

# Agenda for the Regular Planning Commission Meeting

Meeting of March 6, 2023 – 6:00 p.m.

## IN PERSON MEETING

Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950

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

## LIVE WEBCAST



The Planning Commission request that all cellphones, pagers, and/or smart devices be turned off during the meeting.

A live webcast of the in-person meeting may be viewed on the city's website at <https://www.nationalcityca.gov/webcast>.

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

**Submit your public comment prior to the meeting:** To submit a comment in writing, email [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov) and provide the agenda item number and title of the item in the subject line of your email. **Public comments or testimony is limited to up to three (3) minutes.** If the comment is not related to a specific agenda item, indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be posted on the City website and retained as part of the official record.

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

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

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties. **\*\*\*Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon.**

**Provide public comment in person.** Public microphones will be muted until it is your turn to comment. Each speaker is allowed up to three (3) minutes to address the Planning Commission. Please be aware that the Chair may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated. All comments are subject to

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

*Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Welcome to the regular Planning Commission meeting. The National City Planning Commission conduct their meetings in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

## **A. REGULAR PLANNING COMMISSION MEETING**

### **Roll Call**

### **Pledge of Allegiance by Commissioner Sendt**

### **ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).**

NOTE: Under State law, items requiring Planning Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

### **Approval of Agenda**

1. Approval of the Agenda for the Meeting on March 6, 2023.

### **Approval of Minutes**

2. Approval of Minutes from the Meeting of February 6, 2023.

## **PRESENTATIONS**

## **CONTINUED PUBLIC HEARINGS**

3. Conditional Use Permit for the operation of a service station at an existing gasoline station located at 2401 East Division Street (Case File No. 2022-34 CUP)

## **PUBLIC HEARINGS**

4. Conditional Use Permit for a new wireless communications facility to be located at 901 Euclid Avenue (Case File No.: 2022-36 CUP)

5. Local Coastal Plan (LCP) Amendment to reflect jurisdictional boundary changes affected by the Port of San Diego's National City Balanced Plan and expansion of the Bayshore Bikeway (Case File No.: 2022-26 LCPA)
  - a. Resolution 2023-04 recommending acceptance of the findings of the Balanced Plan Environmental Impact Report and adoption by reference of the Mitigation Monitoring and Reporting Program (MMRP)
  - b. Resolution 2023-05 recommending approval of a Local Coastal Plan (LCP) amendment to reflect jurisdictional boundary changes affected by the Port of San Diego's National City Balanced Plan and expansion of the Bayshore Bikeway.

## **OTHER BUSINESS**

## **STAFF REPORTS**

Consulting Legal Counsel

Director of Community Development

Planning Manager

Commissioners

Chairperson

## **ADJOURNMENT**

Adjournment to the regularly scheduled meeting on March 20, 2023 at 6:00 p.m.



## Planning Commission Minutes

Planning Commission  
Meeting of February 6, 2023  
**ONLINE ONLY MEETING**  
<https://www.nationalcityca.gov/webcast>  
**LIVE WEBCAST**  
Council Chambers, Civic Center  
1243 National City Boulevard  
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

The meeting was called to order by Chair Miller at 6:00 p.m.

### **Roll Call**

Commissioners Present: Valenzuela, Sendt, Sanchez, Natividad, Miller, Castle.

Commissioners Absent: None.

Staff Also Present: Planning Manager Martin Reeder, Associate Planner David Welch, Legal Counsel Elizabeth Mitchell, Executive Secretary Sarah Esendencia.

Commissioner Valenzuela joined the meeting at 6:11 p.m.

### **Approval of Agenda**

1. Approval of Agenda for the Meeting on February 6, 2023.

Motion by Natividad, second by Sendt, to approve the Agenda for the Meeting of February 6, 2023.

#### **Motion carried by the following vote:**

**Ayes:** Valenzuela, Sendt, Sanchez, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** None.

**Motion approved.**

**Approval of Minutes**

2. Approval of Minutes from the Meeting of January 2, 2022.

Motion by Natividad, second by Sendt to approve the Minutes from the Meeting of January 2, 2022.

**Motion carried by the following vote:**

**Ayes:** Valenzuela, Sendt, Sanchez, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** None.

**Motion approved.**

**ORAL COMMUNICATION:** None.

**PRESENTATIONS:** None.

**CONTINUED PUBLIC HEARINGS:** None.

**PUBLIC HEARINGS:**

3. Conditional Use Permit for the Operation of a Service Station at an Existing Gasoline Station Located at 2401 East Division Street (Case File No. 2022-34 CUP)
1. Motion by Natividad, second by Castle to continue Item 3 Conditional Use Permit for the Operation of a Service Station at an Existing Gasoline Station Located at 2401 East Division Street (Case File No. 2022-34 CUP) to March 6, 2023.

Presented by Associate Planner David Welch.

Chair Miller discloses that he spoke about Item 3 as an Agenda Item to Planning Manager Reeder, Housing Advisory Director Aguirre, and Legal Counsel Mitchell.

Applicant was not present.

Public Comments were received from Ruben Chavez.

Chair Miller requested that a Condition of Approval be inserted stating that, the applicant shall ensure roof mounted equipment is properly screened with sound proofing existing and new.

Chair Miller requested that a Condition of Approval for an on-site security be inserted.

Commissioner Natividad makes a motion to continue Item 3 to give the applicant an opportunity to answer the concerns that the community have.

**Motion carried by the following vote:**

**Ayes:** Valenzuela, Sendt, Sanchez, Natividad, Miller, Castle.

**Noes:** None.

**Abstain:** None.

**Absent:** None.

**Motion approved.**

**OTHER BUSINESS:** None.

**STAFF REPORTS:**

**Legal Counsel:** Introduces the new Deputy City Attorney, Ashlin Lutes.

**Director of Community Development:** Absent with no comment.

**Planning Manager:** None.

**COMMISSIONER REPORTS:**

**Vice-Chair Castle:** None.

**Commissioner Natividad:** Asked Legal Counsel to introduce the new Deputy City Attorney.

**Commissioner Sanchez:** None.

**Commissioner Sendt:** None.

**Commissioner Valenzuela:** None.

**Chair Miller:** Welcomes Deputy City Attorney, Ashlin Lutes.

**ADJOURNMENT** by Chair Miller at 6:49 p.m. to the meeting of February 6, 2023.

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CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of March 6, 2023.



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

**PLANNING COMMISSION STAFF REPORT**

Title: CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION AT AN EXISTING GASOLINE STATION LOCATED AT 2401 EAST DIVISION STREET

Case File No.: 2022-34 CUP

Location: 2401 East Division Street

Assessor's Parcel Nos.: 552-302-13

Staff report by: David Welch – Associate Planner

Applicant: Emad Mousavi

Zoning designation: MXD-1 (Minor Mixed-Use District)

Adjacent use and zoning:

North: Single-family residential / MXD-1

East: Single-family residential / MXD-1

South: Single-family residential across Division St. / RS-2 (Small Lot Residential)

West: Shopping center and school across Euclid Ave. / MXD-1

Environmental review: The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit.

Staff recommendation: Approve

### Staff Recommendation

Staff recommends approval of a conditional use permit (CUP) for the operation of a service station performing oil changes, brake changes, and engine checks in conjunction with an existing gasoline station, subject to the attached recommended conditions. A service station is a conditionally-allowed use in the Minor Mixed-Use District (MXD-1) zone.

### Previous Action

A public hearing was held for the consideration of the applicant's request to operate a service station at an existing gasoline station on Monday, February 6, 2023. The Planning Commission voted to continue the public hearing to March 6, 2023, to allow the applicant to be present to be able to address questions related to the proposal. In addition, modifications to the recommended conditions of approval were discussed related to the site's compliance with section of the National City Municipal Code and staff has updated the conditions of approval in the draft resolution related to noise and code compliance.

### Site Characteristics

The subject property is located on the northeast corner of East Division Street and North Euclid Avenue in the MXD-1 zone. The parcel has 432 feet of frontage inclusive of both streets and is 34,961 square feet in area. The lot is developed with a gas station (Gasoline Depot) with a small market occupying a portion of a 1,502 square-foot building. A 7-Eleven market occupies the northern portion of the site in a separate building. The gas station has four existing fuel islands located along North Euclid Avenue, which house eight gas dispensers. There are twenty parking spaces located throughout the property.

### Proposed Use

The applicant is proposing to operate a 967 square-foot service station at the existing gasoline station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within the existing building and the hours of operation will be 9 a.m. to 8 p.m. Monday through Saturday.

### Analysis

A service station is allowed within the MXD-1 zone with the issuance of a CUP. The subject business is nonconforming, in that it does not have a CUP. The proposal to add automotive service to the existing gasoline pumps and convenience market is

an expansion of the existing use and, therefore, requires a CUP. However, the structure already includes automobile service bays.

Section 18.30.190 of the Land Use Code (LUC) allows for service stations and convenience stores with gasoline pumps with an approved Conditional Use Permit (CUP). Additional requirements for service stations include site planning standards, screening, building design standards, landscaping, and operational standards. The area in the service station building proposed for automotive services has been mostly recently used for storage. However, it was originally constructed for service bays and the proposal would re-establish this use.

A service station requires a minimum of one hundred feet of street frontage and a minimum site area of fifteen thousand feet. The site has 432 feet of frontage with a lot area of 34,961 square feet. Site planning standards encourage service bay doors to be located where they are not visible from major streets. However, this would be impractical since the service area is proposed for an existing building.

Since the site is already developed, staff is only recommending the maintenance of the existing landscaped areas in conformance with current standards. Other characteristics of the site are addressed in the conditions of approval to bring the property in compliance with Title 18. The site issues include an abandoned monument sign, the location of an existing ADA parking space in front of the proposed service bay doors, inappropriate modifications to the building's exterior, and inadequate trash facilities.

In addition, service stations are required to be operated in accordance with the following regulations:

- a. Uses permissible at a service station do not include body or fender work or automobile painting unless they are permissible uses within the particular zone. Dismantling of automobiles for the purpose of selling parts is prohibited.
- b. All repair work being conducted shall be within a structure which shall be attached to the existing service station facility.
- c. Adequate facilities for such repair shall be available.
- d. No outdoor storage of disabled vehicles, vehicles under repair, automobile parts, or repair equipment shall be allowed at any time.
- e. Major repairs shall be conducted only between the hours of seven a.m. and seven p.m.

- f. Operations outside permanent structures shall be limited to the dispensing of motor fuels and servicing of tires, batteries and/or automobile accessories.

These regulations are addressed in the conditions of approval. Auto body repair and automobile painting are not permitted within the MXD-1 zone and would not be authorized with this CUP request.

The following are standard considerations that must be found for the approval of a CUP:

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for service stations, as discussed below.
2. General Plan Consistency – The service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan. There is no Specific Plan for the area. In addition, a service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.
3. Compatibility, LUC and Traffic – The buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. There will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
4. Suitability – The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use will occupy a building where the use was previously conducted and only minor modifications to the existing structure will be necessary.
5. No Nuisance – Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience,

or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the automotive services that may be conducted, the hours of operation, and activities permitted outdoors.

6. California Environmental Quality Act (CEQA) — The project has been determined to be exempt from environmental review under Class 1, Section 15301 (Existing Facilities). The reason for the exemption is that the proposed use will be conducted in a building that was built to accommodate the same use, which is permitted in the MXD-1 zone. As conditioned, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

#### Findings and Conditions of Approval

The attached draft resolution contains the recommended findings and conditions of approval. The findings are discussed in items 1 through 6 above in this report. Standard Conditions of Approval have been included with this permit as well as conditions specific to service stations per Section 18.30.190 of the LUC. The conditions are proposed to ensure the use will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community by providing a needed service.

#### Summary

The potential impacts of the proposed service station are minimal due to the fact that the gasoline station is existing and was originally developed with automotive service bays. Only minor modifications to the existing building and site would be required to support the applicant's request.

#### Options

1. Approve 2022-34 CUP subject to the conditions listed in the draft resolution, or other conditions, based on the findings listed in the draft resolution, or findings determined by the Planning Commission; or,
2. Deny 2022-34 CUP based on findings determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Overhead
2. Applicant's Plans (Exhibit A, Case File No. 2022-34 CUP, dated 11/15/2022)
3. Public Hearing Notice (Sent to 166 property owners & occupants)
4. Notice of Exemption
5. Draft Resolution



DAVID WELCH  
Associate Planner



ARMANDO VERGARA  
Director of Community Development

2022-34 CUP – 2401 E. Division St. – Overhead











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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE OPERATION OF A SERVICE STATION AT AN  
EXISTING GASOLINE STATION LOCATED AT 2401 EAST DIVISION STREET  
CASE FILE NO.: 2022-34 CUP  
APN: 552-302-13

The National City Planning Commission will hold a public hearing at their regular in person meeting after the hour of 6:00 p.m. **Monday, February 6, 2023**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Emad Mousavi)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), the public hearing will also be available for anyone to observe on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The applicant proposes to operate a 967 square-foot service station at an existing gasoline station. The proposed services include oil changes, brake changes, and engine checks. All services will take place within the existing building and the hours of operation will be 9 a.m. to 8 p.m. Monday through Saturday. The Planning Commission will also be requested to find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **February 6, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development



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

**NOTICE OF EXEMPTION**

TO: Assessor/Recorder/County Clerk  
Attn: Fish and Wildlife Notices  
1600 Pacific Highway, Suite 260  
San Diego, CA 92101  
MS: A-33

**Project Title:** 2022-34 CUP

**Project Location:** 2401 E. Division Street, National City, CA 91950

**Lead Agency:** City of National City

**Contact Person:** David Welch                      **Telephone Number:** (619) 336-4224

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for the operation of a service station at an existing gasoline station located at 2401 East Division Street.

**Applicant:**

Emad Mousavi  
7505 Fannin Street, Suite 440  
Houston, TX 77054

**Telephone Number:**

(833) 781-7661

**Exempt Status:**

**Categorical Exemption - Class 1 Section 15301 Existing Facilities**

**Reasons why project is exempt:**

There is no possibility that the proposed use will have a significant impact on the environment since the use will be conducted in a building that was built to accommodate the same use. As conditioned with the approved permit, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

Date: 2/2022

David Welch, Associate Planner

RESOLUTION NO. 2023-02

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT  
FOR THE OPERATION OF A SERVICE STATION AT AN EXISTING GASOLINE  
STATION LOCATED AT 2401 EAST DIVISION STREET  
CASE FILE NO. 2022-34 CUP  
APN: 552-302-13

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the operation of a service station at an existing gasoline station located at 2401 East Division Street. At a duly advertised public hearing held on February 6, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2022-34 CUP maintained by the City and incorporated herein by reference along with evidence and testimony presented at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on February 6, 2023, support the following findings, which the Planning Commission hereby finds and determines:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for service stations, as discussed below.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because service stations are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area. In addition, a service station use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. There will be no impacts from the proposal and it will be compatible with the existing and future land uses in the vicinity.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use will occupy a building where the use was previously conducted and only minor modifications to the existing structure will be necessary.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the automotive services that may be conducted, the hours of operation, and activities permitted outdoors.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review under Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the proposed use will be conducted in a building that was built to accommodate the same use, which is permitted in the MXD-1 zone. As conditioned, the proposed use will not have a direct or reasonably foreseeable indirect impact on the environment.

BE IT FURTHER RESOLVED by the Planning Commission of the City of National City, California that the application for a Conditional Use Permit is approved subject to the following conditions:

#### General

1. This Conditional Use Permit authorizes the operation of a service station at an existing gasoline station located at 2401 East Division Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-34 CUP, dated 11/15/2022.
2. Before this Conditional Use Permit shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by

the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant or owner shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant or owner shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.

3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

#### Planning

6. The service station is only permitted to conduct minor automotive repair and services including, but not limited to, oil changes, brake changes, and engine checks.
7. Major automotive repair, as defined in Chapter 18.50 of the Land Use Code (LUC), is not authorized with this CUP.
8. Uses permissible at a service station do not include body or fender work or automobile painting. Dismantling of automobiles for the purpose of selling parts is prohibited.
9. All repair work shall be conducted within the existing structure proposed to be used as a service station.
10. Prior to the issuance of any building permits related to the proposed use, the applicant shall bring the property into compliance with all applicable National City Municipal Code provisions. A building permit shall not be issued if there is an open code compliance related to the property unless the permit is necessary to achieve compliance.
11. Adequate facilities for the repairs conducted on site shall be available. Any required permits for the installation of equipment or modifications to the structure shall be obtained prior to the commencement of service or repair activities.

12. Operations outside permanent structures shall be limited to the dispensing of motor fuels and the servicing of tires, batteries and/or automobile accessories.
13. The service of vehicles shall only be permitted between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday.
14. All activities shall comply with the limits contained in Table III of Title 12 (Noise) of the National City Municipal Code.
15. Applicable permits shall be obtained for this project. Plans shall include a revised site plan indicating the relocation of the existing ADA parking space in front of the service bays in accordance with applicable law.
16. Building permits are required for exterior modifications to the building including modifications to exterior materials, the installation of service bay doors, and any installation of repair equipment requiring a permit. Any work that was completed prior to obtaining permits shall be noted in the scope of work.
17. Building permit plans for this project shall conform to all applicable development standards in the LUC.
18. A trash enclosure, in conformance with Section 7.10.080 of the National City Municipal Code, is required for this project and shall be constructed prior to the commencement of service of repair activities.
19. Plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.
20. Existing landscaped areas shall be maintained with a mix of trees, shrubs, and ground cover. A landscape and irrigation plan shall be submitted as part of the construction permitting process. Installation of landscaping items required by the LUC, including adequate landscaped area, trees, and shrubs shall be maintained for the life of the project.
21. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
22. Any abandoned signs on the property shall be removed prior to the issuance of any permits associated with the service station use.
23. Permits shall be obtained for any signage associated with the new service station use.

#### Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any

environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the owner, applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of February 6, 2023, by the following vote:

AYES:

NAYS:

ABSENT: None.

ABSTAIN: None.

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CHAIRPERSON



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

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A NEW WIRELESS COMMUNICATIONS FACILITY TO BE LOCATED AT 901 EUCLID AVENUE.

Case File No.: 2022-36 CUP

Location: Vallarta Supermarket

Assessor's Parcel No.: 558-010-55

Staff report by: Martin Reeder, AICP – Planning Manager

Applicant: Andrew Rocca for Dish Wireless

Zoning designation: MXD-1 – Minor Mixed-Use District

Adjacent land use/zoning:

North: Walgreens / MXD-1

East: Summercrest Apartments / RM-2 (High Density Multi-Unit Residential)

South: Commercial shopping center north and south of Plaza Blvd. / MXD-1 and MXC-1 (Minor Mixed Use Corridor) respectively

West: National City Family Health Center across Euclid Avenue / MXC-1

Environmental review: This is a project under CEQA subject to a Categorical Exemption. Existing Facilities. CCR 15301(c).

Staff recommendation: Approve

### Staff Recommendation

Staff is recommending approval of the Conditional Use Permit (CUP) request. The proposal will increase the effectiveness of the Dish Wireless communications network.

### Executive Summary

Dish Wireless has applied for a CUP to construct a new wireless telecommunications facility and install associated equipment on the roof of and attached to Vallarta Supermarket. All antennas would be screened, with screening walls and/or enclosures textured and painted to match the existing commercial building.

### Site Characteristics

The project location is Vallarta Supermarket which is situated in the Euclid Center located at the northeast corner of Euclid Avenue and Plaza Boulevard. Other uses in the center include Walgreens, Firestone, and San Diego County Credit Union. The area is mostly commercial in nature, with apartments located to the east (Summercrest Apartments) and the Windsor Heights Apartments located across Euclid Avenue to the west, beyond the National City Family Health Center.

### Proposal

The proposed facility would consist of three antennae locations and a small equipment shelter on the roof on the east side of the supermarket building. Two antennas would be located either side of the "Vallarta Supermarkets" marquee on the west façade. The antennas would be contained in box-like structures painted and textured to match the building's architectural style (white stucco). The third antenna would be located behind an approximately eight-foot tall screening wall at the southeast corner of the building. The wall would cover two sides of the corner, screening the antenna from viewers looking north or west.

### Analysis

The proposal is consistent with General Plan policy E-3.3 (Education and Public Participation) that aims to increase access to wireless internet connections, computers, and other forms of communication technology. The proposal is also consistent with the Land Use Code (LUC), because wireless communications facilities are a conditionally-allowed use in the MXD-1 zone.

The LUC requires that telecommunication facilities be sensitively designed to be compatible with, and minimize visual impacts to, surrounding areas. It also requires that

telecommunication facilities and appurtenances be screened, to the extent possible, without compromising reception and/or transmission.

The LUC also requires telecommunication facilities to be located at least 75 feet from any habitable structure on a separate property. The proposed facility meets this requirement, as the closest habitable building on another property is located approximately 110 feet away to the northeast.

1. Allowable Use – The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code because the use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for wireless facilities, as discussed above.
2. General Plan Consistency – General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology, which the proposed telecommunications facility provides. In addition, the proposed facility is a conditionally-permitted use in the MXD-1 zone.
3. Compatibility, LUC and Traffic – The buildings on the site were previously analyzed for traffic impacts when constructed and any modifications to the building containing the proposed use will have to be built in compliance with the City's LUC and all applicable building and fire codes. The facility is sensitively designed to minimize visual impact and is expected to generate minimal traffic in the way of periodic maintenance visits.
4. Suitability – The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use will occupy the roof of an existing building with only minor modifications to the existing structure being necessary.
5. No Nuisance – Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that govern the design, placement, and operation of the wireless facility.

6. California Environmental Quality Act (CEQA) – The proposal has been reviewed in compliance with the California Environmental Quality Act (CEQA). Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is consistent with this description and there is no potential for the project to cause either a direct or a reasonably foreseeable indirect physical change in the environment.

Conditions of Approval

Conditions requiring building and fire code compliance are attached, as well as standard Conditions of Approval for wireless facility CUPs (screening walls, required operating permits, etc.)

The 1996 Telecommunications Act states that, “no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions. The Applicant provided a Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report (Attachment 7) with the application packet. The report stated that the proposed design was not in compliance with FCC regulations, as there would be areas that exceed the FCC (Federal Communications Commission) exposure limits if no RF hazard mitigation measures were put in place. The report further provided recommended control measures in Section 4.0, which have been included as Conditions of Approval. The author of the RF-EME report summarized that implementation of the afore-mentioned control measures would bring the site into compliance with the FCC’s rules and regulations.

It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval is included requiring these permits.

All property owners and occupants within 300 feet of the project were notified of the public hearing. In this case, the total number of persons notified was 920. The number is large in this case due to the proximity of the site to two large apartment complexes.

Summary

The proposed project is consistent with the General Plan and LUC in that it meets all applicable design requirements for wireless communication facilities. The project is considered 'stealth' in that it would screen the antennas from adjacent uses. The facility will improve coverage in the area for Dish Wireless customers.

Options

1. Approve 2022-36 CUP subject to the conditions included in the Resolution, and based on the findings included in the Resolution or other findings as determined by the Planning Commission; or
2. Deny 2022-36 CUP based on findings as determined by the Planning Commission; or,
3. Continue the item for additional information.

Attachments

1. Resolution
2. Overhead
3. Existing Wireless Facilities Map & List
4. Public Hearing Notice (Sent to 920 property owners and occupants)
5. Notice of Exemption
6. Applicant's Plans (Exhibits A and B, Case File No. 2022-36 CUP, dated 11/1/2022 and 4/22/2022 respectively)
7. Radio Frequency – Electromagnetic Energy (RF-EMF) Jurisdictional Report



MARTIN REEDER, AICP  
Planning Manager



ARMANDO VERGARA  
Director of Community Development

RESOLUTION NO. 2023-03

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR A NEW WIRELESS  
COMMUNICATIONS FACILITY TO BE LOCATED AT 901 EUCLID AVENUE.  
CASE FILE NO. 2022-36 CUP  
APN: 558-010-55

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a new wireless communications facility to be located at 901 Euclid Avenue at a duly advertised public hearing held on March 6, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2022-36 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 6, 2023, support the following findings, which are hereby made:

1. That the proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code, because use is allowable within the MXD-1 zone pursuant to a CUP, and the proposed facility meets the required telecommunication facility design guidelines that include providing the minimum distance requirements from habitable space and screening the facility.
2. That the proposed use is consistent with the General Plan and any applicable specific plan, because General Plan Policy E-3.3 encourages access to wireless

internet connections, computers, and other forms of communication technology: the proposed facility modifications provide increased internet/cellular data as well as standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in the MXD-1 zone.

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the facility will be located on the roof of the building without interfering with the existing use. No future expansion of the building is proposed that the facility would conflict with. The screening for the antennas will match the architectural style of the building, in compliance with the LUC.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the building on which the facility will be located is existing, no expansion or future use that the proposal would conflict with is anticipated, and the facility will meet all development standards and distance requirements.
5. That granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that govern the design, placement, and operation of the wireless facility and the facility is required to comply with federal regulations regarding radio frequency emissions.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is consistent with this description and there is no potential for the project to cause either a direct or a reasonably foreseeable indirect physical change in the environment

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is hereby approved subject to the following conditions:

## General

1. This *Conditional Use Permit* authorizes a wireless communications facility at 901 Euclid Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibits A and B, Case File No. 2022-36 CUP, dated 11/1/2022 and 4/22/2022 respectively. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.
7. The wireless communications facility shall comply at all times with all applicable laws, including, but not limited to, federal regulations related to radio frequency emissions.

## Building

8. Plans submitted for demolition and construction improvements shall comply with the 2022 edition of the California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy and Fire Codes.

## Fire

9. Plans submitted for improvements must comply with the 2022 edition of the California Fire Code (CFC), and the current editions of the National Fire Protection Association (NFPA) and California Code of Regulations (CCR).
10. National Fire Protection Association (NFPA) section 76 “Standard for the Fire Protection of Telecommunications Facilities” shall be strictly followed.
11. Emergency Generator Shutdown procedures shall be posted in conspicuous area of emergency generator if installed. A permit would be required if storage of fuel is proposed
  - Sign shall be clearly visible from the street. If the power source is inside of the building and cannot be seen from the street, a sign shall be placed in a position that can be easily seen by emergency personnel on foot.
12. A 704 Emergency placard shall be posted at site. Sign shall be clearly visible from the street.
13. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections are required for all phases of work.

## Planning

14. All appropriate and required local, state and/or federal permits must be obtained and/or modified prior to operation of the wireless communications facility.
15. All recommended control measures outlined in Section 4.0 and within the Site Safety Plan attached to the Radio Frequency – Electromagnetic Energy (RF-EME) Jurisdictional Report (EBI Project No. 6222002110, dated April 8, 2022) shall be installed and implemented prior to operation.
16. In order to alert people accessing the rooftop, a Guidelines sign and an NOC Information must be installed at each access point to the rooftop. Additionally, yellow Caution signs must be installed on the barrier in front of the Dish Wireless Sector C antennas. These signs must be placed in a conspicuous manner so that they are visible to any person approaching the barrier from any direction.
17. Individuals and workers accessing the rooftop shall be provided with a copy of the Site Safety Plan (Exhibit B of the Electromagnetic Energy Jurisdictional Report – EBI Project No. 6222002110, dated April 8, 2022), made aware of the posted signage

and installation of the recommended barriers, and signify their understanding of the Site Safety Plan.

18. Dish Wireless shall provide procedures to shut down and lockout/tagout installed wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas that exceed FCC exposure limits are required to contact Dish Wireless for lockout/tagout prior to any work being undertaken.
19. Barriers shall be installed to block access to the areas in front of the antennas that exceed the FCC general public and/or occupational limits. Barriers shall consist of rope, chain, or fencing. Barriers shall be installed on the adjacent building roof 20 feet away from the front of the Dish Wireless Sector C antennas.
20. In order to reduce the risk of exposure to RF emissions, access to areas associated with the active antenna installation shall be restricted and secured where possible.
21. Antennas in the southwest quadrant shall be screened from adjacent views through the use of screening walls no higher than the antennas plus one foot. Screening walls shall be textured and painted to match the architectural style and color of the existing building.
22. The equipment shelter shall be textured and painted to match the color of the existing building.
23. All exposed cables or cable runs shall be painted to match the surface to which they are mounted.
24. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
25. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 6, 2023, by the following vote:

AYES:

NAYS:

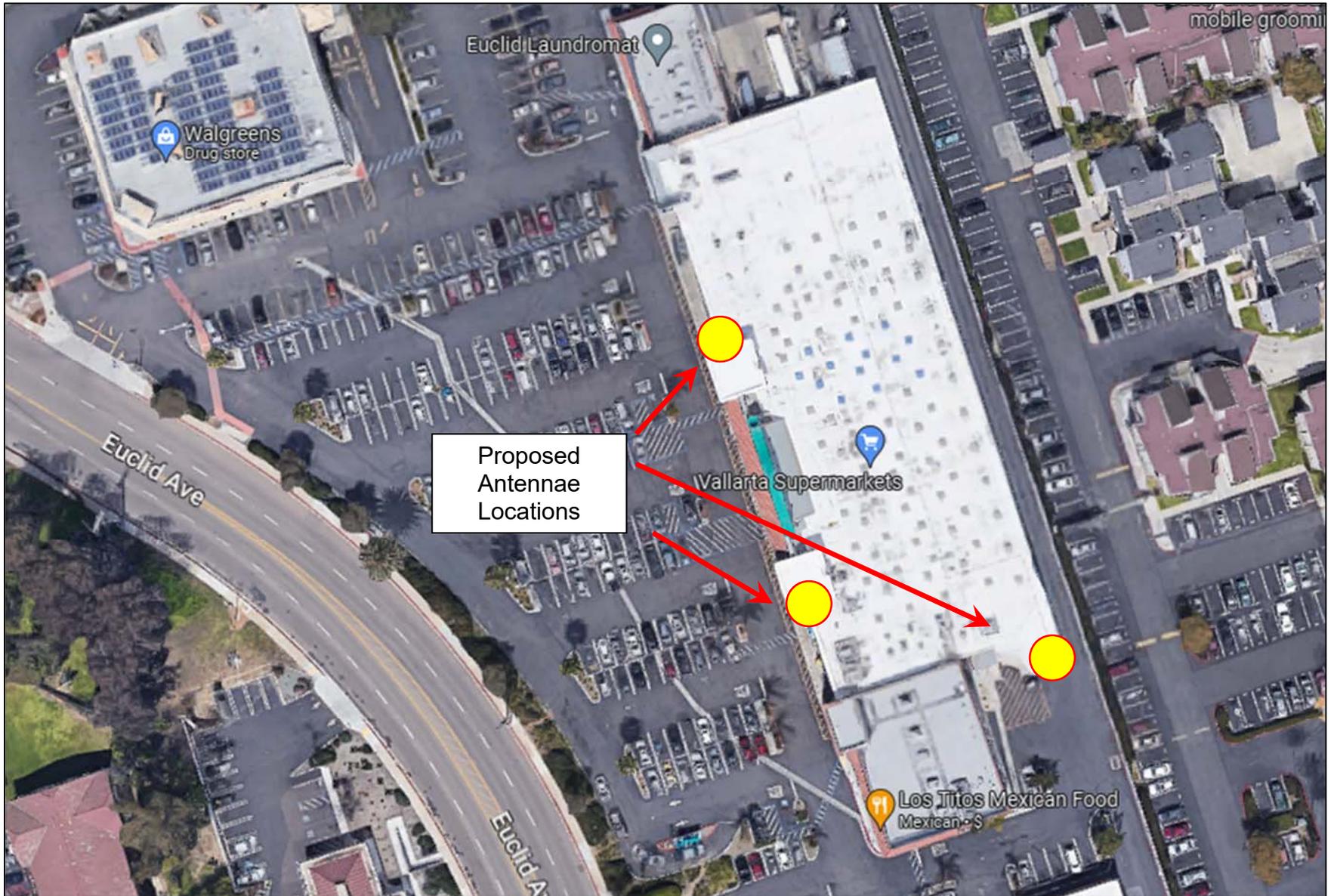
ABSENT:

ABSTAIN:

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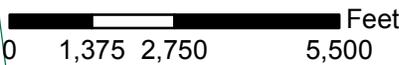
CHAIRPERSON

2022-36 CUP – 901 Euclid Avenue – Overhead





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



# Wireless Communication Facilities



National City Planning Department 2012

<b>FACILITY</b>	<b>APN</b>	<b>LOCATION</b>	<b>PROVIDER</b>	<b>FILE_NO_</b>
<b>1</b>	562-340-44	<b>2434 Southport</b>	Urban Comm Rad	CUP-1992-11 Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna
<b>2</b>	562 340 26	<b>300 W 28th</b>	AirTouch	CDC Reso 94-28 75-foot monopole with three sector antennas and 450-sa foot equipment building.
	562-340-26	<b>300 W 28th</b>	Nextel	CUP-2003-30 12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment
<b>4</b>	559-032-02	<b>1215 Wilson</b>	Pac Bell	CUP-1995-11 Located on roof of existina building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.
<b>5</b>	557-410-03	<b>1645 E Plaza</b>	Pac Bell	CUP--1995-13 Located on roof of Quality Inn. PCS facility- six panel antennas and equipment cabinet.
<b>6</b>	555-086-11	<b>910 Hoover</b>	AirTouch	CUP-1995-18 Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet
<b>7</b>	556-471-24	<b>801 National City Blvd</b>	AT&T	CUP-1996-2 Located on roof of Red Lion Hotel. Paging facility- four whip antennas, one global positioning satellite antenna and equipment cabinet.
	556-471-24	<b>801 National City Blvd</b>	Nextel	CUP-1994-8 Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.
	556-471-24	<b>801 National City Blvd</b>	Pagenet	CUP-1996-12 Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.
	556-471-24	<b>801 National City Blvd</b>	AT&T	CUP-1999-5 Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base svstem.
<b>8</b>	554-120-30	<b>2400 E 4th</b>	AT&T	CUP-1996-4 Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal PPositioninasatellite antenna and equipment cabinet.
<b>9</b>	559-160-13	<b>1022 W Bay Marin</b>	GTE	CUP-1996-5 Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.
<b>10</b>	563-370-36	<b>3007 Highland</b>	Pac Bell	CUP-1996-6 Located on existing Super Saver building. PCS facility- six panel antennas and two equipment cabinets.
<b>12</b>	554-050-12	<b>303 Palm</b>	AirTouch	CUP-1996-8 60-foot hiah monopole with six whip antennas, thirty directional cellular antennas, and three dishes with an eauidmentcabinet at base.
	554-050-12	<b>303 Palm</b>	Sprint PCS	CUP-2001-10 Located on National Guard Armory property. PCS facility six antennas in three 40-foot flag poles, one GPS antenna and a new equipment building.

14	564-471-01	<b>3030 Plaza Bonita Rd</b>	Nextel	CUP-1997-8	Located atop Plaza Bonita sign. ESMR facility- nine antennas and equipment cabinet.
	564-471-01	<b>3030 Plaza Bonita Rd</b>	Pac Bell	CUP-1996-7	Located atop the existing Plaza Bonita sign. PCS facility- three antennas and two equipment cabinets at base of sign.
16	557-420-36	<b>1840 E 12th</b>	Nextel	CUP-1999-4	60-foot monopole on vacant commercial lot.
20	555-082-11	<b>111 W 9th</b>	Sprint	CUP-2000-9	Located atop 2-story Sid's Camet Barn warehouse. Wireless communication facility- twelve wireless panel antennas and 4-inch GPS antenna.
21	555-030-21	<b>330 National City Blvd</b>	GTE	CUP-2000-11	Located atop Bay Theatre. Wireless communication facility- twelve panel antennas and four equipment cabinets.
22	564-250-50	<b>2435 Sweetwater</b>	Sprint	CUP-2000-14	Located at Sweetwater Inn. Global Positioning System with nine panel antennas.
30	557-420-36	<b>1905 E Plaza</b>	Sprint PCS	CUP-2001-3	53 foot tall monopole with nine panel antennas. PCS Facility with one equipment enclosure and a GPS antenna.
32	556-473-18	<b>242 E 8th</b>	AT&T	CUP-2001-6	Located atop an existing church.
34	563-370-35	<b>3007 Highland</b>	Nextel	CUP-2001-12	Located atop Sweetwater Square. New equipment building over trash enclosure, nine panel antennas and one GPS antenna.
36	563-231-38	<b>1914 Sweetwater</b>	Cingular	CUP-2002-3	Located on an existing 75 foot tall pole sign for the Sweetwater Town and Country Shopping Center.
37	564-310-37	<b>3737 Sweetwater</b>	Cingular	CUP-2002-4	72 foot tall monopole with standard equipment enclosure
39	556-101-15	<b>241 National City Blvd</b>	Cingular	CUP-2002-6	12 panel antennas behind four new partial parapet walls atop an existing furniture store; four equipment cabinets outside
40	558-200-24	<b>2415 E 18th</b>	Cingular	CUP-2002-13	Panel antennas located inside new light standards; equipment located inside existing commercial building
41	556-354-13	<b>716 Highland</b>	AT&T	CUP-2002-14	Six facade mounted panel antennas with equipment on roof of PacBell switching station. Equipment screened to match existing.
44	556-590-61	<b>1019 Highland</b>	Sprint PCS	CUP-2002-24	6 panel antennas in a new monument sign in the South Bay Plaza shopping center
	556-590-61	<b>1019 Highland</b>	Cingular	CUP-2002-2	Located atop South Bay Plaza on an existing mechanical equipment screen.
51	552-283-11	<b>2323 E Division</b>	Sprint	CUP-2004-6	3 panel antennas in a 9x10x16 roof-mounted cupola

<b>52</b>	560-191-30	<b>1701 D Ave</b>	Nextel	CUP-2004-12	12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure
<b>53</b>	551-570-20	<b>51 N Highland</b>	Sprint	CUP-2004-15	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets
<b>55</b>	563-231-39	<b>1914 Sweetwater</b>	Nextel	PC Reso 20-2002	2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets
<b>57</b>	554-120-24	<b>2701 E 8th</b>	Cingular	PC Reso 02-2001	Co-location in church spire-3 antennas within existing architectural feature
	554-120-24	<b>2701 E 8th</b>	T-Mobile	CUP-2000-19	Located at existing church. Antennas located in a 60-foot monument.
	554-120-24	<b>2701 E 8th</b>	Sprint	CUP-2000-27	12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the buildings
	554-120-24	<b>2701 E 8th</b>	AT&T	CUP-2000-19	Located at existing church. Antennas located in a 60-foot monument
<b>58</b>	558-030-30	<b>1035 Harbison</b>	Nextel	CUP-2005-3	12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.
<b>60</b>	556-510-12	<b>914 E 8th</b>	Cingular	CUP-2005-10	12 panel antennas on 39-ft monopine with 280 sq. ft. equipment shelter
<b>61</b>	559-040-53	<b>1439 Tidelands</b>	Cingular	CUP-2005-9	12 panel antennas on monopalm with associated equipment shelter
	559-040-53	<b>1445 Tidelands</b>	Nextel	CUP-2000-31	40-foot monopalm with three sectors of four antennas each and equipment shelter
<b>63</b>	562-200-02	<b>2900 Highland</b>	Cingular	CUP-2005-12	3 antennas on replacement light standard with associated equipment shelter
<b>64</b>	563-010-47	<b>2605 Highland</b>	Cricket	CUP-2006-11	3 antennas in new architectural feature of church with associated equipment
	563-010-47	<b>2605 Highland</b>	Sprint	CUP-2002-18	Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.
<b>65</b>	557-420-31	<b>1900 E Plaza</b>	Cricket	CUP-2006-6	3 antennas on new faux palm tree with associated equipment
	557-420-31	<b>1900 E Plaza</b>	Cingular	CUP-2004-4	5 panel antennas in a new pole sign at Jimmy's Restaurant
<b>67</b>	561-222-23	<b>1526-40 E 18th</b>	T-Mobile	CUP-2006-10	12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter
<b>68</b>	564-471-07	<b>3030 Plaza Bonita Rd</b>	Cingular	CUP-2005-24	12 antennas facade mounted to new rooftop enclosure that will house equipment

<b>68</b>	564-471-07	<b>3030 Plaza Bonita Rd</b>	Verizon	CUP-2003-13	12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall
<b>69</b>	559-106-17	<b>525 W 20th</b>	Cricket	CUP-2005-25	3 antennas on existing self storage building painted to match with associated equipment
	559-106-17	<b>525 W 20th</b>	Sprint	CUP-2001-4	Located on existina storaae building. Wireless communication facility- 9 antennas and equipment building.
<b>70</b>	554-050-15	<b>2005 E 4th</b>	Cricket	PC Reso 09-2003	3 antennas on existing light standard with associated equipment shelter
	554-050-15	<b>2005 E 4th</b>	Cingular	CUP-2003-5	12 panel antennas on a replacement 100 foot light standard in EITovon park and a 160 square foot equipment enclosure.
	554-050-15	<b>2005 E 4th</b>	GTE	CUP-1998-4	Located in EITovon Park. Cellular facility- 97'8" monopole with twelve panel antennas, three omni antennas, and 192-sqfoot equipment building.
	554-050-15	<b>2005 E 4th</b>	Nextel	CUP-2005-15	12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft.equipment shelter
<b>71</b>	564-290-06	<b>3820 Cagle St</b>	Cricket	PC RESO 10-2004	3 antennas on existing faux pine tree with vaulted equipment shelter
	564-290-06	<b>3820 Cagle St</b>	Sprint	CUP-2001-2	Located at Sweetwater Heights Centennial Park. Wireless communication facility- 35-foot pole with six antennas, equipment building and adjacent liahting for the park.
	564-290-06	<b>3820 Cagle St</b>	T-Mobile	CUP-2004-3	Located at Sweetwater Heights Centennial Park. Wireless communication facilitv- 55-foot monopine with twelve panel antennas and equipment building
	564-290-06	<b>3820 Cagle St</b>	Cingular	PC Reso 11-2002	Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault
<b>72</b>	669-060-26	<b>5800 Boxer Rd</b>	Cricket	PC RESO 32-2003	3 antennas on existing water tower with associated equipment shelter
	669-060-26	<b>5800 Boxer Rd</b>	T-Mobile	CUP-2003-16	12 panel antennas on the outside of the 0.0. Arnold water tank and a 150 square foot equipment enclosure adiacent to the tank
	669-060-26	<b>5800 Boxer Rd</b>	Sprint	PC Reso 32-2003	6 panel antennas on the outside of the 0.0. Arnold water tank and a 360 square foot equipment enclosure adjacent
	669-060-26	<b>5800 Boxer Rd</b>	Cingular	CUP-2005-21	12 panel antennas on the outside of the 0.0. Arnold water tank and a 520 square foot equipment enclosure adjacent
<b>73</b>	562-330-43	<b>152 W 33rd</b>	Cricket	PC Reso 21-2002	3 antennas on existing self storage within matching architectural projection with associated equipment
	562-330-43	<b>152 W 33rd</b>	Sprint	CUP-2002-8	12 panel antenas mounted on exterior of self-storage building and painted to match; all equipment located inside of the

74	555-053-17	<b>700 NCB</b>	Cricket	PC Reso 05-2000	3 antennas facade mounted to existina hotel with associated equipmen
	555-053-17	<b>700 NCB</b>	Metricom	CUP-2000-4	Located atop Holiday Inn. Wireless communication facility with equipment cabinet.
	555-053-17	<b>700 NCB</b>	Skytel	CUP-2000-30	Located atop Holiday Inn Hotel. - 8-foot whip antenna, two 4x2-foot panel antennas, and one GPS antenna with two indoor equipment cabinets.
75	560-203-03	<b>1800 National City Blvd</b>	Nextel	CUP-2006-15	15 panel antennas behindscreen wall atop existing car dealership with associated equipment
76	561-360-35	<b>1810 E 22nd</b>	Cricket	2007-14 CUP	3 antennas on recreation building at Las Palmas Park
	561-360-35	<b>1820 E 22nd</b>	Sprint-Nextel	CUP-2000-8	Located in Las Palmas Park. Monopalm and equipment along with live palms.
78	560-143-36	<b>1703 Hoover</b>	Cleawire	2009-22 CUP	9 antennas located on 3 different locations on industrial/ warehouse building. Each location will have 2 pannel antennas. Associated equipment will be located in building
79	559-160-33	<b>700 Bay Marina Dr</b>	Cleawire	2009-23 CUP	9 antennas on tower of Marina Gateway Plaza commercial building hidden behind parapet wall. 6-foot tall equiptmant cabinent on roof below tower will be mostly covered
80	560-151-20	<b>142 E 16th</b>	AT&T	2010-11 CUP	6 panel antennas and RF transparent cupola atop National City Ministry Church, as well as a 330 sq ft equipment/storage/trash enclosure on the ground. The 8-foot tall Cupola will have a cross afixed to it in order to appea as part of the church
81	561-271-01	<b>2005 Highland Ave</b>	Plancom	2010-31 CUP	12 antenas on a 43-foot mono-palm on eastern property line
	561-271-01	<b>2005 Highland</b>	T-Mobile	CUP-2003-4	12 antennas on the roof of a Highland Avenue office building
	561-271-01	<b>2005 Highland</b>	Cingular	CUP-2006-2	12 antennas on the roof of a Highland Avenue office building with new cupola to match existing
82	563-184-47	<b>2909 Shelby Dr</b>		P95-025	75-foot monopole and equipment building.
83	563-062-17	<b>2524 Prospect St</b>	AT&T	ZAP99-028	35-foot monopalm with three sector directional antenna system and equipment cabinets.
85	564-310-32	<b>3312 Bonita Heights Lane</b>	AT&T	ZAP00-133	
86	563-063-29	<b>2563 Grove St</b>	AT&T	MUP91-026W2	

86	563-063-29 <b>2563 Grove St</b> Monopole located aside live palm trees.	P91-026W
----	--	----------



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

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR A NEW WIRELESS COMMUNICATIONS FACILITY  
TO BE LOCATED AT 901 EUCLID AVENUE.

CASE FILE NO.: 2022-36 CUP

APN: 558-010-55

The National City Planning Commission will hold a public hearing at their regular in person meeting after the hour of 6:00 p.m. **Monday, March 6, 2023**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Andrew Rocca for Dish Wireless)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), the public hearing will also be available for anyone to observe on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

Dish Wireless has applied for a Conditional Use Permit (CUP) to construct a new wireless telecommunications facility and install associated equipment on the roof of and attached to Vallarta Supermarket. All antennas would be screened, with screening walls and/or enclosures textured and painted to match the existing commercial building. The Planning Commission will also be requested to find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 6, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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

NATIONAL CITY PLANNING DIVISION

ARMANDO VERGARA  
Director of Community Development

ATTACHMENT 4



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

**NOTICE OF EXEMPTION**

TO: Assessor/Recorder/County Clerk  
Attn: Fish and Wildlife Notices  
1600 Pacific Highway, Suite 260  
San Diego, CA 92101  
MS: A-33

**Lead Agency:** City of National City

**Project Title:** 2022-36 CUP

**Project Location:** 901 Euclid Avenue, National City, CA.

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for a new wireless communications facility on the roof of an existing supermarket located at 901 Euclid Avenue. The project would increase signal strength and service area for DISH Wireless customers.

**Applicant:**

Andrew Rocca for Dish Wireless  
23 Mauchly, #110  
Irvine, CA 92618

**Telephone Number:**

(760) 579-8823

**Exempt Status:**

**Categorical Exemption. Class 1 Section 15301 (Existing Facilities)**

**Reasons why project is exempt:**

There is no possibility that the proposed use will have a significant impact on the environment because the facility would be located on an existing building and the antennas will be screened by new screening walls and will not affect use of the property.

Date:

MARTIN REEDER, AICP  
Planning Manager





**NOTES**

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
3. CONTRACTOR TO VERIFY WITH DISH WIRELESS L.L.C. C.M. THE LOCATION OF THE POWER AND FIBER SOURCE PRIOR TO CONSTRUCTION.
4. UTILITY RUBBER MAT TO BE INSTALLED UNDER ALL DISH WIRELESS L.L.C. EQUIPMENT THAT IS RESTING ON OR AFFIXED TO ROOF MEMBRANE



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



23 MAUCHLY #110,  
IRVINE, CA 92618

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DRAWN BY: JM    CHECKED BY: AP    APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

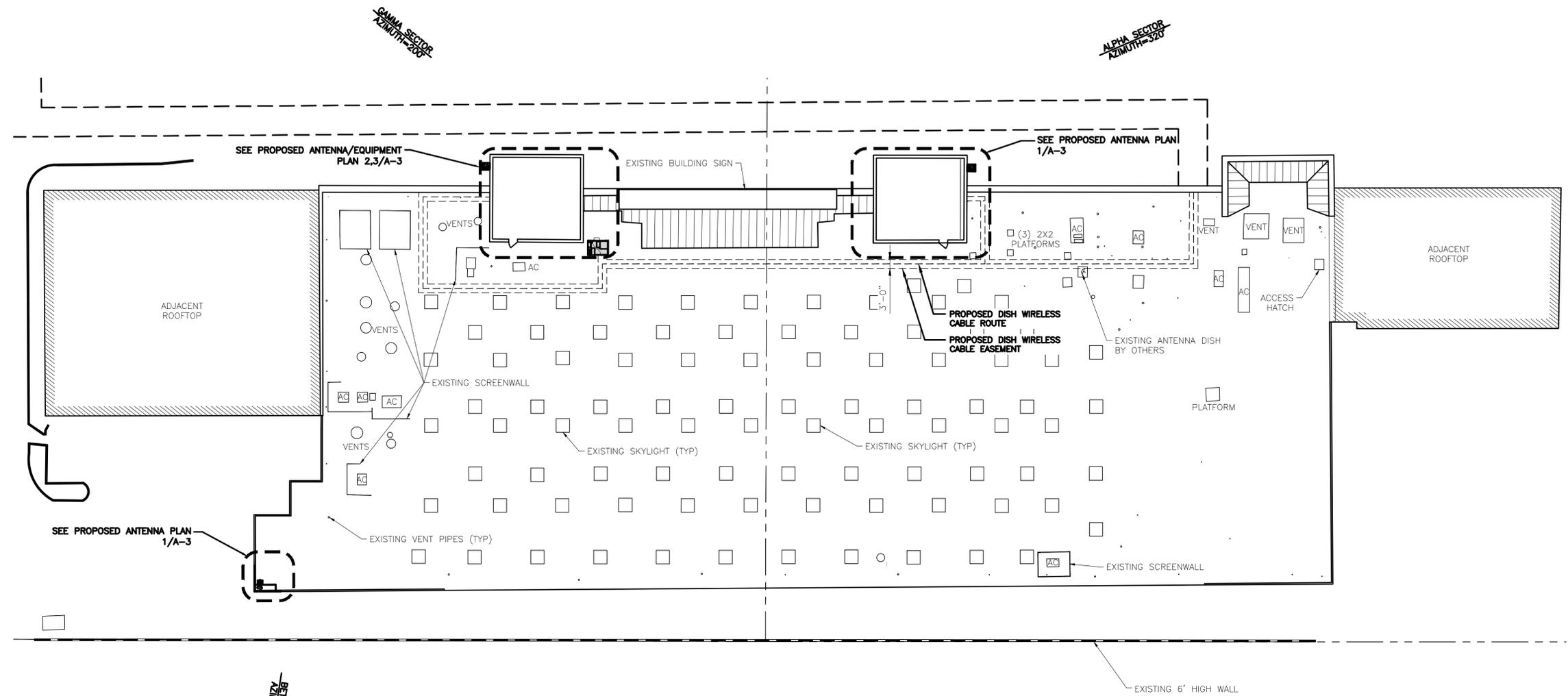
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REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
P-055281

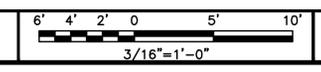
DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E  
  
901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
ENLARGED ROOFTOP  
PLAN

SHEET NUMBER  
**A-2**

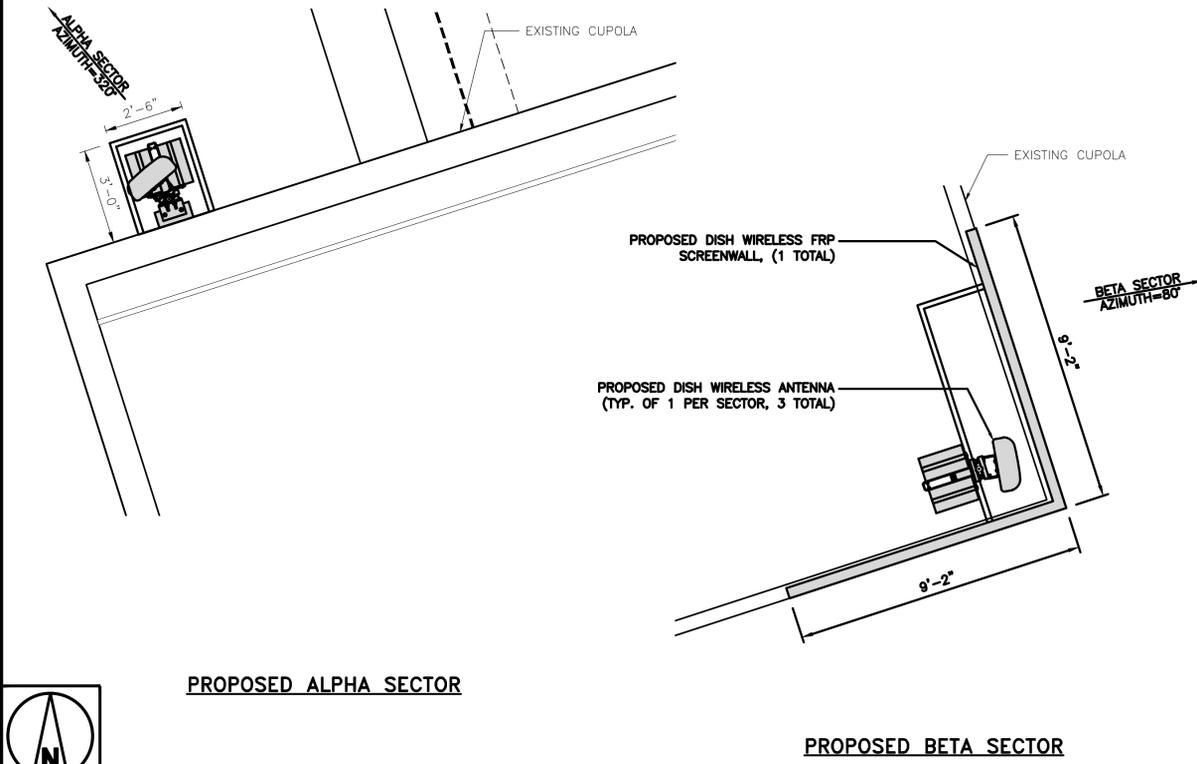


**ENLARGED ROOFTOP PLAN**



**NOTES**

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.

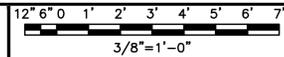


**PROPOSED ALPHA SECTOR**

**PROPOSED BETA SECTOR**

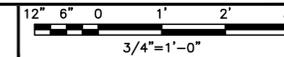
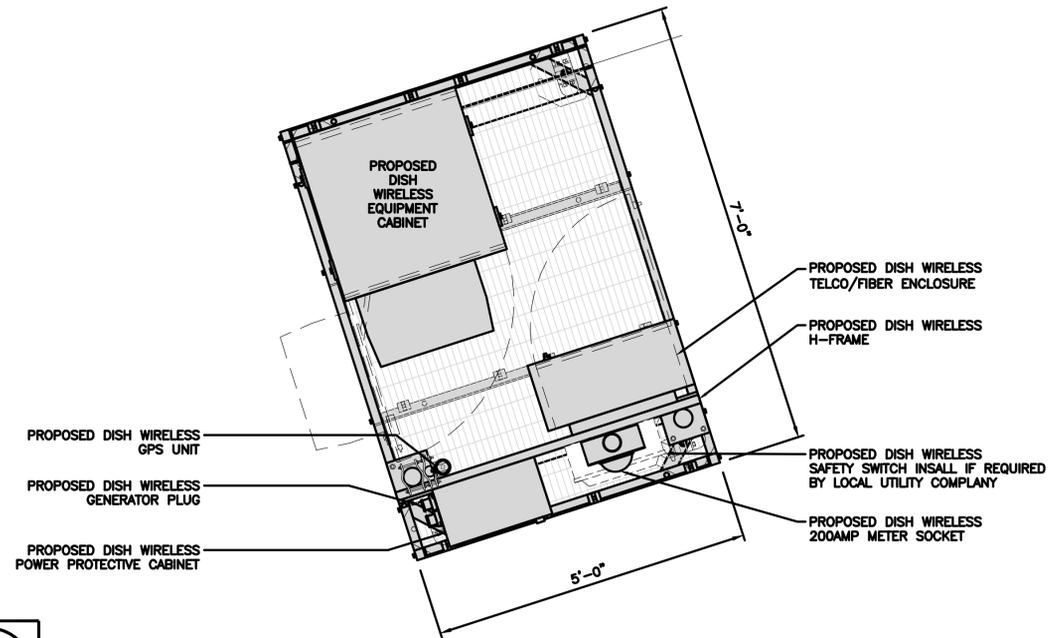


**PROPOSED ANTENNA PLAN – ALPHA & BETA SECTOR**



1

**PROPOSED EQUIPMENT**



2



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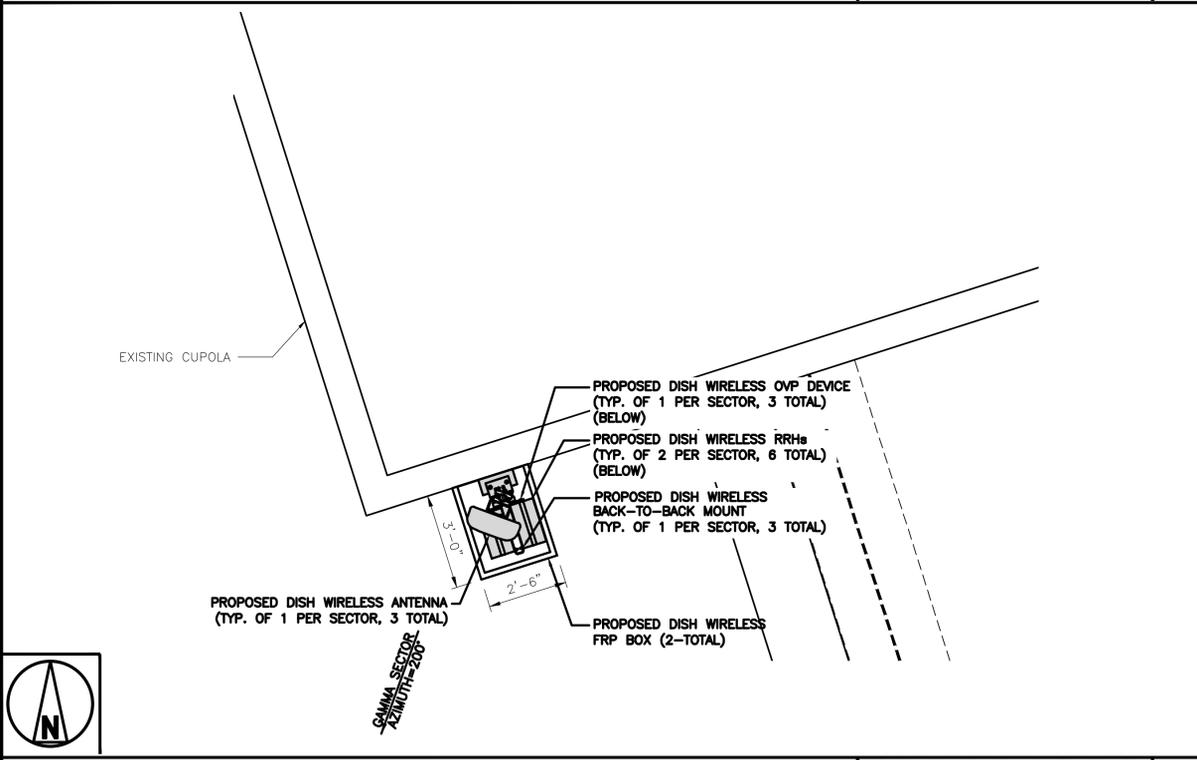
DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E

901 EUCLID AVE  
NATIONAL CITY, CA 91950

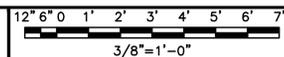
SHEET TITLE  
PROPOSED EQUIPMENT, ANTENNA  
PLANS AND SCHEDULE

SHEET NUMBER

**A-3**



**PROPOSED ANTENNA PLAN – BETA AND GAMMA SECTOR**



3

**DYNAMIC BLOCK**

SECTOR	POSITION	ANTENNA						TRANSMISSION CABLE
		EXISTING OR PROPOSED	MANUFACTURER – MODEL NUMBER	TECHNOLOGY	SIZE (HxW)	AZIMUTH	RAD CENTER	FEED LINE TYPE AND LENGTH
ALPHA	A1	PROPOSED	KMW-KE854L4H6-D	5G	72.0" x 18.1"	320°	28'-0"	DISCRETE CABLE APPROX. (180' LONG)
BETA	B1	PROPOSED	KMW-KE854L4H6-D	5G	72.0" x 18.1"	80°	21'-7"	DISCRETE CABLE APPROX. (140' LONG)
GAMMA	C1	PROPOSED	KMW-KE854L4H6-D	5G	72.0" x 18.1"	200°	28'-0"	DISCRETE CABLE APPROX. (200' LONG)

SECTOR	POSITION	RRH		NOTES
		MANUFACTURER – MODEL NUMBER	TECHNOLOGY	
ALPHA	A1	FUJITSU TAO8025-B604	5G	1. CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS. 2. ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY. ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.
	A1	FUJITSU TAO8025-B605	5G	
BETA	B1	FUJITSU TAO8025-B604	5G	
	B1	FUJITSU TAO8025-B605	5G	
GAMMA	C1	FUJITSU TAO8025-B604	5G	
	C1	FUJITSU TAO8025-B605	5G	

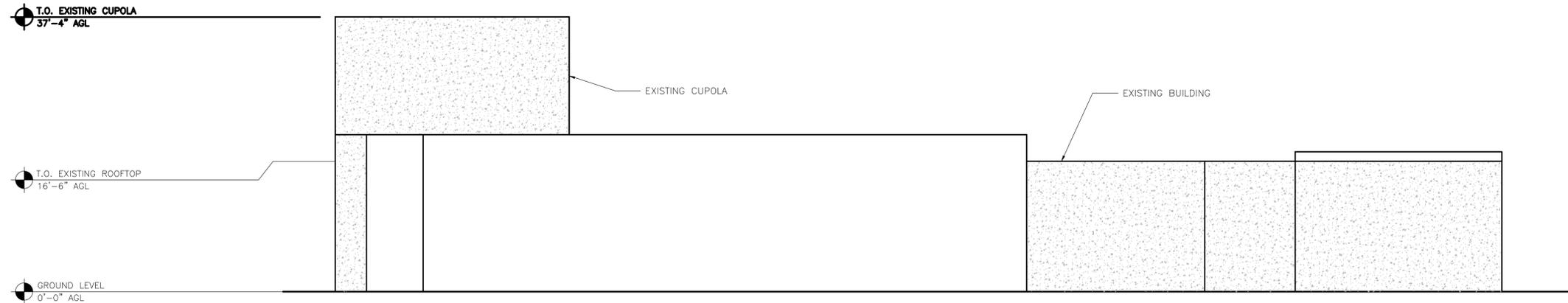
**ANTENNA SCHEDULE**

NO SCALE

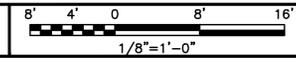
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**NOTES**

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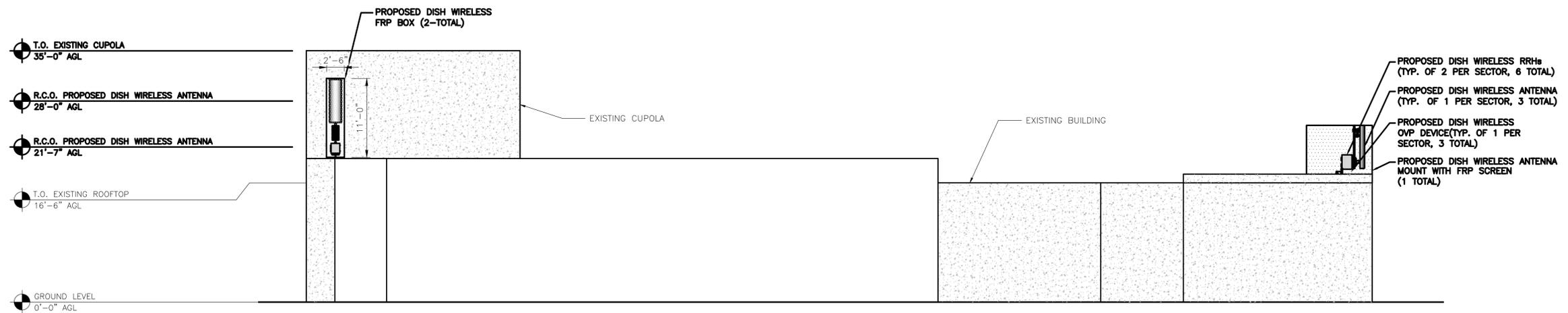
**EXISTING BUILDING SOUTH ELEVATION**



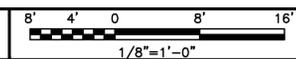
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**PROPOSED BUILDING SOUTH ELEVATION**



2



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



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IRVINE, CA 92618

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DRAWN BY: JM    CHECKED BY: AP    APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

SUBMITTALS		
REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
P-055281

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E

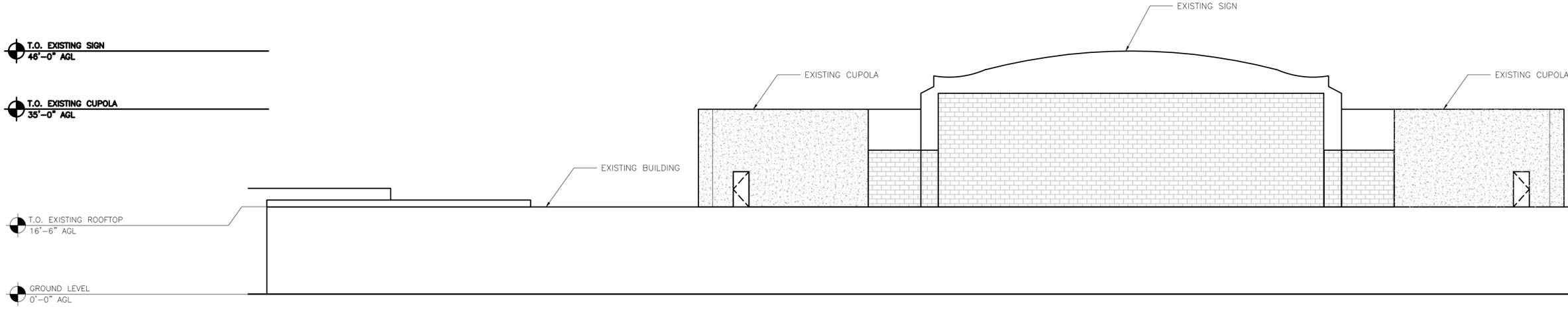
901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
SOUTH  
ELEVATION

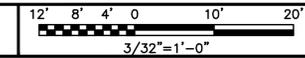
SHEET NUMBER  
**A-4**

**NOTES**

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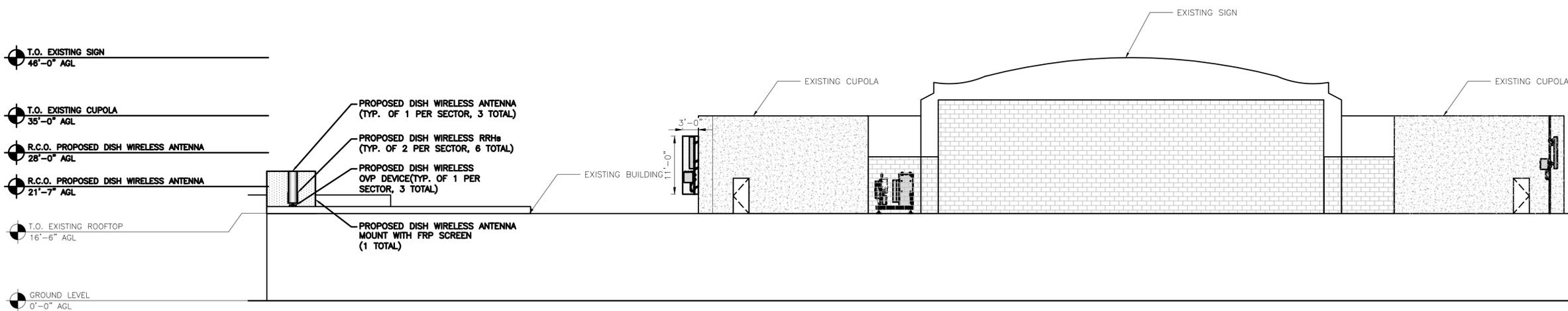
**EXISTING BUILDING EAST ELEVATION**



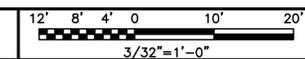
1

**NOTES**

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**PROPOSED BUILDING EAST ELEVATION**



2



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



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IRVINE, CA 92618

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DRAWN BY: JM CHECKED BY: AP APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

SUBMITTALS		
REV	DATE	DESCRIPTION
A	03/21/2022	90% ZD
B	03/28/2022	100% ZD

J5 PROJECT NUMBER  
P-055281

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00257E

901 EUCLID AVE  
NATIONAL CITY, CA 91950

SHEET TITLE  
EAST  
ELEVATION

SHEET NUMBER

**A-5**

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

Site No. SDSAN00257E  
SDSAN00257E  
901 Euclid Ave.  
National City, California 91950  
32° 40' 53.28" N, -117° 4' 47.59" W NAD83

EBI Project No. 6222002110  
April 8, 2022



Prepared for:  
Dish Wireless

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

ATTACHMENT 7

## TABLE OF CONTENTS

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<b>3.0 WORST-CASE PREDICTIVE MODELING</b> .....	<b>3</b>
<b>4.0 MITIGATION/SITE CONTROL OPTIONS</b> .....	<b>4</b>
<b>5.0 SUMMARY AND CONCLUSIONS</b> .....	<b>4</b>
<b>6.0 LIMITATIONS</b> .....	<b>5</b>

## APPENDICES

**APPENDIX A CERTIFICATIONS**

**APPENDIX B RADIO FREQUENCY ELECTROMAGNETIC ENERGY SAFETY / SIGNAGE PLANS**

**APPENDIX C FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS**

### REFERENCE DOCUMENTS (NOT ATTACHED)

**CDs:** SDSAN00257E\_ZD\_20220321184233

**RFDS:** RFDS\_SDSAN00257E-PENDING-20220322-V1.0

## EXECUTIVE SUMMARY

### Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Dish Wireless to conduct radio frequency electromagnetic (RF-EME) modeling for Dish Wireless Site SDSAN00257E located at 901 Euclid Ave. in National City, California to determine RF-EME exposure levels from proposed Dish Wireless communications equipment at this site. As described in greater detail in Appendix C of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for the general public and for occupational activities. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

### Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC's general public limit within approximately 39 feet of DISH's proposed antennas at the main roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 20 feet of DISH's proposed antennas at the main roof level. Additionally, there are areas where workers who may be elevated above the rooftop or ground may be exposed to power densities greater than the occupational limits. Therefore, workers should be informed about the presence and locations of antennas and their associated fields.

At the nearest walking/working surfaces to the Dish Wireless antennas, the maximum power density generated by the DISH antennas is approximately **680.57** percent of the FCC's general public limit (**136.11** percent of the FCC's occupational limit).

The maximum composite exposure level from all carriers on this site is approximately **680.57** percent of the FCC's general public limit (**136.11** percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

Recommended control measures are outlined in Section 4.0 and within the Site Safety Plan (attached); Dish Wireless should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Dish Wireless since only DISH has the ability to lockout/tagout the facility, or to authorize others to do so.

## 1.0 INTRODUCTION

Radio frequency waves are electromagnetic waves from the portion of the electromagnetic spectrum at frequencies lower than visible light and microwaves. The wavelengths of radio waves range from thousands of meters to around 30 centimeters. These wavelengths correspond to frequencies as low as 3 cycles per second (or hertz [Hz]) to as high as one gigahertz (one billion cycles per second).

Personal Communication (PCS) facilities used by Dish Wireless in this area will potentially operate within a frequency range of 600 to 5000 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed a distance above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of in areas in the immediate vicinity of the antennas.

MPE limits do not represent levels where a health risk exists, since they are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size or health.

## 2.0 SITE DESCRIPTION

This project site includes the following proposed wireless telecommunication antennas on a rooftop located at 901 Euclid Ave. in National City, California.

Ant #	Operator	Antenna Make	Antenna Model	Frequency (MHz)	Azimuth (deg.)	Mechanical Downtilt (deg.)	Horizontal Beamwidth (Degrees)	Aperture (feet)	Total Power Input (Watts)	Gain (dBd)*	Total ERP (Watts)	Total EIRP (Watts)
1	Dish	KMW	KE654L4H6-D 02DT 600	600	320	0	70	6.0	120	18.05	6826.24	11195.03
1	Dish	KMW	KE654L4H6-D 02DT 700	700	320	0	63	6.0	120	18.35	7314.44	11995.69
1	Dish	KMW	KE654L4H6-D 02DT 2000	2000	320	0	62	6.0	160	22.35	24497.40	40175.73
1	Dish	KMW	KE654L4H6-D 02DT 2100	2100	320	0	62	6.0	160	22.35	24497.40	40175.73
2	Dish	KMW	KE654L4H6-D 02DT 600	600	80	0	70	6.0	120	18.05	6826.24	11195.03
2	Dish	KMW	KE654L4H6-D 02DT 700	700	80	0	63	6.0	120	18.35	7314.44	11995.69
2	Dish	KMW	KE654L4H6-D 02DT 2000	2000	80	0	62	6.0	160	22.35	24497.40	40175.73
2	Dish	KMW	KE654L4H6-D 02DT 2100	2100	80	0	62	6.0	160	22.35	24497.40	40175.73
3	Dish	KMW	KE654L4H6-D 02DT 600	600	200	0	70	6.0	120	18.05	6826.24	11195.03
3	Dish	KMW	KE654L4H6-D 02DT 700	700	200	0	63	6.0	120	18.35	7314.44	11995.69
3	Dish	KMW	KE654L4H6-D 02DT 2000	2000	200	0	62	6.0	160	22.35	24497.40	40175.73
3	Dish	KMW	KE654L4H6-D 02DT 2100	2100	200	0	62	6.0	160	22.35	24497.40	40175.73

- Note there is 1 Dish Wireless antenna per sector at this site. For clarity, the different frequencies for each antenna are entered on separate lines.
- Gain includes antenna and combiner.

Ant #	NAME	X	Y	Antenna Radiation Centerline	Z-Height Cupola Roof	Z-Height Adjacent Building	Z-Height Adjacent Building Cupola	Z-Height Main Roof	Z-Height Ground
1	Dish	89.2	58.7	28.0	-7.0	9.5	4.0	12.0	28.0
2	Dish	22.0	19.7	21.6	-13.4	3.1	-2.4	5.6	21.6
3	Dish	42.7	58.5	28.0	-7.0	9.5	4.0	12.0	28.0

• Note the Z-Height represents the distance from the antenna centerline in feet.

The above tables contain an inventory of proposed Dish Wireless antennas and other carrier antennas if sufficient information was available to model them. Note that EBI uses an assumed set of antenna specifications and powers for unknown and other carrier antennas for modeling purposes. The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general population/uncontrolled exposure limits for members of the general public that may be exposed to antenna fields. While access to this site is considered uncontrolled, the analysis has considered exposures with respect to both controlled and uncontrolled limits as an untrained worker may access adjacent rooftop locations. Additional information regarding controlled/uncontrolled exposure limits is provided in Appendix C. Appendix B presents a site safety plan that provides a plan view of the rooftop with antenna locations.

### 3.0 WORST-CASE PREDICTIVE MODELING

EBI has performed theoretical MPE modeling using RoofMaster™ software to estimate the worst-case power density at the site’s nearby broadcast levels resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed by Waterford Consultants to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications Commission (FCC) Office of Engineering & Technology (OET) Bulletin 65, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields” (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by Dish Wireless and compared the resultant worst-case MPE levels to the FCC’s occupational/controlled exposure limits outlined in OET Bulletin 65. The assumptions used in the modeling are based upon information provided by Dish Wireless and information gathered from other sources. Elevations of walking/working surfaces were estimated based on elevations provided and available aerial imagery. Sector orientation assignments were made assuming coverage is directed to areas of site. Changes to antenna mount heights or placement will impact site compliance. The parameters used for modeling are summarized in the Site Description antenna inventory table in Section 2.0.

There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC’s general public limit within approximately 39 feet of Dish Wireless’s Sector C antennas on the adjacent

building cupola roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 20 feet of Dish Wireless's Sector C antennas on the adjacent building cupola rooftop level. At the nearest walking/working surfaces to the Dish Wireless antennas, the maximum power density generated by the Dish Wireless antennas is approximately 680.57 percent of the FCC's general public limit (136.11 percent of the FCC's occupational limit). The maximum composite exposure level from all carriers on this site is approximately 680.57 percent of the FCC's general public limit (136.11 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

The Site Safety Plan also presents areas where Dish Wireless antennas contribute greater than 5% of the applicable MPE limit for a site. A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

The inputs used in the modeling are summarized in the Site Description antenna inventory table in Section 2.0. A graphical representation of the RoofMaster™ modeling results is presented in Appendix B. Microwave dish antennas are designed for point-to-point operations at the elevations of the installed equipment rather than ground level coverage. The maximum power density generated by all carrier antennas, including microwaves and panel antennas, is included in the modeling results presented within this report.

#### **4.0 MITIGATION/SITE CONTROL OPTIONS**

EBI's modeling indicates that there are areas in front of the Dish Wireless antennas that exceed the FCC standards for general public and occupational exposure. In order to alert people accessing the rooftop, a Guidelines sign and an NOC Information are recommended for installation at each access point to the rooftop. Additionally, yellow Caution signs are recommended for installation on the barrier in front of the Dish Wireless Sector C antennas. These signs must be placed in a conspicuous manner so that they are visible to any person approaching the barrier from any direction.

Barriers are recommended for installation when possible to block access to the areas in front of the antennas that exceed the FCC general public and/or occupational limits. Barriers may consist of rope, chain, or fencing. Painted stripes should only be used as a last resort. Barriers are recommended on the adjacent building roof 20 feet away front of the Dish Wireless Sector C antennas.

These protocols and recommended control measures have been summarized and included with a graphic representation of the antennas and associated signage and control areas in a RF-EME Site Safety Plan, which is included as Appendix B. Individuals and workers accessing the rooftop should be provided with a copy of the attached Site Safety Plan, made aware of the posted signage and installation of the recommended barriers, and signify their understanding of the Site Safety Plan.

To reduce the risk of exposure, EBI recommends that access to areas associated with the active antenna installation be restricted and secured where possible.

Implementation of the signage and installation of the recommended barriers recommended in the Site Safety Plan and in this report will bring this site into compliance with the FCC's rules and regulations.

#### **5.0 SUMMARY AND CONCLUSIONS**

EBI has prepared a Radiofrequency – Electromagnetic Energy (RF-EME) Compliance Report for telecommunications equipment installed by Dish Wireless Site Number SDSAN00257E located at 901

Euclid Ave. in National City, California to determine worst-case predicted RF-EME exposure levels from wireless communications equipment installed at this site. This report summarizes the results of RF-EME modeling in relation to relevant Federal Communications Commission (FCC) RF-EME compliance standards for limiting human exposure to RF-EME fields.

As presented in the sections above, based on the FCC criteria, the worst-case emitted power density may exceed the FCC's general public limit within approximately 39 feet of Dish Wireless's proposed antennas at the main roof level. Modeling also indicates that the worst-case emitted power density may exceed the FCC's occupational limit within approximately 20 feet of Dish Wireless's proposed antennas at the main roof level.

Workers should be informed about the presence and locations of antennas and their associated fields. Recommended control measures are outlined in Section 4.0 and within the Site Safety Plan (attached); Dish Wireless should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Dish Wireless since only Dish Wireless has the ability to lockout/tagout the facility, or to authorize others to do so.

## **6.0 LIMITATIONS**

This report was prepared for the use of Dish Wireless. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

# **Appendix A**

## **Certifications**

## Preparer Certification

I, John-Pierre Blanchard, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified “occupational” under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read "John-Pierre Blanchard".

Reviewed and Approved by:

---

Michael McGuire  
Electrical Engineer  
[mike@h2dc.com](mailto:mike@h2dc.com)

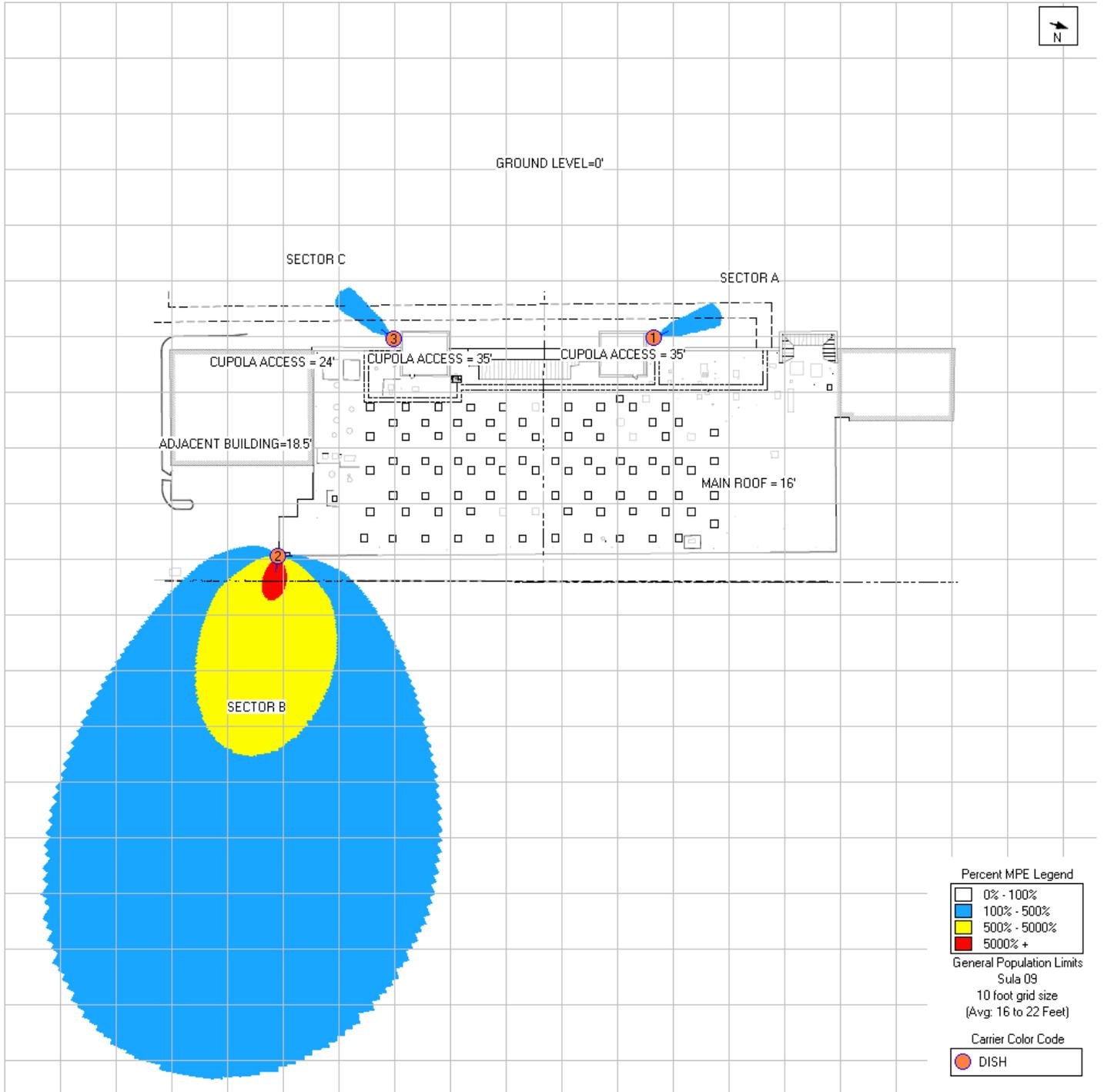
Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

**Appendix B**

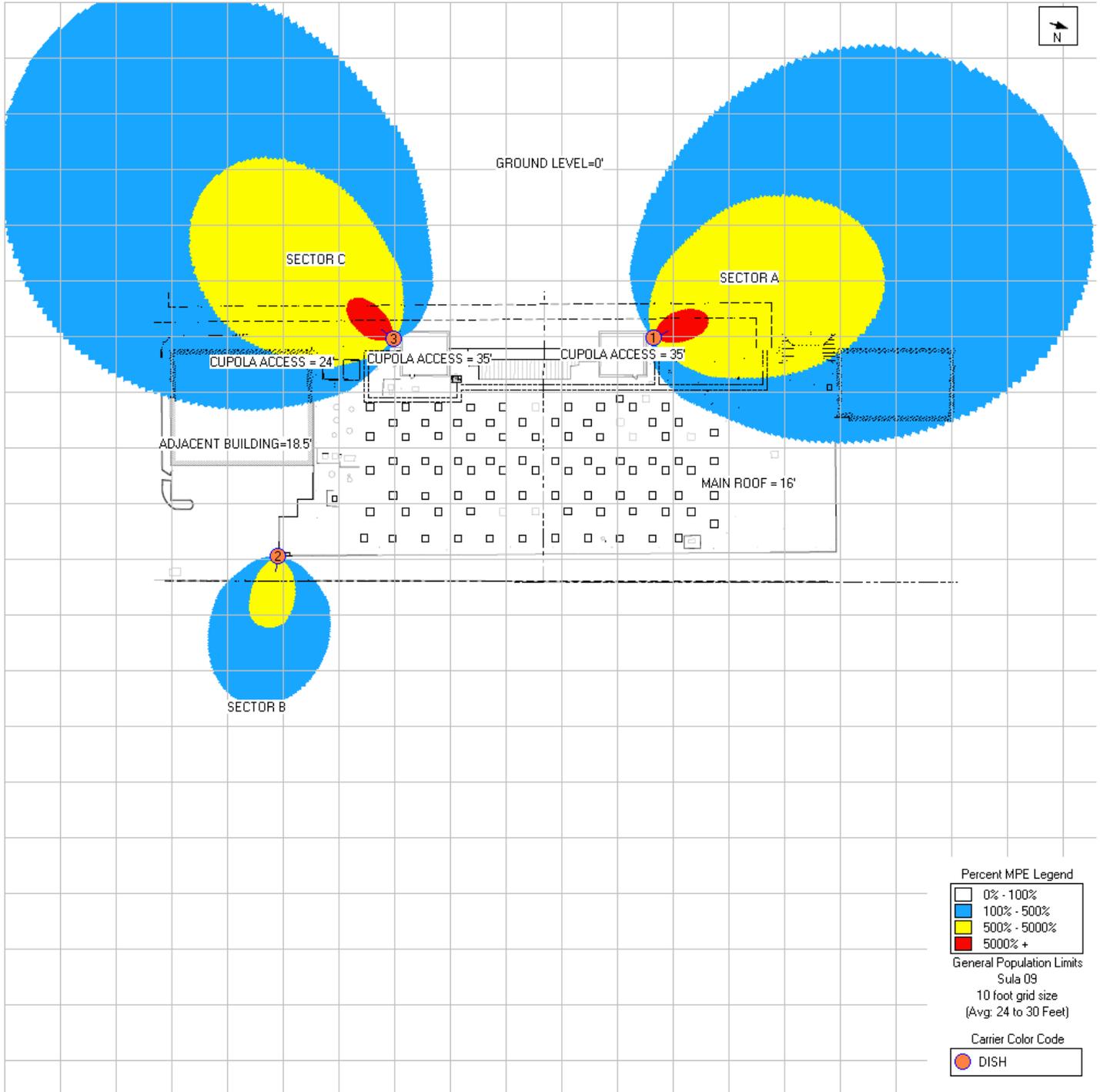
**Radio Frequency Electromagnetic Energy**

**Safety Information and Signage Plans**

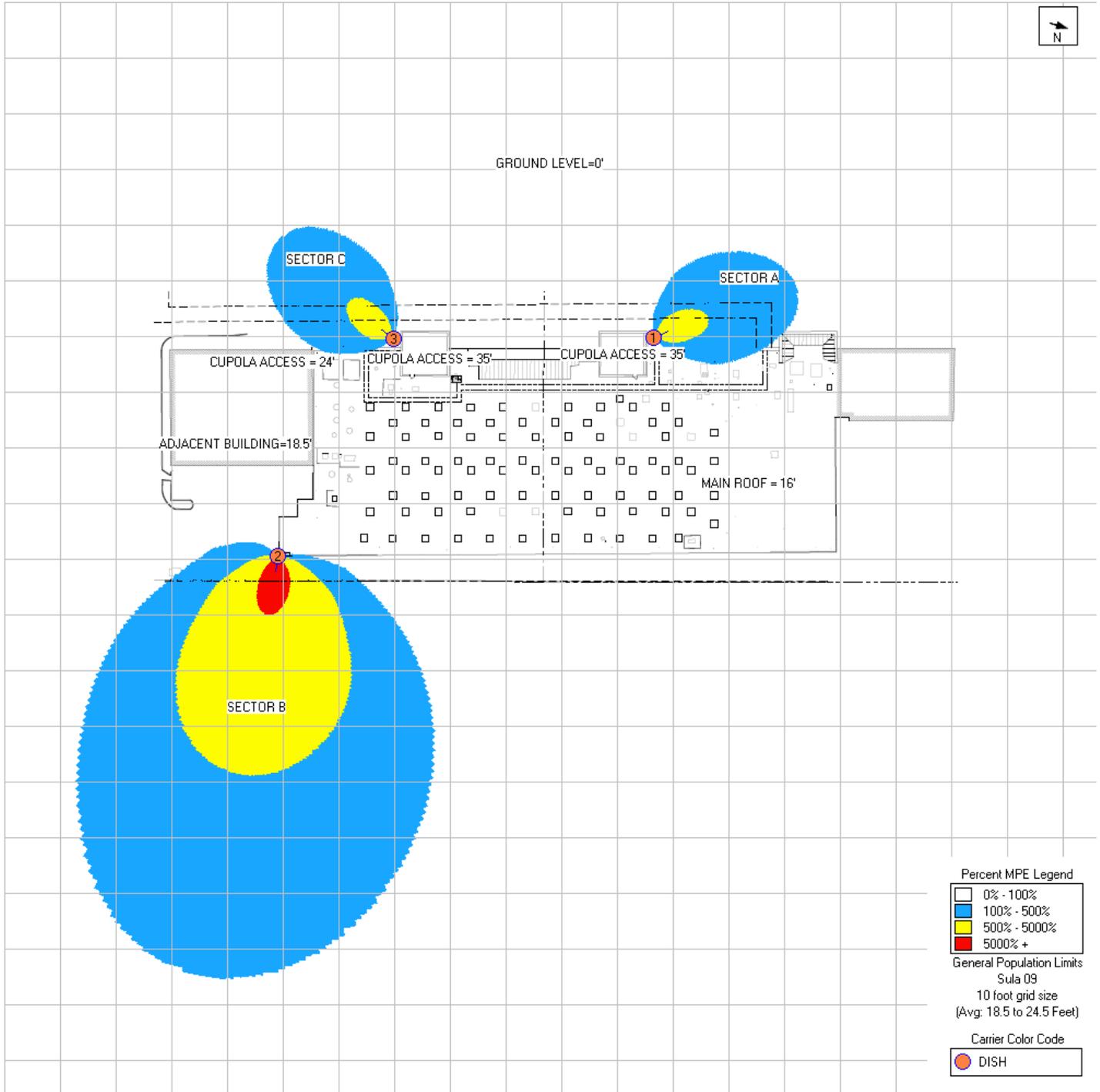
## Nearest Walking Surface (Main Roof Level) Simulation



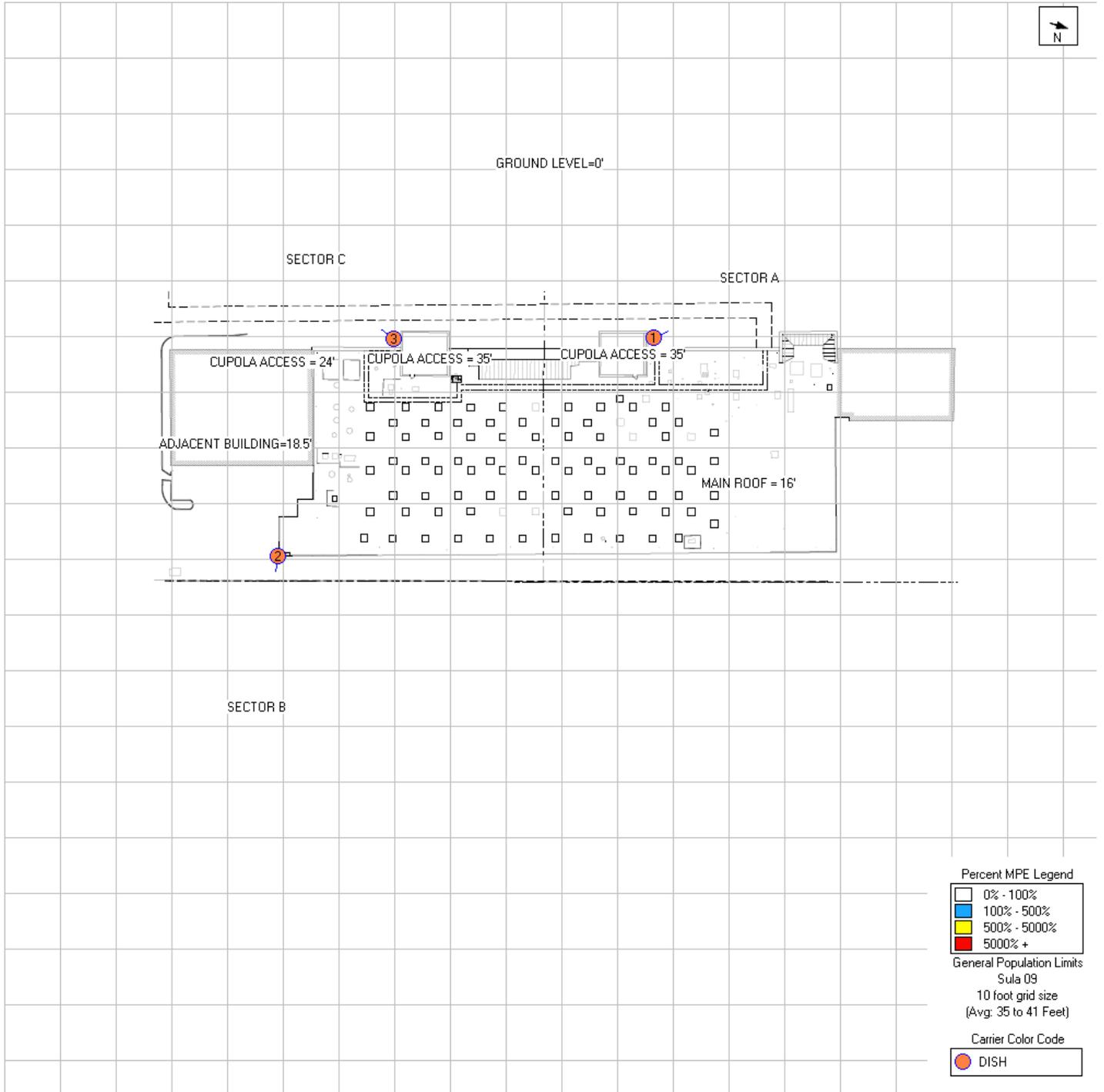
### Cupola Access Level (24') Simulation



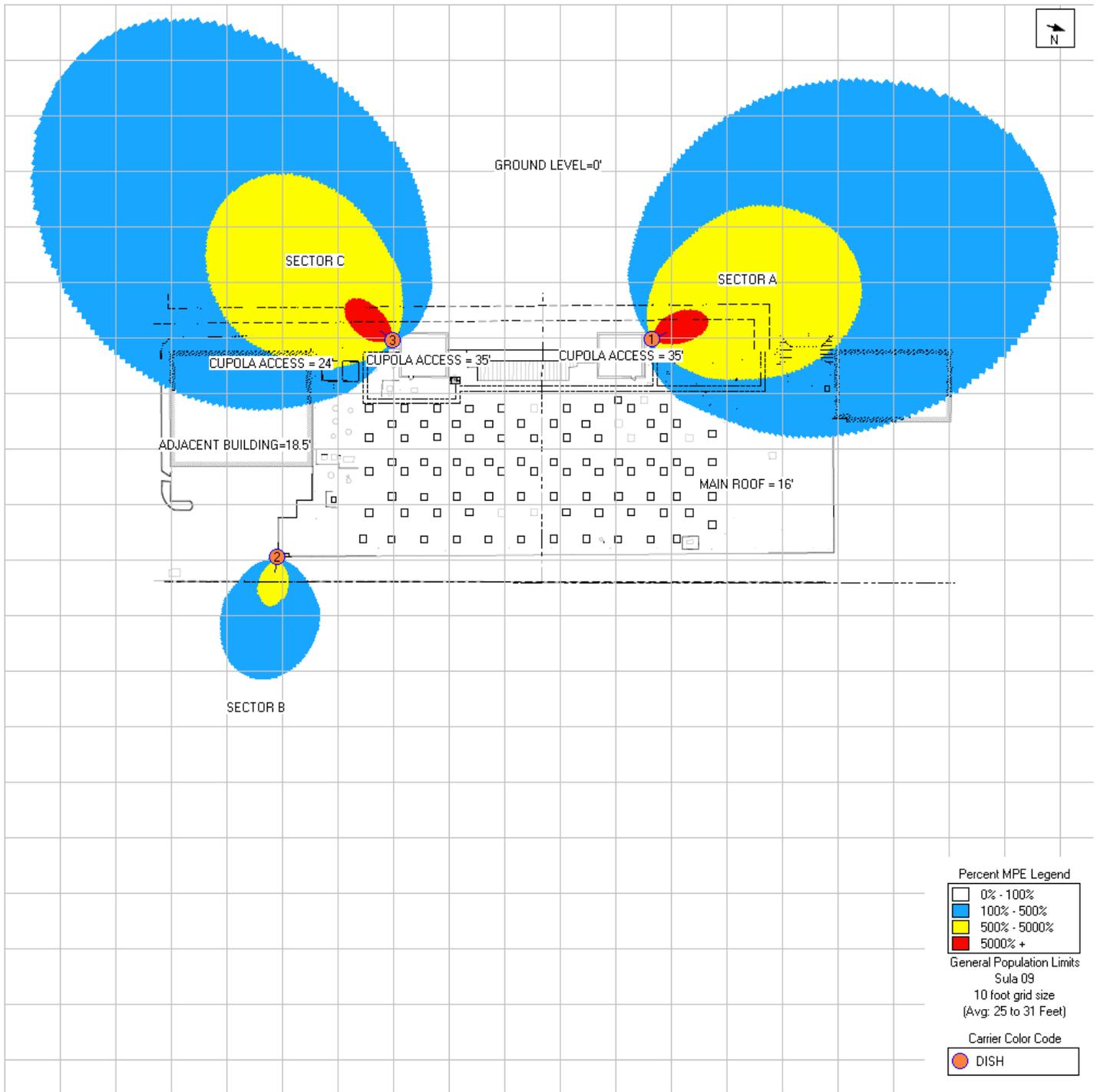
## Adjacent Building Cupola Roof Level (18.5' AGL) Simulation



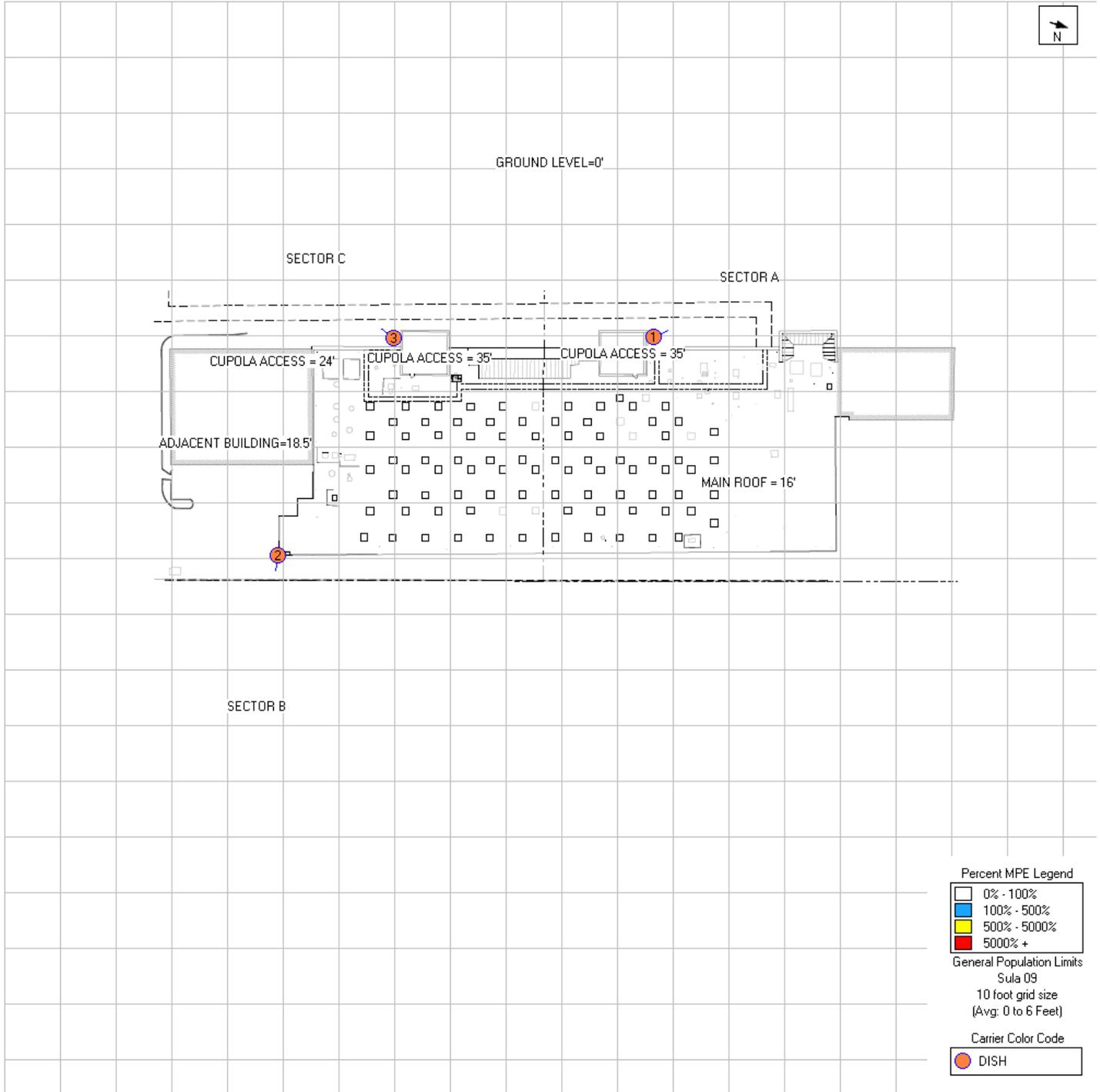
## Cupola Roof Level Simulation



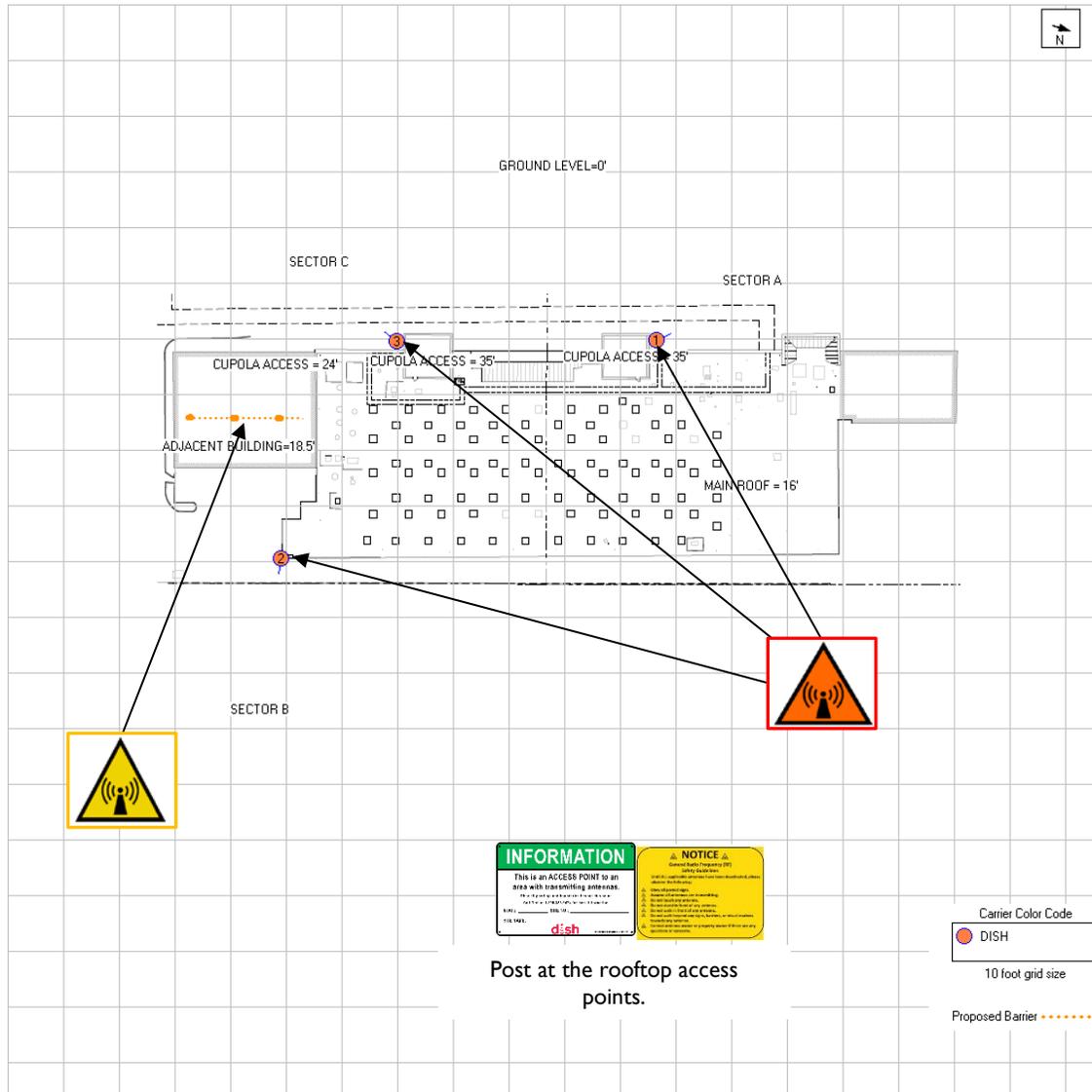
### Antenna Face Level Simulation



# Ground Level Simulation



## Dish Wireless Safety (Signage) Plan



Sign	Posting Instructions	Required Signage / Mitigation
	<p><b>NOC Information</b></p> <p>Information signs are used to provide contact information for any questions or concerns for personnel accessing the site.</p>	Securely post at the main rooftop access door and every point of access to the site in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.
	<p><b>Guidelines</b></p> <p>Informational sign used to notify workers that there are active antennas installed and provide guidelines for working in RF environments.</p>	Securely post at the main rooftop access door and every point of access to the site in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.
	<p><b>Notice</b></p> <p>Used to notify individuals they are entering an area where the power density emitted from transmitting antennas may exceed the FCC's MPE limit for the general public or occupational exposures.</p>	Signage not required.
	<p><b>Caution</b></p> <p>Used to notify individuals that they are entering a hot spot where either the general public or occupational FCC's MPE limit is or could be exceeded.</p>	Securely post every eight feet on the barriers near each Dish Wireless Sector.
	<p><b>Warning</b></p> <p>Used to notify individuals that they are entering a hot zone where the occupational FCC's MPE limit has been exceeded by 10x.</p>	Securely post on the antenna mount at each Dish Wireless Sector.

**Appendix C**  
**Federal Communications**  
**Commission (FCC) Requirements**

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

**Occupational/controlled exposure limits** apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

**General public/uncontrolled exposure limits** apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

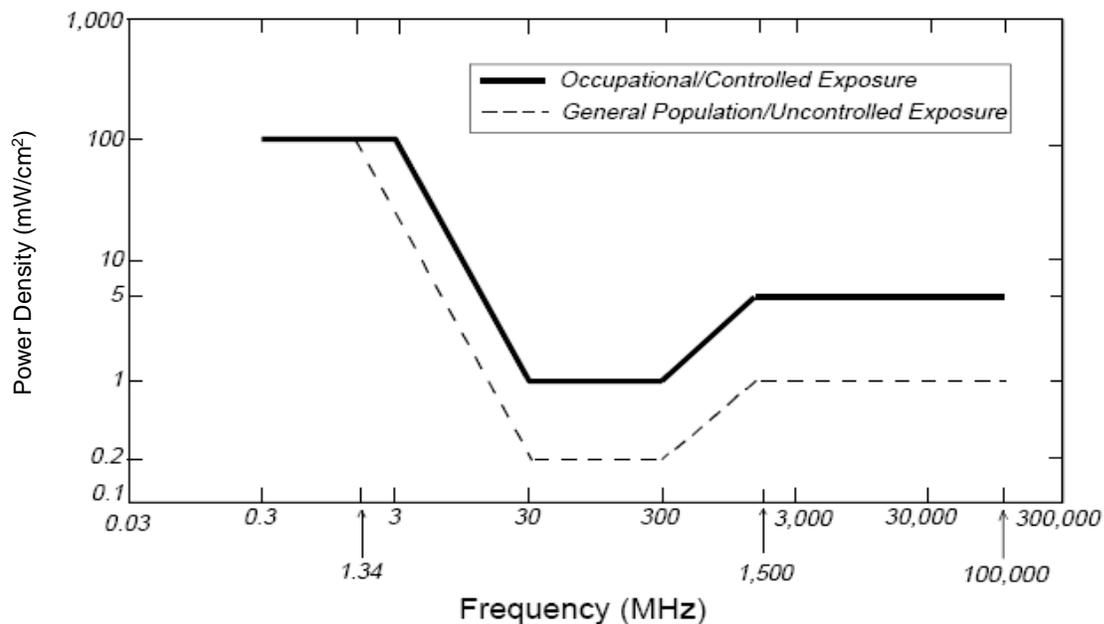
Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm<sup>2</sup>). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm<sup>2</sup>) and an uncontrolled MPE of 1 mW/cm<sup>2</sup> for equipment operating in the 1900 MHz frequency range. For the Dish Wireless equipment operating at 600 MHz or 850 MHz, the FCC's occupational MPE is 2.83 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.57 mW/cm<sup>2</sup>. For the Dish Wireless equipment operating at 1900 MHz, the FCC's occupational MPE is 5.0 mW/cm<sup>2</sup> and an uncontrolled MPE limit of 1.0 mW/cm<sup>2</sup>. These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)  
 \* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)  
 Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Microwave (Point-to-Point)	5,000 - 80,000 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm <sup>2</sup>	1.00 mW/cm <sup>2</sup>
Cellular Telephone	870 MHz	2.90 mW/cm <sup>2</sup>	0.58 mW/cm <sup>2</sup>
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm <sup>2</sup>	0.57 mW/cm <sup>2</sup>
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm <sup>2</sup>	0.47 mW/cm <sup>2</sup>
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm <sup>2</sup>	0.20 mW/cm <sup>2</sup>

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by Dish Wireless in this area will potentially operate within a frequency range of 600 to 2100 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

### FCC Compliance Requirement

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.



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

PLANNING COMMISSION STAFF REPORT

Title: LOCAL COASTAL PLAN (LCP) AMENDMENT TO REFLECT JURISDICTIONAL BOUNDARY CHANGES AFFECTED BY THE PORT OF SAN DIEGO'S NATIONAL CITY BALANCED PLAN AND EXPANSION OF THE BAYSHORE BIKEWAY.

Case File No.: 2023-26 LCPA

Property Location: City's waterfront area between Bay Marina Drive on the north, Sweetwater Marsh and Interstate 5 on the east, Pier 32 Marina on the south and the San Diego Unified Port District National City marine terminal on the west.

Assessor's Parcel No.: Various

Staff report by: John Helmer – Planning Consultant

Applicant: City-Initiated

Property Owner: City of National City

Zoning designation: MM (Medium Manufacturing), CT (Tourist Commercial)

Adjacent land use/zoning:

North: Industrial, commercial, military / Medium Manufacturing (MM), Military (MR)

East: Sweetwater Marsh (OS) / Visitor Serving (CS)

South: Pier 32 Marina / Port District

West: National City Marine Terminal/ Port District

Environmental review: Environmental Impact Report (Responsible Agency)

Staff recommendation: Approve

## BACKGROUND

### Staff Recommendation

Staff is recommending approval of the Local Coastal Plan Amendment (LCPA), as it will incorporate the recently adopted Port of San Diego's Balanced Plan into the City's Local Coastal Program Land Use Plan (LCP). The Balanced Plan will provide additional commercial opportunities for the City and the San Diego region, generate revenue for the City through transient occupancy tax, sales tax, and property tax, and increase visitor serving and public access uses in the City's waterfront.

### Executive Summary

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City's waterfront area. This project is collectively referred to as the "Balanced Plan" and is intended to be mutually beneficial to the region and is geographically located within the jurisdictional boundaries of the City and the District. The LCPA includes changes to the text and updated maps to reflect adoption of the Balanced Plan. The Planning Commission will make a recommendation to the City Council for final action.

The Planning Commission will also consider findings presented in the Final Environmental Impact Report (EIR) prepared by the District that the potential impacts of the proposed project may be mitigated to below a level of significance.

### Balanced Plan Proposal

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), District tenants, and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City's waterfront area. This project is collectively referred to as the "Balanced Plan" and is intended to be mutually beneficial to the region. It is geographically located within the jurisdictional boundaries of the City and the District.

Specifically, the Balanced Plan includes the following main components within the City's jurisdiction, which are addressed in detail later in this section:

- Amendments to the City's LCP that would include changes to the City's and District's jurisdictional boundaries due to District land purchases; changes to

subarea boundaries; and proposed changes to land use, specific plan, and zone designations subject to future City Council action.

- Removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City's General Plan, LCP, and Land Use Code (LUC) to reflect changes in jurisdictional authority.
- Construction and operation of a new segment of the Bayshore Bikeway, in coordination with the District's portion of the Bayshore Bikeway.

A resolution authorizing approval of the LCP amendments is included in Attachment 3.

### Zone Change

The City Program proposes future zoning changes for five vacant City-owned parcels located north of Bay Marina Drive. See Attachment 4. The City currently owns seven parcels that comprise two complete blocks between Bay Marina Drive to the south, West 23rd Street to the north, Harrison Avenue (vacated) to the west, and I-5 to the east. The City also owns Parcel 7 adjacent to the railroad tracks, which contains the National City Santa Fe Depot and includes the historic train station and several historic rail cars on display.

The City proposes to rezone Parcels 1, 2, 3, 5, and 6 from MM (Medium Manufacturing) to CT (Tourist Commercial) which could allow these parcels to be developed with hotel, restaurant, retail, and/or some combination of tourist/visitor-serving commercial uses. The CT zone currently allows a floor area ratio (FAR) of up to 1.0 (1.0 multiplied by the lot size), with no height limit; however, as part of the Balanced Plan, the FAR will increase to 2.0 (twice the lot size). The maximum allowable development with a FAR of 2.0 would be approximately 254,782 square feet of floor area. The proposed 2.0 FAR would allow for the development of desired land uses that require substantial floor areas, such as hotels, which would be of economic benefit to the City and provide opportunities for increased public access to the City's marina area. Development standards, such as the parking requirement and landscaping, would be based on the specific uses permitted in the CT zone at such time as future development is proposed. Parcels 4 and 7 are currently zoned CT and will remain so. No other City land use changes or development are currently proposed as part of the Balanced Plan. While this proposed zoning change is described in the LCP text, the implementation of this zoning change will be subject to future City action.

### City/District Boundary Adjustment

The Balanced Plan proposes the removal of approximately 12.4 acres of land area within the Balanced Plan area, located mostly on the current GB Capital leasehold east of the mean high tide line and on land now owned in fee by the District. This land will be removed

from the LCP, City's General Plan, and LUC will be added to the District's PMP to reflect changes in jurisdictional authority. These changes will clarify the jurisdictional boundary between the City and the District and will be reflected on all City zoning and General Plan Maps. These lands are not currently regulated by the Port Master Plan and this jurisdictional amendment will ensure consistency with the California Coastal Act and the Public Trust Doctrine. The District will amend its PMP map accordingly. See Attachment 5.

### Bayshore Bikeway

As a major goal of the City's original LCP submission, the Bayshore Bikeway is now being realized. The Bayshore Bikeway Segment 5 is generally located on a combination of existing roadways including Bay Marina Drive, Marina Way (formerly Harrison Avenue), Cleveland Avenue, McKinley Avenue, West 19th Street, Tidelands Avenue, West 14th Street, and Civic Center Drive. Most of the Bayshore Bikeway component is located within the City's jurisdiction and the southernmost portion is located within the District's jurisdiction. A small portion of the bikeway encroaches into the 100-foot buffer around the Sweetwater Marsh. Protection of the marsh will be assured through the adoption of Mitigation Measures Bio-1, Bio-3, Bio-4 and Bio-5 contained in the Mitigation Monitoring and Reporting Program (MMRP), which is part of in the Port of San Diego's Balanced Plan EIR<sup>1</sup>. City consultants are also coordinating with the California Coastal Commission and the California Department of Fish and Wildlife regarding details of marsh protection measures. These are also included in the MMRP. This new section of the Bayshore Bikeway is an important component of the 24-mile Bayshore Bikeway that circumnavigates San Diego Bay. The City is currently updating its Bicycle Master Plan to include the new Bayshore Bikeway segment.

### Harbor District Specific Area Plan (HDSAP)

The HDSAP is the area roughly south of Bay Marina Drive between Paradise Marsh and the National City Marine Terminal and was adopted by the City Council on July 28, 1998 and certified by the Coastal Commission on November 5, 1998. At that time, the HDSAP was intended to be a resource-based, environmental implementation plan to establish site-specific conservation and development standards in the OSR (Open Space Reserve), CT (Tourist Commercial), MM (Medium Manufacturing), and OS (Open Space) districts. No land use changes or specific development were included. Since 1998, the HDSAP has been implemented and is no longer relevant, given the changes in jurisdictional boundaries between the District and the City. Therefore, the HDSAP will be replaced by the Balanced Plan.

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<sup>1</sup> <https://portofsandiego.legistar.com/LegislationDetail.aspx?ID=5938482&GUID=9FB18B0D-0E4C-4058-B5E3-67FE3ADD0148> (see 1. 2022-0360A Draft Resolution)

### Balanced Plan Components within the District's Jurisdiction

The Balanced Plan also includes a number of development components located within the jurisdiction of the District which are integral to the overall development and economic benefit of the waterfront and marina area. The District's Balanced Plan components are provided for informational purposes only and are not subject to any discretionary action by the City. Proposed changes within the District's jurisdiction include the following.

- Changes to land and water use designations in the District's Port Master Plan (PMP).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District's jurisdiction within lands leased to GB Capital.
- The expansion of Pepper Park from 5.2 acres to 7.7 acres to increase park space and recreational opportunities for the community.
- Construction and operation of a rail connector track and storage track within the District's jurisdiction to serve the Pasha Group's maritime operations at the National City Marine Terminal.
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions, and re-designation of the area to Marine-Related Industrial in the District's PMP.
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's jurisdiction in coordination with the bikeway sections located within the City's jurisdiction.
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, re-designate land uses, and balance commercial and maritime uses.

### Phased LCP Update Program

The LCP was originally certified by the Coastal Commission in 1988 and the Implementation Plan was first certified in 1990; both were last amended in 1997. The City is aware that these important documents are out of date and need to be updated. The purpose of the Balanced Plan described in this report was to implement many years of negotiation with the District, GB Capital, and Pasha to identify mutually beneficial land uses to optimize recreational, maritime, and commercial uses within the National City Marina District.

Through agreement with the Coastal Commission, the City will be embarking on a three-part phased and comprehensive LCP update. These three phases are:

1. Balanced Plan LCP Amendment as described herein.
2. Targeted amendments to the LCP to update General Plan and Zoning Code references, strengthen coastal resilience, and lay the groundwork for a comprehensive LCP update. The scope of work would include LCP Amendments to the LCP Land Use Plan (LUP) including the zoning change previously described and updates to the Implementation Plan (IP). The City has received grant funding from the Coastal Commission to undertake these tasks which are already underway.
3. Comprehensive LCP Amendment. This third phase would be a comprehensive update to the LCP, which was last amended in 1997. City staff will be applying for substantial Coastal Commission grant funding to pay for the effort, which is expected to begin in late 2023 to 2024.

#### Local Coastal Program Consistency

Section 18.16.020 of the Land Use Code states that the purpose of the CT zone is to provide areas catering specifically to the needs of the automobile-oriented trade, such as transient accommodation and services, certain special retail outlets, and commercial amusement enterprises. Within the Coastal Zone, the purpose of the CT zone is to further accommodate tourist commercial, recreational and open space uses, consistent with the description of the LCP's Tourist Commercial designation and consistent with the policies of the Local Coastal Program, Land Use Plan, and the California Coastal Act. Therefore, the proposed rezoning of the City-owned properties from MM to CT is consistent with the LCP.

#### California Environmental Quality Act (CEQA)

In November 2022 the District, acting as the CEQA lead agency, certified the Balanced Plan Environmental Impact Report (EIR), which reflected several land use changes within the Port Master Plan as well as the City's Balanced Plan. Pursuant to CEQA, the City is considered a "Responsible Agency". As Responsible Agency, the City must only consider the environmental effects of a project that they are required by law to approve or carry out. The 2022 EIR considered environmental factors including traffic, air quality and other environmental issues that were relevant to the City's portion of the Balanced Plan. Because the City is now amending the Land Use Plan portion of its LCP to reflect the approval of the Balanced Plan it must also consider the findings contained in the Final EIR produced by the District.

In reviewing the CEQA findings, the Planning Commission will need to decide if the significant impacts associated with the environmental issues related to biological

resources, air quality and health risk, cultural, tribal cultural and paleontological resources, greenhouse gases and climate change, hazards and hazardous materials, land use, noise and transportation circulation and parking have been fully mitigated to below a level of significance. The EIR identifies specific mitigation measures, virtually all of which would be relevant upon construction of the Bayshore Bikeway and the eventual development of the parcels that were rezoned to Tourist Commercial. The Mitigation Monitoring and Reporting Program (MMRP) for the EIR outlines the specific mitigation measures, mitigation timing, methods for monitoring, and reporting and responsible parties. The CEQA findings of fact and the MMRP are included as Attachment 1.

Lastly, the Commission must determine whether any alternative other than the proposed Balanced Plan project might meet the key objectives of the project while reducing its environmental impacts. The EIR considered a number of alternatives, but only two alternatives were related to the City's portion of the Balanced Plan. The alternatives considered and their respective conclusions were as follows:

- No Project/No Development Alternative – This would eliminate environmental impacts and was rejected as all project objectives would not be met.
- Reduced Development Alternative (Environmentally Superior Alternative). This alternative would have reduced the hotel development in the City owned parcels to three stories and 75 total rooms. While it would have reduced to a limited degree the environmental impacts compared to the proposed Balanced Plan project, it would have generated less transient occupancy, property and sales tax and would have rendered the project economically infeasible. Hence, the Reduced Development Alternative has been rejected.

### Summary

The proposed Balanced Plan project will provide additional commercial opportunities for the City and the San Diego County region and generate revenue for the City through transient occupancy, sales and property tax. Further it will increase visitor-serving uses, public access and recreational activity in the City's waterfront. The project will produce new full and part time jobs and will help meet the City's revenue generation needs for the General Fund, which funds essential services throughout the City.

OPTIONS

1. Recommend that the City Council approve 2023-26 LCPA based on the findings included in the attached Resolutions:
  - a. Adopt Resolution 2023-04 recommending acceptance of the findings of the Balanced Plan Environmental Impact Report and adoption by reference the Mitigation Monitoring and Reporting Program (MMRP); and
  - b. Adopt Resolution 2023-05 recommending approval of a Local Coastal Plan (LCP) amendment to reflect jurisdictional boundary changes affected by the Port of San Diego's National City Balanced Plan and expansion of the Bayshore Bikeway; or
2. Deny 2023-26 LCPA based on findings as determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

ATTACHMENTS

1. Resolution 2023-04 recommending acceptance of Balanced Plan EIR Findings and Adoption of MMRP
2. Resolution 2023-05 recommending approval of LCP amendments
3. Local Coastal Program (Land Use Plan) strikethrough/underline
4. City Owned Parcels to be rezoned
5. City/District Boundary Adjustment Map
6. Public Hearing Notice (Published in the Star News on Friday, February 24, 2023)



MARTIN REEDER, AICP  
Planning Manager



ARMANDO VERGARA  
Director of Community Development

RESOLUTION NO. 2023-04

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
NATIONAL CITY, CALIFORNIA, RECOMMENDING ACCEPTANCE  
OF THE FINDINGS OF THE BALANCED PLAN ENVIRONMENTAL IMPACT  
REPORT AND ADOPTION BY REFERENCE THE MITIGATION  
MONITORING AND REPORTING PROGRAM.  
APPLICANT: CITY-INITIATED  
CASE FILE NO. 2022-26-LCPA

WHEREAS, the City of National City (City) and the San Diego Unified Port District (District) worked cooperatively to prepare the National City Balanced Plan (Project), a multi-jurisdictional plan for various public infrastructure improvements and increased access and visitor serving uses along the City's and District's waterfront; and,

WHEREAS, for purposes of the California Environmental Quality Act (CEQA), the District was designated as the Lead Agency and the City the Responsible Agency for preparation of the National City Balanced Plan Environmental Impact Report (EIR); and,

WHEREAS, the District certified the EIR, adopted findings and approved a Mitigation Monitoring and Reporting Program (MMRP) at a duly noticed public hearing held on November 16, 2022; and,

WHEREAS, as the Responsible Agency, the City must now must consider all significant environmental impacts analyzed in the EIR, adopt CEQA findings based substantial evidence, and approve a Mitigation Monitoring and Reporting Program (MMRP); and,

WHEREAS, the Planning Commission of the City of National City, fully considered the environmental impacts, adopted Statements of Overriding Considerations, appropriate mitigation measures found in the certified EIR, and hereby makes findings and adopts the EIR and its MMRP at a duly advertised public hearing held on March 6, 2023, at which time the Planning Commission considered substantial evidence to support the adoption of the EIR and MMRP; and,

WHEREAS, at said public hearing before the Planning Commission considered the staff report provided for Case File No. 2022-26-LCPA, which is maintained by the City and incorporated herein by reference, along with any other evidence presented at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and consistent with City ordinances and regulations; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety, protection of the environment, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on March 6, 2023 supports the following findings, which the Planning Commission hereby recommends to the City Council for approval:

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is a “Responsible Agency” for the project.
2. The Final EIR was prepared in compliance with CEQA statute and Guidelines.
3. The City has independently reviewed and analyzed the Final EIR, considered all substantial evidence, public comments, public testimony, and the District’s responses to public comments, and the City’s analysis of the EIR, MMRP, and related documents reflect the independent judgment of the City.
4. The District found and determined that the proposed Balanced Plan project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091. The Planning Commission recommends that the City Council makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A", which are hereby incorporated herein fully by this reference and made a part of the City’s administrative record herein and declares that it considered all relevant and substantial evidence described in connection with each such findings.
5. An MMRP has been prepared by skilled and independent professionals for the project and approved by the District. The Planning Commission recommends that the City Council adopt the mitigation measures applicable to the City’s portions of the Project or made a condition of approval of the Project. The MMRP is incorporated by reference herein as Exhibit “B” and is considered part of the Record of Proceedings for the Project.
6. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator for those mitigation measures applicable to the City’s jurisdiction.
7. In determining whether the Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has

based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b) and all other relevant provisions of CEQA.

8. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR.
9. The City has made no decisions that constitute an irretrievable commitment of resources toward the Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the Project.
10. The Planning Commission recommends that the City Council finds that pursuant to CEQA Section 21081(a) that adverse changes to the environment have been fully mitigated or have been determined to have overriding benefits to the City that outweigh those impacts.
11. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times to any member of the public at the offices of the City, custodian of record for such documents or other materials.
12. Having received, reviewed, and considered all information and documents in the administrative record, the Planning Commission recommends that the City Council conditions the Project and approves the Project consistent with the Findings herein.

BE IT FURTHER RESOLVED, that the Planning Commission has considered the EIR and finds on the basis of the whole of the administrative record that the Final EIR reflects the City's independent judgment and analysis, and hereby recommends that the City Council consider the Final EIR, adopt the Findings of Fact Statements of Overriding Consideration, and approve the MMRP for mitigation measures applicable to the City's portions of the Project.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 6, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

---

CHAIRPERSON

**EXHIBIT "A"**

Findings of Fact and Statement of Overriding Considerations

(See attached.)

**THE BOARD OF PORT COMMISSIONERS  
OF THE  
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT  
FOR THE  
National City Bayfront Projects & Plan  
Amendments**

**FINAL ENVIRONMENTAL IMPACT REPORT  
(UPD #EIR-2018-232; SCH #2018121054)**

**November 2022**

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**FINDINGS OF FACT**

**FOR THE**

**NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS**

**FINAL ENVIRONMENTAL IMPACT REPORT**  
**(UPD #EIR-2018-232; SCH #2018121054)**

**INTRODUCTION**

The Board of Port Commissioners of the San Diego Unified Port District (District) hereby makes the following Findings concerning the Final Environmental Impact Report (UPD #EIR-2018-232; SCH #2018121054) for the National City Bayfront Projects and Plan Amendments (“proposed project”), pursuant to the California Environmental Quality Act, Public Resources Code §21000, *et seq.* (CEQA), and its implementing regulations, California Code of Regulations, Title 14, §15000, *et seq.* (State CEQA Guidelines).

The Final Environmental Impact Report (EIR) prepared for the proposed project consists of the following:

- Volume 1 of the Final EIR is composed of the following:
  - Chapter 1 is an introduction to the Final EIR.
  - Chapter 2 contains an overview of the revisions made to the Draft EIR.
  - Chapter 3 contains comments received on the Draft EIR during the public comment period and the District’s responses to those comments.
  - Chapter 4 contains references used in the Final EIR.
  - Attachment 1 to the Final EIR contains the Mitigation Monitoring and Reporting Program (MMRP).
- Volume 2 of the Final EIR is a revised version of the Draft EIR, identifying changes in the text of the Draft EIR and other information added by the District in response to the public comments received during the public comment period.
- Volume 3 of the Final EIR consists of Appendices A through G of the Final EIR. Appendix Da (Revised Draft Port Master Plan Amendment associated with Balanced Plan) was added to the Final EIR.
- Volume 4 of the Final EIR consists of Appendices H through J of the Final EIR. Revisions were made to Appendix H (Marine Biological Resources Report) and Appendix J (Noise and Vibration Data and Calculations). Appendix Ia (Historic Property Survey Report) was added to the Final EIR.
- Volume 5 of the Final EIR consists of Appendix K of the Final EIR. Revisions were made to Appendix K (Transportation Impact Analysis).

- Volume 6 of the Final EIR consists of Appendices L through N of the Final EIR.

## **1.0 PROJECT DESCRIPTION**

### **1.1 Project Overview**

The District, City of National City (City), GB Capital Holdings (GB Capital), and Pasha Automotive Services (Pasha), as project applicants and proponents (collectively, project proponents), are proposing a project with both landside and waterside development components; an amendment to the District's Port Master Plan (PMP); amendments to the City's Local Coastal Program (LCP), General Plan, Harbor District Specific Area Plan (HDSAP), and Land Use Code (LUC) (Municipal Code Title 18 Zoning) (collectively "project" or "proposed project") on approximately 77 acres, consisting of approximately 58 landside acres and 19 waterside acres (project site) within District and City jurisdiction in National City.

Specifically, the proposed project includes the following main components.

- Changes to land and water use designations in the District's PMP (National City Marina District Balanced Land Use Plan [Balanced Plan]).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District's jurisdiction (GB Capital Component).
- Construction and operation of a rail connector track and storage track within the District's jurisdiction (Pasha Rail Improvement Component).
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions and redesignation of the area to Marine-Related Industrial in the District's PMP (Pasha Road Closures Component).
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's and City's jurisdictions (Bayshore Bikeway Component).
- Construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor-serving commercial development north of Bay Marina Drive within the City's jurisdiction (City Program – Development Component).
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, redesignate land uses, balance commercial and maritime uses, add appealable projects to the project list and change the Planning District accordingly (PMPA Component).
- Amendments to the City's LCP, General Plan, HDSAP, and LUC that would include changes to jurisdictional boundaries; changes to subarea

boundaries; and changes to land use, specific plan, and zone designations (City Program – Plan Amendments Component).

The proposed Balanced Plan includes a PMPA and corresponding LCP amendment (LCPA) to correct jurisdictional land use maps and clarify the land use authority, redesignate land uses, and balance commercial and maritime uses. The Balanced Plan was created in response to a public planning process to identify a reconfiguration of land uses to optimize recreational, maritime, and commercial uses within the National City Marina District, which is the area generally north of Sweetwater Channel and west of the wildlife refuge (Paradise Marsh). Implementation of the Balanced Plan would clearly delineate maritime land use boundaries from potential recreational and commercial land use boundaries while allowing operational efficiencies, but not throughput, to increase at the National City Marine Terminal (NCMT) and maintaining sensitivity to the function and sustainability of the Paradise Marsh, as well as public access and recreation in an expanded Pepper Park. The Balanced Plan proposes to accomplish this through the reconfiguration of roadways, a new rail connection, reconfiguration of commercial recreation and maritime-related land uses, the expansion of Pepper Park, and preservation of habitat buffers for the adjacent wildlife refuge.

The Balanced Plan, most of the GB Capital Component, the Pasha Rail Improvement Component, most of the Pasha Road Closures Component, and a portion of the Bayshore Bikeway Component are all within the District's jurisdictional boundaries. Consequently, changes proposed by these components would require a PMPA and are referred to collectively as the "Port Master Plan Amendment Component" or "PMPA Component" and include:

- Incorporation of the Balanced Plan, most of the GB Capital Component, the Pasha Rail Improvement Component, and the alignment of the Bayshore Bikeway into the PMP.
- Removal of the Street designation for the street closures associated with the Pasha Road Closures Component and redesignation of these areas (with the exception of the area within the City's jurisdiction) as Marine-Related Industrial.
- Addition of approximately 12.4 acres of the Balanced Plan, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, into the PMP.
- Addition of appealable projects to the project list.

Most of the proposed Bayshore Bikeway Component and the entire proposed City Program – Development Component are within the City's jurisdiction. Consequently, the City Program – Plan Amendments would consist of the following:

- Removal of approximately 12.4 acres of the Balanced Plan, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City's General Plan, LCP, HDSAP, and LUC to reflect changes in land use and jurisdictional authority.
- Incorporation of seven parcels north of Bay Marina Drive and adjacent rights-of-way into the City's HDSAP.

## 1.2 Project Location

The project site is located in the southwestern portion of National City, partially within the City's existing jurisdiction, partially within the District's existing jurisdiction. The project area is generally bordered by Paradise Marsh (part of the San Diego Bay National Wildlife Refuge/Sweetwater Marsh Unit) to the east, Sweetwater Channel to the south, NCMT and maritime uses to the west, and Civic Center Drive and commercial and industrial uses to the north.

Most of the project site is on land that is within the District's jurisdiction, and the District has regulatory duties and proprietary responsibilities over these portions of the project site. These portions of land have included leases since 1990 to Pasha for operation of an automotive import/export business at the marine terminal and leases since 2008 to GB Capital for operation of a recreational boat marina. In addition, Pepper Park and a portion of Sweetwater Channel (west of the mean high tide line) are part of the project site included within the District's jurisdiction, and a portion of Sweetwater Channel (east of the mean high tide line) is part of the project site included within the City's jurisdiction.

The proposed project consists of the following six components, which, while not all contiguous, total approximately 77 acres, and are in the following general locations:

- The Balanced Plan is located within the District's jurisdiction and is a land use plan to reconfigure land and water uses within the approximately 60.9-acre area generally north of Sweetwater Channel, south of the National Distribution Center, east of NCMT, and west of Paradise Marsh. The Balanced Plan proposes to reconfigure areas that are designated for Park/Plaza, Commercial Recreation, Marine Terminal, Marine-Related Industrial, Recreational Boat Berthing, and Street land uses in the Port Master Plan. The Balanced Plan also includes an expansion to Pepper Park.
- The GB Capital Component includes the Pier 32 Marina and the undeveloped lot to the north of the marina, part of the Sweetwater Channel to the south of the marina, and two existing parking lots utilized by Pasha, generally to the north and west of the marina. The GB Capital site is generally bounded by Sweetwater Channel to the south, Paradise Marsh to the east, the National Distribution Center facility to the north, and NCMT to the west. The GB Capital Component is proposed to be located generally on the area identified for a Commercial Recreation land use in the Balanced

Plan, but also extends into the City's jurisdiction, and outside the Balanced Plan boundaries, in the Sweetwater Channel. The landside portions of the GB Capital Component, as well as the existing marina, and most of the jetty are located within the District's jurisdiction.

- The Pasha Rail Improvement Component, which is located within the District's jurisdiction, would traverse the lot bounded on the north by existing railroad tracks and the National Distribution Center, on the east by Marina Way, on the south by 32nd Street, and on the west by Tidelands Avenue. The Pasha Rail Improvement Component is proposed to be located in the area identified for a Marine Related Industrial land use in the Balanced Plan.
- The Pasha Road Closures Component is located on Tidelands Avenue, from south of Bay Marina Drive to 32nd Street, and West 28th Street, between Quay Avenue and Tidelands Avenue. The Pasha Road Closures Component is mostly located within District jurisdiction, and a portion (between Bay Marina Drive and the mean high tide line) is located within City jurisdiction.
- The Bayshore Bikeway Component is generally located on a combination of existing roadways, including Bay Marina Drive, Marina Way (formerly Harrison Avenue), McKinley Avenue, and Civic Center Drive. Most of the Bayshore Bikeway Component is located within the City's jurisdiction, and the southernmost portion is located within District jurisdiction.

The City Program – Development Component is located within the City's jurisdiction, north of Bay Marina Drive, generally bounded by West 23rd Street on the north, the Interstate (I-) 5 southbound off-ramp at Bay Marina Drive to the east, Bay Marina Drive to the south, and the BNSF Railway (BNSF) railroad tracks to the west (west of the intersection of Bay Marina Drive and Marina Way).

### **1.3 Project Objectives**

To achieve the purpose and need of the proposed project, the District has identified the following objectives in coordination with the City.

1. Further activate the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, maximize recreational opportunities for visitors, maximize economic development opportunities, and to improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.
2. Reconfigure maritime and commercial uses to balance the anticipated future market demands for those uses, while also increasing public access on the project site.

3. Implement cohesive commercial development that is designed to enhance enjoyment of the National City Marina District and surrounding City area, contribute to the area's economic vitality, and generate economic revenue for the City including through increased Transient Occupancy Tax.
4. Increase park space and recreational opportunities to enhance the waterfront experience for all visitors and maximize opportunities to attract tourism to the City.
5. Reduce unnecessary train movements and reduce the required effort associated with building daily trains by improving near-terminal rail storage capacity and creating a more direct connection between the BNSF Railway National City Yard and the NCMT.
6. Offset the loss of existing land used for maritime operations, as proposed in the Balanced Plan, by closing internal District streets (i.e., Tidelands Avenue and West 28th Street) adjacent to existing maritime operations to create contiguous space for maritime operations and configuring cargo operations at and adjacent to the NCMT to create cargo-handling efficiencies to reduce cargo movements.
7. Incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act.
8. Be consistent with the City's environmental policies and the District's Climate Action Plan, Clean Air Program, and Jurisdictional Runoff Management Program to ensure that the proposed project does not adversely affect the District's or City's ability to attain their respective long-range environmental and sustainability goals.<sup>1</sup>
10. Incorporate a land use pattern for the National City Marina District into the PMP that establishes habitat buffers and implements operational features to avoid land use and operational inconsistencies between commercial, recreational, open space, and maritime uses.
11. Integrate National City, art, culture, and history into the development of the proposed project.
12. Increase the connectivity of the Project area to the surrounding area and facilitate increased pedestrian activity and enjoyment of San Diego Bay for visitors.

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<sup>1</sup> Objective 9, expand aquaculture potential on District tidelands, was removed because GB Capital withdrew its request for aquaculture from the proposed project.

## **2.0 ENVIRONMENTAL PROCEDURES**

### **2.1 Lead Agency**

Pursuant to State CEQA Guidelines §15367, the District is the “lead agency” because it has the principal responsibility for approving the proposed project and the majority of the project site is within the District’s land use jurisdiction. As the CEQA lead agency, the District also has primary responsibility for conducting an environmental review pursuant to CEQA. The District determined that an EIR should be prepared to analyze the environmental effects of the proposed project, which will be used by the Board of Port Commissioners (Board) in connection with its discretionary decisions regarding the proposed project. The Board is also responsible for approval of the PMPA and Coastal Development Permits (CDPs) and any real estate agreements for the project components within the District’s jurisdiction. If the Board approves the PMPA, the California Coastal Commission (CCC) will then consider whether to certify the PMPA. The CCC, as a CEQA responsible agency as defined State CEQA Guidelines §15381, would consider the EIR prior to making its decision whether to certify the PMPA. If the PMPA is fully certified by the CCC, the Board would consider approval of CDPs and leases for the project components within the District’s jurisdiction, allowing the proposed project within the District’s jurisdiction to proceed to construction.

The City is a responsible agency, as defined by State CEQA Guidelines §15381, and prior to reaching a decision on the proposed project, the City is required to consider the environmental effects generated from the project as analyzed in the EIR. The City is required to adopt a mitigation monitoring and reporting program for those portions within the City’s discretionary authority. The City’s approval is required for amendments to the City’s General Plan, LUC, LCP, and HDSAP and for authorization of issuance of CDP(s) for proposed project components within the City’s jurisdiction. Furthermore, the City’s approval is required for the issuance of other discretionary permits (e.g., CDPs, conditional use permit) and ministerial permits (e.g., grading, building, electrical). The CCC must approve the certification of, and final action by the City for amendments to the LCP, General Plan, LUC, and HDSAP which would occur post certification of the FEIR.

The California Department of Transportation (Caltrans) is also considered a responsible agency because approval from Caltrans would be required in order for GB Capital to use the Caltrans property south of the marina (the portion of the jetty east of the mean high tide line).

The California State Lands Commission (CSLC) is a trustee agency, as defined in State CEQA Guidelines Section 15386. CSLC may have an interest in the proposed project; however, CSLC would not issue approvals or permits that would be required to implement the proposed project.

## 2.2 Environmental Impact Report

Pursuant to State CEQA Guidelines §15080, *et seq.*, the District prepared an EIR to analyze the potential environmental impacts of the proposed project. The Final EIR contains all the information required by State CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR.

## 2.3 Public Participation

Environmental review of the proposed project began on December 20, 2018, with the publication of a Notice of Preparation (NOP) of the EIR and initiation of a public review period ending on January 31, 2019. The NOP was sent to the Office of Planning and Research and was filed with the San Diego County Clerk in accordance with State CEQA Guidelines §15082. The NOP and notices of its availability were mailed to public agencies, organizations, and other interested individuals to solicit their comments on the scope and content of the environmental analysis. The District also held a public scoping meeting on January 24, 2019, at the National City Aquatic Center.

The Draft EIR was completed and a Notice of Availability for public review was posted on September 29, 2021. A 50-day public review period began on September 29, 2021 and ended on November 17, 2021. The District received 19 comment letters during the public review period and five comment letters after close of the public review period.

These comments and the District's responses to them are included in Chapter 3, *Comments Received and District Responses*, of Volume 1 of the Final EIR, as required by State CEQA Guidelines §15088 and §15132. The Final EIR was completed and made available for review on September 30, 2022. Public hearings concerning certification of the Final EIR were held by the Board of Port Commissioners of the District on October 11, 2022 and November 16, 2022, at which interested agencies, organizations, and individuals were given an opportunity to comment on the Final EIR and the proposed project.

## 2.4 Record of Proceedings

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final EIR for the project shall include, but may not be limited to, the following:

- The Notice of Preparation and Initial Study (December 2018);
- The Draft EIR (September 2021);
- The Final EIR (September 2022);
- The appendices to the Draft EIR and the Final EIR;

- All documents and other materials referenced and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the materials identified in Chapter 9, *References*, of the Draft EIR;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the proposed project, which are before the Board of Port Commissioners as determined by the District Clerk;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;
- The minutes, video recordings, and verbatim transcripts, if any, of the public hearings held on October 11, 2022 and November 16, 2022, concerning the Final EIR and the proposed project;
- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the Port Master Plan; and
- Any other materials required to be in the record of proceedings by California Public Resources Code Section 21167.6(e).

The custodian of the documents and other materials composing the administrative record of the District's decision concerning certification of the Final EIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code §21081.6(a)(2).)

### **3.0 FINDINGS UNDER CEQA**

#### **3.1 Purpose**

CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final EIR (State CEQA Guidelines §15091). The purpose of the findings is to systematically restate the significant effects of the proposed project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final EIR that would avoid or substantially lessen the significant environmental effects. Once it has adopted sufficient measures to avoid or substantially lessen a significant impact, the District is not required to adopt every mitigation measure identified in the Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the District must review the alternatives identified in the Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the District's determinations.

#### **3.2 Terminology**

A "finding" is a written statement made by the District that explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding

contains a conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the District is required by State CEQA Guidelines §15091(a) to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A mitigation measure or an alternative is considered “feasible” if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines §15364). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “[F]easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (State CEQA Guidelines §§15093, 15043 (b); see also Public Resources Code §21081(b)). The California Supreme Court has stated, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576). A statement of overriding considerations is required for the approved project because it would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume 2 (Final EIR), Chapter 4, *Environmental Impacts*, and Chapter 5, *Cumulative Impacts*:

- Direct/project-level impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

### **3.3 Legal Effect**

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including future project applicants and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the District and responsible parties, which will take effect if and when the Board adopts a resolution certifying the Final EIR and adopts resolution(s) for the necessary project approvals.

### **3.4 Mitigation Monitoring and Reporting Program**

In addition to adopting these findings, the District also adopts a Mitigation Monitoring and Reporting Program pursuant to Public Resources Code §21081.6 and State CEQA Guidelines §15097. This program is designed to ensure the proposed project complies with the feasible mitigation measures identified below during implementation of the approved project. The program is set forth in the “Mitigation Monitoring and Reporting Program for the National City Bayfront Projects & Plan Amendments,” which is adopted by the District concurrently with these findings and is incorporated herein by this reference (Final EIR Attachment 1, *Mitigation Monitoring and Reporting Program*).

## **4.0 FINDINGS REGARDING POTENTIAL DIRECT AND INDIRECT SIGNIFICANT EFFECTS**

As indicated in the EIR, the proposed project could result in direct and indirect significant environmental effects with respect to aesthetics and visual resources; air quality and health risk; biological resources; cultural resources, tribal cultural resources, and paleontological resources; energy; greenhouse gas emissions and climate change; hazards and hazardous materials; land use and planning; noise and vibration; transportation, circulation, and parking; and utilities and service systems. These potential significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the applicable sections of Volume 2 (Final EIR). A summary of significant impacts and mitigation measures for the proposed project is set forth in Volume 2 (Final EIR), Chapter 2, *Executive Summary*, Table 2-3.

Set forth below are the findings regarding the potential direct and indirect significant effects of the approved project. The findings incorporate by reference the discussion of potentially significant impacts and mitigation measures contained in the Final EIR.

## 4.1 Aesthetics and Visual Resources

### 4.1.1 Impact-AES-1: Obstructed Views Within a Vista During Project Construction (GB Capital Component)

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-1) related to construction activities in the marina, on the jetty, and in Sweetwater Channel associated with the GB Capital Component (Phase 1) that would result in significant temporary impacts on vista areas from Key Observation Point (KOP) 2. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-1 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-1) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-1 would result from construction activities in the marina, on the jetty, and in Sweetwater Channel causing significant temporary impacts on vista areas from KOP 2.

The potentially significant impact on aesthetics and visual resources (Impact-AES-1) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-1: Install Construction Screening and Fencing, and MM-AES-2: Install Wayfinding and Public Access Signage, which are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-1: Install Construction Screening and Fencing (GB Capital Component). GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.

MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component). Prior to construction of any GB Capital-related project elements

within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.

Implementation of mitigation measures MM-AES-1 and MM-AES-2 would reduce impacts on existing views and access to existing vistas associated with construction of Phase 1 of the GB Capital Component to a less than significant level.

#### **4.1.2 Impact-AES-2: Inaccessibility of a Vista Area During Project Construction (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-2) related to construction activities associated with the GB Capital Component (Phase 1) that partially obstruct the view from KOP 3 and could restrict access to the KOP for up to two years. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-2 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-2) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-2 would result from construction activities partially obstructing the view from KOP and potentially restricting access to the KOP for up to two years.

The potentially significant impact on aesthetics and visual resources (Impact-AES-2) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-3: Establish a Temporary Scenic Vista, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

This mitigation measure is discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provides as follows:

MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component). Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).

Implementation of mitigation measure MM-AES-3 would reduce impacts on existing views and access to existing scenic vistas associated with construction of Phase 1 of the GB Capital Component to less than significant levels by establishing a temporary scenic vista directly east of KOP 3.

#### **4.1.3 Impact-AES-3: Reduction in Availability of Existing Views (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-3) related to the operation of GB Capital Component (Phase 1) that would introduce several new features that would clutter the existing viewshed from KOP 2 and reduce availability of existing middleground and background views. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-3 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-3) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-3 would result from the introduction of new features related to the operation of GP Capital Component (Phase 1) that would clutter the existing viewshed from KOP 2 and reduce availability of existing middleground and background views.

The potentially significant impact on aesthetics and visual resources (Impact-AES-3) would be reduced to below a level of significance by implementation of mitigation measures MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty, and MM-AES-5: Extend the Existing Clear Zone Across Jetty, which are set forth in full in the MMRP and Table 2-3 in the *Executive*

*Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component). GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District's Development Services Department prior to issuance of the certificate of occupancy.

MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component). The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District's Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.

Implementation of mitigation measures MM-AES-4 and MM-AES-5 would reduce impacts on existing views and access to existing scenic vistas associated with operation of Phase 1 of the GB Capital Component to less than significant levels by providing wayfinding signage to a similar vista and requiring a minimum 20-foot-wide clear zone along the existing Pier 32 overlook southward across the jetty to protect the view corridor.

#### **4.1.4 Impact-AES-5: Development of the GB Capital Component Would Potentially Affect Visual Character Within the Pier 32 Marina (GB Capital Component)**

**Potentially Significant Impact:** Because the GB Capital project is designed at a schematic level, the EIR identified potentially significant impacts on aesthetics and visual resources (Impact-AES-5) and the potential for the project to be inconsistent with Section 30251 of the California Coastal Act. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-5 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-5) is analyzed in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-5 would result from portions of GB Capital Component being inconsistent with Section 30251 of the California Coastal Act since it is not yet fully designed.

The potentially significant impact on aesthetics and visual resources (Impact-AES-5) would be reduced to below a level of significance by implementation of mitigation measure MM-AES-7: Design the GB Capital Component to Provide Continuity, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provides as follows:

MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component). To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.

Implementation of mitigation measure MM-AES-7 would reduce potential impacts from the GB Capital Component (Impact-AES-5) to a less-than-significant level by it to be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina to provide a natural continuity with the existing marina complex.

#### **4.1.5 Impact-AES-6: Reduction in Nighttime Views Due to Additional Lighting (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on aesthetics and visual resources (Impact-AES-6) resulting from the addition of new parking and landscape lighting as part of the development of GB Capital Component, which could disrupt wildlife behaviors and affect nighttime views. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on aesthetics and visual resources identified as Impact-AES-6 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on aesthetics and visual resources (Impact-AES-6) is analyzed in Volume

2 (Final EIR), Section 4.1, *Aesthetics and Visual Resources*. Potential Impact-AES-6 would result from the addition of new outdoor lighting as part of the development of GB Capital Component, which could disrupt wildlife behaviors and affect nighttime views.

The potentially significant impact on aesthetics and visual resources (Impact-AES-6) would be reduced to below a level of significance by implementation of mitigation measures MM-AES-8: Limit Lighting, and MM-AES-9: Shield Security and Safety Lighting, which are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. These mitigation measures are discussed in Section 4.1, *Aesthetics and Visual Resources*, of Volume 2 of the EIR and provide as follows:

MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

MM-AES-9: Shield Security and Safety Lighting (GB Capital Component). Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

Implementation of mitigation measures MM-AES-8 and MM-AES-9 would reduce potential impacts on nighttime views of the adjacent land uses from additional lighting sources (Impact-AES-6) by requiring lighting features that would emit less high-frequency blue light and reduce light spillage from the GB Capital Component to the adjacent land uses.

## **4.2 Air Quality and Health Risk**

### **4.2.1 Impact-AQ-1: New Land Use Designations Not Accounted for in the RAQS and SIP (All Project Components)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-1) resulting from the new land use designations not being accounted for in the San Diego Regional Air Quality Strategy (RAQS) and state implementation plan (SIP). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health

risk identified as Impact-AQ-1 in the EIR. Further, pursuant to State CEQA Guidelines §15091(a)(2), certain of the changes or alterations are within the responsibility and jurisdiction of other public agencies and not the District and such changes can and should be adopted by such other agencies.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-1) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-1 would result from the new land use designations not being accounted for in the RAQS and SIP. The land use changes were not known at the time the RAQS and SIP were last updated. The emissions associated with the proposed land uses could be greater than under existing land uses and these new emissions have not been accounted for in the current RAQS and SIP.

The potentially significant impact on air quality and health risk (Impact-AQ-1) would be reduced to below a level of significance by implementation of mitigation measure MM-AQ-1: Update the RAQS and SIP with New Growth Projections, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provides as follows:

MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components). Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the proposed project. This includes the amendments to the District's PMP, and the City's General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City's General Plan as a whole.

Implementation of mitigation measure MM-AQ-1 would reduce potential impacts associated with inconsistency with the RAQS and SIP to a less-than-significant level by ensuring the administrative process to update SANDAG's growth projections is completed and the RAQS and SIP are updated by SANDAG and the SDAPCD. This would inform the air quality strategies contained within the RAQS and SIP and ensure these air quality plans adequately consider the redesignated uses at the project site.

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

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-2) associated with unmitigated project emissions during construction exceeding applicable significance thresholds.

Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-2 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-2) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-2 would result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for criteria pollutants.

The potentially significant impact on air quality and health (Impact-AQ-2) would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

These mitigation measures are discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provide as follows:

MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components). To control VOC, NOX, CO, PM10, and PM2.5 emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).

Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District's Development Services Department (for the components' within the District's jurisdiction) or the City's Community Development Department (for the component's within the City's jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:

- For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project's construction period through 2025.
- For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project's construction period beyond 2025.
- Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.
- Maintain all equipment in accordance with the manufacturers' specifications.
- Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes.
- Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site.
- Use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines for on-road and off-road diesel equipment.

MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components). To control fugitive PM10 and PM2.5 emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).

- Water the grading areas at a minimum of three times daily to minimize fugitive dust.
- Stabilize graded areas as quickly as possible to minimize fugitive dust.
- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.
- Install wheel washers adjacent to a paved apron prior to vehicle entry on

- public roads.
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
  - Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
  - Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
  - Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
  - Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
  - Cover/water onsite stockpiles of excavated material.
  - Enforce a 15 mph speed limit on unpaved surfaces.
  - On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.
  - Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.
  - Limit the daily grading volumes/area.

The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction.

MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component). To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District's Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City's Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to

verify the use of low-VOC coatings.

MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:

- For all construction between 2022 and 2025, ensure all equipment is Tier 3 or better (cleaner).
- For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) is not available, then the project proponent shall ensure all equipment is Tier 4 or better.
- Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department and/or the City's Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District's Development Services Department and/or the City's Community Development Department prior to commencement of their use.

MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1)

are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components' grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.

Implementation of mitigation measures MM-AQ-2 through MM-AQ-6 would reduce potential impacts from construction-related emissions to less-than-significant levels, as shown in Tables 4.2-18 through 4.2-23 in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR, by implementing measures and practices that reduce emissions and limit the overlap of activities associated with separate projects and project components.

#### **4.2.3 Impact-AQ-3: Emissions in Excess of Criteria Pollutant Thresholds During Proposed Project Operation (GB Capital Component, City Program Component, and Balanced Plan)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on air quality and health risk (Impact-AQ-3) resulting unmitigated emissions during project operation exceeding criteria pollutant thresholds for volatile organic compound (VOC) and particulate matter (PM)<sub>10</sub>. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-3 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-3) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-3 would result from emissions during the operation of the GB Capital Component, City Program Component, and the Balanced Plan exceeding the VOC and PM<sub>10</sub> thresholds that have been set to attain the NAAQS and CAAQS. The major component of VOC and PM<sub>10</sub> emissions during operation are woodburning hearths and fireplaces that may be attributed to RV park uses.

The potentially significant impact on air quality and health risk (Impact-AQ-3) would be reduced to below a level of significance by implementation of mitigation measure MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction, which is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. This mitigation measure is discussed in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR and provides as follows:

MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). The

proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.

Implementation of mitigation measure MM-AQ-7 would reduce potential impacts associated with emissions from the operation of the proposed project to a less-than-significant level, as shown in Table 4.2-24 in Section 4.2, *Air Quality and Health Risk*, of Volume 2 of the EIR, by restricting the installation of fireplaces and firepits in new construction.

#### **4.2.4 Impact-AQ-4: Health Effects During Construction (All Project Components)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on human health risk (Impact-AQ-4) from project-related emissions during construction exceeding applicable significance thresholds for VOC, PM10, PM2.5, nitrogen oxide (NO<sub>x</sub>), and carbon monoxide (CO). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk identified as Impact-AQ-4 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on air quality and health risk (Impact-AQ-4) is analyzed in Volume 2 (Final EIR), Section 4.2, *Air Quality and Health Risk*. Potential Impact-AQ-4 would result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.

The potentially significant impact on air quality and health (Impact-AQ-4) would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full above and in the MMRP and Table

2-3 in the *Executive Summary* and are discussed in Section 4.2, *Air Quality and Health Risk*, in Volume 2 of the Final EIR.

Implementation of mitigation measures MM-AQ-2 through MM-AQ-6 would reduce potential health impacts from construction-related emissions to less-than-significant levels by implementing measures and practices that reduce emissions and limiting the overlap of activities associated with separate projects and project components.

### 4.3 Biological Resources

#### 4.3.1 Impact-BIO-1: Impacts on Estuary Seablite During Construction (Bayshore Bikeway Component Route 3)

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-1) related to construction activities that could result in direct mortality of estuary seablite, a special-status plant species. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-1 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-1) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-1 would result from indirect effects, such as trampling or other inadvertent impacts on estuary seablite during construction due to the plant's proximity to the work areas for the Bayshore Bikeway Component.

The potentially significant impact on biological resources (Impact-BIO-1) would be reduced to below a level of significance by implementation of mitigation measure MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component 3): An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of the estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.

Before ground disturbance or other activities associated with construction of

Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.

Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and construction access roads shall avoid loss of individual estuary seablite and other special status species.

MM-BIO-1 requires (1) a qualified botanist to conduct a preconstruction survey to document the location of special-status plant species and ensure avoidance, and (2) an authorized biologist to be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place and followed properly. Implementation of mitigation measure MM-BIO-1 would reduce inadvertent impacts on estuary seablite (Impact-BIO-1) to less-than-significant levels by requiring surveys, monitoring, and avoidance measures when construction activities occur in close proximity to habitat for this species.

#### **4.3.2 Impact-BIO-3: Impacts on Nesting Avian Species (GB Capital Component and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-3) from construction-related noise (e.g., grading, site preparation) in close proximity to salt marsh habitats supporting Belding's Savannah sparrow or light-footed Ridgway's rail and in-water construction near low-potential California least tern nesting habitat (although very low probability to occur) that could cause nest or chick abandonment. These impacts would be a violation of the Migratory Bird Treaty Act (MBTA) or California Fish and Game Code (CFGC). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-3 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-3) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-3 would result from the noise from construction activity that could impede the use of bird nesting sites during the nesting season. Disturbance to nesting activity would be considered a significant impact in violation of the MBTA or CFGC.

The potentially significant impact on biological resources (Impact-BIO-3) would be reduced to below a level of significance by mitigation measure MM-BIO-3: Avoid Avian Species During the Breeding Season. This mitigation measure is set forth in full in the MMRP and in Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-3: Avoid Construction within 300 Feet of Avian Species During the Breeding Season (GB Capital Component, and Bayshore Bikeway Component Route 3). All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.

To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.

MM-BIO-3 requires all construction activities occurring within 300 feet of salt marsh habitat to take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15). Implementation of mitigation measure MM-BIO-3 would reduce the biological resources impact associated with disturbance to nesting activity (Impact-BIO-3) to less-than-significant levels by requiring that the start of construction activities occurs outside of the breeding season for light-footed Ridgway's rail and Belding's Savannah sparrow.

#### **4.3.3 Impact-BIO-4: Impacts on Nesting Osprey (Pepper Park Expansion, Pasha Rail Improvement Component, and Roadway Configuration in Balanced Plan)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-4) associated with construction-related noise in close proximity to osprey nests, such as those proposed for the Pepper Park Expansion, Pasha Rail Improvement Component, and roadway improvements envisioned in the Balanced Plan that could cause nest or chick abandonment. These impacts would be inconsistent with the MBTA or CFGC. Detailed

information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-4 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-4) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-4 would result from construction activities could generate noise that has the potential to cause nest or chick abandonment.

The potentially significant impact on biological resources (Impact-BIO-4) would be reduced to below a level of significance by mitigation measure MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component). To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:

- Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.
- Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/ onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under MM-BIO-5 for MBTA avian species or conducted separately.

If nests are occupied, or if the nest occupancy cannot be determined due to the

height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.

MM-BIO-4 requires the project proponent to avoid all noise-generating construction activities during the osprey nesting season (January 15 – June 15) within all proposed construction areas or to retain a qualified biologist to conduct preconstruction surveys and flag and map occupied nest locations and avoidance buffers on the construction plans. Implementation of mitigation measure MM-BIO-4 would reduce the impact related to construction noise causing potential osprey nest or chick abandonment (Impact-BIO-4) to less-than-significant levels by requiring that the start of construction activities occurs outside of the osprey breeding and nesting season or by implementing preconstruction surveys, construction avoidance and minimization measures (e.g., avoidance buffers), and monitoring.

#### **4.3.4 Impact-BIO-5: Potential Disturbance or Destruction of Nests Protected by the Migratory Bird Treaty Act and CFGC (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-5) from the removal of Diegan coastal sage scrub habitat during construction, as well as noise from construction activity, which could impede the use of bird breeding sites during the nesting season (February 15–September 15). The destruction of an occupied nest would be considered a significant impact if it were a violation of the MBTA or CFGC. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-5 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-5) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-5 would result from active nests being destroyed or abandoned (e.g., due to human disturbance or noise) during construction, such as vegetation removal, grading, or site-preparation activities.

The potentially significant impact on biological resources (Impact-BIO-5) would be reduced to below a level of significance by mitigation measure MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species. This

mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3). To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:

- If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction.
- If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.
- Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent's avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent.
- If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that

particular project component.

Implementation of MM-BIO-5 would reduce impacts on common and special-status avian species during construction activities (Impact-BIO-5) to less-than-significant levels by requiring that the start of construction activities occurs outside of the breeding and nesting season or implementing construction measures and conducting preconstruction surveys in accordance with the MBTA and similar provisions under Sections 3503 and 3503.5 of the CFGC.

#### **4.3.5 Impact-BIO-6: Bat Roost Site Direct Impacts (GB Capital Component, and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-6) related to removal or trimming of suitable roost trees, which could directly harm roosting bats, resulting in mortality of common or special-status bat species. These impacts could result in large bat mortality events and would be significant absent mitigation. Temporary indirect effects, such as noise, vibration, dust, and night lighting from construction, also could disturb roosting bats, should they be present within the area. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-6 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-6) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-6 would result from the removal or trimming of suitable roost trees, which could directly harm roosting bats, should they be present within the area during project construction.

The potentially significant impact on biological resources (Impact-BIO-6) would be reduced to below a level of significance by mitigation measure MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3). Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations,

and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present and determine an index of relative bat activity for that site on that specific evening.

If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.

The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).

Implementation of MM-BIO-6 would avoid impacts on bat maternal roost colonies by requiring that project proponents survey for maternal bat roost sites and avoid impacts on these sites through seasonal avoidance or monitoring prior to the start of construction activities.

#### **4.3.6 Impact-BIO-7: Potential Disruption of Fishes, Green Sea Turtle, and Marine Mammals and Altered Prey Availability to Sensitive Fish-Feeding Avian Species (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-7) associated with impact-hammer and vibratory-hammer pile-driving activities that could potentially generate enough underwater noise to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals. Noise-generating impacts resulting from project construction activities that cause fish to flee the project area could mean increased foraging distance for California least terns, resulting in lowered nest success for California least terns using the D Street nesting colony. The increased turbidity due to suspension of marine sediments during pile driving (impact, vibratory, jetting) or other sediment-disturbing activities can reduce the ability of fish-feeding marine birds to capture prey. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-7 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-7) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-7 would result from pile driving activities that could generate underwater noise that has the potential to injure (Level A Harassment) or alter behavior (Level B Harassment) of green sea turtles, fishes, and marine mammals.

The potentially significant impact on biological resources (Impact-BIO-7) would be reduced to below a level of significance by mitigation measure MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component). During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.

Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:

- For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District's Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present. Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.
- The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving.
- In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles, and fishes to flee areas adjacent to pile-driving activities.
- All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration (NOAA)'s *Guidance for Developing a Marine Mammal Monitoring Plan* (NOAA 2019).
- Recommendations in the marine mammal and green sea turtle monitoring program shall be consistent with the District's Regional General Permit (RGP) 72.
- If the biological monitor determines that underwater noise is causing an

- observable impact to any sensitive species, the biological monitor stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels.
- A silt curtain shall be placed around the pile driving activity to restrict the distribution of turbidity associated with the re-suspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District's review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving.
  - The monitoring plan shall be implemented during all pile driving activities and be a part of any construction contracts of GB Capital's in-water construction.

Implementation of MM-BIO-7 would reduce impacts on marine mammals, fishes, and green sea turtles (Impact-BIO-7) to less-than-significant levels by monitoring for marine mammals and green sea turtles prior to and during impact-hammer and vibratory pile driving and halting in-water pile-driving activities until the species has left the construction area. MM-BIO-7 would also reduce impacts on nesting California least tern to less than significant by ensuring that their prey (fish) is not disturbed during the nesting season by pile driving. Finally, MM-BIO-7 would reduce turbidity impacts on the foraging success of California brown pelican and other fish foraging marine birds to less than significant by maintaining water clarity and thereby allowing for foraging success similar to areas beyond the project area.

#### **4.3.7 Impact-BIO-9: Reflective Materials and Increased Bird Strikes (GB Capital Component and City Program – Development Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-9) from the use of reflective building and glass finishes associated with hotel development, which may confuse birds in flight, leading to an increase in strikes. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-9 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-9) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-9 would result from the use of reflective building and glass finishes associated with hotel development, which may confuse birds in flight, leading to an increase in strikes. The proposed

project is also located along the coastline and includes a portion of a bird migration corridor and likely includes important migratory stopover habitat.

The potentially significant impact on biological resources (Impact-BIO-9) would be reduced to below a level of significance by mitigation measure MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures. This mitigation measure is set forth in full in the MMRP and Table 2-3 of the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component). Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy's *Bird-Friendly Building Design* (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design strategies shall be in accordance with the *Bird-Friendly Building Design*, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:

- Building Façade and Site Structures.
  - Develop a building façade and site design that are visible as physical barriers to birds.
- Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions.
  - Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less.
    - High Threat Potential: Glass: Highly Reflective or Completely Transparent Surface.
    - Least Threat Potential: Opaque Surface
- Exterior Lighting
  - Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m.
  - Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following:
    - Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and
    - The lighting zone of the project property (at the time

construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the *Illuminating Engineering Society and International Dark Sky Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide* (2011).

- Performance Monitoring Plan
  - The project proponent (e.g., GB Capital) shall develop a 3-year postconstruction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high that shall include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions, and shall list potential design solutions and provide a process for adaptive management.
  - The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review.

Implementation of MM-BIO-9 would reduce impacts on birds in flight (Impact-BIO-9) to less-than-significant levels by requiring the incorporation of design strategies that enable birds to recognize structures from the open sky.

#### **4.3.8 Impact-BIO-10: Disruption of Wildlife Behavior Due to Additional Lighting (GB Capital Component)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-10) from new parking and landscape lighting that would be added to the GB Capital Component area as a result of the proposed development, including an RV park, retail, expanded marina, modular cabins, and hotel buildings, that would disrupt wildlife behaviors. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-10 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-10) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-10 would result from the new lighting added to the GB Capital Component area as a result of the proposed development, including an RV park, retail, expanded marina, modular cabins, and hotel buildings, that would disrupt wildlife behaviors.

The potentially significant impact on biological resources (Impact-BIO-10) would

be reduced to below a level of significance by mitigation measure MM-AES-8: Limit Lighting. This mitigation measure is set forth in full in the MMRP and Table 2-3 of the *Executive Summary* in the Final EIR and provides as follows:

MM-AES-8: Limit Lighting (GB Capital Component). Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.

Implementation of MM-AES-8 would reduce the potential to disrupt wildlife behaviors from additional lighting sources (Impact-BIO-10) to less-than-significant levels by requiring lighting features that would emit less high-frequency blue light from the GB Capital Component.

#### **4.3.9 Impact-BIO-11: Potential Loss of Diegan Coastal Sage Scrub During Project Construction (GB Capital Component and Bayshore Bikeway Component Route 3)**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-11) related to the potential removal of Diegan coastal sage shrub (including restored and baccharis-dominated forms) from construction activities, such as grading. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-11 in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on biological resources (Impact-BIO-11) is analyzed in Volume 2 (Final EIR), Section 4.3, *Biological Resources*. Potential Impact-BIO-9 would result from construction activities for the Bayshore Bikeway Component and GB Capital Component, which has the potential to remove Diegan coastal sage scrub. The potentially significant impact on biological resources (Impact-BIO-11) would be reduced to below a level of significance by mitigation measure MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3). Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination

of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider. Compensation type and final mitigation ratios shall be determined during the project's coastal development permitting phase. Temporary impacts on Diegan coastal sage scrub habitats shall be replaced at a 1:1 ratio through onsite restoration. Onsite, in-kind restoration of temporarily affected Diegan coastal sage scrub would occur at their current locations on completion of construction, consisting of returning affected areas to original contour grades, decompacting the soil, and replanting with hydroseeding or container plantings using a plant palette composed of native species from the local region prior to disturbance. All revegetated areas shall avoid the use of any nonnative plant species.

For any areas that shall be restored, enhanced, or created onsite, the project proponent (e.g., National City for Bayshore Bikeway; GB Capital, etc.) shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) prior to project construction in accordance with requirements of the CCC. The HMMP shall outline all required components, including, but not limited to, a project description, goal of the mitigation, mitigation site, implementation plan, monitoring plan, completion of mitigation/ success criteria, and contingency measures. The HMMP shall address the onsite restoration of temporary impact areas and compensatory mitigation at on- or offsite areas to mitigate permanent impacts.

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

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

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-13) related to eelgrass beds within the waterside portion of the GB Capital Component being potentially reduced by in-water construction activities. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-13 in the EIR.

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

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

The potentially significant impact on biological resources (Impact-BIO-13) would be reduced to below a level of significance by mitigation measures MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities, MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy, and MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water Habitat and Function. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR. MM-BIO-7 also is set forth in full above and MM-BIO-12 and MM-BIO-13 provide as follows:

MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy (GB Capital Component). Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to provide contractor education relative to the presence and sensitivity of eelgrass beds. The contractor shall be provided with a map that depicts the location of eelgrass within the work area. The contractor shall be instructed to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity. The contractor shall also be instructed not to place anchors or spuds over portions of the seafloor that support eelgrass.

The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom, to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.

Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The mitigation plan shall be submitted to the District and resource agencies for approval and shall be implemented to compensate for losses to eelgrass in the event that the surveys described below indicate the project affected eelgrass. The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within six months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and provide the rationale for the chosen

mitigation site(s). A mitigation site must be secured prior to in-water construction that would impact eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed.

To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process. The specific eelgrass mitigation plan elements shall include the following:

- Prior to the commencement of any in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a preconstruction eelgrass survey per the California Eelgrass Mitigation Policy. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results shall be valid for 60 days, unless completed in September or October; if completed in those months, results shall be valid until resumption of the next growing season. The qualified marine biologist shall submit the results of the preconstruction survey to the District and resource agencies within 30 days.
- Within 30 days of completion of in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a postconstruction eelgrass survey during the active eelgrass growing season. The postconstruction survey shall evaluate potential eelgrass impacts associated with construction. On completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.
- At least 2 years of annual postconstruction eelgrass surveys shall be conducted during the active eelgrass growing season. The additional annual surveys shall evaluate the potential for operational impacts on eelgrass. Specifically, the surveys shall be designed to evaluate potential shading impacts noted in the project's marine biological assessment (Appendix H of the EIR).
- In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following:
  - A qualified marine biologist that the project proponent retains for the GB Capital Component and the District approves shall develop a mitigation plan for in-kind mitigation per the California Eelgrass Mitigation Policy. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the postconstruction survey.
  - Mitigation for eelgrass impacts shall be at a ratio of 1.2:1, and the

project proponent shall determine eelgrass mitigation sites prior to the commencement of construction activities.

- Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.
- Any mitigation that requires harvesting and transplantation of eelgrass shall require the qualified marine biologist to obtain a scientific collecting permit from CDFW for the purpose of harvesting eelgrass to support the mitigation.
- Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low-growth season (November–February). Performance standards shall be in accordance with those prescribed in the California Eelgrass Mitigation Policy.
- The qualified biologist shall submit the monitoring reports and spatial data to the District and resource agencies within 30 days after the completion of each monitoring period. The monitoring reports shall include all of the specific requirements identified in the California Eelgrass Mitigation Policy.

MM-BIO-13: Implement Overwater Coverage Mitigation through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water Habitat and Function (GB Capital Component). The waterside GB Capital Component within Sweetwater Channel shall require implementation of regulatory agency-approved mitigation prior to implementation of the project to reduce overwater coverage. This may include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the USACE permit for the construction of the marina from uplands or paying an in lieu fee (once a program is developed but prior to increase in overwater coverage). Detailed shading studies would be required in the future when construction and project design details are available, which would require supplemental environmental review. The project proponent shall conduct the shading studies and implement the following:

- To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed.
- Prior to issuance of a Coastal Development Permit, the project proponent (i.e., GB Capital) shall request a pre-application meeting with the USACE, in consultation with CCC, NMFS, USFWS, RWQCB, and the District, to identify locations within San Diego Bay or the San Diego region to mitigate

impacts on both sensitive avian species and nearshore habitat associated with loss of beneficial uses associated with overwater coverage and loss of open water- habitat function as a result of increased structural fill within San Diego Bay.

- Prior to the commencement of construction activities of the waterside improvements of the GB Capital Component, the project proponent shall implement mitigation options that the regulatory agencies identified above review and approve.
- The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction.

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

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

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-14) related to the potential loss of eelgrass habitat within the waterside portion of the GB Capital due to shading from overwater structures, including the floating dock, docked vessels, and moored vessels. Scouring from mooring chains and tackle can also directly disturb soft-bottom vegetated habitats. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-14 in the EIR.

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

The potentially significant impact on biological resources (Impact-BIO-14) would be reduced to below a level of significance by mitigation measures MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass

Mitigation Policy, and MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water Habitat and Function. These mitigation measures are set forth in full above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

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

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-15) related to the potential conflict with related strategies and objectives of the INRMP. Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-15 in the EIR.

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

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

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

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

**Potentially Significant Impact:** The EIR identifies a potentially significant impact on biological resources (Impact-BIO-16) related to the potential conflict with related strategies and objectives of the City General Plan – Agriculture and Open Space Element (Bayshore Bikeway Component Route 3). Detailed information and analysis regarding this potentially significant impact is provided in Volume 2 (Final EIR), Section 4.3, *Biological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on biological resources identified as Impact-BIO-16 in the EIR.

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

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

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

#### **4.4 Cultural Resources, Tribal Cultural Resources, and Paleontological Resources**

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

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

(Final EIR), Section 4.4, *Cultural Resources, Tribal Cultural Resources, and Paleontological Resources*.

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-2 in the EIR.

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

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

MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component). Prior to the commencement of any ground-disturbing activities within the areas requiring archaeological monitoring (i.e., activities occurring in the area that is both east of the mean high tide line and south of Bay Marina Drive), the respective project proponent shall retain a qualified archaeologist (approved by the District for components within its jurisdiction or the City for components within its jurisdiction) who meets the SOI Professional Qualification Standards (36 CFR 61) to prepare a CRMDP for designated portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are sensitive for archaeological resources, defined as the area east of the mean high tide line and south of Bay Marina Drive. Monitoring areas are defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Procedures to follow in the event of an unanticipated discovery apply to all applicable project components. The CRMDP shall be submitted to the City and District, as applicable based on the jurisdiction in which the project component is located, and shall be reviewed and approved by

the relevant agency. If the District or City do not have in-house expertise to review the CRMDP, they shall respectively hire an expert who meets the SOI Professional Qualification Standards (36 CFR 61) and the project proponent shall pay for said expert.

The District's CRMDP review shall ensure that appropriate procedures to monitor construction and treat unanticipated discoveries are in place. District review and approval of the CRMDP shall occur prior to the commencement of any construction activities subject to the requirements of the CRMDP. The CRMDP shall include required qualifications for archaeological monitors and supervising archaeologists and shall lay out protocols to be followed in relation to cultural resources, including both archaeological and tribal cultural resources. The CRMDP shall provide a summary of sensitivity for buried cultural resources. In addition, it shall describe the roles and responsibilities of archaeological and Native American monitors, District personnel (as applicable), City personnel (as applicable), and construction personnel. Additionally, the CRMDP shall describe specific field procedures to be followed for archaeological monitoring, including field protocol and methods to be followed should there be an archaeological discovery. Evaluation of resources; consultation with Native American individuals, tribes, and organizations; treatment of cultural remains and artifacts; curation; and reporting requirements shall also be described. The CRMDP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered.

The CRMDP shall delineate the area(s) of archaeological sensitivity that require archaeological monitoring. Mapping of the area(s) shall be made available to the project proponent, who shall incorporate this information into the respective construction specifications for the Balanced Plan Component, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component.

MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Prior to, and for the duration of, project-related ground disturbance in the areas east of the mean high tide line and south of Bay Marina Drive, the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component respective project proponent shall hire a qualified archaeologist who meets the SOI Professional Qualifications Standards (36 CFR 61) and is approved by the District for components within its jurisdiction, and the City for components within its jurisdiction, to provide cultural resources awareness training to project construction personnel. The training shall include a discussion of applicable laws and penalties under the law; samples or visual representations of artifacts that might be found in the project vicinity; and the steps that must be taken if cultural resources are encountered during construction, including the authority of archaeological monitors, if required to be on site during the project, to halt

construction in the area of a discovery. A hard copy summary of cultural resource laws, discovery procedures, and contact information shall be provided to all construction workers. Completion of the training shall be documented for all construction personnel, who shall be required to sign a form confirming they have completed the training. The form shall be retained by the project proponent to demonstrate compliance with this mitigation measure.

MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). Within the areas of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component east of the mean high tide line and south of Bay Marina Drive, the project proponent shall retain a qualified archaeologist(s) who meets the SOI Professional Qualifications Standards as promulgated in 36 CFR 61. The qualified archaeologist(s) shall supervise archaeological monitoring of all proposed ground-disturbing activities for the project in the archaeologically sensitive portion(s) of the project site. The archaeologically sensitive portion(s) of the project site is defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Monitoring actions and procedures shall be completed per the CRMDP described in MM-CUL-2.

MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component). A Kumeyaay Native American monitor shall be present at all areas designated for archaeological monitoring—defined as land-based ground-disturbing activities associated with the portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are east of the mean high tide line and south of Bay Marina Drive. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors shall be retained from tribes who have expressed an interest in the project and have participated in discussions with the District. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the CRMDP described in mitigation measure MM-CUL-2. Costs associated with Native American monitoring shall be borne by the project proponent.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-3 in the EIR.

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

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on cultural resources, tribal cultural resources, and paleontological resources identified as Impact-CUL-4 in the EIR.

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

The potentially significant impact on paleontological resources (Impact-CUL-4) would be reduced to below a level of significance by mitigation measure MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component). A qualified paleontologist meeting the Society for Vertebrate Paleontology qualifications (retained by the respective project proponent and pre-approved by the District or City as applicable) shall review the paleontological records search prepared by the San Diego Natural History Museum to confirm the locations of paleontologically sensitive areas as well as the existing literature for the proposed project area. The following monitoring measures shall be implemented to recover remains before they are lost or destroyed.

- Where highly sensitive fossil-bearing deposits are likely to be affected and the proposed construction methodology allows for the recovery of fossils, then paleontological monitoring shall be incorporated into the project specifications.
- A qualified paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in

- paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year.
- A paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.
  - If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.
  - Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued.
  - Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils by the project proponent shall be accompanied by financial support for initial specimen storage.
  - A final data recovery report shall be completed that outlines the results of the monitoring program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

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

## **4.5 Energy**

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on energy (Impact-EN-1) as identified in the EIR.

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

The potentially significant impact on energy (Impact-EN-1) will be reduced to below a level of significance by mitigation measures MM-GHG-1: Implement Diesel-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Implement Diesel Emission-Reduction Measures During Project Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Offsite Tidelands, or Within another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and MM-AQ-5 Use Modern Harbor Craft During Construction Activities. These measures are discussed in detail and set forth in full in Section 4.2, *Air Quality and Health Risk*, and Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on energy (Impact-EN-2) as identified in the EIR.

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

The potentially significant impact on energy (Impact-EN-2) will be reduced to below a level of significance by mitigation measures MM-GHG-1: Implement Diesel-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Offsite Tidelands, or Within another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, . These measures also are discussed in detail in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures also are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on energy (Impact-EN-3) as identified in the EIR.

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

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

## 4.6 Greenhouse Gas Emissions and Climate Change

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on GHG emissions and climate change (Impact-GHG-1) as identified in the EIR. However, it cannot be stated with certainty that such measures would reduce the significant effects to a level below significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

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

The potentially significant impact on GHG emissions and climate change (Impact-GHG-1) would require the following mitigation measures to be implemented: MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program. These measures are discussed in detail in Section 4.6, *Greenhouse Gas Emissions and Climate Change*, of Volume 2 of the EIR and are incorporated herein by this reference. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components). The project proponent/operator and/or its contractor(s) for each component of the proposed project shall implement the following measures during project construction and operation and, where specified below, submit reports demonstrating compliance for review and approval to the District's Development Services Department (or successor department) for project components in the District's jurisdiction or the City's Community Development Department for project components in the City's jurisdiction.

1. Construction:

a. The project proponent shall verify that all construction equipment is maintained and properly tuned, in accordance with manufacturers' specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles, as well as equipment, have been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the delivery driveway and loading areas. The project proponent shall submit a report prepared by the certified mechanic regarding the construction vehicles' and equipment's compliance with this requirement to the District's Development Services Department (or successor department) or the City's Community Development Department prior to commencement of their use.

b. The project proponent shall limit all construction truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the construction entrance(s) and shall submit monthly reports of violators to the District. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.

c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria: (i) For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner); (ii) For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and (iii) Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

2. Operation: The project proponent shall limit all delivery truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit annual reports of violators to the District. This measure shall be implemented by

the hotel and marina supervisors. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.

MM-GHG-2: Comply with District CAP Measures (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]). Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for each component of the proposed project shall list all applicable GHG-reducing measures from the District CAP and demonstrate in the plans where the measures shall be located. A report demonstrating compliance shall be submitted to the District's Development Services Department (or successor department). Buildings associated with the proposed project components shall achieve certification under the Leadership in Energy and Environmental Design (LEED) program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. For construction where LEED or an equivalent program or efficiency certification is not applicable (e.g., dry boat storage), all other applicable measures below shall be required, subject to verification of the District's Development Services Department (or successor department). The following is a list of the proposed sustainability measures that would be consistent with the District CAP. Any measures selected shall be required and incorporated into the Coastal Development Permit for each project component.

- General Measures
  - No commercial drive-through shall be implemented.
- Water
  - Indoor water consumption shall be reduced to a level 20% lower than that of the baseline buildings (defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all administrative and common-area bathrooms.
  - Plantings with low water requirements and drip irrigation shall be installed, and domestic water demand from the City system for landscaping purposes shall be minimized.
- Waste
  - Compliance with AB 939 shall be mandatory and shall include recycling at least 50% of solid waste; recycling of demolition debris shall be mandatory and shall include recycling at least 65% of all construction and demolition debris. This measure shall be applied during construction and operation of the proposed project.
  - All commercial, restaurant, and retail uses shall recycle, compost food waste and other organics, and use reusable products instead of disposable products to divert solid waste from the landfill stream.

- Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction.
- Energy
  - Renewable energy design features that may be implemented are as follows:
    - Implement onsite renewable energy to new buildings, unless the system cannot be built because of structural and operational constraints. (Evidence must be provided if not feasible, subject to District concurrence.)
    - Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site.
    - Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations.
    - For all construction after 2025, ensure all construction vehicles and equipment are alternatively fueled or electrically powered, to the extent feasible and available. (GB Capital Component and Balanced Plan only)
    - For all construction, use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. (GB Capital Component and Balanced Plan only)
    - Construct buildings that are ZNE or, if full ZNE is infeasible, implement all feasible measures identified in the feasibility analysis. (GB Capital and Balanced Plan only)
    - Incorporate renewable energy (a) on the project site, (b) within the District's jurisdiction, or (c) within the adjacent community or member city outside of the District's jurisdiction. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions. (GB Capital and Balanced Plan only)
  - Energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards shall be incorporated. The measures that may be implemented are as follows:
    - Use only fluorescent lights, light-emitting diodes (LEDs), compact fluorescent lights, or the most energy-efficient lighting that meets

required lighting standards and is commercially available. This measure also requires replacement of existing lighting on the project site if not already highly energy efficient.

- Install occupancy sensors for all vending machines in new buildings at the project site.
  - Install high-performance glazing with a low solar heat-gain coefficient value that reduces the amount of solar heat allowed into the building, without compromising natural illumination.
  - Install increased insulation.
  - Install cool roofs with an R value of 30 or better.
  - Install sun shading devices as appropriate.
  - Install high-efficiency heating, ventilating, and air-conditioning systems and controls.
  - Install programmable thermostats.
  - Install variable frequency drives.
  - Install Energy Star-rated appliances.
  - Install shore power capabilities where suitable upgrades are feasible in marinas.
- Mobile Sources
  - Implement a construction transportation demand management plan for each project component that promotes ride-sharing, vanpooling, alternate work schedules, and offsite parking with shuttles and provides subsidies for transit passes to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.
  - Implement an operational transportation demand management plan for each project component that requires mandatory employer commuting measures, such as carpooling, transit subsidies, and vanpools, to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.
  - Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.
- Carbon Sequestration and Land Use
  - Install trees and shrub planters throughout the project area as part of the landscape plan.

MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component). Prior to approval of the final design plans, the project

proponent/operator and/or its contractor(s) for the City Program – Development Component shall list all GHG-reducing measures from the City’s CAP and demonstrate in the plans where these measures shall be located. A report demonstrating compliance shall be submitted to the City’s Community Development Department. Buildings associated with the proposed project component shall achieve certification under the LEED program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. The following is a list of proposed sustainability measures from the City CAP that shall be required and incorporated into the Coastal Development Permit for the City Program – Development Component:

- Incorporate energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards.
- Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles.
- Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations.
- Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.
- Encourage telework programs and alternative work schedules for new businesses.
- Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling.
- Implement programs to reduce, reuse, and recycle construction and demolition waste.
- Encourage rooftop gardens for flat-roofed commercial buildings.
- Pursue a pump-efficiency cycling schedule.
- Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at [https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee\\_water\\_principles.pdf](https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf)), such as the following:
  - Use compact, mixed-use, walkable, and transit-oriented community designs;
  - Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats;

- Utilize water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality, and decrease flooding;
  - Use low-water plantings in landscaping;
  - Use permeable surfaces for hardscapes;
  - Install dual plumbing that allows reuse of gray water;
  - Maximize use of recycled water in the project design;
  - Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and
  - Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination.
- Install trees and shrub planters throughout the project area as part of the landscape plan.

MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities (GB Capital Component). Prior to commencing any waterside construction or activities the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including, but not limited to, tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:

- For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner);
- For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and
- Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.

If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize the use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department (or successor

department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of waterside construction activities. Regardless of the equipment used, the project proponent/ operator and/or its contractor(s) for each project component with waterside construction activities shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each project component with waterside construction activities shall submit a report prepared by the mechanic experienced with such equipment regarding the condition of the vehicles and equipment for construction and operations to the District's Development Services Department (or successor department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of their use.

MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component). The City and the District shall require all development to meet the state's ZNE standards, if and when adopted as part of the California Building Code. In addition, the City and the District shall encourage project developers to construct buildings that are ZNE. Prior to issuance of any Coastal Development Permit or City-issued permit, as applicable, the project proponents/operators and/or its contractor(s) shall submit a feasibility analysis, prepared by a qualified consultant, regarding the construction of buildings as ZNE, and the project component shall implement all feasible measures identified in the feasibility analysis (e.g., electric heating). Prior to implementation of all feasible measures, this report shall be submitted to the District for review and approval for the GB Capital Component (all phases) and Balanced Plan, and submitted to verification the City for review and approval for the City Program – Development Component.

MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program (GB Capital Component and Balanced Plan).

#### A. Options for Reducing GHG Emissions.

To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy
  - a) On the project site,
  - b) Within the District's jurisdiction, or

c) Within the adjacent community or member city outside of the District's jurisdiction.

2. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions;

3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry. For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the District that the offset project meets requirements equivalent to or stricter than California's laws and regulations, ensuring the validity of offset credits.

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

a) "Real" means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]

b) "Additional" means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]

c) "Permanent" means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]

d) "Quantifiable" means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]

e) "Verifiable" means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California's with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well

documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]

f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.

B. Required Annual GHG Emissions Reductions: The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:

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

The required reductions may be reduced by the District, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.

C. Implementation of GHG Emissions Reduction Options. Prior to becoming operational and annually thereafter, the District shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:

1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO<sub>2e</sub> or MWh reductions specified above.

a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the District’s Planning Department (or successor department, for its review and approval, a report specifying the annual amount of MTCO<sub>2e</sub> or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District’s Planning Department (or successor department), to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, “GHG Emission Reduction Report”).

b) If the GHG Emission Reduction Report is approved by the District, a reduction to the required offsets shall be calculated by the District’s Planning Department (or successor department), and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward

the required GHG reduction for the proposed project component (“GHG Reduction”).

2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO<sub>2e</sub> or MWh specified above, which may be decreased by the amount of annual MTCO<sub>2e</sub> or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO<sub>2e</sub> or MWh shall occur as follows:

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

b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component’s operations or until the termination of a lease agreement (for GB Capital Component only) between the District and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO<sub>2e</sub> or MWh reduction specified above for the corresponding project component.

c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the District’s Planning Department (or successor department).

#### D. Adjustments to Required GHG Emissions Reductions.

If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO<sub>2e</sub> or MWh reductions specified above, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.

1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the District Planning Department’s (or successor department’s) review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the District and reduced.

2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project proponent may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the District Planning Department's (or successor department's) review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.

3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:

- Balanced Plan includes a 2.54-acre park.
- GB Capital Component landside features, including 134 RV sites; 40,000 square feet of dry boat storage; 60 modular cabins; 10,000-square-foot administration/recreation building; 10,000-square-foot building with restrooms, laundry facilities, and staff support services in the vicinity of the existing marina buildings; and a 4,000-square-foot maintenance building and associated approximately 8,200-square-foot maintenance yard northeast of the proposed dry boat storage. Waterside uses include 20 moorings in Sweetwater Channel; 620-foot-long and 8-foot-wide floating dock that includes up to 30 fingers, which accommodate up to 50 boats; and a 580-foot-long and 8-foot-wide dock with two 80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.

4. The District or a District-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the District, the project proponent may waive the annual adjustment described above and purchase the required MTCO<sub>2</sub>e or MWh offsets

on at least an annual basis.

MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program (City Program – Development Component).

A. Options for Reducing GHG Emissions.

To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:

1. Incorporate renewable energy
  - a) On the project site,
  - b) Within the City’s jurisdiction, or
  - c) Within the adjacent community or the city.
  
2. Undertake other verifiable actions or activities approved by the City, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program within the city; or similar activities or actions that reduce operational GHG emissions;
  
3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in California CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.<sup>7</sup> For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.

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

a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market- shifting leakage. [17 CCR 95802]

b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]

c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]

d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]

e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]

f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.

#### B. Required Annual GHG Emissions Reductions:

The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:

- City Program = 3,549 MTCO<sub>2e</sub> per year or 18,323 MWh/year.

The required reductions may be reduced by the City, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.

#### C. Implementation of GHG Emissions Reduction Options.

Prior to becoming operational and annually thereafter, the City shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:

1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the City to meet or partially meet the required amount of

MTCO<sub>2e</sub> or MWh reductions specified above.

a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the City's Community Development Department, for its review and approval, a report specifying the annual amount of MTCO<sub>2e</sub> or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the City's Community Development Department to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report").

b) If the GHG Emission Reduction Report is approved by the City, a reduction to the required offsets shall be calculated by the City's Community Development Department, and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project ("GHG Reduction").

2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO<sub>2e</sub> or MWh specified above, which may be decreased by the amount of annual MTCO<sub>2e</sub> or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO<sub>2e</sub> or MWh shall occur as follows:

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

b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of any lease agreement between the City and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO<sub>2e</sub> or MWh reduction specified above for the corresponding project component.

c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the City that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the City's Community Development Department.

D. Adjustments to Required GHG Emissions Reductions.

If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO<sub>2e</sub> or MWh reductions specified above in the reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.

1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the City to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the City and reduced.

2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at this time, the project proponent may be required by the City to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the City and reduced.

3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:

- City Program Plan includes a 150-room hotel along with 15,500 square feet of restaurant space and 12,000 square feet of retail space.

4. The City or a City-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to

paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the City, the project proponent may waive the annual adjustment described above and purchase the required MTCO<sub>2e</sub> or MWh offsets on at least an annual basis.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on GHG emissions and climate change (Impact-GHG-2) as identified in the EIR.

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

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

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on GHG emissions and climate change (Impact-GHG-3) as identified in the EIR.

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

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

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

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

## 4.7 Hazards and Hazardous Materials

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-1) as identified in the EIR.

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

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

MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component). Prior to the City's approval of the project grading plans and the commencement of any construction activities that

would disturb the soil on the City Program – Development Component site, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare and submit a Soil and Groundwater Management Plan to the City for review and approval. After the City's review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:

- *A Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the City Program – Development Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.
- *A Soil Testing and Profiling Plan* (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.
- *A Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.
- *A Site Worker Health and Safety Plan* (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site

contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.

MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component). Prior to commencement of construction of the City Program – Development Component, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the City for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the City Program – Development Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-1. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the City, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.

MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component). Within 30 days of completion of landside construction of the City Program – Development Component, the project proponent shall prepare a Project Closeout Report and submit it to the City for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-1, and the Monitoring and Reporting Program, as required by MM-HAZ-2.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-2) as identified in the EIR.

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

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

MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to the District's and the City's, as applicable, approval of the project's grading plans and the commencement of any construction activities that would disturb the soil, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration, to prepare and submit a Soil and Groundwater Management Plan to the District's Environmental Protection Department and the City, as applicable, for review and approval. After the District's and the City's, as applicable, review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:

- A *Site Contamination Characterization Report* (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site's past uses throughout the Pasha Road Closure

Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.

- A Soil Testing and Profiling Plan (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22–compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.
- A *Soil Disposal Plan* (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.
- A Site Worker Health and Safety Plan (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.

MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Prior to commencement of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the respective project proponent shall prepare a Monitoring and Reporting Program and submit it to the District’s Environmental Protection

Department and the City, as applicable, for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by MM-HAZ-4. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District's Development Services Department and the City, as applicable, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.

MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component). Within 30 days of completion of landside construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the project proponent shall prepare a Project Closeout Report and submit it to the District's Environmental Protection Department and the City, as applicable, for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by MM-HAZ-4, and the Monitoring and Reporting Program, as required by MM-HAZ-5.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-3) as identified in the EIR.

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

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-3) will be reduced to below a level of significance by mitigation measure MM-HAZ-7: Coordinate with the DEH. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-7: Coordinate with the DEH (City Program – Development Component). Prior to ground disturbing activities on the City Program – Development Component site, the project proponent for the City Program – Development Component shall coordinate with the DEH to reopen VAP Cases #H23772-005, #H36620-001, and #H23772-004 to determine if the existing conditions would be below acceptable cleanup thresholds for hotel use. If the DEH determines the onsite conditions do not meet thresholds for future hotel uses, the project proponent must comply with the requirements of the DEH to achieve remediation standards.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards and hazardous materials (Impact-HAZ-4) as identified in the EIR.

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

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

MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, City Program – Development Component). See Section 4.12, *Transportation, Circulation, and Parking*.

MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component). A temporary emergency access road shall be maintained by the project proponent at all times during construction of the Pasha Road Closures Component. The location and components, as defined per the California Fire Code, of the temporary emergency access road shall be submitted to the City Fire Marshal for review and approval prior to closure of the roadway(s) to through-traffic. Written verification of inclusion of the temporary emergency vehicle access shall be provided to the District's Director of Planning prior to closure of the roadway(s) to through-traffic. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards (Impact-HAZ-5) as identified in the EIR.

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

The potentially significant impact on hazards and hazardous materials (Impact-HAZ-5) will be reduced to below a level of significance by mitigation measure MM-HAZ-9: Coordinate with the City Fire Marshal. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:

- An emergency access road, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.
- Any entrance/exit gates to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide

emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches.

- Fire hydrants shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet.

Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal's designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District's Director of Planning prior to Pasha's utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on hazards (Impact-HAZ-7) as identified in the EIR.

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

The potentially significant impact on hazards (Impact-HAZ-7) will be reduced to below a level of significance by mitigation measure MM-HAZ-11: Manage Marina Way Realignment Conditions. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.

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

## **4.8 Land Use and Planning**

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on land use and planning (Impact-LU-2) as identified in the EIR.

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

MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan). The project proponent for the Pepper Park expansion shall design the park to accommodate water during future flooding events. Methods to accommodate water during future flooding events include, but are not limited to:

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

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

If any structures are constructed in Pepper Park, prior to construction, the project proponent shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050.

Additionally, the project proponent shall create an early warning system to monitor the risk of potential flooding of any structure. An early warning system should consist of protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken. Also, the project proponent shall establish emergency evacuation procedures for people to relocate to higher ground on short notice. Before a large storm, deployment of sandbags or inflatable barriers shall occur if deemed necessary.

MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component). The project proponent for the GB Capital Component shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050. If the assessment projects the jetty to be temporarily inundated by 2050, the development on the jetty shall include the following:

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

- Place any mechanical and electrical equipment at least 2 feet above the design flood elevation to reduce risk of flood damage. If equipment must be placed in lower areas, elevate base or ensure assets are composed of flood damage-resistant materials.
- Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa.
- Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane.

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

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

*Operational Strategies – to be implemented during operation:*

- Establish an early warning system to monitor the risk of potential flooding. An early warning system should consist of:
  - Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken;
  - Protocols for monitoring water levels at nearby storm gauges prior to the storm arrival, and regular checking of the water levels along the jetty as the storm progresses;
- Establish emergency evacuation procedures for people to relocate to higher ground on short notice;
- Obtain backup power generators for occupiable development on the jetty and portable pumps and ensure there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events;
- Before a large storm, deploy sandbags or inflatable barriers;
- Before a storm, test emergency power sources and pumps and ensure there is sufficient fuel to run these, and inspect building exteriors to ensure there are no penetrations that lack flood proofing;
- Restrict public access during storms or flooding events.

Prior to issuance of the first building permit for any development on the jetty, the assessment and project plans (revised pursuant to the findings of the assessment, if the assessment projects inundation by 2050) shall be submitted to the District's

Development Services Department and the City's building permit department for review and approval.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on land use and planning (Impact-LU-3) as identified in the EIR.

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

The potentially significant impact on land use and planning (Impact-LU-3) would be reduced to below a level of significance by mitigation measures MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component) and MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component). For areas of the Balanced Plan (Pepper Park and the FPR), the GB Capital Component, the Pasha Road Closures Component, and the portions of the Bayshore Bikeway Component

(within the District's jurisdiction) that are projected to be inundated in 2100, the District shall conduct ongoing monitoring of these project component sites every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.

MM-LU-5: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (most of Bayshore Bikeway Component). For the areas of the Bayshore Bikeway Component that are within the City's jurisdiction, the City shall conduct ongoing monitoring of these areas every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades, additional shoreline protection, or removal or movement of assets.

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

## 4.9 Noise and Vibration

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-1) as identified in the EIR. However, such changes or alterations may not reduce all construction noise levels to a level below significance and a

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

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

The potentially significant impact on noise and vibration (Impact-NOI-1) would be reduced by mitigation measures MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component), MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component), and MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component). These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component). For the Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, and Pasha Road Closures Component, the project proponent for that respective project component shall require their contractor(s) not to conduct exterior construction activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Material or equipment deliveries and collections shall also be prohibited outside of these hours. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not be permitted on the job site outside of the permitted hours.

MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component). During all pile driving at the City Program – Development Component and GB Capital Component, the project proponent shall require its construction contractor to implement one of the following methods to reduce maximum pile-driving noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue, the National City

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

- Avoid impact pile driving by using quieter alternative installation methods, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).
- Use an acoustical shroud around impact pile driving. The shroud shall be constructed of materials that provide a minimum sound transmission class (STC) of 28 (examples include sound-rated acoustical blankets).

MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component). During all non-pile-driving construction activity at the Bayshore Bikeway Component, GB Capital Component, and the Pasha Road Closures Component, the project proponent shall require their construction contractor(s) to implement one of the following methods to reduce maximum noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue and McKinley Avenue, and Pepper Park) to 70 dBA  $L_{max}$  or less:

- Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors.
- Where the above-specified distances cannot be maintained, install temporary noise barrier(s) between construction activities and the noise-sensitive receptor(s). Barriers may be constructed around the site perimeter or, when construction activities are restricted to a smaller portion of the site, around that smaller portion of the site, or around any noisy stationary construction equipment such as generators or dewatering pumps. All such barriers must be at least 8 feet high and of sufficient height to break the line-of-sight between the construction equipment and the ground floor of any noise-sensitive receptor. These barriers shall be constructed in one of the following ways that the project proponent establishes, in writing and to the satisfaction of the District, shall achieve a minimum sound transmission class (STC) rating of 28:
  - From acoustical blankets hung over or from a supporting frame. The blankets should be firmly secured to the framework. The blankets should be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcro®) so that no gaps exist. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier.
  - From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment).

- From common construction materials such as plywood.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-2) as identified in the EIR.

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

The potentially significant impact on noise and vibration (Impact-NOI-2) would be reduced by mitigation measure MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (City Program – Development Component). During the architectural and engineering design, prior to the issuance

of any building permits for the hotel, the project proponent for the City Program – Development Component shall retain an acoustical consultant to ensure that the building design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-3) as identified in the EIR.

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

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

Proposed GB Capital RV Sites to 65 dB CNEL or Less and MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less (Pasha Rail Component, GB Capital Component). The project proponent for the GB Capital Component shall design its dry boat storage so that it is enclosed and made from solid material (versus fabric, chain link fencing or similar pervious/open materials) and shall submit a noise study conducted by an acoustical consultant that analyzes the noise from the Pasha Rail Improvement Component with the enclosed dry boat storage as a buffer, demonstrating the noise levels at the proposed RV park location. The noise study shall be submitted to the District's Development Services Department for its review 3 months after issuance of a Coastal Development Permit (CDP) for any phase of the GB Capital Component and prior to the construction of the RV park. The project proponent shall construct the dry boat storage as designed. If the noise study shows that the rail noise exposure at the proposed RV sites is at or below 65 dB CNEL, then no additional steps as specified in this mitigation measure shall be required.

If the noise study shows that noise levels are above 65 dB CNEL at the proposed RV sites, then prior to occupancy of the GB Capital RV Resort or operation of the Pasha Rail Improvement Component, whichever occurs last, a sound barrier shall be constructed to reduce the rail noise exposure at the proposed RV sites to 65 dB CNEL or less. The noise barrier shall be the equal (50/50) shared financial responsibility of the project proponents for the Pasha Rail Improvement Component and the GB Capital Component. In the event that both components are not constructed at the same time, the project proponent (Payee) of the component last constructed shall construct and pay for the entire specified noise control and the other project proponent (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the noise control unless another payment arrangement is agreed upon between the project proponents and approved by the District. Such reimbursement shall be a condition of the CDPs for the Pasha Rail Improvement Component and the RV resort associated with the GB Capital Component. The noise barrier shall be constructed between the south side of the Pasha Rail Improvement Component and the GB Capital RV Resort. The barrier shall fully block the line-of-sight between the RV sites and a standard freight locomotive on the Pasha Rail Improvement Component site, and is anticipated to be a minimum barrier height of 16 feet relative to the finished track elevation. The barrier shall be a continuous structure without gaps or openings and shall extend from the north end of the Pasha Rail Improvement Component to Tideland Avenue. The barrier shall be constructed of a solid material and, if necessary to meet the noise requirement, the density of 4 pounds per square foot (e.g., concrete block or concrete panels).

MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to

Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (GB Capital Component). During the architectural and engineering design, prior to the issuance of any building permits for the hotels, the project proponent for the GB Capital Component shall retain an acoustical consultant to ensure that the project design provides adequate noise insulation to achieve the City's interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the District's Development Services Department for review and approval prior to construction of any hotel.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-4) as identified in the EIR.

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

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

The potentially significant impact on noise and vibration (Impact-NOI-4) would be reduced by mitigation measure MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City’s Noise Ordinance. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City’s Noise Ordinance (City Program – Development Component). During the architectural and engineering design phase, prior to the issuance of any building permits for the City Program – Development Component, the project proponent for the City Program – Development Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of this project component, including mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), are designed and will be installed to comply with the City’s Noise Ordinance (Municipal Code Chapter 12.06). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustic absorption materials, louvers, screens, or enclosures; or intake and exhaust silencers. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-5) as identified in the EIR. Although such changes or alterations would reduce noise impacts associated with the potential Balanced Plan Pepper Park Amphitheater to below a level of significance, impacts from noise from the dry boat storage facility would remain significant even after implementation of the required changes or alterations and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

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

The potentially significant impact on noise and vibration (Impact-NOI-5) would be reduced by mitigation measures MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City's Noise Ordinance at the Adjacent Proposed RV Resort and MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provide as follows:

MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City's Noise Ordinance at the Adjacent Proposed RV Resort (GB Capital Component). During the architectural and engineering design phase for the dry boat storage facility, prior to the issuance of any building permits for such, the project proponent for the GB Capital Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that operation of the dry boat storage facility will comply with the City's Noise Ordinance (Municipal Code Chapter 12.06.020) at the adjacent RV sites during the sensitive evening and nighttime hours of 7:00 p.m. to 7:00 a.m. (i.e., 65 dBA  $L_{eq}$  between 7 p.m. and 10 p.m., and 60 dBA  $L_{eq}$  between 10 p.m. and 7 a.m.). Noise control techniques may include, but are not limited to, restricting hours of operation to daytime hours (7:00 a.m. to 7:00 p.m.), selecting quieter equipment (when commercially available), or installing additional noise barriers to screen the facility from the RV resort. The project proponent shall submit a copy of the

acoustical consultant's report, along with evidence that all design features have been incorporated into the project design (to ensure that operation of the dry boat storage facility would comply with the City Noise Ordinance at the adjacent RV sites during the sensitive evening and nighttime hours), to the District's Development Services Department for review and approval prior to commencement of construction of the dry boat storage facility. The project proponent shall implement the noise control techniques.

MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan). Organized events at Pepper Park shall be properly regulated for noise control. Per Section 8.02 of the District's Port Code, any event with over 25 attendees shall obtain a permit from the District. As further stipulated by Section 8.02 of the Port Code, each "permit shall be subject to the requirements regarding noise...as contained in the Municipal Code of the particular City in which the park is located." Therefore, any event for which noise generating activities will occur at the amphitheater will be subject to the City's Noise Ordinance. Although the City's Noise Ordinance indicates that daytime and nighttime noise standards would be 65 and 60 dBA  $L_{eq}(h)$ , respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City's Noise Ordinance also includes exceptions for these noise standards; the exceptions are on a case-by-case basis and include temporary noise exceedances for organized events (e.g., parades, concerts). Further, as part of the District's permitting process for organized events that are proposed to have amplified sounds (e.g., concerts), the District shall coordinate with the City, and if the City requires a maximum decibel level limit or hours in which all noise needs to cease, that information shall be added to the District permit for that organized event. In addition, the District shall coordinate notification to adjacent tenants of upcoming organized large events, and the permittee of the organized event shall coordinate with the same tenants within 2 weeks of the organized event.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-6) as identified in the EIR.

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

The potentially significant impact on noise and vibration (Impact-NOI-6) would be reduced by mitigation measure MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). Where feasible, the project proponent for the GB Capital Component shall require its construction contractor(s) to avoid pile driving within a 32-foot buffer zone of existing buildings at the Pier 32 Marina. If piling cannot be avoided within this distance, the following shall be implemented:

- Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).
- The following steps shall be taken to protect buildings within 32 feet of pile-driving locations:
  - The project proponent/contractor shall retain a qualified structural or geotechnical engineer to conduct preconstruction surveys of neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities; and

- Based on review of the specific buildings involved, the structural/geotechnical engineer may provide updated vibration thresholds and buffer distances for potentially affected buildings; and
- Monitoring shall be conducted during construction to check for vibration-related damage during pile driving; such monitoring shall include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed necessary; and
- The person(s) conducting the monitoring shall have the authority to issue a stop work order to the pile-driving contractor if excessive vibration levels are measured or other observations occur that indicate potential building damage may occur; in the event of such an occurrence, the monitor shall notify the project proponent (GB Capital) and the District; and
- If any damage to existing buildings is determined to occur as a result of pile driving at the GB Capital Component, the project proponent shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on noise and vibration (Impact-NOI-7) as identified in the EIR.

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

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

The potentially significant impact on noise and vibration (Impact-NOI-7) would be reduced to less than significant by mitigation measure MM-NOI-11: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component). This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component). During all construction activity at the Bayshore Bikeway Component, the project proponent shall require its construction contractor(s) to observe the following buffer zones to reduce groundborne vibration at nearby residences to 0.04 in/sec or less:

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

If the listed buffer distances cannot be maintained, impacts can be reduced to less than significant by using alternative equipment that avoids or reduces high vibration levels at the source. Jackhammers (manually held and operated, not mounted to any other construction equipment) may be used in place of other breakers, non-vibratory rollers may be used in place of vibratory roller, and smaller earthmovers (Bobcat, skid steer, etc.) may be used instead of full-size heavy earthmoving equipment.

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

#### **4.10 Transportation, Circulation, and Parking**

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-1) as identified in the EIR. However, the changes or alterations required will not reduce the significant effects (Impact TRA-1) below a level of significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

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

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

MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component). To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction measure from the SANDAG Mobility Management Toolbox, using the VMT Reduction Calculator Tool (SANDAG 2019b), starting the first day of project operations for the GB Capital Component and City Program – Development Component.

- Mandatory Employer Commute Program – The employer for the GB Capital Component and City Program – Development Component shall offer and pay for an employer commute-trip reduction program, which may include a carpool program, transit subsidy passes, or a vanpool program. Implementing these measures could result in a 2.6% reduction in the project's employee VMT.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-3) as identified in the EIR.

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

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-3) will be reduced to below a level of significance by mitigation measure MM-TRA-3: Implement Traffic Control Measures During Construction. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component). For any project components that temporarily require partial and/or full roadway closures during construction, the project proponent [requiring the partial or full roadway closure(s)] shall require its contractor to plan, use, place, and maintain traffic control devices while in use at the construction site to ensure that adequate emergency access is provided throughout the duration of the road closure. If construction activities require blocking of a traffic lane(s), the project proponent shall require its contractor to use a flashing arrow board during daytime hours; however, a solar flashing arrow board shall be required for any nighttime construction that requires the closure of any traffic lanes. In certain lane closures, the use of high-level warning flags, along with other devices, is

acceptable if installed in accordance with the provisions set forth in the Caltrans *California Manual on Uniform Traffic Control Devices* (Caltrans 2018). The City shall verify the proper use of traffic control devices for the Bayshore Bikeway Component, City Program – Development Component, and potentially the GB Capital Component if the proposed roadway is a City street, while the District shall verify the proper use of traffic control devices for the Balanced Plan, Pasha Rail Improvement Component, Pasha Road Closures Component, and potentially the GB Capital Component if the proposed roadway is a District street.

In addition to traffic control measures, the project proponent shall require its contractor to maintain the following traffic lane requirements throughout the duration of the partial or full road closure:

1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction.
2. The minimum width of a traffic lane shall be 10 feet. The lane shall be clear of obstructions, including traffic cones or delineators. Emergency vehicle access may require a traffic lane of up to 14 feet wide.
3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane.
4. Complete closure of a roadway shall not be permitted without a valid Special Traffic Permit (STP) or a City-approved traffic routing plan. This includes a plan that allows one lane to be used for two directions of traffic (i.e., two-way flag control). An STP is required to use two-way flag control.
5. If work occurs at or within 100 feet of an intersection on a two-way street, an STP is required to prohibit left turns at the intersection. This requirement applies where two lanes are reduced to one and through vehicles cannot physically pass a left-turning vehicle.
6. If needed, room for a traffic lane(s) may be made available by temporarily prohibiting parking. Traffic lanes must be at least 10 feet wide and provide a sufficient transition before the lane begins and after the lane ends.

To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time shall be allowed to work on any one block. If a second contractor is planning to work on a block that has a contractor, or on an adjacent block, then the second contractor shall obtain an STP before starting any work. Moreover, a contractor shall not be allowed to work within a block of a project that is under City contract without receiving approval from the Resident Engineer for the subject contract, obtaining an STP, and notifying the City Fire Department and City Police Department.

Flagging personnel shall be required when workers or equipment will temporarily block a traffic lane that is used for access into and out of a construction site. Flagging personnel shall ensure that traffic congestion and permanently blocked

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

1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle.
2. Flaggers must be certified and have their certification card at all times.
3. A minimum of two flaggers shall be required when one lane is to be used for two directions of traffic (i.e., two-way flag control).
4. Police officers may be hired to provide flag control.

A construction TDM plan shall be prepared by the respective project proponent for each project component and implemented during construction activities. The TDM plan shall be submitted by the respective project proponent to the City or District, depending on the jurisdiction where the project component is located, for review and approval prior to construction. The TDM plan shall incorporate various TDM strategies to reduce congestion during construction and may include, but is not limited to, the following:

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-5) as identified in the EIR.

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

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-5) will be reduced to below a level of significance by mitigation measure MM-HAZ-9: Coordinate with the City Fire Marshal. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component). Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:

- An emergency access road, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.
- Any entrance/exit gates to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches.

- Fire hydrants shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet.

Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal's designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District's Director of Planning prior to Pasha's utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal's designee, or verification can be provided with a copy of the Fire Permit.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-7) as identified in the EIR.

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

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

mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component). The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-8) as identified in the EIR.

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

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-8) will be reduced to below a level of significance by mitigation measure MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City

Program – Development Component). Prior to the commencement of construction activity, the project proponent for each component shall provide an offsite parking location for construction workers and a shuttle service from the offsite parking location to the project site and back. For project components within the District's jurisdiction, the designated offsite parking location shall be approved by the District's Development Services Department (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, and Pasha Road Closures Component). For project components within the City's jurisdiction, the designated offsite parking location shall be approved by the City. In addition, the project proponent shall provide incentives for construction workers to use public transit. Workers who cannot commute by transit and must use personal vehicles shall be required to park at the offsite parking facility. The parking requirements for the workers shall be detailed in their contract with the project proponent. Moreover, during the construction phase, some public parking shall remain open, to the extent feasible, through the phasing of construction. If onsite public parking is displaced, the project proponent shall provide conspicuous signage to direct visitors to available parking facilities throughout the duration of the construction that displaced the public parking to maintain public coastal access.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-9) as identified in the EIR.

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

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-9) will be reduced to below a level of significance by mitigation measure MM-TRA-6: Reconfigure Lot Q [located on the southwest corner of Bay Marina Drive and Tideland Avenue] to Accommodate 590 Striped Parking Spaces. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component). Prior to implementation of the Pasha Road Closures Component, the project proponent shall restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tideland Avenue) to provide additional parking for employees and offset the loss of 249 parking spaces. Upon completion of this restriping, there would be 590 parking spaces in Lot Q; this would accommodate the 574 existing NCMT employees. Once completed, evidence indicating completion of the restriping shall be provided by the project proponent for the Pasha Road Closures Component to the District's Development Services Department. Pasha shall require its employees to use Lot Q and allow other employees at NCMT to use the parking lot.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-TRA-10) as identified in the EIR.

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

The potentially significant impact on transportation, circulation, and parking (Impact-TRA-10) will be reduced to below a level of significance by mitigation measure MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan). Prior to issuance of the Coastal Development Permit for Pepper Park (Balanced Plan), the District shall accommodate an additional 23 parking spaces, for a total of 116 parking spaces at Pepper Park. The additional 23 spaces shall be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area. Following the completion of the Pepper Park expansion (including the 23 spaces), the District shall prepare a study that determines the actual (i.e., on-the-ground) demand for parking at the newly expanded park. If the results of the study demonstrate that the amount of parking can be reduced, the District will reduce the number of parking spaces to the actual on-the-ground demand identified in the study (but no more than a reduction of 23 spaces).

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

#### **4.11 Utilities and Service Systems**

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-1) as identified in the EIR.

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

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

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

MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall prepare a utility infrastructure study and submit the study to the District's Development Services Department (Balanced Plan and GB Capital Component only) and the City's Community Development Department (GB Capital Component and City Program – Development Component only) for review and approval. The utility infrastructure study shall identify the capacity of existing utilities, the ability of those utilities to serve the project proponent's project component, any necessary utility improvements that would be needed to serve project proponent's project component, and alternative locations and best management practices (BMPs), if necessary, to meet the standards described as follows: avoidance of sensitive habitat and species, construction BMPs related to ground disturbance such as daily watering in high-dust areas and use of a stabilized construction entrance to reduce offsite tracking, a soil and groundwater management plan pursuant to MM-HAZ-1 and MM-HAZ-4, including recommendations on pipe materials based on Sweetwater Authority Design Standards, if disturbed areas may be subject to contamination, a soil disposal plan (if applicable), a traffic management plan if roadways will need temporary closures, consistency with the City's Noise Ordinance, and avoidance of historical, archaeological, tribal cultural, and paleontological resources. The project proponent shall implement any and all new utility improvements or upgrades identified in the utility infrastructure study.

MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component). The project proponent for the respective project component shall incorporate and implement water-efficient design measures into its individual project component. Water-efficient design measures shall at a minimum, include:

- Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable).
- Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices.
- Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces.
- Install water-efficient water coolers and equipment and monitor cooling tower and boiler water chemistry to minimize mineral buildup in the system and maximize the number of times water can be recycled through the system.
- Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields.
- Educate employees on water conservation measures on an annual basis and post water conservation stickers, signs, and posters in bathrooms, kitchens,

cafeterias, conference rooms, and other places where employees congregate.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-2) as identified in the EIR.

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

The potentially significant impact on utilities and service systems (Impact-UTIL-2) will be reduced to below a level of significance by mitigation measure MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands. This mitigation measure is set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR and provides as follows:

MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component). Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install approximately 1,500

linear feet of 16-inch main pipeline along Marina Way and upsize approximately 1,700 linear feet of the existing 12-inch PVC pipeline with 16-inch pipeline. Design, permitting, and construction of the new pipelines shall be coordinated with the City Fire Marshal and SWA.

Prior to occupancy and operation of the project component that is constructed second (i.e., the GB Capital Component if the City Program – Development Component is constructed first, or the City Program – Development Component if the GB Capital Component is constructed first), the project proponent for that project component (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the new pipelines. Such reimbursement shall be a condition of the Coastal Development Permits for the City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-3) as identified in the EIR.

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

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

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

MM-UTIL-4: Issue Payment for City's Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component). Prior to the issuance of the respective building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall pay the City's established sewer capacity fee.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-4) as identified in the EIR.

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

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

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-5) as identified in the EIR.

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

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on utilities and service systems (Impact-UTIL-6) as identified in the EIR.

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

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

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

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

MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component). Prior to construction of any recreational or ornamental water feature, if it is determined that there is a low water supply, then the feature shall not be constructed until water supply is secured or there is an alternative design that incorporates low water use.

MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits (Balanced Plan, City Program – Development Component, and GB Capital Component). Water availability shall be confirmed by SWA prior to issuance of building permits. The confirmation of water availability shall be provided in written form by SWA. If SWA indicates there is not sufficient water supply to serve the project, the scale of the project shall be reduced to a level that is serviceable by SWA or use recycled water.

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

## **5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS**

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

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

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

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

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

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

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

## 5.1 Air Quality and Health Risk

### 5.1.1 Impact-C-AQ-1: New Land Use Designations Not Accounted for in the RAQS and SIP (All Project Components)

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-1) in that the proposed project would conflict with applicable state and regional air quality plans because the emissions associated with the proposed land uses could be greater than under existing land uses and these new emissions have not been accounted for in the current RAQS and SIP. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk).

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-1) as identified in the EIR. Further, pursuant to State CEQA Guidelines §15091(a)(2), certain of the changes or alterations are within the responsibility and jurisdiction of other public agencies and not the District and such changes can and should be adopted by such other agencies.

**Facts in Support of Finding:** The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-1) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-1 will result from the new land use designations not being accounted for in the RAQS and SIP.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-2) as identified in the EIR.

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

The potentially significant cumulative impact on air quality and health risk (Impact-C-AQ-2) will be reduced to below a level of significance by mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in Section 4.2.2 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-3) as identified in the EIR.

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

Potential Impact-C-AQ-3 will be reduced to below a level of significance by mitigation measure MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan). This mitigation measure is set forth in full in Section 4.2.3 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

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

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

thresholds for VOC, PM10, PM2.5, NO<sub>x</sub>, and CO that have been set to protect public health. Detailed information and analysis regarding this potentially significant cumulative impact are provided in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk).

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on air quality and health risk (Impact-C-AQ-4) as identified in the EIR.

**Facts in Support of Finding:** The potentially significant cumulative impact of the proposed project on air quality and health risk (Impact-C-AQ-4) is analyzed in Volume 2 (Final EIR), Chapter 5, *Cumulative Impacts* (Air Quality and Health Risk). Potential Impact-C-AQ-4 will result from unmitigated project emissions during construction exceeding applicable significance thresholds that have been set to attain the NAAQS and CAAQS, the purpose of which is to provide for the protection of public health.

Potential Impact-C-AQ-4 would be reduced to below a level of significance by implementation of mitigation measures MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components), MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components), MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component), MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component), and MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components). These mitigation measures are set forth in full in Section 4.2.4 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

## **5.2 Greenhouse Gas Emissions and Climate Change**

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

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

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

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-1) will be reduced by mitigation measures MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation, MM-GHG-2: Comply with District CAP Measures, MM-GHG-3: Comply with the Applicable City CAP Measures, MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities, MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings, MM-GHG-6: Implement a Renewable Energy Project Onsite, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB–Approved Registry or a Locally Approved Equivalent Program. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.1.

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on GHG emissions and climate change (Impact-C-GHG-2) as identified in the EIR.

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

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

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

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on GHG emissions and climate change (Impact-C-GHG-3) as identified in the EIR.

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

The potentially significant cumulative impact on GHG emissions and climate change (Impact-C-GHG-3) will be reduced by mitigation measures MM-GHG-3: Comply with the Applicable City CAP Measures, and MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program. These mitigation measures are set forth in full in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR, and are described above in Section 4.6.3.

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

### **5.3 Noise and Vibration**

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or

substantially lessen the significant environmental effect on noise and vibration (Impact-C-NOI-1) as identified in the EIR.

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

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-1) will be reduced to below a level of significance by mitigation measure MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. This mitigation measure is set forth in full in Section 4.9.2 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effect on noise and vibration (Impact-C-NOI-2) as identified in the EIR.

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

The potentially significant cumulative impact on noise and vibration (Impact-C-NOI-2) will be reduced to below a level of significance by mitigation measures MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less, and MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces. These mitigation measures are set forth in full in Section 4.9.3 above and in the MMRP and Table 2-3 in the *Executive Summary* of the Final EIR.

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

## **5.4 Transportation, Circulation, and Parking**

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

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

**Finding:** Pursuant to State CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project that avoid or substantially lessen the significant environmental effects on transportation, circulation, and parking (Impact-C-TRA-1) as identified in the EIR. However, the changes or alterations required will not reduce the significant effects (Impact-C-TRA-1) below a level of significance and a Statement of Overriding Considerations pursuant to State CEQA Guidelines §15093 is required.

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

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

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

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

## **6.0 FINDINGS REGARDING PROJECT ALTERNATIVES**

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

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

technological factors.

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

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

- Direct/project impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

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

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

1. Further activate the project site by modifying the land uses and their configurations to foster the development of high-quality commercial and recreational uses to maximize employment opportunities, maximize recreational opportunities for visitors, maximize economic development opportunities, and improve cargo and transportation efficiencies of maritime industrial uses associated with operations at NCMT.

2. Reconfigure maritime and commercial uses to balance the anticipated

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

future market demands for those uses, while also increasing public access on the project site.

3. Implement cohesive commercial development that is designed to enhance enjoyment of the National City Marina District and surrounding city area, contribute to the area's economic vitality, and generate economic revenue for the City including through increased Transient Occupancy Tax.

4. Increase park space and recreational opportunities to enhance the waterfront experience for all visitors and maximize opportunities to attract tourism to the city.

5. Reduce unnecessary train movements and reduce the required effort associated with building daily trains by improving near-terminal rail storage capacity and creating a more direct connection between the BNSF Railway National City Yard and the NCMT.

6. Offset the loss of existing land used for maritime operations, as proposed in the Balanced Plan, by closing internal District streets (i.e., Tidelands Avenue and West 28th Street) adjacent to existing maritime operations to create contiguous space for maritime operations and configuring cargo operations at and adjacent to the NCMT to create cargo-handling efficiencies to reduce cargo movements.

7. Incorporate District properties into the PMP that are not currently regulated by the PMP to ensure consistency with the California Coastal Act, Public Trust Doctrine, and Port Act.

8. Be consistent with the City's environmental policies and the District's Climate Action Plan, Clean Air Program, and Jurisdictional Runoff Management Program to ensure that the proposed project does not adversely affect the District's or City's ability to attain their respective long-range environmental and sustainability goals.

10. Incorporate a land use pattern for the National City Marina District into the PMP that establishes habitat buffers and implements operational features to avoid land use and operational inconsistencies between commercial, recreational, open space, and maritime uses.

11. Integrate National City art, culture, and history into the development of the proposed project.

12. Increase the connectivity of the project area to the surrounding area and facilitate increased pedestrian activity and enjoyment of San Diego Bay for visitors.

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

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

### **6.1 Alternative 1 – No Project Alternative**

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

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

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

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

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

## **6.2 Alternative 2 – No Waterside Development in Sweetwater Channel Alternative**

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

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

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

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

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

### **6.3 Alternative 3 – GB Capital Component Phase 1 Only Alternative**

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

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

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

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

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

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

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

#### **6.4 Alternative 4 – Reduced Development Intensity Alternative**

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

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

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

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

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

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

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

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

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

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

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

### STATEMENT OF OVERRIDING CONSIDERATIONS

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

- Project/direct impacts on GHG emissions and climate change; noise and vibration; and transportation, circulation, and parking; and
- Cumulative impacts on GHG emissions and climate change; and transportation, circulation, and parking.

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

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

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

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

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

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

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

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

**EXHIBIT "B"**

Mitigation Monitoring and Reporting Program

(See attached.)

# Mitigation Monitoring and Reporting Program

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## A.1.1 Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the National City Bayfront Projects and Plan Amendments implement the environmental mitigation measures required by the Final Environmental Impact Report (EIR) for the proposed project. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring and reporting implementation of the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. California Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (District) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required. Adoption of the MMRP for portions within City of National City (City) discretionary authority is required by the City, as a CEQA responsible agency.

The District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieves the same or greater impact reduction. Copies of the MMRP shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

## A.1.2 Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, mitigation measures are organized and referenced by subject category. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure.

- Mitigation Language and Numbering
- Mitigation Timing
- Methods for Monitoring and Reporting
- Responsible Parties

## **A.1.3 Mitigation Language and Numbering**

Provides the language of the mitigation measure in its entirety.

## **A.1.4 Mitigation Timing**

The mitigation measures required for the project will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

## **A.1.5 Methods for Monitoring and Reporting**

The MMRP includes the procedures for documenting and reporting mitigation implementation efforts.

## **A.1.6 Responsible Parties**

For each mitigation measure, the parties responsible for implementation, monitoring and reporting, and verifying successful completion of the mitigation measure are identified. These parties include both governmental organizations and by private sector project proponents.

**Table A1-1. Mitigation, Monitoring, and Reporting Program**

Mitigation Measures	Timing and Methods	Responsible Parties
<b>Aesthetics and Visual Resources</b>		
<p><b>MM-AES-1: Install Construction Screening and Fencing (GB Capital Component).</b> GB Capital shall require their contractors to install construction-screening fencing around the perimeter of the jetty prior to the start of construction of the modular cabins and extended dock and pier with boat slips that shall shield construction activities from sight. The screening shall remain until construction equipment is removed from this area. Construction-screening fencing shall be depicted on construction plans and, prior to issuance of construction permits, the District's Development Services Department shall confirm such fencing is depicted on the appropriate construction plans. Construction screening shall include, at a minimum, installation of 8-foot-tall fencing covered with view-blocking materials, such as tarp or mesh in a color that blends in with the existing environment (e.g., green or blue), for the duration of the construction period.</p>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Install construction-screening fencing around the perimeter of the jetty prior to the start of construction.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>
<p><b>MM-AES-2: Install Wayfinding and Public Access Signage (GB Capital Component).</b> Prior to construction of any GB Capital-related project elements within the marina, on the jetty, or in Sweetwater Channel that would affect the view provided by KOP 2, GB Capital or their contractors shall install temporary legible wayfinding signage in visible areas (e.g., in the general vicinity of the existing overlook at KOP 2 and where the existing waterside promenade on the Pier 32 Marina intersects with Goesno Place) that directs the public to other available scenic vistas that would not be affected by construction activities and would provide substantially similar views, such as KOP 4 and KOP 5. GB Capital shall require that contractors submit the signage characteristics (e.g., size, color, materials) to the District's Development Services Department for review and approval prior installation of the signage—provided however, that the temporary wayfinding signage shall at a minimum depict the direction and distance to the alternate KOP(s). Photographic proof of the installation of wayfinding signage shall be submitted to the District's Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1) that</p>	<p><b>Timing:</b> Prior to construction and during construction</p> <p><b>Method:</b> Install temporary wayfinding signage that directs the public to other scenic vistas.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
involve construction in the marina, on the jetty, or in Sweetwater Channel and may be removed on completion of construction.		
<p><b>MM-AES-3: Establish a Temporary Scenic Vista (GB Capital Component).</b> Prior to the commencement of construction of the GB Capital Component (Phase 1), GB Capital shall require its contractors to establish a temporary scenic vista directly east of KOP 3, adjacent to the western end of the existing Bayshore Bikeway bike path (before the existing path turns north), which shall be accessible to the public throughout the entirety of the construction phase of the GB Capital Component. The project proponent shall provide temporary wayfinding signage at the GB Capital Component site and signage at the temporary scenic vista identifying it as a temporary scenic vista. Photographic proof of the establishment of the temporary scenic vista shall be submitted to the District’s Development Services Department prior to the beginning of construction activities of the GB Capital Component (Phase 1).</p>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Establish a temporary scenic vista east of KOP 3.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-AES-4: Install Permanent Wayfinding Signage for the Open Space Area on Jetty (GB Capital Component).</b> GB Capital shall construct the open space/park area on the jetty concurrently with the construction of the modular cabins and shall finish the open space area prior to or concurrently with said cabins. When construction of the modular cabins is complete, GB Capital or its contractors shall install permanent wayfinding signage that is legible and in a publicly accessible area at KOP 2/the existing Pier 32 overlook to direct visitors to the open space area on the jetty, where views of Sweetwater Channel to the southeast, south, and southwest would be available. GB Capital or its contractors shall submit the signage characteristics (e.g., size, color, materials) to the District’s Development Services Department for review and approval prior to installation—provided, however, that the wayfinding signage shall at a minimum contain the distance and direction to the open space area. Photographic proof of the wayfinding signage shall be submitted to the District’s Development Services Department prior to issuance of the certificate of occupancy.</p>	<p><b>Timing:</b> Upon completion of modular cabins</p> <p><b>Method:</b> Construct the open space area prior to or concurrently with the modular cabins and install permanent wayfinding signage to direct visitors to the open space area.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-AES-5: Extend the Existing Clear Zone Across Jetty (GB Capital Component).</b> The project proponent for the GB Capital Component shall extend the existing minimum 20-foot-wide clear zone along the Pier 32 overlook southward across the jetty. The existing minimum 20-foot-wide clear zone and the proposed 20-foot-wide clear zone on the jetty shall be</p>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Extend the existing minimum 20-foot-wide clear</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>identified on the project plans. The open space/park area proposed on the jetty can be located within the 20-foot-wide clear zone. Prior to issuance of a coastal development permit that includes construction of the modular cabins, the District's Development Services Department shall confirm that the existing and proposed minimum 20-foot-wide clear zone is identified and observed on the project plans.</p>	<p>zone along the Pier 32 overlook southward across the jetty.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District's Development Services Department</p>
<p><b>MM-AES-7: Design the GB Capital Component to Provide Continuity (GB Capital Component).</b> To provide a natural continuity with the existing marina complex, the GB Capital Component shall be designed and constructed using a similar architectural style and materials as the existing Pier 32 Marina. Prior to issuance of the Coastal Development Permit for both phases of the GB Capital Component, the District shall review plans for the GB Capital Component to ensure design continuity with the existing marina complex.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Ensure design continuity with the existing Pier 32 Marina.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District</p>
<p><b>MM-AES-8: Limit Lighting (GB Capital Component).</b> Proposed outdoor lighting in the parking lots, in the marina, and outside of buildings shall not exceed a correlated color temperature of 2,700 Kelvins in order to emit less high frequency blue light. The project proponent shall provide details (i.e., Kelvins) of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.</p>	<p><b>Timing:</b> Prior to construction and during project operation <b>Method:</b> Ensure proposed outdoor lighting shall not exceed a correlated color temperature of 2,700 Kelvins.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District's Development Services Department</p>
<p><b>MM-AES-9: Shield Security and Safety Lighting (GB Capital Component).</b> Security and safety lighting proposed around the RV park, retail, marina, jetty, parking lot, hotels, and other outdoor common spaces shall consist of full cutoff pole-top fixtures with full cutoff shields to minimize light spillage into adjacent properties and land uses. The project proponent shall provide details of the proposed lighting to the District's Development Services Department for review and approval prior to commencement of construction of the GB Capital Component.</p>	<p><b>Timing:</b> Prior to construction and during project operation <b>Method:</b> Implement measures to minimize light spillage from security and safety lighting.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District's Development Services Department</p>
<b>Air Quality and Health Risk</b>		
<p><b>MM-AQ-1: Update the RAQS and SIP with New Growth Projections (All Project Components).</b> Within 6 months from approval of the proposed project, the District and City shall provide SANDAG with revised employment growth forecasts that account for buildout of the</p>	<p><b>Timing:</b> Within 6 months of approval <b>Method:</b> Provide the new employment growth forecasts</p>	<p><b>Implementation:</b> District and City <b>Monitoring and Reporting:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>proposed project. This includes the amendments to the District’s PMP, and the City’s General Plan, LCP, HDSAP, and LUC to account for the proposed land use and jurisdictional changes. The District and the City shall coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated as part of the next revision cycle to reflect the updated growth and land use assumptions of the project as well as the PMP and the City’s General Plan as a whole.</p>	<p>and coordinate with SANDAG and the SDAPCD to ensure the RAQS and SIP are updated.</p>	<p><b>Verification:</b> SANDAG</p>
<p><b>MM-AQ-2: Implement Diesel Emission-Reduction Measures During Construction (All Project Components).</b> To control VOC, NO<sub>x</sub>, CO, PM10, and PM2.5 emissions during construction, the project proponent/operator and/or its contractor(s) shall implement or require implementation by its construction contractor(s) the following measures during construction of their corresponding proposed project component, and shall provide verification to the District (or City).</p> <p>Prior to the commencement of construction activities of any project component, the project proponent for that project component shall submit a list of equipment to be used and their equipment specifications (model year, engine tier, horsepower) to the District’s Development Services Department (for the components’ within the District’s jurisdiction) or the City’s Community Development Department (for the component’s within the City’s jurisdiction) to ensure the construction equipment list is consistent with the following requirements. Following construction, the project proponent/operator and/or its contractor(s) shall provide written evidence that the construction was consistent with following requirements:</p> <ul style="list-style-type: none"> <li>• For all construction between 2022 and 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 3 or cleaner engines, unless Tier 3 construction equipment is not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 3 or cleaner equipment shall be used, or that Tier 3 or better equipment is not available for use during the entire duration of that project’s construction period through 2025.</li> <li>• For all construction beyond 2025, ensure that all off-road diesel equipment engines over 25 horsepower shall be equipped with EPA Tier 4 or cleaner engines, unless Tier 4 construction equipment is</li> </ul>	<p><b>Timing:</b> Prior to, during, and post construction</p> <p><b>Method:</b> Ensure construction equipment and construction activities are consistent with emission-reduction requirements.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> All Project Proponents</p> <p><b>Verification:</b> District’s Development Services Department or City’s Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>not available within 50 miles of the project site. The project proponent shall document and submit evidence to the District prior to commencement of construction activities that Tier 4 or cleaner equipment shall be used, or that Tier 4 or cleaner equipment is not available for use during the entire duration of that project’s construction period beyond 2025.</p> <ul style="list-style-type: none"> <li>• Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> <li>• Maintain all equipment in accordance with the manufacturers’ specifications.</li> <li>• Turn off all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than 3 minutes.</li> <li>• Use zero or near-zero emissions equipment in-lieu of diesel or gasoline-powered equipment, where such zero or near-zero equipment is commercially available within 50 miles of the project site.</li> <li>• Use diesel particulate filters (or the equivalent) if permitted under manufacturer’s guidelines for on-road and off-road diesel equipment.</li> </ul>		
<p><b>MM-AQ-3: Implement Fugitive Dust Control During Construction (All Project Components).</b> To control fugitive PM10 and PM2.5 emissions during construction of any project component, the project proponent/operator and/or its contractor(s) for each component shall implement the following dust control measures in compliance with SDAPCD Rule 55. The following shall be conditions in any Coastal Development Permit or City-issued permit (such as grading and building permits) and shall be implemented by that project proponent/operator and/or its contractor(s).</p> <ul style="list-style-type: none"> <li>• Water the grading areas at a minimum of three times daily to minimize fugitive dust.</li> <li>• Stabilize graded areas as quickly as possible to minimize fugitive dust.</li> </ul>	<p><b>Timing:</b> During construction  <b>Method:</b> Implement dust control measures to control fugitive PM10 and PM2.5 in compliance with SDAPCD Rule 55.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and/or Contractors  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.</li> <li>• Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.</li> <li>• Remove any visible track-out into traveled public streets within 30 minutes of occurrence.</li> <li>• Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.</li> <li>• Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.</li> <li>• Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.</li> <li>• Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 miles per hour (mph).</li> <li>• Cover/water onsite stockpiles of excavated material.</li> <li>• Enforce a 15 mph speed limit on unpaved surfaces.</li> <li>• On dry days, sweep up any dirt and debris spilled onto paved surfaces immediately to reduce re-suspension of particulate matter caused by vehicle movement. Clean approach routes to construction sites daily for construction-related dirt in dry weather.</li> <li>• Hydroseed, landscape, or develop as quickly as possible all disturbed areas and as directed by the District and/or SDAPCD to reduce dust generation.</li> <li>• Limit the daily grading volumes/area.</li> <li>• The project proponent/operator and/or its contractor(s) for each component shall submit evidence of the use of fugitive dust reduction measures to the District or City after the completion of construction.</li> </ul>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD Rule 67.0.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p>
<p><b>MM-AQ-4: Use Low-VOC Interior and Exterior Coatings During Construction (GB Capital Component and City Program – Development Component).</b> To control VOC emissions during any painting activities during construction, the project proponent/operator and/or its contractor(s) for all phases of GB Capital Component (Phase 1 and Phase 2) and City Program – Development Component shall use low-VOC coatings for all surfaces that go beyond the requirements of SDAPCD</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Rule 67.0. If architectural coatings (painting) of any single component or multiple components would exceed 10,000 square feet per day, then each project component active on that day shall use coatings with a VOC content of 10 grams per liter or less for all surfaces to be painted. If architectural coatings (painting) of any single component or multiple components would be below 10,000 square feet per day, then each component shall use coatings with a VOC content of 75 grams per liter or less. Prior to the commencement of construction activities associated with the GB Capital Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the District's Development Services Department. Prior to the commencement of construction activities associated with the City Program – Development Component, the project proponent shall submit a list of coatings to be used, their respective VOC content, and a summary of surface area to be painted to the City's Community Development Department. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify the use of low-VOC coatings.</p>		<p><b>Verification:</b> District's Development Services Department and City's Community Development Department</p>
<p><b>MM-AQ-5: Use Modern Harbor Craft During Construction Activities (GB Capital Component).</b> Prior to commencing any waterside construction or activities the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including but not limited to tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>• For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner).</li> <li>• For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits less emission than Tier 4 or better (cleaner) are not available, then the project proponent shall ensure all equipment is Tier 4 or better.</li> <li>• Use renewable diesel fuel in all heavy-duty off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for Ultra Low Sulfur Diesel and have a carbon intensity no greater than 50 percent of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> </ul>	<p><b>Timing:</b> Prior to waterside construction</p> <p><b>Method:</b> Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department or City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department and/or the City's Community Development Department prior to commencement of waterside construction activities, that equipment meeting the above tiering requirements or better standards is not available for use during the duration of all in-water activities. Regardless of the equipment used, the project proponent/operator and/or its contractor(s) for each component shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each component shall submit a report prepared by the mechanic experienced with such equipment of the condition of the construction and operations vehicles and equipment to the District's Development Services Department and/or the City's Community Development Department prior to commencement of their use.</p>		
<p><b>MM-AQ-6: Stagger Overlapping Construction Phases and Components (All Project Components).</b> Each project proponent/operator and/or its contractor(s) shall submit a construction schedule and assumed construction activity at least 3 months prior to the start of construction to the District and City. If grading and waterside construction activities (associated with GB Capital Component Phase 1) are to take place at the same time, they shall be reduced or staggered as to not to exceed daily air quality thresholds and such reduction or staggering shall be a condition of grading and building permits. However, multiple project components' grading may take place at the same time. The District and City, for their respective jurisdictions, may conduct inspections during construction to verify activity.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Submit a construction schedule and assumed construction activity to ensure reduction or staggering of overlapping construction phases.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and/or Contractors  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> District and City</p>
<p><b>MM-AQ-7: Restrict Installation of Fireplaces and Firepits in New Construction (City Program, GB Capital Component [Phase 1 and Phase 2], and Balanced Plan).</b> The proponent/operator and/or its contractor(s) of the City Program – Development Component, the GB</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Ensure all fireplaces and firepits are fueled by</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components/Operator and/or Contractors</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Capital Component, and the Balanced Plan shall ensure that no outdoor woodburning stoves, fireplaces, or firepits are installed, and all fireplaces and firepits shall be fueled by natural gas. The project proponent/operator and/or its contractor(s) for each component shall submit evidence that no outdoor woodburning stoves, fireplaces, or firepits are wood-burning to the District (or City for City Program), and the District (or City for City Program) may conduct inspections during construction to verify the details that were submitted are accurate.</p>	<p>natural gas and no outdoor woodburning stoves, fireplaces, or firepits are installed.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<b>Biological Resources</b>		
<p><b>MM-BIO-1: Conduct Surveys and Monitoring for Estuary Seablite (Bayshore Bikeway Component Route 3):</b> An authorized biologist shall be present onsite during construction within or adjacent to suitable habitat for estuary seablite to ensure that avoidance and minimization measures are in place according to specifications and to monitor construction in the vicinity of estuary seablite population at a frequency necessary to ensure that avoidance and minimization measures are followed properly. The biological monitor shall report any noncompliance to CDFW within 24 hours.</p> <p>Before ground disturbance or other activities associated with construction of Bayshore Bikeway Component Route 3, a qualified botanist shall survey all proposed construction and access areas for presence of special-status plant species. Preconstruction surveys shall occur during the appropriate season and in accordance with established protocols up to 1 year in advance of construction, provided temporary construction easements have been granted to construction areas. These surveys shall be conducted in all construction areas that contain suitable habitat for special-status plant species. These surveys shall be for the purpose of documenting plant locations relative to the construction areas and ensure avoidance, where feasible. If construction starts prior to the appropriate season, and it is unfeasible to conduct preconstruction surveys, then plant documentation for avoidance and ESA fencing shall rely on previous population locations.</p> <p>Populations of estuary seablite or other special-status plant species observed during these surveys shall be clearly mapped and recorded, along with the approximate numbers of individuals in each population and their respective conditions. Construction areas and access roads shall</p>	<p><b>Timing:</b> Prior to and during project construction <b>Method:</b> Conduct preconstruction surveys for presence of estuary seablite, implement avoidance and minimization measures, and monitor for estuary seablite species during construction.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components <b>Verification:</b> District, CDFW</p>

Mitigation Measures	Timing and Methods	Responsible Parties
avoid loss of individual estuary seabirds and impacts on habitat supporting this species.		
<p><b>MM-BIO-3: Avoid Construction within 300 Feet of Avian Species During the Breeding Season (GB Capital Component and Bayshore Bikeway Component Route 3).</b> All project construction activities occurring within 300 feet of salt marsh habitat (e.g., portions of Bayshore Bikeway Component Route 3 and some of the GB Capital Component) shall take place outside of the light-footed Ridgway's rail and Belding's Savannah sparrow breeding season (i.e., February 15–September 15); no construction work shall occur within 300 feet of the marsh during this time period.</p> <p>To ensure protection of California least terns nesting at the D Street colony, project proponents shall avoid impact pile driving during the least tern nesting season. The nesting season for California least terns is defined here as April 1 through September 15.</p>	<p><b>Timing:</b> During construction</p> <p><b>Method:</b> Ensure no construction work occurs within 300 feet of salt marsh habitat from February 15 through September 15 and avoid impact pile driving from April 1 through September 15.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District and City</p>
<p><b>MM-BIO-4: Avoid Impacts on Osprey During Nesting Season (January 15–June 15) (Pepper Park Expansion and Roadway Configuration in Balanced Plan, and Pasha Rail Improvement Component).</b> To ensure nesting ospreys are not disturbed, the project proponent for the Balanced Plan (specifically, the roadway improvements and Pepper Park expansion), as well as the project proponent for the Pasha Rail Improvement Component, shall avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) within all proposed construction areas or shall implement all of the following:</p> <ul style="list-style-type: none"> <li>• Surveys of historical nest locations maintained by the District shall be conducted to determine current occupancy status within 72 hours prior to construction/onset of noise-generating activities. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Avoid all noise-generating construction activities during the osprey nesting season (January 15–June 15) or implement avoidance measures.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components</p> <p><b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>Surveys of all potential osprey nest locations, including existing utility poles, shall be conducted within 72 hours prior to construction/onset of noise-generating activities within 500 feet of any proposed work areas where noise-generating activities could affect nest success. These surveys could be conducted concurrent with those anticipated under <b>MM-BIO-5</b> for MBTA avian species or conducted separately. If nests are occupied, or if the nest occupancy cannot be determined due to the height of the nest, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.</li> </ul>		
<p><b>MM-BIO-5: Avoid Impacts on MBTA Avian Species, Including Non-Listed Avian Species (Pepper Park Expansion and Roadway Configuration in Balanced Plan, GB Capital Component, and Bayshore Bikeway Component Route 3).</b> To ensure compliance with the MBTA and similar provisions under CFGC Sections 3503 and 3503.5, the project proponent for the Balanced Plan (specifically, roadway improvements, Pepper Park expansion), GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component, and City Program – Development Component shall conduct all vegetation removal during the non-breeding season between September 15 and January 14 or shall implement the following:</p> <ul style="list-style-type: none"> <li>If construction activities are scheduled between January 15 and September 14, a biological survey for nesting bird species shall be conducted within the proposed impact area and at least a 300-foot buffer within 72 hours prior to construction. The nesting bird survey is applicable to all avian species protected under the MBTA and Fish and Game Code. The number of surveys required for covering this area shall be commensurate with the schedule for construction and the acreage that shall be covered. Multiple surveys for nesting birds shall be separated by at least 48 hours in order to be confident that nesting is detected, but the survey shall be no more 72 hours prior to the onset of construction.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Conduct all vegetation removal during the non-breeding season (September 15–January 14) or implement nesting bird avoidance measures.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>If any active nests are detected, the area shall be flagged and mapped on the construction plans, along with an avoidance buffer of sufficient size to avoid impacts on the nest. The project biologist shall determine the size of the avoidance buffer based on behavioral observations, ambient versus construction-related noise, and other data gathered during nest monitoring. All work within the avoidance buffer shall cease until the nesting cycle is complete.</li> <li>Nest buffers, nest survey techniques, and nest monitoring requirements shall be determined based on the project proponent’s avian biologist. In accordance with this mitigation measure, nest buffers shall be implemented to ensure compliance with the MBTA and Fish and Game Code Sections 3503, 3503.5, and 3513. Additionally, if grading activities, construction activities, or other noise-generating activities lapse for more than 48 hours, an additional nesting bird survey shall be conducted. The results of the nesting bird surveys and buffers, including any determinations to reduce buffers, shall be included in a monitoring report submitted to the project proponent.</li> <li>If a nesting bird management plan is required as part of the site-specific impact analysis and mitigation for a particular component, then the parameters in this mitigation measure shall be applied as the minimum requirements for that particular component. More restrictive measures than these can be stipulated in the nesting bird management plan for that particular project component.</li> </ul>		
<p><b>MM-BIO-6: Conduct Surveys for Maternal Bat Roost Site Surveys and Avoid Seasonal Impacts (GB Capital Component and Bayshore Bikeway Component Route 3).</b> Prior to the start of project construction on the GB Capital Component or Bayshore Bikeway Component Route 3, a qualified bat biologist shall conduct a daytime assessment to examine structures and trees suitable for bat use. If bat sign is observed at that time, then nighttime bat surveys shall be conducted to confirm whether the structures or trees with suitable habitat identified during the preliminary assessment are utilized by bats for day roosting or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations, and perform exit counts to determine visually the approximate number of bats utilizing the roosts. Acoustic monitoring shall also be used during these surveys to identify the bat species present</p>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Conduct preconstruction bat habitat assessment, avoid construction during bat maternity season if maternity sites are present, or complete bat exclusion activities.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponents for Components</p> <p><b>Verification:</b> District, CDFW</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and determine an index of relative bat activity for that site on that specific evening.</p> <p>If maternity sites are identified during the preconstruction bat habitat assessment, then no construction activities at that location shall be allowed during the maternity season (i.e., April 1–August 31) unless a qualified bat biologist has determined that the young have been weaned. If maternity sites are present, and it is anticipated that construction activities cannot be completed outside of the maternity season, then the qualified bat biologist, in consultation with CDFW, shall complete bat exclusion activities at maternity roost sites either as soon as possible after the young have been weaned or outside of the maternity season, or the qualified bat biologist, in coordination with CDFW, otherwise approves.</p> <p>The removal of mature trees and snags shall be minimized to the greatest extent practicable. Prior to tree removal or trimming, qualified bat biologist shall examine large trees and snags to ensure that no roosting bats are present. Palm frond trimming, if necessary, shall be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November–February).</p>		
<p><b>MM-BIO-7: Avoidance of Impacts on Special-Status Wildlife During In-Water Construction Activities (GB Capital Component).</b></p> <p>During in-water pile installation, the contractor shall utilize pile jetting or vibratory methods (vibratory methods subject to additional measures below) to reduce the daily number of pile strikes to the extent practicable and must use fewer than 750 pile strikes per day to set pilings.</p> <p>Prior to construction activities involving impact-hammer and vibratory in-water pile driving, the project proponent shall prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program such as a Marine Fish Species Impact Avoidance and Minimization Plan. The District shall review the monitoring program, which shall include the following requirements:</p> <ul style="list-style-type: none"> <li>For a period of 15 minutes prior to the start of in-water construction, a qualified biologist, retained by the project proponent (i.e., GB Capital) and approved by the District’s Director of Development Services or their designee, shall monitor around the active pile driving areas to ensure that special-status species are not present.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Reduce the daily number of pile strikes during in-water pile installation and prepare and implement a marine mammal, fish injury, and green sea turtle monitoring program.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Authorized Biologist, Applicable Project Proponent for Component</p> <p><b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Monitors shall also monitor for injured fish and have the authority to stop work if there is an observation of concern.</p> <ul style="list-style-type: none"> <li>• The construction contractor shall not start work if any observations of special-status species are made prior to starting pile driving.</li> <li>• In-water pile driving shall begin with soft starts, gradually increasing the force of the pile driving. This allows marine mammals, green sea turtles and fishes to flee areas adjacent to pile driving activities.</li> <li>• All monitors must meet the minimum requirements as defined by the National Oceanic Atmospheric Administration’s <i>Guidance for Developing a Marine Mammal Monitoring Plan</i> (NOAA 2019).</li> <li>• Recommendations in the Marine Mammal and Green Sea Turtle Monitoring Program shall be consistent with the District’s Regional General Permit (RGP) 72.</li> <li>• If the biological monitor determines that underwater noise is causing an observable impact on any sensitive species, the biological monitor shall stop in-water construction or may require a bubble curtain be placed around pilings during impact driving to reduce the intensity of underwater sound pressure levels.</li> <li>• A silt curtain shall be placed around the pile-driving activity to restrict the distribution of turbidity associated with the resuspension of marine sediments. The silt curtain shall be placed such that it does not drag on the bottom or contact eelgrass resources. In addition, the project proponent shall have a qualified contractor prepare and implement a water quality monitoring plan for the District’s review and approval to ensure that turbidity outside of the silt curtain does not increase more than 20% above ambient conditions during pile driving.</li> <li>• The monitoring plan shall be implemented during all pile-driving activities and be a part of any construction contracts of GB Capital’s in-water construction.</li> </ul>	<p><b>Timing:</b> Prior to and during project construction</p> <p><b>Method:</b> Incorporate design strategies to minimize threat to avian species in accordance</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Authorized Ornithologist, Applicable Project Proponents for Components</p>
<p><b>MM-BIO-9: Implement Bird Strike Reduction Measures on New Structures (GB Capital Component and City Program – Development Component).</b> Prior to issuance of any building construction/permits for any portion of the GB Capital Component or City Program – Development Component where the building would be taller than three stories, an ornithologist (retained by the respective project proponent and pre-</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>approved by the District for the GB Capital Component or the City for the City Program – Development Component) familiar with local species will review building plans to verify that the proposed building has incorporated specific design strategies that qualify for Leadership in Energy and Environmental Design (LEED) credits, as described in the American Bird Conservancy’s <i>Bird-Friendly Building Design</i> (Sheppard and Phillips 2015) or an equivalent guide to avoid or reduce the potential for bird strikes. Final building design must demonstrate to the satisfaction of the ornithologist that design strategies shall be in accordance with the <i>Bird-Friendly Building Design</i>, by incorporating strategies to minimize the threat to avian species, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Building Façade and Site Structures <ul style="list-style-type: none"> <li>○ Develop a building façade and site design that are visible as physical barriers to birds.</li> </ul> </li> <li>• Elements such as Netting, Screens, Grilles, Shutters, and Exterior Shades to Preclude Collisions. <ul style="list-style-type: none"> <li>○ Incorporate materials that have a low threat potential based on the Bird Collision Threat Rating and the Bird Collision Threat Rating Calculation Spreadsheet to achieve a maximum total building Bird Collision Threat Rating of 15 or less. <ul style="list-style-type: none"> <li>– High Threat Potential: Glass: Highly Reflective and/or Completely Transparent Surface</li> <li>– Least Threat Potential: Opaque Surface</li> </ul> </li> </ul> </li> <li>• Exterior Lighting <ul style="list-style-type: none"> <li>○ Fixtures not necessary for safety, entrances, and circulation shall be automatically shut off from midnight until 6:00 a.m.</li> <li>○ Exterior luminaires must meet these requirements for all exterior luminaires located inside project boundary based on the following: <ul style="list-style-type: none"> <li>– Photometric characteristics of each luminaire when mounted in the same orientation and tilt as specified in the project design; and</li> <li>– The lighting zone of the project property (at the time construction begins). Classify the project under one lighting zone using the lighting zones definitions provided in the <i>Illuminating Engineering Society and International Dark Sky</i></li> </ul> </li> </ul> </li> </ul>	<p>with the <i>Bird-Friendly Building Design</i> or equivalent guide.</p>	<p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><i>Association (IES/IDA) Model Lighting Ordinance (MLO) User Guide (2011).</i></p> <ul style="list-style-type: none"> <li>• Performance Monitoring Plan                             <ul style="list-style-type: none"> <li>○ The project proponent (e.g., GB Capital) shall develop a 3-year post-construction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions for buildings over three stories high. Include methods to identify and document locations where repeated bird strikes occur, the number of collisions, the date, the approximate time, and features that may be contributing to collisions. List potential design solutions and provide a process for adaptive management.</li> <li>○ The project proponent (e.g., GB Capital) shall provide an adaptive monitoring report demonstrating which design strategies have been incorporated and the results of adaptive monitoring for District review.</li> </ul> </li> </ul>		
<p><b>MM-BIO-10: Provide Compensatory Mitigation for Impacts on Coastal Sage Scrub (GB Capital Component and Bayshore Bikeway Component Route 3).</b> Compensation for permanent impacts on Diegan coastal sage scrub habitats shall occur at a minimum 1:1 ratio, with compensation occurring as creation, enhancement, or restoration. The compensation can occur through a combination of one or more of the following: onsite enhancement, re-establishment, or creation; or payment into an agency-approved in-lieu fee, mitigation program, or other approved mitigation provider. Compensation type and final mitigation ratios shall be determined during the project’s coastal development permitting phase. Temporary impacts on Diegan coastal sage scrub habitats shall be replaced at a 1:1 ratio through onsite restoration. Onsite, in-kind restoration of temporarily affected Diegan coastal sage scrub would occur at their current locations on completion of construction, consisting of returning affected areas to original contour grades, decompacting the soil, and replanting with hydroseeding or container plantings using a plant palette composed of native species from the local region prior to disturbance. All revegetated areas shall avoid the use of any nonnative plant species.</p> <p>For any areas that shall be restored, enhanced, or created onsite, the project proponent (e.g., National City for Bayshore Bikeway; GB Capital, etc.) shall prepare a Habitat Mitigation and Monitoring Plan (HMMP)</p>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Provide compensatory mitigation for impacts on Diegan coastal sage scrub at a minimum 1:1 ratio and prepare an HMMP for onsite restoration.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District, CCC</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prior to project construction in accordance with requirements of the CCC. The HMMP shall outline all required components, including, but not limited to, a project description, goal of the mitigation, mitigation site, implementation plan, monitoring plan, completion of mitigation/ success criteria, and contingency measures. The HMMP shall address the onsite restoration of temporary impact areas and compensatory mitigation at on- or offsite areas to mitigate for permanent impacts.</p>		
<p><b>MM-BIO-12: Provide Contractor Education, Utilize Ecological Moorings, and Develop an Eelgrass Mitigation and Monitoring Plan in Compliance with the California Eelgrass Mitigation Policy (GB Capital Component).</b> Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to provide contractor education relative to the presence and sensitivity of eelgrass beds. The contractor shall be provided with a map that depicts the location of eelgrass within the work area. The contractor shall be instructed to use the minimal propeller thrust necessary when working in shallow water to avoid dislodging eelgrass or generating excessive turbidity. The contractor shall also be instructed not to place anchors or spuds over portions of the seafloor that support eelgrass.</p> <p>The proposed vessel moorings shall use ecologically sensitive mooring systems that minimize contact with the ocean bottom, to reduce scouring impacts. Examples of these systems include flexible lines with anchors that are permanently embedded into the bottom. The GB Capital Component shall include educational materials to boat operators describing how ecological moorings work and specifying that boat operators shall utilize the ecological moorings.</p> <p>Prior to the start of any in-water construction, the project proponent shall retain a qualified marine biologist to develop an eelgrass mitigation plan in compliance with the California Eelgrass Mitigation Policy. The mitigation plan shall be submitted to the District and resource agencies for approval and shall be implemented to compensate for losses to eelgrass in the event that the surveys described below indicate the project affected eelgrass. The eelgrass mitigation plan shall use updated eelgrass monitoring data to establish the amount of eelgrass present, and that data shall be collected within 6 months of the first draft of the mitigation plan. Additionally, the mitigation plan shall provide a summary of all mitigation sites considered during the evaluation and</p>	<p><b>Timing:</b> Prior to in-water construction</p> <p><b>Method:</b> Provide contractor education relative to the presence and sensitivity of eelgrass beds, utilize ecological mooring systems, and develop an eelgrass mitigation plan.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Qualified Marine-Biologist, Applicable Project Proponent for Component</p> <p><b>Verification:</b> District and Resource Agencies</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>provide the rationale for the chosen mitigation site(s). A mitigation site must be secured prior to in-water construction that would affect eelgrass. Finally, the plan shall also include a habitat loss/gain analysis table and any changes to the losses or gains shall be captured in revisions to the mitigation plan as additional surveys as specified below are performed. To the extent practical, the mitigation shall attempt to achieve the creation of a contiguous eelgrass bed with eelgrass density at or above that present within the patchy eelgrass beds present within the Sweetwater River Channel. This will provide for enhanced fisheries benefit and therefore benefit to fish-foraging avian species such as California least tern. The mitigation plan shall be provided with permit applications required under the Rivers and Harbors Act (Section 10) and CWA (Section 401, Section 404), which would require supplemental resource agency consultation during the permitting process. The specific eelgrass mitigation plan elements shall include the following:</p> <ul style="list-style-type: none"> <li>• Prior to the commencement of any in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a preconstruction eelgrass survey per the California Eelgrass Mitigation Policy. Surveys for eelgrass shall be conducted during the active eelgrass growing season (March–October), and results shall be valid for 60 days, unless completed in September or October; if completed in those months, results shall be valid until resumption of the next growing season. The qualified marine biologist shall submit the results of the preconstruction survey to the District and resource agencies within 30 days.</li> <li>• Within 30 days of completion of in-water construction activities, a qualified marine biologist that the project proponent retains and the District approves shall conduct a postconstruction eelgrass survey during the active eelgrass growing season. The postconstruction survey shall evaluate potential eelgrass impacts associated with construction. On completion of the postconstruction survey, the qualified marine biologist shall submit the survey report to the District and resource agencies within 30 days.</li> <li>• At least 2 years of annual postconstruction eelgrass surveys shall be conducted during the active eelgrass growing season. The additional annual surveys shall evaluate the potential for operational impacts on eelgrass. Specifically, the surveys shall be designed to evaluate</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>potential shading impacts noted in the project's marine biological assessment (Appendix H of the EIR).</p> <ul style="list-style-type: none"> <li>• In the event that eelgrass impacts are detected during post-construction monitoring, the project proponent shall implement the following: <ul style="list-style-type: none"> <li>○ A qualified marine biologist that the project proponent retains for the GB Capital Component and the District approves shall develop a mitigation plan for in-kind mitigation per the California Eelgrass Mitigation Policy. The qualified marine biologist shall submit the mitigation plan to the District and resource agencies within 60 days following the postconstruction survey.</li> <li>○ Mitigation for eelgrass impacts shall be at a ratio of 1.2:1, and the project proponent shall determine eelgrass mitigation sites prior to the commencement of construction activities.</li> <li>○ Mitigation shall commence within 135 days of any noted impacts on eelgrass, such that mitigation commences within the same eelgrass growing season that impacts occur.</li> <li>○ Any mitigation that requires harvesting and transplantation of eelgrass shall require the qualified marine biologist to obtain a scientific collecting permit from CDFW for the purpose of harvesting eelgrass to support the mitigation.</li> </ul> </li> <li>• Upon completing mitigation, the qualified biologist shall conduct mitigation performance monitoring at performance milestones of 0, 12, 24, 36, 48, and 60 months. The qualified biologist shall conduct all mitigation monitoring during the active eelgrass growing season and shall avoid the low-growth season (November–February). Performance standards shall be in accordance with those prescribed in the California Eelgrass Mitigation Policy.</li> <li>• The qualified biologist shall submit the monitoring reports and spatial data to the District and resource agencies within 30 days after the completion of each monitoring period. The monitoring reports shall include all of the specific requirements identified in the California Eelgrass Mitigation Policy.</li> </ul>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Implement mitigation to reduce overwater coverage,</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p>
<p><b>MM-BIO-13: Implement Overwater Coverage Mitigation Through the USACE Permitting Process in Consultation with CCC, NMFS, USFWS, RWQCB, and the District to Compensate for Loss of Open Water</b></p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Habitat and Function (GB Capital Component).</b> The waterside GB Capital Component within Sweetwater Channel shall require implementation of regulatory agency-approved mitigation prior to implementation of the project to reduce overwater coverage. This may include reduction in overwater coverage at another location in San Diego Bay, restoration of upland riparian habitats, restoration of submerged aquatic vegetation, water quality-improvement techniques, restoration of soft-bottom habitats, such as mud flats, or use of mitigation bank credits or credits from the USACE permit for the construction of the marina from uplands or paying an in lieu fee (once a program is developed but prior to increase in overwater coverage). Detailed shading studies would be required in the future when construction and project design details are available, which would require supplemental environmental review. The project proponent shall conduct the shading studies and implement the following:</p> <ul style="list-style-type: none"> <li>• To the extent practical, overwater structures shall be placed in a manner that minimizes shading of eelgrass and avoids scouring impacts on the seabed.</li> <li>• Prior to issuance of a Coastal Development Permit, the project proponent (i.e., GB Capital) shall request a pre-application meeting with the USACE, in consultation with CCC, NMFS, USFWS, RWQCB, and the District, to identify locations within San Diego Bay or the San Diego region to mitigate impacts on both sensitive avian species and nearshore habitat associated with loss of beneficial uses associated with overwater coverage and loss of open water-habitat function as a result of increased structural fill within San Diego Bay.</li> <li>• Prior to the commencement of construction activities of the waterside improvements of the GB Capital Component, the project proponent shall implement mitigation options that the regulatory agencies identified above review and approve.</li> <li>• The project proponent shall secure all applicable permits for the mitigation of overwater coverage prior to commencement of waterside construction.</li> </ul>	<p>conduct shading studies, and secure all applicable permits.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District, USACE, CCC, NMFS, USFWS, and RWQCB</p>
<b>Cultural Resources, Tribal Cultural Resources, and Paleontological Resources</b>		
<p><b>MM-CUL-2: Prepare and Implement a Cultural Resources Monitoring and Discovery Plan (Balanced Plan, GB Capital Component, Pasha</b></p>	<p><b>Timing:</b> Prior to ground-disturbing activities</p>	<p><b>Implementation:</b> All Project Proponents</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component).</b> Prior to the commencement of any ground-disturbing activities within the areas requiring archaeological monitoring (i.e., activities occurring in the area that is both east of the mean high tide line and south of Bay Marina Drive), the respective project proponent shall retain a qualified archaeologist (approved by the District for components within its jurisdiction or the City for components within its jurisdiction) who meets the SOI Professional Qualification Standards (36 CFR 61) to prepare a CRMDP for designated portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are sensitive for archaeological resources, defined as the area east of the mean high tide line and south of Bay Marina Drive. Monitoring areas are defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Procedures to follow in the event of an unanticipated discovery apply to all applicable project components. The CRMDP shall be submitted to the City and District, as applicable based on the jurisdiction in which the project component is located, and shall be reviewed and approved by the relevant agency. If the District or City do not have in-house expertise to review the CRMDP, they shall respectively hire an expert who meets the SOI Professional Qualification Standards (36 CFR 61) and the project proponent shall pay for said expert. The District’s CRMDP review shall ensure that appropriate procedures to monitor construction and treat unanticipated discoveries are in place. District review and approval of the CRMDP shall occur prior to the commencement of any construction activities subject to the requirements of the CRMDP. The CRMDP shall include required qualifications for archaeological monitors and supervising archaeologists and shall lay out protocols to be followed in relation to cultural resources, including both archaeological and tribal cultural resources. The CRMDP shall provide a summary of sensitivity for buried cultural resources. In addition, it shall describe the roles and responsibilities of archaeological and Native American monitors, District personnel (as applicable), City personnel (as applicable), and construction personnel. Additionally, the CRMDP shall describe specific field procedures to be followed for archaeological monitoring, including field protocol and methods to be followed should there be an archaeological discovery.</p>	<p><b>Method:</b> Retain a qualified archaeologist to prepare a Cultural Resources Monitoring and Discovery Plan for designated portions of identified components.</p>	<p><b>Monitoring and Reporting:</b> Qualified Archaeologist; All Project Proponents  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Evaluation of resources; consultation with Native American individuals, tribes, and organizations; treatment of cultural remains and artifacts; curation; and reporting requirements shall also be described. The CRM DP shall also delineate the requirements, procedures, and notification processes in the event human remains are encountered. The CRM DP shall delineate the area(s) of archaeological sensitivity that require archaeological monitoring. Mapping of the area(s) shall be made available to the project proponent, who shall incorporate this information into the respective construction specifications for the Balanced Plan Component, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component.</p>		
<p><b>MM-CUL-3: Prepare and Implement a Cultural Resources Awareness Training Prior to Project Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component).</b> Prior to, and for the duration of, project-related ground disturbance in the areas east of the mean high tide line and south of Bay Marina Drive, the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component respective project proponent shall hire a qualified archaeologist who meets the SOI Professional Qualifications Standards (36 CFR 61) and is approved by the District for components within its jurisdiction, and the City for components within its jurisdiction, to provide cultural resources awareness training to project construction personnel. The training shall include a discussion of applicable laws and penalties under the law; samples or visual representations of artifacts that might be found in the project vicinity; and the steps that must be taken if cultural resources are encountered during construction, including the authority of archaeological monitors, if required to be on site during the project, to halt construction in the area of a discovery. A hard copy summary of cultural resource laws, discovery procedures, and contact information shall be provided to all construction workers. Completion of the training shall be documented for all construction personnel, who shall be required to sign a form confirming they have completed the training. The form shall be retained by the project proponent to demonstrate compliance with this mitigation measure.</p>	<p><b>Timing:</b> Prior to and during ground disturbance activities  <b>Method:</b> Provide cultural resources awareness training to project construction personnel by an approved qualified archaeologist.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents; Qualified Archaeologist Approved by the District and City within Respective Jurisdiction  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-CUL-4: Conduct Archaeological Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component).</b> Within the areas of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component east of the mean high tide line and south of Bay Marina Drive, the project proponent shall retain a qualified archaeologist(s) who meets the SOI Professional Qualifications Standards as promulgated in 36 CFR 61. The qualified archaeologist(s) shall supervise archaeological monitoring of all proposed ground-disturbing activities for the project in the archaeologically sensitive portion(s) of the project site. The archaeologically sensitive portion(s) of the project site is defined as land-based ground-disturbing activities associated with project components east of the mean high tide line and south of Bay Marina Drive. Monitoring actions and procedures shall be completed per the CRMDP described in <b>MM-CUL-2</b>.</p>	<p><b>Timing:</b> Prior to and during ground-disturbing activities  <b>Method:</b> Supervise archaeological monitoring of all ground-disturbing activities in archaeologically sensitive portions of the project site.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents, Qualified Archaeologist  <b>Verification:</b> District and City</p>
<p><b>MM-CUL-5: Conduct Native American Monitoring in Areas of Sensitivity (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component).</b> A Kumeyaay Native American monitor shall be present at all areas designated for archaeological monitoring—defined as land-based ground-disturbing activities associated with the portions of the Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, and Bayshore Bikeway Component that are east of the mean high tide line and south of Bay Marina Drive. This monitoring shall occur on an as-needed basis and is intended to ensure that Native American concerns are considered during the construction process. Native American monitors shall be retained from tribes who have expressed an interest in the project and have participated in discussions with the District. If a tribe has been notified of scheduled construction work and does not respond, or if a Native American monitor is not available, work may continue without the Native American monitor. Roles and responsibilities of the Native American monitors shall be detailed in the CRMDP described in mitigation measure <b>MM-CUL-2</b>. Costs associated with Native American monitoring shall be borne by the project proponent.</p>	<p><b>Timing:</b> During all ground-disturbing activities  <b>Method:</b> Conduct Native American monitoring at all areas designated for archaeological monitoring.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents, Kumeyaay Native American Monitor  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-CUL-6: Conduct Paleontological Monitoring in Areas of Sensitivity (City Program – Development Component, Bayshore Bikeway Component).</b> A qualified paleontologist meeting the Society for Vertebrate Paleontology qualifications (retained by the respective project proponent and pre-approved by the District or City as applicable) shall review the paleontological records search prepared by the San Diego Natural History Museum to confirm the locations of paleontologically sensitive areas as well as the existing literature for the proposed project area. The following monitoring measures shall be implemented to recover remains before they are lost or destroyed.</p> <ul style="list-style-type: none"> <li>• Where highly sensitive fossil-bearing deposits are likely to be affected and the proposed construction methodology allows for the recovery of fossils, then paleontological monitoring shall be incorporated into the project specifications.</li> <li>• A qualified paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological monitoring project supervisor in the county for at least 1 year.</li> <li>• A paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high-sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.</li> <li>• If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely</li> </ul>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Review paleontological records and implement paleontological monitoring measure.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components, Qualified Paleontologist Pre-approved by the District and City within Respective Jurisdiction</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components, Qualified and Pre-approved Paleontologist</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.</p> <ul style="list-style-type: none"> <li>Fossil remains collected during the monitoring and salvage portion of the program shall be cleaned, repaired, sorted, and catalogued.</li> <li>Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils by the project proponent shall be accompanied by financial support for initial specimen storage.</li> <li>A final data recovery report shall be completed that outlines the results of the monitoring program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.</li> </ul>		
<b>Greenhouse Gas Emissions and Climate Change</b>		
<p><b>MM-GHG-1: Implement Diesel Emission-Reduction Measures During Project Construction and Operation (All Project Components).</b> The project proponent/operator and/or its contractor(s) for each component of the proposed project shall implement the following measures during project construction and operation and, where specified below, submit reports demonstrating compliance for review and approval to the District's Development Services Department (or successor department) for project components in the District's jurisdiction or the City's Community Development Department for project components in the City's jurisdiction.</p> <ol style="list-style-type: none"> <li>Construction: <ol style="list-style-type: none"> <li>The project proponent shall verify that all construction equipment is maintained and properly tuned, in accordance with manufacturers' specifications. Prior to the commencement of construction activities using diesel-powered vehicles or equipment, the project proponent shall verify that all vehicles, as well as equipment, have been checked by a certified mechanic and determined to be running in proper condition prior to admittance into the delivery driveway and loading areas. The project proponent shall submit a report prepared by the certified</li> </ol> </li> </ol>	<p><b>Timing:</b> During project construction and operation</p> <p><b>Method:</b> Implement diesel emission-reduction measures and submit reports demonstrating compliance where specified.</p>	<p><b>Implementation:</b> All Project Proponents/Operator and Contractor(s)</p> <p><b>Monitoring and Reporting:</b> All Project Proponents/Operator</p> <p><b>Verification:</b> District's Development Services Department and City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>mechanic regarding the construction vehicles' and equipment's compliance with this requirement to the District's Development Services Department (or successor department) or the City's Community Development Department prior to commencement of their use.</p> <p>b. The project proponent shall limit all construction truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the construction entrance(s) and shall submit monthly reports of violators to the District. Repeat violators shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p>c. Prior to commencing construction activities, the project proponent shall ensure that all off-road construction equipment shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>i. For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner);</li> <li>ii. For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and</li> <li>iii. Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> </ul> <p>2. Operation: The project proponent shall limit all delivery truck idling times by shutting down trucks when not in use and reducing the maximum idling time to less than 3 minutes. The project proponent shall install clear signage regarding the limitation on idling time at the delivery driveway and loading areas and shall submit annual reports of violators to the District. This measure shall be implemented by the hotel and marina supervisors. Repeat violators</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shall be subject to penalties pursuant to the California Airborne Toxics Control Measure, 13 CCR Section 2485.</p> <p><b>MM-GHG-2: Comply with District CAP Measures (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Bayshore Bikeway Component [Only Area within District Jurisdiction]).</b> Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for each component of the proposed project shall list all applicable GHG-reducing measures from the District CAP and demonstrate in the plans where the measures shall be located. A report demonstrating compliance shall be submitted to the District’s Development Services Department (or successor department). Buildings associated with the proposed project components shall achieve certification under the Leadership in Energy and Environmental Design (LEED) program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons. For construction where LEED or an equivalent program or efficiency certification is not applicable (e.g., dry boat storage), all other applicable measures below shall be required, subject to verification of the District’s Development Services Department (or successor department).</p> <p>The following is a list of the proposed sustainability measures that would be consistent with the District CAP. Any measures selected shall be required and incorporated into the Coastal Development Permit for each project component.</p> <ul style="list-style-type: none"> <li>• General Measures               <ul style="list-style-type: none"> <li>○ No commercial drive-through shall be implemented.</li> </ul> </li> <li>• Water               <ul style="list-style-type: none"> <li>○ Indoor water consumption shall be reduced to a level 20% lower than that of the baseline buildings (defined by LEED as indoor water use after meeting Energy Policy Act of 1992 fixture performance requirements) through use of low-flow fixtures in all administrative and common-area bathrooms.</li> <li>○ Plantings with low water requirements and drip irrigation shall be installed, and domestic water demand from the City system for landscaping purposes shall be minimized.</li> </ul> </li> </ul>	<p><b>Timing:</b> Prior to approval of final design plans</p> <p><b>Method:</b> Demonstrate compliance with all applicable GHG-reducing measures from the District CAP and achieve LEED certification or equivalent efficiency in buildings where applicable.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components/Operator or Contractor(s)</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District’s Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Waste               <ul style="list-style-type: none"> <li>○ Compliance with AB 939 shall be mandatory and shall include recycling at least 50% of solid waste; recycling of demolition debris shall be mandatory and shall include recycling at least 65% of all construction and demolition debris. This measure shall be applied during construction and operation of the proposed project.</li> <li>○ All commercial, restaurant, and retail uses shall recycle, compost food waste and other organics, and use reusable products instead of disposable products to divert solid waste from the landfill stream.</li> <li>○ Recycled, regional, and rapidly renewable materials shall be used where appropriate during project construction.</li> </ul> </li> <li>• Energy               <ul style="list-style-type: none"> <li>○ Renewable energy design features that may be implemented are as follows:                   <ul style="list-style-type: none"> <li>– Implement onsite renewable energy to new buildings, unless the system cannot be built because of structural and operational constraints. (Evidence must be provided if not feasible, subject to District concurrence.)</li> <li>– Install co-generation systems (i.e., combined heat and power systems) in new buildings constructed at the project site.</li> <li>– Ensure that, at a minimum, 6% of parking spaces are equipped with electric-vehicle charging stations.</li> <li>– For all construction after 2025, ensure all construction vehicles and equipment are alternatively fueled or electrically powered, to the extent feasible and available. (GB Capital Component and Balanced Plan only)</li> <li>– For all construction, use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California. (GB Capital Component and Balanced Plan only)</li> </ul> </li> </ul> </li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>– Construct buildings that are ZNE or, if full ZNE is infeasible, implement all feasible measures identified in the feasibility analysis. (GB Capital and Balanced Plan only)</li> <li>– Incorporate renewable energy (a) on the project site, (b) within the District’s jurisdiction, or (c) within the adjacent community or member city outside of the District’s jurisdiction. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions. (GB Capital and Balanced Plan only)</li> <li>○ Energy-efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards shall be incorporated. The measures that may be implemented are as follows: <ul style="list-style-type: none"> <li>– Use only fluorescent lights, light-emitting diodes (LEDs), compact fluorescent lights, or the most energy-efficient lighting that meets required lighting standards and is commercially available. This measure also requires replacement of existing lighting on the project site if not already highly energy efficient.</li> <li>– Install occupancy sensors for all vending machines in new buildings at the project site.</li> <li>– Install high-performance glazing with a low solar heat gain coefficient value that reduces the amount of solar heat allowed into the building, without compromising natural illumination.</li> <li>– Install increased insulation.</li> <li>– Install cool roofs with an R value of 30 or better.</li> <li>– Install sun shading devices as appropriate.</li> <li>– Install high-efficiency heating, ventilating, and air conditioning systems and controls.</li> <li>– Install programmable thermostats.</li> <li>– Install variable frequency drives.</li> <li>– Install Energy Star-rated appliances.</li> <li>– Install shore power capabilities where suitable upgrades are feasible in marinas.</li> </ul> </li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Mobile Sources                             <ul style="list-style-type: none"> <li>○ Implement a construction transportation demand management plan for each project component that promotes ride-sharing, vanpooling, alternate work schedules, and offsite parking with shuttles and provides subsidies for transit passes to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.</li> <li>○ Implement an operational transportation demand management plan for each project component that requires mandatory employer commuting measures, such as carpooling, transit subsidies, and vanpools, to reduce worker trips and parking demand, which provides incentives for using alternative modes of transportation instead of individual vehicles.</li> <li>○ Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.</li> </ul> </li> <li>• Carbon Sequestration and Land Use                             <ul style="list-style-type: none"> <li>○ Install trees and shrub planters throughout the project area as part of the landscape plan.</li> </ul> </li> </ul>	<p><b>Timing:</b> Prior to approval of final design plans</p> <p><b>Method:</b> Demonstrate compliance with all applicable GHG-reducing measures from the City’s CAP and achieve LEED certification or equivalent efficiency where applicable.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component/Operator and Contractor(s)</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City’s Community Development Department</p>
<p><b>MM-GHG-3: Comply with the Applicable City CAP Measures (City Program – Development Component).</b> Prior to approval of the final design plans, the project proponent/operator and/or its contractor(s) for the City Program – Development Component shall list all GHG-reducing measures from the City’s CAP and demonstrate in the plans where these measures shall be located. A report demonstrating compliance shall be submitted to the City’s Community Development Department. Buildings associated with the proposed project component shall achieve certification under the LEED program, or the Green Building Rating Systems of the Green Building Certification Institute, or achieve equivalent efficiency if it is determined that LEED certification cannot be achieved because of site factors or other reasons.</p> <p>The following is a list of proposed sustainability measures from the City CAP that shall be required and incorporated into the Coastal Development Permit for the City Program – Development Component.</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Incorporate energy efficiency design features that exceed 2019 Title 24 California Building Energy Efficiency Standards.</li> <li>• Prioritize parking for high-occupancy vehicles as well as carpooling, vanpooling, and transit vehicles.</li> <li>• Ensure that at a minimum 6% of parking spaces are equipped with electric-vehicle charging stations.</li> <li>• Ensure that bicycle parking is included in the project design. The number of spaces shall be, at a minimum, 5% of the new automobile parking spaces.</li> <li>• Encourage telework programs and alternative work schedules for new businesses.</li> <li>• Provide financial incentives for commuters to reduce the number of vehicle trips by walking, bicycling, using public transit, and carpooling.</li> <li>• Implement programs to reduce, reuse, and recycle construction and demolition waste.</li> <li>• Encourage rooftop gardens for flat-roofed commercial buildings.</li> <li>• Pursue a pump efficiency cycling schedule.</li> <li>• Adopt water efficiency principles similar to the Ahwahnee Water Principles for Resource Efficient Land Use (available at <a href="https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf">https://www.lgc.org/wordpress/docs/ahwahnee/ahwahnee_water_principles.pdf</a>), such as the following: <ul style="list-style-type: none"> <li>○ Use compact, mixed-use, walkable, and transit-oriented community designs;</li> <li>○ Preserve and restore natural resources such as wetlands, floodplains, recharge zones, riparian areas, open spaces, and native habitats;</li> <li>○ Utilize water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality, and decrease flooding;</li> <li>○ Use low-water plantings in landscaping;</li> <li>○ Use permeable surfaces for hardscapes;</li> <li>○ Install dual plumbing that allows reuse of gray water;</li> <li>○ Maximize use of recycled water in the project design;</li> </ul> </li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ Use low-flow toilets, efficient clothes washers, and efficient water-using industrial equipment in new construction; and</li> <li>○ Maximize the use of drought-proof water supplies, such as groundwater treatment and brackish water desalination.</li> <li>● Install trees and shrub planters throughout the project area as part of the landscape plan.</li> </ul>		
<p><b>MM-GHG-4: Use Modern Harbor Craft for Waterside Construction Activities (GB Capital Component).</b> Prior to commencing any waterside construction or activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall ensure that any harbor craft, including, but not limited to, tugboats, pusher tugs, tow boats, work boats, crew boats, and supply boats for use during the duration of any in-water work, shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>● For all construction between 2020 and 2025, ensure all equipment is Tier 3 or better (cleaner);</li> <li>● For all construction after 2025, ensure all equipment is alternatively fueled or electrically powered. If alternatively fueled or electrically powered equipment that emits fewer emissions than Tier 4 or better (cleaner) equipment is not available, then the project proponent shall ensure all equipment is Tier 4 or better; and</li> <li>● Use renewable diesel fuel in all heavy-duty, off-road diesel-fueled equipment. Renewable diesel must meet the most recent ASTM D975 specification for ultra-low-sulfur diesel and have a carbon intensity no greater than 50% of diesel with the lowest carbon intensity among petroleum diesel fuels sold in California.</li> </ul> <p>If clean harbor craft are not available within 200 miles of the project site for the duration of all dredging activities, the project proponent/operator and/or its contractor(s) for the GB Capital Component shall prioritize the use of equipment that is maintained and properly tuned in accordance with manufacturers' specifications. The project proponent/operator and/or its contractor(s) for the GB Capital Component shall document and submit evidence to the District's Development Services Department (or successor department) or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of waterside construction activities. Regardless of the equipment used, the project proponent/operator</p>	<p><b>Timing:</b> Prior to waterside construction</p> <p><b>Method:</b> Ensure harbor craft meet clean emissions criteria and submit evidence of compliance prior to their use.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component/Operator and/or Contractors</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District's Development Services Department and City's Community Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and/or its contractor(s) for each project component with waterside construction activities shall verify that all equipment has been checked by a mechanic experienced with such equipment and determined to be running in proper condition prior to admittance into the construction area. The project proponent/operator and/or its contractor(s) for each project component with waterside construction activities shall submit a report prepared by the mechanic experienced with such equipment regarding the condition of the vehicles and equipment for construction and operations to the District's Development Services Department or the City's Community Development Department, depending upon the jurisdiction that the project component is located in, prior to commencement of their use.</p>		
<p><b>MM-GHG-5: Implement Electric Heating and Zero-Net-Energy Buildings (GB Capital Component, Balanced Plan, City Program – Development Component).</b> The City and the District shall require all development to meet the state's ZNE standards, if and when adopted as part of the California Building Code. In addition, the City and the District shall encourage project developers to construct buildings that are ZNE. Prior to issuance of any Coastal Development Permit or City-issued permit, as applicable, the project proponents/operators and/or its contractor(s) shall submit a feasibility analysis, prepared by a qualified consultant, regarding the construction of buildings as ZNE, and the project component shall implement all feasible measures identified in the feasibility analysis (e.g., electric heating). Prior to implementation of all feasible measures, this report shall be submitted to the District for review and approval for the GB Capital Component (all phases) and Balanced Plan, and submitted to the City for review and approval for the City Program – Development Component.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Require development to meet the state's ZNE standards if adopted, encourage construction of ZNE buildings, and require a feasibility and analysis.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<p><b>MM-GHG-6: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities on Tidelands or Within Another Adjacent Member City, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (GB Capital Component and Balanced Plan).</b></p> <p>A. Options for Reducing GHG Emissions. To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility,</p>	<p><b>Timing:</b> Prior to and during construction <b>Method:</b> Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>implement the following, which may be combined with consideration to the preference described below:</p>		
<ol style="list-style-type: none"> <li>1. Incorporate renewable energy               <ol style="list-style-type: none"> <li>a) On the project site;</li> <li>b) Within the District’s jurisdiction; or</li> <li>c) Within the adjacent community or member city outside of the District’s jurisdiction.</li> </ol> </li> <li>2. Undertake other verifiable actions or activities on tidelands approved by the District, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program on tidelands; or similar activities or actions that reduce operational GHG emissions;</li> <li>3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.<sup>1</sup> For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the District that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.</li> </ol>		
<p>For purposes of this section, the definitions are as follows:</p>		
<ol style="list-style-type: none"> <li>a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</li> <li>b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals</li> </ol>		

<sup>1</sup> Currently approved offset registries include the American Carbon Registry (ACR), Climate Action Reserve (CAR), and Verra (formerly the Verified Carbon Standard). See: <https://ww3.arb.ca.gov/cc/capandtrade/offsets/registries/registries.htm>.

Mitigation Measures	Timing and Methods	Responsible Parties
<p>otherwise required by law, regulation, or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p> <p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p> <p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [adapted from definition in 17 CCR 95802 for use in this measure] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p> <p>B. Required Annual GHG Emissions Reductions:  The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p> <ul style="list-style-type: none"> <li>• Balanced Plan (only Pepper Park Expansion) = 836 MTCO<sub>2e</sub> per year or 4,317 MWh/year.</li> <li>• GB Capital = 6,627 MTCO<sub>2e</sub> per year or 34,219 MWh/year.</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>The required reductions may be reduced by the District, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p> <p>C. Implementation of GHG Emissions Reduction Options.</p> <p>Prior to becoming operational and annually thereafter, the District shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p> <ol style="list-style-type: none"> <li>1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the District to meet or partially meet the required amount of MTCO<sub>2e</sub> or MWh reductions specified above. <ol style="list-style-type: none"> <li>a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the District's Planning Department (or successor department), for its review and approval, a report specifying the annual amount of MTCO<sub>2e</sub> or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the District's Planning Department (or successor department), to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report").</li> <li>b) If the GHG Emission Reduction Report is approved by the District, a reduction to the required offsets shall be calculated by the District's Planning Department (or successor department), and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project component ("GHG Reduction").</li> </ol> </li> <li>2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO<sub>2e</sub> or MWh specified above, which may be decreased by the</li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>amount of annual MTCO<sub>2e</sub> or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO<sub>2e</sub> or MWh shall occur as follows:</p> <ul style="list-style-type: none"> <li>a) Each project component shall purchase offsets for its first 2 years of operation.</li> <li>b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of a lease agreement (for GB Capital Component only) between the District and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO<sub>2e</sub> or MWh reduction specified above for the corresponding project component.</li> <li>c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the District that the offsets meet the requirements for GHG emissions offset credits set forth in paragraph A(3) above, to the District's Planning Department (or successor department).</li> </ul> <p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO<sub>2e</sub> or MWh reductions specified above, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <ol style="list-style-type: none"> <li>1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the District to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is</li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the District's Planning Department's (or successor department's) review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the District and reduced.</p> <p>2. Reduction of Emissions through Verifiable Actions or Activities on Tidelands Requirement: Although none are identified at this time, the project proponent may be required by the District to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the District's Planning Department's (or successor department's) review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the District and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> <li>o Balanced Plan includes a 2.54 acre park.</li> <li>o GB Capital Component landside features, including 134 RV sites; 40,000 square feet of dry boat storage; 60 modular cabins; 10,000-square-foot administration/recreation building; 10,000-square-foot building with restrooms, laundry facilities, and staff support services in the vicinity of the existing marina buildings; and a 4,000-square-foot maintenance building and associated approximately 8,200-square-foot maintenance yard northeast of the proposed dry boat storage. Waterside uses include 20 moorings in Sweetwater Channel; 620-foot-long and 8-foot-wide floating dock that includes up to 30 fingers, which accommodate up to 50 boats; and a 580-foot-long and 8-foot-wide dock with two</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>80-foot-long and 5-foot-wide gangways within the existing marina basin north of the jetty to accommodate up to 25 smaller boats.</p> <p>4. The District or a District-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent’s written request to the District, the project proponent may waive the annual adjustment described above and purchase the required MTCO<sub>2e</sub> or MWh offsets on at least an annual basis.</p>		
<p><b>MM-GHG-7: Implement a Renewable Energy Project On Site, or Other Verifiable Actions or Activities Within National City or Within an Adjacent Community, or Purchase the Equivalent GHG Offsets from a CARB-Approved Registry or a Locally Approved Equivalent Program (City Program – Development Component).</b></p> <p>A. Options for Reducing GHG Emissions.</p> <p>To reach the numerical efficiency metric, each project proponent shall, in order of preference, considering availability of structures and feasibility, implement the following, which may be combined with consideration to the preference described below:</p> <ol style="list-style-type: none"> <li>1. Incorporate renewable energy               <ol style="list-style-type: none"> <li>a) On the project site;</li> <li>b) Within the City’s jurisdiction; or</li> </ol> </li> </ol>	<p><b>Timing:</b> Prior to and during construction</p> <p><b>Method:</b> Incorporate renewable energy and implement measures to limit GHG emissions or purchase GHG emissions offset credits.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>c) Within the adjacent community or the city.</p> <p>2. Undertake other verifiable actions or activities approved by the City, such as electrification of equipment, including vehicles and trucks; financial contribution to a future local or GHG emission reduction program within the city; or similar activities or actions that reduce operational GHG emissions;</p> <p>3. Purchase GHG emission offset credits that (1) are real, additional, permanent, quantifiable, verifiable, and enforceable, as specified in California Health and Safety Code Section 38562(d)(1) and (2) and further defined in California CCR Title 17, Section 95802 (see below); (2) use a protocol consistent with or as stringent as CARB protocol requirements under CCR Title 17, Section 95972(a); and (3) are issued by an CARB-approved offset registry.<sup>2</sup> For offset credits from projects outside California, the project proponent must demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations, ensuring the validity of offset credits.</p>		
<p>For purposes of this section, the definitions are as follows:</p>		
<p>a) “Real” means, in the context of offset projects, that GHG reductions or GHG enhancements result from a demonstrable action or set of actions and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p> <p>b) “Additional” means, in the context of offset credits, GHG emission reductions or removals that exceed any GHG reduction or removals otherwise required by law, regulation, or legally binding mandate and that exceed any GHG reductions or removals that would otherwise occur in a conservative BAU scenario. [17 CCR 95802]</p> <p>c) “Permanent” means, in the context of offset credits, either that GHG reductions and GHG removal enhancements are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed</p>		

<sup>2</sup> Ibid.

Mitigation Measures	Timing and Methods	Responsible Parties
<p>GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. [17 CCR 95802]</p>		
<p>d) “Quantifiable” means, in the context of offset credits, the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary while accounting for uncertainty and activity-shifting leakage and market-shifting leakage. [17 CCR 95802]</p>		
<p>e) “Verifiable” means that a non-California offset project is located in a state that has laws and regulations equivalent to or stricter as California’s with respect to ensuring the validity of offsets and an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body. [17 CCR 95802]</p>		
<p>f) “Enforceable” means the authority for the offset purchaser to hold the offset provider liable and to take appropriate action if any of the above requirements are not met. [Adapted from definition in 17 CCR 95802 for use in this measure.] “Enforceable” also means that the offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system of the State of California.</p>		
<p><b>B. Required Annual GHG Emissions Reductions:</b> The option(s) implemented pursuant to paragraph A above shall achieve the following required GHG reductions for the activities of the proposed project, assuming full buildout of each project component:</p>		
<ul style="list-style-type: none"> <li>• City Program = 3,549 MTCO<sub>2</sub>e per year or 18,323 MWh/year.</li> </ul> <p>The required reductions may be reduced by the City, based on the actual amount of development and activities associated with that development and the other adjustment provisions specified below.</p>		
<p><b>C. Implementation of GHG Emissions Reduction Options.</b> Prior to becoming operational and annually thereafter, the City shall notify the project proponent of the option(s) available for achieving its respective annual maximum GHG required emissions reduction, as</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>identified in paragraph B above, in the order of priority specified above, and the project proponent(s) shall:</p>		
<ol style="list-style-type: none"> <li>1. Develop a renewable energy project(s) or take other verifiable actions or activities identified by the City to meet or partially meet the required amount of MTCO<sub>2e</sub> or MWh reductions specified above. <ol style="list-style-type: none"> <li>a) If the project proponent develops a renewable energy project(s), or takes other verifiable actions or activities to reduce GHG emissions, the project proponent shall submit to the City's Community Development Department, for its review and approval, a report specifying the annual amount of MTCO<sub>2e</sub> or MWh reduction achieved by the renewable energy project(s), or actions, or activities; submit evidence that the renewable energy project(s), actions, or activities are not being used to offset GHG emissions for any other project or entity; and submit any other information requested by the City's Community Development Department to verify the amount of GHG emissions reduction achieved by the renewable energy project, or actions or activities (collectively, "GHG Emission Reduction Report").</li> <li>b) If the GHG Emission Reduction Report is approved by the City, a reduction to the required offsets shall be calculated by the City's Community Development Department, and the reduction of offsets shall be transmitted to the project proponent in writing and the amount of GHG reduction shall count toward the required GHG reduction for the proposed project ("GHG Reduction").</li> </ol> </li> <li>2. Purchase GHG emission offsets in conformance with paragraph A(3) above in an amount sufficient to achieve the required reduction of MTCO<sub>2e</sub> or MWh specified above, which may be decreased by the amount of annual MTCO<sub>2e</sub> or MWh reduction that is achieved by any renewable energy project(s) or other verifiable action or activities if developed and/or implemented pursuant to paragraph (1) above. The purchase of offsets to achieve the required reduction in MTCO<sub>2e</sub> or MWh shall occur as follows: <ol style="list-style-type: none"> <li>a) Each project component shall purchase offsets for its first 2 years of operation;</li> </ol> </li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>b) Purchase offsets at least annually thereafter, prior to becoming operational, beginning with the third year of operation, for the life of the proposed project component's operations or until the termination of any lease agreement between the City and the project proponent. The project proponent may purchase more than 1 year of operation emissions offsets, consistent with the amount of MTCO<sub>2e</sub> or MWh reduction specified above for the corresponding project component.</p> <p>c) On or before the first year of operation of the respective project proponent and annually thereafter, the project proponent shall submit certificates for offsets purchased to achieve the required GHG emission reductions, including written verification by a qualified consultant approved by the City that the offsets meet the requirements for GHG emission offset credits set forth in paragraph A(3) above, to the City's Community Development Department.</p>		
<p>D. Adjustments to Required GHG Emissions Reductions.</p> <p>If the project proponent complies with paragraphs A(1) or A(2) above, in an amount that meets the total amount of MTCO<sub>2e</sub> or MWh reductions specified above in the reduction target, or complies with paragraph A(3) above and purchases the requisite offsets, or does a combination of paragraphs A(1), (2), and (3) to meet the reduction target, then nothing further shall be required under this mitigation measure.</p> <ol style="list-style-type: none"> <li>1. Reduction of Emissions through Development of a Renewable Energy Project Requirement: Although none are identified at this time, the project proponent may be required by the City to develop a renewable energy project at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the development of a renewable energy project(s), the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review, pursuant to the process specified above in paragraph C(1) above, and required offsets shall be determined by the City and reduced.</li> <li>2. Reduction of Emissions through Verifiable Actions or Activities in the City of National City Requirement: Although none are identified at</li> </ol>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>this time, the project proponent may be required by the City to take other verifiable actions or activities at any time during the life of the project (subject to future approvals and the priorities listed above) and may request a reduction of required offsets. If any reduction in offsets is requested by the project proponent because of the other verifiable actions or activities on tidelands, the project proponent shall submit a GHG Emission Reduction Report for the City's Community Development Department's review pursuant to the process specified above in paragraph C(1), and required offsets shall be determined by the City and reduced.</p> <p>3. Reduction of Emissions through Purchase of Offsets: Subsequent to purchasing GHG emission offsets pursuant to paragraph C(2) above, the project proponent's future annual purchase of offsets to achieve the GHG emissions reduction specific in paragraph B above may be adjusted if the development is less than assumed here, which is the following:</p> <ul style="list-style-type: none"> <li>o City Program Plan includes a 150-room hotel along with 15,500 square feet of restaurant space and 12,000 square feet of retail space.</li> </ul> <p>4. The City or a City-retained consultant (at the project proponent cost) shall calculate, using the best available science, the amount of unused GHG reduction offsets, based on the actual development constructed and in operation. Any unused offsets shall be used for the next year of operation of the project component, and the project proponent shall purchase offsets in the necessary amounts (required amount less any unused offsets) for the subject year. This procedure shall be repeated on an annual basis. In the event that newly discovered information shows that an offset, previously certified as compliant pursuant to paragraph C(3)(c), does not comply with the requirements of paragraph A(3), the project proponent shall purchase an equivalent amount of replacement offsets that comply with the requirements of paragraph A(3) within 30 days of receiving notice of the noncompliance. After verification of unused and available offsets, unused offsets may replace previously compliant offsets should those offsets subsequently be determined noncompliant with paragraph A(3). At the project proponent's written request to the City, the project proponent may waive the</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
annual adjustment described above and purchase the required MTCO <sub>2e</sub> or MWh offsets on at least an annual basis.		
<b>Hazards and Hazardous Materials</b>		
<p><b>MM-HAZ-1: Prepare and Implement a Soil and Groundwater Management Plan (City Program – Development Component).</b> Prior to the City’s approval of the project grading plans and the commencement of any construction activities that would disturb the soil on the City Program – Development Component site, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration to prepare and submit a Soil and Groundwater Management Plan to the City for review and approval. After the City’s review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> <li>• <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the City Program – Development Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.</li> <li>• <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential</li> </ul>	<p><b>Timing:</b> Prior to approval of grading plans and construction activities</p> <p><b>Method:</b> Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p><b>Implementation:</b> Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>presence of contaminated soils and for compliance with the Testing and Profiling Plan.</p> <ul style="list-style-type: none"> <li>• A <i>Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.</li> <li>• A <i>Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.</li> </ul>		
<p><b>MM-HAZ-2: Prepare and Implement a Monitoring and Reporting Program (City Program – Development Component).</b> Prior to commencement of construction of the City Program – Development Component, the project proponent shall prepare a Monitoring and Reporting Program and submit it to the City for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the City Program – Development Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by <b>MM-HAZ-1</b>. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>of ground disturbance activities) to the City, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p>	<p><b>Timing:</b> Within 30 days of landslide construction completion</p> <p><b>Method:</b> Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>
<p><b>MM-HAZ-3: Prepare and Submit a Project Closeout Report (City Program – Development Component).</b> Within 30 days of completion of landside construction of the City Program – Development Component, the project proponent shall prepare a Project Closeout Report and submit it to the City for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by <b>MM-HAZ-1</b>, and the Monitoring and Reporting Program, as required by <b>MM-HAZ-2</b>.</p> <p><b>MM-HAZ-4: Prepare and Implement a Soil and Groundwater Management Plan (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component).</b> Prior to the District’s and the City’s, as applicable, approval of the project’s grading plans and the commencement of any construction activities that would disturb the soil, the project proponent shall retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with experience in contaminated site redevelopment and restoration, to prepare and submit a Soil and Groundwater Management Plan to the District’s Environmental Protection Department and the City, as applicable, for review and approval. After the District’s and the City’s, as applicable, review and approval, the project proponent shall implement the Soil and Groundwater Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> <li>• <i>A Site Contamination Characterization Report</i> (Characterization Report) delineating the vertical and lateral extent and concentration of residual contamination from the site’s past uses throughout the Pasha Road Closure Component construction area. The Characterization Report shall include a compilation of data based on historical records review and from prior reports and investigations and, where data gaps are found, include new soil and groundwater sampling to characterize the existing vertical and lateral extent and</li> </ul>	<p><b>Timing:</b> Prior to approval of grading plans and construction activities</p> <p><b>Method:</b> Prepare and submit a Soil and Groundwater Management Plan to evaluate, test, handle, and dispose of soil and groundwater properly.</p>	<p><b>Implementation:</b> Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, Retained by the Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components, with approval by the District and City Depending on Jurisdiction</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>concentration of residual contamination. The project proponent shall coordinate with the County of San Diego Department of Health if the Characterization Report identifies contamination.</p> <ul style="list-style-type: none"> <li>• <i>A Soil Testing and Profiling Plan</i> (Testing and Profiling Plan) for those materials that shall be disposed of during construction. Testing shall occur for all potential contaminants of concern, including CA Title 22 metals, PAHs, VOCs, pesticides, PCBs, TPH, PAHs, or any other potential contaminants, as specified within the Testing and Profiling Plan. The Testing and Profiling Plan shall document compliance with CA Title 22 for proper identification and segregation of hazardous and solid waste as needed for acceptance at a CA Title 22-compliant offsite disposal facility. All excavation activities shall be actively monitored by a Registered Environmental Assessor for the potential presence of contaminated soils and for compliance with the Testing and Profiling Plan.</li> <li>• <i>A Soil Disposal Plan</i> (Disposal Plan), which shall describe the process for excavation, stockpiling, dewatering, treating, and loading and hauling of soil from the site. This plan shall be prepared in accordance with the Testing and Profiling Plan (i.e., in accordance with CA Title 22 and DOT Title 40 CFR Part 263, California Code of Regulations Title 27), and current industry best practices for the prevention of cross contamination, spills, or releases. Measures shall include, but not be limited to, segregation into separate piles for waste profile analysis based on organic vapor, and visual and odor monitoring.</li> <li>• <i>A Site Worker Health and Safety Plan</i> (Safety Plan) to ensure compliance with 29 CFR Part 120, Hazardous Waste Operations and Emergency Response regulations for site workers at uncontrolled hazardous waste sites. The Safety Plan shall be based on the Characterization Report and the planned site construction activity to ensure that site workers potentially exposed to site contamination in soil are trained, equipped, and monitored during site activity. The training, equipment, and monitoring activities shall ensure that workers are not exposed to contaminants above personnel exposure limits established by Table Z, 29 CFR Part 1910.1000. The Safety Plan shall be signed by and implemented under the oversight of a California State Certified Industrial Hygienist.</li> </ul>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-HAZ-5: Prepare and Implement a Monitoring and Reporting Program (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component).</b> Prior to commencement of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the respective project proponent shall prepare a Monitoring and Reporting Program and submit it to the District’s Environmental Protection Department and the City, as applicable, for review and approval. The Monitoring and Reporting Program shall be implemented during and upon completion of construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component. The Monitoring and Reporting Program shall document implementation of the Soil and Groundwater Management Plan, including the Testing and Profiling Plan, Disposal Plan, and Safety Plan, as required by <b>MM-HAZ-4</b>. The Monitoring and Reporting Program shall include a requirement that the project proponent submit monthly reports (starting with the first ground disturbance activities and ending at the completion of ground disturbance activities) to the District’s Development Services Department and the City, as applicable, signed and certified by the licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer, as applicable, documenting compliance with the provisions of these plans and the overall Soil and Groundwater Management Plan.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Prepare and implement a Monitoring and Reporting Program and submit monthly reports documenting compliance.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components, Licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District and City</p>
<p><b>MM-HAZ-6: Prepare and Submit a Project Closeout Report (Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component).</b> Within 30 days of completion of landside construction of the Pasha Road Closures Component, Pasha Rail Improvement Component, and Bayshore Bikeway Component, the project proponent shall prepare a Project Closeout Report and submit it to the District’s Environmental Protection Department and the City, as applicable, for review and approval. The Project Closeout Report shall summarize all environmental activity at the site and document implementation of the Soil and Groundwater Management Plan, as required by <b>MM-HAZ-4</b>, and the Monitoring and Reporting Program, as required by <b>MM-HAZ-5</b>.</p>	<p><b>Timing:</b> Within 30 days of landslide construction completion  <b>Method:</b> Prepare and submit a Project Closeout Report summarizing all environmental activity and documenting compliance with MM-HAZ-1 and MM-HAZ-2.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-HAZ-7: Coordinate with the DEH (City Program – Development Component).</b> Prior to ground disturbing activities on the City Program – Development Component site, the project proponent for the City Program – Development Component shall coordinate with the DEH to reopen VAP Cases #H23772-005, #H36620-001, and #H23772-004 to determine if the existing conditions would be below acceptable cleanup thresholds for hotel use. If the DEH determines the onsite conditions do not meet thresholds for future hotel uses, the project proponent must comply with the requirements of the DEH to achieve remediation standards.</p>	<p><b>Timing:</b> Prior to ground-disturbing activities</p> <p><b>Method:</b> Coordinate with the DEH to determine if existing conditions are below cleanup thresholds or comply with requirements to achieve remediations.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City</p>
<p><b>MM-HAZ-8: Maintain Emergency Access Road During Construction (Pasha Road Closures Component).</b> A temporary emergency access road shall be maintained by the project proponent at all times during construction of the Pasha Road Closures Component. The location and components, as defined per the California Fire Code, of the temporary emergency access road shall be submitted to the City Fire Marshal for review and approval prior to closure of the roadway(s) to through-traffic. Written verification of inclusion of the temporary emergency vehicle access shall be provided to the District’s Director of Planning prior to closure of the roadway(s) to through-traffic. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p>	<p><b>Timing:</b> During construction</p> <p><b>Method:</b> Submit location and components of a temporary emergency access road for approval and maintain emergency access during construction.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City Fire Marshal, District’s Director of Planning</p>
<p><b>MM-HAZ-9: Coordinate with the City Fire Marshal (Pasha Road Closures Component).</b> Prior to closure of the Pasha Road Closures Component to through-traffic, the project proponent for said project component shall prepare and submit plans to the City Fire Marshal for review and approval that demonstrate compliance with applicable state and local fire code regulations related to secondary access, emergency access, and maximum dead-end road length. At a minimum, the plans shall demonstrate that the project will include the following items related to emergency vehicle access:</p> <ul style="list-style-type: none"> <li>• An <b>emergency access road</b>, on the existing alignment of Tidelands Avenue between Bay Marina Drive and the 32nd Street, that has an unobstructed minimum width of 20 feet (or 26 feet when a fire hydrant is located on the emergency access road), exclusive of</li> </ul>	<p><b>Timing:</b> Prior to Pasha Road closure</p> <p><b>Method:</b> Prepare and submit road-closure plans for review and approval that demonstrate compliance with applicable state and local fire code regulations.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City Fire Marshal</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>shoulders or rolled curbs. The emergency access road shall be paved using an all-weather surface and shall support the imposed loads (75,000 pounds) of a fire apparatus. The emergency access road shall include official approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE.” At all times, the emergency access road shall not be obstructed in any manner, including the parking of vehicles.</p>		
<ul style="list-style-type: none"> <li>• Any <b>entrance/exit gates</b> to/from the Pasha Road Closures Component shall be equipped with Knox Key Switches and Emergency Strobes to provide emergency vehicle access, including ingress and egress. A lock box (Knox Key Switch for fire and police) shall be required in conjunction with a detector/strobe switch to allow emergency vehicles to flash a vehicle-mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The lock box and detector/strobe switch shall be placed at the front of each gate (the side of the gate that is adjacent to a public street). Any electric gate opener shall be listed in accordance with UL 325. Gates utilizing emergency strobe operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200, and shall be maintained operational at all times, including but not limited to, in the event of an electrical outage. Any entrance/exist gates to/from the Pasha Road Closures Component shall maintain an unobstructed vertical clearance of a minimum of 13 feet, 6 inches.</li> <li>• <b>Fire hydrants</b> shall be located throughout the Pasha Road Closures Component site and shall be spaced no less than 400 feet apart. Fire hydrants shall be located within 400 feet of all locations that are roadway accessible (measurement starts from the nearest existing fire hydrant to the Pasha Road Closures Component site). Where a fire hydrant is located on an emergency access road, the minimum road width shall be 26 feet. All turns available for fire access and travel shall maintain a minimum radius of 28 feet.</li> </ul>		
<p>Prior to utilization of the Pasha Road Closures Component for marine-related operations, the above-described emergency vehicle access shall be field-verified by the City Fire Marshal, or the Fire Marshal’s designee. Written verification of inclusion of the above-described emergency vehicle access shall be provided to the District’s Director of Planning</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>prior to Pasha’s utilization of the Pasha Road Closures Component for marine-related operations. Said written verification can be provided via a copy of the plans that have been stamped/approved by the City Fire Marshal, or the Fire Marshal’s designee, or verification can be provided with a copy of the Fire Permit.</p>		
<p><b>MM-HAZ-11: Manage Marina Way Realignment Conditions (Balanced Plan or GB Capital Component).</b> The Marina Way Realignment proposed as part of the Balanced Plan (or GB Capital Component) shall not include traffic calming devices (e.g., speed humps), unless prior-written approval is obtained from the City Fire Marshal.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Ensure traffic-calming devices are not included unless prior-written approval is obtained.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> City Fire Marshal</p>
<b>Land Use and Planning</b>		
<p><b>MM-LU-2: Design the Pepper Park Expansion to Account for Sea-Level Rise through 2050 (Balanced Plan).</b> The project proponent for the Pepper Park expansion shall design the park to accommodate water during future flooding events. Methods to accommodate water during future flooding events include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Elevating the waterside promenades</li> <li>• Regrading coastal edges and/or inland portions of the park as appropriate</li> <li>• Creating living shorelines</li> <li>• Ensuring that any new vegetation is salt tolerant</li> <li>• Developing an operational plan to close the parking lot and move parked vehicles prior to storm events</li> <li>• Including pervious surfaces such as turf, sand, and pervious concrete</li> </ul> <p>Moreover, the public access to Pepper Park shall be restricted during flood events.</p> <p>If any structures are constructed in Pepper Park, prior to construction, the project proponent shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050.</p> <p>Additionally, the project proponent shall create an early warning system to monitor the risk of potential flooding of any structure. An early warning system should consist of protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken. Also, the project proponent shall</p>	<p><b>Timing:</b> During design of Pepper Park expansion <b>Method:</b> Design the Pepper Park expansion to accommodate water during future flooding events, conduct site-specific assessment of the projected SLR through 2050, and create an early warning system.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> Applicable Project Proponent for Component</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>establish emergency evacuation procedures for people to relocate to higher ground on short notice. Before a large storm, deployment of sandbags or inflatable barriers shall occur if deemed necessary.</p> <p><b>MM-LU-3: Conduct Engineering-Level, Site-Specific Assessment of Sea-Level Rise through 2050 (GB Capital Component).</b> The project proponent for the GB Capital Component shall conduct an engineering-level, site-specific assessment of the projected SLR at the site through 2050. If the assessment projects the jetty to be temporarily inundated by 2050, the development on the jetty shall include the following:</p> <p><i>Smart Design Decisions – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> <li>• Place any mechanical and electrical equipment at least 2 feet above the design flood elevation to reduce risk of flood damage. If equipment must be placed in lower areas, elevate base or ensure assets are composed of flood damage-resistant materials.</li> <li>• Design water supply, sanitary sewage, and stormwater systems to minimize or eliminate infiltration of flood waters into systems and vice versa.</li> <li>• Ensure that all building exterior walls are composed of materials that have an impermeable and waterproof membrane.</li> </ul> <p><i>Future Adaptation Strategies – to be incorporated into building design and part of construction:</i></p> <ul style="list-style-type: none"> <li>• Ensure that building foundations, if any, are capable of supporting future flood walls or temporary flood barriers.</li> <li>• Design building openings (e.g., doors, windows, utility penetrations) to be capable of future retrofitting to make them watertight and resistant to flood loads.</li> <li>• Design key structural elements of the jetty to allow future increases in the elevation of the jetty.</li> </ul> <p><i>Operational Strategies – to be implemented during operation:</i></p> <ul style="list-style-type: none"> <li>• Establish an early warning system to monitor the risk of potential flooding. An early warning system should consist of: <ul style="list-style-type: none"> <li>○ Protocols for obtaining information on local weather alerts and established levels at which additional action (e.g., sandbagging) will be taken</li> </ul> </li> </ul>	<p><b>Timing:</b> Prior to GB Capital Component construction</p> <p><b>Method:</b> Conduct an engineering-level, site-specific assessment of the projected SLR through 2050 and implement design components if the jetty is projected to be inundated by 2050.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ Protocols for monitoring water levels at nearby storm gauges prior to the storm arrival, and regular checking of the water levels along the jetty as the storm progresses</li> <li>● Establish emergency evacuation procedures for people to relocate to higher ground on short notice.</li> <li>● Obtain backup power generators for occupiable development on the jetty and portable pumps and ensure there is sufficient fuel to operate these. Establish protocols for operating said generators and pumps during storm events or other such events.</li> <li>● Before a large storm, deploy sandbags or inflatable barriers.</li> <li>● Before a storm, test emergency power sources and pumps and ensure there is sufficient fuel to run these, and inspect building exteriors to ensure there are no penetrations that lack flood proofing.</li> <li>● Restrict public access during storms or flooding events.</li> </ul> <p>Prior to issuance of the first building permit for any development on the jetty, the assessment and project plans (revised pursuant to the findings of the assessment, if the assessment projects inundation by 2050) shall be submitted to the District’s Development Services Department and the City’s building permit department for review and approval.</p>		
<p><b>MM-LU-4: Use Updated Modeling and Monitoring for Adaptive Management for 2100 Scenario (Balanced Plan, GB Capital Component, Pasha Road Closures Component, portion of Bayshore Bikeway Component).</b> For areas of the Balanced Plan (Pepper Park and the FPR), the GB Capital Component, the Pasha Road Closures Component, and the portions of the Bayshore Bikeway Component (within the District’s jurisdiction) that are projected to be inundated in 2100, the District shall conduct ongoing monitoring of these project component sites every 5 to 10 years. If, through monitoring, the observed SLR conditions appear to be consistent with the 2100 projections identified in this EIR, a site-specific assessment shall be conducted to identify future SLR projections using the best science available at the time and identify appropriate adaptation strategies to ensure that these areas are resilient to coastal flooding and inundation from SLR. Such strategies may include a neighborhood-level effort, raising of grades,</p>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p><b>Implementation:</b> All Project Proponents</p> <p><b>Monitoring and Reporting:</b> All Project Proponents</p> <p><b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>additional shoreline protection, removal or movement of assets, and conversion of impervious surfaces to pervious surfaces.</p>	<p><b>Timing:</b> Prior to construction  <b>Method:</b> Conduct ongoing monitoring every 5 to 10 years for project component sites projected to be inundated in 2100 and identify adaptation strategies.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> Applicable Project Proponent for Component</p>
<b>Noise and Vibration</b>		
<p><b>MM-NOI-1: Prohibit Exterior Construction Activities Outside of the Permitted Construction Hours (Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, Pasha Road Closures Component).</b> For the Balanced Plan, Bayshore Bikeway Component, City Program – Development Component, GB Capital Component, and Pasha Road Closures Component, the project proponent for that respective project component shall require their contractor(s) not to conduct exterior construction activities outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Material or equipment deliveries and collections shall also be prohibited outside of these hours. Except for construction personnel specifically working on interior construction tasks within a completed building shell, construction personnel shall not be permitted on the job site outside of the permitted hours.</p>	<p><b>Timing:</b> During construction  <b>Method:</b> Require exterior construction activities occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.</p>	<p><b>Implementation:</b> All Project Proponents  <b>Monitoring and Reporting:</b> All Project Proponents  <b>Verification:</b> City and District</p>
<p><b>MM-NOI-2: Avoid or Reduce Construction Noise from Pile Driving (City Program – Development Component, GB Capital Component).</b> During all pile driving at the City Program – Development Component and GB Capital Component, the project proponent shall require its construction contractor to implement one of the following methods to reduce maximum pile-driving noise levels at the affected noise-sensitive</p>	<p><b>Timing:</b> During pile driving  <b>Method:</b> Reduce noise levels at affected noise-sensitive receptors by avoiding pile driving or using acoustical shroud.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>receptors (residences on Cleveland Avenue, the National City Adult School, and Pepper Park) to 70 dBA <math>L_{max}</math> or less:</p> <ul style="list-style-type: none"> <li>• Avoid impact pile driving by using quieter alternative installation methods, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).</li> <li>• Use an acoustical shroud around impact pile driving. The shroud shall be constructed of materials that provide a minimum sound transmission class (STC) of 28 (examples include sound-rated acoustical blankets).</li> </ul>		
<p><b>MM-NOI-3: Avoid or Reduce Construction Noise from Other (Non-Pile-Driving) Construction Activities (Bayshore Bikeway Component, GB Capital Component, Pasha Road Closures Component).</b> During all non-pile-driving construction activity at the Bayshore Bikeway Component, GB Capital Component, and the Pasha Road Closures Component, the project proponent shall require their construction contractor(s) to implement one of the following methods to reduce maximum noise levels at the affected noise-sensitive receptors (residences on Cleveland Avenue and McKinley Avenue, and Pepper Park ) to 70 dBA <math>L_{max}</math> or less:</p> <ul style="list-style-type: none"> <li>• Avoid operating high impact demolition equipment (hydraulic breakers, jackhammers, concrete saws) within 520 feet of the any noise-sensitive receptors and avoid operating all other mechanized construction equipment within 280 feet of the affected noise-sensitive receptors.</li> <li>• Where the above-specified distances cannot be maintained, install temporary noise barrier(s) between construction activities and the noise-sensitive receptor(s). Barriers may be constructed around the site perimeter or, when construction activities are restricted to a smaller portion of the site, around that smaller portion of the site, or around any noisy stationary construction equipment such as generators or dewatering pumps. All such barriers must be at least 8 feet high and of sufficient height to break the line-of-sight between the construction equipment and the ground floor of any noise-sensitive receptor. These barriers shall be constructed in one of the following ways that the project proponent establishes, in writing and to the satisfaction of the District, shall achieve a minimum sound transmission class (STC) rating of 28:</li> </ul>	<p><b>Timing:</b> During non-pile driving</p> <p><b>Method:</b> Reduce noise levels at affected noise-sensitive receptors by avoiding high-impact demolition equipment or installing temporary noise barriers.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ From acoustical blankets hung over or from a supporting frame. The blankets should be firmly secured to the framework. The blankets should be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcro®) so that no gaps exist. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier.</li> <li>○ From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment).</li> <li>○ From common construction materials such as plywood.</li> </ul>		
<p><b>MM-NOI-4: Design and Construct the Proposed Hotel at the City Program – Development Component Site to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (City Program – Development Component).</b> During the architectural and engineering design, prior to the issuance of any building permits for the hotel, the project proponent for the City Program – Development Component shall retain an acoustical consultant to ensure that the building design provides adequate noise insulation to achieve the City’s interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all recommended design features have been incorporated into the project design, to the City’s Community Development Department for review and approval prior to hotel construction.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Acoustical Consultant  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> City’s Community Development Department</p>
<p><b>MM-NOI-5: Reduce Rail Noise Levels at the Proposed GB Capital RV Sites to 65 dB CNEL or Less (Pasha Rail Component, GB Capital Component).</b> The project proponent for the GB Capital Component shall design its dry boat storage so that it is enclosed and made from solid material (versus fabric, chain link fencing or similar pervious/open materials) and shall submit a noise study conducted by an acoustical consultant that analyzes the noise from the Pasha Rail Improvement Component with the enclosed dry boat storage as a buffer, demonstrating</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure dry boat storage is enclosed and made from solid material, submit a noise study, and construct a sound barrier if needed.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components  <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components  <b>Verification:</b> District’s Development Services Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>the noise levels at the proposed RV park location. The noise study shall be submitted to the District's Development Services Department for its review 3 months after issuance of a Coastal Development Permit (CDP) for any phase of the GB Capital Component and prior to the construction of the RV park. The project proponent shall construct the dry boat storage as designed. If the noise study shows that the rail noise exposure at the proposed RV sites is at or below 65 dB CNEL, then no additional steps as specified in this mitigation measure shall be required.</p> <p>If the noise study shows that noise levels are above 65 dB CNEL at the proposed RV sites, then prior to occupancy of the GB Capital RV Resort or operation of the Pasha Rail Improvement Component, whichever occurs last, a sound barrier shall be constructed to reduce the rail noise exposure at the proposed RV sites to 65 dB CNEL or less. The noise barrier shall be the equal (50/50) shared financial responsibility of the project proponents for the Pasha Rail Improvement Component and the GB Capital Component. In the event that both components are not constructed at the same time, the project proponent (Payee) of the component last constructed shall construct and pay for the entire specified noise control and the other project proponent (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the noise control unless another payment arrangement is agreed upon between the project proponents and approved by the District. Such reimbursement shall be a condition of the CDPs for the Pasha Rail Improvement Component and the RV resort associated with the GB Capital Component. The noise barrier shall be constructed between the south side of the Pasha Rail Improvement Component and the GB Capital RV Resort. The barrier shall fully block the line-of-sight between the RV sites and a standard freight locomotive on the Pasha Rail Improvement Component site, and is anticipated to be a minimum barrier height of 16 feet relative to the finished track elevation. The barrier shall be a continuous structure without gaps or openings and shall extend from the north end of the Pasha Rail Improvement Component to Tideland Avenue. The barrier shall be constructed of a solid material and, if necessary to meet the noise requirement, the density of 4 pounds per square foot (e.g., concrete block or concrete panels).</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-NOI-6: Design and Construct the Hotels at the GB Capital Component to Achieve an Interior Noise Level of 45 dB CNEL or Less at Noise-Sensitive Occupied Spaces (GB Capital Component).</b> During the architectural and engineering design, prior to the issuance of any building permits for the hotels, the project proponent for the GB Capital Component shall retain an acoustical consultant to ensure that the project design provides adequate noise insulation to achieve the City's interior noise standard of 45 dB CNEL, as specified in the National City General Plan Noise Element, at occupied spaces. If necessary, the consultant shall recommend design features such as, but not limited to, fresh-air supply systems (to allow windows to remain closed), sound-rated windows, or other façade upgrades. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the District's Development Services Department for review and approval prior to construction of any hotel.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure that the building design provides adequate noise insulation and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Acoustical Consultant  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> District's Development Services Department</p>
<p><b>MM-NOI-7: Design and Install All Onsite Mechanical Equipment at the City Program – Development Component Site to Comply with the City's Noise Ordinance (City Program – Development Component).</b> During the architectural and engineering design phase, prior to the issuance of any building permits for the City Program – Development Component, the project proponent for the City Program – Development Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that all aspects of this project component, including mechanical equipment and other onsite stationary sources (e.g., trash compactors, loading docks), are designed and will be installed to comply with the City's Noise Ordinance (Municipal Code Chapter 12.06). Such recommendations may include, but are not limited to, changes in equipment locations; sound power limits or specifications; rooftop parapet walls; acoustic absorption materials, louvers, screens, or enclosures; or intake and exhaust silencers. The project proponent shall submit a copy of the acoustical consultant's report, along with evidence that all recommended design features have been incorporated into the project design, to the City's Community Development Department for review and approval prior to hotel construction.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure that all aspects of the City Program – Development Component, including mechanical equipment, comply with the City's Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component, Acoustical Consultant  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> City's Community Development Department</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>MM-NOI-8: Design and Operate the Proposed Dry Boat Storage Facility to Comply with the City’s Noise Ordinance at the Adjacent Proposed RV Resort (GB Capital Component).</b> During the architectural and engineering design phase for the dry boat storage facility, prior to the issuance of any building permits for such, the project proponent for the GB Capital Component shall retain an acoustical consultant to evaluate the design and provide recommendations, as necessary, to ensure that operation of the dry boat storage facility will comply with the City’s Noise Ordinance (Municipal Code Chapter 12.06.020) at the adjacent RV sites during the sensitive evening and nighttime hours of 7:00 p.m. to 7:00 a.m. (i.e., 65 dBA <math>L_{eq}</math> between 7 p.m. and 10 p.m., and 60 dBA <math>L_{eq}</math> between 10 p.m. and 7 a.m.). Noise control techniques may include, but are not limited to, restricting hours of operation to daytime hours (7:00 a.m. to 7:00 p.m.), selecting quieter equipment (when commercially available), or installing additional noise barriers to screen the facility from the RV resort. The project proponent shall submit a copy of the acoustical consultant’s report, along with evidence that all design features have been incorporated into the project design (to ensure that operation of the dry boat storage facility would comply with the City Noise Ordinance at the adjacent RV sites during the sensitive evening and nighttime hours), to the District’s Development Services Department for review and approval prior to commencement of construction of the dry boat storage facility. The project proponent shall implement the noise control techniques.</p>	<p><b>Timing:</b> During project design  <b>Method:</b> Ensure dry boat storage complies with the City’s Noise Ordinance and, if necessary, incorporate recommended design features.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-NOI-9: Regulate Organized Events at Pepper Park, Including Use of the Proposed Amphitheater (Balanced Plan).</b> Organized events at Pepper Park shall be properly regulated for noise control. Per Section 8.02 of the District’s Port Code, any event with over 25 attendees shall obtain a permit from the District. As further stipulated by Section 8.02 of the Port Code, each “permit shall be subject to the requirements regarding noise...as contained in the Municipal Code of the particular City in which the park is located.” Therefore, any event for which noise generating activities will occur at the amphitheater will be subject to the City’s Noise Ordinance. Although the City’s Noise Ordinance indicates that daytime and nighttime noise standards would be 65 and 60 dBA <math>L_{eq}(h)</math>, respectively, at the GB Capital Component visitor accommodations (RV resort and hotels), the City’s Noise Ordinance also includes</p>	<p><b>Timing:</b> During project operation  <b>Method:</b> Regulate organized events through the use of permits and notify adjacent tenants of large events.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component  <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component  <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>exceptions for these noise standards; the exceptions are on a case-by-case basis and include temporary noise exceedances for organized events (e.g., parades, concerts). Further, as part of the District's permitting process for organized events that are proposed to have amplified sounds (e.g., concerts), the District shall coordinate with the City, and if the City requires a maximum decibel level limit or hours in which all noise needs to cease, that information shall be added to the District permit for that organized event. In addition, the District shall coordinate notification to adjacent tenants of upcoming organized large events, and the permittee of the organized event shall coordinate with the same tenants within 2 weeks of the organized event.</p>		
<p><b>MM-NOI-10: Avoid or Reduce Groundborne Vibration from Pile Driving (GB Capital Component).</b> Where feasible, the project proponent for the GB Capital Component shall require its construction contractor(s) to avoid pile driving within a 32-foot buffer zone of existing buildings at the Pier 32 Marina. If piling cannot be avoided within this distance, the following shall be implemented:</p> <ul style="list-style-type: none"> <li>• Alternative installation methods shall be used, such as press-in piles or drilled piles (e.g., cast-in-drilled-hole, poured-in-place piles).</li> <li>• The following steps shall be taken to protect buildings within 32 feet of pile-driving locations: <ul style="list-style-type: none"> <li>○ The project proponent/contractor shall retain a qualified structural or geotechnical engineer to conduct preconstruction surveys of neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities; and</li> <li>○ Based on review of the specific buildings involved, the structural/geotechnical engineer may provide updated vibration thresholds and buffer distances for potentially affected buildings; and</li> <li>○ Monitoring shall be conducted during construction to check for vibration-related damage during pile driving; such monitoring shall include vibration measurements obtained inside or outside of the buildings or other tests and observations deemed necessary; and</li> </ul> </li> </ul>	<p><b>Timing:</b> During pile driving activities</p> <p><b>Method:</b> Avoid pile driving within the 32-foot buffer zone of existing buildings or implement measures to avoid or reduce vibration.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City and District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>○ The person(s) conducting the monitoring shall have the authority to issue a stop work order to the pile-driving contractor if excessive vibration levels are measured or other observations occur that indicate potential building damage may occur; in the event of such an occurrence, the monitor shall notify the project proponent (GB Capital) and the District; and</li> <li>○ If any damage to existing buildings is determined to occur as a result of pile driving at the GB Capital Component, the project proponent shall be financially responsible for the necessary repairs, structural or cosmetic, to return the damaged building to its pre-existing state.</li> </ul>		
<p><b>MM-NOI-11: Avoid or Reduce Groundborne Vibration from Bikeway Construction (Bayshore Bikeway Component).</b> During all construction activity at the Bayshore Bikeway Component, the project proponent shall require its construction contractor(s) to observe the following buffer zones to reduce groundborne vibration at nearby residences to 0.04 in/sec or less:</p> <ul style="list-style-type: none"> <li>● Avoid the use of hydraulic breakers within 130 feet of residential buildings.</li> <li>● Avoid vibratory compaction within 115 feet of residential buildings.</li> <li>● Avoid the use of heavy earthmoving equipment within 55 feet of residential buildings.</li> </ul> <p>If the listed buffer distances cannot be maintained, impacts can be reduced to less than significant by using alternative equipment that avoids or reduces high vibration levels at the source. Jackhammers (manually held and operated, not mounted to any other construction equipment) may be used in place of other breakers, non-vibratory rollers may be used in place of vibratory roller, and smaller earthmovers (Bobcat, skid steer, etc.) may be used instead of full size heavy earthmoving equipment.</p>	<p><b>Timing:</b> During construction</p> <p><b>Method:</b> Observe buffer zones to reduce groundborne vibration or use alternative equipment that avoids or reduces high vibration levels.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponent for Component</p> <p><b>Verification:</b> City and District</p>
<b>Transportation, Circulation, and Parking</b>		
<p><b>MM-TRA-1: Implement TDM and VMT Reduction Measures (GB Capital Component, City Program – Development Component).</b> To reduce VMT generated by employee trips, the project proponent (GB Capital and City) shall implement the following TDM and VMT reduction</p>	<p><b>Timing:</b> During project operation</p> <p><b>Method:</b> Implement a Mandatory Employer Commute</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>measure from the SANDAG Mobility Management Toolbox, using the VMT Reduction Calculator Tool (SANDAG 2019b), starting the first day of project operations for the GB Capital Component and City Program – Development Component.</p> <ul style="list-style-type: none"> <li>Mandatory Employer Commute Program – The employer for the GB Capital Component and City Program – Development Component shall offer and pay for an employer commute-trip reduction program, which may include a carpool program, transit subsidy passes, or a vanpool program. Implementing these measures could result in a 2.6% reduction in the project’s employee VMT.</li> </ul>	<p>Program to reduce TDM and VMT.</p>	<p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<p><b>MM-TRA-3: Implement Traffic Control Measures During Construction (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component).</b> For any project components that temporarily require partial and/or full roadway closures during construction, the project proponent [requiring the partial or full roadway closure(s)] shall require its contractor to plan, use, place, and maintain traffic control devices while in use at the construction site to ensure that adequate emergency access is provided throughout the duration of the road closure. If construction activities require blocking of a traffic lane(s), the project proponent shall require its contractor to use a flashing arrow board during daytime hours; however, a solar flashing arrow board shall be required for any nighttime construction that requires the closure of any traffic lanes. In certain lane closures, the use of high-level warning flags, along with other devices, is acceptable if installed in accordance with the provisions set forth in the Caltrans <i>California Manual on Uniform Traffic Control Devices</i> (Caltrans 2018). The City shall verify the proper use of traffic control devices for the Bayshore Bikeway Component, City Program – Development Component, and potentially the GB Capital Component if the proposed roadway is a City street, while the District shall verify the proper use of traffic control devices for the Balanced Plan, Pasha Rail Improvement Component, Pasha Road Closures Component, and potentially the GB Capital Component if the proposed roadway is a District street.</p>	<p><b>Timing:</b> During project construction <b>Method:</b> Implement traffic control measures during partial and/or full roadway closures and maintain lane requirements throughout the duration.</p>	<p><b>Implementation:</b> All Project Proponents <b>Monitoring and Reporting:</b> All Project Proponents <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>In addition to traffic control measures, the project proponent shall require its contractor to maintain the following traffic lane requirements throughout the duration of the partial or full road closure:</p>		
<ol style="list-style-type: none"> <li>1. For two-way streets (e.g., a four-lane roadway), a minimum of one lane shall be provided in each direction.</li> <li>2. The minimum width of a traffic lane shall be 10 feet. The lane shall be clear of obstructions, including traffic cones or delineators. Emergency vehicle access may require a traffic lane of up to 14 feet wide.</li> <li>3. A separate left- or right-turn lane shall be provided if there is an existing left- or right-turn lane.</li> <li>4. Complete closure of a roadway shall not be permitted without a valid Special Traffic Permit (STP) or a City-approved traffic routing plan. This includes a plan that allows one lane to be used for two directions of traffic (i.e., two-way flag control). An STP is required to use two-way flag control.</li> <li>5. If work occurs at or within 100 feet of an intersection on a two-way street, an STP is required to prohibit left turns at the intersection. This requirement applies where two lanes are reduced to one and through vehicles cannot physically pass a left-turning vehicle.</li> <li>6. If needed, room for a traffic lane(s) may be made available by temporarily prohibiting parking. Traffic lanes must be at least 10 feet wide and provide a sufficient transition before the lane begins and after the lane ends.</li> </ol>		
<p>To ensure that the traffic lanes provided are adequate and continuous, only one contractor at a time shall be allowed to work on any one block. If a second contractor is planning to work on a block that has a contractor, or on an adjacent block, then the second contractor shall obtain an STP before starting any work. Moreover, a contractor shall not be allowed to work within a block of a project that is under City contract without receiving approval from the Resident Engineer for the subject contract, obtaining an STP, and notifying the City Fire Department and City Police Department.</p>		
<p>Flagging personnel shall be required when workers or equipment will temporarily block a traffic lane that is used for access into and out of a construction site. Flagging personnel shall ensure that traffic congestion</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>and permanently blocked roads do not occur. The following shall apply to the flagging personnel required during project construction:</p> <ol style="list-style-type: none"> <li>1. Flaggers must be properly equipped with a Type II vest (daytime) or Type III vest (nighttime) and a sign paddle.</li> <li>2. Flaggers must be certified and have their certification card at all times.</li> <li>3. A minimum of two flaggers shall be required when one lane is to be used for two directions of traffic (i.e., two-way flag control).</li> <li>4. Police officers may be hired to provide flag control.</li> </ol> <p>A construction TDM plan shall be prepared by the respective project proponent for each project component and implemented during construction activities. The TDM plan shall be submitted by the respective project proponent to the City or District, depending on the jurisdiction where the project component is located, for review and approval prior to construction. The TDM plan shall incorporate various TDM strategies to reduce congestion during construction and may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Implementation of a ride-sharing program to encourage carpooling among workers.</li> <li>• Adjusting work schedules so workers do not access the site during the peak hours.</li> <li>• Providing offsite parking locations for workers outside of the area, with shuttle services to bring them onsite.</li> <li>• Providing subsidized transit passes for construction workers.</li> </ul>	<p><b>Timing:</b> Prior to construction</p> <p><b>Method:</b> Provide offsite parking, shuttle transportation, and incentives for transit use and provide signage to direct visitors to available parking if onsite parking is displaced.</p>	<p><b>Implementation:</b> All Project Proponents</p> <p><b>Monitoring and Reporting:</b> All Project Proponents</p> <p><b>Verification:</b> District and City</p>
<p><b>MM-TRA-5: Require Offsite Parking, Shuttle Transportation, and Incentives for Transit Use for Construction Workers and Wayfinding Signage for Visitors (Balanced Plan, GB Capital Component, Pasha Rail Improvement Component, Pasha Road Closures Component, Bayshore Bikeway Component, and City Program – Development Component).</b> Prior to the commencement of construction activity, the project proponent for each component shall provide an offsite parking location for construction workers and a shuttle service from the offsite parking location to the project site and back. For project components within the District’s jurisdiction, the designated offsite parking location shall be approved by the District’s Development Services Department (Balanced Plan, GB Capital Component, Pasha Rail Improvement</p>		

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Component, and Pasha Road Closures Component). For project components within the City’s jurisdiction, the designated offsite parking location shall be approved by the City. In addition, the project proponent shall provide incentives for construction workers to use public transit. Workers who cannot commute by transit and must use personal vehicles shall be required to park at the offsite parking facility. The parking requirements for the workers shall be detailed in their contract with the project proponent. Moreover, during the construction phase, some public parking shall remain open, to the extent feasible, through the phasing of construction. If onsite public parking is displaced, the project proponent shall provide conspicuous signage to direct visitors to available parking facilities throughout the duration of the construction that displaced the public parking to maintain public coastal access.</p>		
<p><b>MM-TRA-6: Reconfigure Lot Q to Accommodate 590 Striped Parking Spaces (Pasha Road Closures Component).</b> Prior to implementation of the Pasha Road Closures Component, the project proponent shall restripe Lot Q (located on the southwest corner of Bay Marina Drive and Tidelands Avenue) to provide additional parking for employees and offset the loss of 249 parking spaces. Upon completion of this restriping, there would be 590 parking spaces in Lot Q; this would accommodate the 574 existing NCMT employees. Once completed, evidence indicating completion of the restriping shall be provided by the project proponent for the Pasha Road Closures Component to the District’s Development Services Department. Pasha shall require its employees to use Lot Q and allow other employees at NCMT to use the parking lot.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Restripe Lot Q to provide additional parking.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District’s Development Services Department</p>
<p><b>MM-TRA-7: Accommodate 23 Additional Flex Parking Spaces at the Pepper Park Parking Lot (Balanced Plan).</b> Prior to issuance of the Coastal Development Permit for Pepper Park (Balanced Plan), the District shall accommodate an additional 23 parking spaces, for a total of 116 parking spaces at Pepper Park. The additional 23 spaces shall be designed to be flex spaces that can be used as either an active area of the park or parking for public uses and coastal access within the project area. Following the completion of the Pepper Park expansion (including the 23 spaces), the District shall prepare a study that determines the actual (i.e., on-the-ground) demand for parking at the newly expanded park. If the results of the study demonstrate that the amount of parking can be</p>	<p><b>Timing:</b> Prior to construction and during project operation <b>Method:</b> Accommodate an additional 23 flex parking spaces at Pepper Park and prepare a study to determine actual parking demand.</p>	<p><b>Implementation:</b> Applicable Project Proponent for Component <b>Monitoring and Reporting:</b> Applicable Project Proponent for Component <b>Verification:</b> District</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>reduced, the District will reduce the number of parking spaces to the actual on-the-ground demand identified in the study (but no more than a reduction of 23 spaces).</p>		
<b>Utilities and Service Systems</b>		
<p><b>MM-UTIL-1: Prepare Utility Infrastructure Study (Balanced Plan, GB Capital Component, and City Program – Development Component).</b> Prior to the issuance of the building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall prepare a utility infrastructure study and submit the study to the District’s Development Services Department (Balanced Plan and GB Capital Component only) and the City’s Community Development Department (GB Capital Component and City Program – Development Component only) for review and approval. The utility infrastructure study shall identify the capacity of existing utilities, the ability of those utilities to serve the project proponent’s project component, any necessary utility improvements that would be needed to serve project proponent’s project component, and alternative locations and best management practices (BMPs), if necessary, to meet the standards described as follows: avoidance of sensitive habitat and species, construction BMPs related to ground disturbance such as daily watering in high-dust areas and use of a stabilized construction entrance to reduce offsite tracking, a soil and groundwater management plan pursuant to <b>MM-HAZ-1</b> and <b>MM-HAZ-4</b>, including recommendations on pipe materials based on Sweetwater Authority Design Standards, if disturbed areas may be subject to contamination, a soil disposal plan (if applicable), a traffic management plan if roadways will need temporary closures, consistency with the City’s Noise Ordinance, and avoidance of historical, archaeological, tribal cultural, and paleontological resources. The project proponent shall implement any and all new utility improvements or upgrades identified in the utility infrastructure study.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Prepare and submit a utility infrastructure study and implement any and all new utility improvements or upgrades identified.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District’s Development Services Department and the City’s Community Development Department</p>
<p><b>MM-UTIL-2: Implement Water Conservation Measures (Balanced Plan, GB Capital Component, and City Program – Development Component).</b> The project proponent for the respective project component shall incorporate and implement water-efficient design measures into its individual project component. Water-efficient design measures shall at a minimum, include:</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Incorporate and implement water-efficient design measures.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<ul style="list-style-type: none"> <li>• Implement indoor water reduction measures, including high-efficiency toilets, high-efficiency urinals, low-flow faucets, and low-flow showers (as applicable).</li> <li>• Install only drought-tolerant landscaping and perform any landscaping watering through a drip system or low-flow irrigation devices.</li> <li>• Install cisterns above or below ground that shall collect and store runoff from rooftops and other impervious surfaces.</li> <li>• Install water-efficient water coolers and equipment and monitor cooling tower and boiler water chemistry to minimize mineral buildup in the system and maximize the number of times water can be recycled through the system.</li> <li>• Limit the use of turf and, in Pepper Park, limit the use of turf to activity fields.</li> <li>• Educate employees on water conservation measures on an annual basis and post water conservation stickers, signs, and posters in bathrooms, kitchens, cafeterias, conference rooms, and other places where employees congregate.</li> </ul>		
<p><b>MM-UTIL-3: Upsize the Existing Bay Marina Drive Pipeline and Install New Pipeline Along the Proposed Road Realignment to Meet Project Fire Flow Demands (GB Capital Component and City Program – Development Component).</b> Prior to occupancy and operation of the proposed City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component, whichever occurs first, the project proponent for that project component (Payee) shall upsize the existing 12-inch PVC pipeline on Bay Marina Drive between the intersection of Harrison Avenue and Cleveland Avenue to a 16-inch PVC pipeline. In addition, the Payee shall install approximately 1,500 linear feet of 16-inch main pipeline along Marina Way and upsize approximately 1,700 linear feet of the existing 12-inch PVC pipeline with 16-inch pipeline. Design, permitting, and construction of the new pipelines shall be coordinated with the City Fire Marshal and SWA.</p> <p>Prior to occupancy and operation of the project component that is constructed second (i.e., the GB Capital Component if the City Program – Development Component is constructed first, or the City Program –</p>	<p><b>Timing:</b> Prior to project operation</p> <p><b>Method:</b> Upsize the existing 12-inch PVC pipeline on Bay Marine Drive to a 16-inch pipeline and install and upsize pipeline on Marina Way.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components</p> <p><b>Monitoring and Reporting:</b> Applicable Project Proponents for Components</p> <p><b>Verification:</b> District and City</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Development Component if the GB Capital Component is constructed first), the project proponent for that project component (Reimbursee) shall reimburse the Payee 50% of the actual cost of designing, permitting, and constructing the new pipelines. Such reimbursement shall be a condition of the Coastal Development Permits for the City Program – Development Component or the four-story 81-room hotel to be operated under Phase 2 of the GB Capital Component.</p>		
<p><b>MM-UTIL-4: Issue Payment for City’s Sewer Capacity Fee (Balanced Plan, GB Capital Component, and City Program – Development Component).</b> Prior to the issuance of the respective building permits for the Balanced Plan, GB Capital Component, and City Program – Development Component, the respective project proponent shall pay the City’s established sewer capacity fee.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Pay the City’s established sewer capacity fee.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> City</p>
<p><b>MM-UTIL-5: Confirm Water Supply Availability for Recreational or Ornamental Water Feature (Balanced Plan, City Program – Development Component, and GB Capital Component).</b> Prior to construction of any recreational or ornamental water feature, if it is determined that there is a low water supply, then the feature shall not be constructed until water supply is secured or there is an alternative design that incorporates low water use.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Ensure features are constructed only if water supply is secured.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and City</p>
<p><b>MM-UTIL-6: Confirm Water Supply Availability for Development Project Components Prior to Issuance of Building Permits (Balanced Plan, City Program – Development Component, and GB Capital Component).</b> Water availability shall be confirmed by SWA prior to issuance of building permits. The confirmation of water availability shall be provided in written form by SWA. If SWA indicates there is not sufficient water supply to serve the project, the scale of the project shall be reduced to a level that is serviceable by SWA or use recycled water.</p>	<p><b>Timing:</b> Prior to construction <b>Method:</b> Confirm water supply availability, reduce project scale to a level that is serviceable, or use recycled water.</p>	<p><b>Implementation:</b> Applicable Project Proponents for Components <b>Monitoring and Reporting:</b> Applicable Project Proponents for Components <b>Verification:</b> District and SWA</p>

AB = Assembly Bill; BAU = business-as-usual; BMP = best management practice; CA Title 22 = California Code of Regulations, Title 22; CAP = Climate Action Plan; CARB = California Air Resources Board; CCC = California Coastal Commission; CCR = California Code of Regulations; CDFW = California Department of Fish and Wildlife; CDP = Coastal Development Permit; CFGC = California Fish and Game Code; CFR = Code of Federal Regulations; CNEL = Community Noise Equivalent Level; CO = carbon monoxide; CRMDP = Cultural Resources Monitoring and Discovery Plan; CWA = Clean Water Act; dB = decibel; dBA = A-weighted decibel; DEH = Department of Environmental Health; DOT = Department of Transportation; EPA = U.S. Environmental Protection Agency; ESA = environmentally sensitive area; FPR = first point of rest; GHG = greenhouse gas; HDSAP = Harbor District Specific Area Plan; HMMP = Habitat Mitigation and Monitoring Plan; in/sec = inches per second; KOP = key observation point; LCP = Local Coastal Program; LEED = Leadership in Energy and Environmental Design;  $L_{eq}$  = equivalent sound level;  $L_{eq}(h)$  = hourly equivalent sound level;  $L_{max}$  = maximum sound level; LUC = Land Use Code; MBTA = Migratory Bird Treaty Act;  $MTCO_{2e}$  = metric tons of carbon dioxide equivalent; MWh = megawatt-

hour; NCMT = National City Marine Terminal; NMFS = National Marine Fisheries Service; NO<sub>x</sub> = nitrogen oxides; PAH = polynuclear aromatic hydrocarbon; PCB = polychlorinated biphenyl; PM<sub>10</sub> = particulate matter 10 microns or less in diameter; PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter; PMP = Port Master Plan; PVC = polyvinylchloride; RAQS = Regional Air Quality Strategy; RV = recreational vehicle; RWQCB = Regional Water Quality Control Board; SANDAG = San Diego Association of Governments; SDAPCD = San Diego Air Pollution Control District; SIP = State Implementation Plan; SLR = sea-level rise; SOI = Secretary of the Interior; STC = sound transmission class; STP = Special Traffic Permit; SWA = Sweetwater Authority; TDM = Transportation Demand Management; TPH = total petroleum hydrocarbons; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service; VAP = Voluntary Action Program; VMT = vehicle miles traveled; VOC = volatile organic compound; ZNE = zero net energy

RESOLUTION NO. 2023-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NATIONAL CITY, CALIFORNIA, RECOMMENDING APPROVAL OF A LOCAL COASTAL PLAN (LCP) AMENDMENT TO REFLECT JURISDICTIONAL BOUNDARY CHANGES AFFECTED BY THE PORT OF SAN DIEGO'S NATIONAL CITY BALANCED PLAN AND EXPANSION OF THE BAYSHORE BIKEWAY.

APPLICANT: CITY-INITIATED  
CASE FILE NO. 2022-26 LCPA

WHEREAS, Section 30500 of the California Public Resources Code requires each county and city to prepare a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, the City of National City did adopt its LCP by City Council Resolution No.15,614 May 10, 1988 and said LCP was certified by the California Coastal Commission on April 14, 1988; and,

WHEREAS, the City has amended the LCP most recently by adoption of Resolution No. 97-53, on May 6, 1997 and said LCP amendment was certified by the California Coastal Commission on July 10, 1997; and,

WHEREAS, the California Coastal Commission certified the City's LCP on April 14, 1997; and,

WHEREAS, California Public Resources Code, Division 20, California Coastal Act Sections 30512 and 30513 provide that a proposed local coastal program may be submitted to the Coastal Commission if it is submitted pursuant to a resolution adopted by the local government, after public hearing, that certifies the local coastal program is intended to be carried out in a manner fully in conformity with this division; and,

WHEREAS, the LCP Amendment is intended to provide consistency between the Unified Port of San Diego's National City Balanced Plan and City zoning and land use designations, as well as provide a path for future economic develop and public access to the waterfront; and,

WHEREAS, the Planning Commission of the City of National City, California, considered said LCP Amendment at a duly advertised public hearing held on March 6, 2023, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report provided for Case File No. 2022-26 LCPA, which is maintained by the City and incorporated herein by reference, along with any other evidence presented at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by California Coastal Act and City law; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on March 6, 2023, supports the following findings, which the Planning Commission hereby recommends to the City Council for approval:

1. The amendments to the Local Coastal Program Land Use Plan (LCP) attached hereto as Exhibit "A" and incorporated herein by this reference are in the public interest and consistent with Coastal Act policies because they will incorporate the recently adopted Port of San Diego's Balanced Plan into the City's LCP. The Balanced Plan will provide additional commercial opportunities for the City and the San Diego region, generate revenue for the City through transient occupancy tax, sales tax, and property tax, and increase visitor serving and public access uses in the City's waterfront.
2. The Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act, Division 20 of the Public Resources Code.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 6, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

---

CHAIRPERSON

NATIONAL CITY LOCAL COASTAL PROGRAM

LAND USE PLAN

Prepared By

George S. Nolte & Associates, 1981,

And updated by the City of National City, 1988

Adopted by City Council Resolution No. 15,614

May 10, 1988

Amended by:

Resolution No. 91-60, April 2, 1991

Resolution No. 93 -26, March 2, 1993

Resolution No. 96-145, September 10, 1996

Resolution No. 96-177, December 17, 1996

Resolution No. 97-53, May 6, 1997

Certified by the California Coastal Commission

April 14, 1988

July 16, 1991

June 10, 1993

July 10, 1997

This document was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, as amended, and from the California Coastal Commission under the provisions of the Coastal Act of 1976.

ATTACHMENT 3

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## REFERENCES

~~Appendix I—California Coastal Act—Chapter 3 Policies~~

~~Appendix II—Biological Resources of Paradise Marsh (RECON)~~

~~Appendix III—Schedule of Parking Requirements~~

~~Appendix IV—City Standards for Building Aesthetics and Materials, Height, Signing and Landscaping.~~

## EXECUTIVE SUMMARY

### BACKGROUND

Local control over land use in the coastal zone was significantly modified with the passage of the California Coastal Zone Conservation Act by the voters of California in November, 1972. Proposition 20 set forth a distinct role for the State in coastal land use matters, and created the California Coastal Zone Conservation Commission and six Regional Coastal Commissions. The mandated mission of the Coastal Commission was to prepare a statewide comprehensive plan for the "orderly, long range conservation and the management of the coast", and to regulate development while the plan was being prepared. Preparation of the Coastal Plan commenced in 1973, and it was submitted to the state legislature in December, 1975. Based upon the Coastal Plan and the Commission's experience of the preceding years, the California legislature passed the California Coastal Act in August, 1976. Public access, resource protection, and protection of maritime related industries in the coastal zone ~~was~~ were significantly enhanced with the passage of the California Coastal Zone Conservation Act by the voters of California in ~~November, November~~ 1972. Subsequent ~~required~~ ~~c~~Changes to the Act now includes environmental justice and climate change as impacts to be mitigated. The City of National City and its Coastal Zone is an area where the community has long been impacted by toxic air pollutants that are largely attributed to ~~port~~ maritime industrial-related operations. The community has had few opportunities to access the bay and yet is the most impacted by airborne pollutants. From 2007 to 2022 the Port of San Diego, the City of National City, the community, and Port tenants worked collectively to develop a balanced plan that would serve as the basis ~~o~~for creating enhanced public access and recreational opportunities while protecting maritime-related industries. In ~~November, 2022~~ the Port of San Diego certified the Balanced Plan Environmental Impact ~~R~~report, which ~~and forwarded to the Coastal Commission a Port Master Plan Amendment that reflected these~~ several land use changes ~~t~~within the Port Master Plan. ~~As a consequence of~~ Because of that action the City is now amending ~~it~~the LCPLocal Coastal Plan portion of its Local Coastal Program (LCP) (~~LC~~CPA) to reflect the approval of the Balanced Plan. The Balanced Plan Local Coastal Plan Amendment (LCPA) is the first phase of a multi-phased LCPCPA process which will update the entire LCP to reflect changes in the Coastal Act, update background information, and make necessary corrections throughout the document. The City intends to provide the California Coastal Commission (Commission) with a comprehensive LCP update, now estimated for fiscal year 2023/2024.

The City's 2022 LCPCPA is in keeping with tThe declaration of the state legislature in adopting the Coastal Act of 1976 was that the coastal zone is a distinct and valuable resource of vital and enduring interest to all people. The basic objectives of the Coastal Act are to achieve the following:

"Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.

"Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

"Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

"Assure priority for coastal-dependent and coastal related development over other development on the coast. (Amended by Cal. Stats. 1979, Ch. 1090)

"Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development of mutually beneficial uses, including educational uses, in the coastal zone."

In 2015 the Commission adopted a Sea Level Rise policy that considers new development applications that may be adversely impacted from the effects of climate change. And unlike many coastal cities, National City does not have many residential development properties within its Coastal Zone jurisdiction. Most of the area is zoned Medium Manufacturing, which does not permit new residential construction. Accordingly, methods and mitigation measures that would typically include retreat policies, development exclusion zones, and minimizing the armoring of the coastline have little application to the City. However, areas that are near the Sweetwater Marsh area, that have not been previously developed, may include the requirement be required to increase the elevations of any new building, or other appropriate mitigation measures described in the Balanced Plan Final Environmental Impact Report of 2022.

In 2019 the Coastal Commission adopted an Environmental Justice Policy that recognizes that marginalized populations have been subjected to discriminatory land use practices that have precluded access to affordable recreational assets along the coastline. These communities have also been disproportionately impacted by pollution. The City of National City is an environmental justice community with its residents long subjected to toxic air pollutants from Port District operations and a lack of access to lower cost recreational facilities along the bay. In large part, the Balanced Plan project is directed at expanded access to the bay, providing affordable recreational amenities, and creating well-paying jobs. While there is much work to be done, the Balanced Plan provides the framework addressing the goals of the Commission's Environmental Justice Policy.

The implementation of the Coastal Act is predicated upon the involvement of local government. The Act declares that "to achieve maximum responsiveness to local conditions, accountability and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement." To this end, the Act directs each local government within the coastal zone to prepare a Local Coastal Program (LCP). An LCP consists of a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which implement the provisions and policies of the Coastal Act at the local level.

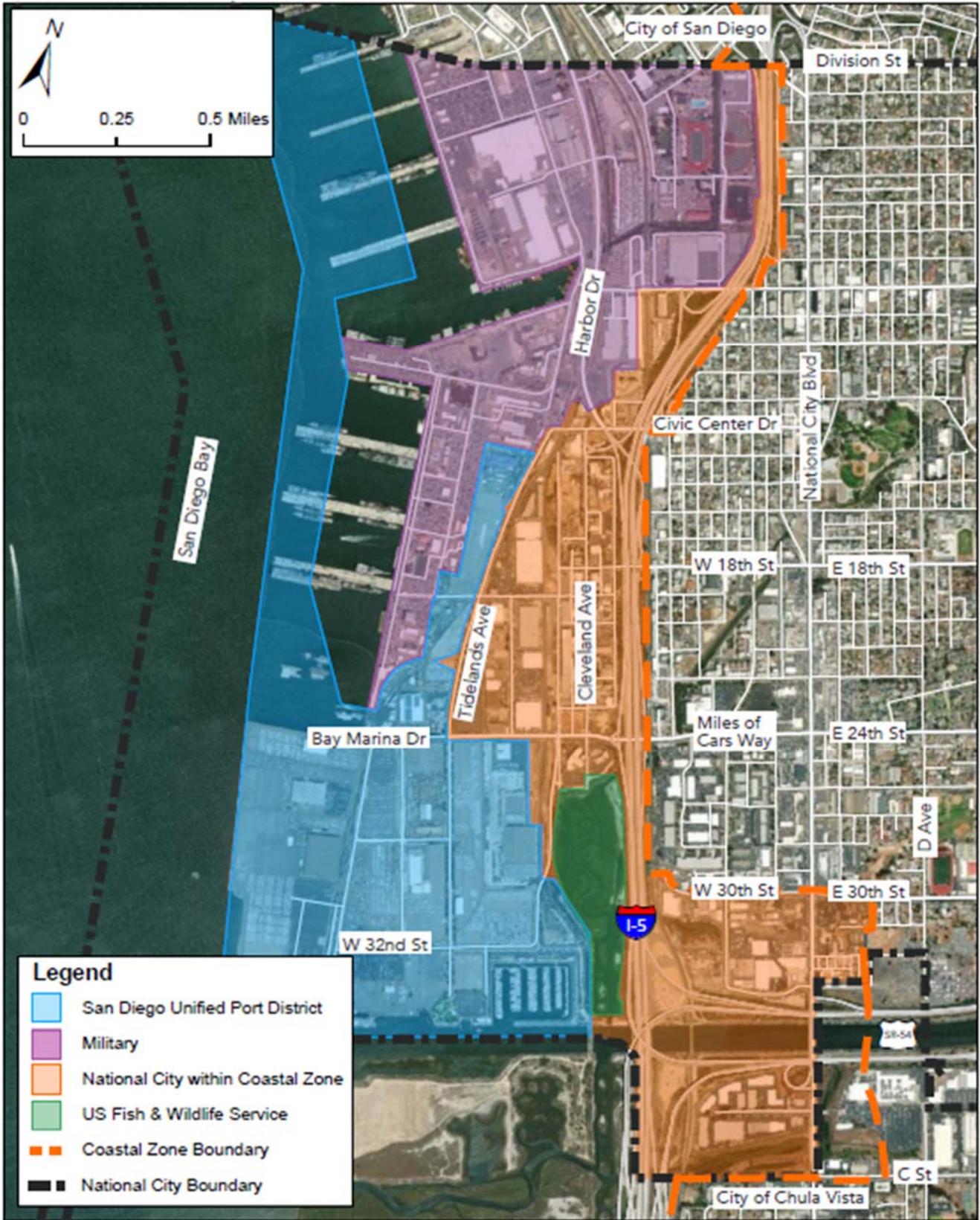
During preparation of a Local Coastal program, local governments should coordinate planning with affected local, regional, state, and federal agencies, and provide the maximum opportunity for public participation. Under the Coastal Act, the responsibility for ensuring meaningful public

~~participation rests with both the Coastal Commission and local government; however, the local government retains the primary responsibility for involving the public in the actual planning process.~~

After the LCP has been reviewed and approved by the local government, it is then submitted to the State Coastal Commission for review. In certifying the land use plan, the Commission must find that the plan conforms to Chapter 3 of the Coastal Act, and contains the required public access component. The zoning and implementing ordinances are then reviewed to determine conformance with the approved land use plan. Once the land use plan and implementing ordinances have been certified, the review authority for new development within the coastal zone will revert from the Coastal Commission to local government. The local government in issuing coastal development permits must then make the finding that the development is in conformity with the approved LCP.

The Coastal Zone of National City includes all the area west of I-5, and a small area east of I-5 south of 30th Street. However, the coastal zone is controlled by three separate governmental agencies: the San Diego Unified Port District, the United States Navy, and the City of National City. The Port District has jurisdiction over all of the state tidelands bayward of the adjudicated mean high tide line, approximately 250 acres of land area and any property acquired by the Port and approved by the State Lands Commission (—See Figure 1). The Port District's jurisdiction also includes an isolated parcel of tidelands which is located in the salt flats south of Chula Vista that is connected to National City by a 300-foot wide corridor through San Diego Bay. The Port District submitted its Master Plan to the Coastal Commission, and it was conditionally approved in October, 1980. The plan and has been amended several times since then. Under the jurisdiction of the United States Navy is approximately 300 acres and 8,300 lineal feet of bay frontage. Federal lands are under the jurisdiction of the Federal Coastal Zone Management Act, which states that military lands shall comply with coastal planning to the extent that national security is not imperiled. The coastal zone area over which National City retains jurisdiction totals approximately 575 acres, and is bounded by the U.S. Navy lands to the north, and the Chula Vista Bayfront to the south.

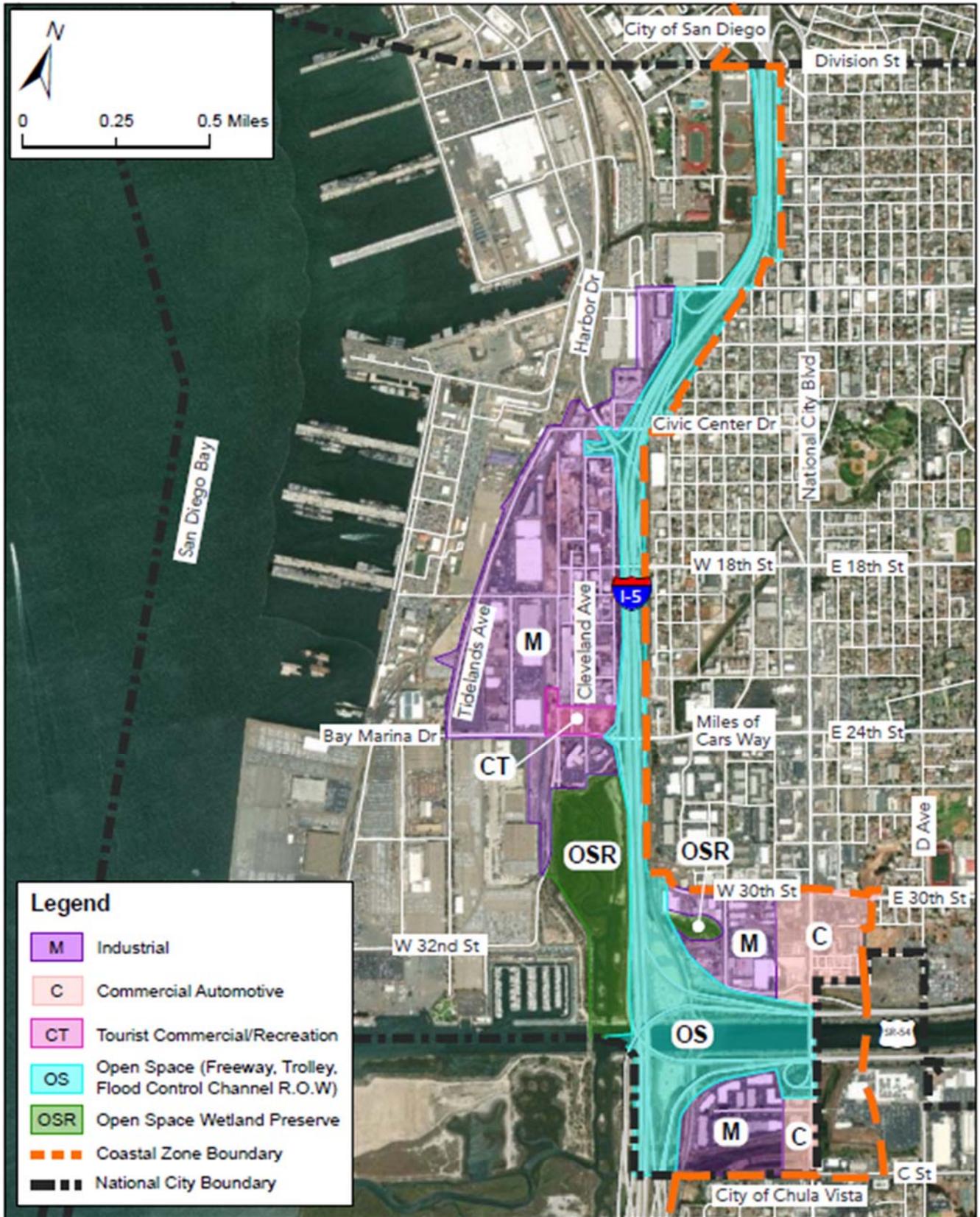
The purpose of the Land Use Plan of National City's ~~Local Coastal Program (LCP) contains~~ is to provide technical background information, policy recommendations, and a land use plan map (See Figure 2). The substantive areas of discussion, as directed by the work program approved by the Coastal Commission, are public access, recreation, marsh preservation, visual resources, industrial development, and environmental hazards. The City's LCP is now revised to include a new section of a plan prepared in conjunction with the San Diego Unified Port District (District) referred herein as the Balanced Plan. The Balanced Plan essentially replaces the City's Harbor District Area Specific Area Plan (HDSAP) due to the fact that the HDSAP has been implemented and no longer relevant given the changes in jurisdictional boundaries between the District and the City. The Balanced Plan preserves all applicable HDSAP public access and, resource protection policies. Each of the above issue areas is discussed and evaluated as to existing conditions and existing planning and zoning regulations. This discussion is then followed by a more in-depth analysis of planning issues and their applicability to Coastal Act policies and Coastal Commission guidelines. Each discussion category is concluded with appropriate policy recommendations.



National City Political Jurisdictions Map

Figure 1





National City Land Use Plan

Figure 2



A listing of those recommendations is presented in the “POLICY RECOMMENDATION” section on page x below:

## THE BALANCED PLAN

### OVERVIEW

The City of National City (City), in conjunction with the San Diego Unified Port District (District), GB Capital Holdings (GB Capital), District tenants, and Pasha Automotive Services (Pasha) have been working together to propose a mixed-use recreational and maritime industrial project that includes both landside and waterside development components on approximately 58 landside acres and 19 waterside acres in the City’s waterfront area. This project is collectively referred to as the “Balanced Plan” and is intended to be mutually beneficial to the region. It is geographically located within the jurisdictional boundaries of the City and the District.

Specifically, the Balanced Plan includes the following main components within the City’s jurisdiction, which are addressed in detail later in this section:

- Amendments to the City’s LCP, General Plan, and Land Use Code (—, LUC), that would include changes to the City’s and District’s jurisdictional boundaries due to District land purchases; changes to subarea boundaries; and changes to land use, specific plan, and zone designations
- Removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District, from the City’s General Plan, LCP, and LUC to reflect changes in land use and jurisdictional authority.
- Construction and operation of a new segment of the Bayshore Bikeway
- Supplant the Harbor District Specific Area Plan (HDSAP) and incorporate applicable HDSAP components into the City’s Amended LCP.

The Balanced Plan also includes a number of development components located within the jurisdiction of the District which are integral to the overall development of the waterfront and marina area. However, as a function of State law under the Unified Port District Act (“Act”) the City has no land use authority over lands acquired by the District and as a result are no longer addressed in the City’s LCP. Per the requirements of the Act and the California Coastal Act, all District development components are addressed in the District’s Port Master Plan Amendment. Changes within the District’s jurisdiction include the following and are presented for informational purposes:

- Changes to land and water use designations in the District’s Port Master Plan (PMP).
- Construction and operation of a recreational vehicle (RV) park, modular cabins, dry boat storage, an expanded marina, and up to four hotels, primarily within the District’s jurisdiction within lands leased to GB Capital.
- The expansion of Pepper Park from 5.2 acres to 7.7 acres to increase park space and

recreational opportunities for the community.

- Construction and operation of a rail connector track and storage track within the District's jurisdiction to serve the Pasha Group's maritime operations at the National City Marine Terminal.
- Closure of Tidelands Avenue between Bay Marina Drive and 32nd Street, as well as West 28th Street between Tidelands Avenue and Quay Avenue, within the District's and City's jurisdictions, and re-designation of the area to Marine-Related Industrial in the District's PMP.
- Construction and operation of Segment 5 of the Bayshore Bikeway within the District's jurisdiction in coordination with the bikeway sections located in the City's jurisdiction.
- Construction and operation of hotel, restaurant, retail, and/or a combination of tourist/visitor serving commercial development north of Bay Marina Drive
- PMP Amendment (PMPA) to clarify jurisdictional land use authority, re-designate land uses, and balance commercial and maritime uses.

#### HARBOR DISTRICT SPECIFIC AREA PLAN (HDSAP)

The HDSAP was adopted by the City Council on July 28, 1998 and was certified by California Coastal Commission November 5, 1998. At that time, the HDSAP was intended to be a resource-based, environmental implementation plan to establish site-specific conservation and development standards in the OSR (Open Space Reserve), CT (Tourist Commercial), MM (Medium Industrial Manufacturing), and OS (Open Space) districts. No land use changes or specific development were included, however. Since 1998, the HDSAP has been implemented and no longer relevant given the changes in jurisdictional boundaries between the District and the City and, hence, the HDSAP will be replaced by the Balance Plan in the following manner:

- The Balanced Plan includes the removal of approximately 12.4 acres located mostly on the GB Capital site east of the mean high tide line and owned in fee by the District (Subareas B-1 and B-2). Because this land is no longer in the City's jurisdiction, it is eliminated from the City's General Plan, LCP, and LUC to reflect changes jurisdictional authority.
- HDSAP Subarea A, approximately 8.3 acres, has already been developed with the Marina Best Weste rn-Gateway project, consistent with the HDSAP.
- HDSAP Subarea B-3 is being utilized as a buffer to the Paradise Marsh, public access, the Bayshore Bikeway, and for utility corridor, including large-SDG&E transmission towers. Additionally, the U.S. Fish and Wildlife Service has an easement providing access to the Paradise Marsh and the D Street Fill, located just south of the site.
- HDSAP Subarea C proposed the Harrison Avenue Public Access Corridor which has been completed.
- HDSAP Subarea D, a 3,500-foot-long segment of filled land, which lies between the I-5 freeway and the Paradise Marsh, has been restored with native landscaping, consistent with the HDSAP.
- The Paradise Marsh unit of the Sweetwater Marsh National Wildlife Refuge is federally owned, operated, and managed and is no longer under National City Coastal Development authority.

- In 2008, Pier 32 Marina, entirely located within the District’s jurisdiction, opened to the public and provided increased public access and public views to the water, consistent with the HDSAP.

## BALANCED PLAN-CITY PROGRAM

### Land Use Changes

The City Program is an integral component of the overall Balanced Plan. Development on the Balanced Plan City Program would not be subject to the Public Trust, but it would be within the California Coastal Zone and the City's LCP area. As previously discussed, the City Program would require amendments to the City's General Plan, LUC, and LCP and would replace the HDSAP. The general components of the Balanced Plan are shown in Figure 3. Balanced Plan components that are within the jurisdiction of the Port District are show for illustrative purposes only.

The City Program proposes amendments to the City's General Plan, LCP, and LUC for seven City-owned parcels located north of Bay Marina Drive. See Figure 4. Parcels 1 through 6 are owned by the City and compose two complete blocks between Bay Marina Drive to the south, West 23rd Street to the north, Marina Way (formerly Harrison Avenue) to the west, and I-5 to the east. The City proposes to rezone Parcels 1, 2, 3, 5 ,and 6 from MM (Medium Industrial) to CT which could allow these parcels to be developed with hotel, restaurant, retail, and/or some combination of tourist-/visitor-serving commercial uses. The CT zone currently allows a floor area ratio (FAR) of up to 1.0, with no height limit; however, as part of the Balanced Plan, the FAR will increase to 2.0. The maximum allowable development with a FAR of 2.0 would be approximately 254,782 square feet of floor area. The proposed 2.0 FAR would allow for the development of desired land uses that require substantial floor areas such as hotels which would be of economic benefit to the City and provide opportunities for increased public access to the City’s marina area. Development standards such as the parking requirement and landscaping would be based on the specific uses permitted in the CT zone at such time as future development is proposed.

Additionally, there are two easements along the wetlands; one is owned by SDG&E and the other provides access to the US Fish and Wildlife Service Refuge and is operated by the Service. These easements are located directly east of the Pier 32 Marina and across the Sweetwater Channel and terminating at the wildlife refuge may. With the removal of the South Bay Power Plant in Chula Vista, the SDG&E easement area may provide additional recreation opportunities under and enhance opportunities to meet the goals of the Balanced Plan. This area could serve as parking or overnight accommodations or other development that would enhance the marina environment. Such uses would be required, as part of the CEQA environmental review process, to fully mitigate any biological impacts to adjoining habitats or to protect other coastal resources.

The remaining Parcels 4 and 7 are currently zoned CT and will remain so. Parcel 7 (approximately 1.2 acres), owned by the City and leased to the San Diego Railway Association, is at the northwest corner of Bay Marina Drive and Marina Way. The historic Santa Fe Rail Depot is on this parcel, and no new development is proposed on this parcel. No other City land use changes or

development are currently proposed as part of the Balanced Plan.

#### City/District Jurisdictional Changes

The Balanced Plan proposes the removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the current day GB Capital leasehold east of the mean high tide line and on land now owned in fee by the District, from the City's General Plan, LCP, and LUC to reflect changes in land use and jurisdictional authority. This change will clarify the jurisdictional boundary between the City and the District and will be reflected on all City zoning and General Plan Maps. These lands are not currently regulated by the PMP and this jurisdictional amendment will ensure consistency with the California Coastal Act, Public Trust Doctrine, and Act. The District will amend its PMP map accordingly.

#### Bayshore Bikeway

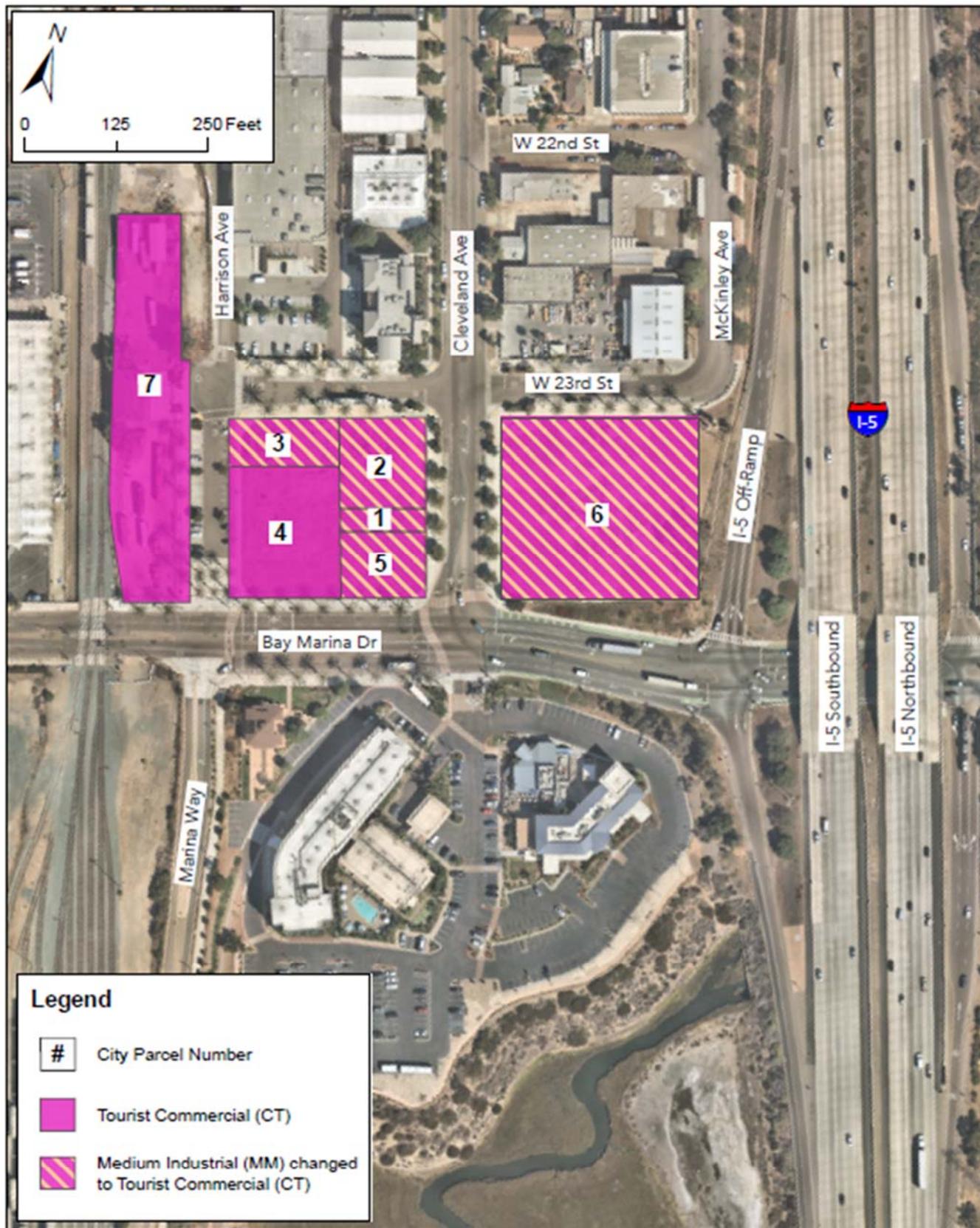
As a major goal of the City's original LCP submission, the Bayshore Bikeway is now being realized. The Bayshore Bikeway Segment 5 is generally located on a combination of existing roadways, including Bay Marina Drive, Marina Way (formerly Harrison Avenue), Cleveland Avenue, McKinley Avenue, West 19th Street, Tidelands Avenue, West 14th Street, and Civic Center Drive. Most of the Bayshore Bikeway Component is located within the City's jurisdiction, and the southernmost portion is located within District jurisdiction. This new section of the Bayshore Bikeway is an important component of the 24-mile Bayshore Bikeway that circumnavigates San Diego Bay.



**Balance Plan Map**  
National City and Port of San Diego Components\*

Figure 3





**Balance Plan City Program**  
Existing & Proposed Zoning

Figure 4



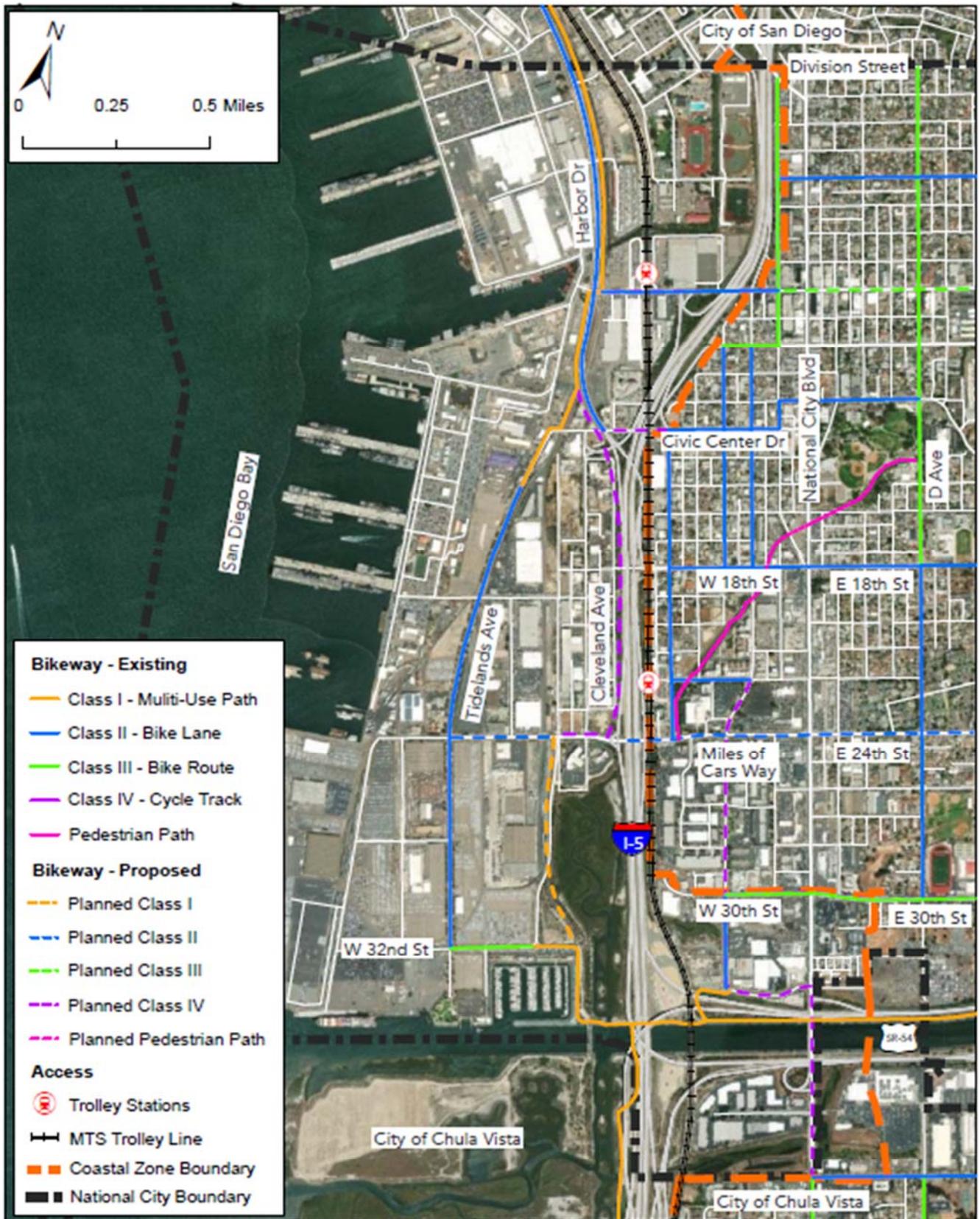
## POLICY RECOMMENDATION

### PUBLIC ACCESS

1. New public shoreline accessways shall be designated to and along Paradise Marsh and the Sweetwater River Channel as generally shown in [See Figure 5](#).
2. Public accessways [to or near the water](#) ~~as designated in Condition Number One~~ shall be provided in conjunction with new development and protected through public access easements or other suitable means of conveyance.
3. In the event that new development is not forthcoming, it is the City's policy to seek the assistance of the Coastal Conservancy, or other appropriate agency, to acquire, plan, and finance public shoreline access.
4. The precise location, design and identification of public accessways shall be consistent, to the maximum degree feasible, with the coastal access standards prepared jointly by the Coastal Commission and the Coastal Conservancy.
5. As indicated in the General Plan, it is the City's policy that the Bay Route Bikeway ([now the Bayshore Bikeway](#)) be extended southerly from ~~24th Street~~ [Bay Marina Drive and Harrison Street Avenue](#) to the Paradise Marsh and boat launching ramp areas and across Sweetwater River Channel to the Chula Vista Bayfront. It is also the City's policy that additional nature trails and bicycle trails be developed adjacent to the Paradise Marsh to connect to the Bay Route Bikeway and Sweetwater River Flood Control Channel Trail System.
6. Alternative modes of access to National City's Bayfront shall be actively encouraged. Specifically, the trail systems proposed as a part of the Army Corps' Sweetwater River Flood Control Channel project, which would provide linkage from National City's Bayfront to inland areas, are supported.
7. All new development shall incorporate adequate on-site parking to accommodate the parking demand generated. The number of required parking spaces for new development shall be determined during the implementation phase of the Local Coastal Program, but shall be, at a minimum, consistent with the schedule of parking requirements of the Municipal Code (Appendix III).
8. ~~Marina Drive Way, Aa~~ [Aa](#) new access road ~~formerly known as Harrison Avenue, located westerly and parallel to the Paradise Marsh~~ ~~would extend~~ [southerly from the vicinity of Bay Marina Drive](#) ~~Harrison Avenue at 24th Street~~ ~~Bay Marina Drive~~ to the National City Boat Launching Facilities and ~~future marine oriented~~ [Pier 32 Marina, which includes a variety of](#), commercial and ~~or~~ recreational uses. A buffer shall be ~~provided-maintained~~ between the roadway and the marsh. ~~A Specific Plan shall be prepared to~~ [The Balanced Plan](#) ~~identifies~~ [a desirable-continued](#) buffering between the marsh and roadway, located in the upland area west of Paradise Marsh. It ~~will-should~~ also ~~propose~~ [landscaping](#) or other

design elements to provide visual linkage and identity for the Paradise Marsh area and appropriate visual separation from the industrial area to the west and freeway to the east.

9. ~~9. New development shall not interfere with desirable public access that may exist or be established by public use on or across private property, i.e. prescriptive rights. Desirable public access shall include access to natural or constructed coastal, recreational resources, except where necessary to protect fragile coastal resources or public safety, or where adequately provided for in another area. Development projects shall be reviewed to determine evidence of public use. The proposed Balanced Plan, in conjunction with the Port of San Diego, would also increase the availability of lower costs visitor serving uses and allow greater public access to the waterfront. —Implementation of the Balanced Plan would provide new opportunities to experience views of the Bay and Sweetwater Channel from the expansion of Pepper Park, and new hotels, a recreational vehicle park, and modular cabins. These land use changes provide lower cost recreational opportunities for the community and members of the near-by region that have been historically underserved.~~
10. Public access shall include access to natural or constructed coastal, recreational resources, except where necessary to protect fragile coastal resources or public safety, or where adequately provided for in another area.



**National City Public Access**

*Figure 5*



## RECREATION

1. The National City Bayfront shall be designated for tourist commercial and recreational use, as indicated in the Land Use Plan (Figure 12). Using the SD&AE railroad as a point of demarcation, consistent with the wetland area proposed for acquisition by the Army Corps of Engineers, the area located to the east, including Paradise Marsh and surrounding lands, shall be designated suitable for passive recreational uses only. The areas to the west and to the north of the Marsh shall be designated for tourist commercial and recreational uses. Wetland resources located west of the railroad, which are not proposed for public acquisition, shall be protected from incompatible development, consistent with marsh preservation policies.
2. The passive recreational area would accommodate the preservation of Paradise Marsh, along with the provision of public accessways and landscaped areas. Public access would be provided and managed consistent with the public access component of the LCP and the maintenance of wetland resource values. Beyond this area, a transition to more active uses could begin. Landscaped areas suitable for picnicking and general recreation may be appropriate.
3. In order to meet specific recreational market demand and provide an attraction for secondary uses, overnight uses and boating uses shall be assigned the highest commercial development priority for the commercial recreational areas. For the area west of Paradise Marsh, appropriate uses include expanded marina development, new hotel/motel and restaurant facilities, recreational vehicle park/campground, dry-storage and boat service facility, and/or public park areas. For the area north of Paradise marsh, hotel/motel facilities, restaurants and other tourist commercial uses would be appropriate. The intensity of development shall be reviewed for impacts on traffic circulation. A Specific Plan shall be prepared to address traffic circulation and roadway improvements, in conjunction with development plans for the tourist commercial area west of Paradise Marsh. The Specific Plan shall determine the location of roadway improvements, based on resource protection standards, i.e., consistency with marsh preservation policies.  
  
~~Tourist-Visitor commercial development in the above referenced areas shall be consistent with existing or currently planned road capacities to the north and south of the proposed tourist commercial area, including the planned extension of Harrison Avenue and the Tidelands Avenue crossing proposed in the City of Chula Vista Bayfront LCP. The intensity of development shall also be reflective of the constraints placed on these roadways by the Marsh Preservation policies of the LCP, this Plan. Approval of these land uses shall not be considered precedent for increasing the capacity of the roads to the north and south of the tourist commercial area.~~
4. In order to develop the visitor~~tourist~~ commercial and recreational area west of Paradise Marsh coordination with the Port District for concurrent development of Port District lands shall continue to be encouraged while environmental justice impacts are mitigated~~, shall be encouraged~~. A higher quality project and a better design should result from such coordination and a more viable development will likely be attracted to the area.
5. To enhance the recreational potential and ~~attractiveness~~public use of the National City waterfront, the restoration of Paradise Marsh is a desirable program. A feasible restoration program shall be determined with the potential assistance of the Coastal Conservancy, or other appropriate agencies, to finance, plan, and implement such a restoration program. The program shall also involve

coordination with the Bayfront Conservancy Trust in its efforts to finance, plan and implement a restoration program, including access and recreational features.

6. To ensure that the recreational potential of the area is maximized, development shall take into account the proximity to the ~~MTDB's MTS Trolley System~~ "San Diego Trolley", the Bays ~~Shore Route~~ Bikeway, and the Sweetwater River Flood Control Channel's recreational areas and trails systems, as well as recreational uses planned ~~in~~for the adjacent Chula Vista Bayfront and other waterfront development ~~along the~~ San Diego Bay.

## MARSH PRESERVATION

1. The wetlands of the Paradise Creek Marsh as well as the secondary area of Paradise Marsh, east of I-5, including salt marsh, freshwater marsh, salt-pan, channel, and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved. The plan designation for these areas shall be OPEN SPACE/WETLAND PRESERVE. The boundaries of the "Open Space Wetland Preserve" areas include the marsh area required for acquisition by the Army Corps of Engineers for the Sweetwater River flood control improvements, marsh area within Caltrans right-of-way easterly of the SDG&E right-of-way, and the secondary area of Paradise Marsh east of the I-5 freeway. The Sweetwater River area, south of 35th Street, designated for industrial and commercial use, and the wetlands located west of the railroad, which are not proposed for public acquisition, also contain valuable biological resources which shall be preserved under an overlay zone or other appropriate, implementing regulation which shall be defined in the implementation plan. The overlay zone or implementing regulation shall include requirements for mapping all wetlands not included in the "Open Space Wetland Reserve" land use designation, execution of open space easements over identified resources and their buffers in conjunction with new development and a determination of appropriate buffers for any new development.
2. In order to preserve Paradise Marsh, ~~the~~ the wetlands located west ~~of the former railroad right-of-way, including the proposed part of the Bayshore Bikeway Segment 5, of the railroad,~~ which are not proposed for public acquisition; the secondary area of Paradise Marsh, east of I-5; and the Sweetwater River south of 35th Street ~~shall adhere to the following:~~
  - Alteration shall be limited to minor incidental public facilities, restoration measures, and nature study. Consistent with the provisions of Section 30233, the diking, dredging and filling of wetlands, open waters, estuaries and lakes shall be permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: incidental public service purposes, restoration purposes, and nature study. There shall be no alteration of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, as well as of the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, except as determined by a marsh restoration program which has been approved by the California Coastal Commission.
  - The dumping of rubbish or commercial waste into the marsh areas shall be prohibited.
  - The intrusion of off-road vehicles and unauthorized pedestrian traffic into the marsh areas shall be discouraged.

A buffer area shall be established for new development adjacent to wetlands. A 100 ft. distance from the edge of the wetland shall generally provide an acceptable buffer acceptable to the sState and fFederal agencies.

~~• The required distance may be increased or decreased based on consultation with the Department of Fish and Game. A buffer area less than 100 feet wide may be permitted, depending upon the analysis of the specific site proposed for development. Examples which may demonstrate that a lesser distance would be acceptable include but are not limited to the type and size of development, proposed buffer improvements such as landscaping or fencing, and existing site characteristics such as a grade differential between a marsh area and adjacent upland area, existing development in the area, and parcel size and configuration. Consistency with buffers required as part of the Sweetwater River Channel/Rt. 54 project shall also be considered in order to determine appropriate buffers less than 100 feet wide. The buffers shall be determined with the concurrence of the state Department of Fish and Game.~~

~~• 3. To enhance the habitat and aesthetic value of Paradise Marsh, the wetlands located west of the railroad, which are not proposed for acquisition, as well as the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, feasible restoration activities shall be encouraged. Feasible restoration activities shall be determined with the potential assistance of the Coastal Conservancy, or other public agency or private group, including the Bayfront Conservancy Trust, to finance, plan, implement and manage a restoration program. The recommended elements for a restoration program include:~~

~~• A public access and information program that would be designed to allow observation of the marsh, while controlling intrusion into the marsh itself. A component of the access program should be an interpretive nature trail along the western margins of Paradise Marsh, which could connect with an observation platform.~~

~~• The removal of all rubbish and debris from the marsh through a volunteer effort, or the California Conservation Corps.~~

~~• The dredging of Paradise Marsh, consistent with a marsh restoration program, prepared in consultation with the California Department of Fish and Game and approved by the California Coastal Commission, possibly concurrent with the construction of the Sweetwater River Flood Control Channel, to improve tidal flow and flushing. Dredging shall be restricted to existing tidal channels.~~

~~• The encouragement of a scientific research program.~~

4. To enhance the habitat and aesthetic value of Paradise Marsh, the wetlands located west of the railroad and , proposed new development, including roadways, located near to the wetlands of Paradise Marsh, Proposed new development, including roadways, located adjacent to the wetlands of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, shall be designed to discourage the intrusion of pedestrians, vehicles, or domestic animals into the marsh through physical barriers such as fencing and/or landscaping with appropriate non-invasive species. In association with new development or remodeling of existing development contiguous with the wetlands, including roadways, drainage shall be directed off-site toward the Sweetwater River Flood Control Channel, or to existing street drains, whenever possible, or channeled into a settling area before entering the marsh. Potential increase in the rate

of storm-water runoff, which may result from new development, including roadways, adjacent to wetlands, shall be controlled by detention basins or other means to avoid impacts of erosion and sedimentation on wetlands consistent with all applicable local, state, and federal standards. The size, design and placement of such sedimentation control devices shall be developed in consultation with the State Department of Fish and Game resource agencies prior to or concurrent with the commencement of construction and shall be installed and maintained by the developer, or any successors in interest.

5. Wetlands in private ownership, which may be located in the CT, C and M, as well as OSR designated areas, shall be protected from development through the application of mitigation measures that include, but not be limited to, buffer zones, shielding of lights, barriers, educational signage, predator control measures, and run-off protection features.  
~~of an overlay zone or other appropriate, implementing regulation proposed in Policy #1. Necessary protective measures, including adequate buffers, regulations regarding the design and siting of structures, etc., and open space easements shall be determined during review of proposals for development, by application of criteria to be specified in the LCP Implementation Plan.~~

6. Landscaping in areas adjacent to wetlands shall include only native plants ~~only~~ which are non-invasive species. ~~of wetlands.~~

7. ~~For all properties that have wetland features, each projects shall incorporate BMP erosion control measures Specific erosion control measures and shall be in place during all construction activities, biological monitoring and planning, and control of run-off during all grading activities shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained in conjunction with all grading activities, along Marina Way, consistent with Section X (B)(4)(k) of the Implementation Plan, during the period of November 1 to April 1 of each year for all properties which drain directly to marsh and wetland areas. These properties shall include all properties located in the following areas:~~

~~All properties between 35th Street and the southerly City limits;~~

~~All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street and the MTDB San Diego Trolley Line;~~

~~All properties in the City's jurisdiction located westerly of Highway I-5 and south of 24th Street Bay Marina Drive.~~

## VISUAL RESOURCES

1. ~~To ensure that the Army Corps of Engineer's Sweetwater River Flood Control project improves the scenic resources of the area, National City shall support and encourage the project as proposed with the following mitigations:~~

~~• The restoration of the marsh connections with the Sweetwater River, and~~

~~• The development of shoreline recreational features along the banks of the flood control channel.~~

12. To ensure that the development of the proposed commercial and recreational area adjacent to Paradise Marsh ~~west of the SD&AE railroad~~ is of the highest aesthetic quality, the City shall require that the development of the site shall be in accordance with development standards and requirements to be determined by a Specific Plan for the area. The Specific Plan shall determine appropriate height limits, landscape elements, signage, and view protection and enhancement, consistent with the policies of the Land Use Plan. Vistas shall be provided from public roadways and public open space areas to Paradise Marsh and the Sweetwater River Flood Control Channel. Height limits shall be established as determined necessary to provide for focal points in key activity areas.

32. To ensure that the new road to provide access to the proposed recreation area adjacent to Paradise Marsh is of high visual quality, its design shall implement and incorporate the General Plan policy proposing the construction of landscaped entryways ~~from~~. ~~Landscaped entryway improvements for 24th Street Bay Marina Drive would be especially appropriate.~~

~~4. A Specific Plan shall be prepared to identify design improvements to enhance the visual identity of the Paradise Marsh area, provide a visual linkage between recreational uses near the Sweetwater River Channel and tourist commercial uses west of the Marsh and at 24th Street Bay Marina Drive, and appropriate visual separation or buffering of industrial uses to the west and freeway to the east. The design improvements identified in the Specific Plan shall include landscape elements, signing, and architectural elements or criteria, such as height, scale, bulk, color and building materials. Protection or creation of vistas should also be identified in the Specific Plan.~~

345. To ensure that new development throughout the coastal zone is visually appropriate, projects shall be reviewed for conformance to City standards for building aesthetics and materials, height, signing and landscaping. ~~See Appendix IV.~~

45. ~~All visual resource mitigation measures, as identified in the National City Bayfront Projects and Plan Amendments Environmental Impact Report applicable to the City, shall be incorporated into all projects located in the in the City's Coastal Zone and Balanced Plan area.~~ Project design shall also be reviewed with regard to other appropriate visual elements identified ~~throughout~~ the development review process.

## INDUSTRIAL DEVELOPMENT

1. In the event that different industrial land uses are competing for available industrial land, priority shall be given to marine related industrial uses

## ENVIRONMENTAL HAZARDS

1. Review of new development for ~~sea level rise, and potential flooding~~ ~~potential flood~~, seismic, and geologic hazards shall determine necessary improvements to minimize risk during the site plan review process, or during any applicable, discretionary review process.

2. ~~Geotechnical and sea level rise reports shall be required for new development in areas subject to flooding and geologic hazards.~~ ~~Geotechnical reports shall be required for new development in areas subject to geologic hazard.~~

3. Waivers of liability shall be required from applicants for Coastal Development Permits in areas of sea level rise and geologic hazards.
4. Prior to the development of the parcels on both sides of the existing Sweetwater River Channel, south of 35th Street, a sea level rise and flood hazard study shall be conducted, based upon design criteria anticipating the potential flood hazard remaining after the construction of the Sweetwater River Flood Control Channel or from a 100-year flood, whichever is applicable at the time of development. ~~Only development consistent with the recommendations of the study shall be approved for the area.~~ Specific development policies shall be provided in the Implementation Plan. The policies shall stress provision of adequate setbacks to minimize the amount of fill necessary for flood protection, and no armoring or channelization of the existing river channel for flood protection shall be allowed.

## LAND USE PLAN SUMMARY

### COMMERCIAL/RECREATION/OPEN SPACE

The National City Bayfront should be designated for tourist commercial, recreational and open space use. Using the SD&AE railroad spur as a point of demarcation, the area located to the east, including Paradise Marsh and surrounding lands, would be suitable for passive recreational and open space uses only. Areas to the north of the marsh and west of the marsh and railroad spur should be designated for tourist commercial and recreational uses.

The total land area within National City which is developable, west of the ~~railroad spur~~ Bayshore Bikeway and SDG&E right-of-way, and designated for tourist commercial and recreational open space use is approximately 23 acres, ~~and is owned by the Santa Fe Land Improvement Company and Atchison Topeka & Santa Fe Railway. However, additional vacant land totaling 15 acres, under the jurisdiction of the Port District, lies adjacent to the west, southeast of 32nd Street and Tideland Avenue, and east and north of the boat launch facilities. The Port's Master Plan designates the area for commercial recreation and Public Park. It is important to emphasize that the development of this area should be closely coordinated with the Port during the project planning phase. Also, to ensure a well integrated and quality development, the concurrent development of both the National City parcel and the Port District parcel should be encouraged.~~

Although the tourist/visitor commercial designation covers a broad range of uses, one or two anchor uses should be sought for the area. ~~Particularly appropriate for the area would be an overnight use and a boating related use, the two activities with the greatest unmet demand. Desirable forms of overnight use include hotel or motel facilities, and/or a recreational vehicle park/campground complex. Such uses, in a close proximity to the Port's launching ramp and the Army Corps' proposed recreational features, would have apparent possibilities. The Balanced Plan includes the expansion of Pepper Park, a new dry boat storage, and additional boat piers, RV park, and future hotels all within the Port District jurisdiction. Development of a marina on adjacent Port District property may also be appropriate. With the proposed extension of the channel for the flood control project, increased boat usage will become even more desirable. Other boating related facilities that would be appropriate include a dry storage area and a sales/service establishment. Again, available space for boat storage near San Diego Bay is at a premium and the situation is only going to become tighter. A stacked or tiered dry storage area, similar to that at Perez Cove on Mission Bay, would be a desirable use at the National City location. With an overnight use and~~

~~boating use serving as anchors, it can be expected that other related uses such as eating establishments and specialty shops will be attracted to the area.~~

The area to the north of the Paradise Marsh, east of the SD&AE railroad right-of-way and south of ~~24th Street~~ Bay Marina Drive is also designated for tourist commercial use. As part of the Balanced Plan, a transition area from the working waterfront to expanded recreational facilities will provide a gateway to the National City Bayfront.

~~A transition from existing industrial uses to future commercial is appropriate to provide a gateway to the Bayfront and Port area.~~

## INDUSTRIAL

National City's portion of the coastal zone includes two separate areas that are characterized by industrial development. The most heavily industrialized area is located west of I-5. It is almost entirely developed with medium industrial uses, and is designated "Medium ~~Industrial~~Manufacturing" and "Heavy ~~Industrial~~Manufacturing" in the General Plan. Truck access in this planning area is from I-5 and includes limited rail access. The other industrial area within National City's eCoastal zZone is the Sweetwater industrial area which is 160 acres in size and located east of I-5. The area is well served by truck access via I-5, rail access, and ship access through Port District lands. The other industrial area within National City's coastal zone is the Sweetwater industrial area which is 160 acres in size and located east of I-5. The entire central portion of this area has been reserved for the joint Army Corps/CALTRANS Sweetwater River flood control channel and Highway 54 project and is designated as open space. The areas to the north and south are virtually all developed with light industrial use and some commercial areas fronting on National City Boulevard. As in the General Plan, both areas are designated for industrial and commercial use in the Land Use Plan. As further described in the Balanced Plan section of the LCP, the City proposes to rezone Parcels 1, 2, 3, 5, and 6 from MM (Medium ~~Industrial~~Manufacturing) to CT (Tourist Commercial), which could allow these parcels to be developed with hotel, restaurant, retail, and/or some combination of tourist-/visitor-serving commercial uses.

National City's ~~coastal zone~~Coastal Zone is largely characterized by industrial development, much of which is related to the proximity of the ~~Port's operations~~container terminal and wharfage. Due, in large part to the attraction of the marine terminal, virtually all of the industrial zoned land in National City's Bayfront has been developed. ~~New industrial development and redevelopment will occur as older residential uses are eliminated; however, the assemblage of parcels large enough to accommodate and attract major industrial uses will be difficult. Taken together with the fact that National City has no direct bay frontage, the imposition of a policy giving preference only to marine related industrial use could be unnecessarily burdensome.~~

~~In most situations, the free market should adequately handle the allocation of available industrial land to marine related industrial uses. The reason being that industrial uses that benefit from a coastal oriented location will compete more effectively for such parcels. However, a land use policy which would allow the free market to operate with the minimum regulatory intervention, and would also achieve consistency with the objectives of the Coastal Act for coastal dependent industrial activity would be advisable. Such a policy would only be applicable in situations where different industrial uses are competing for land, and in such instances would assign priority to marine related industry.~~

## OPEN SPACE/WETLAND PRESERVE

The wetlands of the Paradise Creek Marsh, including salt marsh, freshwater marsh, salt-pan, [Sweetwater eChannel](#), and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved. To that end, the plan designation for these areas is OPEN SPACE/WETLAND PRESERVE.

The value of the Paradise Marsh includes, but is not limited to, the following:

- Through photosynthesis of algal species, the marsh provides an oxygen supply for the waters of San Diego Bay, necessary for survival of fish species and natural pollution impact abatement.
- Flushing of plant and animal detritus from the marsh provides organic matter important for food chains in the bay.
- The marsh acts as a nursery for at least nine fish species, including several important sport fish species.
- The wetland habitats are extremely important wildlife areas, supporting a very high diversity of bird species. These include a number of sensitive species, i.e., Belding's Savannah Sparrow, [California Least Tern](#) and ~~potentially~~ the Light-footed Clapper Rail. The wetlands also are an important stop-over point for migratory species along the Pacific Flyway.

Potential uses for wetlands are:

- ~~Basic~~ [Scientific research](#), ~~nature study, or~~ [educational uses](#);
- Passive recreation (i.e., bird watching);
- A possible source for applied research into the use of marsh species to introduce salt-tolerant genes into economically important plants (in agriculture), through selective cross-breeding.

One technique of preserving wetlands commonly referred to is the provision of a buffer area between the wetland and development. The ~~Coastal Commission~~ [state and federal resource agencies](#) generally recommends that development be set back 100 feet from the landward edge of a wetland. The 100-foot wide buffer may be increased or decreased in consultation with the ~~Department of Fish and Game~~ [resource agencies](#). The purpose of the 100-foot buffer is to ensure that the type and scale of development will not significantly degrade the adjacent habitat area. ~~The distinction must be made, however, that the application of the 100-foot buffer assumes that the area surrounding the wetland is substantially undeveloped.~~ With respect to Paradise marsh, the wetland is almost entirely surrounded by existing industrial development and transportation corridors including lumber storage yards, slaughter houses, steel fabricating plant, I-5, and rights-of-way for the AT&SF and SD&AE Railroads. ~~In most locations, this existing development lies immediately adjacent to the landward edge of the wetlands. In such situations, the Commission's guidelines recommend that new development observe an appropriate setback based on unique characteristics of the property. It should also be noted that the marsh areas recommended and required for acquisition as mitigation for the Sweetwater River Flood Control Channel/Route 54 freeway project were determined to include necessary buffers.~~

The essential measure necessary to guarantee the preservation of Paradise Marsh is the maintenance of tidal flushing. As long as the marsh is kept open to tidal flushing and free from industrial and urban run-off, the existing water quality will be maintained at acceptable levels. and as long as the major input of freshwater continues to be runoff from the upstream areas rather than industrial discharge, the existing water quality will be maintained at acceptable levels. Other management alternatives, such as implementing increased street sweeping programs or sediment control measures in selected subbasins, do not appear to be necessary on the basis of the data and results presently available.

## CHAPTER 1

### THE COASTAL ACT

#### HISTORY

Traditionally, the regulation of land use along California's coastline has been by local government pursuant to State Planning and Zoning Law. This enabling legislation mandates local governments to prepare general plans and zoning to ensure orderly physical growth and development within their jurisdictions as well as the protection of public health, safety and welfare.

However, local control over land use in the coastal zone was significantly modified with the passage of the California Coastal Zone Conservation Act by the voters of California in November, 1972. In approving Proposition 20, the people of California declared that;

“The permanent protection of the remaining natural and scenic resources of the coastal zone is a paramount concern to present and future residents of the state and nation”, and

“It is the policy of the state to preserve, protect, and where possible, to restore the resources of the coastal zone for enjoyment of the current and succeeding generations.”

Proposition 20 set forth a distinct role for the State in coastal land use matters, and created the California Coastal Zone Conservation Commission. The mandated mission of the Coastal Commission was to prepare a statewide comprehensive plan for the “orderly, long-range conservation and the management of the coast”, and to regulate development while the plan was being prepared. Preparation of the Coastal Plan commenced in 1973, and it was submitted to the state legislature in December, 1975. Based upon the Coastal Plan and the Commission's experience of the preceding years, the California legislature passed the California Coastal Act in August, 1976.

#### GOALS AND POLICIES

The Coastal Act of 1976 in its opening section, Section 30001, contains the following finding and declaration of the state legislature:

- (a) That the California coastal zone is a distinct and valuable resource of vital and enduring interest to all the people and exists as a delicately ~~balanced~~ balanced ecosystem.
- (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.
- (c) That to promote the public safety, health, and welfare and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

- (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone. (Amended by Cal. Stats. 1979 Ch. 1090)

The basic goals of the legislature for the Coastal Zone are defined in Section 30001.5 of the Coastal Act:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.
- (b) Assure orderly, ~~balance~~balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal related development over other development on the coast. (Amended by Cal. Stats. 1979, Ch. 1090)
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development of mutually beneficial uses, including educational uses, in the coastal zone.

The heart of the Coastal Act is found in Chapter 3, Coastal Resources Planning and Management Policies. These policies constitute the standards that local plans must meet in order to be certified by the State as well as the yardstick for evaluating proposed developments within the coastal zone. Topics covered by coastal policies include: beach access, recreation, marine environment, environmentally sensitive habitat areas, agriculture, visual resources, and coastal dependent and industrial development. In essence, these policies are the rules for future growth and development in the coastal zone.

### IMPLEMENTATION

The implementation of the Coastal Act is predicated upon the involvement of local government. Section 3004 of the Act declares that “to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.” To this end, the Act directs each local government within the coastal zone, wholly or partly, to prepare a Local Coastal Program (LCP). An LCP consist of a local government’s land use plans, zoning ordinances, zoning district maps, and implementing actions which implement the provisions and policies of the Coastal Act at the local level. (30108.6).

The basis of the LCP is the land use plan. According to the Coastal Act, the land use plan means the “relevant portions of a local government’s general plan, or local coastal element, which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.” (32108.5) The zoning ordinances and district maps are the legal tools for implementing the land use plan. The Coastal Act also requires each LCP to “contain a specific public access component to assure that maximum access to the coast and public recreation areas is provided.”

During preparation of a Local Coastal Program, local governments should coordinate planning with affected local, regional, state, and federal agencies, and provide the maximum opportunity for public participation. Under the Coastal Act, the responsibility for ensuring meaningful public participation rests with both the Coastal commission and local government; however, the local government retains the primary responsibility for involving the public in the actual planning process.

After the LCP has been reviewed and approved by the local government, it is then submitted to the State Coastal Commission for review. In certifying the land use plan, the Commission must find that the plan conforms to Chapter 3 of the Coastal Act, and contains the required public access component. The zoning and implementing ordinances are then reviewed to determine conformance with the approved land use plan. Once the land use plan and implementing ordinances have been certified, the review authority for new development within the coastal zone will revert from the Coastal Commission to local government. The local government in issuing coastal development permits must then make the finding that the development is in conformity with the approved LCP.

The State Commission will continue to exercise permit jurisdiction over certain kinds of developments (i.e., development in state tidelands). The State Commission will also review amendments to LCPs, and continue to hear permit appeals. However, only certain kinds of developments can be appealed after a local government’s LCP has been certified; these include:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) of this subdivision located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face, of any coastal bluff.
- (3) Any development which constitutes a major public works project or major energy facility. The phrase “major public works project or major energy facility” as used in Public Resources Code Section 30603(a)(5) shall mean any proposed public works project, as defined by Section 13012 of the Coastal Commission Regulations (Title 14, California Administrative Code, Division 5.5) or energy facility, as defined by Public Resources Code Section 30107.

## CHAPTER II

### NATIONAL CITY

#### HISTORY

The City of National City is located ~~long~~ along the eastern shores of San Diego Bay within the urbanized South Bay area of the San Diego Region. The City of San Diego's central business district lies approximately five miles to the north. It is bordered by the City of San Diego to the north and east, and by Chula Vista to the south. The National City incorporated area includes approximately 8.65 square miles. The population of National City is currently 55,408 (January 1, 1986 est.).

National City is a general law city, incorporated in 1887, and is the second oldest city in San Diego County. Founded in 1868 by Frank Kimball as a competitor to Alonzo Horton's new San Diego venture, it was planned to be a major terminus for the railroads then opening lines to the West Coast. Although the railroads chose other cities for their terminals, the agriculture industry flourished. Population grew slowly until the great boom of the 1940's, when the population more than doubled in ten years. This was due to the large number of servicemen brought to the area during World War II. National City's population has fluctuated greatly since then, reflecting changes in the number of military personnel on base. However, household population has continued to increase in a more stable, steady manner, as has the general industrial base.

In modern times, the City's community members are subject to one the highest levels of toxic air pollution in the state stemming from the near-by Port operations and vehicular traveling along I-5. Prior to the Balanced Plan, the area had few recreational amenities and access to the bay was severely limited due to the industrialized waterfront. While direct access to the bay continues to be problematic the development of the marina, expansion of Pepper Park, and addition of new restaurants, and new hotels havewill help-helped increase bayfront usage by local and regional visitors. The 2022 Balanced Plan's intent is to allow for the continued use and expansion of the working waterfront, while at the same time providing for new lower cost visitor serving uses for the community and region. The efforts to reduce toxic emissions from Port District industrial uses remains a paramount goal and priority for the City.

#### COASTAL ZONE

The ~~C~~oastal ~~Z~~zone of National City includes all the area west of I-5, and a small area east of I-5 south of 30th Street. However, the coastal zone is controlled by three separate governmental agencies: the San Diego Unified Port District, the United States Navy, and the City of National City. The ~~coastal zone area over which National City retains~~City's retained jurisdiction totals approximately ~~575-561~~ acres, and is bounded by the Navy Lands to the north, the Chula Vista Bayfront to the south, and the Port District jurisdiction to the west.

#### RELATED COASTAL PLANS

Plans adopted by the San Diego Unified Port District and the City of Chula Vista designate land uses adjacent to National City's coastal jurisdiction. They also designate ~~transportation facilities~~uses which extend ~~into or through~~near National City's jurisdiction. National City's coastal land use designations and proposed circulation improvements should be based upon consideration of the plans of the adjacent jurisdictions to the extent that compatible uses ~~-can be developed.~~are developed. ~~National City's policies, however, need not be decided to implement plans of adjacent jurisdictions.~~

The Port District has jurisdiction ~~approximately 250~~280 acres of land area. ~~over all of the state tidelands bayward of the adjudicated mean high tide line, approximately 250 acres of land area.~~ The Port jurisdiction also includes an isolated parcel of tidelands which is located in the salt flats south of Chula Vista and is connected to National City by a 300-foot wide corridor through San Diego Bay. The Port District submitted its Master Plan to the Coastal Commission, and it was conditionally approved in October, 1980. The Port District's plan designated land areas west of the mean high tide line primarily for industrial use. It designates areas south of 32nd Street and generally east of Tidelands Avenue for commercial recreation and for park uses along the Sweetwater Channel, with vista area, public fishing, and bridge, boat launching ramp, public access and comfort station. The park designation reflects existing uses with expansion to the east. The channel itself is designated for berthing and navigation corridor up to the boat launching facilities, with open bay further east. National City's land use designations for adjacent area are complementary to the Port's.

As described in the Balanced Plan section of this LCP, the Balanced Plan proposes the removal of approximately 12.4 acres within the Balanced Plan area, located mostly on the current day GB Capital leasehold east of the mean high tide line and on land owned in fee by the District, from the City's General Plan, LCP, and LCP, and LUC to reflect changes in land use and jurisdictional authority. This change will clarify the jurisdictional boundary between the City and the District and will be reflected on all City zoning and General Plan maps. These lands are not currently regulated by the PMP and this jurisdictional amendment will ensure consistency with the California Coastal Act, Public Trust Doctrine, and Act. The District will amend its PMP map accordingly.

~~The Port District is studying the feasibility of marina development in the area north of the Sweetwater Channel, adjacent to National City coastal jurisdiction. Marina development would complement National City's plans for tourist commercial and recreational use in the area.~~

The Port's plan also provides for the extension of off-ramps from I-5 and Route 54 through the National City Bayfront to 32nd Street. However, the off-ramps are not included in current State freeway plans. The Port's plan also indicates the need to connect Tidelands Avenue from National City to Chula Vista, via bridge over the channel. However, Chula Vista's Local Coastal Program locates a bridge in the vicinity of the SD&AE railroad right-of-way, generally in line with the proposed extension of Harrison Avenue.

Chula Vista's land use plan, approved by the State Coastal Commission in 1984 and subsequently amended, designates 21 acres across the channel from National City for marina related uses, which includes commercial uses related to waterfront activities, ship repair services and boat marinas or haul out areas. Chula Vista's Bayfront Specific Plan permits dredging for a small marina for 200 boats just west of the proposed bridge to cross the channel. The Port District also has jurisdiction over lands across the channel from National City west of area included in Chula Vista's Local Coastal Program. The Port District lands in Chula Vista across the channel from National City are designated for marine sales and services and, at the most westerly location, expansion reserve.

Under the jurisdiction of the United States Navy is approximately 300 acres and 8,300 lineal feet of bay frontage. Federal lands are under the jurisdiction of the Federal Coastal Zone Management Act, which states that military lands shall comply with coastal planning to the extent that national security is not imperiled.

### COASTAL ZONE SUBAREAS

National City's Coastal Zone ~~coastal zone~~ can be divided into four districts: the industrial area west of I-5 (Subarea I), the Paradise Marsh wetlands area (Subarea II), the Sweetwater industrial area east of I-5 and south of 30th Street (Subarea III), and the I-5 freeway and San Diego Trolley rights-of-way (Subarea IV).

#### SUBAREA I

The industrial area west of I-5 contains approximately 210 acres and is almost entirely developed with light and medium industrial uses. The Combined General Plan/Zoning Map designates the area as primarily "MM", Medium Manufacturing with a small portion of "MH", Heavy Manufacturing. Approximately 6.4 acres located north of the marsh, east of the SD&AE railroad right-of-way, and south of ~~24th Street~~ Bay Marina Drive are designated for tourist commercial use, but contain industrial uses (meat packing). The area provides the entryway to National City's Bayfront. The area is well served by truck access via I-5, rail access, and ship access through the Port District. There are a number of older residential uses located in this area, which would be considered non-conforming with the General Plan and zoning designation of industrial.

#### SUBAREA II

The Paradise Marsh area contains approximately 75 acres and consists primarily of wetlands. The marsh was originally formed by Paradise Creek, which entered the area from the northeast and flowed across what is now the Port District property to the Bay. The filling of the Port District property destroyed the natural creek bed. The creek now runs due south in a man-made channel to the Sweetwater River and hence into the Bay. This channel allows limited tidal action to enter the marsh.

Upstream of the marsh, outside of the coastal area, Paradise Creek has also been altered. The drainage area has been reduced due to urban development, and the creek is entirely contained in man-made drainage facilities. It enters the marsh through culverts under I-5.

National City's General Plan designated this area as Open Space Reserve for preservation of open space wetlands and passive recreational use, and as Tourist Commercial, with the recognition that this area is the only potential area for waterfront recreational facilities.

### SUBAREA III

The Sweetwater industrial area contains approximately 160 acres. The entire central portion of this area has been reserved for the Route 54/Sweetwater River Flood Control Channel Project.

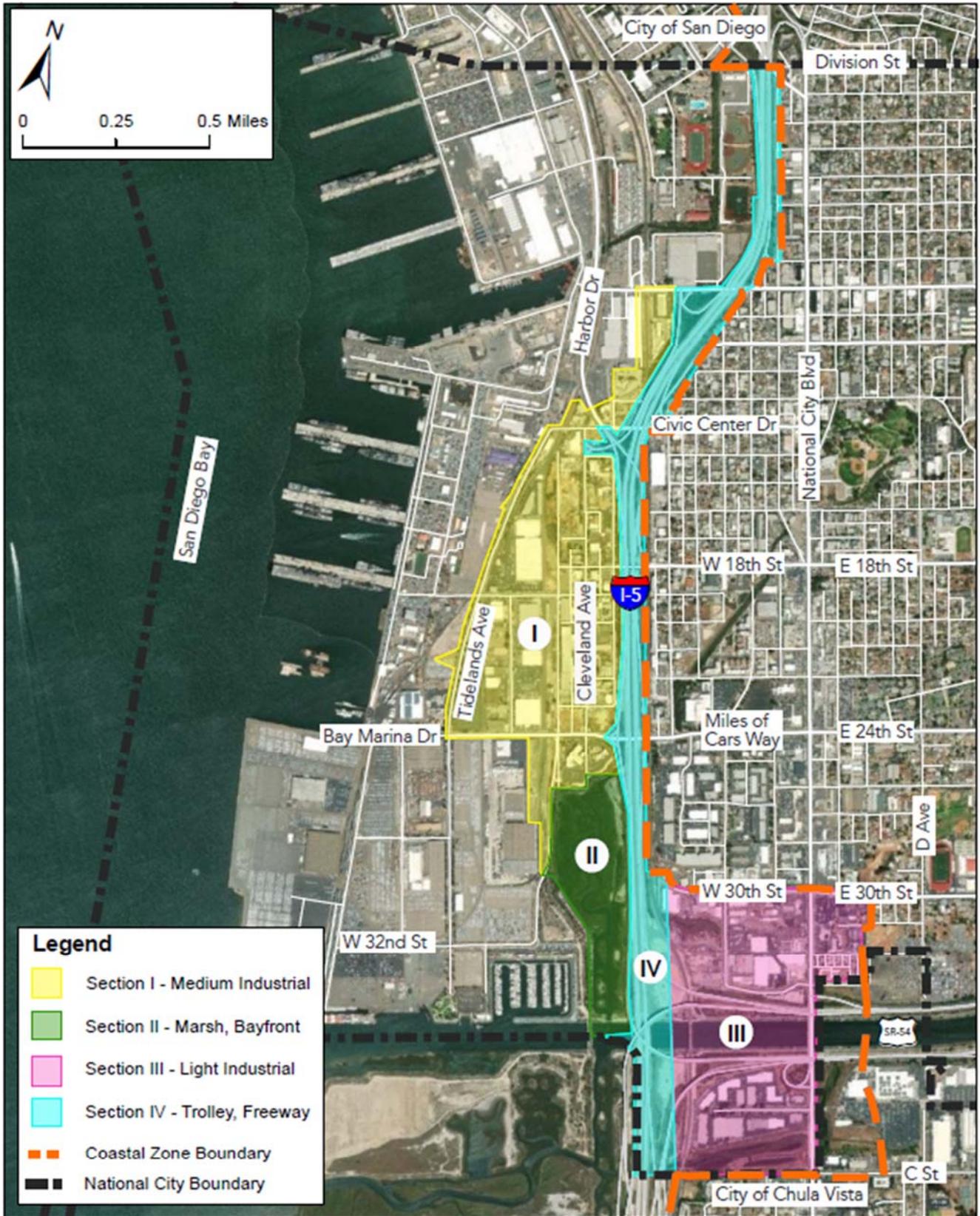
This project combines the construction of State Highway Route 54 from I-805 to I-5 with the construction of a flood control channel from approximately 600 ft. west of Plaza Bonita Road, immediately upstream of I-805, to San Diego Bay. The flood control channel would generally occupy the area between eastbound and westbound lanes of Route 54. In addition, the project proposes the acquisition of a total of 188 acres of marshlands in both the Sweetwater and Paradise Marshes. This acquisition includes 44 acres as compensation for the impacts of the project and 144 acres for preservation of habitat for endangered species.

The project also includes a recreation element consisting of bicycle, equestrian, and pedestrian trails, rest and staging areas, and shoreline access and recreational features (to be located in Subarea II).

The remaining portions of the area are either designated for and/or partially developed with light industrial uses and some commercial areas fronting on National City Boulevard.

### SUBAREA IV

The Interstate 5 Freeway and ~~San Diego Trolley System~~ (MTSDB) ~~right-of-ways~~rights-of-way include approximately 130 acres. The two regional transportation facilities are separated from discussion of the other subareas for two reasons. First, the two facilities are existing and under the jurisdiction of the State Department of Transportation (Caltrans) and Metropolitan Transit ~~Development Board~~System (MTDB/MTS). Second, the facilities and right-of-ways provide existing access and are designated as Open Space by the Combined General Plan/Zoning Map. Other than landscaping and transportation related improvements, no development in the subarea is anticipated.



National City Subareas

Figure 6

CHAPTER III  
PUBLIC ACCESS  
(PUBLIC ACCESS COMPONENT)

COASTAL ACT POLICIES

Sections 30210, 30211, 30212 and 30214 require that public access and recreational opportunities be provided for all the people; that development not interfere with the public's right of access; that new development provide public access to the shoreline; and that public access be managed to protect fragile resources and property rights.

EXISTING CONDITIONS

The United States Navy controls approximately two-thirds of National City's Bayfront, through which public access is expressly prohibited. The remainder of the Bayfront is under the jurisdiction of the Unified Port District, and is developed predominantly with industrial uses. However, the Port has developed a launching ramp and an adjacent public recreation area which accommodates public access to the shoreline - both pedestrian and boating. In addition, it should be pointed out that considerable off-road vehicle activity has taken place in the area. ORV access occurs through Port lands and overlaps into National City's jurisdiction. Because of numerous problems, including vandalism, violence and accidents, the Port has erected a fence to discourage such use.

The only opportunity for public access within the limits of the City is Paradise Marsh and its surrounding lands. However, there is presently no public access to nor public use of this area. Although the Paradise Marsh is subject to limited tidal flow, it is not public tidelands and is not in public ownership. The northern portion of Paradise Marsh west of I-5 will be acquired by the federal government as a condition of approval of the Sweetwater River Flood Control project. The southern portion west of I-5 is Caltrans right-of-way.

EXISTING PLANNING AND ZONING

National City's combined General Plan/Zoning Map designates the Paradise Marsh area as Open Space Reserve (OSR) and Tourist Commercial (CT). The Open Space Reserve designation will preserve wetland areas and provide for passive recreational use, i.e. nature study. The Tourist Commercial designation is established for the provision of services, goods and accommodations for visitors to the area.

~~The City of National City has historically recognized the Paradise Marsh area as the only potential area for waterfront recreational facilities, and thus public shoreline access.~~

The General Plan contains several policy statements which support the concept of increased public access to and use of National City's Bayfront. These policies speak to supporting the Bay-Route Bikeway, Sweetwater Regional Park Connection, and improved transit to the area.

Other planning which would affect the National City Coastal Zone is the Highway 54/Sweetwater flood control project. CALTRANS and Army Corps of Engineers are lead agencies for the project. The recreational aspects of the flood control channel will be discussed in more detail in the Recreation section. With respect to access, the proposed Highway 54 project will improve access to National City's Bayfront. A direct connection from Route 54 and I-5 to the 32nd Street area should be encouraged to further improve access.

## ANALYSIS

### DEMAND

The subject of demand will be explored more thoroughly in the next section dealing with Recreation. However, it should be pointed out that the demand for coastal recreation, and therefore public access to coastal areas, is increasing at a very fast rate. CPO, in their Coastal Access Study for the San Diego Region, estimated that the demand for coastal recreation will increase by 55% over the next 20 years.

### TRAVEL MODE

The CPO study contains other revealing information as to how individuals actually travel to coastal areas. According to their survey, 80% of all coastal trips are by private vehicle (primarily the automobile), 11% by walking, 6% by bicycle, and 4% by transit. Because of the extremely high incidence of automobile usage shown in the survey, the factors of traffic congestion and parking availability become crucial to shoreline access. In examining the National City situation, no problem presently exists with respect to access by automobile. Information available through both National City and the Port District indicates that traffic counts and projections are well below designed capacities on Tidelands Avenue and [24th Street Bay Marina Drive](#). However, factors other than traffic counts must be considered in evaluating vehicular access to the recreational areas, existing and potential, along National City's Bayfront. Several factors which could result in definite conflict between recreational and industrial use include the type of vehicle, the frequency of railroad and container activity and the effectiveness of the [24th Street Bay Marina Drive/I-5](#) intersection. With respect to the type of vehicle, large lumber hauling are continuously traveling along and across Tidelands Avenue to service the lumber yards. The Port's container terminal at [24th Street Bay Marina Drive](#) is scheduled for expansion, which will result in similar increases in truck and rail traffic in the area. Finally, the functional design of the [24th Street Bay Marina Drive](#) intersection with I-5 has presented problems with drainage and difficult turning maneuvers for larger vehicles. Fortunately, peak travel times for recreational trips usually do not coincide with trip to work peaks. Although industrial activity along the Port does not follow an 8 to 5 Monday through Friday regimen, no intolerable conflicts between recreational and industrial traffic are foreseen.

In conjunction with the CALTRANS Highway 54 project, a 32nd Street off-ramp that would also serve I-5 was proposed but has been deleted from State freeway plans. This new off-ramp would have provided direct vehicular access into the recreational areas of the Bayfront, bypassing most industrial areas. Also, as a part of this LCP a new access road is proposed to provide more direct access to the Bayfront. This new road is proposed to intersect with [24th Street Bay Marina Drive](#)

between the ~~right-of-ways~~rights-of-way for the AT&SF and SD&AE railroads, and connect with 32nd Street. Although the new road would still be dependent upon the ~~24th Street~~ Bay Marina Drive /I-5 intersection, it would bypass the majority of the industrial areas and would improve both ingress and egress to the proposed recreational area.

Parking capacity is, of course, a prime determinant in assessing recreational access. Although on peak summer weekends the parking lot for the Port's launching ramp and park sometimes overflows, availability of parking in the area is not considered critical. On-street parking is abundant in the area, and even with the unauthorized ORV activity in the area, parking has been available. As the area develops with more formalized and permanent uses, care must be taken that adequate parking is provided.

Recent developments in the realm of public transit and bicycle travel have some potential for improving recreational access to National City's Bayfront through travel modes other than the automobile. Those developments are the Metropolitan Transit Development Board's "San Diego Trolley" along the main line of the old SD&AE railroad right-of-way, and the Bay Route~~Bayshore~~ Bikeway. The MTDB-MTS trolley incorporates a station (24th Street) at 24th Street~~Mile of Cars Way and Wilson Avenue~~. The 24th Street station is used for commuter traffic. However, presuming that the National City Bayfront will become a visitor destination, the proximity of the 24th Street station would be of potential benefit. It is within short walking distance from the designated tourist commercial area north of Paradise Marsh on the south side of 24th Street~~Bay Marina Drive~~Bay Marina Drive. However, pedestrian and bicycle facilities underneath the I-5 freeway could be improved to increase separation from traffic and the safety and comfort of users. While the station location may be beyond comfortable walking range for some users from potential recreation areas at the Sweetwater River channel, other intermediate modes such as bicycles or jitneys may be feasible. The 24th Street station also connects with routes for National City Transit.

The Bay Route~~Bayshore~~ Bikeway presents another mode of travel which has positive potential for National City.<sup>5</sup> In its original form, the bikeway was to have passed right by Paradise Marsh and its adjacent lands along the extension of Tidelands Avenue across Sweetwater Marsh. The Coastal Commission, in separate actions, eliminated the extension of Tidelands Avenue across Sweetwater Marsh, and approved an alternative route for the bikeway that would take it up 24th Street~~Bay Marina Drive~~ to National City Boulevard. Although the original route would have been much more conducive for public access to the National City area, the current routing still retains access potential. The extension of a secondary route to the Port's launching ramp and Paradise Marsh complex would be entirely appropriate and consistent with both National City's General Plan and the Port Master Plan.

~~Because a direct connection with Chula Vista Bayfront would be preferable to the National City Boulevard routing now approved for the Bay Route Bikeway, efforts to provide a direct connection should not be abandoned. One alternative alignment which would be consistent with the Coastal Commission goal of preserving Sweetwater Marsh would be to utilize the abandoned Coronado Beach line of the SD&AE railroad which already crosses the marsh on trestles. The SD&AE right-of-way is now owned by MTDB; however, the fixed rail transit system will be using the mainline which is east of I-5. Providing that appropriate agreements can be reached with MTDB to use the old branch line for bikeway purposes, recreation and commuter bicycle access in the area will be~~

~~greatly improved. The Regional Transportation Plan adopted by the San Diego Association of Governments still designates the future Bay Route Bikeway crossing the Sweetwater River west of I-5.~~

~~The City of Chula Vista Local Coastal Program designates a roadway crossing with bicycle lanes over the Sweetwater River channel, along the alignment of the SD&AE railroad right of way. A bicycle lane crossing should be encouraged independent of decisions to be reached on the potential roadway crossing.~~

~~The roadway crossing proposed by Chula Vista between National City and Chula Vista Bayfront areas requires further study. Proposed policies do not require its construction. However, public access policy 8 requires a new roadway extension in the area westerly of Paradise Marsh (Harrison Avenue extension). If found desirable, it could extend to a bridge. An amendment could be pursued to add the bridge to the Land Use Plan. Proposed recreation policy 3 requires that a Specific Plan address traffic circulation and roadway improvements, in conjunction with development plans for the tourist commercial area west of Paradise Marsh.~~

~~The trails systems, (equestrian, bicycle and pedestrian), proposed in conjunction with the County's Sweetwater Regional Park and the Army Corps Sweetwater River Flood Control Channel, are other access potentials that should be actively encouraged. These trails are of particular importance since they would provide direct linkage between the Bayfront and inland areas.~~

## LOCATION

As previously discussed, the only area that has potential for public shoreline access within National City's corporate boundaries is Paradise Marsh and its surrounding lands. The reason for this is simply because it is the only area within National City's jurisdiction that has a shoreline.

It should be noted, however, that provisions are made for public access within the immediate area. The Port District's boat launching ramp and recreational area is located directly adjacent to National City's jurisdictional limit, and provides shoreline access for the boating enthusiast, the fisherman, and the general recreationist. Whereas the Port has made a concerted effort to accommodate public access and use within its jurisdiction, the U.S. Navy has not- due to security concern for the naval bases, which is- ~~When considering the security requirements of naval operations, the prohibition of the public for recreational use is appropriate and~~ consistent with the Federal Coastal Zone Management Act.

When assessing the locational needs of public access, care should be taken to differentiate between vertical and lateral access. Vertical meaning access to the shoreline, and lateral meaning access along the shoreline. Rather than reciting all the information contained in the Coastal Commission's Interpretive Guidelines for access, suffice it to say that both forms of access are needed in National City.

## REGULATION AND MANAGEMENT

As established in the General Plan and in the Coastal Act, it is a desired goal to provide public shoreline access within the city limits of National City. Thus far, the potential location for such access and the alternative travel modes to reach it, have been discussed. What will now be examined are the various methods by which the public access can be protected and provided in accordance with City objectives and the Coastal Act.

~~The first method to be investigated would be through public action. Since the Paradise Marsh and its adjacent lands are privately held (Santa Fe Land Company), the feasibility of public action (acquisition, eminent domain) is questionable because of cost and time involved. However, public action for acquisition and development should be considered as an option to provide public facilities and attract appropriate, private development.~~

The most economic method for the local government would be the dedication of public accessways at the time of development; this action is specifically allowed by the Coastal Act (Section 30212). Essentially, there are three forms such dedications can take: deed restriction, grant of fee interest, or grant of an easement. Taking into account the development potential of the area adjacent to Paradise Marsh, the most appropriate method of providing access would be through deed restrictions. With a deed restriction, no interest in the land proposed for access is granted and the land owner retains responsibility for the access way. Deed restrictions are especially suited for commercial/recreational developments, since the security needs of the facility and maintenance of the accessways are most effectively handled by the owner/operator of the development. Other methods would be appropriate for obtaining public roadway and park areas. The provision of public access concurrent with private development is not envisioned as a problem since the type and form of development envisioned would be predicated upon public use and enjoyment.

Another consideration in the provision of public access, especially in areas adjacent to wetlands, is that the resource areas are protected from overuse. Achieving consistency with this section of the Coastal Act (30210) is really a matter of design, [habitat buffers](#), and location of the access way. Lateral accessways, especially along the shoreline of Paradise Marsh, should be set back a sufficient distance to ensure protection of the marsh. ~~However, closer proximity to the marsh can be achieved through the utilization of controlled access points.~~ Overall, access ways should be provided and identified in accordance with the coastal access standards adopted by the Coastal Commission and Coastal Conservancy.

~~A final point on public access has to do with prescriptive rights. In brief, prescriptive rights deals with the legal doctrine of implied dedication, which grants the right of pass and repass over private property to the public if they have not been restricted from passing over that property for a specified number of years. Prescriptive rights may be considered where appropriate, especially, if development does not occur in the near future and if access is not acquired as a condition of development. However, there are no areas in the National City coastal zone where prescriptive rights have been determined to exist. New development, however, should be reviewed to determine that it will not interfere with desirable public access that may be established on or across private property. In addition, it would be in the public interest to provide for controlled access with appropriately designed development, whether public or private.~~

## POLICY RECOMMENDATIONS

- ~~1. New public shoreline accessways shall be designated to and along Paradise Marsh and the Sweetwater River Channel as generally shown in Figure No. 4.~~
- ~~2. Public accessways as designated in Condition Number One shall be provided in conjunction with new development and protected through public access easements or other suitable means of conveyance.~~
1. In order to provide new public shoreline accessways, the City will seek the assistance of the Coastal Conservancy, or other appropriate agency, to acquire, plan, and finance public shoreline access.
2. The precise location, design and identification of public accessways shall be consistent, to the maximum degree feasible, with the coastal access standards prepared jointly by the Coastal Commission, resource agencies, and the Coastal Conservancy.
3. As indicated in the General Plan, it is the City's policy that the Bayshore Bikeway continue its development south of Bay Marina Drive
- 2.4. Alternative modes of access to National City's Bayfront shall be actively encouraged. ~~Specifically, the trail systems proposed as a part of the Army Corps Sweetwater River Flood Control Channel project, which would provide linkage from National City's Bayfront to inland areas, are supported.~~
- 3.5. All new development shall incorporate adequate on-site parking to accommodate the parking demand generated. The number of required parking spaces for new development shall be determined during the implementation phase of the Local Coastal Program, but shall be, at a minimum, consistent with the schedule of parking requirements of the Municipal Code. ~~(Appendix III).~~
- 4.6. A new access road located westerly and parallel to the Paradise Marsh would extend southerly from the vicinity of Harrison Avenue at ~~24th Street~~ Bay Marina Drive to the National City Boat Launching Facilities and future marine oriented, commercial/and or recreational uses. A buffer shall be provided between the roadway and the marsh. A Specific Plan shall be prepared to identify desirable buffering between the marsh and roadway, located in the upland area west of Paradise Marsh. It should also proposed landscaping or other design elements to provide visual linkage and identity for the Paradise Marsh area and appropriate visual separation from the industrial area to the west and freeway to the east.

New development shall not interfere with desirable public access that may exist or be established by public use on or across private property, ~~i.e., prescriptive rights~~. Desirable public access shall include access to natural or constructed coastal, recreational resources, except where necessary to protect fragile coastal resources or public safety, or where adequately provided for in another area. ~~Development projects shall be reviewed to determine evidence of public use.~~

## CHAPTER 1V RECREATION

### COASTAL ACT POLICIES

Sections 30212.5, 30213, 30220-30223, and 30256(c) require the provision of public and low-cost recreation and visitor-serving facilities, and the protection of coastal water and land areas that are suitable for recreational use. Also, visitor-serving commercial uses designed to enhance public opportunities for coastal recreation are assigned a higher priority than other private residential or general commercial development. As previously discussed, the Balanced Plan creates new low-cost visitor serving amenities for the public; such as a: A dry boat storage facility, RV Park, expanded park spaces, boating finger piers, and improved access to the bay.

### EXISTING CONDITIONS

As mentioned in the previous section on access, the majority of National City's Bayfront is either under the jurisdiction of the United States Navy or the Unified Port District. In the case of the Navy lands, public access and recreational use is prohibited. The majority of the Port's holdings are developed with large scale industrial marine uses. The only provision for public recreation within the general area is the launching ramp and park provided by the Port. Approximately 7 acres of land area are devoted to this recreational use. The Port Master Plan reports that continued heavy use of the launching ramp and park is anticipated, and that the area is plagued with problems of vandalism and crime. The District has developed recreational opportunities in Pepper Park, the Aquatic Center, and the Pier 32 Marina. While all of these are within the District's jurisdiction, they do offer recreational opportunities and public access to both National City residents and the general public.

Also, as referenced in the section on Public Access, unauthorized off-road vehicle activity has been taking place on the undeveloped tidelands located east of the launching ramp and park. The ORV activity has also extended into areas within National City's jurisdiction around the Paradise Marsh, and the "D" Street fill in Chula Vista. Because of surveillance problems and intrusion into sensitive resource areas, the Port District has erected a fence around the perimeter of the area.

The only area within National City's portion of the Bayfront that is suitable for recreational use are the lands around Paradise Marsh. These lands are now privately owned and are not developed for any public recreational use. The City of National City has long recognized the potential of the Paradise Marsh area, and has examined this potential in both the General Plan and precise planning documents.

### EXISTING PLANNING AND ZONING

A discussion of the General Plan designations and policies relative to the recreational potential of the Paradise Marsh is presented in the preceding section on Public Access. Rather than duplicate that discussion, the primary proposals of the Sweetwater River Flood Control Channel plans will be examined.

## SWEETWATER RIVER PLANS

### ARMY CORPS FLOOD CONTROL CHANNEL

~~The recreation element of the Army Corps of Engineers' Sweetwater River Flood Control Channel Plan calls for bicycle, equestrian and pedestrian trails along the length of the channel on levees that would connect with the National City Bayfront and the County's Sweetwater Regional Park. A bicycle staging area is proposed to be located in the vicinity of the existing boat launching ramp, and would provide easy access to the Bay Route Bikeway. Also proposed are shoreline access and recreational features along the northern shore of the channel in the area easterly of the launching ramp.~~

### SAN DIEGO COUNTY SWEETWATER REGIONAL PARK

~~The purpose of mentioning the County's Sweetwater Regional Park is to highlight the potential of linking three recreational areas together: National City's Bayfront, Army Corps' Flood Control Channel, and the County's Regional Park. Such linkage is especially significant in terms of providing an access to and from inland areas and offering a high quality recreational experience.~~

## ANALYSIS

### DEMAND

To quote from the California Coastal Plan,

"The California coast provides an almost endless variety of recreational opportunities for people to play, to be refreshed, and to be inspired: wide sandy beaches for cooling off from the heat of the city, rocky headlands for exploring; high bluffs for watching the ever-changing ocean; waters for swimming, boating, surfing, and fishing; and tide pools, sea caves, and coastal wetlands for nature study. In short, the coast is a major provider of recreation important to the quality of life in California."

Even with the many public and commercial recreational opportunities and facilities which exist along the coast, a shortage of facilities persists for almost every popular recreational activity. According to the Coastal Plan, a reason for this situation is that 85% of California's population lives within 30 miles of the ocean. Although the exact demand for specific types of recreational facilities is difficult to project, studies universally indicate a continued high demand for the traditionally popular coastal activities such as fishing, sightseeing, beach and general day use throughout the southern portions of the state.

These same findings are particularly true for the San Diego coast. The CPO Coastal Access Study conservatively estimated that participation in recreational activities at coastal areas will grow by at least 55% over the next 20 years. The study also shows that the activities pursued by the highest number of participants are sunbathing, walking and swimming. Whereas sunbathing, walking and swimming are the most popular coastal recreational activities, the two activities which probably have the greatest unmet demand are beach camping and boating. San Diego County's Regional

Park Implementation Study states that the greatest unmet recreation need is for beach camping, and projected that, in 1980, 10% to 15% of the demand for overnight facilities would be met. With respect to boating, the Port District projected that available slip sites might be exhausted by 1985.

Of particular importance to National City is the fact that there is a pent-up demand for coastal recreation opportunities throughout the state and San Diego. Because the South Bay has comparatively fewer recreational areas than other coastal areas in the San Diego Region, it could be deduced that there is even a larger unmet demand for coastal recreation in the South Bay. Not only is there demand, but the activities which are most popular or in greatest demand are those which are especially suitable to National City's Bayfront.

#### ENVIRONMENTAL CONSTRAINTS NOTE: Let's discuss this section.

When discussing, in specific terms, the recreational development of National City's Bayfront in accordance with Coastal Act policy, the market, traffic usage, access, and other environmental constraints must first be considered.— The Environmental Impact Report of 2022 considered these factors in developing the Balanced Plan development program. The Balanced Plan was a careful balance between maritime--related industrial and the creation of new recreational facilities and uses. the environmental constraints must first be considered. In other words, what areas should be preserved, and what areas should be developed?

As explained in the Marsh Preservation discussion, the preservation of coastal wetland areas is a paramount objective of the Coastal Act. It is the position of both the U.S. Fish and Wildlife Service and the State Department of Fish and Game, that Paradise Creek Marsh is tidal marsh, and is an important and inseparable part of the Sweetwater Marsh complex. Any new recreational uses should be passive in nature. The obvious conclusion, based upon the Coastal Act and the mitigation plans for the Sweetwater River Flood Control Channel to acquire the Paradise Marsh, is that development in the marsh for intensive recreation cannot be considered. Both of these Both features are within federal ownership and are protected by existing regulations.

Realistically, restoration will be required to turn Paradise Marsh into a natural attraction. One factor that will have a positive influence is the construction of the Sweetwater River Flood Control Channel. Not only should the flood control channel improve water circulation to Paradise Marsh, but as a mitigation it is also proposed that the connection to the marsh be reconditioned. Another possible avenue to follow would be the involvement of the Coastal Conservancy. A similar restoration program is now underway for the San Dieguito Lagoon in Del Mar. Through funding by the Conservancy, a restoration plan for San Dieguito Lagoon was prepared. The Conservancy also funded the preparation of the engineering studies to accomplish the restoration work. Joint efforts with the Bayfront Conservancy Trust should also be considered. Enhancement of the Paradise Marsh could have secondary, beneficial effects to the Chula Vista Bayfront and Nature Interpretive Center.

With respect to the recreational potential of the marsh and its surrounding lands, a passive concept conducive to preservation should be observed. A logical separation between passive recreational uses and more active commercial recreational uses would be the SD&AE spur line that runs to the

~~west of Paradise Marsh. To ensure that the area will be utilized by the public, it is proposed that accessways be sited along the edges of the marsh in a controlled manner. It is also proposed that one or two viewing platforms be allowed adjacent to the wetland area in order to facilitate the observation of the wetland's flora and fauna. Such development would be consistent with Section 30233(c) which allows nature study activities to be located in wetland areas.~~

~~Beyond the SD&AE spur line, areas can begin a transition to a more active use. While no active play fields are proposed, landscaped areas that are suitable for picnicking and Frisbee throwing, etc., would be appropriate.~~

~~As a design element that would provide separation and a functional element that would provide access, a new road is proposed. As discussed in the Access section, the road would intersect 24th Street between the AT&SF and SD&AE railroad tracks and would run parallel with the tracks to the point at which it would turn or branch to the west and would provide access to 32nd Street and the Boat Launch facilities. This new road would provide better access to the area since it would bypass and eliminate the potential conflict with industrial traffic along Tidlands Avenue and 24th Street. Of equal importance, the road would open the area for recreational development. The road would also improve visual access and identity of the Paradise Marsh area. Specific roadway improvements will be determined by review of development projects. A Specific Plan will need to address traffic circulation and roadway improvements in conjunction with development plans for the tourist commercial area west of Paradise Marsh.~~

~~The area located west of the railroad spur, designated for tourist commercial and recreational use, within the jurisdiction of National City is approximately 30 acres, including 23 acres owned by the Santa Fe Land Company, the SD&AE railroad and SDG&E right of ways. However, additional vacant land totaling 15 acres, under the jurisdiction of the Port District, lies adjacent to the west. The Port's Master Plan designates the area for commercial recreation and Public Park. It is important to emphasize that the development of this area should be closely coordinated with the Port during the project planning phase. Also, to ensure a well integrated and quality development, the concurrent development of both the National City parcel and the Port District parcel should be encouraged.~~

~~Although the tourist commercial recreation designation covers a broad range of uses, one or two anchor uses should be sought for the area. Particularly appropriate for the area would be an overnight use and a boating related use, the two activities which the greatest unmet demand. Desirable forms of overnight use include hotel or motel facilities, and/or a recreational vehicle park/campground complex. Such uses, in a close proximity to the Port's launching ramp and the Army Corps' proposed recreational features, would have apparent possibilities. Development of a marina on adjacent Port District property may be appropriate. With the proposed extension of the channel for the flood control project, increased boat usage will become even more desirable. Other boating related facilities that would be appropriate include a dry storage area and a sales/service establishment. Again, available space for boat storage near San Diego Bay is at a premium and the situation is only going to become tighter. A stacked or tiered dry storage area, similar to that at Perez Cove on Mission Bay, would be a desirable use at the National City location. With an overnight use and boating use serving as anchors, it can be expected that other related uses such as eating establishments and specialty shops will be attracted to the area.~~

~~When assessing the potential for recreational development along National City's Bayfront, there are several additional factors which should not be ignored. One factor is the proximity to the 24th Street MTDB station. Although it is over a mile away and probably beyond comfortable walking distance, the station has a parking lot and provides direct service to such destinations as Tijuana, Seaport village, and downtown San Diego. Another consideration is the numerous bicycle trails which are being proposed in the area. Using National City as a starting point, bicyclists could easily reach the Bay Route Bikeway and the Sweetwater River Channel Bikeway. A final consideration is that the development of the area, especially with overnight uses, will do much to solve the problems of crime and vandalism in the area.~~

The 24<sup>th</sup> Street Bay Marina Drive trolley station and freeway access (to I-5 and State Route Rt. 54) at 24th Street Bay Marina Drive provide opportunities for tourist commercial development in the area north of Paradise Marsh, currently developed with meat packing facilities and parking lots. Streetscape and roadway improvements, or separated pedestrian facilities would be needed to improve pedestrian access from the trolley station under I-5 to the area.

Tourist commercial development at 24th Street Bay Marina Drive north of Paradise Marsh would provide a gateway to National City's Bayfront as well as to the Port. It would provide facilities such as restaurants, hotel or motel and other complementary uses to those intended at the Bayfront itself, west of Paradise Marsh. It should be developed to encourage bicycle and pedestrian users since it is within close proximity to both the trolley station and the recreational area along the Sweetwater River Channel.

## POLICY RECOMMENDATIONS

1. The National City Bayfront shall be designated for tourist commercial and recreational use, as indicated in the Land Use Plan (See Figure 2). 1). ~~Using the SD&AE railroad as a point of demarcation, consistent with the wetland area proposed for acquisition by the Army Corps of Engineers, the area located to the east, including Paradise Marsh and surrounding lands, shall be designated suitable for passive recreational uses only.~~ The areas to the west and to the north of the Marsh shall be designated for tourist commercial and recreational uses. Wetland resources located west of the railroad, Bayshore Bikeway ~~which are not proposed for public acquisition,~~ shall be protected from incompatible development, consistent with marsh preservation policies.
2. The passive recreational area would accommodate the preservation of Paradise Marsh, along with the provision of public accessways and landscaped areas. Public access would be provided and managed consistent with the public access component of the LCP and the maintenance of wetland resource values. Beyond this area, a transition to more active uses could begin. Landscaped areas suitable for picnicking and general recreation may be appropriate.
3. In order to meet specific recreational market demands and provide an attraction for secondary uses, overnight uses and boating uses shall be assigned the highest commercial development priority for the commercial recreational areas. For the area west of Paradise Marsh, appropriate

uses, as described in the Balanced Plan, include marina development, hotel/motel and restaurant facilities, recreational vehicle park/campground, dry-storage and boat service facility, and/or public park areas. For the area north of Paradise Marsh, hotel/motel facilities, restaurants and other tourist commercial use would be appropriate. ~~The intensity of development shall be reviewed for impacts on traffic circulation.~~ A Specific Plan shall be prepared to address traffic circulation and roadway and other improvements, in conjunction with development plans for the tourist commercial area west of Paradise Marsh. The Specific Plan shall determine the location of roadway improvements, based on resource protection standards, i.e., consistency with marsh preservation policies.

Tourist commercial development in the above referenced areas shall be consistent with existing or currently planned road capacities to the north and south of the proposed tourist commercial area, including the planned extension of Harrison Avenue and the Tidelands Avenue crossing proposed in the City of Chula Vista Bayfront LCP. The intensity of development shall also be reflective of the constraints placed on these roadways by the Marsh Preservation policies of this Plan. Approval of these land uses shall not be considered precedent for increasing the capacity of the roads to the north and south of the tourist commercial area.

- ~~4. A higher quality project and a better design should result from such coordination and a more viable development will likely be attracted to the area.~~
4. As previously denoted in the Balanced Plan and in order to develop the tourist commercial and recreational area west of Paradise Marsh coordination with the Port District for concurrent development of Port District lands shall continue to be encouraged.
5. To enhance the recreational potential and attractiveness of the National City waterfront, the restoration and protection of Paradise Marsh continues to be imperative and a continued City policy of Paradise Marsh is a desirable program. ~~A feasible restoration program shall be determined with the potential assistance of the Coastal Conservancy, or other appropriate agencies, to finance, plan, and implement such a restoration program. The program shall also involve coordination with the Bayfront Conservancy Trust in its efforts to finance, plan and implement a restoration program, including access and recreational features.~~
6. To ensure that the recreational potential of the area is maximized, development shall take into account the proximity to the MTDBMTS 's "San Diego Trolley System", the Bayshore Route Bikeway, and the Sweetwater River Flood Control Channel's recreational areas and trails systems, as well as recreational uses planned for the adjacent Chula Vista Bayfront and other waterfront development on San Diego Bay.

## CHAPTER V MARSH PRESERVATION

### COASTAL ACT POLICIES

Sections 30230, 30231, and 30236 require the preservation, enhancement, and restoration of water and marine resources including coastal waters, streams, wetlands, estuaries, and lakes. Sections 30233 and 30235 establish conditions under which diking, dredging, filling and the use of shoreline structures may and may not occur. Section 30233 (c) limits dredging related to maritime industries and facilities, minor public facilities, restorative measures, and other marine dependent uses. – in the 19 priority wetlands identified by the Department of Fish and Game to minor public facilities, restorative measures, and nature study. Section 30240 provides for the protection of environmentally sensitive habitat areas by restricting uses within or adjacent to such areas.

### EXISTING CONDITIONS

The Paradise Creek Marsh in southwest National City consists of two areas comprising a total of 29.8 areas, as described in the Working Paper on Paradise Marsh Biological Resources. The main area, 26.1 acres in size, is located west of Interstate 5 (I-5), within a 40-acre area designated as Open Space Wetland Preserve (OSR) in the Land Use Plan. A second area of approximately 3.7 acres lies east of I-5 and is connected to the main area by a culvert. It is designated as OSR in the Land Use Plan. Paradise Creek, partly in a meandering original channel and partly in a new channelized straight course, leads from the northeast corner of the main area to join the Sweetwater River south of the National City-Chula Vista border. Because of the Sweetwater River's connection to San Diego Bay and the low elevation of the area, the marsh is subjected to tidal action.

The main area is bounded on the east by I-5, on the west of the Bayshore Bikeway by San Diego and Arizona Eastern railroad tracks Marina Way, and on the north by medium manufacturing along 24th Twenty-Fourth Bay Marina Drive Street. The southern boundary of the subject area is the National City-Chula Vista city line, but the wetland extends 1,800 more feet (20 more acres) south to the junction of the Paradise Creek channel with the Sweetwater River. This main area contains a large 9.4-acre section of coastal salt marsh represented by the Cordgrass, Saltwort, and Pickleweed habitats. The salt marsh surrounds a small intertidal flat and is itself surrounded by slopes leading to higher upland sites. On each side of a newly dredged channel are large, flat expanses of fill which support a salt pan with occasional patches of vegetation.

The secondary area is bounded on the east by Hoover Avenue, on the north by light manufacturing properties along West Thirtieth Street, and on the south by more light industry. The Metropolitan Transit Development Board's transit line is the west boundary. About one acre of coastal salt marsh and an equal area of salt pan lie within the area. Above and north of this area is a terrace of disturbed upland, most likely a former roadbed. Slopes lead up from here to the building sites at the north edge.

Paradise Creek originally flowed into the Paradise Marsh area, then west into San Diego Bay. Presently, Paradise Creek enters the main area from a culvert at the northeast corner of the marsh.

Before entering the marsh, the creek runs in a channelized bed nearly 4,000 feet long. It drains approximately 1.5 square miles of upland National City. Almost half of its length within the marsh is the original meandering channel; the remaining length is a straight channel leading to the Sweetwater River. At the National City-Chula Vista border, the channel is about 28 feet wide. The sides are steep and the almost flat bottom is under about two feet of water at low tide of -1.5 feet. There are many small tidal creeks connected to the meandering part of the creek and a few incipient tidal creeks along the straight part. Another stream flows from a storm drain at Hoover Street, through the second marsh area and a culvert, and then joins Paradise Creek.

Historically, the wetlands of California have been subjected to ~~severe alteration by mansignificant development~~. In 1900, California had 381,000 acres of wetlands, and southern California, from Santa Barbara County to San Diego County, had 26,000 acres. California's coastal wetlands have been reduced to 126,000 acres, a 67 percent reduction. Southern California's wetlands have been reduced by a similar percentage to 8,500 acres. Within the slightly larger Southern California boundaries, between Morro Bay and Ensenada, Mexico, three of the original 28 sizeable estuaries have been destroyed, ten drastically modified, and 15 moderately modified, leaving none untouched. San Diego Bay has lost an even higher percentage of its wetlands; it has 360 acres of salt marsh plus 600 acres of tidal flats remaining from an original 2,450 acres and 1,200 acres - an overall loss of 74 percent.

The land surrounding the marsh has been heavily impacted by man through industry, major highways, dredge, ~~and historic fill operations.~~ ~~and fill operations, parks and all terrain vehicle (ATV) activity.~~ The marsh itself has been impacted by ATV, pedestrian activity and rubbish dumping. These ~~man-induced~~ impacts can be traced back to 1888 when a pier was built at the end of Twenty-Fourth Street. The open area to the west of the marsh was filled in 1946. Construction of the 1,960-acre Twenty-Fourth Street Terminal began in 1967. The area between Paradise Creek and San Diego Bay was filled in 1968, and the channel was dredged between Paradise Creek and the Sweetwater River. The land around the dredged channel is, for the most part, bare fill. The D Street fill in Chula Vista was formed in 1969, covering an area of 108 acres. It has eroded on its western edge, depositing sediment into a 26-acre tidal flat, degrading the tidal flat habitat. Due to creation of the Twenty-Fourth Street Marine Terminal, the dredging of the Twenty-Fourth Street channel and filling of some wetland area, another channel was dredged in 1969 to divert Paradise Creek south into the Sweetwater River.

Today, Paradise Creek is a remnant of a formerly extensive marsh system. It once joined with the Sweetwater River Marsh to create a continuous estuarine area all along National City's shoreline, and extended inland beyond National City Boulevard. It is now reduced to 29+ acres and is separated from the Sweetwater Marsh by the D Street fill. Still, the Sweetwater-Paradise Marsh complex is the highest quality marsh remaining in San Diego Bay.

#### EXISTING PLANNING AND ZONING

The Natural Setting Section of the National City's Updated General Plan contains several policy statements recommending the preservation of Paradise Marsh. For example:

Policy F. The City will preserve open space as necessary and desirable to conserve natural resources, to provide adequate recreation, and to protect public health and safety.

Policy H. The City will support efforts by ~~the Coastal Commission and Army Corps of Engineers-state and federal resource agencies~~ related to preserving valuable natural habitats in the Paradise Marsh and Sweetwater River areas.

Implementation Policy 9. Seek implementation of the adopted Local Coastal Program’s Land Use Plan, regarding preservation and ~~upgrading-enhancing~~ of natural resources in the Paradise Marsh and Bayfront areas of the ~~cCoastal zZone~~ in National City.

National City’s Combined General Plan/Zoning Map designates the Paradise Marsh as Open Space Reserve (OSR). The secondary area of the marsh, that which is located east of I-5, is also designated as Open Space Reserve. The designation is applied primarily to implement the Local Coastal Plan, regarding preservation of open space wetland areas and passive use of the land for limited nature study purposes.

The Paradise Marsh area is also located within the Floodway Fringe (FF-1). This zone is applied to those areas of special flood hazard designated as Floodway Fringe on the “Flood Boundary and Floodway Map” of the Federal Flood Insurance Study. Before development can proceed within a special flood hazard area, a Flood Hazard Development Permit must be obtained concurrently with routinely required development permits. The FF-1 zone establishes the development standards with which development must comply to receive the Flood Hazard Development Permit.

~~Another project that would impact the Paradise Marsh area is the joint Army Corps/Caltrans Sweetwater River Flood Channel Highway 54 Project. The Paradise Marsh would be acquired as mitigation for the construction of the flood control channel. Also, the connection between the marsh and the flood control channel would be restored to improve tidal flow.~~

## ANALYSIS

### RESOURCE VALUE

The value of the Paradise Marsh includes, but is not limited to, the following:

1. Through photosynthesis of algal species, the marsh provides an oxygen supply for the waters of San Diego Bay, necessary for survival of fish species and natural pollution impact abatement.
2. Flushing of plant and animal detritus from the marsh provides organic matter important for food chains in the bay and protection from sea level rise.
3. The marsh acts as a nursery for at least nine fish species, including several important sport fish species.

4. The wetland habitats are extremely important wildlife areas, supporting a very high diversity of bird species. These include a number of sensitive species, i.e., Belding's Savannah Sparrow, and potentially the Light-footed Clapper Rail. The wetlands also are an important stopover point for migratory species along the Pacific Flyway.

Potential uses for the wetlands, if preserved, are:

1. Basic scientific research, nature study, or educational uses;
2. Passive recreation (i.e., bird watching);

~~3. A possible source for applied research into the use of marsh species to introduce salt-tolerant genes into economically important plants (in agriculture), through selective cross-breeding.~~

## IMPACT ON MARSH

The biological resources of the Paradise Creek Marsh have been affected by both past and current impacts. Past impacts to the marsh, which changed its character and size, were reduction in total area of wetlands, landfill activities, and channel alteration of Paradise Creek. Current, ongoing impacts to the biological resources include off-road vehicle activity, rubbish disposal, and sedimentation and pollutant deposition from urban runoff.

~~The most adverse of these impacts is by off-road vehicle activity, especially in the southern salt-pan habitat. There is also evidence of refuse and commercial waste dumping along the northern and western margins of the salt marsh from the meat packing plant and railroad easement. The secondary area, to the east of I-5, has been degraded to a great extent by landfill, erosion, and vehicular activity. Preservation of the Paradise Marsh will require reduction of the current impacts of off-road vehicles, rubbish and commercial waste dumping into the marsh, and, at a minimum, maintenance of current sedimentation and total dissolved solids in runoff at or below present levels.~~

## PRESERVATION CONSIDERATIONS

One ~~technique of mitigation measure for~~ preserving wetlands commonly referred to is the provision of a buffer area between the wetland and development. The Coastal Commission and other resource agencies generally recommends that development be set back 100 feet from the delineated landward edge of a wetland. The 100-foot-wide buffer may be increased ~~or decreased~~ in consultation with the Department of Fish and Game resource agencies. The purpose of the 100-foot buffer is to ensure that the type and scale of development will not significantly degrade the adjacent habitat area. ~~The distinction must be made, however, that the application of the 100-foot buffer assumes that the area surrounding the wetland is substantially undeveloped.~~ With respect to Paradise Marsh, the wetland is almost entirely surrounded by existing industrial development and transportation corridors, including lumber storage yards, automobile storage, I-5, and State Route 54 rights-of-ways., slaughter houses, steel fabricating plant, I-5, and rights of way for the AT&SF and SD&AE Railroads. In most locations, this existing development lies

immediately adjacent to the landward edge of the wetlands. In such situations, the Commission's guidelines recommend that new development observe an appropriate setback based on unique characteristics of the property. ~~It should also be noted that the marsh areas recommended and required for acquisition as mitigation for the Sweetwater River Flood Control Channel/Rt. 54 freeway projects were determined to include necessary buffers for protection of wetlands.~~

In order to preserve the marsh, it is essential that the marsh be open to tidal flushing. Salt marshes need nitrogen, and preliminary fertilizer experiments have indicated that a marsh could be more productive if more nitrogen were available. One important source of nitrogen is ammonium from the ocean via tidal flushing. For example, in the Tijuana estuary, flushing can supply 1.0 - 2.16g nitrogen per square meter per year (28 percent of the nitrogen required for vascular plants, 10 percent of that required by vascular and algal plants combined). Another source of nitrogen is mineral recycling within the marsh itself, partly through decomposition. Also, tidal flushing exports about 30 percent of the marsh's net primary productivity to the ocean. For example, organic carbon leaves the Tijuana estuary at the rate of 35-105g carbon per square meter per year, mostly in the dissolved form. Since little particulate organic carbon (i.e., carbon in detritus) leaves, it is assumed that the detritus is consumed within the marsh and is a partial source of nutrients.

~~Lowered tidal flushing has several possible effects. In years of high rainfall, it could lead to increased production, as happened in Los Penasquitos Lagoon in 1978. Less organic matter is lost to the ocean and is available for recycling. Soil nutrients remain high. Higher production by vascular plants initially appears to be an advantage, but algal productivity can suffer due to shading and may upset the balance of detritus versus grazer-based food chains. Detritus feeders consume broken plant parts where grazers feed on the algal mats that grow between the vascular plants.~~

In years of low rainfall, lower tidal flushing can lead to hyper-salinity of the soil, which can reduce productivity, leading possibly to the elimination of some species. For example, Cordgrass cannot tolerate either high salinity or widely fluctuating salinities, and a population of Light-footed Clapper Rails would disappear from an area if it were deprived of Cordgrass for its nesting sites. It has been hypothesized that Los Penasquitos Lagoon lost its Cordgrass between 1942 and the 1970's due to altered tidal circulation.

As mentioned previously, the essential measure necessary to guarantee the preservation of Paradise Marsh is the maintenance of tidal flushing. As long as the marsh is kept open to tidal flushing, and as long as the major input of freshwater continues to be runoff from the upstream areas rather than industrial discharge, the existing water quality will be maintained at acceptable levels. Other management alternatives, such as implementing increased street sweeping programs or sediment control measures in selected sub-basins, do not appear to be necessary on the basis of the data and results presently available.

## RESTORATION CONSIDERATIONS

As proposed, the Sweetwater River Flood Control Channel would have an overall beneficial impact upon the biological resources of Paradise Marsh. The reason for this, in addition to the preservation of the marsh itself through acquisition, is the restoration of the marsh's primary

connection channel. The intended result of these actions is to increase the rates of tidal flushing, thereby improving the productivity of the marsh.

Consideration of restoration activities should definitely not be limited to the connection channel. Improving the tidal inundation of the main marsh itself would result in a more productive habitat and an increased number and diversity of wildlife utilizing the marsh. In addition, the marsh could become an aesthetic asset of National City's Coastal Zone~~coastal zone~~.

In general, restoration of the area would entail removal of some of the fill from the present high salt-pan to the south of the marsh itself and in the secondary area to the east of I-5, and re-channelization of these two areas. ~~It would be desirable to complete these actions in conjunction with construction of the Sweetwater River Flood Control Channel project in order to minimize disruptions to the wetland and wildlife.~~

## POLICY RECOMMENDATIONS

1. The wetlands of the Paradise Creek Marshes well as the secondary area of Paradise Marsh, east of I-5, including salt marsh, freshwater marsh, salt-pan, channel, and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved. The plan designation for these areas shall be OPEN SPACE/WETLAND PRESERVE; ~~t. The boundaries of the "Open Space Wetland Preserve" areas include the marsh area required for acquisition by the Army Corps of Engineers for the Sweetwater River flood control improvements, marsh area within Caltrans right of way easterly of the SDG&E rights of way, and the secondary area of Paradise Marsh east of the I-5 freeway. The Sweetwater River area, south of 35th Street, designated for industrial and commercial use;~~ and the wetlands located west of the railroad, which are not proposed for public acquisition, also contain valuable biological resources which shall be preserved under an overlay zone or other appropriate, implementing regulation which shall be defined in the implementation plan. The overlay zone or implementing regulation shall include requirements for mapping all wetlands not included in the "Open Space Wetland Reserve" land use designation, execution of open space easements over identified resources and their buffers in conjunction with new development and a determination of appropriate buffers for any new development.
2. In order to preserve Paradise Marsh; the wetlands located west of the Bayshore Bikeway; ~~;~~ railroad, which are not proposed for public acquisition; the secondary area of Paradise Marsh, east of I-5; and the Sweetwater River south of 35th Street shall be subject to the following policies:
  - Alteration shall be limited to marine--dependent uses, minor incidental public facilities, restoration measures, and nature study. Consistent with the provisions of Section 30233, the diking, dredging and filling of wetlands, open waters, estuaries and lakes shall be permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: incidental public service purposes, restoration purposes, and nature study. There

shall be no alteration of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, as well as of the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, except as determined by a marsh restoration program which has been approved by the California Coastal Commission.

- The dumping of rubbish or commercial waste into the marsh areas shall be prohibited.
- The intrusion of off-road vehicles and unauthorized pedestrian traffic into the marsh areas shall be discouraged.
- ~~the Department of Fish and Game. A buffer area less than 100 feet wide may be permitted, depending upon the analysis of the specific site proposed for development. Examples which may demonstrate that a lesser distance would be acceptable include but are not limited to the type and size of development, proposed buffer improvements such as landscaping or fencing, and existing site characteristics such as a grade differential between a marsh area and adjacent upland area, existing development in the area, and parcel size and configuration. Consistency with buffers required as part of the Sweetwater River Channel/Rt. 54 project shall also be considered in order to determine appropriate buffers less than 100 feet wide. The buffers shall be determined with the concurrence of the State Department of Fish and Game.~~
- A buffer area shall be established for new development adjacent to wetlands. A 100 ft. distance from the edge of the wetland shall generally provide an acceptable buffer. The required distance may be increased or decreased based on consultation with state and federal resource agencies.

3. To enhance the habitat and aesthetic value of Paradise Marsh, the wetlands located west of the railroad, which are not proposed for acquisition, as well as the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, feasible restoration activities shall be encouraged. Feasible restoration activities shall be determined with the potential assistance of the Coastal Conservancy, or other public agency or private group, including the Bayfront Conservancy Trust, to finance, plan, implement and manage a restoration program. The recommended elements for a restoration program include:

- A public access and information program that would be designed to allow observation of the marsh, while controlling intrusion into the marsh itself. A component of the access program should be an interpretive nature trail along the western margins of Paradise Marsh, which could connect with an observation platform.
- The removal of all rubbish and debris from the marsh through a volunteer effort, or the California Conservation Corps.

- The dredging of Paradise Marsh, consistent with a marsh restoration program, prepared in consultation with the California Department of Fish and Game and approved by the California Coastal Commission, possibly concurrent with the construction of the Sweetwater River Flood Control Channel, to improve tidal flow and flushing. Dredging shall be restricted to existing tidal channels.
  - The encouragement of a scientific research program.
4. Proposed new development, including roadways, located adjacent to the wetlands of Paradise Marsh, the wetlands located west of the railroad which are not proposed for public acquisition, the secondary area of Paradise Marsh, east of I-5, and the Sweetwater River south of 35th Street, shall be designed to discourage the intrusion of pedestrians, vehicles, or domestic animals into the marsh through physical barriers such as fencing and/or landscaping with appropriate non-invasive species. In association with new development or remodeling of existing development contiguous with the wetlands, including roadways, drainage shall be directed off-site toward the Sweetwater River Flood Control Channel, or to existing street drains, whenever possible, or channeled into a settling area before entering the marsh. Potential increase in the rate of storm-water runoff, which may result from new development, including roadways, adjacent to wetlands, shall be controlled by detention basins or other means to avoid impacts of erosion and sedimentation on wetlands. The size, design and placement of such sedimentation control devices shall be developed in consultation with ~~the State Department of Fish and Game~~ [state and federal resource agencies and Game](#) prior to or concurrent with the commencement of construction and shall be installed and maintained by the developer, or any successors in interest.
  5. Wetlands in private ownership, which may be located in the CT, C and M, as well as OSR designated areas, shall be protected from development through the application of an overlay zone or other appropriate, implementing regulation proposed in Policy #1. Necessary protective measures, including adequate buffers, regulations regarding the design and siting of structures, etc., and open space easements shall be determined during review of proposals for development, by application of criteria to be specified in the LCP Implementation Plan.
  6. Landscaping in areas adjacent to wetlands shall include plants only which are not invasive of wetlands.
  7. Specific erosion control measures shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained in conjunction with all grading activities, consistent with Section X (B) (4) (k) of the Implementation Plan, during the period of November 1 to April 1 of each year for all properties which drain directly to marsh and wetland areas. These properties shall include all properties located in the following areas:

All properties between 35th Street and the southern City limits;

All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street, and the ~~MTDB San Diego~~ [MTS](#) Trolley ~~L~~Line;

All properties in the City's jurisdiction located westerly of Highway I-5 and south of ~~24th Street~~Bay Marina Drive.

~~(NOTE): The preceding has been largely paraphrased from the work conducted by Regional Environmental Consultants (RECON), on the biological resources of Paradise Marsh. RECON's report is incorporated as Appendix II of this Land Use Plan. All references for the Marsh Preservation section are in RECON's report, and are not duplicated in the reference list for the overall Plan.~~

## CHAPTER VI VISUAL RESOURCES

### COASTAL ACT POLICIES

Section 30251 of the Coastal Act calls for the protection of the scenic and visual qualities of coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

### EXISTING CONDITIONS

The industrial character of National City's Bayfront generally does not provide generally scenic values commonly associated with the natural resources of the coastal zone. Nonetheless, coastal industrial areas are essential to the economy of the City and region. Recreational facilities were added on the National City waterfront in the early 2000s with the construction of the National City Marina. The Balanced Plan includes the expansion of the existing Pepper Park, adds a dry boat storage facility, RV Park, and provides for future hotel projects. At the same time, it allows the marine-dependent industries to continue and to expand.  
~~city and region, and their physical form and functional activity can foster public interest. While such areas do not usually provide for public viewing, observation opportunities can be educational and provide a different perspective to the varied functions of the coastal zone. As an example, a school excursion to the area would offer exposure to a number of coastal related industrial activities and operations such as container terminals, lumber storage, railroad transportation, resource recovery operations, and petroleum handling.~~

The Balanced Plan provides new scenic areas, vista points, and public access corridors. Within National City, the most notable scenic resource is ~~the~~ Paradise Marsh and, under the Balanced Plan, the marsh ~~is~~ fully protected along with its public vista points.

~~On the subject of coastal visual resources, the more commonly referred to elements are scenic areas, vista points, and public access corridors. Within National City, the most notable scenic resource is the Paradise Marsh. Although the area could not be considered pristine and urban development does intrude, the marsh does provide visual open space which is accentuated by its linkage with Sweetwater Marsh. The best and most accessible vantage points to view the marsh are along I-5. The shorefront area adjacent to the Port District's launching ramp offers vista opportunities of San Diego Bay. In fact, this area has been designated a vista area in the Port's Master Plan.~~

The only public access area to the bay itself is from the existing boat launching ramp. Direct access to the bay is preclude<sup>3d</sup> by the National City Marine Terminal operated by the Port District. Pasha Automotive is an automobile importer and exporter with many land areas surrounding the Marine Terminal being used as car storage areas. ~~ABay Marina DriveBay Marina Drive~~The areas north of the terminal are typical small industrial facilities, as well as ~~and~~ the Port's maintenance center.

~~A discussion of the existing visual qualities of National City's access corridors is in some respects irrelevant. The reason for this is that the only public access area (boat launching ramp) and the immediate access corridor to it (Tidelands Avenue south of 24th Street) are under the jurisdiction~~

~~of the Port. Of course, 24th Street is under National City's jurisdiction, and its intersection with I-5 provides the main entrance to the Bayfront area, and sets the tone for the industrial nature of the area.~~

## EXISTING PLANNING AND ZONING

National City's General Plan includes policies for the protection of the Paradise Marsh, which provides aesthetic, as well as biologic values. Also of importance are policies which propose the upgrading of landscaping throughout the City. A specific policy proposes the construction and landscaping of special entryways to National City, ~~as well as addressing Sea Level Rise.~~ It is proposed, as a part of this LCP, that this policy be applied to the recreational and commercial areas ~~adjacent to Paradise Marsh when they develop within the Coastal -Zone.~~ Appropriate landscaping should also be incorporated into proposed roadways, along ~~24th Street Bay Marina Drive Marina Way~~ and adjacent to I-5 in order to provide an improved image and identity for the Paradise Marsh area.

~~In matters of coastal zone aesthetics, signs have traditionally been an issue. However,~~ National City's Land Use Code contains a sign ordinance which adequately manages the quality of signage and recognizes the importance of using signage as waypoints to public coastal access. ~~sign issue. The sign ordinance requires a permit for all signs and outdoor advertising, and requires that they be in conformance with the Uniform Building Code.~~ The ordinance designates permitted signs in each zone, and establishes locational and size criteria. The sign ordinance also identifies signs that are prohibited, which includes billboards, and establishes a procedure for the abatement of such non-conforming signs.

Of particular significance to any new development within National City's coastal zone is the City's Site Plan Review Ordinance. The ordinance requires that prior to the issuance of building permits, accurately dimensioned architectural drawings and plot plans be submitted for the review and approval of the Planning Department. Review criteria includes, but is not limited to, the following:

- desirable site layout and design
- utility of open areas
- adequacy of landscaping
- compliance with general plan

It is important to note that National City's site plan review far exceeds routine design review, in that both the Planning Department and Commission, on appeal, have the authority to deny site plans.

The tourist commercial designation and the Planned Development (PD) overlay zone is applied to the area north of Paradise Marsh and south of ~~24th Street Bay Marina Drive~~, designated for commercial and recreational use in the Coastal Plan. The PD overlay requires approval by the Planning Commission, or City Council on appeal, for new project design, determined by a Planned Development permit. A Planned Development Permit may be approved, subject to consistency with the City's zoning ordinance, if after public notice and hearing, required findings for approval are determined to be supported by project information or by required conditions of approval.

~~Another on-going planning effort that will improve the aesthetic qualities of National City's coastal zone is the Sweetwater River Flood Control Channel.~~ There are several elements of this project which will greatly enhance the visual quality of the area. These elements are the creation of shoreline access and recreational features along the banks of the channel, the restoration of the connection between the Sweetwater River and Paradise Marsh, and the preservation of the marsh itself through acquisition. It should be noted that the enhancement of the area's visual quality is really a secondary benefit resulting from the primary objectives of the area's natural resources and providing recreational opportunities.

With respect to the appearance of access corridors, attention must be devoted to the Port District's Master Plan. Tidelands Avenue south of ~~24th Street~~[Bay Marina Drive](#) is the only existing access route to the proposed recreational areas of National City, and it is located almost entirely within the jurisdiction of the Port District.

### ANALYSIS

The control of signs, attention to landscaping, enhancement of marsh areas and development of parks will all contribute to improving the visual quality of National City's shoreline areas and should be actively encouraged. However, the single action that would have the most significant beneficial visual impact on the area will be the development of the proposed recreational and commercial areas ~~contained in the Balanced Plan, adjacent to Paradise Marsh and the new road that would provide direct access.~~ In order to create an environment that will be a successful public attraction, it is essential that attention not only be devoted to the ultimate use of the area, but also to its appearance. The mandatory application of the City's site plan review procedure to a single, large scale development would ensure that the development of this critical area is of the highest aesthetic quality. The Planned Development Permit requirement would ensure public review for proposed projects. Additional control would be gained by applying a Specific Plan requirement, particularly if further land divisions are proposed. It could also address the need for construction of the roadway concurrent with recreational and commercial development in the area west of Paradise Marsh and north of the Sweetwater River Channel. Further, it is recommended that the General Plan policy proposing the construction of landscaped entryways be implemented for ~~24th Street~~[Bay Marina Drive](#), ~~as well as incorporated into the design of the proposed new road to provide direct access to the recreation area.~~

### POLICY RECOMMENDATIONS

1. To ensure that the Army Corps of Engineer's Sweetwater River Flood Control project improves the scenic resources of the area, National City shall support and encourage the project as proposed with the following mitigations.
  - the restoration of the marsh connections with the Sweetwater River, and
  - the development of shoreline recreational features along the banks of the flood control channel

2. To ensure that the development of the proposed commercial and recreational area adjacent to Paradise Marsh west of ~~the the SD&AE railroad~~Bayshore Bikeway is of the highest aesthetic quality, the City shall require that the development of the site shall be in accordance with development standards and requirements to be determined by a Specific Plan for the area. The Specific Plan shall determine appropriate height limits, landscape elements, signage, and view protection and enhancement, consistent with the policies of the Land Use Plan. Vistas shall be provided from public roadways and public open space areas to Paradise Marsh and the Sweetwater River Flood Control Channel. Height limits shall be established as determined necessary to provide for focal points in key activity areas.
3. ~~To ensure that the new road to provide access to the proposed recreation area adjacent to Paradise Marsh is of high visual quality, its design shall implement and incorporate the General Plan policy proposing the construction of landscaped entryways. Landscaped entryway improvements for 24th Street would be especially appropriate.~~
4. ~~A Specific Plan shall be prepared to identify design improvements to enhance the visual identity of the Paradise Marsh area, provide a visual linkage between recreational uses near the Sweetwater River Channel and tourist commercial uses west of the Marsh and at 24th Street, and appropriate visual separation or buffering of industrial uses to the west and freeway to the east.—~~The design improvements identified in the ~~Specific~~Balanced Plan shall include landscape elements, signage, and architectural elements or criteria, such as height, scale, bulk, color, and building materials. ~~Protection or creation of vistas should also be identified in the Specific Plan.~~
5. To ensure that new development throughout the coastal zone is visually appropriate, projects shall be reviewed for conformance to City standards for building aesthetics and materials, height, signing and landscaping. ~~See Appendix IV.~~ Project design shall also be reviewed with regard to other appropriate visual elements identified through the development review process for the development facilities contained in the Balanced Plan.

## CHAPTER VII INDUSTRIAL DEVELOPMENT

### COASTAL ACT POLICIES

Sections 30232, 30250(b), 30255, and 30260-64 of the Coastal Act provide guidelines for industrial facilities, tanker facilities, liquefied natural gas terminals, oil and gas development, refineries, and electrical generating plants. Sections 30255 and 30260 establish locational criteria for coastal-dependent industrial development.

### BACKGROUND

The following explanation of coastal-dependent and related industries is excerpted from the Unified Port District's Master Plan, and is included to provide the reader with a basic understanding of marine related industrial uses.

Marine related industry requires sites within close proximity to water because of functional dependencies for access to waterborne products, processes, raw materials or large volumes of water. The primary users of marine related industrial areas are dependent upon large ships, deep water and specialized loading and unloading facilities, typically associated with ship building and repair, processing plants and marine terminal operations. Other activities suitable for marine related industrial areas include railroad switching and spur tracks, cargo handling equipment (such as bulk loaders and container cranes), berthing facilities, warehouses, silos and fueling facilities, ship building, repair and conversion yards, steel fabrication and foundry, storage, repair and maintenance of marine machinery and construction equipment, kelp and seafood processing, canning and packaging, and aquaculture. Support industries linked to these primary industrial activities can be clustered together to capitalize on the benefits of reduced material handling costs, reduced on-site storage requirements, faster deliveries, and a reduction of industrial traffic on public roads.

### EXISTING CONDITIONS

National City's portion of the coastal zone includes two separate areas that are characterized by industrial development. The most heavily industrialized area is located west of I-5. It is almost entirely developed with medium industrial uses, and is designated "MM" (Medium Manufacturing) on the Combined General Plan/Zoning Map, with an isolated area of "MH" (Heavy Manufacturing). The area is well served by truck access via I-5, rail access, and ship access through Port District lands.

The proximity of the Port lands is significant to this area because of the intense industrial activity which is generated. The National City Marine Terminal is one of only two terminals within the Port, and is the only one capable of expansion. The north wharf of the terminal is primarily used for the shipment of scrap metal and the receipt of petroleum products. ~~A high-speed 33-ton container crane, having a capacity of 40 long tons and capable of handling 30 containers per hour, runs along the southerly half of the west wharf.~~ Due to continuing increases in terminal operations,

needs for additional berthing facilities are being created. The proposals contained in the Port's Master Plan to respond to this need would more than double berthing space at the National City Marine Terminal, and add a second container crane. The area located to the rear of the Marine Terminal is used almost exclusively for the storage and handling of lumber and wood products.

The other industrial area within National City's coastal zone is the Sweetwater industrial area which is 160 acres in size and located east of I-5. The entire central portion of this area has been reserved for the joint Army Corps/CALTRANS Sweetwater River flood control channel and Highway 54 project. This area is virtually all developed with light industrial uses and some commercial areas fronting on National City Boulevard.

### EXISTING PLANNING AND ZONING

National City's zoning ordinance contains four zones which implement the General Plan designation of industrial. Those zones are:

- light manufacturing (ML) zone
- medium manufacturing (MM) zone
- heavy manufacturing (MH) zone, and
- tidelands manufacturing (MT) zone

The purpose of the different zones is to designate compatible groupings of industrial uses and assign them appropriate zoning categories and locations. As the name of the different zones would imply, the intensity of the industrial use, in terms of both input and output, is the criterion utilized to segregate the various uses. Light manufacturing areas are located near residential and commercial uses, thereby creating a transition to more intense industrial uses. Examples of light manufacturing uses would include cabinet shops, electronics and appliance assembly, and auto body repair. Medium and heavy manufacturing areas would include such uses as petroleum recycling, steel fabrication and salvage areas. The other industrial zone is the tidelands manufacturing (MT) zone, which is coterminous with the jurisdiction of the Unified Port District. Although the City of National City does not retain land use authority over this area, the zone does identify those uses which would be compatible with Section 19 of the San Diego Unified Port District Act.

National City's zoning ordinance specifies permitted and conditional uses for the different industrial zone classifications, and also lists uses that are prohibited. In addition, the ordinance outlines a comprehensive set of development standards which establish design parameters. Standards are set forth for lot area, frontage, setbacks, aesthetics and materials, height, floor area ratio, lot coverage, parking, signing, and landscaping.

## ANALYSIS

As discussed previously, National City's coastal zone is characterized by industrial development, much of which is related to the proximity of the Port's ~~container terminal and wharfage~~marine terminal activities. Due, in large part to the attraction of the marine terminal, virtually all of the industrial zoned land in National City's Bayfront has been developed. New industrial development and redevelopment will occur as older residential uses are eliminated; however, the assemblage of parcels large enough to accommodate and attract major industrial uses will be difficult. Taken together with the fact that National City has no direct bay frontage, the imposition of a policy giving preference only to marine related industrial use could be unnecessarily burdensome.

In most situations, the free market should adequately handle the allocation of available industrial land to marine related industrial uses. The reason being that industrial uses that benefit from a coastal oriented location will compete more effectively for such parcels. However, a land use policy which would allow the free market to operate with the minimum regulatory intervention, and would also achieve consistency with the objectives of the Coastal Act for coastal dependent industrial activity would be advisable. Such a policy would only be applicable in situations where different industrial uses are competing for land, and in such instances would assign priority to marine related industry.

## POLICY RECOMMENDATION

1. In the event that different industrial land uses are competing for available industrial land, priority shall be given to marine-~~related~~dependent industrial uses.

## CHAPTER VIII ENVIRONMENTAL HAZARDS

### COASTAL ACT POLICIES

Section 30253(1) of the Coastal Act requires that new development minimize risks in areas of high geologic, flood and fire hazard.

### EXISTING CONDITIONS

Potential sources of hazards within National City's jurisdiction of the coastal zone include land settlement hazards, seismic hazards, ~~and~~ sea level rise, and flood hazards.

Settlement hazards in the area result from the presence of soft, sedimentary soil in the low lying areas, including areas of fill over bay/alluvium deposits. Bay mud has an almost liquid consistency and makes a poor foundation material.

No active faults are located within the area. Nearby, local faults include the northwest trending Rose Canyon fault, the Sweetwater fault and the La Nacion fault. The Rose Canyon fault is traceable as a fault zone from offshore at La Jolla to a point about 5 miles north of National City's coastal zone and is thought to extend through San Diego Bay to the Mexican border. The Sweetwater fault runs north-south along the eastern edge of National City, about 2 miles east of the coastal zone. The La Nacion fault also runs north-south, about a mile further east.

The Rose Canyon fault would be the most probable local source for a serious earthquake. The most severe shaking for the San Diego area occurred on May 27, 1982, possibly in the Rose Canyon fault zone, with a magnitude of 5.7 to 6.0. Seismic hazards to the area may also be expected from movement on the Elsinore fault zone, located about 40 miles to the east, with a maximum probable magnitude of 7.3.

The loose soils in the area are subject to potentially severe shaking from a magnitude 5.9 local earthquake. Older one-story buildings in the area would not provide great potential for damage. Newer buildings constructed in accordance with the Uniform Building Code would be expected to provide for specified safety standards. Other seismic-related hazards include subsidence, liquefaction and lateral spreading (movement of soil materials toward an unsupported slope, i.e. along stream channels. Ground rupture is considered a remote but possible earthquake occurrence related to movement on the nearby rose Canyon fault.

Other possible seismic hazards include tsunamis, sea waves generated by offshore, submarine earthquakes, and searching, surface waves within adjacent landlocked water bodies.

Flood hazards in the area result from natural watercourses, including Paradise Creek and the Sweetwater River. Within National City's coastal zone areas of potential flooding include the Paradise Marsh wetlands in Subareas I and III, and other low lying areas in Subarea III (Sweetwater industrial area). Completion of the U.S. Army corps of Engineers Sweetwater River Flood Control Project will mitigate this flooding hazard.

## Sea Level Rise

As mentioned previously, is that the City has no residential development within its Coastal Zone and very few properties are impacted by sea level rise due to the distances between the bay and development. Additionally, there are very few properties that are available for either redevelopment or for new development within the City's Coastal Zone. However, the City will review each project to determine if the any proposed development may be impacted for by sea level rise, consistent with the Coastal Act and the Commission's policies on sea level rise. The below Coastal policies noted below will be taken into consideration as new development occurs within the City's Coastal Zone. These policies were produced by the Commission in the 2018 "Coastal Commission Sea Level Rise Policy Guidance" and adapted to meet the City's limited development within its Coastal Zone:

1. ~~1.~~ Acknowledge and address sea level rise as necessary in the General Plan and CDP decisions.
2. ~~2.~~ Use the best available science to determine City relevant and context-specific sea level rise projections for all stages of planning, project design, and CEQA permitting reviews.
3. ~~3.~~ Recognize scientific uncertainty by using scenario planning and adaptive management techniques where applicable.
3. ~~4.~~ Use
4. Use a precautionary approach by planning and providing adaptive capacity for the higher end of the range of possible sea level rise when supported by updated sea level rise modeling.
1. ~~5.~~ Design adaptation strategies according to City conditions and existing development patterns, in accordance with the Coastal Act and the City's LCP policies.
- 5.
6. ~~6.~~ Avoid significant coastal hazard risks to new development where feasible.
7. ~~7.~~ Minimize hazard risks to new development over the life of authorized structures.
8. ~~8.~~ Minimize coastal hazard risks and resource impacts when making redevelopment decisions.
9. ~~9.~~ Account for the social and economic needs of the people of the City; assure priority for coastal-dependent and coastal-related development over other development as shown in the City's LCP.
10. ~~10.~~ Ensure that property owners understand and assume the risks, and mitigate the coastal resource impacts, of new commercial development in flood hazardous areas.

11. ~~11.~~ Provide for maximum protection of coastal resources in all coastal planning and regulatory decisions.
12. ~~12.~~ Where applicable, maximize natural shoreline values and processes; avoid expansion and minimize the perpetuation of shoreline armoring.
13. ~~13.~~ Recognize that sea level rise will cause the public trust boundary to move inland. Protect public trust lands and resources, including as sea level rises. New shoreline protective devices should not result in the loss of public trust lands such as the Paradise March.
14. ~~14.~~ Address other potential coastal resource impacts (wetlands, habitat, agriculture, scenic, etc.) from hazard management decisions, consistent with the Coastal Act.
15. ~~15.~~ Address the cumulative impacts and City context of planning and permitting decisions.
- 2.16. Require mitigation of unavoidable coastal resource impacts related to permitting and shoreline management decisions.
17. ~~17.~~ Consider best available information on resource valuation when mitigating coastal resource impacts.
18. ~~18.~~ Coordinate planning and City decision making with other appropriate other local, or state and federal agencies.
19. ~~19.~~ Consider conducting vulnerability assessments when funding is available and adaptation planning.
20. ~~20.~~ Provide for maximum public participation in the CEQA and Coastal planning and other regulatory processes.

## EXISTING PLANNING AND ZONING

The Natural Setting Section of National City's Updated General Plan contains several policies which address environmental hazards. For example:

### Policy A

The City will enforce appropriate development regulations concerning geologic, soils and seismic hazards, and will monitor regional conditions, such as fault activity, which pertain to National City.

Policy B	The City will explore necessary measures to protect areas in danger from <a href="#">sea level and</a> flood hazards.
Policy C	Assessment of potential flood and drainage impacts will be required of all major new developments. When significant impacts are identified, the project will provide adequate mitigation either directly or will provide the means for financing necessary public drainage improvements.
Implementation Policy 1	Maintain and improve the City's participation in regional planning for natural hazards, such as earthquakes and floods, and evaluate any new circumstances that may apply to National City.
Implementation Policy 2	Monitor any new information concerning the Sweetwater Fault, currently judged inactive, which runs through the far eastern portions of the City, and the La Nacion Fault, judged potentially active, which is less than a mile east of the City limits.
Implementation Policy 3	Revise and enforce appropriate development regulations as necessary to comply with recognized standards for protection from geologic, soils and seismic hazards, to ensure public safety.
Implementation Policy 4	Ensure through development regulations that proposed new development adequately provides for on- and off- site mitigation of potential flood hazards and drainage problems.

National City's Combined General Plan/Zoning Map applies the Floodway designation to land within the City that is vulnerable to flooding and subject to special, protective development regulations. The designated areas conform to the areas of special flood hazard identified by the Federal Insurance Administration.

The Army Corps of Engineers is constructing flood control channel improvements to alleviate flood hazards from the Sweetwater River. The area of the flood control channel is designated as open space by National City's Combined General Plan/Zoning Map.

### ANALYSIS

Environmental hazards in National City's coastal zone are not substantially different from other areas in the City, except for area of fill over bay/alluvium deposits. General Plan policies and implementing ordinances address environmental hazards. Building permit applications require site plan review by the Planning Department, which incorporates concerns of other City Departments, i.e., Building, Fire, Police and Engineering. Uniform Building Code requirements address adequacy of soils for proposed construction and adequacy of proposed construction with regard to seismic hazards. Additional policies are recommended to address geologic hazard in the coastal area.

## POLICY RECOMMENDATIONS

1. ~~Consistent with the above sea level rise policies, review of new development for potential flood. For, seismic, and geologic hazards by the City shall~~ Review of new development for potential flood, seismic and geologic hazards shall determine necessary improvements to minimize risk during the site plan review process, or during any applicable, discretionary review process.
2. Geotechnical reports shall be required for new development in areas subject to geologic hazard.
3. Waivers of liability shall be required from applicants for coastal development permits in areas of geologic hazard.
4. Prior to the development of the parcels on both sides of the existing Sweetwater River Channel, south of 35th Street, a sea level flood hazard study shall be conducted, based upon design criteria anticipating the potential flood hazard remaining after the construction of the Sweetwater River Flood Control channel or from a 100-year flood, whichever is applicable at the time of development. Only development consistent with the recommendations of the study shall be approved for the area. Specific development policies shall be provided in the Implementation Plan. The policies shall stress provision of adequate setbacks to minimize the amount of fill necessary for flood protection, and no armoring or channelization of the existing river channel for flood protection shall be allowed.

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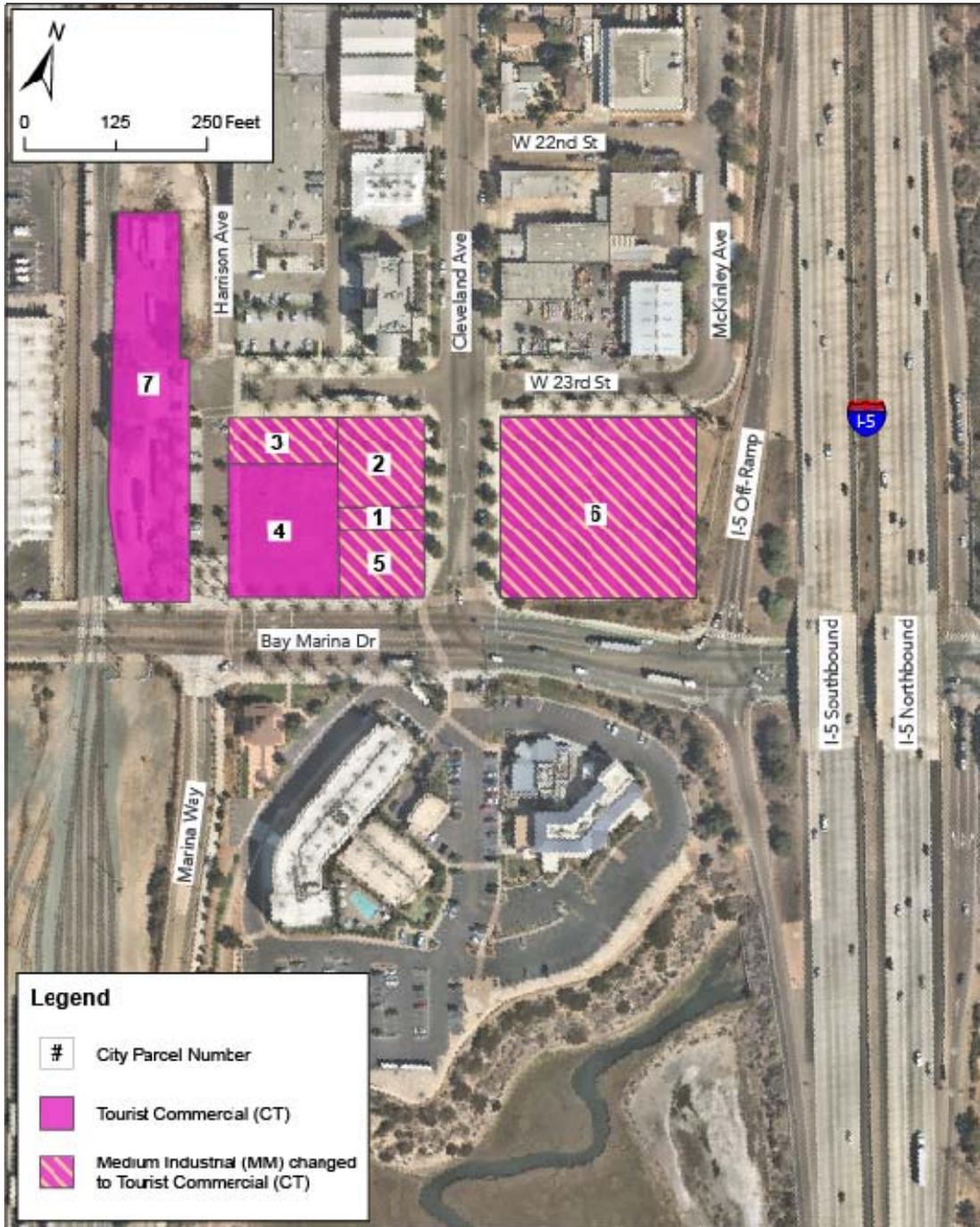
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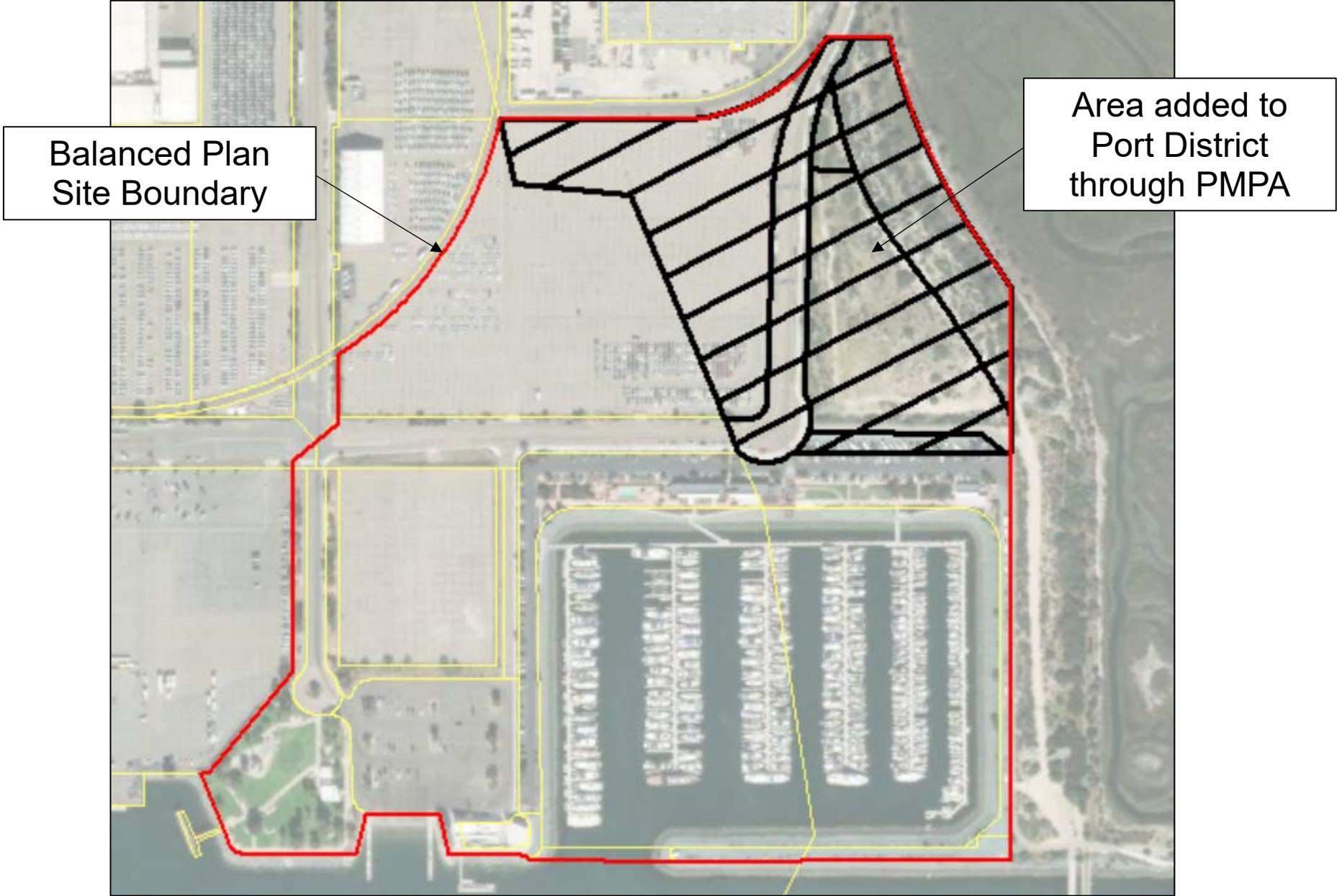
[CALIFORNIA COASTAL COMMISSION ENVIRONMENTAL JUSTICE POLICY. March 8, 2019.](#)

[Port of San Diego Environmental Impact Report Balanced Plan. PMPA and DEIR Nov 2021.](#)

City-owned parcels proposed to be rezoned 2022-26 LCPA



City/District Boundary Adjustment Map



NOTICE OF PUBLIC HEARING  
LOCAL COASTAL PLAN (LCP) AMENDMENT TO REFLECT  
JURISDICTIONAL BOUNDARY CHANGES AFFECTED BY THE  
PORT OF SAN DIEGO'S NATIONAL CITY BALANCED PLAN  
AND EXPANSION OF THE BAYSHORE BIKEWAY.

CASE FILE NO.: 2022-26 LCPA

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

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), the meeting will also be LIVE WEBCAST from City Council Chambers. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The National City Balanced Plan area is that between Bay Marina Drive on the north, Sweetwater Marsh and Interstate 5 on the east, Pier 32 Marina on the south, and the National City Marine Terminal on the west. The area is within the City's Coastal Zone. The main components of the textual amendment are changes to the City's and Port District's jurisdictional boundaries, removal of approximately 12.4 acres within the Balanced Plan area from the City's General Plan and Local Coastal Program, and construction and operation of a new segment of the Bayshore Bikeway, which would include updated maps. The Planning Commission will also consider findings presented in the Final Environmental Impact Report (EIR) prepared by the Port of San Diego.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 6, 2023** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

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