



June 2, 2023



National City Planning Commission
c/o Richard Miller
Planning Commission Chair



RE: June 5, 2023 Planning Commission Hearing Item 3, Case File No. 2021-14-GPA:
The City Must Select the Alternative Site under the SPEIR of the FGPU to Avoid
Placing Housing Immediately Adjacent to the Freeway and Comply with CEQA

Dear Chair Martin and Planning Commissioners,

My firm represents the Webster Trust, owners of the property located at 121 E. 27th Street, National City, CA 91950 (“Property”). The Property is identified, with two other adjacent properties under separate ownership, as the Alternate Project Location Alternative (“APLA” or “Alternative Site”) and the Environmentally Superior Alternative in the Supplemental Program Environmental Impact Report (“SPEIR”) for National City’s Focused General Plan Update (“FGPU”).

The APLA allows the City to select alternate sites in its FGPU that will yield more density in a transit-rich location well away from the Interstate 5 (“I-5”) freeway, thereby reducing air quality and health risk impacts to future families and children. The APLA also places housing near jobs, a high school and converts an area used for commercial and industrial use to residential within the Olivewood Neighborhood.

We request the Planning Commission recommend the City Council select the Alternative Site under the SPEIR of the FGPU to avoid placing housing immediately adjacent to the freeway and comply with CEQA.

I. Property History

The Property, and the properties across A Street at 2601 and 2701 National City Boulevard, National City, CA 91950 (“Dealership Lots”), have been owned by the Webster family since the 1940s. George Webster and his family are proud of their long history with the City of National City and the Mile of Cars Way. The Dealership Lots were the site of the first Subaru dealership in the nation and Webster Pontiac. Over the years, the Property served as a secondary, undeveloped parcel for use by the Dealership Lots. Contrary to the Property’s historic use, the Property is located in the Olivewood Neighborhood and not in the Mile of Cars District.

The Property was used to store new car inventory from the Dealership Lots. The Webster family only used the Property as a parking lot; no building or structures exist on the site. The 1.86 acre site, surrounded by residential uses to the north, east and south is identified as a transitional block in the City’s 2021 Transit Oriented Development Overlay (“TODO”) study.

II. Description of the Alternative Site

A description of the Alternative Site is provided in Section 3.4.5.1 of the Final SPEIR.

The Alternate Project Location Alternative would include all the same components as the Proposed Project: updates to the Land Use, Transportation, and Safety Elements and CAP, along with code and Specific Plan amendments. The sole difference between this alternative and the Proposed Project pertains to one Focus Area: the exclusion of the 24th Street Transit Station. This alternative would relocate density from the 24th Street Transit Station to a set of parcels (“Alternative Site”), which would be rezoned to High Density Multi-Unit Residential (RM-2) (see Figure 3.4-1 and Figure 3.4-2, outlined in blue). The Alternative Site is composed of a set of parcels between A Avenue, E 26th Street, E 27th Street, and D Avenue.

The Final SPEIR Section 3.4.5.1 states that the City would net an additional 119 dwelling units under the Alternative Site as compared to the Proposed Project, but would see a reduction of 87,705 square feet of commercial space. This reduction would stem from this location being rezoned from commercial uses to RM-2 which only allows residential uses.

The Final SPEIR states that “the Alternative Site was selected as a replacement for the 24th Street Transit Station Focus Area to reduce potential air quality and noise impacts to residential uses near the Interstate 5 (I-5) corridor.” The rationale provided is that “The Alternative Site is located approximately 2,400 feet (0.4 miles) from the I-5 corridor (as the crow flies), as compared to the 24th Street Transit Station Focus Area, which is approximately less than 200 feet from the edge of parcel to the nearest off-ramp (as the crow flies).” See Final SPEIR Section 3.4.5.1.

III. Alternative Site Is Superior Redevelopment Site than 24 St. Station

From both a practical and a planning perspective, the Alternative Site is a superior site because it offers more immediate benefits to the City of National City.

1. If rezoned RM-2, the Alternative Site would be consistent with the existing residential to the north, east, and south, including other RM-2 zones. The 24 St. Station site would be a residential mixed use surrounded by commercial and industrial uses.
2. The Alternative Site is in a Transit Priority Area and within walking and bike riding distance to jobs, schools, retail/restaurants, and transit stops, including the 24th Street Station.
3. Reduces vehicle miles traveled and greenhouse gas emissions compared to residential dwellings outside of Transit Priority Areas.
4. Provides important and additional housing options for current and future National City residents. Property has been studied for redevelopment with proformas created that support market rate and on-site affordable one, two and three bedroom apartments. The Alternative Site will provide approximately 119 more residential units than the 24 Street Station. It is unknown what type or mix of housing may be built at the 24th Street Station.
5. Property is “clean” with no known environmental contaminants or hazardous waste issues; property has no structures and is large and can be redeveloped now. 24th Street Station has prior known environmental issues; would still need to go through Metropolitan Transit System’s redevelopment process; only a portion of the property may be redeveloped with housing; and, there is an existing long-term lease on the property.
6. The Alternative Site does not expose future residents to significant air quality health risks from toxic air contaminants such as Diesel Particulate Matter (DPM) associated with freeway pollution. 24th Street Station does expose residents to significant air pollution due to being located within 200 feet of the centerline of the I-5 freeway.

7. Alternative Site offers higher quality of life and amenities with no freeway noise; near Mile of Cars Way employment/retail/restaurants; near schools and transit; and in a residential neighborhood.

The positive attributes of the Alternative Site also better align with many of the City's proposed FGPU land use policies including:

1. Supporting the City's Climate Action Plan and other sustainability goals by encouraging high density development in Transit Priority Areas.
2. Prioritizing increasing housing in areas that have access to transit and resources.
3. Promoting the development of housing near employment, recreation, public services, shopping, transit, and active transportation facilities.
4. Encourage and incentivize strategic adaptive reuse and infill development of vacant land in commercial and mixed-use areas.

IV. Under CEQA the Alternative Site Must be Chosen

Under the California Environmental Quality Act ("CEQA"), the City must chose the Alternative Site, instead of the Project, because the Alternative Site is a feasible alternative that meets the project objectives and would lessen significant environmental effects. CA Public Resource Code Section 21002 and CEQA Guidelines Section 15021.

The City's environmental documents state that the Alternative Site has been determined to: i) meet all project objectives; ii) reduce unavoidable significant impact to less than significant (i.e., Impact AQ-4); and, iii) is considered feasible. Since it meets all of these criteria, if the City does not choose the Alternative Site, it will be in violation of CEQA and site housing for families immediately adjacent to the freeway in violation of the City's General Plan.

A. The Alternative Site Meets All Project Objectives

As indicated under Final SPEIR Section 3.4.5.2, *Objectives*, "The Alternate [Project] Location Alternative would meet all of the objectives of the Proposed Project, as the differences between the two are minor..." Contrary to the vague claim on page 29 of the Findings, approval of the Alternative Site would not "incrementally reduc[e] transit-oriented development in the City". Rather, if approved and implemented, the Alternative

Site would net more housing units within a transit priority area than the 24th Street Focus Area rezone; thus increasing transit oriented development.

Specifically, the Alternative Site is situated only two blocks from 24th Street. 24th Street is an Arterial/Collector roadway 8, with MTS Bus routes 932 (north/south) and 961 (east/west) located on 24th Street and located less than one quarter of a mile from the Alternative Site. At this short distance, walking to either of these transit stops is estimated at four minutes and biking is estimated at only one minute.

Moreover, the Alternative Site is less than a 15-minute walk from the 24th Street Transit Station and only a four-minute bike ride. As such, the Final SPEIR is incorrect in identifying the Alternative Site as “incrementally reducing transit-oriented development in the City” because the project site is within easy walking and bike riding distance to several major transit stops, including the 24th Street Transit Station and would provide more housing in proximity to these major transit stops than the Proposed Project.

B. The Alternative Site Reduces Unavoidable Significant Impacts to Less than Significant

i. Air Quality

Final SPEIR Section 3.3.7.2, Mobile Sources, states:

The FGPU zoning designations for parcels within 500 feet of I-5 are generally Industrial and Commercial/Industrial. Parcels with a residential Specific Plan zoning designation that are entirely or partially within 500 feet of I-5 include the Focus Area 24th Street Transit Station. Therefore, future development consistent with FGPU may result in the exposure of sensitive receptors to substantial DPM concentrations from mobile sources. Impacts of the FGPU relative to DPM exposure would be significant. (Impact AQ-4).[¹]

The Findings state that “sensitive receptors within 500 feet of I-5 are likely to be subject to substantial diesel particulate matter concentrations from mobile sources.”

The 500-foot threshold is based on California Air Resource Board’s Air Quality and

¹ Impact AQ-4 is mistakenly referenced as Impact AQ-3 in other locations within the Final SPEIR, including within the Air Quality Section and the Executive Summary.

Land Use Handbook: A Community Health Perspective. The Findings continue by stating that “[s]ince the Alternative Project Location Alternative would move density from the 24th Street Transit Center Focus Area away from this range of the I-5, it would result in less air quality impacts to sensitive receptors.” Final SPEIR Findings p. 28.

The City has identified that development of the 24th Street Transit Station will result in significant impacts to air quality. Conversely, the Final SPEIR states that the Alternative Site will reduce such impacts:

The Alternate Project Location Alternative would incrementally reduce the project’s significant impacts requiring mitigation associated with air quality emissions on sensitive receptors and would have less impacts in conflicting with land use plans, policies, and regulations, and in ambient noise impacts compared to the FPGU.

See Final SPEIR p. 28. However, classifying the reduction as “incremental” is incorrect and misleading. A more accurate way to characterize the reduced impact is to state that the Alternative Site, situated over 2,500 feet away from I-5, is outside the area considered to be hazardous to human health. The Final SPEIR identifies the 24th Street Focus Area as the only location proposing residential within 500 feet of the I-5. Consequently, the reduction to Impact AQ-4 is not simply incremental as characterized in the Final SPEIR and the associated Findings but, would be avoided entirely if the Alternative Site is selected and approved by the City. Therefore, the Alternative Site would avoid the significant and unavoidable impact associated with Impact AQ-4 (i.e., health impacts from toxic air contaminants) that would occur if the 24th Street Focus Area is rezoned and developed with residential uses.

ii. Land Use and Planning Impacts

In addition, the Findings indicate on page 28 that “[t]he Alternative would result in incrementally less impacts relating to consistency with local policies since it would not propose new residential development within 500 feet of the centerline of a freeway since the 24th Street Transit Center Focus Area of the Proposed Project would be

replaced by the Alternate Site.” Therefore, selection of the Alternative Site is consistent with Adopted General Plan Policy HEJ-2.3.

Again, the use of “incremental” is misleading. By avoiding placement of sensitive receptors within 500 feet of the I-5, the Alternative Site is entirely consistent with General Plan Policy HEJ-2.3.² As such, the Alternative Site completely avoids the significant environmental impact resulting from a conflict with a General Plan policy.

iii. Noise Impacts

Finally, the Final SPEIR and the Findings state that

[t]he Alternative would also have an incremental reduction in ambient noise impacts to sensitive receptors compared to the Proposed Project due to the location of the Alternate Site since freeways are sources of sustained vehicular noise that contributes to the ambient noise environment.

See Final SPEIR Findings p. 28. As such, the Alternative Site would lessen the impact associated with Impact NOI-2 due to the distance added between freeway noise and sensitive receptors. As stated repeatedly in the Final SPEIR and Findings, the Alternative Site meets all project objectives; avoids significant Impact AQ-4; avoids a conflict with Adopted General Plan Policy HEJ-2.3,³ and further reduces significant but mitigable impacts from mobile noise sources.

² The adopted Health and Environmental Justice Element Policy HEJ-2.3 in the General Plan calls for the avoidance of “siting new sensitive land uses within 500 feet from the centerline of a freeway, unless such development contributes to smart growth, open space, or transit-oriented goals, in which case the development shall include feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution”. (See Final SPEIR Chapter 2, CEQA Compliance Recommendations Regarding Final SPEIR and APL Alternative Responses to Comments, Response to Comment KG-2.)

³ State CEQA Guidelines Appendix G, Environmental Checklist Form, Section XI, Land Use and Planning, part b. “Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?” The answer to this question is yes because the proposed project would not avoid siting new sensitive land uses (i.e. residential dwellings) within 500 feet from the centerline of the a freeway (i.e. HEJ-2.3) and the result is a significant and unavoidable impact on human health (i.e., exposure of sensitive receptors to levels of toxic air contaminants that would exceed adopted thresholds).

C. Alternative Site is Feasible

The City, in its Findings, and as reiterated in the Planning Commission staff report on page 11, states

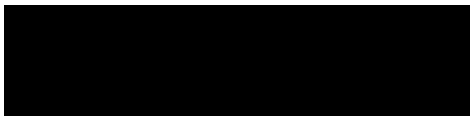
that the alternatives presented and considered in the Final EIR constitute a reasonable range of alternatives necessary that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project to permit a reasoned choice among the options available to the City and/or project proponent.

The City has thus found that both the No Project, and the Alternative Site, are feasible and may be implemented if approved. Additionally, for clarification purposes, it is important to note that under CEQA, not only does the Alternative Site “feasibly attain most of the basic project objectives of the project”, but the City admits and states repeatedly throughout the SPEIR that the Alternative Site attains **all** project objectives. See Final SPEIR p. 29.⁴ Therefore, the Alternative Site is a feasible alternative to the Proposed Project and can be implemented if approved.

IV. Conclusion

We request the Planning Commission recommend the City Council select the Alternative Site under the SPEIR of the FGPU to avoid placing housing immediately adjacent to the freeway and comply with CEQA.

Sincerely,

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CYNTHIA MORGAN-REED

Cc: Carlos Aguirre, Director of Housing
Ben Martinez, Acting Director of Community Development
Scott Huth, Interim Deputy City Manager

City of National City Focused General Plan Update Supplemental Environmental Impact Report

Cynthia Morgan-Reed, Morgan Reed Law

Joseph Smith, AICP, California Coastal Works



Advocacy for Alternate Project Location Alternative (“Alternative Site”)

City must select the Alternative Site under FGPU and SPEIR to ensure compliance with the California Environmental Quality Act (“CEQA”) and National City’s General Plan.



24th Street Transit Center Focus Area

Description

- Includes the 24th Street Transit Center, the National City Adult School, and commercial establishments
- Existing Condition
 - Currently zoned Limited Commercial (CL)
 - Does not allow residential development
 - Height limit of three stories or 50 feet and a FAR of 0.6.
- Proposed Condition
 - Rezone to Multi-Use Commercial-Residential (MCR-1) (24 du/ac)
 - Increases allowed height of five stories or 65 feet



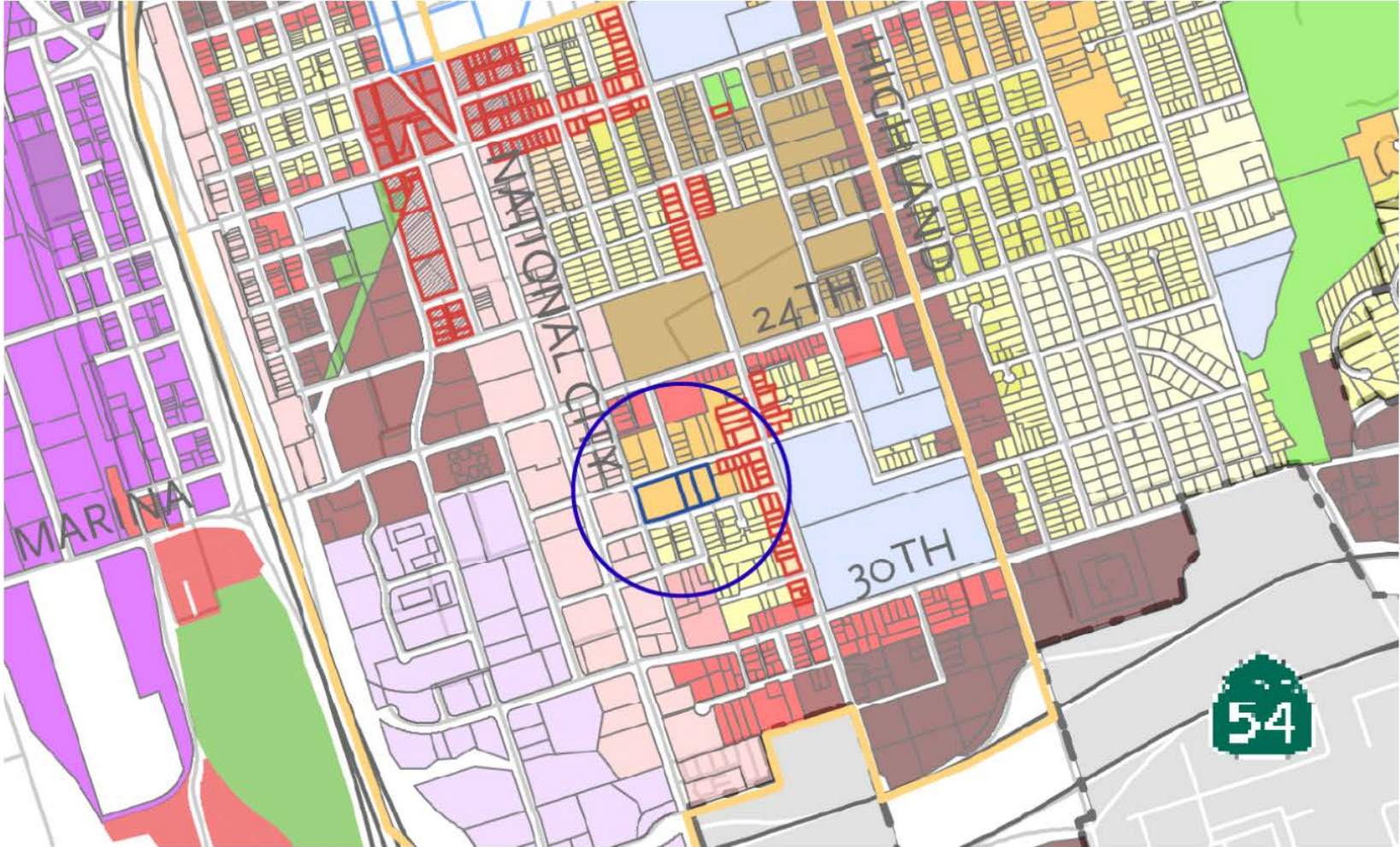
Alternative Site Description

- Includes 3 parcels between A Avenue, E 26th Street, E 27th Street, and D Avenue
 - 1.86 vacant lot at 121 E. 27th Street (Webster Trust Property)
 - Two existing industrial properties
- Existing Condition
 - Service Commercial (CS) which does not allow residential
- Proposed Condition
 - High Density Multi-Unit Residential (RM-2) (24 du/ac to 48 du/ac) which does not allow commercial
 - Increases allowed height of five stories or 65 feet



Alternative Site: 121 E. 27th Street et al.

Figure 3.48.3-2 Alternate Project Location Alternative



Alternative Site Benefits under SPEIR

1. Reduces potential air quality and noise impacts to residential uses because it is further away from Interstate 5 (I-5) corridor. APLA over 2,500 feet away from I-5 vs. 24th Street within 200 feet of the I-5.
2. City's Adopted General Plan Policy HEJ-2.3 calls for the avoidance of "siting new sensitive land uses within 500 feet from the centerline of a freeway" unless it meets City's goals and includes measures that minimize potential impacts from air pollution.



Final SPEIR and Findings repeatedly found Alternative Site:

1. Meets all project objectives
2. Avoids significant Impact AQ-4
3. Avoids a conflict with Adopted General Plan Policy HEJ-2.3
4. Further reduces significant but mitigable impacts from mobile noise sources.



Alternative Site Complies with CEQA

- City of National City, as the CEQA lead agency, is prohibited from approving a project when a feasible alternative exists that meets the central project objectives and would lessen significant environmental effects. Public Resource Code section 21002 and CEQA Guidelines Section 15021.



24th Street Issues

1. Proposed Project exposes future residents to significant air quality health risks from toxic air contaminants such as Diesel Particulate Matter (DPM) associated with freeway pollution.
2. 24th Street Station has other known environmental issues.
3. Proposed Project would still need to go through Metropolitan Transit System's redevelopment process, which can be lengthy.
4. Likely only a portion of the property may be redeveloped with housing for transit to remain: bus turnaround, overhead power lines;
5. There is an existing long-term lease on the property with Sweetwater Unified.



Alternative Site Offers

1. Alternative will provide 119 more units than the Proposed Project.
2. Webster site (1 of 3 parcels) can provide 131 units with on-site affordable included.
3. Webster site will redevelop an underutilized vacant parking lot.
4. Alternative is in a residential neighborhood surrounded by residential.
5. Within half a mile of trolley and close to two bus stops = Transit Priority Area.
6. Webster site has no impediments to redeveloping now.



Hello,

My name is Kelsey Genesi and I am the National City Policy Advocate at Environmental Health Coalition. We have had ongoing concerns of the housing element in the FGPU and the subsequent environmental and health impacts. The location suggested by the city is not preferred given its proximity to the freeway and we know that housing near freeways contributes to poorer air quality and devastating health impacts. We recognize that the initial site it aligns with California's effort to have transit-oriented development, but the alternative location is still within a reasonable proximity to transit and the EIR suggests any environmental and health concerns would be mitigated.

EHC has yet to make a final decision on this particular issue, but we do want to uplift these concerns and make it known that we are in the process of analyzing the alternative site and intend to have a solidified position to bring to the city council meeting this month. We would like to suggest that the city does not rush the process and take all the time necessary to find the safest and healthiest option for its residents.

Thank you for your time,

KELSEY GENESI · POLICY ADVOCATE (SHE/HER/HERS)

Environmental Health Coalition | *Environmental Health & Justice Campaign*

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