existing development pattern within the Westside neighborhood, housing would be oriented to the street. In addition, building setbacks and the shape and form of new development would reflect existing residential development patterns in the plan area.

Mixed-Use Commercial-Residential Zones

The Westside Specific Plan proposes two types of mixed-use commercial residential zones: MCR-1 and MCR-2 (Smart-Growth Center). These zones would be applied generally to areas bordering the RS-4 residential zone, to allow for transitions to downtown and commercial areas, and would facilitate a neighborhood retail and service district focused around Civic Center Drive. Building heights would be limited to three stories for the MCR-1 zone, and five stories for the MCR-2 zone. A mix of residential, commercial, and office uses would be allowed within these zones; however, mixed uses would not be required within individual buildings and/or projects, with the exception of the blocks fronting Civic Center Drive where retail and neighborhood services would be required on the ground floor, and offices and/or housing would be required on the upper floors.

Transit Oriented Development (TOD)

The Westside Specific Plan also explores the effects of redeveloping the Public Works yard and surrounding area into a transit-oriented infill affordable housing project. The goals for this transit oriented development (TOD) are to (1) transform the proposed property into affordable housing with linkages to the 24th Street Metropolitan Transit System Trolley Station; (2) enhance Paradise Creek and ensure the expansion of the Paradise Creek Education Park; and (3) prepare and provide facilities and ongoing program management for an “incubator” that would provide training and services that assist project tenants in more effectively pursuing home ownership and higher paying jobs. The 14-acre TOD area would be located

within the MCR-2 zone. The zone allows residential uses at a maximum density of 45 dwelling units per net acre and would seek to achieve a minimum of 30 employees per acre. At maximum buildout, the area would support 360 dwelling units, 295,000 to 450,000 gross square feet of office space, and 45,000 to 65,000 gross square feet of retail space (not including existing development). The project-specific development may include an adult educational center within the TOD area and relocation of the public works yard.

Limited Commercial Zone

As defined in the City's General Plan, the Limited Commercial Zone (CL) provides for small-scale, limited convenience retail shopping at the neighborhood level. This designation also provides for compatible residential development, limited to no more than 1 unit per 1,900 square feet of lot area. This zone is included in the Westside Specific Plan to provide an area of office and commercial space designed to buffer the residential uses from the freeway.

Civic Institutional Zone

The Civic Institutional Zone (IC) designates property accommodating public facilities such as schools, parks, and municipal buildings such as the community center. The Westside Specific Plan includes this zone to recognize and accommodate the assembly of nonprofit quasi-public and private facilities into efficient, functionally compatible, and attractively planned administrative centers, medical and retirement centers, cultural centers, educational institutions, multi-family housing, and similar uses.

Open Space Reserve

The Open Space Reserve (OSR) is intended primarily to preserve open space wetland areas and allows passive use of the land for nature study, trails, and picnicking purposes, as well as active recreation. The Westside Specific Plan includes this zone to help preserve Paradise Creek, located in the southeastern portion of the plan area, and to enhance the Paradise Creek Educational Park. Additionally, areas may be designated as OSR as part of the TOD development around the park or as park sites are identified or become available.

The existing Public Works Yard currently zoned in the OSR zone would be converted to MCR-2 as described under the Transit Oriented Development subheading above.

Floodway Overlay

The National City General Plan and Land Use Code establish the Floodway Overlay to avoid creation of new or increased flooding risks associated with Paradise Creek (Figure 2-4 of the draft EIR). Per these regulations, proposed development cannot be approved without demonstration that the new buildings will neither be subject to flooding nor create new flooding hazards.

Additional Plan Components

Paradise Creek Educational Park

Paradise Creek, located in the southeastern portion of the plan area, is recognized as a valuable wetland resource and would be preserved within an open space easement. The creek serves as a valuable resource from water quality, wildlife habitat, and aesthetic perspectives. The Westside Specific Plan encourages expanding Paradise Creek Educational Park with additional public amenities such as trails, benches, and both passive and active recreational uses, and restoring native vegetation.

Circulation and Parking

The circulation and parking plan for the Westside neighborhood would build on the established street grid, freeway access, and transit facilities of the area. The existing street grid of the neighborhood is ideal for safe walking due to small block size, multiple routes to single locations, and legibility from the regular north-south and east-west orientation of intersecting streets. Section 3.1, “Traffic, Circulation, and Parking,” details the circulation and parking upgrades that would be required for the proposed project.

Community Corridors

To encourage multi-modal transit, bikeways would be constructed as part of development, with improvements to roadways designated as Community Corridors, and/or with Capital Improvement Projects. Streetscape improvements would include decorative lighting, benches, enhanced crosswalks, and traffic calming amenities to encourage walking within the community to the transit station, parks, school, library, and downtown.

Infrastructure and Public Services

The Westside Specific Plan would coordinate infrastructure and public service planning with the proposed land use changes in the Westside neighborhood to ensure there is adequate capacity to meet the demands of planned development. An initial assessment of water, sewer, and stormwater infrastructure was completed as part of the proposed project. Availability of public services such as schools and fire and police services was also examined. Results from these assessments are clearly defined in Section 3.10, “Utilities and Public Services,” of the draft EIR.

Required Approvals

Project approval will require the following actions by the City of National City:

- Approval of a General Plan Amendment
- Approval to rezone from Light Manufacturing Residential (ML-R) to the Residential Single-Family Zone (RS-4)
- Approval to adopt the Mixed Use Commercial-Residential (MCR-1) zone designation and rezone from ML-R to MCR-1
- Approval to adopt the Mixed Use Commercial-Residential (Smart Growth Center) (MCR-2) zone designation and rezone from ML-R to MCR-1
- Approval to rezone from ML-R to the Limited Commercial (CL) zone along the major roadways
- Approval to rezone from ML-R to the Open Space Reserve (OSR) zone near Paradise Creek
- Approval to rezone from ML-R to the Civic Institutional (IC) zone to preserve the existing Kimball School
- Approval of West Avenue Closure between W 16th Street and W 18th Street
- Approval of the Westside Specific Plan

Chapter 3

Findings Regarding Significant Environmental Effects

Overview

The final EIR identified several significant environmental effects that could indirectly result from the implementation of the Westside Specific Plan. Indirect and cumulative significant unavoidable adverse impacts would occur in the following resource areas:

- Air Quality (Indirect and Cumulative);
- Noise (Indirect and Cumulative); and
- Traffic and Circulation (Cumulative only).

Indirect impacts in the following resource areas can be reduced to less-than-significant levels through the implementation of feasible mitigation measures:

- Biological Resources;
- Cultural Resources; and
- Hazards and Hazardous Materials.

Implementation of the project would have less-than-significant impacts or no impacts on the following resources (without mitigation):

- Aesthetics;
- Agriculture;
- Geology and Soils;
- Land Use and Planning;
- Mineral Resources;
- Population and Housing;
- Recreation;

- Utilities and Public Services; and
- Water Quality and Hydrology.

These impacts are outweighed by overriding considerations, as set forth in Chapter 5, below.

Findings on Significant Environmental Effects

Air Quality

For a full discussion of air quality impacts, see Chapter 3.2 of the Westside Specific Plan Draft EIR and any revisions contained in Chapter 3 of the final EIR.

Impact AQ-1a: Construction Impacts

Despite the potential variability in construction emissions and schedules, there are a number of feasible control measures that can be reasonably implemented to reduce ozone and PM₁₀/PM_{2.5} emissions during construction; these measures are summarized in Mitigation Measure MM AQ-1a. However, given the lack of specifics regarding construction activities, construction-related emissions related to **Impact AQ-1a** would be significant and mitigation is required.

Proposed Mitigation

MM AQ-1a: Fugitive Dust and Exhaust Control Measures. The SDAPCD has recently adopted a rule (Rule 55) that requires fugitive dust control measures for construction and demolition projects. Future development proposed within the Westside neighborhood shall be required to employ fugitive dust control measures to reduce the amount of fugitive dust. The selection of specific measures is left to the discretion of the project operator. Additional measures to reduce NO_x and ROG emissions may be needed if construction-related emissions exceed the screening level emission thresholds (Table 3.2-9). For any future development, the applicant shall employ measures that may include, but are not limited to, the following:

- Inactive Construction Areas. Apply non-toxic soil stabilizers according to manufacturers' specification to all inactive construction areas.
- Exposed Stockpiles. Enclose, cover, water twice daily, or apply non-toxic soil binders according to manufacturers' specification to exposed piles.
- Active Site Areas. Water active site areas twice daily.

- Hauling. Cover all haul trucks hauling dirt, sand, soil, or other loose materials or maintain two feet of freeboard.
- Adjacent Roadways. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the project site.
- Adjacent Roadways. Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.
- Unpaved Roads and Parking/Staging Areas. Apply water three times daily or non-toxic soil stabilizers according to manufacturers' specification to all unpaved roads and parking or staging areas.
- Speed Limit. Limit traffic speeds on unpaved areas to 10 miles per hour.
- Disturbed Areas. When active construction ceases on the site, replace ground cover as quickly as possible.
- Equipment maintenance. Install emission controls (cooled exhaust recirculation, lean-NO_x catalysts), tune equipment and reduce idling time.
- Equipment age. Require models newer than 1996.
- Coatings. Use VOC-free or low-VOC coatings, limit the amount of coating and paints applied daily, or rent or purchase VOC Emission Reduction Credits.

Finding

The City Council of the City of National City hereby finds that:

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

The mitigation measures shown in **MM AQ-1a** are required for any construction activity. However, given the lack of specifics regarding future construction

activities, construction-related emissions related to **Impact AQ-1a** would potentially remain significant and unavoidable. Additionally, mitigation may be required at the project level, but without having specific construction information (i.e. location, equipment, project design, etc), specific mitigation cannot be applied. For this reason, impacts related to ozone and PM10/PM2.5 during construction would be significant.

Impact AQ-1b: Operational Impacts

Implementation of the proposed project would result in emissions that exceed the level of significance for criteria pollutants with which San Diego County is currently in non-attainment status (ROG, PM10, and PM2.5). The project would increase the density of development, replacing incompatible commercial and industrial land uses with a more dense and compatible mix of retail, office, and residential land uses. The amount of residents within the plan area is expected to increase from 1,457 to 6,384 assuming 75% buildout in 2030. This would add a considerable amount of vehicle trips and miles traveled to the project area. Increased residents would also lead to an increase in emissions from area sources, as a result of fossil fuel combustion for heating and cooking, consumer products, architectural coatings, and landscape fuel combustion.

Proposed Mitigation

MM AQ-1b: Mitigation Measures to Reduce Project Operational Emissions. Operational emissions could be reduced by incorporating various mitigation measures. For any future development, the applicant shall employ the following mitigation measures to reduce operational emissions:

- Increased Energy Efficiency (20%) beyond Title 24.
- Use of electric landscaping equipment with access to outside electrical outlets (20% of total landscaping equipment)
- Use of low- or no-ROG/VOC paints (a minimum of 40% below typical paints).

Finding

The City Council of the City of National City hereby finds that:

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such

changes have been adopted by such other agency or can and should be adopted by such other agency.

- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

The project would increase the density of development, replacing incompatible commercial and industrial land uses with a more dense and compatible mix of retail, office, and residential land uses. However, the potential growth associated with the proposed Westside Specific Plan would result in greater vehicular trips and vehicle miles traveled (VMTs) and would result in greater use of fossil fuel combustion for heating and cooking, consumer products, architectural coatings, and landscape fuel combustion. While specific development projects proposed at some future date may identify additional mitigation measures to reduce potentially significant impacts, at the plan level, mitigation measures consist of improving energy efficiency beyond Title 24, reducing fuel use for landscaping, and using less-polluting building exterior and interior paints. However, project-generated vehicular trips and VMTs, while arguably fewer than under traditional development patterns, would still increase indirectly over the baseline condition. No feasible mitigation, beyond the objectives of the Westside Specific Plan, is available to significantly reduce air emissions from an increase in vehicular trips and VMTs. With implementation of mitigation measure **MM-AQ-1b**, operational-related impacts related to **Impact AQ-1b** would be reduced but would remain significant and unavoidable.

Impact AQ-2: Increase in Criteria Pollutants

Buildout of the proposed project would result in a net increase in emissions of criteria pollutants that the San Diego Air Basin is currently in nonattainment or maintenance status. The net changes in the emissions from project buildout would exceed project-level emission thresholds established by the SDAPCD for ROG, CO, PM10, and PM2.5. The project would intensify development which will increase vehicle trips and energy consumption within the plan area. Therefore, both area and mobile source emissions would increase.

Proposed Mitigation

MM AQ-1a: Fugitive Dust and Exhaust Control Measures.

MM AQ-1b: Mitigation Measures to Reduce Project Operational Emissions.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

The project would intensify development, which would increase vehicle trips and energy consumption within the plan area. Therefore, both area and mobile source emissions would increase. Mitigation would be applied to reduce ROG, CO, PM10, and PM2.5. However, because the plan would anticipate a population increase from 1,457 to 6,384 and an accompanying increase in vehicle trips and VMTs, even with implementation of **MM AQ-1a** and **MM AQ-1b**, long-term impacts related to **Impact AQ-2** would be significant and unavoidable.

Impact AQ-3: Heath Risk from Proximity to I-5

Residents within the Westside area would have a risk of approximately 188 per 1 million as that level of risk corresponding to the highest predicted risk at 400 feet from the edge of the nearest travel lane to the nearest receptor for the highest peak traffic volume (i.e., 16,000 vehicle per hour) considered downwind (east) of I-5. This highest risk of 188 per 1 million represents a significant health risk impact when compared to the SDAPCD threshold of 10 per 1 million.

Given the lack of specifics in terms of future development within the plan area, it is impossible to perform a site-specific analysis at this point. Future projects within the plan area would be required to perform an analysis to determine the health risk associated with placing sensitive receptors near the freeway. Thus, the proposed project would be required to perform a screening-level health risk analysis. If it was determined that potential exists to exceed the 10 in 1 million threshold, then a site-specific HRA would be required.

Proposed Mitigation

MM AQ-3: Building Design Measures to Reduce Exposure of Residents to Pollutant Emissions. Mitigation measures to reduce pollutant emissions for any proposed new development in close proximity (i.e., within 500 feet) of I-5 shall include:

- providing the facility with individual heating, ventilation, and air conditioning (HVAC) systems in order to allow adequate ventilation with windows closed;
- locating air intake systems for HVAC systems as far away from the existing air pollution sources as possible;
- using high efficiency particulate air (HEPA) air filters in the HVAC system and developing a maintenance plan to ensure the filtering system is properly maintained; and
- utilizing only fixed windows next to any existing sources of pollution;
- explore the use of vegetated berms and walls along I-5 to help reduce residential land use exposure to emissions from I-5. Consult with Caltrans to determine the feasibility of installing vegetated berms/walls.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

Implementation of the above mitigation measures for each future development projects within the plan area would help to reduce the health risk associated with proximity to the roadway. However, the screening level analysis shows that the potential exists for a significant impact due to proximity to I-5. Given the lack of

specifics in terms of future development within the plan area, it is impossible to perform a site-specific analysis at this point. Future projects within the plan area would be required to perform an analysis to determine the health risk associated with placing sensitive receptors near the freeway. Mitigation measure **MM AQ-3** would substantially reduce the health risk to sensitive receptors, but without specific project level information, the analysis cannot determine if it would be below the SDAPCD threshold. Therefore, **Impact AQ-3** is considered to be significant and unavoidable.

Impact AQ-4: Greenhouse Gas Emissions

Implementation of the proposed project would result in a net increase in local GHG emissions from within the Westside area over existing conditions as more residents and commercial and office space would result in more vehicle trips and energy consumption within the plan area. Assuming 75% buildout in 2030, the proposed project would result in approximate 115,760 metric tons of CO₂e per year. This would represent an approximately 49,718 metric ton per year increase over Business As Usual (BAU) conditions. This would result in a significant impact and mitigation measure MM AQ-4 is required.

Proposed Mitigation

MM AQ-4: Project Design Features to Reduce Project Contribution to Climate Change. There are a number of project design features that could be included in the proposed project that will help to reduce future GHG emissions. Below is a list of potential design features that should be incorporated, as feasible, into future projects to ensure consistency with adopted State-wide plans and programs. The measures outlined below are not meant to be exhaustive, but are meant to provide a sample list of measures that could be incorporated into future project design.

Energy Efficiency

- Design buildings to be energy efficient.
- Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight.
- Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use.
- Install light colored “cool” roofs and cool pavements.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.

-
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.
 - Limit the hours of operation of outdoor lighting.
 - Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.

Renewable Energy

- Install solar or wind power systems and solar hot water heaters. Educate consumers about existing incentives.
- Install solar panels on carports and over parking areas.
- Use combined heat and power in appropriate applications.

Water Conservation and Efficiency

- Create water-efficient landscapes in accordance with City Land Use Code Chapter 18.54.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- When available, use reclaimed water for landscape irrigation in new developments and on public property.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Use of graywater (or untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines). For example, install dual plumbing in all new development allowing graywater to be used for landscape irrigation.
- Restrict watering methods (*e.g.*, prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site).
- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.
- Provide education about water conservation and available programs and incentives.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) in accordance with City Municipal Code 15.80.
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles in accordance with City Municipal Code 11.34.

City Strategies: Implementation of the Westside Specific Plan and through the General Plan update, the city may do the following:

- Incorporate low or zero-emission vehicles, including construction vehicles.
- Promote ride sharing programs *e.g.*, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.
- Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (*e.g.*, electric vehicle charging facilities and conveniently located alternative fueling stations).
- Increase the cost of driving and parking private vehicles by, *e.g.*, imposing tolls and parking fees.
- Institute a low-carbon fuel vehicle incentive program.
- Work with MTS or other transit agency to provide shuttle service to public transit.
- Work with MTS or other transit agency to provide public transit incentives such as free or low-cost monthly transit passes.
- Partner with SANDAG to promote “least polluting” ways to connect people and goods to their destinations.
- Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.
- Incorporate bicycle-friendly intersections into street design.
- Work with new commercial and multi-family projects; provide adequate bicycle parking near building entrances to promote cyclist safety, security,

and convenience. For large employers, provide facilities that encourage bicycle commuting, including, *e.g.*, locked bicycle storage or covered or indoor bicycle parking.

- Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.
- Work with the school district to restore or expand school bus services.
- Encourage businesses to telecommute and/or offer flexible work hours program, provide information, training, and incentives to encourage participation, and provide incentives for equipment purchases to allow high-quality teleconferences.
- Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.

Further, the Attorney General's Office has identified a non-exhaustive list of measures to reduce GHG emissions at the general plan level. Through the development of the General Plan update, the City may include such measures that would be utilized in the Westside area that would include, but are not limited to, the following:

- Work with new development applicants to use a higher level of efficiency through design.
- Require that all new government buildings, and all major renovations and additions, meet identified green building standards.
- Ensure availability of funds to support enforcement of code and permitting requirements.
- Adopt a "Green Building Program" to require or encourage green building practices and materials. The program could be implemented through, *e.g.*, a set of green building ordinances.
- Require orientation of buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Building orientation, wiring, and plumbing should optimize and facilitate opportunities for on-site solar generation and heating.
- Provide permitting-related and other incentives for energy efficient building projects, *e.g.*, by giving green projects priority in plan review, processing and field inspection services.
- Conduct energy efficiency audits of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization. Offer financial incentives for adoption of identified efficiency measures.

- Partner with community services agencies to fund energy efficiency projects, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization, for low income residents.
- Target local funds, including redevelopment and Community Development Block Grant resources, to assist affordable housing developers in incorporating energy efficient designs and features.
- Provide innovative, low-interest financing for energy efficiency and alternative energy projects. For example, allow property owners to pay for energy efficiency improvements and solar system installation through long-term assessments on individual property tax bills.
- Fund incentives to encourage the use of energy efficient vehicles, equipment and lighting. Provide financial incentives for adoption of identified efficiency measures.
- Require environmentally responsible government purchasing. Require or give preference to products that reduce or eliminate indirect greenhouse gas emissions, *e.g.*, by giving preference to recycled products over those made from virgin materials.
- Require that government contractors take action to minimize greenhouse gas emissions, *e.g.*, by using low or zero-emission vehicles and equipment.
- Adopt a “heat island” mitigation plan that requires cool roofs, cool pavements, and strategically placed shade trees. (Darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas.) Adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building requirements for cool roofs on non-residential buildings.
- Adopt a comprehensive water conservation strategy. The strategy may include, but not be limited to, imposing restrictions on the time of watering, requiring water-efficient irrigation equipment, and requiring new construction to offset demand so that there is no net increase in water use. Include enforcement strategies, such as citations for wasting water.
- Encourage Sweetwater Authority to adopt water conservation pricing, *e.g.*, tiered rate structures, to encourage efficient water use.
- Ensure compliance with the City’s adopted water-efficient landscape ordinance, Chapter 18.54 of the Land Use Code.
- Strengthen local building codes for new construction and implement a program to renovate existing buildings to require a higher level of water efficiency.
- Adopt ordinances requiring energy and water efficiency upgrades as a condition of issuing permits for renovations or additions, and on the sale of residences and buildings.

- Work with Sweetwater Authority to continue to provide individualized water audits to identify conservation opportunities. Provide financial incentives for adopting identified efficiency measures.
- Work with Sweetwater Authority to provide water audits for large landscape accounts. Provide financial incentives for efficient irrigation controls and other efficiency measures.
- Encourage water efficiency training and certification for irrigation designers and installers, and property managers.
- Implement or expand city recycling and composting programs for residents and businesses. Require commercial and industrial recycling.
- Work with the trash collector (EDCO) to extend the types of recycling services offered (*e.g.*, to include food and green waste recycling).
- Implement Community Choice Aggregation (CCA) for renewable electricity generation. (CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.)
- Preserve existing conservation areas (*e.g.*, forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Establish a mitigation program for development of conservation areas. Impose mitigation fees on development of such lands and use funds generated to protect existing, or create replacement, conservation areas.
- Provide public education and information about options for reducing greenhouse gas emissions through responsible purchasing, conservation, and recycling.

In addition, it is recommended that the City develop a Climate Action Plan or Policy. A Climate Action Plan or Policy includes a comprehensive climate change action plan that includes: a baseline inventory of greenhouse gas emissions from all sources; greenhouse gas emissions reduction targets and deadlines; and enforceable greenhouse gas emissions reduction measures.

Adoption of the measures cited above when fully incorporated into the Westside Specific Plan area will lessen GHG emissions from within the project area and potentially achieve a reduction target of 29% below BAU, as stated in AB32. Of particular efficacy, the requirements for energy-efficient buildings are likely to be the largest source of GHG emissions reductions of all the measures described above. It is also important to note that future state actions taken pursuant to AB 32 including requirements for lower carbon-content in motor vehicle fuels, improved vehicle mileage standards (provided California is not barred due to federal action), and an increased share of renewable energy in electricity

generation will also serve, in time, to further reduce GHG emissions related to this project.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

As future development projects are proposed, the Westside Specific Plan would require new development to implement measures listed in **MM AQ-4** to reduce GHG emissions from individual projects. As future projects implement these measures, overall GHG emissions through the life of the plan would be cut by a substantial amount. Project-related impacts related to **Impact AQ-4** would be less than significant.

Cumulative Impact AQ-2: Cumulative Increase in Criteria Pollutants

Buildout of the proposed project would result in a cumulatively considerable net increase in emissions of criteria pollutants ROG, CO, PM10, and PM2.5 for which the SDAB is currently in nonattainment or maintenance

Proposed Mitigation

MM AQ-1a: Fugitive Dust and Exhaust Control Measures.

MM AQ-1b: Mitigation Measures to Reduce Project Operational Emissions.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

The project would intensify development, which would increase vehicle trips and energy consumption within the plan area. Therefore, both area and mobile source emissions would increase. Mitigation would be applied to reduce ROG, CO, PM10, and PM2.5. However, because the plan would anticipate a population increase from 1,457 to 6,384 and an accompanying increase in vehicle trips and VMTs, even with implementation of **MM AQ-1a** and **MM AQ-1b**, long-term impacts related to **Cumulative Impact AQ-2** would be significant and unavoidable. No other feasible mitigation has been identified to reduce emissions from these sources.

Cumulative Impact AQ-4: Cumulative Greenhouse Gas Emissions

Implementation of the proposed project would result in a net increase in local GHG emissions from within the Westside area over existing conditions, as more residents and commercial and office space would result in more vehicle trips and energy consumption within the plan area. Assuming 75% buildout in 2030, the proposed project would result in approximate 115,760 metric tons of CO₂e per year. This would represent an approximately 49,718 metric ton per year increase over Business As Usual (BAU) conditions. This would result in a significant impact and mitigation measure MM AQ-3 is required. The proposed project would contribute 43,242 metric tons of CO₂e per year at buildout. While mitigation is proposed to reduce the GHG emissions within the Westside Specific Plan area, the project's overall contribution to this cumulative impact would be cumulatively considerable and significant.

Proposed Mitigation

MM AQ-4: Project Design Features to Reduce Project Contribution to Climate Change.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

As future development projects are proposed, the Westside Specific Plan would require new development to implement measures listed in **MM AQ-4** to reduce GHG emissions from individual projects. As future projects implement these measures, overall GHG emissions through the life of the plan will be cut by a substantial amount. However, even with the project's reduced GHG emissions, when combined with the cumulative GHG emissions in the region and ultimately at the global level, the project's contribution would be considered cumulatively considerable and significant. Project-related impacts related to **Cumulative Impact AQ-4** would remain significant and unavoidable.

Noise

For a full discussion of noise impacts, see Chapter 3.3 of the Westside Specific Plan Draft EIR and any revisions contained in Chapter 3 of the final EIR.

Impact NOI-1: Exceed a Noise Standard and Result in a Substantial Temporary Increase in Noise Levels (Construction)

The proposed project would not directly result in new construction within the plan area. However, construction associated with future projects proposed under the project would create noise from activities such as ground clearing, grading, hauling materials to the site, constructing foundations and structures, and finishing work. The magnitude of the increases would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening terrain or other structures), and the distance between the noise source and receiver.

Noise levels of this magnitude would be temporary in nature and would cease once construction was completed. The City's noise ordinance exempts construction activities from the noise standard (providing that such activities take place between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday) but limits construction noise to no more than 75 dBA at type 1 residential properties and 85 dBA at type 2 residential/commercial properties. Construction noise dependent on location from the closest sensitive receptor could exceed these noise levels and would require mitigation measures to reduce noise levels to the greatest extent practicable (mitigation measures are presented below). However, even with the inclusion of mitigation measures, construction noise could still exceed the City's construction thresholds.

Individual projects could occur as an indirect result of the proposed project within the plan area, which in some cases may require demolition or construction of new structures that would potentially result in a temporary increase in noise levels. Dependent on location, projects could exceed the City's noise thresholds presented in the City's Municipal Code Chapter 12.10.160 and would require mitigation measures to reduce noise levels to the greatest extent practicable. However, even with the inclusion of mitigation measures, construction noise could still exceed the City's noise ordinance. Therefore, impacts are considered potentially significant and unavoidable.

Proposed Mitigation

MM NOI-1: Implement Construction Noise Reduction Measures. Mitigation measures MM NOI-1.1 through MM NOI-1.8 shall be implemented as applicable to future projects proposed within the Westside Specific Plan area.

MM NOI-1.1: Equipment Sound Attenuation. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification.

Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.

MM NOI-1.2. Use of Electrical Equipment. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.

MM NOI-1.3. Distance from Sensitive Receptors. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

MM NOI-1.4. Construction Traffic Speeds. Construction site and access road speed limits shall be established and enforced during the construction period.

MM NOI-1.5. Hours of Construction. Construction operations shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Friday, or at any time on weekends or holidays. The hours of construction, including noisy maintenance activities and all spoils and material transport, shall be restricted to the periods and days permitted by the local noise or other applicable ordinance. Noise-producing construction activity shall comply with, or in special circumstances obtain exemptions from, local noise control regulations affecting construction activity.

MM NOI-1.6. Use of Noise-Producing Signals. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.

MM NOI-1.7. Use of Public Address or Music Systems. No project-related public address or music system shall be audible at any adjacent sensitive receptor.

MM NOI-1.8. Noise Complaint Process. The onsite construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**

- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

Construction noise dependent on location from the closest sensitive receptor could exceed these noise levels and would require mitigation measures to reduce noise levels to the greatest extent practicable. However, even with the inclusion of mitigation measures **MM NOI-1.1** through **MM NOI-1.8**, construction noise could still exceed the City's construction thresholds. Therefore, **Impact NOI-1** would be considered significant and unavoidable.

Impact NOI-2: Exceed a Noise Standard (Operation)

Rail noise was calculated using the FTA's Rail Noise Model using existing schedules for the San Diego Metropolitan Transit System's (MTS) Blue line Trolley schedule (San Diego MTS 2007). Based on this modeling, new residential developments within approximately 150 feet of the rail line experience an exterior noise level of 55 dBA L_{eq} or higher. This noise level would exceed the City's thresholds for exterior noise levels. Therefore, impacts would be potentially significant and unavoidable, and mitigation measures would have to be included to reduce noise levels at sensitive receptors.

Proposed Mitigation

MM NOI-2: Trolley Line Noise Study. Prior to approval of final site design, any project located within 300 feet of or with direct line of sight to the existing MTS Trolley Line shall perform a noise study conducted by a qualified noise consultant to determine potential impacts on noise-sensitive land uses.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

While **MM NOI-2** would require the preparation of a noise study if a project is within 150 feet of the rail line, there is no assurance that feasible mitigation will be identified at the project level. Therefore, **Impact NOI-2** would remain significant and unavoidable.

Impact NOI-3: Excessive Groundborne Vibrations or Groundborne Noise

Individual projects could occur as an indirect result of the proposed project within the plan area, which in some cases may require demolition or construction of new structures that would potentially result in a temporary increase in vibration and noise levels. The City's Municipal Code Title 12 Chapter 12.10.180 sets vibration thresholds that could be exceeded as a result of future construction or future projects.

Proposed Mitigation

MM NOI-3: Vibration Study. Prior to approval of final site design, any project proponent that would propose driving pilings or performing an action that could cause substantial vibrations shall perform a vibration study conducted by a qualified vibration consultant to determine potential impacts on surrounding vibration-sensitive land uses and identify mitigation measures as appropriate.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

While **MM NOI-3** would require the preparation of a vibration study if a project proposes construction with substantial vibration, there is no assurance that feasible mitigation will be identified at the project level. Therefore, **Impact NOI-3** would remain significant and unavoidable.

Impact NOI-4: Permanent Increase in Ambient Noise

The proposed project would result in an increase to the future 65 dBA CNEL contour on the local roadway network. Although future project design would ensure interior noise levels do not exceed interior noise standards, portions of sites that abut major roadways would experience significant noise at locations adjacent to major streets. For projects that may experience substantial noise where the project abuts streets, mitigation may be proposed at the project level. However, at the program level, no mitigation is feasible. With the proposed project, traffic noise would result in a substantial permanent increase in ambient noise levels within the project vicinity and this increase would be significant.

Proposed Mitigation

MM NOI-4: Traffic Noise Study. For noise sensitive projects within 100 feet of the centerline of Civic Center Drive and Wilson Drive, within 150 feet of the centerline of Plaza Boulevard, within 250 feet of the centerline of National City Boulevard, within 350 feet of Mile of Cars Way/24th Street, or within 1,200 feet of Interstate 5, a noise study shall be prepared to determine the estimated noise levels on-site and to identify any feasible project-level mitigation measures to reduce noise impacts to a level less than significant.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

While **MM NOI-4** would require the preparation of a traffic noise study if a project is within a certain distance from a major roadway, there is no assurance that feasible mitigation will be identified at the project level. Therefore, **Impact NOI-4** would remain significant and unavoidable.

Cumulative Impact NOI-1: Cumulative Construction Noise

Construction of other related projects concurrently with nearby development projects could cumulatively increase noise levels and adversely affect nearby noise-sensitive uses. The proposed projects contribution to cumulative noise impacts would be significant.

Proposed Mitigation

MM NOI-1: Implement Construction Noise Reduction Measures.

MM NOI-3: Vibration Study.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

While **MM NOI-1** would require several noise attenuation measures to reduce construction noise and **MM NOI-3** would require the preparation of a vibration study if a project is proposing pile driving or other actions that would cause strong vibrations, there is no assurance that **MM NOI-1** would reduce all construction noise to less than significant or that **MM NOI-3** would reduce vibration noise to less than significant. Consequently, when construction projects within the Westside Specific Plan are combined with cumulative projects in the area, a cumulatively considerable impact could occur. Therefore, **Cumulative Impact NOI-1** would remain significant and unavoidable.

Traffic and Circulation

For a full discussion of traffic impacts, see Chapter 3.1 of the Westside Specific Plan Draft EIR and any revisions contained in Chapter 3 of the final EIR.

Cumulative Impact TR-1: I-5 Freeway Segments

A Freeway Mainline Analysis was conducted to determine if the proposed project would contribute to a cumulatively considerable impact on I-5. Table 3.1-15 in Section 3.1 of the draft EIR contrasts the freeway segment delays in 2030 without and with the project. The analysis determined that the project would contribute to a significant cumulative impact at the following segments:

- **I-5 north of Civic Center Drive** (LOS F(2) during the AM peak hour and E during the PM peak hour in the northbound direction and LOS F(3) in the southbound direction during the PM peak hour).

- **I-5 between Civic Center Drive and 24th Street** (LOS F(0) northbound direction during the AM peak hour and LOS F(1) in the southbound direction during the PM peak hour).
- **I-5 between 24th Street and SR 54** (LOS F(0) northbound direction during the AM peak hour and LOS F(1) in the southbound direction during the PM peak hour).

Proposed Mitigation

No feasible mitigation was identified during the environmental analysis or in subsequent comments on the draft EIR.

Finding

The City Council of the City of National City hereby finds that:

- () Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (X) **Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.**

Rationale for Finding

No feasible mitigation is available for the I-5 freeway cumulative impacts North of Civic Center Drive, Civic Center Drive to 24th Street, and 24th Street to SR-54. Caltrans does not have an existing impact fee program to mitigate cumulative impacts along the I-5 South Corridor. The City is planning to participate in a multi-jurisdictional effort to identify options to address this cumulative impact. However, without an existing work plan in place and a corresponding impact fee program, fair share mitigation is not a feasible mitigation measure at this time. The project's incremental contribution (**Cumulative Impact TR-1**) would be cumulatively significant and unavoidable.

Biological Resources

For a full discussion of biological impacts, see Chapter 3.5 of the Westside Specific Plan Draft EIR and any revisions contained in Chapter 3 of the final EIR.

Impact BIO-1: Special-Status Species

Although no special-status species were observed during the wetland delineation and habitat assessment, potentially suitable riparian habitat is present within the plan area for the following special-status species: Belding's savannah sparrow, light-footed clapper rail, California least tern (foraging), and salt marsh bird's beak.

Proposed Mitigation

MM BIO-1: Focused Surveys. Prior to the issuance of any grading, building, or other construction permit within the proposed plan area, a habitat assessment shall be conducted for the parcel to determine whether the potential exists for special-status species to occur. If the habitat assessment identifies potentially suitable habitat for special-status species, a focused survey shall be conducted by a qualified biologist to determine whether special-status species occur within the plan area. If no species are observed or detected during focused surveys, additional mitigation shall not be required. However, if special-status species are observed/detected, project-specific mitigation measures shall be formulated and required to mitigate impacts on special-status species to below a level of significance. Coordination/consultation with the USFWS under ESA and the CDFG under CESA shall be required for any proposed impacts on federally listed and/or state listed species, respectively.

MM BIO-3: Resource Agency Permits/Approvals. If restoration/revegetation efforts are proposed that would result in impacts on riparian vegetation, permits/approvals would be required from one or more of the following agencies: USACE, CDFG, and RWQCB. Prior to implementation of individual restoration/revegetation projects, permits/approvals shall be obtained from the resource agencies, or documentation shall be obtained from these agencies indicating that permits/approvals are not required.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Implementation of mitigation measures **MM BIO-1** through **MM BIO-3** would reduce impacts on special-status species to a less-than-significant level by requiring focused surveys to determine the presence of special status species and then by requiring consultation with the wildlife agencies to determine how best to avoid impacts on sensitive species. These measures, combined with the Westside Specific Plan's goal of preserving Paradise Creek, would ensure a significant impact would not occur on special status species (**Impact BIO-1**).

Impact BIO-2: Nesting Bird/Raptor Habitat

The plan area provides suitable nesting habitat for birds and raptors protected under the MBTA. Direct impacts (through loss of habitat) and indirect impacts (through increased noise and dust during construction) on nesting birds/raptors resulting from the implementation of specific development projects within the proposed plan area would be considered significant.

Proposed Mitigation

MM BIO-2: Preconstruction Nesting Bird Surveys. If construction activities occur between January 15 and August 31, a preconstruction survey (within three days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within or adjacent to the plan area proposed for development in order to avoid the nesting activities of breeding birds/raptors.

If nesting activities within 200 feet of the proposed work area are not detected, construction activities may proceed. If nesting activities are confirmed, construction activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the

appropriate buffer shall be determined by a qualified biologist, but shall be at least 25 feet.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Implementation of the mitigation measures **MM BIO-2** will reduce impacts on nesting birds (**Impact BIO-2**) to a less-than-significant level by ensuring nests are identified prior to any construction activity and then by ensuring a buffer is established to avoid disturbing a nest.

Impact BIO-3: Natural Habitat

The plan area is primarily developed but supports some undeveloped areas, most notably Paradise Creek, which supports southern coastal salt marsh (a riparian habitat). The Specific Plan includes requirements that all new development be set back from Paradise Creek in coordination with CDFG to protect against impacts on the Creek and its associated riparian habitat. Once specific development is proposed, the provided buffers would be reviewed by the City and CDFG to ensure a significant impact does not occur to Paradise Creek. Similarly, the Specific Plan also allows for restoration/revegetation efforts within and adjacent to Paradise Creek, which have the potential to result in significant impacts on riparian habitat. In addition, specific development projects within other undeveloped areas of the Plan area could result in impacts on sensitive natural communities.

Proposed Mitigation

MM BIO-1: Focused Surveys.

MM BIO-2: Preconstruction Nesting Bird Surveys.

MM BIO-3: Resource Agency Permits/Approvals.

MM BIO-4: Habitat Assessment/Biology Report. During the application process of future development projects within the Plan area, a habitat assessment shall be conducted when warranted in areas undisturbed by prior development to determine whether sensitive natural communities (including riparian vegetation) are present. If the habitat assessment identifies sensitive natural communities, a biological report shall be prepared to address impacts on sensitive natural communities resulting from the proposed project. The report shall identify mitigation measures to reduce all significant impacts to below a level of significance to the greatest extent feasible. If no sensitive natural communities are observed during the habitat assessment, additional mitigation shall not be required.

MM BIO-5: Trail Restrictions. Trails shall be kept out of the jurisdictional wetland areas and in areas of biological sensitivity. Biological sensitivity shall be determined by a qualified biologist in consultation with the wildlife agencies as appropriate. Trails shall be sensitively placed to consider biological and/or cultural resources areas along Paradise Creek and aligned roughly perpendicular to the length of the creek (i.e. spur trails). There interpretive areas and spur trails shall avoid biologically sensitive areas or areas with strong potential for effective habitat restoration and enhancement of species diversity.

MM BIO-6: Install Fencing and Signage. Permanent fencing shall be installed at the outside edge of the riparian area. The type, placement, and height of such fencing shall be determined in consultation with the project biologist and the wildlife agencies. The fencing shall be designed to restrict human and domestic animals encroachment in the adjacent habitat (including not permitting picnic areas within sensitive resource areas). The signage shall inform people that sensitive habitat lie beyond the fencing and entering the area is prohibited by law.

MM BIO-7: Placement of Post Construction BMPs and Discharge of Water Runoff. All post construction structural BMPs shall be located outside the wetland and the riparian corridor. Furthermore, all filtration and attenuation of surface flows provided by the proposed BMPs shall occur prior to the discharge of the flows into the riparian areas.

MM BIO-8: Lighting Restrictions. No additional lighting shall be provided within the vicinity of both upland and wetland sensitive habitats, and where feasible, any existing lighting within such areas shall be removed. The definition of "vicinity" shall be determined by a qualified biologist and the determination supported with substantial evidence.

MM BIO-9: Attenuation of Construction Noise. In addition to implementing MM NOI-1, future construction activities, including construction staging areas, shall employ methods to reduce construction noise and operational noise levels at the edge of sensitive resources that may include temporary noise attenuation barriers and other measures that would reduce noise levels to an acceptable level as determined by the project biologist in consultation with CDFG.

MM BIO-10: Attenuation of Operational Noise. Excessive noise generating sources shall be located away from the Paradise Creek riparian areas to maintain existing ambient noise levels. “Excessive” noise sources shall be defined as sources which exhibit noise levels in excess of 65 dBA CNEL (or 65 dBA 1-hour Leq) at or beyond the edge of the environmentally sensitive area. Possible examples of such sources include but are not limited to cargo delivery and pick-up areas, HVAC systems, sirens or other warning systems, and communication systems. If noise levels at the environmentally sensitive area are suspected of being greater than 65 dBA Leq, a noise study shall be prepared and measures recommended demonstrating how construction noise can be reduced.

MM BIO-11: Landscape Requirements. In areas of sensitive habitat, proposed landscaping palettes shall consist of native and drought-tolerant plants and vegetation. Exotic and invasive plants, as identified on the California Invasive Plant Council’s (Cal-IPC) Invasive Plant Inventory shall not be used. Landscaping adjacent to the Paradise Creek riparian area shall be drought-tolerant and use minimal fertilizers and pesticides. As required by MM BIO-7, water runoff shall be directed away from the buffer area and contained and/or treated with the development footprint. All new development shall comply with the City’s Water Efficient Landscape Ordinance, Chapter 18.54 of the Land Use Code.

MM BIO-12: Use of Non-Reflective Glass. Development adjacent facing Paradise Creek shall incorporate the use of non-reflective glass for window design.

MM BIO-13: Limit on Building Heights Adjacent to Paradise Creek. Building heights within 175 feet of the outside edge of the jurisdictional riparian habitat shall be limited to a maximum of 50 feet with stepping back of the upper units or stories, or angling buildings to reduce the potential for excessive shading. Measures shall be incorporated into the building design to prevent predator perching. Buildings or components of buildings proposed more than 175 feet from the creek shall not be restricted to this height condition, but would meet the height limits for the zone of 60-feet identified in the Westside Specific Plan.

MM BIO-14: Low Impact Development Water Quality and Hydrology Measures. All subsequent development along Paradise Creek shall adhere to low impact development (LID) criteria as defined by current storm water best management practices which emphasize retention of rain on or near the site and consideration of use of pervious surface treatments.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Implementation of the mitigation measures would reduce impacts on natural habitat to a less-than-significant level by avoiding and minimizing impacts on sensitive habitat. Implementing **MM BIO-1** through **MM BIO-14** would help avoid indirect and direct impacts from future development projects. These measures, combined with the Westside Specific Plan's goal of preserving Paradise Creek and other habitat areas, would ensure a significant impact would not occur on natural habitat (**Impact BIO-3**).

Impact BIO-4: Jurisdictional Waters

The plan area is primarily developed but supports some undeveloped areas, most notably Paradise Creek. Any potential impacts on the Creek would be regulated by USACE, CDFG, and RWQCB. The Specific Plan also allows for restoration/revegetation efforts within and adjacent to Paradise Creek, which have the potential to result in significant impacts on jurisdictional wetlands/waters. Prior to any efforts to restore or revegetate Paradise Creek, consultation with USACE, CDFG, and RWQCB would be required.

Proposed Mitigation

MM BIO-1: Focused Surveys.

MM BIO-2: Preconstruction Nesting Bird Surveys.

MM BIO-3: Resource Agency Permits/Approvals.

MM BIO-4: Habitat Assessment/Biology Report.

MM BIO-5: Trail Restrictions.

MM BIO-6: Install Fencing and Signage.

MM BIO-7: Placement of Post Construction BMPs and Discharge of Water Runoff.

MM BIO-8: Lighting Restrictions.

MM BIO-9: Attenuation of Construction Noise.

MM BIO-10: Attenuation of Operational Noise.

MM BIO-11: Landscape Requirements.

MM BIO-12: Use of Non-Reflective Glass.

MM BIO-13: Limit on Building Heights Adjacent to Paradise Creek.

MM BIO-14: Low Impact Development Water Quality and Hydrology Measures.

Finding

The City Council of the City of National City hereby finds that:

- (X) Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Implementation of the mitigation measures would reduce impacts on jurisdictional waters to a less-than-significant level. Implementing **MM BIO-1** through **MM BIO-14** would help avoid indirect and direct impacts on jurisdictional waters from future development projects. These measures, combined with the Westside Specific Plan's goal of preserving Paradise Creek and the jurisdictional wetland, would ensure a significant impact would not occur on jurisdictional waters. **Impact BIO-4** would be reduced to less than significant.

Cultural Resources

For a full discussion of cultural resource impacts, see Chapter 3.4 of the Westside Specific Plan Draft EIR and any revisions contained in Chapter 3 of the final EIR.

Impact CUL-1: Historic Buildings

There are potentially historic buildings and structures within the plan area. Future development, as permitted under the development standards proposed in Westside Specific Plan, would significantly impact potentially historic buildings and structures.

Proposed Mitigation

MM CUL-1: Historic Building/Structure Evaluation. Prior to future project approval and the issuance of any construction permit within the Westside Specific Plan area, including but not limited to a demolition or building permit, if research indicates that the onsite building(s) or structure(s) is 45 years or older, the applicant shall be required to conduct an evaluation of the onsite building(s) or structure(s) to determine if it is eligible for inclusion in the state or local historical registers. The evaluation shall be performed by a historian or architectural historian who meets the Secretary of Interior's Professional Qualification Standards for Historic Preservation Professionals. The historian/architectural historian shall consult with knowledgeable local groups (e.g. Save Our Heritage Organisation, National City Historical Society, San Diego Historical Society, and others) and individuals, appropriate archives, and appropriate repositories in an effort to identify the original and subsequent owners as well as the architect and the builder to establish whether any of these individuals played important roles in local or regional history (criterion B). Additionally the physical characteristics and condition of the building or structure shall be evaluated under criterion (C), and those judged to possess "the

distinctive characteristics of a type, period, region, or method of construction” shall be further assessed for integrity and context.

The results of the archival research and field assessment shall be documented in an evaluation report. This report will explicitly state whether the resource is eligible for either state or local historical registers and shall also make specific recommendations as appropriate. The historian/architectural historian shall complete the necessary California Department of Parks and Recreation (DPR) site forms (minimally Primary Record and Building/Structure/Object Record; others as required) and include as an attachment to the report. Copies of the DPR site forms shall be submitted to the California Historical Resource Information System via the SCIC, an auxiliary of San Diego State University.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Prior to disturbing a potentially historic structure, an evaluation would be conducted to determine if the structure is historical. Specifically, the report would explicitly state whether the resource is eligible for either state or local historical registers and would make specific recommendations, as appropriate, to ensure a significant impact does not occur. Therefore, implementation of **MM CUL-1** would ensure **Impact CUL-1** is less than significant.

Impact CUL-2: Archaeological Resources

No *prehistoric* archaeological sites have been recorded at SCIC within the plan area. The most extensively studied areas are in the southern and southeastern

portions along the Sweetwater River channel and in the northwestern sector within the 32nd Street Naval Base.

However, the presence of the freshwater Paradise Creek would have been attractive to prehistoric populations, and temporary campsites and/or resource extraction sites would be expected near this water course. The virtual absence of Phase I or II archaeological studies within the plan area is due to the fact that relatively few of the parcels have undergone substantive development since the implementation of CEQA. However, the absence of recorded prehistoric or historic sites does not mean that cultural resources are not present within the plan area.

There are no known *historic* archaeological resources on site; however, building dates are unavailable for 184 parcels, and it is likely that most or all of these pre-date 1909 (the earliest year for which a building date is given). While it is unlikely that all 184 parcels had dwellings built on them prior to 1909, those that did must have relied on wells or cisterns for their water supply. There were also limited waste disposal options in the late 1800s and early 1900s; these included privy pits and septic systems as well as trash pits or simply discarding trash in vacant lots or canyons. When piped water and sewerage systems were brought into these neighborhoods, the abandoned wells and cisterns were frequently used as convenient places for trash disposal.

Current research was unable to determine exactly when municipal water and sewer systems became available within the plan area, but it may have been as late as the 1920s. Based on this analysis, many of the parcels within the plan area may contain potentially significant subsurface archaeological resources.

Proposed Mitigation

MM CUL-2: Archaeological Letter Report. Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit, future construction projects within the Westside Specific Plan area shall obtain a qualified archaeologist to conduct a pedestrian survey and records search to determine the potential for the plan area containing significant archaeological resources. A qualified archaeologist shall be a registered professional archaeologist and possess an advanced degree in archaeology, history, or a related discipline. The findings from the pedestrian survey and records search shall be included in a brief archaeological letter report. The report shall conclude if the site has a low, moderate, or high potential to contain prehistoric and historic archaeological resources. Sites characterized with a low potential shall not be required to perform any additional investigative work nor implement any mitigation related to archaeological resources. Sites with a moderate to high potential shall undergo test and evaluation to determine if potentially significant archaeological resources are on site. If a resource is discovered on site and is determined significant based on the evaluation, the site shall be avoided or the qualified archaeologist shall prepare a data recovery plan

and require archaeological monitoring during excavation activities, as determined necessary. The details of the data recovery plan or mitigation monitoring shall be tailored to the specific circumstances at the site and shall be designed to reduce project-level impacts on archaeological resources to a level less than significant.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit, an evaluation would be conducted to determine if the project site has a low, moderate, or high potential for containing archaeological resources. If the evaluation concludes that there is a moderate or high potential, additional study and mitigation would be required. Therefore, mitigation measure **MM CUL-2** would reduce **Impact CUL-2** to less than significant.

Impact CUL-3: Paleontological Resources

The study area is mapped as primarily underlain by Pleistocene-age nearshore marine deposits of the Bay Point Formation. Exceptions include the area along Paradise Creek drainage and the low-lying area west of Coolidge Avenue and generally north of West 17th Street. These two areas are mapped as underlain by modern alluvial and colluvial deposits (Kennedy and Tan 1977). Based on previous paleontological work in the Barrio Logan and Logan Heights areas of the City of San Diego, as well as the Las Palmas area of National City, the Bay Point Formation in this portion of the coastal plain is considered to have a moderate to high potential for yielding significant paleontological resources. Specific projects that would excavate more than 10 feet deep or disturb more

than 1,000 cubic yards of matrix would be considered to have a potentially significant adverse impact on paleontological resources.

Proposed Mitigation

MM CUL-3: Paleontological Letter Report. Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit, future construction projects within the Westside Specific Plan area proposing a cut depth greater than 10 feet and 1,000 cubic yards shall obtain a qualified paleontologist to review the proposed construction and grading information to determine if the project would have a moderate to high potential of encountering paleontological resources. A qualified paleontologist shall possess an advanced degree in geology, paleontology, or a related discipline, and shall state his/her professional opinion in a brief paleontological letter report. The report shall include a recommendation as to whether paleontological mitigation monitoring shall be required and provide feasible mitigation at the project level to ensure a significant impact on paleontological resources would not result from future development projects proposed under the Westside Specific Plan.

Finding

The City Council of the City of National City hereby finds that:

- Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit for projects that would excavate more than 10 feet deep or disturb more than 1,000 cubic yards of soil, a qualified paleontologist shall state his/her professional opinion in a brief paleontological letter report. The recommendations of the report will be required as mitigation

for the project. Therefore, mitigation measure **MM CUL-3** would reduce **Impact CUL-3** to less than significant.

Impact CUL-4: Human Remains

The lack of information combined with appropriate prehistoric conditions means the possibility of unexpected human remains being present within the plan area cannot be categorically excluded. A significant impact would occur without mitigation.

Proposed Mitigation

MM CUL-2: Archaeological Letter Report.

Finding

The City Council of the City of National City hereby finds that:

- (X) Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit, an evaluation would be conducted to determine if the project site has a low, moderate, or high potential for containing archaeological resources. If the evaluation concludes that there is a moderate or high potential, additional study and mitigation would be required. Therefore, mitigation measure **MM CUL-2** would reduce **Impact CUL-4** to less than significant.

Hazards and Hazardous Materials

For a full discussion of hazards and hazardous materials impacts, see Chapter 3.9 of the Westside Specific Plan Draft EIR and any revisions contained in Chapter 3 of the final EIR.

Impact HAZ-1: Create a Significant Hazard

The hazardous materials record search confirmed that historical industrial and commercial uses in the plan area have resulted in soil and groundwater contamination. Although existing industrial uses would be removed from the Westside Specific Plan area over time, and new industrial uses would not be permitted if the proposed project is approved, redevelopment of existing contaminated sites would potentially pose a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Therefore, because the project would promote the redevelopment of parcels within the plan area, several of which have been subject to contamination, impacts from the redevelopment of such parcels would potentially result in a significant impact during grading, trenching, and general construction.

Proposed Mitigation

MM HAZ-1: Phase I Environmental Site Assessment. Prior to future project approvals and when there has been identified prior use of hazardous material on site or in close proximity or other factors are present which indicate contaminated soils exist a Phase I Environmental Site Assessment (ESA) shall be completed for the project site proposed for development or redevelopment within the Westside Specific Plan boundaries. The Phase I ESA shall include a comprehensive records search, consideration of historical information, onsite evidence of hazardous material use, storage, or disposal, and a recommendation as to whether a Phase II soil testing and chemical analysis is required. In addition, the Phase I ESA will review the permit status of nearby businesses to ensure they are in compliance and would not pose a potentially significant impact on proposed new development.

MM HAZ-2: Phase II Environmental Site Assessment. If mitigation measure MM HAZ-1 requires a Phase II ESA, the Phase II ESA shall include, but not be limited to the following:

- A work plan that includes the number and locations of proposed soil/monitoring wells, sampling intervals, drilling and sampling methods, analytical methods, sampling rationale, site geohydrology, field screening methods, quality control/quality assurance, and reporting methods. Where

appropriate, the work plan is approved by a regulatory agency such as the DTSC, RWQCB, or County HMD.

- A site-specific health and safety plan signed by a Certified Industrial Hygienist.
- Necessary permits for encroachment, boring completion, and well installation.
- Sampling program (fieldwork) in accordance with the work plan and health and safety plan. Fieldwork is completed under the supervision of a State of California registered geologist.
- Hazardous materials testing through a state-certified laboratory.
- Documentation including a description of filed procedures, boring logs/well construction diagrams, tabulations of analytical results, cross-sections, an evaluation of the levels and extent of contaminants found, and conclusions and recommendations regarding the environmental condition of the site and the need for further assessment. A remedial action plan will be developed as determined necessary by the Principal Investigator. Contaminated groundwater will generally be handled through the NPDES/dewatering process.
- Disposal process including transport by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the identified type of waste.

MM HAZ-3: Compliance with Local, State, and Federal Laws and Regulations (Phase III). In the event hazardous materials are determined to be present, the property owner, developer, or responsible party shall be required to contact the local CUPA or applicable regulatory agency to oversee the remediation of the property in compliance with all applicable local, county, state, and federal laws. The property owner, developer, or responsible party shall be responsible for funding or securing funding for the site remediation and shall provide proof to the City that the site contaminants have been properly removed in compliance with all applicable laws and regulations prior to project development.

Finding

The City Council of the City of National City hereby finds that:

- (X) **Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such

changes have been adopted by such other agency or can and should be adopted by such other agency.

- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Implementation of mitigation measures **MM HAZ-1** through **MM HAZ-3** would ensure that any impacts from the existing presence of hazardous materials would be avoided by remediating the site prior to construction. Therefore, **Impact HAZ-1** would be less than significant.

Impact HAZ-2: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school

Proposed land uses, including the implementation of new uses that comply with the acceptable land uses or acceptable substitution of non-conforming land uses (Municipal Code Section 18.108 and 18.108.100) would not permit new industrial uses that might emit or handle hazardous or acutely hazardous materials. However, new development allowed by the proposed project could occur on currently contaminated sites and trigger further release of hazardous materials by causing the lateral spread of contaminated soils or groundwater during ground disturbance. Such spreading could impact existing schools within the plan area.

Proposed Mitigation

MM HAZ-1: Phase I Environmental Site Assessment.

MM HAZ-2: Phase II Environmental Site Assessment.

MM HAZ-3: Compliance with Local, State, and Federal Laws and Regulations (Phase III).

Finding

The City Council of the City of National City hereby finds that:

- (X) Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effect as identified in the final EIR.**
- () Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- () Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or project alternatives identified in the final EIR.

Rationale for Finding

Implementation of mitigation measures **MM HAZ-1** through **MM HAZ-3** would ensure that any impacts from the existing presence of hazardous materials would be avoided by remediating the site prior to construction. Therefore, **Impact HAZ-2** would be less than significant.

Chapter 4

Findings on Project Alternatives

Overview

Chapter 7 of the draft EIR (with revisions in Chapter 3 of the final EIR) discusses a reasonable range of alternatives to satisfy Section 15126.6 of the CEQA Guidelines, which states that an “EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” As such, the alternatives discussed within Chapter 7 meet most of the proposed project objectives and would either avoid or reduce some of the significant effects of the proposed project. In addition, as required by CEQA, the No Project Alternative is included in the analysis. All four alternatives have been qualitatively analyzed at a level that provides sufficient information about the environmental effects of each alternative for comparative purposes and to allow for informed decision-making. The alternatives identified for the Westside Specific Plan are:

- Alternative 1—No Project Alternative
- Alternative 2—No Mixed-Use Alternative
- Alternative 3—Reduced Buildout Alternative
- Alternative 4—Retain and Expand Industrial Uses Alternative

Alternatives considered and rejected from further comparison because they did not meet several of the main project objectives, did not reduce a significant environmental impact, or were infeasible, include the following:

- Transfer of Development Rights Alternative
- Multi-family Residential Only (No Single-Family Residential) Alternative
- Cluster Development and Increased Open Space Alternative
- Alternative Site Selection Alternative

CEQA Project Objectives and Section Criteria

The proposed project's objectives were developed based on the community planning process described in Chapter 2, "Project Description." Objectives are numbered 1 through 8 for ease of reference within this chapter.

1. Preserve and enhance the residential characteristics of the Westside.
2. Allow new residential development that is compatible with the neighborhood's traditional architecture, scale, and massing.
3. Allow new building heights up to five stories in the MCR-2 zone.
4. Allow mixed uses that increase neighborhood activity and engagement as well as create a living environment where people can walk for goods, services, recreation, and transit.
5. Reduce co-location of housing with businesses that use, store, or generate hazardous materials.
6. Buffer housing from freeway emissions and noise.
7. Reduce environmental impacts on Paradise Creek.
8. Actively enforce the City's Municipal Code Section 18.108 and 18.108.100 (Substitution of Non-Conforming Uses) as part of the development review process for existing projects requiring permit renewals and for future proposed projects within the Westside Specific Plan area.

Alternative 1—No Project Alternative

Evaluation of the CEQA-required No Project Alternative compares the impacts of the proposed project against the impacts of not approving the project. Under this alternative, any future projects within the 100-acre Westside neighborhood would be evaluated based on the existing land uses and zones applied to the neighborhood. As such, future development and land use improvements for the No Project Alternative would be evaluated according to the existing Light Manufacturing Residential (MLR), Light Manufacturing Planned Development (ML-PD), Civic Institutional Open Space (IC-OS), and Heavy Commercial (CH) land uses. The Open Space Reserve (OSR), Limited Commercial (CL), Civic Institutional (IC), and three new zones not currently used by the City—Residential Single-Family (RS-4), Mixed Use Commercial-Residential (MCR-1), and Mixed Use Commercial-Residential (Smart Growth Center, MCR-2)—would not be implemented.

Finding

The National City City Council hereby finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the No Project Alternative infeasible.

Facts in Support of Finding

When compared against the proposed project, the No Project Alternative would result in greater environmental impacts on air quality, biological resources, and hazards and hazardous materials. In addition, the No Project Alternative would not meet most of the project objectives (1, 2, 3, 4, 5, 7, and 8), which include reducing the co-location of housing with businesses that use, store, or generate hazardous materials. For these reasons, the proposed project is preferred to the No Project Alternative.

Alternative 2—No Mixed-Use Alternative

The No Mixed-Use Alternative considers replacing the Mixed-Use Commercial-Residential (MCR-1) and Mixed Use Commercial-Residential (Smart Growth Center, MCR-2) zones with Residential Single-Family (RS-4) to reduce significant project impacts associated with air quality and traffic. The City's non-conforming use ordinance and Paradise Creek Restoration Plan would still apply to the plan area; and the proposed Limited Commercial (CL), Civic Institutional (IC), and Open Space Reserve (OSR) land uses would remain unchanged from the proposed project.

Finding

The National City City Council hereby finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the No Mixed-Use Alternative infeasible.

Facts in Support of the Finding

Although the No Mixed-Use Alternative would reduce impacts on air quality and traffic, this alternative does not achieve objectives 3 or 4, which are targeted to encourage smart growth opportunities within the Westside neighborhood by

allowing building heights up to five stories in the mixed-use (MCR-2) zone; encouraging a mix of land uses, including office and commercial, to support neighborhood activities and walkability; and encouraging density near mass transit. For these reasons, the proposed project is preferred to the No Mixed-Use Alternative.

Alternative 3—Reduced Buildout Alternative

The Reduced Buildout Alternative evaluates impacts of the proposed Westside Specific Plan using a similar land use plan, but with half the density/intensity of development. The Reduced Buildout Alternative considers a buildout of approximately 829 single- and multi-family residential units and 2,869 new residents. Office and commercial development also would be reduced by half, resulting in 334,570 square feet of office and 446,094 square feet of retail. This alternative would reduce impacts associated with traffic, circulation, and parking; air quality; and noise.

Finding

The National City City Council hereby finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the Reduced Buildout Alternative infeasible.

Facts in Support of the Finding

Although the Reduced Buildout Alternative would reduce impacts on air quality, noise, and traffic, this alternative does not achieve objectives 3 or 4, which are targeted to encourage smart growth opportunities within the Westside neighborhood by allowing building heights up to five stories in the mixed-use (MCR-2) zone; encouraging a mix of land uses, including office and commercial, at an intensity that would support a jobs-housing balance and promote walkability; and encouraging density near mass transit to offer alternatives to automobile use. For these reasons, the proposed project is preferred to the No Mixed-Use Alternative.

Alternative 4—Retain and Expand Industrial Uses Alternative

The Retain and Expand Industrial Uses Alternative would involve a land use plan that (1) encouraged removal of the Residential Single-Family land use designation and RS-4 zone and (2) did not propose mixed-use residential land use designations and the MCR-1 and MCR-2 zones. Instead, these zones would be replaced with land uses that permit and encourage light-industrial uses, similar to the light-industrial and automobile-related uses currently within the Westside neighborhood. The purpose for this alternative is to avoid any co-location issues from a neighborhood mix of residential and light-industrial uses by removing the residential uses and replacing them with other light-industrial uses, thereby eliminating negative impacts on residential uses caused by the light-industrial uses and zones within the Westside neighborhood.

Finding

The National City City Council hereby finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the Retain and Expand Industrial Uses Alternative infeasible.

Facts in Support of the Finding

The Retain and Expand Industrial Uses Alternative would not reduce any impacts identified for the proposed project. Moreover, this alternative does not achieve objectives 1, 2, 3, or 4, all which emphasize residential characteristics and smart growth. For these reasons, the proposed project is preferred over the Retain and Expand Industrial Uses Alternative.

Environmentally Superior Alternative

The Reduced Buildout Alternative evaluates impacts of the proposed Westside Specific Plan using a similar land use plan, but with half the density/intensity of development. The Reduced Buildout Alternative considers a buildout of approximately 829 single- and multi-family residential units and 2,869 new residents. Office and commercial development also would be reduced by half, resulting in 334,570 square feet of office and 446,094 square feet of retail. This alternative is considered the Environmentally Superior Alternative, and would reduce impacts associated with traffic, circulation, and parking; air quality; and

noise. Table 4-1 provides a comparison matrix of the proposed projects impacts in comparison to the project alternatives.

Table 4-1. Comparison of Project Alternative Impacts to Significant Proposed Project Impacts

Environmental Analysis Issue Area	No Project Alternative (Alternative 1)	No Mixed-Use Alternative (Alternative 2)	Reduced Buildout Alternative-Environmentally Superior Alternative (Alternative 3)	Retain and Expand Industrial Uses Alternative (Alternative 4)
Traffic, Circulation, and Parking	Reduced	Reduced	Reduced	Greater
Air Quality	Greater	Reduced	Reduced	Greater
Noise	Mixed	Similar	Reduced	Greater
Cultural Resources	Similar	Similar	Similar	Similar
Biological Resources	Greater	Similar	Similar	Greater
Hazards and Hazardous Materials	Greater	Similar	Similar	Greater
Effects Not Significant	Mixed	Similar	Similar	Greater

Summary Finding

Based on the alternatives discussion provided in the EIR and the information above, the City Council determines that the proposed project is the only feasible alternative that meets the project objectives listed in draft EIR (included above). The proposed project will seek to preserve and enhance the residential characteristics of the Westside; allow new residential development that is compatible with the neighborhood's traditional architecture, scale, and massing; allow new building heights up to five stories in the MCR-2 zone; allow mixed uses that increase neighborhood activity and engagement as well as create a living environment where people can walk for goods, services, recreation, and transit; reduce co-location of housing with businesses that use, store, or generate hazardous materials; buffer housing from freeway emissions and noise; and reduce environmental impacts on Paradise Creek.

Chapter 5

Statement of Overriding Considerations

Development under the proposed project would result in significant and unavoidable adverse impacts on air quality and noise. Significant and unavoidable adverse cumulative impacts would occur on air quality and climate change; noise; and traffic and circulation. There are no feasible mitigation measures within the responsibilities and jurisdiction of the City that would reduce these impacts to a level of less than significant.

The final EIR has identified unavoidable significant impacts. Section 15093(b) of the State CEQA Guidelines specifies that when the decision of the public agency approves a project that will result in the occurrence of significant impacts that are identified in the EIR but are not avoided or substantially lessened, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. Accordingly, the City adopts the following Statement of Overriding Considerations.

The City recognizes that significant and unavoidable impacts would result from the implementation of the proposed project. Having (1) adopted all feasible mitigation measures; (2) rejected the alternatives to the project discussed above; (3) recognized all significant, unavoidable impacts; and (4) balanced the benefits of the proposed project against the significant and unavoidable effects, the City finds that the benefits outweigh and override the significant unavoidable effects for the reasons stated below.

Any one of the reasons for approval is sufficient to justify approval of the proposed project. These reasons summarize the benefits, goals, and objectives of the proposed project. The substantial evidence supporting the various benefits can be found in the preceding findings and elsewhere in the Record of Proceedings. These overriding considerations of economic, social, environmental, and other benefits outweigh environmental costs and justify approval of the proposed project and certification of the EIR. Implementation of the Westside Specific Plan would further benefit the City of National City, as follows:

Social

1. The project would result in reestablishing the Westside as a safe, healthy, and vibrant neighborhood where people engage in community life.

2. The project would encourage single-family homes and small residential development with supporting retail services. This would achieve the vision of returning residential-turned-industrial properties to homes.
3. The project would allow for the future development of up to an additional 1,425 residential dwelling units.
4. The project would implement Paradise Creek as an important source of neighborhood pride and enjoyment by restoring habitat and zoning for compatible land uses on adjacent properties.
5. The project would further enhance neighborhood reestablishment by reducing the number of incompatible land uses by providing guidelines for amortization.
6. The project would allow for transforming the current Public Works Center into a transit-oriented infill affordable housing project.

Economic

1. The project would allow for an increase in retail, commercial, and office space, which would provide opportunities to increase sales tax revenue and offer services to residents not currently available.
2. The project's proposed transit-oriented infill affordable housing project would contain an "incubator" component that would provide training and services that assist tenants in pursuing home ownership and higher paying jobs.
3. The project would result in job creation during construction phases, such as the construction of the transit-oriented infill affordable housing project.
4. The project would result in an increase in property taxes through redevelopment of underutilized and vacant parcels and through lot consolidation that would allow for compact residential and commercial development.

Environmental

1. The project would result in minimizing adverse effects as the community grows by providing strategies for amortizing uses that would no longer be permitted with the land uses, which would be primarily auto body shops and auto repair shops.
2. The project would establish the planning framework to improve traffic and pedestrian circulation to enhance mobility.
3. The project would enhance Paradise Creek as a public amenity and natural resource.
4. The project would improve air quality through the discontinuance and amortization of polluting land uses.

Other Benefits

1. The project would improve the quality of life for the residents by providing accessible services, removing toxic uses, and enhancing the streetscape for pedestrians.

Implementation of the Westside Specific Plan would help fulfill the goals of the project:

1. Preserve and enhance residential characteristics of Westside.
2. Encourage single-family residential development that is compatible with the neighborhood's traditional architecture, scale, and massing.
3. Limit new building heights to two and three stories within the residential, mixed-commercial residential (MCR-1) and Limited Commercial, while limiting the height of the mixed-use commercial (MCR-2) and the proposed Transit Oriented Development to five stories.
4. Encourage retail and commercial uses that increase neighborhood activity and engagement as well as create a living environment where people can walk for goods, services, recreation, and transit.
5. Reduce co-location of housing and businesses that use, store, or generate hazardous materials through amortization of those businesses.
6. Buffer new residential development from freeway emissions and noise.
7. Reduce impacts to Paradise Creek through development that is sensitive to the habitat.
8. Encourage new businesses and the conversion of existing non-conforming business to non-impactive uses that are compatible with the environment and community goals.
9. Actively pursue partnerships to construct 200 affordable housing units throughout the plan area and to concentrate efforts towards meeting these affordable housing goals on parcels surrounding Paradise Creek.
10. Ensure that the open space near the creek is preserved within an open space easement and passive and active park amenities are installed adjacent to the natural areas of open space.

Implementation of this project would help fulfill objectives of the plan:

1. Significantly reduce potential public health threats, such as increased incidence of cancer and respiratory diseases, associated with residents' exposure to hazardous materials, such as those found in auto body and auto repair shops.
2. Address the current community conflicts between residential and industrial land uses.

For the reasons described above, the benefits of the proposed Westside Specific Plan, General Plan Amendment, and Rezone outweigh its unavoidable adverse environmental effects, and consequently, the adverse environmental effects are considered “acceptable” in accordance with Section 15093(c) of the State CEQA Guidelines.