

**Westside Specific Plan
Final Environmental Impact Report and
Mitigation Monitoring and Reporting
Program**

Prepared for:

City of National City
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February 2010

ICF Jones & Stokes. 2010. Westside Specific Plan Final Environmental Impact Report and Mitigation Monitoring and Reporting Program. February. (ICF J&S 440.08) San Diego, CA. Prepared for: City of National City, 1243 National City Boulevard, National City, CA 91950.

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Attachments

A Mitigation Monitoring and Reporting Program

Tables

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Acronyms

ADWF	average daily wastewater flow
BMPs	Best Management Practices
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CIWMB	California Integrated Waste Management Board
CPUC	California Public Utilities Commission
DOT	Department of Transportation
DPR	Department of Parks and Recreation
EHC	Environmental Health Coalition
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
final EIR	Final Environmental Impact Report
HEAC	Healthy Eating Active Communities
HEPA	high efficiency particulate air
HVAC	heating, ventilation, and air conditioning
I-5	Interstate 5
LID	low impact development
LLG	Linscott, Law & Greenspan
MMRP	Mitigation Monitoring and Reporting Program
MTS	Metropolitan Transit System
NCTD	North County Transit District
PCEP	Paradise Creek Educational Park, Inc.
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SDAS	San Diego Audubon Society
SOHO	Save Our Heritage Organization
SWIA	Southwest Wetland Interpretive Association
TCIF	Trade Corridor Improvement Fund
TDIF	Transit Development Impact Fee
TIA	Traffic Impact Analysis
TOD	transit oriented development
TOD	transit-oriented development
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

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Chapter 1

Overview of the Final EIR

Chapter 1

Overview of the Final EIR

Introduction

The Westside Specific Plan Final Environmental Impact Report (final EIR) contains three chapters and an attachment. Chapter 1 presents an overview of the final EIR; its contents; the responsibility of the lead agency to provide written responses to comments received on the draft EIR; information on where the final EIR may be reviewed; the process of certifying the final EIR; and a brief description and legal authority on the Findings of Fact, Mitigation Monitoring and Report Program, and the Statement of Overriding Considerations. Chapter 2 discusses the public review of the draft EIR; the comments received on the draft EIR; and the lead agency's responses to the comments received. Chapter 3 contains the revisions to the draft EIR, which are designed to replace specific pages in the draft EIR. Attachment A contains the project Mitigation Monitoring and Report Program (MMRP), which lists the project mitigation and provides the timing, methodology, and the party responsible for its implementation.

Contents of the Final EIR

The contents of the final EIR are discussed in State CEQA Guidelines Section 15132. The final EIR will consist of the following (parentheses indicate the location within the Westside Specific Plan Final EIR):

- A list of persons, organizations, and public agencies commenting on the draft EIR (Chapter 2, Table 2-1).
- Comments and recommendations received on the draft EIR either verbatim or in summary (Chapter 2).
- The responses of the lead agency to significant environmental points raised in the review and consultation process (Chapter 2).
- The draft EIR or the revisions of the draft EIR (Chapter 3).
- Any other information added by the lead agency (Chapter 3).

Review of the Final EIR and Responses to Comments

A 48-day public review of the draft EIR began November 3, 2009, and ended December 21, 2009. The City has evaluated comments received on the draft EIR and has prepared written responses. Some comments were received past the deadline of December 21, 2009; however, the City elected to provide written responses to comments received after the deadline (State CEQA Guidelines Section 15088[a]).

The City has forwarded written responses to all public agencies that sent comments on the draft EIR, providing each public agency more than 10 days to review the responses prior to the City Council hearing (State CEQA Guidelines Section 15088[b]).

The City will post the final EIR on the City's website (www.nationalcityca.gov) beginning February 19, 2010, for review prior the public hearing.

Certification of the Final EIR

Certification of the Westside Specific Plan Final EIR is required prior to approving the Westside Specific Plan. Pursuant to State CEQA Guidelines 15090(a)(1), (2), and (3), the lead agency must certify that:

- The final EIR has been completed in compliance with CEQA;
- The final EIR was presented to the decisionmaking body of the lead agency and the decisionmaking body reviewed and considered the information contained in the final EIR prior to approving the project; and
- The final EIR reflects the lead agency's independent judgment and analysis.

Findings of Fact

Buildout of the Westside Specific Plan would result in significant impacts, prior to mitigation, on traffic and circulation, air quality and climate change, noise, cultural resources, biological resources, and hazards and hazardous materials. CEQA requires that the City make findings on each significant impact, accompanied by a brief explanation of the rationale for each finding. The findings must be supported by substantial evidence in the record. The possible findings are:

- Changes or alternations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.

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

The Findings of Fact for the Westside Specific Plan Final EIR is under separate cover and accompanies the Westside Specific Plan, Westside Specific Plan Final EIR, Mitigation Monitoring and Reporting Plan, and Statement of Overriding Considerations in the official Staff Report to the Planning Commission and City Council.

Mitigation Monitoring and Reporting Program

The purpose of adopting a MMRP is to ensure the mitigation measures that are listed in the Final EIR to reduce significant impacts are actually implemented. In the case of a Specific Plan such as the Westside Specific Plan, the monitoring program applies to the policies and any other portion of the plan that is a mitigation measure. (State CEQA Guidelines Section 15097 [a] and [b].)

The MMRP for the Westside Specific Plan Final EIR is included as Attachment A to the final EIR and accompanies the Westside Specific Plan, Findings of Fact, and Statement of Overriding Considerations in the official Staff Report to the Planning Commission and City Council.

Statement of Overriding Considerations

Buildout of the Westside Specific Plan would result in significant and unavoidable adverse impacts even after mitigation is applied. Development under the plan would result in significant and unavoidable adverse impacts on air quality and noise. Significant and unavoidable adverse cumulative impacts would occur on air quality and climate change, noise, and traffic and circulation.

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the lead agency determines that the benefits outweigh the unavoidable adverse environmental effects, the lead agency may consider the significant unavoidable adverse environmental effects “acceptable.” A written statement of the specific reasons to support the approval action is required. (State CEQA Guidelines 15093[a] and [b])

The Statement of Overriding Considerations for the significant unavoidable adverse impacts is under separate cover and accompanies the Westside Specific Plan, Westside Specific Plan Final EIR, and Findings of Fact in the official Staff Report to the Planning Commission and City Council.

Chapter 2

Response to Comments

Chapter 2

Responses to Comments

Distribution of the Draft EIR

The draft EIR prepared for the City was sent to the State Clearinghouse and distributed to the agencies and the general public for a 48-day review beginning on November 3, 2009 and ending December 21, 2009.

The draft Westside Specific Plan and the draft EIR were available for public review at:

- City of National City, Planning Division, 1243 National City Boulevard, National City, CA 91950;
- National City Library, 1401 National City Blvd., National City, CA 91950;
- City's website www.nationalcityca.gov.

Comments on the Draft EIR

The public comment and response component plays a critical role in the CEQA process. Comments from other agencies and the general public provide the lead agency with insight into understanding potential impacts of a project from other perspectives based on the analysis of other agencies and interested parties, and it provides the opportunity to better explain, and, in certain cases, augment the analyses that the lead agency has undertaken to determine the potential environmental impacts of a project.

The City received 17 comment letters on the draft EIR during the public review period. Table 2-1 presents a list of those agencies, organizations, and individuals who commented on the draft EIR.

Table 2-1. Public Comments Received on the Draft EIR

<i>Letter</i>	<i>Date</i>	<i>Individual/Organization</i>	<i>Page</i>
Government Agencies			
A	12/21/09	United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG)	2-5
B	12/21/09	California Department of Transportation (Caltrans)	2-17
C	12/21/09	California Highway Patrol	2-29
D	12/21/08	California Public Utilities Commission (CPUC)	2-33
E	1/25/10	San Diego Association of Governments (SANDAG)	2-37
F	12/21/09	Sweetwater Authority	2-45
Local Organizations			
G	12/21/09	Environmental Health Coalition (EHC) c/o Coastal Law Group	2-49
H	12/21/09	Institute for Public Strategies	2-73
I	12/21/09	Old Town National City Alliance—Healthy Eating Active Communities (HEAC)	2-77
J	12/21/09	Old Town National City Neighborhood Council	2-81
K	12/21/09	Old Town National City Smart Growth Coalition (SGC)	2-85
L	12/21/09	Paradise Creek Educational Park, Inc. (PCEP 1)	2-97
M	12/21/09	Paradise Creek Educational Park, Inc. (PCEP 2)	2-101
N	12/21/09	Paradise Creek Educational Park, Inc. (PCEP 3)	2-111
O	12/21/09	San Diego Audubon Society (SDAS)	2-115
P	12/21/09	Save Our Heritage Organization (SOHO)	2-119
Q	12/21/09	Southwest Wetland Interpretive Association (SWIA)	2-125

Responses to Comments

In accordance with State CEQA Guidelines Section 15088, the City has evaluated the comments on environmental issues received from agencies and other interested parties and has prepared written responses to each comment pertinent to the adequacy of the environmental analyses contained in the draft EIR. In compliance with Section 15088(b) of State CEQA Guidelines, the written responses address the environmental issues raised. In addition, where appropriate, the basis for incorporating or not incorporating specific suggestions into the proposed Project is provided. In each case, City has expended a good faith effort, supported by the facts in the administrative record, to respond to comments.

This section includes responses to written comments received during the 48-day public review period of the draft EIR. Some comments have prompted changes to the text of the draft EIR, which are referenced in this chapter and shown in the Chapter 3, *Modifications to the Draft EIR*. A copy of each comment letter is provided, and responses to each comment letter immediately follow.

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Comment Letter A



U. S. Fish and Wildlife Service
 Carlsbad Fish and Wildlife Office
 6010 Hidden Valley Road, Ste. 101
 Carlsbad, California 92011
 (760) 431-9440
 FAX (760) 431-9618



California Department of Fish and Game
 South Coast Region
 4949 Viewridge Avenue
 San Diego, California 92123
 (858) 467-4201
 FAX (858) 467-4299

In Reply Refer To:
 FWS/CDFG- 10B0079-10TA0145

DEC 21 2009

Ms. Peggy Chapin
 Principal Planner
 City of National City
 1243 National City Boulevard
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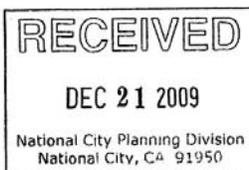
Subject: Comments on the Draft Environmental Impact Report for the Westside Specific Plan (SCH#2008071092).

Dear Ms. Chapin

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively referred to hereafter as the Wildlife Agencies, have reviewed the above-referenced Draft Environmental Impact Report (DEIR), dated November 2009. The Wildlife Agencies are concerned about the direct and indirect effect that subsequent development could have on Paradise Creek and the sensitive habitats and species that this valuable resource supports. These biological resources should be protected from additional direct and indirect impacts at the time when specific projects are brought forth for development consideration under the Westside Specific Plan (Plan). The enclosed comments are based on information provided in the draft Westside Specific Plan and DEIR, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities; and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA, Sections 15386 and 15381 respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning Program (NCCP) program.

The City of National City (City) proposes a General Plan Amendment, Rezone, and Specific Plan to guide the future development of the 100-acre Westside neighborhood in response to conflicts between the neighborhood's current land uses. Because many of the existing industrial uses are



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incompatible with the existing residential uses, there has been a growing concern related to adverse effects resulting from air quality, environmental, traffic, and noise issues. In an attempt to minimize these adverse effects, the proposed Plan includes strategies for gradually eliminating uses that do not contribute to the areas residential character.

The plan area is bounded by West Plaza Boulevard to the north, Interstate-5 to the west, West 24th Street/Mile of Cars Way to the south, and Roosevelt Avenue to the east. San Diego Bay and the San Diego Bay National Wildlife Refuge are approximately 0.5 mile to the west. The existing land uses include single-family residential, scattered industrial and commercial/office, open space, and public/institutional uses.

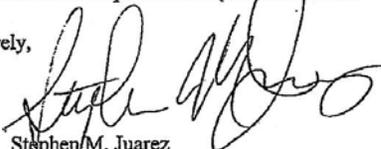
Paradise Creek flows northeast to southwest through the plan area into the Sweetwater River by way of Paradise Marsh and ultimately into San Diego Bay. The surrounding land uses are mostly urban, light industrial or commercial. The Paradise Creek Educational Park borders the creek on the north and two City-owned parcels adjoin both sides of the creek in the south. One parcel is currently used as a trash sorting facility by the City, and the other is the public works yard. The creek is bounded by relatively steep banks on both sides and varies in width from approximately 3 to 30 feet. Narrow bands of coastal salt marsh habitat occur on either side of the open water channel and are dominated by halophytic species such as: California cordgrass (*Spartina foliosa*), fleshy jaumea (*Jaumea carnosa*), sea lavender (*Limonium californicum*), glasswort (*Batis maritima*), and bush seepweed (*Suaeda moquini*). The creek provides potential habitat for the federally and state endangered light-footed clapper rail (*Rallus longirostris levipes*), and salt-marsh bird's beak (*Cordylanthus maritimus subsp. maritimus*) and the state endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) however, no sensitive species were detected during the habitat assessment.

We offer our comments and recommendations in the attached Enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources. If you have questions or comments regarding the contents of this letter, please contact Patrick Gower of the Service at (760) 431-9440 or Paul Schlitt of the Department at (858) 637-5510.



Karen A. Goetzel
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Sincerely,



Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

**Wildlife Agency Comments and Recommendations on the Draft Environmental Impact
Draft Westside Specific Plan**

- | | |
|-----|--|
| A-1 | 1. The DEIR for the Plan should provide a thorough discussion of potential project-related effects and specific measures that would be implemented to avoid or minimize those effects along the Paradise Creek corridor. For example, we suggest consideration be given to criterion that orients development (including adequate setbacks) away from Paradise Creek, in such a manner to reduce indirect impacts. Also, a reduction of building heights in areas along the corridor as a means to avoid impacts related to shading and predator perching are recommended. Furthermore, we recommend keeping one or more of current city parcels adjacent to the creek as open space and further examining their use as an extension of the Paradise Creek Educational Park. This would be consistent with Goal 3.10 of the Plan and would preserve and enhance the habitat values of the creek, potentially improve the quality of the neighborhood for residents and ensure adequate restoration/enhancement acreage exists for future opportunities to implement restoration/enhancement projects along Paradise Creek. |
| A-2 | |
| A-3 | |
| A-4 | 2. The DEIR for the Plan states that the plan area provides suitable habitat for both federally and state listed species (e.g., light-footed clapper rail, salt-marsh bird's beak, Belding's savannah sparrow). The DEIR also states that specific development projects proposed within the plan area could potentially result in significant impacts to listed species therefore coordination and or consultation with the Wildlife Agencies would be required under either CESA or the Act. Restoration/enhancement/ preservation of wetland habitat may be required as a condition of any permits. The amount of available habitat acreage in Paradise Creek is limited and any habitat restoration/enhancement/preservation acreage over the amount within the creek would have to be met elsewhere thereby delaying the permit process and increasing project costs for future development. By proactively incorporating design features that avoid impacts to listed species, proposed projects could lessen the amount of compensatory restoration/enhancement/ preservation acreage needed. |
| A-5 | |
| A-5 | 3. We believe more detailed design criteria/guidance for biological buffers and development setbacks (including height restrictions) along the Paradise Creek corridor should be included within the Plan. Biological buffers are crucial for the protection of wetland habitat in urban areas by providing foraging habitat for wildlife, reducing edge effects such as artificial noise and light, and inhibiting invasive species encroachment. As a component of an integrated management system, biological buffers can also protect a watercourse by managing natural levels of nutrients and sediments (i.e., they should not be burdened by anthropogenic pollutants which often represent levels beyond their natural assimilative capacity). |
| | The Wildlife Agencies recommend that an adequate buffer, as measured from the outside edge of the jurisdictional riparian habitat, should be established to protect the riparian habitats from edge effects. Buffers should be of sufficient width and should be designed to eliminate potential negative impacts to sensitive resources from noise, human activity, feral |

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|-------------|---|
| A-5
cont | <p>animal intrusion, exotic plant invasion and any other potential sources of disturbance. The size and character of buffers shall be determined by the requirements of the affected species most sensitive to such disturbances. The Wildlife Agencies and the U.S. Army Corps of Engineers typically recommend that a buffer width of 100 feet or greater to provide the functions cited above.</p> <p>We recognize that there is extant development presenting constraints in some areas in providing uniformly adequate buffers for the entirety of Paradise Creek. Nevertheless, we believe that redevelopment of areas under the Plan provides opportunity to incorporate biological buffers to improve the protection to Paradise Creek and the valuable biological resources it supports.</p> |
| A-6 | <p>4. The following measures should be taken into consideration at this stage in the Plan to ensure that established buffers provide the protection for which they are intended:</p> |
| A-6a | <p>i. Trails should be kept out of the biological buffer except in areas of lower biological sensitivity. Trails within the buffer should be limited to trails that provide access to biological and/or cultural interpretive areas along Paradise Creek, and aligned roughly perpendicular to the length of the buffer (i.e., spur trails). These interpretive areas and spur trail should be included as part of the project footprint and should avoid biologically sensitive areas or areas with strong potential for effective habitat restoration and enhancement of species diversity.</p> |
| A-6b | <p>ii. Permanent fencing and signage should be installed at the outside edge of the buffer areas. The limits of the spur trails within the buffer should be effectively demarcated and/or fenced to avoid human encroachment into the adjacent habitat (including not permitting picnic areas within sensitive resource areas). The fencing should be designed to prevent encroachment by humans and domestic animals into the buffer areas and riparian corridor. The signage should inform people that sensitive habitat lie beyond the fencing and that entering the area is illegal.</p> |
| A-6c | <p>iii. All post construction structural best management practices (BMPs) such as grass swales, filter strips, and energy dissipaters, should be outside of the riparian buffer and the riparian corridor (i.e., they should be within the development footprint). All filtration and attenuation of surface flows provided by the proposed BMPs should occur prior to the discharge of the flows into the buffer areas.</p> |
| A-6d | <p>iv. No additional lighting should be added within the vicinity of both upland and wetland sensitive habitats, and where possible, existing lighting within such areas should be removed.</p> |

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- A-6e | v. Methods should be employed to attenuate project-related construction and operational noise levels in excess of ambient levels at the edge of sensitive habitats to avoid or minimize further degradation by noise of conditions for wildlife. Particularly, avian species. Where possible, existing sources of noise audible within the buffer should be removed.
- A-6f | vi. All areas within biological buffers should be added to the biological open space reserve, if not already within it, and should be accordingly managed in perpetuity to maintain the biological functions and values the buffers are intended to protect.
- A-6g | vii. Guidance criteria should be provided with the Plan that identifies that development landscaping, especially landscaping adjacent to sensitive habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include those species on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from the Cal-IPC website at <http://www.cal-ipc.org>. In addition, landscaping adjacent to biological open space areas will not use plants that require intensive irrigation, fertilizers, or pesticides. Water runoff from landscaped areas will be directed away from the biological open space and contained and/or treated within the development footprint.
- A-6h |
- A-6i | viii. Development adjacent to the creek should include the use of non-reflective glass in the window design.
- A-7 | 5. The Wildlife Agencies are concerned with the contamination that has been documented in Paradise Marsh. Results from the Paradise Marsh Contaminants Investigation (USFWS April 2008) suggest that part of the contamination detected in the marsh may originate from upstream sources. The introduction of additional runoff could result in further negative impacts to the marsh. We recommend as means to reduce aquatic ecosystem impacts to Paradise Creek and Paradise Marsh that all subsequent development along the creek be evaluated for adherence to low impact development criteria. This focuses on integrating a series of storm water best management practices which emphasize retention of rain on or near the site it falls. In particular, consideration should be given at this stage in the planning process to alternatives such as relocating certain land uses with high amounts of impervious cover (e.g., calculating the impervious surface coefficient for a particular land use at build-out according to the Plan) away from sensitive environmental areas or area with high groundwater recharge capacity.
- A-8 | 6. Mitigation Measure BIO-4 should be amended to specify that habitat assessments will be conducted for all subsequent development projects within the Plan area and not restricted

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- A-8
cont
- solely to undeveloped portions of the Plan area. We would further emphasize projects proposed on developed parcels may indirectly impact adjoining habitats and creeks or linear areas of narrow natural or semi-natural habitats. These resources, even when located in urban areas, may be functioning on some level as habitat patches or movement corridors for wildlife. Even relatively small areas of disconnected natural habitat may provide connectivity by acting as stepping stones for the regional movement of some avian species, or may provide resting areas for migratory species. All creeks and vegetated areas need to be evaluated for habitat value, connectivity functions, and opportunities for improvements and should be identified with respect to forthcoming projects.
- A-9
7. Please provide clarification regarding the other specific projects Impact BIO-3 is referring to. Projects occurring on developed or highly disturbed areas may produce indirect impacts to sensitive habitats.
- A-10
8. Referring or relying on the potential mitigation required by the issuance of a permit may not effectively reduce the impact to less than significant. Projects could be designed to not impact wetlands or Waters of the U.S. or State consequently not requiring a permit from either the Department or the Army Corp of Engineers. However, direct and indirect impacts to habitats still may occur and may not be reduced to less than significant by the implementation of the mitigation measures in the DEIR.

Response to Letter A

U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG)

Comment A-1 Response

The City of National City met with the California Department of Fish and Game (CDFG) (Kelly Fisher, Darren Bradford, and Russ Patrice) and the United States Army Corps of Engineers (USACE) (Peggy Bartels) on February 9, 2010. The Westside Specific Plan is designed to prevent development from impacting jurisdictional wetlands as defined by CDFG and USACE. A 100-foot buffer was initially considered as mitigation for the plan, but after site visits and discussion with wildlife agency staff, including viewing and considering the existing retention walls, the consensus was that requiring a set 100-foot buffer could actually do more harm than using the future discretionary process to design specific avoidance criteria once a project is proposed. Consultation with the agencies will be required once development is proposed in these areas (MM BIO-3). In addition, all open space areas shall be preserved in an open space easement in perpetuity and rezoned as Open Space Reserve to maintain the biological functions and values of the wetland habitat. Per recommendations from USFWS and CDFG, additional mitigation measures have been added to the final EIR and are described in the responses below.

Comment A-2 Response

Per the recommendation from USFWS and CDFG, building heights would be reduced where adjacent to the riparian habitat area. Mitigation has been added to the final EIR.

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

Comment A-3 Response

It is the objective of the Westside Specific Plan to extend the Paradise Creek Educational Park as well as develop open space within the development of the Transit Oriented Development for recreation, both active and passive, and a trail system. Those areas identified for open space shall be preserved in an Open Space Easement and rezoned as Open Space Reserve once the delineation of the open space area is determined through the discretionary review process.

Comment A-4 Response

Comment noted. Per the recommendations of USFWS and CDFG, additional mitigation measures have been added to the final EIR to avoid impacts to listed species.

Comment A-5 Response

As discussed in the response to A-1, future development will avoid impacts to the jurisdictional riparian habitat by restricting development to outside the wetland and riparian habitat areas. MM BIO-3 will ensure formal consultation with the wildlife agencies and USACE to ensure the design and proposed measures satisfy these agencies concerns.

Comment A-6a through A-6i Response

The following mitigation measure has been added to the final EIR:

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

MM BIO-6: Install Fencing and Signage. Permanent fencing shall be installed at the outside edge of the riparian area if deemed necessary by the wildlife agencies. The type, placement, and height of such fencing shall be determined in consultation with the project biologist and the wildlife agencies. The fencing shall be designed to restrict human and domestic animals encroachment in the adjacent habitat (including not permitting picnic

areas within sensitive resource areas). The signage shall inform people that sensitive habitat lie beyond the fencing and entering the area is prohibited by law.

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

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

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

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

MM BIO-11: Landscape Requirements. Proposed landscaping palettes shall consist of native and drought-tolerant plants and vegetation. Exotic and invasive plants, as identified on the California Invasive Plant Council’s (Cal-IPC) Invasive Plant Inventory shall not be used. Landscaping adjacent to the Paradise Creek riparian areas shall be drought-tolerant and use minimal fertilizers and pesticides. As required by MM BIO-7, water runoff shall be directed away from the riparian area and contained and/or treated with the development footprint.

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

Comment A-7 Response

Per the recommendation from USFWS and CDFG, all subsequent development along Paradise Creek shall adhere to low impact development criteria. The following mitigation measure has been added to the final EIR.

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

Comment A-8 Response

Per the recommendation from USFWS and CDFG, MM BIO-4 has been amended to read:

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

Comment A-9 Response

Per the recommendation from USFWS and CDFG, Impact BIO-3 has been clarified to read:

Impact BIO-3: Implementation of restoration/revegetation efforts within and adjacent to Paradise Creek have the potential to result in significant impacts on riparian habitat. In addition, ~~specific future~~ development projects (currently unplanned) within other ~~undeveloped~~ areas of the proposed plan area could result in significant impacts on sensitive natural communities. Avoidance of development within sensitive habitat areas would reduce the potential impacts to less than significant.

Comment A-10 Response

Comment noted. The discussion under Threshold BIO-3 has been revised for the final EIR and, based on preliminary plans for the transit oriented design area and other riparian habitat areas, impacts to riparian communities through design and additional mitigation measures would avoid impacts on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS.

It is the lead agency's opinion that incorporating design elements, placing development outside of jurisdictional wetlands, and implementing mitigation measures contained in the final EIR and MMRP, would reduce both direct and indirect (i.e. invasive species, domestic animals, noise, lighting, shading from adjacent land uses) impacts to a level below significant. These measures would preclude the potential for significant and unavoidable impacts on biological resources from reasonably foreseeable future development proposals located within the Westside Specific Plan area. However, development which would have the potential to affect sensitive riparian habitat will be required to submit an application to CDFG, USFWS, and USACE.

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Comment Letter B

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
 PLANNING DIVISION
 4050 TAYLOR STREET, M.S. 240
 SAN DIEGO, CA 92110
 PHONE (619) 688-6681
 FAX (619) 688-2511
 TTY 711



*Flex your power!
 Be energy efficient!*

December 21, 2009

11-SD-5
 PM 9-10
 Westside Specific Plan
 DEIR
 SCH 2008071092

Ms. Peggy Chapin, Principal Planner
 City of National City
 1243 National City Blvd.
 National City, CA 91950

Dear Ms. Chapin:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westside Specific Plan, located in the City of National City (City) and adjacent to Interstate 5 (I-5). Caltrans would like to submit the following comments:

Overall comments on the Specific Plan

- B-1 • Caltrans recognizes that there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled and the number of trips per household. Caltrans encourages local agencies to work towards a safe, functional, interconnected, multi-modal system to help reduce congestion.
 - B-2 • Caltrans is involved in a multi-jurisdictional effort with the San Diego Association of Governments (SANDAG) and the City of Chula Vista in developing a detailed I-5 corridor level study that will identify transportation improvements, along with funding, towards reducing congestion along the I-5 South Corridor. Caltrans encourages the City to participate on this effort as part of this specific plan, as well as the City's General Plan Update.
- SANDAG's 2030 Regional Transportation Plan (RTP) Reasonably Expected Revenue Scenario calls for two High Occupancy Vehicle (HOV) Lanes along I-5 from State Route 905 (SR-905) to Interstate 8 (I-8). Caltrans is currently preparing a Project Study Report (PSR) for the addition of two HOV Lanes along I-5 from approximately State Route 15 (SR-15) to SR-905, including National City. Caltrans also encourages the City to participate on this effort as part of this specific plan, as well as the City's

"Caltrans improves mobility across California"

Ms. Peggy Chapin
December 21, 2009
Page 2

B-2 | General Plan Update, with the possibility of evaluating potential future interchange
cont. | improvements or modifications as part of this work.

DEIR Volume I, November 2009

B-3 | • Table 1-1 (p. 1-6) – While the “plan area does not have any state routes or other
| Caltrans jurisdictional roads within its boundaries,” consider revising the Caltrans
| responsibility narrative to reflect I-5, a Caltrans jurisdictional road, serving as the
| specific plan’s western boundary. Caltrans also has jurisdiction over the on-ramps and
| off-ramps to I-5 within and adjacent to the plan area.

B-4 | Caltrans is a key stakeholder in regional transportation and land use efforts. The State
| Highways serving the Westside Specific Plan should be regarded as both local and
| regional assets facilitating access and mobility needs for the entire San Diego Region.
| Operation of these State Highways could be adversely affected by changes proposed
| in the Plan.

B-5 | • Section 3.1, Traffic, Circulation, and Parking – Caltrans supports the concept of a
| local circulation system that is pedestrian, bicycle, and transit-friendly in order to
| enable residents to choose alternative modes of transportation. The element should
| recognize and emphasize the need to maximize safety and mobility for all users
| including vehicle drivers, transit riders, bicyclists, and pedestrians. Maximizing
| mobility should consider efficient utilization of available and planned capacity and
| may include tradeoffs between individual modes.

Potential transit mitigation along the I-5 South Corridor for development impacts
should also be analyzed, such as improved transit accommodation through the
provision of park and ride facilities, bicycle access, signal prioritization for transit, or
other enhancements that can improve mobility and alleviate traffic impacts to State
facilities. Caltrans again encourages the City of National City to engage and work
with Caltrans, SANDAG and MTS to explore potential transit improvements as part
of a comprehensive strategy to address impacts to I-5.

B-6 | • Introduction (p. 3.1-1) – “The contents of this section are based on the Traffic Impact
| Analysis (TIA) prepared by Linscott, Law & Greenspan (LLG) in July 2009
| (Appendix B),” yet the TIA included with the DEIR is dated October 14, 2009; revise
| accordingly.

B-7 | • Impacts and Mitigation (p. 3.1-31) – “These [TCIF] improvements are slated to begin
| in 2011 with a completion date of 2012,” yet the TCIF Amendment Program
| referenced on p. 3-1.16 states a construction end date of November 2013; revise
| accordingly.

“Caltrans improves mobility across California”

Ms. Peggy Chapin
December 21, 2009
Page 3

- B-8
- Impacts and Mitigation (p. 3.1-34 – 3.1-36) – Caltrans would expect that the feasibility of implementing cumulative impact mitigation along I-5 be thoroughly analyzed and either funded or implemented in a manner consistent with the issuance of building permits at the project level. Significant and unmitigated impacts for impacts to the I-5 corridor are not acceptable; the lead agency has the responsibility to determine whether a potential mitigation measure is feasible or infeasible, based on substantial evidence in the record. The timing and feasibility of implementing mitigation improvements should be thoroughly evaluated based on when they occur as identified in the approving CEQA document. Caltrans recommends an impact fee approach similar to the Chula Vista Western Traffic Development Impact Fee Program be considered as a potential strategy as part of this specific plan.

DEIR Appendix B – TIA, October 14, 2009

- B-9
- Table 6-3 (p. 27) – Please use the latest (2008) Caltrans Peak Hour Percentage (K) and Directional Split (D) factors.

Caltrans Encroachment Permit

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by the Department. Based on the complexity of the project, the impacts, and the cost of the project on the SHS, a project will require a permit application review and development of a Permit Engineering Evaluation Report (PEER) or appropriate Project Initiation Document (PID).

- B-10
- If a project is considered to be a non-complex project and the construction cost for the project is less than \$3,000,000 (three million dollars), then the review and approval of the project is completed under the encroachment permit process and PEER review. A PEER should always be prepared when new operating improvements are constructed by the permittee that become part of the SHS.

These include signalization, channelization, left-turn pockets, widening, realignment, public road connections, and bike paths and lanes. Please submit a PEER Report prior to applying for an encroachment permit.

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

If the project meets the complex project definition as defined in Caltrans Encroachment Permit Manual or if the construction is greater than \$3,000,000, the project proponent shall submit a PID and a Caltrans project manager is assigned to coordinate the project

“Caltrans improves mobility across California”

Ms. Peggy Chapin
 December 21, 2009
 Page 4

approval. A PID or PSR will not be approved unless there is an executable Cooperative Agreement (CA) or Highway Improvement Agreement (HIA).

Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W. Environmental documentation should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts to the following resources in state right-of-way:

- Biological resources
- Archaeological and historic resources
- Visual quality
- Hazardous waste
- Water quality and stormwater
- Air quality
- Noise levels

B-10
cont.

Copies of all project-related environmental documentation and studies, which address the above-cited resources, should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158

The California Environmental Quality Act (CEQA) requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring program shall be submitted to the Department of Transportation (Caltrans).

The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable Level of Service (LOS). Should the LOS reach

"Caltrans improves mobility across California"

Ms. Peggy Chapin
December 21, 2009
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unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

B-10
cont. Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

B-11 Caltrans and SANDAG staff would be willing to meet with the City to discuss potential strategies. Caltrans appreciates the coordination with City staff on this specific plan, and looks forward to continuing coordination with City staff and community representatives on the National City General Plan Update. If you have any questions, please contact Connery Cepeda, Community Planning Liaison, at (619) 688-6968.

Sincerely,



JACOB ARMSTRONG, Chief
Development Review Branch

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Response to Letter B

California Department of Transportation (Caltrans)

Comment B-1 Response

Comment noted. The Westside Specific Plan has the following policies designed to promote a safe, functional, and interconnected multi-modal system.

Land Use

Goal 3.4 Encourage retail and commercial uses that increase neighborhood activity and engagement as well as create a living environment where people can walk for goods, services, recreation, and transit.

Design Guidelines and Development Standards

Goal 4.1 Design and orient new development within the Transit Oriented Development area in concert with conservation and enhancement of Paradise Creek.

Goal 4.2 Reinforce neighborhood character by designing new development that embodies an active and friendly environment.

Goal 4.7 Consider design alternatives that encourage sustainability and reduce the carbon footprint.

Strategy 4.5 Encourage pedestrian activity by wrapping parking around the rear of the residential buildings and/or placing retail uses on the ground floor for mixed-use development.

Strategy 4.6 All ground floor commercial uses and residential uses should face the street to encourage public activity and to welcome visitors from on-street parking.

Transportation and Parking Management

Goal 5.1: Make walking and bicycling safe and enjoyable by reducing sidewalk hazards, installing bicycle lanes, lighting, and landscaping along pedestrian paths and bicycling routes to the downtown, transit station, school, parks, and community facilities.

Goal 5.2 Improve traffic safety by integrating traffic calming methods that will reduce traffic speeds.

Goal 5.4 Create attractive pedestrian-oriented corridors that will instill a sense of community and identity.

Goal 5.5 Improve conditions for children and other community members walking and bicycling to Kimball School, Paradise Creek Educational Park, and the Civic Center Drive mixed-use center.

Goal 5.6 As part of a transit-oriented development proposed within and surrounding the Public Works Yard, provide opportunities for residents to use multi-modal transit – walk, bike, bus, and/or trolley - to employment, recreation, and school.

Strategy 5.1 Implement traffic calming methods to slow driving speeds and improve pedestrian friendliness and safety. Measures may include pedestrian scaled lighting, curb bulbouts, angled parking, landscaping, and street furniture.

Strategy 5.2 Provide street trees and landscaping along street frontages as a measure to buffer pedestrians from vehicles.

Strategy 5.4 Install streetscape improvements on Coolidge Avenue and West 18th Street as a priority to reduce traffic speeds and increase pedestrian safety for Kimball School.

Strategy 5.6 Install bike lanes and bike routes with appropriate bikeway signage, including “Share the Road” signs consistent with the plan.

Strategy 5.13 Pursue grant funds for installation of sidewalks repair, accessibility, traffic calming measures, decorative street lighting, and landscaping.

Strategy 5.14 Improvement crosswalks and intersections within the Plan Area and pedestrian paths in the alleyways to enhance the pedestrian environment and encourage pedestrian mobility.

Strategy 5.15: Install traffic calming measures to improve pedestrian friendliness, safety and provide visual interest to slow motorist traffic with pedestrian-scaled lighting, curb bulb-outs at unsignalized crosswalks, and roundabouts.

Strategy 5.16 Repair and replace existing sidewalks as necessary to improve walkability and provide curb ramps for persons with mobility impairments.

Strategy 5.18 Improve and maintain existing bus stop locations by providing curbside bus stops with appropriate no parking zones.

Strategy 5.19 Install wider sidewalks where appropriate to allow for street trees, bus shelters or benches.

Comment B-2 Response

The City looks forward to participating in the multi-jurisdictional effort to develop a detailed I-5 corridor level study that will identify transportation improvements, along with funding, towards reducing the congestion along the I-5 South Corridor. While the City does not believe it is essential that the Westside Specific Plan be a part of this effort in the immediate future, buildout of the Westside Specific Plan will be a long process over dozens of years and it is foreseeable that future development within its boundaries will be a part of this effort.

Comment B-3 Response

Table 1-1 (pg. 1-6) has been revised to state:

Caltrans is the permitting authority for highway improvements and rail trackage, connections, and signage during construction operations. While the plan area does not have any state routes or other Caltrans jurisdictional roads within its boundaries, Caltrans has jurisdiction over Interstate 5 (I-5) adjacent to the project site's western boundary as well as the I-5 on- and off-ramps within and adjacent to the plan area.

Comment B-4 Response

Comment noted. As discussed under Threshold TR-2 within the EIR traffic section, the buildout of the Westside Specific Plan would contribute to a cumulative impact on the I-5. The discussion also notes that no plans for improvements are currently available that would mitigate cumulative impacts along the South I-5 Corridor segments adjacent to the plan area. As noted in the response to B-2, the City looks forward to working with Caltrans, SANDAG, and MTS to explore potential transit improvements as part of a comprehensive study to address impacts on I-5.

Comment B-5 Response

The Westside Specific Plan promotes a local circulation system that is pedestrian, bicycle, and transit-friendly in an attempt to provide viable alternatives to automobile use. Several relevant goals and strategies are noted in the response to B-1.

Comment B-6 Response

The reference to the incorrect version of the Westside Specific Plan Traffic Impact Analysis on page 3.1-1 has been corrected as follows:

The contents of this section are based on the Traffic Impact Analysis prepared by Linscott, Law & Greenspan (LLG) in ~~July-October~~ 2009 (Appendix B).

Comment B-7 Response

The reference to the incorrect construction end date of the TCIF on page 3.1-31 has been corrected as follows:

These improvements are slated to begin in ~~2014~~ June 2012 with a completion date of ~~November 2013~~ 2012.

Comment B-8 Response

It is the City's understanding, based on substantial evidence in the record, that Caltrans does not have an existing impact fee program to mitigate cumulative impacts along the I-5 South Corridor. The City does look forward to participating in a multi-jurisdictional effort to identify options to address this cumulative impact. However, without an existing work plan in place and a corresponding impact fee program, fair share mitigation is not a feasible mitigation measure at this time.

Comment B-9 Response

The traffic study has been updated with the latest (2008) Caltrans Peak Hour Percentage (K) and directional Split (D) factors. No new significant changes resulted. An errata sheet has been added to the traffic study.

Comment B-10 Response

Comment noted. Work within the Caltrans right-of-way will require discretionary review and approval by Caltrans. Contact information for the Caltrans Permits Office has been noted.

Comment B-11 Response

Thank you. The City is looking forward to working with Caltrans.

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Comment Letter C

State of California—Business, Transportation and Housing Agency **ARNOLD SCHWARZENEGGER, Governor****DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

4902 Pacific Highway
 San Diego, CA 92110
 (619) 220-5492
 (800) 735-2929 (TT/TDD)
 (800) 735-2922 (Voice)



December 21, 2009

File No.: 645.13130.14071

Ms. Peggy Chapin, AICP
 City of National City
 1234 National City Blvd.
 National City, CA 91950

Dear Ms. Chapin:

Re: Project SCH# 2008071092, Notice of Completion, Environmental Document, General Plan Amendment, Westside Specific Plan

The San Diego Area Office of California Highway Patrol received an environmentally related report for the above entitled project. Because of our geographical proximity to the site, we have been asked by Special Projects Section to assess traffic related matters that may affect our Area operations. Our statutory responsibilities with respect to this project are: The California Highway Patrol Commissioner shall have full responsibility and primary jurisdiction for the administration and enforcement of the laws, and for the investigation of traffic accidents on all toll highways and state highways constructed as freeways, including transit-related facilities located on or along the rights-of-way of those toll highways or freeways, except facilities of the San Francisco Bay Area Rapid Transit District (California Vehicle Code §2400 Subdivision (d)). Inasmuch as a significant portion of the ADT generated by this project will ultimately affect roadways within our jurisdiction, we are interested in the ultimate impact upon our services.

C-1 | According to your plan amendment Executive Summary page ES-5, "The proposed project would contribute to a significant cumulative impact along the following I-5 freeway segments: North of Civic Center Drive, Civic Center Drive to 24th Street, 24th to SR-54. The project's impact would be cumulatively considerable and significant." In addition, under proposed mitigation it states: "No feasible mitigation was identified at the plan level." Should there be any significant deviation from the information expressed in your traffic analysis, we would appreciate being informed of such change.

"The total traffic generated by the Proposed Westside specific Plan is estimated to be 70,920 ADT with 6,310 trips (4,662 inbound / 1,648 outbound) during the AM peak hour and 8,364 trips (3,169 inbound / 5,195 outbound) during the PM peak hour. This includes the existing traffic generated currently from the Westside Specific Plan Area, which is, 33,905 ADT with 3,000

Safety, Service, and Security

trips (2,293 inbound / 707 outbound) during the AM peak hour and 3,662 trips (1,301 inbound / 2,362 outbound) during the PM peak hour.

"Therefore, the Westside Specific Plan Area is estimated to generate an additional 37,015 ADT with 3,310 trips (2,369 inbound / 941 outbound) during the AM peak hour and 4,972 trips (1,868 inbound / 2,833 outbound) during the PM peak hour.

"11.4 TOD Questionnaire

Following is the TOD questionnaire regarding traffic and the responses:

a. Does the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

"The project does result in an increase in traffic volumes. However, the total volume including the increase in volume due to the project is within the capacity of most Study Area intersections. At intersections where the existing capacity is exceeded, mitigation measures are recommended to increase the capacity which will result in acceptable operations.

"b. Does the project cause, either individually or cumulatively, exceedance (sic) of a level-of service standard established by the county congestion management agency for designated roads or highways?

C-2 "As explained above, the project does result in an increase in traffic volumes. The total volume including the increase in volume due to the project causes the level of service on three segments, Bay Marina Drive from Harrison Avenue to I-5, Mile-of-Cars Way from I-5 to Wilson Avenue and Mile-of-Cars Way from Wilson Avenue to National City Boulevard to exceed the level of service standard established by the City. These three impacts are considered significant."

C-3 In view of the foregoing, it is apparent that, upon implementation of the plan, there will be a significant impact upon highway I-5 and its appurtenances and we would appreciate being informed of any modifications in the plan affecting traffic generation. We understand you are dealing with a horizon year for full implementation and any generated impact should be gradual.

Thank you for your attention to this matter. If you have any questions regarding this letter and our comments, please contact Lieutenant Pat Arvizu at (619) 220-5492.

Sincerely,



R. K. STEWART, Captain
Commander
San Diego Area

cc: Special Projects Section

Response to Letter C

California Highway Patrol

Comment C-1 Response

Comment noted. The City will contact Lieutenant Pat Arvizu at (619) 220-5492 if any significant changes are made to the traffic impact analysis.

Comment C-2 Response

As noted on page 3.1-15,-16, and in the discussion under Threshold TR-1 in the EIR traffic section, implementation of TCIF will mitigate impacts at Bay Marina Drive from Harrison Avenue to I-%, Mile-of-Cars Way from I-5 to Wilson Avenue and Mile-of- Cara Way from Wilson Avenue to National City Boulevard to a level less than significant.

Comment C-3 Response

Comment noted. The City will contact Lieutenant Pat Arvizu at (619) 220-5492 in the event any modifications are made to the plan which would affect traffic generation.

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Comment Letter D

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



December 18, 2009

Peggy Chapin, AICP
City of National City
1243 National City Boulevard
National City, CA 91950



Dear Ms. Chapin:

Re: SCH# 2008071092; Westside Specific Plan

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

D-1 The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Draft Environmental Impact Report* from the State Clearinghouse for the above project. RCES staff is concerned with the project creating additional pedestrian and vehicle movements over the existing crossings. RCES staff recommends that the City add language to the specific plan so that any future projects adjacent to or near the light rail right-of-way are planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad/light rail right-of-way.

D-2 Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in pedestrian and vehicular traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad/light rail right-of-way.

D-3 The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians.

If you have any questions, or would like to discuss our concerns please contact Laurence Michael, Utilities Engineer at 213-576-7076, ldi@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

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Response to Letter D

California Public Utilities Commission (CPUC)

Comment D-1 Response

The Westside Specific Plan has been revised to state that any future projects adjacent to or near the light rail right-of-way would consider rail safety and would consult with the rail operators and CPUC to incorporate appropriate design measures within the development plans. The City will consider any recommended safety issues with all future development proposals and incorporate development designs to eliminate and/or address potential impacts on the rail corridor or at-grade crossing.

Comment D-2 Response

Analyzing impacts at specific crossings is outside the scope of the program-level impact analysis presented in the Westside Specific Plan EIR. Although no at grade crossings are contemplated for the project, should any future projects propose at grade crossings, the CPUC will be consulted during the conceptual design phase to determine if project design features and mitigation will be required to reduce impacts related to at-grade crossings or within the rail corridor. Project specific environmental review will be conducted at that time to consider possible mitigation measures such as grade separations for major thoroughfares and improvements to existing at-grade highway-rail crossings.

Comment D-3 Response

Thank you for your contact information. City staff looks forward to working with CPUC staff on future projects that have the potential of adversely affecting at-grading crossings.

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401 B Street, Suite 800
 San Diego, CA 92101-4231
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 Fax (619) 699-1905
 www.sandag.org

January 8, 2010

File Number 3330300

Peggy Chapin
 City of National City
 1243 National City Boulevard
 National City, CA 91950

Dear Ms. Chapin:

SUBJECT: City of National City Draft Westside Specific Plan

Thank you for the opportunity to comment on the City of National City Draft Westside Specific Plan.

Our comments, which are based on policies included in the Regional Comprehensive Plan (RCP), and the Regional Transportation Plan (RTP) are submitted from a regional perspective emphasizing the need for land use and transportation coordination and implementation of smart growth principles.

Draft Environmental Impact Report (DEIR) Westside Specific Plan Comments

- E-1 | 1. Page 3.7-4 refers to the previous version of the RTP (*Mobility 2030*). The current San Diego RTP is titled *San Diego Regional Transportation Plan: Pathways for the Future*. Please cite the most current version of the RTP and use the most current version for DEIR analysis.
- E-2 | 2. Page 4-47 describes Trade Corridor Improvement Fund (TCIF) projects near the study area in National City, but does not mention the South Line Freight Enhancements funded with TCIF, nor is there mention of the Blue Line Trolley improvement project that is underway. Please consider rail projects and impacts related to the shared rail line adjacent to the study area in your DEIR analysis.

Westside Specific Plan Comments

- E-3 | **Smart Growth Opportunity Areas.** A key goal of the RCP is to focus growth in smart growth opportunity areas with walkable, transit-supportive development. The proposed project is located within the Town Center place type on the San Diego Association of Governments' (SANDAG's) Smart Growth Concept Map. The Westside Specific Plan density and intensity targets should be consistent with the minimum residential (20 dwelling units per acre) and employment (30 employees per acre) targets associated with this smart growth place type. Please include information in the Environmental Impact Report regarding the residential and employment densities proposed by the project.

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- Mexico

Multimodal Transportation Analysis

E-4 | The 2030 RTP provides a multimodal approach to meet the region’s transportation needs. As such, it is requested that the traffic analysis for this project also consider balancing the needs of motorists, transit riders, pedestrians, and bicyclists, and include the following impact analysis.

Freeway Impacts

E-5 | SANDAG, the City of Chula Vista, and the California Department of Transportation (Caltrans) are involved in an effort to study solutions to improve multimodal mobility along the Interstate 5 (I-5) south corridor in the City of Chula Vista and the larger corridor between Interstate 15 (I-15) and the border. SANDAG encourages the city to coordinate with this effort as part of the Westside Specific Plan, particularly with regional transit service and freeway improvements.

E-6 | **Transit Impacts.** Address potential impacts to existing and planned transit by identifying the transit mode share (bus and light rail) as a share of total project trips, existing or planned transit stop locations within/adjacent to the proposed project, and quantify any bus service delay resulting from the proposed project. This analysis is desired as a reference to help quantify potential impacts on the transit system.

The City of National City Draft Westside Specific Plan also includes existing local transit service, existing and/or programmed/funded, high-frequency local transit service, and planned high-frequency local transit service, an existing light rail service via the Trolley Blue Line. The City of National City Draft Westside Specific Plan should consider impacts to these services.

The I-5 corridor and adjacent rail line includes enhanced transit service as part of the 2030 RTP. Please consider impacts related to planned transit routes along this multimodal corridor.

E-7 | **Transportation Demand Management (TDM).** Please consider providing strategies to ensure implementation of alternatives to driving alone during peak periods such as carpooling, vanpooling, telecommuting, flexible work hours for employees, and implementation of a TDM plan as a part of this project to help mitigate regional transportation impacts. We recommend contacting SANDAG’s iCommute program to explore transit options—the regional vanpool program, ridematching services, a guaranteed ride home program, regional bicycle lockers, and SchoolPool services. The iCommute program also provides free consulting services to help local businesses implement employee commute programs.

Bicycle/Pedestrian Access. In general, the project should provide appropriate connectivity and facility integration to nearby local residences and businesses. Improved bicycle and pedestrian access to local destinations can help mitigate the traffic effects of projects and provide mobility options for residents.

E-8 | **Consult With the Metropolitan Transit System (MTS) and Caltrans.** It is advised that the project applicant also consult with MTS, the transit service provider within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements, if any.

E-9 | Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the RTP Reasonably Expected funding scenario.

Natural Environment

E-10 | A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. Please consider these criteria, if applicable, to your project.

Conclusion

E-11 | We appreciate the opportunity to comment on the Draft Westside Specific Plan. We encourage the city to evaluate the project based on SANDAG's two design guideline publications: (1) *Designing for Smart Growth, Creating Great Places in the San Diego Region*, and (2) *Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region*. Both publications can be found on our Web site.

If you have any questions or concerns regarding SANDAG's comments on the DEIR, please contact me at (619) 699-1943 or sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

RSA/ama

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Response to Letter E

San Diego Association of Governments (SANDAG)

Comment E-1 Response

Thank you for identifying this error. Page 3.7-4 has been updated with the most recent version of the RTP. The final EIR now states:

Regional Transportation Plan (RTP)

San Diego County’s Regional Transportation Plan (RTP), entitled “Pathways to the Future,” is a collaborative guide for accommodating the County’s projected growth with efficient and safe transportation facilities. The RTP was developed with the cooperation of the County’s 18 incorporated cities, SANDAG, the San Diego Metropolitan Transit System (MTS), the North County Transit District (NCTD), and the California Department of Transportation (Caltrans). The document is organized guided by four major topics/themes:

- Land Use focuses on how future land uses can impact transportation facilities. As future land use plans are developed in the region, coordination with transportation planners and agencies is critical to improving and sustaining a working transportation system.
- Systems Development deals with identifying where new facilities will be needed and which types of options would be most beneficial for the area.
- Systems Management includes maximizing the region’s transportation system and informing the public of available transportation resources to allow travelers to make well-informed and practical transportation decisions.
- Demand Management is concerned with managing the region’s transportation options and reducing overwhelmed facilities during peak hours by promoting alternative modes of transportation.

~~“Mobility 2030” is the County of San Diego’s RTP, which is intended to be a blueprint to address the mobility changes created by the region’s growth. It is a long range plan that contains an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system in the San Diego region. Mobility 2030 includes seven policy goals that are aimed at improving the mobility, accessibility,~~

~~reliability, and efficiency of the transportation system, as well as promoting livability of communities, sustainability, and ensuring equity.~~

Comment E-2 Response

Page 4-47 has been revised in the final EIR as follows:

The proposed TOD project would result in an increase in traffic volumes. The total volume including the increase in volume due to the project causes the level of service on three segments, Bay Marina Drive from Harrison Avenue to I-5, Mile-of-Cars Way from I-5 to Wilson Avenue and Mile-of-Cars Way from Wilson Avenue to National City Boulevard, to exceed the level of service standard established by the City. These three impacts are considered significant. However, Mile-of-Cars Way from Wilson Avenue to National City Boulevard would actually improve under the Westside Specific Plan. All intersections would be mitigated through implementation of the Trade Corridor Improvement Fund (TCIF), which is an approved and fully funded project that will begin construction in June 2012 and end in November 2013. Additionally, the TCIF would fund the South Line Freight Enhancements project and there are currently improvements underway to the Blue Line Trolley. Once the TOD development is formally submitted, its potential impact on these two projects will be analyzed. Projects outside the TOD area, but within the Westside Specific Plan will also be analyzed as they are proposed.

Comment E-3 Response

Comment noted. Pages 4-2 and 4-3 have been revised in the final EIR as follows:

The TOD project site consists of approximately 14 acres including the National City Public Works yard, vacant lands used for storage, Paradise Creek, Paradise Creek Educational Park, and other potential properties should acquisition be feasible. The TOD project would be located in the multi-use commercial residential (MCR-2) zone. The zone allows residential uses at a maximum density of 45.0 dwelling units per net acre and would seek to achieve a minimum of 30 employees per acre.

Comment E-4 Response

The Year 2030 analysis in the Westside Specific Plan traffic impact analysis uses the SANDAG Series 11 2030 model forecast. The *Regional Growth Forecast Update: Process and Model Documentation* describes the modeling process. The transportation model first generates person trips by applying trip generation rates

to households stratified by structure type and the amount of nonresidential land stratified by land use type. It then determines trip destinations using a gravity-based model, which distributes trips according to a mathematical relationship between the number of trips generated from, or attracted to, an area and its travel time from other areas. It then allocates trips to various modes: drive alone, two-person carpools, 3 or more person carpools, transit, and non-motorized. Therefore, the Year 2030 forecasted volumes account for future modal split.

Comment E-5 Response

The City looks forward to working with SANDAG, the City of Chula Vista, and Caltrans to identify solutions to improve multimodal mobility along interstate I-5. This is a cooperative effort separate and distinct from the Westside Specific Plan. Thus, the City, as the CEQA lead agency, does not believe this coordination effort must be part of the Westside Specific Plan.

Comment E-6 Response

The TOD development is modeled to achieve the goals of SANDAG's Town Center place type on the Smart Growth Map and therefore has been considered by SANDAG during the preparation of the Smart Growth Map.

In addition, as discussed in response to C-4, the traffic impact analysis uses the SANDAG Series 11 2030 model forecast, which accounts for 2030 future modal split. Please refer to Appendix F of the Traffic Impact Analysis, *TRANSIT USAGE – SANDAG REGIONAL TRANSPORTATION MODEL*, which provides a breakdown of transit use by the project in the 2030 year.

The Westside Specific Plan would implement the strategies to improve the existing bus stops. One such strategy, Strategy 5.18, would seek to improve and maintain existing bus stop locations by providing curbside bus stops with appropriate no parking zones. Another strategy, Strategy 5.19, would seek to install wider sidewalks where appropriate to allow for bus shelters.

In addition, the City will continue to work with SANDAG and MTS to identify any unforeseen issues related to mass transit that may arise during and beyond the 2030 planning period.

Comment E-7 Response

A central objective of the Westside Specific Plan is to promote alternative forms of transportation, including connectivity for bicycle/pedestrian access. Also, the inclusion of multi-use commercial residential (MCR-1 and MCR-2) zones are planned to encourage a jobs-housing balance and reduce automobile dependency.

The City will work with future development projects to identify the possibility of including other forms of Transportation Demand Management as well.

Comment E-8 Response

As part of planning and project development review, the City routinely coordinates with MTS and Caltrans. The City will continue to coordinate with both agencies throughout the 2030 planning period.

Comment E-9 Response

Comment noted. The traffic impact analysis used SANDAG Series 11 2030 model forecast. The *Regional Growth Forecast Update: Process and Model Documentation* describes the modeling process.

Comment E-10 Response

A consistency analysis with the Regional Comprehensive Plan is provided on page 3.7-10 of the draft EIR. Please see Table 3.7-1 under the subheading “Chapter 4D: Healthy Environment—Enhancing Our Natural Habitats, Air, Water, and Beaches.”

Comment E-11 Response

Thank you for providing links to SANDAG’s two design guideline publications. The City looks forward to reviewing these materials.



SWEETWATER AUTHORITY

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 POST OFFICE BOX 2328
 CHULA VISTA, CALIFORNIA 91912-2328
 (619) 420-1413
 FAX (619) 425-7469
<http://www.sweetwater.org>

December 18, 2009



Comment Letter F

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 JAMES L. SMYTH
 OPERATIONS MANAGER

Ms. Peggy Chapin
 City of National City
 Planning Department
 1243 National City Boulevard
 National City, CA 91950

Subject: DRAFT ENVIRONMENTAL IMPACT REPORT
 WESTSIDE SPECIFIC PLAN
 SWA DEV. FILE: WESTSIDE SPECIFIC PLAN

Dear Ms. Chapin:

This letter provides comments to the Draft Environmental Impact Report for the Westside Specific Plan prepared by the City of National City (City). Sweetwater Authority (Authority) has the following comments:

- 1. Page 3.10-19 Last Paragraph
 F-1 In-fill water mains, new services, and upgrades to exiting water mains will be required to serve individual project developments within the overall project area. Specifics regarding the infrastructure improvements that will be required cannot be determined until detailed development plans are prepared and submitted to the Authority for analysis. Please have the developers' engineers contact the Authority in order to facilitate the design process.
- 2. Page 3.10-20 Last Paragraph
 F-2 The last sentence on the page states simply "The Sweetwater Authority service area supply would meet the projected demand with the proposed project."
 Please include further discussion of the conclusions presented in the Authority's Water Supply Assessment (WSA). The conclusions are reiterated below for clarity.
This WSA Report demonstrates and verifies that with development of the resources identified, there will be sufficient water supplies, over a 20-year planning horizon, to meet the projected demands of the proposed Project, and the existing and planned development projects within Sweetwater's service area.
These findings further verify that there will be sufficient water supply to serve the proposed Project, including existing and other planned projects in both normal and dry year forecasts. An adequate supply is further confirmed by Metropolitan's

*A Public Water Agency
 Serving National City, Chula Vista and Surrounding Areas*

Ms. Peggy Chapin
Re: Draft Environmental Impact Report – Westside
Specific Plan
December 18, 2009
Page 2 of 2

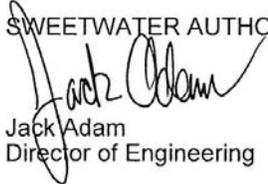
F-2
cont.

2005 UWMP which identifies reserve supply, and through the development of its IRP, which will identify a water planning strategy through the year 2030 to ensure Metropolitan will have adequate supplies to meet normal and dry-year demands within its service area over the next 20 years. However, while Sweetwater is developing new local water supplies, and Metropolitan has not changed its conclusion of available surplus supplies, Sweetwater advises the City of National City that given the current water supply issues, including drought conditions in California and the Colorado River Basin, and legal and regulatory issues involving utilization of the San Francisco Bay Delta to convey California State Project Water to Southern California, conditions which form the basis of Governor Schwarzenegger's recent declaration of drought, Sweetwater cannot guarantee that, at some time in the future, Metropolitan may not project a supply of surplus water required to serve the project.

If you have any questions, please contact Mr. Russ Collins at (619) 409-6754, or rcollins@sweetwater.org.

Sincerely,

SWEETWATER AUTHORITY



Jack Adam
Director of Engineering

JA:ss

I:\engr\Dev\Westside Specific Plan\CorLtr - City of National City - DEIR Review Comments 12-18-09.doc

Response to Letter F

Sweetwater Authority (SWA)

Comment F-1 Response

Page 3.10-19 of the draft EIR has been revised for the final EIR and now reads as follows:

Future development proposed under the project that would require new or improved tie-ins to the existing water facilities would be required to prepare improvement plans consistent with the National City Municipal Code and the current CBC. Specifics regarding the infrastructure improvements that will be required cannot be determined until detailed development plans are prepared and submitted to the City and the Sweetwater Authority for review. As part of the development review process, the City will require the project engineer to contact the Sweetwater Authority to facilitate the design process. Improvement plans would be subject to approval by the City Engineer.

Comment F-2 Response

Page 3.10-20 of the draft EIR has been revised for the final EIR and now reads as follows:

Forecasted water supply within the Sweetwater Service Area for 2010, 2020, and 2030 is shown in Table 3.10-7. ~~The Sweetwater Authority service area supply would meet the projected demand with the proposed project.~~ This WSA Report demonstrates and verifies that with development of the resources identified, there will be sufficient water supplies, over a 20-year planning horizon, to meet the projected demands of the proposed Project, and the existing and planned development projects within Sweetwater's service area. These findings further verify that there will be sufficient water supply to serve the proposed Project, including existing and other planned projects in both normal and dry year forecasts. An adequate supply is further confirmed by Metropolitan's 2005 UWMP which identifies reserve supply, and through the development of its IRP, which will identify a water planning strategy through the year 2030 to ensure Metropolitan will have adequate supplies to meet normal and dry-year demands within its service area over the next 20 years. However, while Sweetwater is developing new local water supplies, and Metropolitan has not changed its conclusion of available surplus supplies, Sweetwater advises the City of National City that given the

current water supply issues, including drought conditions in California and the Colorado River Basin, and legal and regulatory issues involving utilization of the San Francisco Bay Delta to convey California State Project Water to Southern California, conditions which form the basis of Governor Schwarzenegger's recent declaration of drought, Sweetwater cannot guarantee that, at some time in the future, Metropolitan may not project a supply of surplus water required to serve the project.



December 21, 2009

Peggy Chapin
Principal Planner
1243 National City Boulevard
National City CA 91950

Via Electronic Mail
pchapin@nationalcityca.gov

Re: Support for Draft National City Westside Specific Plan
Environmental Health Coalition Comments regarding
Draft Environmental Impact Report and Draft Westside Specific Plan



Comment Letter G

1140 S. Coast HWY 101
Encinitas, CA 92024

Tel 760-942-8505
Fax 760-942-8515
www.coastlawgroup.com

Dear Ms. Chapin:

Please accept these comments on behalf of our client, Environmental Health Coalition (EHC), a 30-year old environmental and social justice organization based in Old Town, National City. EHC believes that everyone has a right to live, work, and play in a safe, clean, and healthy environment. As a community-based organization, EHC has over 200 members in the Old Town neighborhood and 3,000 county-wide. Since the first public meeting for the Westside Specific Plan Update in February 2005, EHC has been deeply engaged in raising awareness about the community's concerns, stimulating community involvement, and supporting a community-visioning process that helped form the current draft of the Westside Specific Plan. **Through work with community leaders and extensive community outreach efforts, EHC identified six core community principles that have driven their participation in the Westside Specific Plan process, which are:**

- Decrease Toxic Air Contaminants in Old Town
- Develop housing affordable to current Old Town residents
- Preserve community character
- Increase Parks and Recreation Services
- Improve streets and traffic control
- Improve and build new community serving businesses and facilities

G-1

While this specific plan does not completely satisfy these community principles, EHC feels that it makes great strides towards restoring the Westside as a healthy and safe, residentially-oriented community. In general and overall, EHC strongly supports the draft WSP and Draft Environmental Impact Report (DEIR) and urges the City to approve both documents. EHC's detailed comments regarding particular aspects of the WSP and accompanying DEIR are found below.

I. The WSP Will Improve the Westside Community

A. Relocation of Industrial Facilities Will Improve Quality of Life For Westside Residents and Businesses

EHC welcomes the long-awaited proposed changes to improve health, walkability and pedestrian safety within the plan area, and believes these measures will go far to enhance the economic vitality of the City, while at the same time retaining and enhancing those components that make Westside National City unique and inviting. Efforts to protect community character and provide much needed amenities, such as affordable housing, community-serving businesses, and community centers are decidedly positive changes. EHC also very much appreciates the City's commitment to protect and expand Paradise Creek.

EHC Comment Letter in Support of WSP and DEIR
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Of most importance to EHC, the citizens of National City, and specifically residents of the Westside, are the benefits from the improved air quality associated with removal of industrial uses within the plan area. As noted in the DEIR, children in the Westside neighborhood have been diagnosed with asthma at twice the documented California state average rate.¹ EHC suspects these rates are actually higher than reported due to lack of health insurance and thus, adequate accounting and access to treatment.² An inventory of 169 non-residential parcels within the Westside disclosed 70 suspected to contain or produce hazardous substances, posing a very real and imminent threat to the residents of the Westside.³ The WSP re-zoning and planning will thus lead to improved air quality and overall health of the community.

Indeed, the WSP is both a culmination of efforts by the City, EHC, and the community to revitalize and redevelop the Westside, as well as the means to effectuate the amortization ordinance so critical to the success of the redevelopment plan.⁴

B. The WSP Meets the City's and the EIR's Goals

G-1
cont.

EHC supports approval of the WSP and DEIR as a reflection of the City's commitment to remove gross polluters from the Westside neighborhood. EHC further applauds the City for its decision to phase out these incompatible uses and implement the Amortization Ordinance to facilitate the removal of both known and undocumented polluters from the Westside. In keeping with these and additional goals of the WSP, laudable EIR project objectives have been derived:⁵

- Preserve and enhance the residential characteristics of the Westside.
- Allow new residential development that is compatible with the neighborhood's traditional architecture, scale, and massing.
- Allow new building heights up to five stories in the MCR-2 zone.
- Allow mixed uses that increase neighborhood activity and engagement as well as create a living environment where people can walk for goods, services, recreation, and transit.
- Reduce co-location of housing with businesses that use, store, or generate hazardous materials.
- Buffer housing from freeway emissions and noise.
- Reduce environmental impacts on Paradise Creek.

¹ DEIR, p. 3.2-19.

² *Id.*

³ DEIR, p. 3.2-30

⁴ National City Municipal Code § 18.108.230 (affirmative termination by amortization);

§§ 18.108.100 and 18.108.108 (substitution of nonconforming uses).

⁵ CEQA Guideline § 15124(b) requires a statement of objectives in the EIR, which should include the underlying purpose of the project.

EHC Comment Letter in Support of WSP and DEIR
December 21, 2009
Page 3

- Actively enforce the City's Municipal Code Section 18.108 and 18.108.100 (Substitution of Non-Conforming Uses) as part of the development review.⁶

Each of these project objectives is critical to the long term economic success and community character protection of the Westside and EHC encourages affirmation of the City's current direction through adoption and implementation of the WSP.

G-1
cont. Throughout the planning process, EHC, community residents and other organizations have expressed concerns regarding the significant density increases proposed for the plan area. The inclusion of a maximum density of 60 units per acre in the Multi-Use Commercial-Residential 2 (MCR-2) Transit-Oriented Development (TOD), while understandable as a means to increase transit ridership and work/live integration, runs the risk of creating a super-urban environment where traditional single family residences have been the Westside norm. Nonetheless, EHC and its partners have considered this concern in light of the overarching goal of reducing citizens' exposure to hazardous industrial facilities interspersed in the residential neighborhood, and believe it is an appropriate concession when considering the WSP as a whole.

But please note, while EHC recognizes higher densities adjacent to transit infrastructure can have certain benefits to the community, and has agreed not to oppose this densification as a compromise in order to achieve other WSP goals, the organization remains concerned with (and will strenuously oppose) any efforts to further increase density beyond that in the proposed WSP.

G-2 Though the prescribed zoning changes and Amortization Ordinance will be used to remove existing polluters from the plan area, the DEIR states the WSP will "discourage" light-industrial uses.⁷ The City is encouraged to replace "discourage" with a stronger policy statement more accurately reflecting the goal of "phasing-out" such uses altogether. If the goal of the WSP and the ordinance is truly to foster relocation of industrial uses and create a safe residential and commercial zone, this *benefit* to the community should be clearly stated whenever possible.⁸

C. WSP is in Line With and Helps Achieve Prospective SB 375 Goals

Senate Bill (SB) 375 requires the California Air Resources Board (CARB) to set regional targets for greenhouse gas (GHG) emission reductions by mid 2010. Though the Metropolitan Planning Organization for the San Diego County region (SANDAG) targets have not been approved by CARB, the WSP looks to the goals of SB 375 in reducing GHG emissions through smart planning. "*SB 375 focuses on housing and transportation planning decisions to reduce fossil fuel consumption and conserve farmlands and habitat.*"⁹ SB 375 also provides incentives to locate housing developments closer to residents' jobs and schools in order to decrease travel time and length.¹⁰

⁶ DEIR, p. 2-9 (emphasis added).

⁷ DEIR, p. 3.7-9, Table 3.7-1.

⁸ An agency may approve a project if it determines project benefits outweigh the unavoidable impacts and adopts a statement of overriding considerations. Public Resources Code §21081(b); 14 C.C.R. §15093

⁹ DEIR, p. 3.2-21; see also SB 375 Fact Sheet available at: <http://gov.ca.gov/fact-sheet/10707/>

¹⁰ *Id.*

EHC Comment Letter in Support of WSP and DEIR
 December 18, 2009
 Page 4

Although the Sustainable Community Strategy will not be developed for San Diego County until 2011, SANDAG has developed a regional comprehensive plan which includes and encourages smart growth principles. The WSP is more than consistent with smart growth development ideals, including infill concepts that will track SB 375 by increasing urban density, particularly near mass transit facilities.¹¹ Because the densities permitted in the WSP far exceed minimum thresholds in SB 375, further density increases will not be necessary for SB 375 compliance.¹²

D. SB 97 and Greenhouse Gas Emission Analysis

Like SB 375, SB 97 CEQA Guidelines regarding GHG emissions have yet to be approved or implemented by the state's Office of Planning and Research. Nonetheless, global climate change is a significant threat to the public welfare and warrants careful consideration when regional and sub-regional plans are developed. The DEIR estimates implementation of the WSP will result in an additional 49,718 metric tons of carbon dioxide annually over business as usual (BAU) emissions of 2008.¹³ Because the WSP is in line with the SB 375 goals of smart growth, infill, and increased density near transit corridors, increased emissions are analyzed with respect to energy consumption.¹⁴

G-3 As a cumulatively considerable impact, the WSP GHG emissions must therefore be addressed through feasible mitigation measures.¹⁵ An EIR must describe feasible mitigation measures to minimize the project's significant environmental effects.¹⁶ CEQA does not require analysis of every imaginable mitigation measure.¹⁷ The DEIR should focus on mitigation measures that are feasible, practical, and effective.¹⁸ Within the WSP DEIR, a variety of appropriate mitigation measures to address climate change are described. EHC encourages the City to adopt and implement these mitigation measures, and to ensure they are revisited for adequacy when approvals of individual development projects are considered. Specifically, the DEIR recommendation that the City prepare a Climate Action Plan should be implemented for the benefit of Westside and National City residents in order to enable smarter City-wide planning and mitigation as envisioned in SB 375 and SB 97.¹⁹

E. Unquantified Positive Impacts Related to Air Quality

¹¹ DEIR, p. 3.2-39.
¹² SB 375 "transit priority projects" must contain at least 20 units per acre; Public Resources Code § 21159.24(a)(10).
¹³ DEIR, p. 3.2-58.
¹⁴ *Id.*
¹⁵ Public Resources Code §§21002.1(a), 21061.
¹⁶ 14 C.C.R. §§15121(a), 15126.4(a). *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, 1039, ("A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.")
¹⁷ *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal. App. 4th 911, 935; *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 Cal. App.3d 1502, 1519.
¹⁸ *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 365; *Concerned Citizens of S. Cent. Los Angeles v. Los Angeles Unified Sch. Dist.* (1994) 24 Cal. App. 4th 826, 84.
¹⁹ DEIR, p. 3.2-63.

1
EHC Comment Letter in Support of WSP and DEIR
December 18, 2009
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- G-4 The basic purpose of an EIR is to inform decision makers about a project's impact on the environment, and to propose mitigation measures or alternatives to reduce significant impacts resulting from the project. While the DEIR suffices to inform the City Council of the worst case scenario of air quality impacts following build-out of the WSP, the document does not address critical benefits that will result from plan implementation.²⁰
- G-5 As noted in DEIR Table 3.2-8, the Westside has numerous sources of toxic air contaminants. Inadequate identification of the current industrial sources of toxic air contaminants, however, precludes accurate quantification of reductions likely to occur from the re-zoning effort. Indeed, only nine toxic air facilities are listed in the DEIR.²¹ Because the Air Toxics Hot Spots Information and Assessment Act requires emitters to self-report, the CARB inventory is frequently incomplete absent some independent verification.²²
- G-6 Based on an EHC walk-through of the Westside in September of 2009, there are, in addition to those listed, at least 23 other auto-related businesses currently operating in the plan area. The DEIR listing also does not include the Momax Truck School or the Contac Tours bus station, each of which continuously generates diesel emissions as the businesses operate. Thus, EHC has found, in addition to the nine listed facilities, at least 25 facilities within the project area with documented or probable toxic emissions. Relocation of these auto body, manufacturing, and diesel-emitting facilities will eliminate these sources of diesel, benzene, solvents, and heavy metal emissions from the community. Such benefits should factor into the decision of the City to approve the WSP.
- G-7 Similarly, the daily operational air quality benefits from implementation of the WSP and removal or relocation of the industrial facilities are not calculated in the DEIR, resulting in overstatement of operational emissions.²³ The traffic impact analysis assumes the mix of vehicles will not change between project approval and 2030.²⁴ As noted above, the current vehicle mix in the community includes a large number of diesel trucks and buses which, upon full plan implementation, will likely be significantly reduced. Reductions in trip lengths are also ignored in the DEIR, though it is generally accepted among community planners that higher-density and transit-oriented development tend to meaningfully reduce average trip lengths.²⁵ It is therefore probable emissions of diesel particulate will decrease as a result of the project, but the DEIR modeling does not reflect these benefits to the community.
- G-8
- G-9
- G-10
- G-11 Thus, the positive impact from relocation of these industrial facilities is likely much higher than stated in the DEIR. These and other potential positive air quality impacts are evident in the City's WSP guidelines and project objectives in the DEIR. Without undertaking additional air modeling or other analysis, the DEIR should highlight, and the City should note, these anticipated reductions in air emissions as a result of changes in land use in evaluating the project.

F. Relocation of Industrial Facilities Will Protect Residents from Exposure to Impacts from Hazards and Hazardous Materials

²⁰ Public Resources Code §§ 21002, 21002.1(a), 21061.

²¹ DEIR, p. 3.2-31 (Table 3.2-7).

²² Health and Safety Code § 44300 et seq.; DEIR, p. 3.2-10.

²³ DEIR, p. 3.2-42-43.

²⁴ DEIR, p. 3.2-41-42; Appendix C, URBEMIS 2007 model outputs.

²⁵ DEIR, p. 3.2-38-39; p. 3.2-42-43.

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G-12 | Though the DEIR appropriately identifies possible risks of exposure to hazardous materials during relocation, remediation and development of industrial sites through implementation of the WSP and Amortization Ordinance, it does not detail some of the attendant benefits of meeting the DEIR goal to "reduce co-location of housing with businesses that use, store, or generate hazardous materials."²⁶

G-13 | Co-location of residential developments and industrial facilities that use, store, or generate hazardous materials currently and continuously puts residents at risk of exposure to the chemicals themselves, and possible fires or explosions. As documented in the DEIR, these facilities are interspersed throughout the Westside, further subjecting adjacent homes to potential exposure to contaminated soil and groundwater.²⁷

Westside residents will no longer be subject to these and other threats from co-location and close proximity to industrial facilities that contain or generate hazardous materials through adoption and implementation of the WSP.²⁸

G. The WSP Provides for Affordable Housing in an Ideal Location

G-14 | The City's Redevelopment Plan Policy calls for increasing, improving, and preserving the community's supply of affordable housing for very low, low and moderate income households.²⁹ Though the DEIR correctly points out the WSP "includes a variety of residential housing types ranging from lower density single-family residential to higher density multi-family, ensuring a range of housing supply for varying income levels," the TOD affordable housing project proposed as part of the WSP, and analyzed in the EIR should be mentioned here.³⁰ The (up to) 360 units within the plan boundary will ensure a range of housing supply to meet the City's Redevelopment Plan Policy.³¹

G-15 | Further, the location of the affordable housing proposed, the site of the existing Public Works Yard on West 22nd Street, would be ideal for lower income residents due to its proximity to public transportation and open space. This location is within walking distance to the 24th Street Trolley Station.³² The WSP's *Goal 3.9* further evidences the City's commitment to providing affordable housing within the Westside:

Actively pursue partnerships to construct 200 affordable housing units throughout the plan area and to concentrate efforts towards meeting these affordable housing goals on parcels surrounding Paradise Creek.³³

²⁶ DEIR, p. 2-9

²⁷ DEIR, pp. 3.9-11-12.

²⁸ WSP, p. 15.

²⁹ DEIR, p. 3.7-19.

³⁰ DEIR, Chapter 4 generally.

³¹ DEIR, pp. 4-41-42.

³² WSP, p. 27.

³³ WSP, p. 30.

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Implementation of the affordable housing goal within the Westside will help National City meet its General Plan goals and ensure the Westside provides housing for a variety of income levels.³⁴

II. Specific Areas for Improvement

As articulated in the DEIR, the WSP guidelines and project objective are met through implementation of the WSP. Although EHC supports approval of the project, some areas for improvement remain. Highlighted below are specific areas where some modification to the DEIR may be warranted to provide clarity and to help the City meet the project objectives and WSP guidelines.

A. Air Quality

As one of the main objectives in the DEIR is to buffer housing from freeway emissions and noise, the DEIR could be strengthened through additional mitigation for Impact AQ-3.³⁵

- G-16 | EHC supports the inclusion of a buffer zone between the freeway and new residential housing. This could be achieved through the creation of a restrictive overlay zone in the Limited Commercial (CL) zone within 400 feet from the freeway. The overlay zone would prohibit new residential building within the CL zone in order to protect sensitive receptors from the toxic air contaminants (TACs) and associated health risk impacts. In addition, EHC believes construction of a vegetated or cement wall to act as a physical buffer between existing residents and the freeway is a possible feasible mitigation measure for Impact AQ-3.
- G-17 |
- G-18 | The DEIR also lists a number of sources generating toxics.³⁶ However, this list does not include auto body and paint shops. In light of the abundance of such facilities within the plan area, and the status of such facilities as the most common stationary sources of air pollution in the Westside, they should be included in this narrative list.³⁷

B. Hazardous Materials

- G-19 | EHC requests clarification as to whether Table 3.9.1, includes City of National City Code Enforcement actions under the heading, *Properties Under Enforcement Actions*.³⁸
- G-20 | Also, Mitigation Measure Haz-1 states a Phase I ESA shall be completed for project sites proposed for redevelopment if the site has historically used or stored hazardous materials or if the site is within 1000 feet of a site that has historically used or stored hazardous materials.³⁹ However, a Phase I ESA is itself the process for determining whether a site has historically used or stored hazardous materials. Therefore, a Phase I is needed for all sites that are proposed for redevelopment.

³⁴ General Plan, Housing Element, Policy 4.15, p. 6-4.

³⁵ DEIR, p.2-9.

³⁶ DEIR, p. 3.2-6.

³⁷ *Id.*

³⁸ DEIR, p. 3.9-2, Table 3.9-1.

³⁹ DEIR, p. 3.9-13.

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G-21 The DEIR notes in analysis of threshold Haz1, during an interim period, when new residential development is being added but industries have not yet been relocated, some residential development could occur that puts residents in close proximity to industrial hazardous materials.⁴⁰ No mitigation is included for this interim period, but the DEIR reiterates the requirement of mandatory compliance with laws and regulations. Enforcement of such laws and regulations should therefore be addressed.⁴¹

G-22 Importantly, an audit performed by the City of National City in 2006 showed only 8 of 133 businesses operating in the plan area had proper operating permits. Further measures to ensure compliance are required. The City should therefore verify compliance through annual audits of each business within the plan area, evaluating whether necessary permits have been obtained. Non-compliance must be strictly enforced with escalating penalties to ensure hazardous health impacts do not continue to negatively affect Westside residents. The City should consider creation of a publicly accessible web-based mapping system to track audits, compliance, and enforcement. Such increased transparency and public oversight would surely help to achieve the WSP goals.

To achieve the audits and ensure appropriate enforcement, additional code compliance officers should be hired, and other City employees should be cross-trained to identify potential violations. At the very least, EHC suggests a commitment to increased oversight of these industries by the National City Police, Fire Department and Code Compliance staff, with enforcement capability to close down persistently non-compliant businesses.

Similarly, Mitigation Measure Haz-3 calls for compliance with local, state, and federal laws and regulations for site remediation prior to site development. Specifically, careful attention to the public notification requirements of DEH's Site Assessment and Mitigation Manual is warranted for clean ups of brownfields sites in this community for MM Haz-3:

G-23 DEH will require that the RP send a public notice to property owners and occupants of adjacent properties. Additionally, notifications must be sent to those in the vicinity of potential impacts from the site activities, the local planning agency, and other interested parties. The public notice is to describe the proposed CAP and invite interested parties to review the CAP at a local public library and at the offices of DEH. The public participation process must provide a minimum 30-day period for the public to review the CAP and to comment directly to DEH...If sufficient public interest is expressed during the public notice period, DEH has the option of holding a public meeting...Based upon the public comments received, DEH may require modifications to the CAP proposal prior to providing final concurrence and allowing CAP implementation.⁴²

The City should consider adopting additional controls to ensure compliance with all such regulations.

C. Utilities and Public Services

⁴⁰ DEIR, pp. 3.9-11-12.

⁴¹ DEIR, p.3. 9-11-12.

⁴² SAM Manual (2004), Page 7-8 2.18 (Site Mitigation Process).

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- G-24 As a multifamily affordable housing project is proposed within the plan boundaries, the DEIR's student generation rates may underestimate growth in elementary and high school-aged students within the plan area.⁴³ Affordable housing specialists, including Community Housing Works (who are involved in the TOD development), the Principal of Kimball Elementary School, and the National School Board should be consulted for student generation rates that would provide a more accurate estimate of future student growth. Although SB 50 funds provide
- G-25 complete CEQA mitigation for the project, a standards assessment by the school districts should be undertaken to ensure the accuracy of the student generation rates and the adequacy of current SB 50 fees.⁴⁴
- G-26 With respect to the City's transit fees, EHC encourages the City to strongly consider repealing the exemption for non-residential fees when the City reconsiders the matter pursuant to the Municipal Code to ensure adequate mitigation through development impact fees.⁴⁵

D. Biological and Cultural Resources—Paradise Creek

- G-27 Planned development along Paradise Creek could potentially result in impacts to the biological, water quality, land use, and cultural resources of Paradise Creek; therefore a minimum buffer between incompatible uses is appropriate for this segment of the WSP.⁴⁶
- G-28 The California Coastal Commission recommends, and the National City Local Coastal Plan requires, a buffer of at least 100 feet from the edge of any marsh or associated wetland.⁴⁷ Given the significant development anticipated near Paradise Creek, EHC recommends a buffer of at least this width from the edge of the Creek be implemented to protect this natural resource and habitat from the significant and unavoidable impacts of dense development.⁴⁸

E. Active Recreation Space/Open Space

Implementation of the WSP will not result in the City meeting the General Plan Policy B standard of 3.75 acres of open space per 1000 people.⁴⁹ The DEIR notes the only open space existing within the WSP plan area is "a 4-acre revitalized portion of Paradise Creek," which includes 2.06 acre⁵⁰ Paradise Creek Educational Park. The current population within the plan area is 1457 residents, which means the Westside neighborhood currently has a ratio of 2.75 acres of open space per 1000 residents, a number already well below the City's goal of 3.75.⁵¹ Additionally, the open space currently contained within the project area does not include any active recreation space.

With an anticipated population shift to 6,384, the new areas to be dedicated as active recreation and open space within the plan area will not be sufficient to maintain even the current ratio of 2.75 acres per 1000 residents.

⁴³ DEIR, p. 3.10-6.

⁴⁴ Gov. Code § 65996; DEIR, p. 3.10-13.

⁴⁵ Municipal Code § 4.52.090.

⁴⁶ DEIR, p. 4-3, 4-14.

⁴⁷ National City LCP, p. 26 (X.B.4.c.); Marsh Preservation Policy 2.

⁴⁸ WSP, p. 5.

⁴⁹ DEIR, pp. 3.7-16-17.

⁵⁰ DEIR, p. 3.10-8

⁵¹ DEIR, p. 4-45.

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G-29 | Despite this fact, the proposed mitigation does not provide for acquisition of additional park space with required developer fees generated within the plan boundary.⁵²

G-30 | EHC recommends additional mitigation to address this discrepancy, including a requirement that all Quimby fees received from development within the plan area be dedicated for new park space acquisition and development within the plan area boundaries and the creation of a crosswalk linking the plan area to Kimball park (which is located near but not inside the plan boundary).
 G-31 | The public improvement financing mechanisms identified in the WSP should be actively pursued as well.⁵³ EHC also recommends identification of appropriate vacant and underutilized properties for development into neighborhood or pocket parks.
 G-32 |

F. Limit Heavy Duty Truck Traffic within Westside Community

Although truck traffic within the Westside community should be expected to decline with the implementation of the Westside Specific Plan, it will not be completely eliminated due to the nature of many of the businesses located within and near the neighborhood. EHC recommends a diesel truck route be established that would eliminate truck traffic on all primarily residential streets within the Westside and on 18th Street (which passes directly in front of Kimball Elementary School). Diesel truck traffic should be directed to major thoroughfares away from sensitive receptors.

G-33 |

G. Miscellaneous Data Corrections

Please note the following errors in the DEIR:

G-34 | • p. 3.2-56: Greenhouse Gas Emissions: "To put project buildout GHG emissions into context, California as a whole is responsible for almost 50 million metric tons of GHG emissions, which represents approximately 2% of GHG emissions. San Diego County itself is responsible for approximately 34 million metric tons of GHG emissions (Anders et al. 2008)." The statement should read: "California as a whole is responsible for almost 500 million metric tons of GHG emissions..."

G-35 | • p. 3.9-14: Existing schools within ¼ mile of project area – this list should include National City Adult School, located on the corner of Wilson Ave and Mile of Cars Way.

G-36 | • p. 3.10-2: School districts: "National City School District" should be corrected to read "National School District" and "Sweetwater Union High School District".

III. Conclusion and Proposal for WSP Implementation Committee

EHC is thankful for the City's efforts toward the goal of a healthy Westside community, free of industrial polluters and the associated negative air quality and health impacts. Utilization of the City's Amortization Ordinance, adopted for this purpose, is finally achievable through the WSP. EHC believes that these positive elements were accomplished in part because of the significant public participation in the planning process. We appreciate the City's commitment to ensuring that community residents had multiple opportunities to provide early and meaningful input into

⁵² DEIR, pp. 3.10-30-31.

⁵³ WSP, pp. 83-84.

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the plan. This type of public participation is consistent with state guidance to achieve environmental justice.

G-37 | Because the WSP will result in significant changes to the plan area over a lengthy period of time, EHC recommends the City create a *Public Implementation Committee* made up of local residents and stakeholders to provide quarterly or semi-annual input into efforts to implement the WSP. As envisioned by EHC, this Committee would provide numerous benefits including, but not limited to:

- Heightened notice to residents and general public oversight when cleanup of hazardous sites are proposed;
- A forum for community input when developer fees are to be spent on intra-plan infrastructure needs;
- Recommendations on aesthetic and design elements for highly visible projects (both public and private); and,
- A means for the City to communicate regularly with community leaders about plans and opportunities that will surely arise as the WSP proceeds.

We urge the City to carefully consider EHC's comments above, and to approve the WSP and DEIR. The City's incorporation of EHC's proposals will further solidify community support for the proposed plan and foster continued cooperation towards final project approval.

Please feel free to contact me should you have any suggestions.

Sincerely,

COAST LAW GROUP LLP



Marco A. Gonzalez
Attorney for Environmental Health Coalition

CC: Clients
National City City Council
Old Town National City Alliance

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Response to Letter G

Environmental Health Coalition (EHC) c/o Coastal Law Group

Comment G-1 Response

Thank you for your comments in support of the Westside Specific Plan. The Westside Specific Plan would seek to improve the overall environment with the Westside Neighborhood as noted by the comment. Also noted is the commenter's concern with increasing density anything beyond what is currently proposed.

Comment G-2 Response

Page 3.7-9, Table 3.7-1 of the draft EIR has been revised for the final EIR and now reads as follows:

Upon adoption of the Westside Specific Plan, the City could ~~discourage amortize auto-body users~~ industrial uses throughout the neighborhood if deemed in non-conformance pursuant to Municipal Code 18.108 and in compliance with 18.108.230, and would prohibit new industrial uses that are not listed as a acceptable use within the plan area in order to help achieve the goal of improving air quality for a safer, healthier community. The project would designate portions of the area for mixed-use commercial/residential development in proximity to transit, existing jobs, and shopping opportunities, which would create a more walkable and vibrant community that would be accessible to people of all abilities.

Comment G-3 Response

Pursuant to State CEQA Guidelines Section 15021, the City, as lead agency, has a duty to minimize environmental damage. Pursuant to State CEQA Guidelines Sections 15091(d) and 15097, the City is required to adopt a MMRP that contains measures that are fully enforceable through permit conditions, agreements, or other measures. As this is a program EIR, mitigation listed for reducing GHG emissions is purposefully broad due to the uncertainty of subsequent development proposals. As development is proposed, the City will consider the

mitigation listed in the MMRP and determine which measures would be appropriate for the specific development proposal under review.

Comment G-4 Response

The draft EIR does address the projected benefits that will result from WSP implementation. In order to clarify the discussion on page 3.2-50, the final EIR is amended to state that “Implementation of the proposed project would reduce the potential for new businesses to locate within the Westside area that would negatively impact the quality of life for the residents and could amortize businesses that currently pose a health risk to nearby residents” and that “any efforts to remove toxic emitters from the area will reduce the impact these emitters currently have on residents within the plan area and those nearby.” However, because the specific non-conforming businesses that will be removed and the timing of removal is unknown, the beneficial effect cannot be quantified.

Comment G-5 Response

The DEIR lists only those facilities that have self-reported emissions to the CARB. Text has been added to the Final EIR that now states that additional facilities exist within the Westside neighborhood beyond those identified in the CARB inventory. Page 3.2-32 of the draft EIR has been revised for the final EIR as follows:

In addition to the above facilities, numerous minor TAC-emitting facilities exist within the Westside neighborhood, including many auto-body shops, Momax Truck School, and the Contac Tours bus station, among others. SDAPCD prioritizes facilities based on the magnitude of emissions, the potency of those emissions, and the proximity of sensitive receptors to the facility. Facilities that are considered a “high” or “intermediate” priority are subject to the TAC and HRA reporting requirement of AB2588, but those facilities that are of “low” priority are not. While these facilities are not required to report emissions, they inevitably do produce emissions within the Westside neighborhood.

Comment G-6 Response

Text has been modified for the final EIR that now includes these other facilities in addition to those listed in the CARB inventory. Page 3.2-32 of the draft EIR has been revised for the final EIR, as shown in G-5 above.

Comment G-7 Response

Comment noted. Page 3.2-43 of the draft EIR states that the “operational emission estimates presented above are likely conservative and the emission increases as a result of the proposed project are likely overstated.” No change made.

Comment G-8 Response

The traffic impact analysis assumes a default vehicle fleet mix per EMFAC2007 version 2.3 for both the existing and WSP implementation scenarios. The air quality analysis is based on the traffic impact analysis, and any changes to vehicle fleet mix projections would be speculative. Page 3.2-42 of the draft EIR has been revised for the final EIR as follows:

In addition, the above analysis assumes a default vehicle fleet mix for both the existing and proposed land use scenarios. While it is reasonable to assume ~~auto body shops~~ industrial uses that are amortized and new polluting industrial uses, which are prohibited in the plan area, will relieve some of the truck trips from within the Westside neighborhood, it is unknown to what degree this will occur. Therefore, to remain conservative in the analysis, the default vehicle fleet mix for San Diego County operating in 2030 was applied to both scenarios.

Comment G-9 Response

Pages 3.2-39 and 3.2-43 include discussions regarding trips lengths for higher-density and transit-oriented developments. The following conclusionary statement was added:

Infill developments not only encourage fewer vehicle trips, they also reduce the distance residents and visitors have to travel, thereby reducing VMTs. Infill development creates shorter trips because more destinations are located within the immediate neighborhood. Shorter trips produce fewer VMTs. In a case study performed by EPA using two hypothetical developments within San Diego County (one infill and one sprawled), infill development traffic was 75% less congested, per capita VMTs were reduced 48%, and automobile use as a percentage of all trips was 11% lower. This resulted in a 51% and 48% reduction in ozone precursor (NO_x and VOC, respectively) emissions and a 48% decrease GHG emissions (EPA 1999). Thus, it is reasonable to presume air quality during project operation, which would produce fewer VMTs than traditional development patterns, would be an improvement over traditional development patterns.

Comment G-10 Response

It is possible that auto body shops that are amortized and new polluting industrial uses, which are prohibited in the plan area, will relieve some of the truck trips from within the Westside neighborhood. However, the exact amount or timing of the existing businesses relocating elsewhere or the discontinuance of uses cannot be determined. Therefore, no conclusions can be made concerning reductions in truck trips from within the Westside neighborhood. As stated in G-8 above, page 3.2-42 of the draft EIR has been revised for the final EIR and now qualitatively discusses the potential for a reduction in truck trips.

Comment G-11 Response

Comment noted. The net improvement in air quality as a result of removing the industrial land uses and prohibiting new polluting industrial uses is noted on page 3.2-42 and 3.2-50. However, the degree to which removing these land uses will improve is unknown and unquantifiable because it unknown which specific non-conforming businesses will be removed and when the timing of the removal would occur.

Comment G-12 Response

Page 3.9-11 of the draft EIR has been revised for the final EIR and now reads as follows:

The proposed project emphasizes the gradual removal of existing industrial uses that do not conform to the Westside Specific Plan land use guidelines and Land Use Code rezoning. New clean industrial uses ~~that would be allowed~~ would only be allowed if they meet the land uses identified in the Westside Specific Plan and the City's Municipal Code Section 18.108.100 (Substitution of Non-Conforming Uses). Eventual buildout of the proposed project would greatly reduce the number of sources that routinely transport, use, or dispose of hazardous materials. Consequently, the environmental effect and specifically the human health effect over the long term would be beneficial rather than adverse. However, overlap between existing industrial businesses and new projects being implemented under the proposed project would mean new development would be placed proximate to businesses which routinely transport, use, or dispose of hazardous materials.

Comment G-13 Response

The DEIR discusses the impacts associated with co-locating housing with land uses that transport, store, and dispose of hazardous materials. The analysis

concluded that while there is an adverse impact from co-locating incompatible land uses, the existence of federal and state laws (detailed on pages 3.9-5 through 3.9-10) enforced through federal, state, and local agencies, would reduce adverse impacts from hazardous impacts to a level less than significant. Furthermore, for new development proposals, a Phase I (MM HAZ-1) will be required when the subject site has had a history of hazardous material use onsite or in close proximity or other factors are present which indicate contaminated soils or groundwater may exist. Based on the hazard findings of the Phase I, the report will recommend whether or not the preparation of a Phase II (MM HAZ-2) is warranted. Depending on the results of the Phase II, a Phase III (MM HAZ-3) remediation effort may be needed. In addition, as part of the MM HAZ-1 mitigation, the Phase I assessment will research and determine the permit status of nearby businesses that transport, store, and dispose of hazardous materials to ensure new development would not be adversely affected. MM HAZ-1 has been modified as follows:

MM HAZ-1: Phase I Environmental Site Assessment. Prior to future project approvals; and when the subject site has had a history of hazardous material use onsite or in close proximity, or other factors are present which indicate contaminated soils or groundwater may exist, a Phase I Environmental Site Assessment (ESA) shall be completed for the project site proposed for development or redevelopment within the Westside Specific Plan boundaries ~~if the site has historically used or stored hazardous materials or if the site is within 1,000 feet of a site that has historically used or stored hazardous materials.~~ The Phase I ESA shall include a comprehensive records search, consideration of historical information, onsite evidence of hazardous material use, storage, or disposal, and a recommendation as to whether a Phase II soil testing and chemical analysis is required. In addition, the Phase I ESA will review the permit status of nearby businesses to ensure they are in compliance and would not pose a potentially significant impact on proposed new development.

Comment G-14 Response

Page 3.7-19 of the draft EIR has been revised for the final EIR and now reads as follows:

The proposed project includes a variety of residential housing types ranging from lower density single-family residential to higher density multi-family, ensuring a range of housing supply for varying income levels. Moreover, a transit-oriented development (TOD) is in the early planning stages and would provide up to 360 residential units. Statewide affordable housing requirements would be enforced by the City for new residential development.

Comment G-15 Response

The TOD is in the early planning stages and is currently planned at the existing Public Works Yard on West 22nd Street. The project is proposed as an affordable housing project. However, placement and design are subject to change as the planning effort progresses and public noticing will occur during the discretionary review process.

Comment G-16 Response

The intent of the Limited Commercial zone along the I-5 corridor is to allow for development that once constructed would provide a buffer from residential uses. However, the goal of the plan area is to protect and preserve single-family residential uses. The CL zone in the plan area would allow single-family uses to remain, be reconstructed, or new construction. Obligating a single-family residential use to construct a wall or buffer would be cost prohibitive. When new commercial uses are proposed along this corridor, a wall or a vegetated wall would be required to be constructed. The Specific Plan is amended to require a wall to reduce pollutants and noise. In addition, the MM AQ-1b has been modified as follows:

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

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

Comment G-17 Response

See response to G-16.

Comment G-18 Response

Comment noted. An accurate and verifiable list of the auto body shops within the Westside Neighborhood is not available since not all businesses are required to report emissions and in some cases do not have all the necessary permits. The city is monitoring the plan area and requiring appropriate permits as necessary. However, text will be inserted into final EIR that states that there are numerous auto body shops within the area that have no self-reported emissions but are known to emit toxic air contaminants. See response to Comment G-5.

Comment G-19 Response

Table 3.9-1 is a summary of the results of a search of 69 federal, state, and local databases. The cases listed do not include City Code Enforcement cases; however, the local Certified Unified Program Agency is the San Diego County Department of Environmental Health's Hazardous Materials Division and the County's database was included in the search.

Comment G-20 Response

MM HAZ-1 of the draft EIR has been revised for the final EIR and now reads as follows:

MM HAZ-1: Phase I Environmental Site Assessment. Prior to future project approvals; and when there has been identified prior use of hazardous material on site or in close proximity or other factors are present which indicate contaminated soils exist a Phase I Environmental Site Assessment (ESA) shall be completed for the project site proposed for development or redevelopment within the Westside Specific Plan boundaries if the site has historically used or stored hazardous materials or if the site is within 1,000 feet of a site that has historically used or stored hazardous materials. The Phase I ESA shall include a comprehensive records search, consideration of historical information, onsite evidence of hazardous material use, storage, or disposal, and a recommendation as to whether a Phase II soil testing and chemical analysis is required. In addition, the Phase I ESA will review the permit status of nearby businesses to ensure they are in compliance and would not pose a potentially significant impact on proposed new development.

Comment G-21 Response

Pages 3.9-5 through 3.9-10 detail the Regulatory Setting as it pertains to Hazardous Materials. Agencies responsible for enforcement of the existing laws are also discussed.

Comment G-22 Response

The city's Code Enforcement Division has recently put a procedure in place to require appropriate permits at the annual review of the business license. Additionally, training and workshops have been conducted to inform operators and business owners of procedures and best management practices for handling hazardous materials. The city's Code Enforcement Division conducts routine inspections and will continue to pursue compliance by business owners.

Comment G-23 Response

Mitigation Measure HAZ-3 requires the applicant or developer to contact the local CUPA (DEH's HMMD) or other appropriate regulatory agency to initiate the consultation process. The consultation process may lead to clean-up actions if deemed appropriate after reviewing the results of the Phase 1 and Phase 2 Environmental Site Assessments.

Comment G-24 Response

Student generation rates were requested directly from the National School District, including the National City Middle School and Kimball School, and the Sweetwater Union High School District. As development applications are received, the school districts will be notified and requested to provide information as to whether the schools can accommodate increased enrollment.

Comment G-25 Response

School generation rates vary throughout the year. An assessment of the accuracy of the accepted student generation rates and the adequacy of current SB 50 fees are provided by the school district. Future development proposals will contact the school district to confirmation of enrollment and their ability to meet demands.

Comment G-26 Response

The city's Transit Development Impact Fee (TDIF) is a requirement from San Diego Association of Governments to ensure the city receives its proportion of available transit funds. However, new housing developments that meet affordable housing criteria are exempt from the TDIF fee. The city annually reviews its TDIF fee and will consider the impact of the non-residential development's exemption from the fee.

Comment G-27 Response

Please see response to comment A-1 (USFWS and CDFG). Development of the TOD area will result in creation of additional recreation parkland and open space to improve the Westside Community. During the application process for the TOD development, project plans will be available for comment. Opportunities to increase the available recreation and open space areas will be considered through development proposals elsewhere in the plan area.

Comment G-28 Response

See response to G-27.

Comment G-29 Response

While the plan does not identify additional parkland at the program level, subsequent development projects will be required to pay park improvement fees (Quimby Act) or dedicate land or conservation easements to meet the legal requirements. If fees are paid, the fees must be used for park expansion and/or improvements. The fees may not be used for the operation and maintenance of park facilities (California Government Code Section 66477[a][3]).

Comment G-30 Response

At this time Quimby fees are used for the benefit of all residents of National City. Further direction from the City Council is needed to direct Quimby fees derived from within the plan area to remain for future park development within Westside and/or to provide opportunities for developers to develop parkland in lieu of paying park fees.

Comment G-31 Response

A pedestrian bridge is proposed to link Kimball Park and the city library with the plan area. However, exact placement of the bridge is not known at this time.

Comment G-32 Response

As new development moves forward, open space and recreational park areas will be identified as part of the development proposal to provide additional parkland. Requiring the developer to develop the site and conduct continual maintenance would not burden the city with maintenance of additional parks yet would result in parkland for the community.

Comment G-33 Response

The plan identifies specific routes for increased truck traffic and further identifies community routes for discouraging truck traffic. As part of the development of the roadway improvements through the plan area, specific signage will be installed to direct truck traffic to specific roadways.

Comment G-34 Response

Page 3.2-56, the statement has been corrected to reflect the intended 500 million metric tons of GHG emissions, not 50.

Comment G-35 Response

Page 3.9-14 now includes the National City Adult School as a school within ¼ mile of the plan area.

Comment G-36 Response

Page 3.10-2, National City School District has been corrected to read: National School District and Sweetwater Union High School District.

Comment G-37 Response

The Old Town Neighborhood Council currently serves as a public forum for discussion of proposed projects and improvements in the plan area. The city will

continue to use the Council as a forum to discuss issues with the community. A Public Implementation Committee established to provide input on developing plans and public improvements may further serve to keep the residents informed. City Council direction to create a committee would be necessary.

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Comment Letter H



December 21, 2009

Peggy Chapin
 City of National City
 1243 National City Blvd
 National City, CA 91950
pchapin@nationalcityca.gov
 619.336.4319

RE: Support for Westside Specific Plan and Draft Environmental Impact Report
DEIR State Clearinghouse Number 2008071092

Ms. Chapin,

H-1 As part of the Old Town National City Alliance¹, an alliance of concerned residents and organizations in Old Town, National City and South San Diego, we support the Westside Specific Plan and Draft Environmental Impact Report (DEIR). We believe this plan will lead to a healthier and safer environment for all who live and work in the Westside. **Thus, we call for the adoption and implementation of this plan as soon as possible.**

H-2 **We support the comments submitted by Coast Law Group on behalf of Environmental Health Coalition**, particularly with regard to the following issues: considering the positive air quality impacts to be realized upon implementation of this plan, providing active recreation and open space areas within the plan area, strengthening the buffer between the I-5 freeway and residential development, designating a 100-foot buffer from the edge of both sides of Paradise Creek, designating a truck route that prohibits truck traffic on 18th Street, and creating more affordable housing opportunities within the plan area. This plan will significantly improve quality of life for residents and make this neighborhood a safer, healthier, happier place in which to live, work, and play; we ask that you pass the plan and Environmental Impact Report so that the important work of implementation can begin.

Sincerely,

James Baker
 President/CEO

cc: National City City Council

¹In addition to concerned residents, the Old Town National City Alliance includes representatives from the following organizations: Casa de Salud, Healthy Eating Active Communities, Environmental Health Coalition, Institute for Public Strategies, Kimball Elementary School, National School District, Old Town Neighborhood Council, Old Town Old Timers, Paradise Creek Educational Park Inc., St. Anthony's Organizing Ministry, San Diego Regional Asthma Coalition, San Diego Organizing Project, South Bay Community Services, and South Bay Democratic Club.

590 Third Avenue, Suite 204, Chula Vista, CA 91910 • Phone: 619.476.9100 Fax: 619.476.9104
www.publicstrategies.org

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Response to Letter H

Institute for Public Strategies

Comment H-1 Response

Thank you for your comment noting support for the proposed project.

Comment H-2 Response

Comment noted. Please see the responses to the Environmental Health Coalition letter (Letter G).

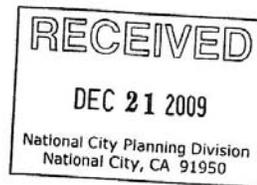
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Comment Letter I

**Healthy Eating,
Active Communities**
HEAC

December 21, 2009

Peggy Chapin
City of National City
1243 National City Blvd
National City, CA 91950
pchapin@nationalcityca.gov
619.336.4319



**RE: Support for Westside Specific Plan and Draft Environmental Impact Report
DEIR State Clearinghouse Number 2008071092**

Dear Ms. Chapin,

As part of the Old Town National City Alliance¹, an alliance of concerned residents and organizations in Old Town, National City and South San Diego, we support the Westside Specific Plan and Draft Environmental Impact Report (DEIR). We believe this plan will lead to a healthier and safer environment for all who live and work in the Westside of National. Thus, we call for the adoption and implementation of this plan as soon as possible.

We support the comments submitted by Coast Law Group on behalf of Environmental Health Coalition, particularly with regard to the following issues: (1) considering the positive air quality impacts to be realized upon implementation of this plan, (2) providing active recreation and open space areas within the plan area, (3) strengthening the buffer between the I-5 freeway and residential development, (4) designating a 100-foot buffer from the edge of both sides of Paradise Creek, and (5) designating a truck route that prohibits truck traffic on 18th Street, and creating more affordable housing opportunities within the plan area. This plan will significantly improve quality of life for residents and make this neighborhood a safer, healthier, happier place in which to live, work, and play; we ask that you pass the plan and Environmental Impact Report so that implementation can begin.

If you have questions or feedback related to the submittal of this letter, feel free to call me at (619) 992-0774.

Best regards,

Dana Richardson
Director

cc: National City - City Council

¹ In addition to concerned residents, the Old Town National City Alliance includes representatives from the following organizations: Casa de Salud, Healthy Eating Active Communities, Environmental Health Coalition, Institute for Public Strategies, Kimball Elementary School, National City Residents for Democracy, National School District, Old Town Neighborhood Council, Old Town Old Timers, Paradise Creek Educational Park Inc., St. Anthony's Organizing Ministry, San Diego Regional Asthma Coalition, San Diego Organizing Project, and South Bay Democratic Club.

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Response to Letter I

Old Town National City Alliance – Healthy Eating Active Communities (HEAC)

Comment I-1 Response

The comment indicates that the commenter supports the comments submitted by the EHC. Please see responses to the Environmental Health Coalition letter (Letter G).

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Comment Letter J

Peggy Chapin
 City of National City
 1243 National City Blvd
 National City, CA 91950
pchapin@nationalcityca.gov
 (619)336-4319
RE: Support for Westside Specific Plan and Draft Environmental Impact Report
DEIR State Clearinghouse Number 200807109

Ms Chapin,

I am writing to you as the Chair of the Old Town National City Neighborhood Council. A few weeks ago I and others as part of an alliance* of citizens and concerned groups voted unanimously to support the Westside Specific Plan and Draft Environmental Impact Report (DEIR). As Chair and as a life-long resident of my city, I see the return of a safe and healthy neighborhood that I and my fellow residents had known, nearly lost, and then fought to keep alive for decades. I am calling on the city to adopt and implement this plan as soon as possible.

J-1 I support the comments submitted by Coast Law Group on behalf of Environmental Health Coalition, particularly with regard to the following issues: considering the positive air quality impacts to be realized upon implementation of this plan, providing active recreation and open space areas within the plan area, strengthening the buffer between the I-5 freeway and residential development, designating a 100-foot buffer from the edge of both sides of Paradise Creek, designating a truck route that prohibits truck traffic on 18th Street, and creating more affordable housing opportunities within the plan area.

Ms Chapin, as you know we have all put in a lot of effort and time into crafting a plan that will make a rebirth of our neighborhood turn from a dream to a reality. I thank you for your effort and time as well. I urge you to have the plan and Environmental Impact Report pass so that we can see the rebirth begin before our eyes, ours and the eyes of the next generation of Old Town residents as well.

Sincerely,
 Jose Medina: Chair of the Old Town Neighborhood Council.

*Concerned residents and following Organizations: Casa de Salud, Healthy Eating Active Communities, Environmental Health Coalition, Institute for Public Strategies, Kimball Elementary School, National City Residents for Democracy, National School District, Old Town Neighborhood Council, Old Town Old Timers, Paradise Creek Educational Park Inc., St. Anthony's Organizing Ministry, San Diego Regional Asthma Coalition, San Diego Organizing Project, and South Bay Democratic Club

cc: City Council of National City

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Response to Letter J

Old Town National City Neighborhood Council

Comment J-1 Response

The comment indicates that the commenter supports the comments submitted by the EHC. Please see responses to the Environmental Health Coalition letter (Letter G).

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Comment Letter K

December 18, 2009

Peggy Chapin
City of National City
Westside Specific Plan
1243 National City Boulevard
National City, CA 91950



Dear Ms. Chapin:

Thank you for the opportunity to review and provide comments to the Draft Westside Specific Plan ("Westside Specific Plan"; "Specific Plan") and Draft Environmental Impact Report ("EIR"), for which comments are due on or before December 21, 2009.

Please find below for the official record my comments to the two aforementioned documents.

Westside Specific Plan

As chairman of the Old Town National City Smart Growth Coalition, which is comprised of more than 40 residential and business property owners who own more than 200 parcels of land on the Westside, I have had several discussions with the Mayor, City Councilmembers and City staff regarding our concerns with the Specific Plan prior to the preparation of the Specific Plan/draft EIR. During these discussions, it was my understanding that we had reached agreement on making certain changes to the Specific Plan to reflect our well-documented concerns. Upon review of the Specific Plan, I found with dismay that the perceived agreements on key issues are not reflected in this Specific Plan. These issues are enumerated below.

1. Grandfather Clause vs. Amortization

K-1

- a. Perceived agreement: Existing businesses – even if deemed nonconforming under the new Westside Specific Plan – would be able to continue indefinitely.
- b. The Westside Specific Plan states that nonconforming uses will be phased out and be subject to the amortization process – unless deemed as "acceptable nonconforming" uses included in Appendix A.
- c. Key sections of the Specific Plan read as follows:
 - i. Section 3.1, page 29: *Redevelopment is expected to occur within the 20-year horizon of the plan. Typically, changes may occur as follows:...*
 - *Uses considered nonconforming when the Plan is adopted are slowly phased out since those uses would be subject to the provisions of Section 18.108, Nonconforming uses.*

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National City, CA 91951

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- *Incompatible land uses may be subject to the amortization process (Section 18.108.230).*

- ii. *Section 3.3, Strategy 3.4, page 31: Efforts shall be made to cease nonconforming and impactive, harmful and/or toxic uses within the Westside utilizing the amortization process. Removal of automotive body and paint businesses shall be prioritized, with special considerations given to the most sensitive receptors (e.g. schools), and a schedule for amortization prepared.*
- iii. *Section 3.3, Strategy 3.5, page 31: Implement land uses contained in Appendix A by encouraging non-conforming uses to substitute other non-conforming uses consistent with Appendix A which would be allowed to expand.*
- iv. *Section 3.4, page 33: Those uses not listed in Appendix A would not be acceptable non-conforming uses for substitution, but would remain subject to the nonconforming use requirements, Land Use Code Section 18.108 and Section 3.6 of this plan.*

K-2

- d. As reflected in these sections of the Specific Plan, there appears to be no mechanism for "grandfathering in" existing non-conforming uses. This Specific Plan leaves businesses that are currently operating within the confines of the law subject to amortization.

2. Expansion of existing businesses

K-3

- a. Perceived agreement: Existing businesses – even if deemed nonconforming under the new Westside Specific Plan – would be allowed to expand up to 20 percent of gross area and expansion beyond 20 percent would be permitted with a conditional use permit.

- b. The Westside Specific Plan states that only those uses deemed as "acceptable nonconforming," as listed in Appendix A, would be permitted to expand.

c. Key sections of the Specific Plan read as follows:

- i. *Section 3.3, Strategy 3.6, page 31: Provide a mechanism to allow industrial uses that are considered acceptable to continue to expand within their existing parcel boundaries by no more than 20% of gross leased area.*
- ii. *Section 3.6, page 39: It is the intent of Chapter 18.108 of the Land Use Code to generally permit nonconforming uses to continue until they are terminated, but not to encourage their enlargement, expansion, or extension. This Specific Plan does allow for enlargement and/or expansion of certain non-conforming uses within the existing parcel, listed in Appendix A, up to 20% of their gross leased area (building footprint), because they are not impactive to the community or not typical industrial uses, and provide an avenue of progressive change in the Westside.*

K-4	d.	As reflected in these sections of the Specific Plan, there appears to be no mechanism by which nonconforming uses can expand beyond 20 percent.	H-4
3. Height limits vs. Story limits			
K-5	a.	Perceived agreement: Building limits would be determined by height in feet – not constrained by frivolous story limitations.	H-5
	b.	The Westside Specific Plan constrains development in each land uses zone except Civic Institutional by height and story limits, as reflected in Sections 3.5.1 – 3.5.4, pages 35 – 39, and summarized below:	
		i. Single-family residential (RS-4): 35 feet; three stories	
		ii. Limited Commercial (CL): 50 feet; three stories	
		iii. Mixed-use Commercial-Residential (MCR-1): 50 feet; three stories	
		iv. Mixed-use Commercial-Residential (MCR-2 Civic Center Drive District): 65 feet; five stories	
		v. Mixed-use Commercial-Residential (MCR-2 Transit Oriented Development): 65 feet; five stories	
		vi. Civic Institutional (IC): 35 feet	
K-6	c.	Development in all zones should only be subject to height restrictions and not story limitations, as in the Civic Institutional zone.	H-6

The following are additional comments to the Westside Specific Plan. These comments may raise issues related to the validity and adequacy of this Specific Plan and should be thoroughly investigated by staff. Language from the Specific Plan is included, followed by the comment.

K-7	1.	<u>Section 2.8 Hazardous Materials Assessment and Emission, page 23:</u> <i>However, due to the number of business that store, accumulate, transport, or dispose of hazardous materials, there is a cumulative impact on the community, which is problematic in itself.</i>	H-7
		<u>Comment:</u> Sheer quantity of a use is not grounds for declaring a cumulative impact under the California Environmental Quality Act. It is possible that each use could implement project design features and/or be subject to mitigation measures such that each use would lessen its impacts to less than significant levels, thereby avoiding significant cumulative impacts.	
K-8	2.	<u>Section 2.9 Market Demand Projections, pages 25 – 26:</u> <i>Westside is in a position to capture a share of subregional demand for multiple land uses...Potential demand exists for light industrial space for small businesses given the diminishing supply of this type of space in the region's central areas, even though the consumer and business base is growing.</i>	H-8
		<u>Comment:</u> Despite the explicit statement herein that the demand for industrial uses is growing while the supply of land is shrinking, the Westside Specific Plan intentionally targets industrial uses	

K-8 cont. | for removal from the plan area. This Specific Plan provides no discussion of the potential economic impact to the City of National City due to this action.

K-9 | 3. Appendix A Westside Specific Plan Land Use
Comment: No indication is given as to what is meant by cells that do not contain a "X," "-", or "C" – in other words, those cell that are left blank.

Draft Environmental Impact Report

The following are comments to the Westside Specific Plan Draft Environmental Impact Report. These comments may raise issues related to the validity and adequacy of this EIR and should be thoroughly investigated by staff. Language from the EIR is included, followed by the comment.

K-10 | 1. Chapter 3.1 Traffic, Circulation and Parking
 a. Existing Conditions, page 3.1-3: *It should be noted that not all neighborhood street segments within the plan area were analyzed if it was clear that the project would not substantially affect traffic along those segments.*

Comment: How was this determined? How can a segmented be ruled out as not impacted if no analysis is done?

K-11 | b. Regulatory Setting, State, Trade Corridor Improvement Fund, page 3.1-16: *Table 3.1-7 lists the projects with construction start and end dates as well as project cost and TCIF funding.*

Comment: Table 3.1-7 does not include project cost or TCIF funding, as stated.

K-12 | 2. Chapter 3.2, Air Quality
 a. Threshold AQ-1, pages 3.2-37 – 3.2-38: *If a project proposes development that is greater than that anticipated in the City of National City's General Plan and SANDAG's growth projections, the project would be in conflict with the RAQS and SIP....Because the best measure of a project's consistency with the RAQS and SIP is whether it would achieve the underlying goals and objectives of the General Plan, consideration of the project's proposed land uses is required. The current land use designations for the plan area are...These land use designations are included in SANDAG's most recent growth forecast used to prepare the RAQS. The existing general plan land use assumptions for the site yield an average 33,905 daily trips. As indicated by the Westside Specific Plan Traffic Impact Analysis, the proposed Westside redevelopment would generate a total of 70,920 daily trips at project buildout; a net increase of 37,015 ADT over existing conditions. ... Given the proximity to public transit facilities and the mixed-use nature of the project, the project is deemed consistent with the RAQS and SIP.*

K-12 cont. **Comment:** Features of the project that may locate uses next to transit facilities does not negate that the project has not been planned for/considered in the existing general plan and/or SANDAG growth forecasts. Per the statement above from the EIR, if a project proposes development that is greater than that anticipated in the City of National City's General Plan and SANDAG's growth projections, the project would be in conflict with the RAQS and SIP. As such, the finding that impacts related to inconsistency with the RAQS and SIP are less than significant is flawed.

3. Chapter 3.7 Land Use

K-13 a. Threshold LU-2 – California Senate Bill 375, page 3.7-8: *As such, the Westside Specific Plan would designate additional single- and multi-family residential land uses in proximity to jobs, schools, and public transportation, effectively achieving the primary goal of SB 375, which is to reduce carbon emissions and GHG emissions.*

Comment: No analysis is provided of how the downzoning of large portions of the plan area might prohibit the project's ability to satisfy SB 375.

K-14 b. Threshold LU-2 – 2030 Regional Transportation Plan (RTP), page 3.7-10 – 3.7-11: All topics and policy objectives were reviewed and no inconsistencies were discovered.

Comment: The DEIR provides no analysis to substantiate the preceding statement. The DEIR should include a table similar to Tables 3.7-1, 3.7-2 and 3.7-3 to demonstrate the proposed project's consistency with the 2030 RTP.

4. Chapter 3.10 Utilities/Public Services

a. Threshold UTIL-1a, page 3.10-17: *The average daily wastewater flow (ADWF) to Metro within the plan area would increase from approximately 5.04 mgd to 5.22 mgd under current land use plans. This is based on National City's existing land use regulations and zoning which would support a buildout of 727 residential dwelling units and using the City's estimate of 70 gallons per day (gpd) for each residential dwelling unit. As Table 3.10-5 shows, using the City-supplied commercial wastewater generation rates of 50 gpd of usage per employee, calculated at 10 employees for every 10,000 square feet of non-residential space, the proposed project would result in an average daily wastewater usage of approximately 524,946 gpd at full buildout. With addition of the proposed project ADWF only, the City's average daily wastewater flow to Metro would be approximately 5.56 mgd, well within the City's permitted flow capacity of 7.5 mgd.*

K-15 **Comment:** During what time period would the wastewater flow increase mentioned in the first sentence above occur? Why are commercial generation rates of 50 gpd used to calculate wastewater from the proposed project? The proposed project includes a substantial portion of residential uses, which as stated above generate 70 gpd of wastewater. Estimating the proposed project's wastewater usage only by commercial rates provides an inaccurate estimate of usage.

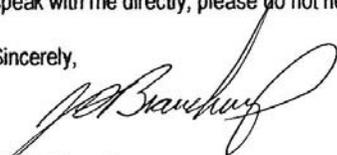
K-15

Furthermore, the preceding analysis is contradicted by the analysis contained in Chapter 4 Transit Oriented Development, Utilities and Service Systems, pages 4-50 – 4-51, which reads:

The City projects under the no project condition that the average daily wastewater flow (ADWF) to Metro would increase approximately 0.19 percent per year due to ambient population growth. This equates to an ADWF of approximately 5.26 mgd 20 years from today. Using industry-standard wastewater generation rates of 70 gpd of usage per resident, and 50 gpd of usage per employee (calculated at 10 employees for every 10,000 square feet of non-residential space (IEC 2006, p.3), the Westside Specific Plan would result in an average daily wastewater usage of approximately 525,000 gpd. With addition of the Westside Specific Plan ADWF only, the City's ADWF to Metro would equate to approximately 5.78 mgd, well within the City's permitted flow capacity of 7.5 mgd. Since the TOD project is part of the larger Westside Specific Plan and was analyzed therein, there would be adequate wastewater capacity to serve the TOD project.

Thank you for the opportunity to provide comments to the Draft Westside Specific Plan and Draft Environmental Impact Report. Should you have any questions regarding the above comments or wish to speak with me directly, please do not hesitate to contact me at (619) 477-7700.

Sincerely,



Jim D. Beauchamp
Chairman, OTNC Smart Growth Coalition

Cc: Mayor Ron Morrison
Vice Mayor Alejandra Sotelo-Solis
Councilmember Francisco Parra
Councilmember Jess VanDeventer
Councilmember Rosalie Zarate
City Manager Chris Zapata
Redevelopment Director Brad Raulston
Planning Director Roger Post
Principal Planner Peggy Chapin
City Attorney George Eiser
Assistant City Attorney Claudia Silva
Steven Schwartz, Esq.

Response to Letter K

Old Town National City Smart Growth Coalition (SGC)

Comment K-1 Response

Chapter 18.108 Nonconforming Uses allows those uses that prior to adoption of the Westside Specific Plan and related implementation ordinances are permitted and after adoption would no longer be permitted, to continue to operate indefinitely, as long as the use complies with Chapter 18.108, except the City Council may order a nonconforming use to be terminated (Section 18.108.230 Affirmative termination by amortization.)

Comment K-2 Response

One of the primary goals of the Westside Specific Plan is to improve environmental health conditions for residents throughout National City. Existing industrial uses that would no longer be permitted upon adoption of the Westside Specific Plan and related implementation ordinances would be allowed to continue as allowed by Chapter 18.108. Nonconforming uses currently existing and those that become nonconforming upon the adoption of the Westside Specific Plan are subject to the provisions contained in Chapter 18.108 of the Municipal Code. If a use is sought to be amortized, the requirements and factors contained in Section 18.108.230 would be applicable. Please see response to K-1.

Comment K-3 Response

Pursuant to the Westside Specific Plan, existing nonconforming uses would be allowed to expand up to 20% of their gross leased area for nonconforming uses that that do not have an impact to the community and which are listed in Appendix A.

Comment K-4 Response

Please see response to K-3.

Comment K-5 Response

The Guiding Principles of the Westside Specific Plan, as established through the community workshops, is to respect and encourage single-family homes and small residential development and to enhance pedestrian safety and promote the walkability of the community. The building heights are constrained by stories to ensure that these principles are achieved. The height limit is intended to provide flexibility in roof and tower elements and architectural features.

Comment K-6 Response

Please see response to K-5.

Comment K-7 Response

On page 23 of the Westside Specific Plan, it states there is a cumulative impact on the community from “the number of businesses that store, accumulate, transport, or dispose of hazardous materials...” This statement is not referring to cumulative significance under CEQA, but is a value-oriented statement in line with the central vision statement and objectives of the Westside Specific Plan. Discussion of the cumulative significance of hazardous materials is discussed in Chapter 6 of the draft EIR. Cumulative impacts (impacts from past, present and reasonably foreseeable future projects when combined with the proposed project’s incremental contribution) related to hazards and hazardous materials would be less than significant after mitigation is incorporated.

Comment K-8 Response

The city has additional vacant land south of the Mile of Cars Way and west of Interstate 5 that allows for further development of industrial uses. It is the intent of these industrial zones to allow for industrial uses that would not impact residential uses.

Comment K-9 Response

The cells in Appendix A are consistent with the existing land use matrix contained in Chapter 18 Land Use Code. Uses which are permitted without a CUP are noted as X, those that reflect a – are not permitted, and cells that reflect a C would require approval of a Conditional Use Permit prior to operation. Appendix A has been revised with a notation clarifying the intent of X, -, and C.

Comment K-10 Response

Comment noted. Page 3.1-3 has been revised in the final EIR to read as follows:

It should be noted that not all neighborhood street segments within the plan area were analyzed. Instead, the Westside Specific Plan traffic impact analysis focused on the major roadways and intersections to determine the reasonably foreseeable impacts that would occur at the community-wide level by project buildout, not specific impacts on smaller residential streets. However, as subsequent development projects are proposed, project level traffic impact analyses would be required that would take into account impacts on the surrounding street network, including nearby lower volume residential roadways, in the traffic report if it was clear that the project would not substantially affect traffic along these segments.

Comment K-11 Response

The text was not updated when the table was added. Reference to project cost and TCIF funding has been removed from the text. Project cost and TCIF funding may be reviewed at the web address noted as the source of the information contained in the table (<http://www.catc.ca.gov/programs/tcif.htm>).

Comment K-12 Response

As discussed on page 3.2-37 through -39, the project is a mixed-use project located near mass transit in the city center. While the growth projections within the project area are above the existing general plan projections, the project is consistent with the goals and objectives of the general plan (a consistency analysis is provided in Table 3.7-2). Furthermore, the proposed densification and use of mass transit would help to offset growth in less centralized locations throughout the city, while the increase use of transit and emphasis of walkability through development of additional mixed-uses will lead to fewer vehicle miles traveled per capita and a corresponding reduction in automobile emissions than traditional development. Finally, the project would seek to amortize existing non-conforming polluting businesses which would lead to additional reductions in air emissions.

In sum, the project would be consistent with the goals of the general plan, increase use of transit, improve walkability by co-locating compatible uses such as retail and residential, and amortize existing polluting sources, all of which would help the project achieve consistency with the RAQS and SIP.

Comment K-13 Response

The plan would encourage in-fill development near the city center. The plan emphasizes development of transit-oriented mixed-use residential, retail, and office to improve walkability, providing automobile alternatives, and help achieve a jobs-housing balance. In addition, energy efficient designs will be emphasized through mitigation listed for greenhouse gas emission reduction. For these reasons, the project is considered to be consistent with the policies of SB 375.

Comment K-14 Response

As noted in the consistency analysis with SANDAG's RTP on page 3.7-10 of the draft EIR, the project would increase mixed-use and residential density within an Existing/Planned Smart Growth Town Center, NC-1, as identified on SANDAG's Smart Growth Concept Map. The plan's emphasis on mixed use and smart growth (land use) and its proximity to and emphasis on mass transit options such as the trolley or bus and improvement of the existing street grid network (transportation systems management and development) is at the heart of the RTP. Thus, a consistency table is not needed.

Comment K-15 Response

Commented noted. Page 3.10-17 of the draft EIR has been revised for the final EIR and now reads as follows:

The average daily wastewater flow (ADWF) to Metro within the plan area would increase from approximately 5.04 mgd to 5.22 mgd under current land use plans. This is based on National City's existing land use regulations and zoning which would support a buildout of 727 residential dwelling units and using the City's estimate of 70 gallons per day (gpd) for each residential dwelling unit. Using 75% buildout of the proposed project, wastewater service and capacity would be needed to serve the following expansion: (1) residential dwelling units increase to a total of 1,846 with an accompanying estimated population of 6,384 residents, (2) office development increases to a total of 669,140 gross square feet, and (3) commercial development increases to 892,187 gross square feet.

As Table 3.10-5 shows, using the City's estimate of 70 gallons per day (gpd) for each residential dwelling unit and using the City-supplied commercial wastewater generation rates of 50 gpd of usage per employee, calculated at 10 employees for every 10,000 square feet of non-residential space, the proposed project would result in an average daily wastewater usage of approximately 524,946/207,286 gpd at full buildout. With addition of the proposed project ADWF only, the City's average daily wastewater flow to

Metro would be approximately ~~5.56~~5.25 mgd, well within the City’s permitted flow capacity of 7.5 mgd. Impacts related to Threshold UTIL-1a would be less than significant.

Table 3.10-5. Average Daily Wastewater Flow and Available Capacity of South Metro Interceptor Line (in MGD)

Existing ADWF	Projected ADWF in 2028 with Project	Total Capacity	Available ADWF Capacity for Project
5.04+	5.56 <u>5.25</u>	7.5	Yes

Source: Based on usage factors from IEC 2006.

Comment K-16 Response

Commented noted. Page 4-50 and -51 of the draft EIR have been revised for the final EIR and now read as follows:

~~The City projects under the no project condition that the average daily wastewater flow (ADWF) to Metro would increase approximately 0.19 percent per year due to ambient population growth. This equates to an ADWF of approximately 5.26 mgd 20 years from today.~~

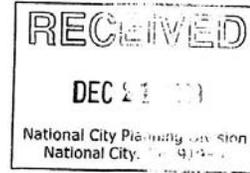
Using industry-standard wastewater generation rates of 70 gpd of usage per ~~resident~~residential unit, and 50 gpd of usage per employee (calculated at 10 employees for every 10,000 square feet of non-residential space (IEC 2006, p.3), the Westside Specific Plan would result in an average daily wastewater usage of approximately ~~207,286~~25,000 gpd at 75% buildout. With addition of the Westside Specific Plan ADWF only, the City’s ADWF to Metro would equate to approximately ~~5.78~~5.25 mgd, well within the City’s permitted flow capacity of 7.5 mgd. Since the TOD project is part of the larger Westside Specific Plan and was analyzed therein, there would be adequate wastewater capacity to serve the TOD project. Impacts would be less than significant and mitigation measures would not be required.

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Comment Letter L

December 20, 2009

Ms. Peggy Chapin, Planning Department
City of National City
1243 National City Blvd.
National City, CA 91950



Via email:pchapin@nationalcityca.gov

Dear Ms. Chapin:

I am writing this letter in response to the Draft EIR for the Westside Specific Plan released November 2009. From my review of this document, I am concerned that insufficient mitigation requirements, strategies, and support plans have been formulated to protect the Paradise Creek Educational Park riparian habitat. Additionally, no detailed local mechanism for compliance to protect this unique and diverse environment has been outlined.

Specific concerns are as follows:

- L-1 | 1) Protection of permanent and transitory species using Paradise Creek as a home, breeding grounds, or "rest stop." ES-21 and ES-22 of the EIR begin to address the needs for species that nest in the area. However, the use of this area by migratory species goes beyond this limited description.
- L-2 | 2) The EIR inadequately provides protection to permanent and transitory species from increased noise from construction and subsequent activities from inhabitants of the planned development. Additionally, limited regard is given to ensuring adequate access to and from the park avian species. A minimum of a 100-foot setback from the high tide edge of the wetland should be used as a starting point in developing these protective measures.
- L-3 | 3) There is limited protection of the water quality for fish and other aquatic species that use this area of Paradise Creek for a breeding ground/nursery. These species provide essential nourishment to migratory birds along the Pacific Flyway. Further details for the protection and mitigation from impacts during construction activities needs to be addressed.
- L-4 | 4) There is no specific funding source identified to ensure continued compliance with State regulations for the protection of environmentally sensitive areas. Impacts upon Paradise Creek's environment are assured by the additional construction and subsequent population density growth.

I strongly urge that these concerns be addressed and the EIR be revised to resolve these issues.

Sincerely,

Stephanie Buttell-Maxin
President
Paradise Creek Educational Park, Inc.



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Response to Letter L

Paradise Creek Educational Park, Inc. (PCEP)

Comment L-1 Response

The City of National City met with the CDFG (Kelly Fisher, Darren Bradford, and Russ Patrice) and the USACE (Peggy Bartels) on February 9, 2010. The Westside Specific Plan is designed to prevent development from impacting jurisdictional wetlands as defined by CDFG and USACE. Both agencies agreed that if all future development is located outside of the jurisdictional wetlands, it is likely no permits would be required. Specific design measures to eliminate potential encroachment into the wetland would be identified through the discretionary review process. There is no anticipated reduction in the current area used for wildlife migration, nor any reduction to the creek size. Native plants are part of the plan which results in encouraging, preserving, and enhancing the wildlife habitat. If encroachment into the riparian habitat and wetland is possible, consultation with the agencies will be required. All open space areas shall be preserved in an open space easement in perpetuity and rezoned as Open Space Reserve to maintain the biological functions and values of the wetland habitat.

Comment L-2 Response

Comment noted. The existing functional barrier that exists on the east side of Paradise Creek would remain intact, thus better ensuring no disturbance to the creek, its fauna and flora. This allows further flexibility to increase the open space and habitat restoration on the west side of the creek. Implementing a 100 foot buffer on the east side will not provide the enhanced assurance and flexibility in preserving and enhancing the creek, but could result in impacts to the creek and habitat. Retention of the existing wall, however, does provide the enhanced assurance and flexibility, with less disturbance to the creek and habitat. Additional noise mitigation measures for construction and operations have been added to the final EIR (see MM BIO-9 and -10).

Comment L-3 Response

Comment noted. See response to L-2. In addition, mitigation measures have been added to the final EIR that address water run-off and water quality (see MM BIO-7, -11, and -14).

Comment L-4 Response

Comment noted. See comment to L-1 above. The city is pursuing funding source for implementation of improvements along Paradise Creek. Measures will be employed through the planning stages to ensure impacts by population and domestic animals are restricted in order to preserve the habitat and continued use of the creek by migratory birds.

Ms. Peggy Chapin, Planning Department
 City Of National City
 1243 National City Blvd.
 California, 91950



Commnet Letter M

Ms. Chapin,

This correspondence includes my comments on the Westside Specific Plan and Draft EIR (State Clearinghouse number 2008071092). I am forwarding these comments to your office prior to the December 21, 2009 deadline.

The EIR has several deficiencies concerning the Environmental Sensitive Area and delineated wetland known as Paradise Creek. These deficiencies are concentrated on the analysis of Thresholds of Impacts and the suggested Mitigation Measures and are summed up in the table below:

In each of the following points, the Threshold and Mitigation Measure is seen first in the Executive Summary (ES) and also in the specific section of the report.

Comments on EIR for National City’s Westside Specific Plan:

In each of the following points, the Threshold and Mitigation Measure is seen first in the Executive Summary (ES) and also in the specific section of the report.

- M-1 | 1. On ES-8: For Threshold AQ 2 (page 3.2-40), Impact AQ 1 is significant. Specifically, Air Quality standards will be violated at Paradise Creek during construction and operations, and Mitigation Measures (M M A Q-1 a, b on page 3.2-43) will not mitigate for impacts to the wildlife and habitat. By requiring an increase in habitat through restoration and habitat buffer, some of the impacts can be mitigated.
- M-2 | 2. On ES-12: For Threshold AQ 4 (page 3.2-46), Impact AQ-3 is significant. Specifically, Paradise Creek’s wetland is “recognized by the State Water Resources Control Board as an Environmental Sensitive Area (ESA),” (see Nordby report) and it should also be described as a “Sensitive Land Use,” for Air Quality study and discussions. Air Quality standards will be violated at Paradise Creek and Mitigation Measures (M M A Q-3 on 3.2-51) will not mitigate for impacts to the wildlife and habitat.
- M-3 | 3. On ES-12: For Threshold AQ -6 (page 3.2-52), Impact AQ-4 is significant. Specifically, greenhouse gas (GHG) emissions would lead to Climate Change standards being violated at Paradise Creek and Mitigation Measures (M M A Q-4) (page 3.2-58) will not mitigate for impacts to the wildlife and habitat. Requiring

all development to stay at least 10 feet above mean high high-tide can mitigate for impacts.

- M-4 | 4. On ES 16: For Threshold NOI-3 (page 3.3-17), Impact NOI-4 is significant. Specifically, Paradise Creek’s wetland is “recognized by the State Water Resources Control Board as an Environmental Sensitive Area (ESA),” and it should also be described as a “Noise- sensitive Land Use,” for noise study and discussion. This EIR states, “*Noise-sensitive land uses* are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the use of the land” (3.3- 4). Ambient noise levels standards will be violated at Paradise Creek by construction and operation and no mitigation is stated for impacts to the wildlife and habitat.
- M-5 | 5. On ES -22: For Threshold BIO-1 (page 3.5-9), Impacts BIO-1 and BIO -2 are significant. Specifically, Paradise Creek’s wetland is “recognized by the State Water Resources Control Board as an Environmental Sensitive Area (ESA).” Special Status species and Raptors have been seen at Paradise Creek each year for the last 15 years of planning and constructing Phase One of the Educational Park. Biological standards will be violated at Paradise Creek during construction and operations and Mitigation Measures (M M BIO-1 and M M BIO-2 on page 3.5-10) will not mitigate for impacts to the wildlife and their habitat. Requiring a 100-foot buffer along the length of Paradise Creek can mitigate for impacts.
- M-6 | 6. On ES -22: For Threshold BIO-2 (page 3.5-10), Impact BIO -3 is significant. Specifically, Paradise Creek’s wetland is “recognized by the State Water Resources Control Board as an Environmental Sensitive Area (ESA)”, and development within undeveloped areas of the plan area will result in impacts to the natural communities. Mitigation Measures (M M BIO-3 and M M BIO-4 on page 3.5-11 and 12) do not guarantee that funding will be provided, nor that the existing natural resources will be protected. In addition, impacts may occur and be outside of agency regulation, thus not providing for a permit or remedy for the impacts. Setting aside 1% of the value of constructed development for restoration and maintenance of Paradise Creek’s entire length can mitigate for impacts.
- M-7 | 7. On ES-24: For Threshold AES- 1 (page 3.6-8), the analysis incorrectly states that there are no significant scenic vistas, and thus no impacts. Views along Paradise Creek from 22nd Street and from Hoover Avenue can be considered significant scenic vistas. Formal viewpoints have been designed for both locations. No Mitigation Measures have been identified to protect the vistas. In light of development plans for areas adjacent to Paradise Creek, the Specific Plan must provide a mitigation measure, which preserves these vistas.
- M-8 | 8. On ES- 25: For Threshold AES-2, 3, and 4 (pages 3.6-9 to 12), impacts are not discussed, nor are Mitigation Measures in place to protect the Aesthetic Quality of Paradise Creek. This is a violation of CEQA, Mitigation Measures must consider the aesthetic value of the habitat and surroundings.

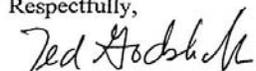
- | | |
|------|---|
| M-9 | <p>9. On ES -30 Analysis of Threshold HAZ-1 (page 3.9-11) did not completely analyze flooding, sewage, and storm water pollution hazards to the public and the environment. No new development shall occur in the 100-year floodplain, and any development within 500 feet of Paradise Creek must be analyzed and impacts upstream, downstream, and on-site must be fully mitigated through an timely amendment to the Specific Plan.</p> |
| M-10 | <p>10. On ES -30: For Threshold HAZ-2, Impact HAZ-1 (page 3.9-12) is significant. Specifically, Paradise Creek is an Environmental Sensitive Area and known contaminated soils and other materials may be released to the wetlands through development activity on Public Works properties and private adjacent properties. Mitigation Measures (M M HAZ-1, M M HAZ -2, and M M HAZ-3) will not mitigate for impacts to the wildlife and habitat, because they do not guarantee and funding source, nor staff time, for management of a toxic remediation program. A 1% fee on the value of all constructed development must be instituted for remediation. Grant funds may be used for study and remediation, but not in lieu of the 1% fee.</p> |
| M-11 | <p>11. On ES- 35: For Threshold UTIL-2 (page 3.10-17), future development in the plan area may limit the ability of the City to maintain the existing wastewater conveyance system. Impacts should be considered in light of previous municipal plans to rebuild existing sewer main lines under Paradise Creek at West 22nd Street due to possible leakage. No Mitigation Measures are identified to provide funding for this known existing problem. The City of National City must complete the sewer line works prior to any new sewer connections in the plan area.</p> |
| M-12 | <p>12. On ES-37: For Threshold UTIL- 4 (page 3.10-23), the EIR does not consider Urban Stormwater Runoff amounts due to increased impervious surfaces adjacent to Paradise Creek. Amounts have not been analyzed nor quantified, and Mitigation Measures have not been identified. This does not meet the minimum requirements of CEQA and the DEIR must be modified.</p> |
| M-13 | <p>13. On ES-39: For Thresholds UTIL-6 b, c, d, e (pages 3.10-28 to31), impacts to the public and the environment due to increased municipal costs for infrastructure and services have not been analyzed. An economic nexus with this plan must be considered. Specifically, "Impact" or "Development" fees waived in 2008 and 2009 demonstrate that National City's funding for services like police and fire protection, as well as parks, libraries, and the mitigation measures called out in this plan is not guaranteed and cannot be counted on to mitigate impacts from the development associated with this Specific Plan.</p> |

I raise these concerns to demonstrate that the analysis of Thresholds has not considered the impacts to the habitat and wildlife at Paradise Creek. These deficiencies can be

corrected by you prior to passing the final EIR and Specific Plan on to the Planning Commission and City Council for adoption.

- M-14 | In regards to the Westside Specific Plan, National City must add language to Section 2.5 and 2.6 as well as modify Goals and Strategies in Chapter 3 and 4 to guarantee that a restoration plan will be funded and carried out for Paradise Creek. These changes must also require a 100- foot buffer along the shore of Paradise Creek and the preservation of the Open Space Zoning for a public park. I would be glad to meet with you to discuss these ideas in depth during the drafting of the Final EIR and Specific Plan.
- M-15 |

Respectfully,



Ted Godshalk
Director
Paradise Creek Educational Park Inc.

Response to Letter M

Paradise Creek Educational Park, Inc. (PCEP 2)

Comment M-1 Response

Commented noted. Mitigation measures have been added to the final EIR to mitigate for indirect impacts on Paradise Creek. The TOD development proposed adjacent to Paradise Creek will be designed outside the limits of the jurisdictional wetland. Formal design plans have not yet been submitted but will these plans will be required to submit habitat restoration and measures to prevent encroachment within the wetland areas.

Comment M-2 Response

See response to M-1. While Paradise Creek is considered an Environmentally Sensitive Area by the State Water Resources Control Board, Paradise creek is not considered a sensitive receptor by the California Air Resources Board. However, implementing mitigation measure MM BIO-1 through MM BIO-14 would reduce indirect effects (lighting, noise, water run-off, etc) on Paradise Creek.

Comment M-3 Response

The climate change impact analysis contained within the draft EIR determined that no climate change regulations would be violated. The draft EIR concludes that buildout of the Westside Specific Plan would contribute to climate change on a cumulative level, but not on a direct level. Mitigation measures would be required to reduce cumulative impacts, and would include measures to improve energy efficiency, renewable energy, water conservation and efficiency, solid waste reduction, and transportation emission sources. See M-1 and M-2.

Comment M-4 Response

Comment noted. Mitigation measures have been added to the final EIR to mitigate for indirect impacts on Paradise Creek. Specifically, mitigation measure MM BIO-9 and MM BIO-10 address noise related impacts from construction and operation.

Comment M-5 Response

Comment noted. See responses to L-1 and L-2.

Comment M-6 Response

Additional mitigation measures have been added to the final EIR designed to address potential direct and indirect impacts within the sensitive habitat area. Responsibility for ensuring ongoing maintenance of habitat restoration areas will be addressed through the discretionary review process and if required, through the permitting process of the resource agencies. The creek is currently in ownership by the city and will remain under the ownership and control of the city as well as protected within an open space easement.

Comment M-7 Response

Page 3.6-8 of the draft EIR has been modified for the final EIR and now states:

The plan area also includes Paradise Creek, a recognized and valuable wetland resource that provides natural views of open space marsh habitat and wildlife. Paradise Creek opened as an educational center in the spring of 2007. The project proposes to limit uses adjacent to Paradise Creek to restoration, passive recreation, and open space. The view corridor would be preserved through the site to Paradise Creek. These policies of the project would help ensure that Paradise Creek would maintain its aesthetic value. In addition, the project would be located outside of the jurisdictional wetland areas and additional vegetation may be added, in consultation with the wildlife agencies, to enhance the existing riparian resources. ~~implement appropriate setbacks from the edge of the creek through the development of the TOD affordable housing project and preserved open space easements to provide a buffer for restoration efforts.~~ A meeting on February 9, 2010 with the California Department of Fish and Game and the Army Corps of Engineers did not indicate that a permit would be required, however development plans will be coordinated with these agencies to ensure no and reduce physical disturbances occur near the creek, and ensure preservation of the aesthetic value. The TOD development would comply with all applicable mitigation measures list in the Westside Specific Plan Program EIR and additional M mitigation measures would may be imposed through the discretionary review process. ~~on the TOD development through consultation with CDFG.~~ Additional mitigation measures may be required at the project level once specific development information is available.

Comment M-8 Response

Threshold AES-2 addresses state scenic highways, of which there are no such highways within or adjacent to the plan area.

Threshold AES-3 addresses whether the plan would substantially degrade the existing visual character or quality of the site or its surroundings; however, the plan would aim to achieve a balance of bulk, scale, materials, and style while preserve the unique neighborhood characteristics (please note the objectives of the Westside Specific Plan). The discussion under Threshold AES-3 lists all the objectives of the Westside Specific Plan as it relates to aesthetics and community character. Moreover, the proposed development would be located outside of the jurisdictional wetland of Paradise Creek and through the design of development proposed along the creek, measures will be incorporated to ensure sensitive riparian habitat is not impacted. Because the Westside Specific Plan would aim to protect the aesthetic value and community character, the impact analysis determined that the plan would not substantially degrade the existing visual character or quality of the plan area or its surroundings.

Threshold AES-4 addresses adverse impacts from the creation of new sources of substantial light or glare. Consideration of placement and illumination of lighting will be analyzed through the discretionary permit application, as well as possible spill over lighting into the creek, and compliance with recommendations from the wildlife agencies will be incorporated in the design plans.

Comment M-9 Response

Comment noted. Regulations related to stormwater and wastewater runoff are discussed on Page 5-2,-3, and -4. Page 5-4 of the draft EIR has been revised to address the regulation of development adjacent to or within floodplains in the final EIR. The final EIR states:

Moreover, the City of National City enforces stormwater and wastewater runoff through Title 14, Stormwater Management and Discharge Control. Chapter 18.24 of the Land Use Code addresses requirement for developing within the floodplain. Any proposed development within areas of 100 year flood plain would be analyzed through the discretionary review process. Development would be required to comply with city codes, state building codes, the Regional Water Quality Control Board (RWQCB) and Federal Emergency Management Agency (FEMA).

Thus, Pprior to any construction activity, specific projects would be required to comply with all regulations and permitting procedures described above. Implementation of construction and post-construction stormwater controls that adhere to the City's SUSMP and RWQCB requirements and enforcement of the flood control requirements listed in the City's municipal

code would ensure that significant water quality–related impacts on hydrology and water quality would not occur. Therefore, impacts on hydrology and water quality would be less than significant.

Comment M-10 Response

Mitigation measures MM HAZ-1 (Environmental Site Assessment Phase I), MM HAZ-2 (Environmental Site Assessment Phase II), and MM HAZ-3 (Environmental Site Assessment Phase III) are requirements for subsequent development projects proposed under the Westside Specific Plan and would be the financial obligation of the applicant/developer. Staff would review the studies as part of the development review process. Completion of Phase III (site clean-up/remediation) would reduce impacts from hazardous materials to less than significant.

Comment M-11 Response

New development within the Westside Specific Plan area would be required to pay development impact fees to help upgrade the local sewer conveyance network and would directly pay for adequate wastewater conveyance on-site. Leaking sewer lines are in violation of the state wastewater regulations and repairs would be required. Failure to implement corrective action by the City could result in enforcement actions by RWQCB Region 9.

Comment M-12 Response

Please see page 5-2 through 5-4 of the draft EIR. Best Management Practices (BMPs), including design, source control, and treatment control would be required for all new development. In addition, MM BIO-7 would require post construction structural BMPs to be located outside the riparian area and corridor. Furthermore, all filtration and attenuation of surface flows provided by the proposed BMPs shall occur prior to the discharge of the flows into the riparian areas. MM BIO-14 would require all subsequent development along the Paradise Creek riparian areas shall adhere to LID criteria as defined by current best management practices. Examples of LID techniques include green roofs, bioretention (rain gardens), permeable pavers and asphalt, and tree box filters. Furthermore, subsequent development located throughout the plan area is encouraged to use LID techniques.

While it is reasonable to assume impervious surface area would increase within the plan area under typical development patterns, the mitigation measures listed under response to M-1 would ensure significant adverse impacts on Paradise Creek related to water quality and hydrology would not occur.

Comment M-13 Response

Development impact fees are collected and were collected in 2008 and 2009. Traffic Development Impact Fees are not collected for affordable housing projects. In addition to impact fees, the city actively pursues grant funds to further implement its goals and objectives. Specifically, Safe Routes to School grant funds have been used within the plan area for incorporating accessibility ramps, sidewalks, and bicycle lanes within the plan area.

Comment M-14 Response

See comment to M-1, M-6, and M-7 above. Habitat restoration will be developed through the discretionary review of the proposed development adjacent to Paradise Creek. Ongoing maintenance opportunities will be explored to ensure the preservation of the creek.

Comment M-15 Response

See response A-1 as well as to M-1, M-6, and M-7.

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Ms. Peggy Chapin, Planning Department
City Of National City
1243 National City Blvd.
California, 91950



Ms. Chapin,

Comment Letter N

While the Specific Plan as drafted provides an initial framework of valuable strategies to protect the habitat and wildlife of Paradise Creek, we recommend several changes to improve these strategies.

N-1 | First, habitat restoration must be a goal if there is to be so much new density in the community. Taken together with the proposed high-rises in Downtown National City, the plans for an Affordable housing project and other mid-rise projects in Old Town require the **100-foot buffer along Paradise Creek**. This buffer will provide shelter and foraging opportunities, as well as protection from human-caused impacts for migratory and resident birds. A 100-foot buffer will also allow wetland plants to filter storm water pollutants flowing out to San Diego Bay and the Pacific Ocean.

N-2 | Second, the length of Paradise Creek in the plan area must be protected with an **Open Space Reserve zoning** designation. In addition, to provide future protection of the wetlands, this area must become a **public park**. Relying only on an easement will endanger the sensitive habitat in that it can lead to privatization of some parts of the Open Space.

N-3 | Lastly, it is necessary to include in the Specific Plan a guarantee to develop a **restoration plan** for Paradise Creek. By including this important strategy in the Plan, the City of National City will demonstrate that it is committed to both development of commercial and residential uses and protection of the dwindling natural resources within its jurisdiction.

Sincerely,
Ted A. Godshalk
Ted A. Godshalk
Director
Paradise Creek Educational Park Inc.

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Response to Letter N

Paradise Creek Educational Park, Inc. (PCEP 3)

Comment N-1 Response

Commented noted. Please see response to A-1 and A-5. Mitigation measures have been added to the final EIR to mitigate for indirect impacts on Paradise Creek. The TOD development proposed adjacent to Paradise Creek will be designed outside the limits of the jurisdictional wetland. Formal design plans have not yet been submitted but will these plans will be required to submit habitat restoration and measures to prevent encroachment within the wetland areas.

Comment N-2 Response

See response to N-1. However, implementing mitigation measure MM BIO-1 through MM BIO-14 would reduce indirect effects (lighting, noise, water run-off, etc) on Paradise Creek. Mitigation measures have been added to the final EIR to ensure controlled access is provided within the jurisdictional wetland area. See MM-BIO-5 (Trail Restrictions), MM BIO-6 (Fencing and Signage), MM BIO-7 (Placement of Water Quality and Hydrology Controls), MM BIO-8 (Lighting Restrictions), MM BIO-9 (Construction Noise), MM BIO-10 (Operational Noise), MM BIO-11 (Landscape Requirements), MM BIO-12 (Non-reflective glass), and MM BIO-14 (LID measures).

Comment N-3 Response

Mitigation measures will be added as part of the discretionary permit application for the development adjacent to the creek requiring preparation of a habitat restoration plan. The plan will include components such as the plant palette and placement of native habitat, fencing in compliance with CDFG to restrict access, and the use of pervious surfaces for trails.

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Fostering the protection and appreciation of birds, other wildlife and their habitats...

Comment Letter O

December 20, 2009

Ms. Peggy Chapin, Planning Department
 City Of National City
 1243 National City Blvd.
 National City, California, 91950

Via email: pchapin@nationalcityca.gov

Dear Ms. Chapin:

SUBJECT: Comments on Westside Specific Plan Draft Environmental Impact Report, November 2009

Paradise Creek is in the midst of the redevelopment area. It is an important resource for wildlife, water quality, flood control, scenic value, education, and passive recreation for the entire redevelopment area. It is the remnant of hundreds of acres that were historically in this area. Unfortunately the EIR does not identify or provide the provisions needed to protect Paradise Creek or the values that it provides. As such it does not satisfy the minimum requirements of the California Environmental Quality Act. We strongly urge that the EIR be modified to identify and analyze the potential negative impacts to Paradise Creek and incorporate modifications to the Project that will avoid them. We will discuss a few in the headings below.

WATER QUALITY

O-1 Paradise creek is currently affected by trash and contaminants from the upstream development and activity. On page 1-3 and other pages the document alleges that the Project will not cause a significant impact on water quality. The Project will significantly increase commercial, residential, and motor vehicle activity around and upstream of Paradise Creek. Doing so will satisfy important civic needs. However these increases will also result in the runoff water carrying more trash, more incidental spills, more leakage from motor vehicles, and more particles from vehicle tires into the creek. The EIR fails to identify and quantify what water quality degradation will result from the increased activity due to the project.

O-2 The development will also convert more pervious surfaces to impervious surfaces which will reduce natural filtration of runoff and will result in more trash and contaminants reaching and degrading Paradise Creek. The DEIR fails to address this impact.

O-3 We strongly urge that the DEIR be modified to identify and quantify the negative water quality impacts that will result from the Project, to identify modifications to the project that will avoid or minimize these impacts, and provide mitigation measures that will reverse the impacts that can not be avoided. Anything less will not satisfy the minimum requirements of CEQA. Measures could include treatment basins upstream of Paradise Creek, catchment basin filters throughout the watershed, public education, anti-litter enforcement, frequent storm drain cleaning, frequent high-performance street sweeping, and other best management practices.

BIOLOGICAL RESOURCES

Page ES 24 of the DEIR states: "Required coordination/consultation with USFWS and CDFG under FESA and CESA, respectively, would ensure that the proposed project would not adversely affect the long-term survival of listed species; as such, the project would not contribute to any significant cumulative impacts to special-status species."

- O-4 | However Federal and State regulatory agencies are severely underfunded so that they are not able to do the document review, site visits, research, and consultation needed to reliably protect sensitive species. To satisfy CEQA this EIR itself needs to identify the protections that will be incorporated into the Project to protect these species and to provide the analysis needed to assure the public and decision makers that those measures will protect those species. Anything less will not satisfy the minimum requirements of CEQA.
- O-5 |

BIOLOGICAL RESOURCES, INADEQUATE BUFFER

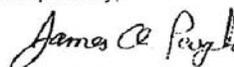
- O-6 | Our wetlands provide a broad range of functions and values as mentioned above. Just protecting the footprint of the wetland will not provide for the continuance of these functions and values. Protection also requires the minimization of many edge effects, including lighting, noise, disturbance, hydrology and water quality. The DEIR alleges that no mitigation is needed to protect Paradise Creek. The most obvious fallacy to this assertion is the inadequate buffer provided by the Redevelopment Plan. The Plan will result in increases in building height, noise, human activity, runoff, litter, and intrusion. Typically a buffer of 100 feet from the edge of a wetland is needed to preserve its functions and values. With the planned intense development for this project, a buffer of at least 100 feet, and probably broader in some directions, should be implemented.

- O-7 | The EIR fails to assess what functions and values will be diminished by the minimal buffers provided by this project. We strongly urge that the DEIR be revised to identify the very serious environmental impacts that will result from this minimal buffer. We also recommend that a project alternative be identified that will provide adequate buffers and that analysis be included to verify that the proposed broader buffers will actually be adequate. Anything less will not satisfy the minimum requirements of CEQA.

CONCLUSION

This redevelopment project could provide substantial community benefits if done well. However it will be a substantial net loss to our region if the cavalier lack of consideration for the protection of the Project Area's principal natural resources is not reversed. Please revise this DEIR and the Plan to resolve these issues. In case of questions or follow-up, I can be reached at 619-224-4591 or peugh@sandiegoaudubon.org.

Respectfully,



James A. Peugh
Conservation Committee Chair

cc:
US Fish and Wildlife Service
US Army Corps of Engineers
California Department of Fish and Game
Regional Water Quality Control Board

Response to Letter O

San Diego Audubon Society (SDAS)

Comment O-1 Response

The Westside Specific Plan is a plan to guide future development within the plan area. No specific development is proposed at this time and consequently it is impossible to assess specific impacts from development not yet planned. However, in its role as a guiding document, the Westside Specific Plan program EIR has listed general mitigation measures that would apply to subsequent development projects. Mitigation measures are included in the final EIR that are designed to maximize the use of low impact development water quality and hydrology controls (MM BIO-14), ensure water run-off remains on site and does not runoff untreated into the Paradise Creek (MM BIO-7), as well as listing several of the existing water quality and hydrology requirements of the City's Municipal code (Chapters 14.22 and 18.24) to ensure new development does not substantially impact sensitive waterways.

Comment O-2 Response

While it is reasonable to assume impervious surface area would increase within the plan area under typical development patterns, the mitigation measures listed under response to M-1 would ensure significant adverse impacts on Paradise Creek related to water quality and hydrology would not occur at the program level. Specifically, mitigation measure MM BIO-14 would require the use of low impact development water quality and hydrology measures to increase absorption on-site and improve water quality through natural filtration.

Comment O-3 Response

Please see the response to O-1.

Comment O-4 Response

Consultation with the wildlife agencies is required if there is a potential to adversely affect sensitive habitat or wildlife. Document review and consultation is paid for by the project applicant.

Comment O-5 Response

In addition to the mitigation measures already part of the draft EIR, mitigation measures have been added to the final EIR to ensure preservation of the sensitive habitat along Paradise Creek. See MM-BIO-5 (Trail Restrictions), MM BIO-6 (Fencing and Signage), MM BIO-7 (Placement of Water Quality and Hydrology Controls), MM BIO-8 (Lighting Restrictions), MM BIO-9 (Construction Noise), MM BIO-10 (Operational Noise), MM BIO-11 (Landscape Requirements), MM BIO-12 (Non-reflective glass), and MM BIO-14 (LID measures).

Comment O-6 Response

Please see response to Letter A, Comment A-1 and A-5.

Comment O-7 Response

See response to O-5.

Comment Letter P



Save Our Heritage Organisation
Saving San Diego's Past for the Future

December 21, 2009

Peggy Chapin
 Principal Planner
 1243 National City Blvd.
 National City, CA 91950

Re: Westside Specific Plan

Thank you for the opportunity to comment on this plan.

As you know, the west side of National City contains some of the earliest buildings built in National City, dating from the late 1860s. It also contains National City's oldest schoolhouse, which is also the County of San Diego's second oldest schoolhouse. It is located at 1905 Wilson, and is in very good condition. We have attached a copy of our magazine article on this extremely important building.

- P-1 The Plan should update the previous survey data that identify potential historic resources in the Plan Area using Sanborn fire maps, historic photographs, and consultation with knowledgeable groups and individuals to correctly identify these resources. As stated before, the dates of these structures are much earlier than listed in the current survey.
- P-2 We have attached info on twenty-two of these resources. The land use should be amended to reduce the impacts and preserve these important resources. Where possible, these resources should be retained on site and incorporated into the new development. Some may be moved. These resources should also be utilized in the development of design guidelines for new development that will preserve the unique character of National City, San Diego County's second oldest city. Design features such as front porches, Victorian and Craftsman details, and the fine scale and massing should be incorporated into the new residential development.
- P-3
- P-4 Each of the identified resources should be studied, a report prepared, and submitted to your Historic Review Board (the National City Historical Society) for a recommendation as to its qualification for local designation.
- P-5 Also concentrations of resources should be identified from these surveys and the Plan adjusted to accommodate preservation of these resources.

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P-6 We also support adopting a 100-foot buffer on each side of the Paradise Creek Wetland to protect and reduce impacts to the reserve. Currently the mitigation measures listed in the DEIR for the historic resources and future construction impacts affecting the Paradise Creek are inadequate under CEQA and need to be revised.

The negative impacts to these resources should be avoided, and these impacts must be analyzed and mitigated to the extent possible under CEQA.

Save Our Heritage Organisation (SOHO), now in its fortieth year, is San Diego's oldest and only countywide historic preservation organization. We are a local partner with the National Trust for Historic Preservation, and relied on for expert opinions by the State Office of Historic Preservation, public officials, the media, and the public.

P-7 In our professional opinion, we believe that these resources would qualify for the California Register of Historic Places. Many of these resources are not only some of the earliest of their type in National City, but are some of the oldest remaining in the County as a whole.

Properly handled and promoted these extremely rare historic resources and the Paradise Creek are some of the greatest assets that National City has. They can be an economic driver that can be the envy of other cities. In a recent study by the US Travel Association over 80% of American's traveling visit historic and cultural sites. They also spend more money and stay longer visiting these sites.

We look forward to working with you to develop appropriate mitigation measures to be included in the final EIR.

Sincerely,



Bruce Coons
Executive Director

Response to Letter P

Save Our Heritage Organization (SOHO)

Comment P-1 Response

Thank you for submitting additional information related to historic buildings within the Westside neighborhood. Pages 3.4-11 and -12 have been updated in the final EIR to reflect the presence of the historic schoolhouse at 1905 Wilson Street, the use of Sanborn Maps, and the difficulty of determining exact dates within the Westside neighborhood due to the movement of buildings over the past century and a half. Page 3.4-11 and -12 now read as follows:

As previously discussed, there may be as many as 325 to 350 parcels within the project site that contain buildings or structures that are more than 45 years old. The current study is not intended to create a comprehensive inventory of potential historic resources but rather to characterize their variety, relative frequency, and distribution, and to identify where potential impacts may occur.

The relative frequency and distribution of potentially historic resources present in the plan area is depicted in Figure 3.4-1 and is based on tax assessor parcel information maintained by the City of National City. The blue parcels represent properties listing a building date between 1909 and 1963; green parcels represent those with no building date listed. As the figure shows, the blue parcels are concentrated between West Plaza Boulevard and 18th Street. The majority of the small green parcels are also located in the northern portion of the plan area, and structures on these properties most likely were constructed prior to 1909. Other references must be considered when evaluating these parcels, specifically the various series of Sanborn Fire Insurance Company maps. These maps were produced between the 1880s and the 1950s and show in great detail all structures then present on every lot. Comparing Sanborn maps to contemporary aerial photographs of a given neighborhood may reveal that currently vacant lots once had residences or that the contemporary construction is quite different than what is depicted on the Sanborn map. Additionally, during the late nineteenth and early twentieth century it was a common practice to pick up a house and move it to another lot. An example of this phenomenon is the first schoolhouse in National City; it was originally located on National Avenue near 12th, then moved to the corner of 19th and Taft Avenue, and finally relocated to 1905 Wilson Avenue (SOHO 2005).

Both tax assessor records and Sanborn maps south of 18th Street are spotty references. City records do not list a building date for Kimball Elementary School, located south of 18th Street between Harding and Hoover Avenues, despite the fact that it was constructed in 1941 (Figure 3.4-2a). Other large green parcels are adjacent to the northeast–southwest trending Paradise Creek that was channelized during the 1970s (Figure 3.4-2b); these parcels represent reclaimed marshland and this explains why no building dates are listed nor structures shown.

Additionally, mitigation measure MM CUL-1 has been modified to require consultation with knowledgeable groups. MM CUL-1 has been revised in the final EIR as follows:

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

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

Comment P-2 Response

Land uses are general designations that allow for a certain type of development (e.g. residential, mixed-use, commercial/retail, etc), but they do not give the developer the right to demolish or alter the integrity of an existing building without first obtaining the appropriate entitlements. If an existing building is located on a parcel that is being considered for redevelopment, mitigation measure MM CUL-1 would apply prior to the approval of a construction entitlement such as a demolition permit.

As noted in the response above, if a building or structure is present on-site, MM CUL-1 requires research to determine if the onsite building(s) or structure(s) is 45 years or older. If the building is 45 years or older, the applicant is required to conduct an evaluation of the onsite building(s) or structure(s) to determine if it is eligible for inclusion in the state or local historical registers. Thus, the required implementation of mitigation measure MM CUL-1 ensures that adoption of the Westside Specific Plan would not result in a significant impact on a historically significant building or structure.

Comment P-3 Response

Comment noted. The Westside Specific Plan's Chapter 4, *Design Guidelines and Standards*, specifies density, height, and setbacks. Specific goals seek to achieve harmony with the existing development. Such goals include:

Goal 4.2 Reinforce neighborhood character by designing new development that embodies an active and friendly environment.

Goal 4.3 Work with developers to employ an architectural style that is creative, instills quality, and is compatible with the surrounding community.

Goal 4.4 Set a minimum standard of quality for mixed-use developments that are compatible with the existing urban fabric and neighborhood character.

It also provides architectural feature requirements. One requirement is to utilize architecture that respects but does not mimic nearby historic buildings.

Comment P-4 Response

Mitigation measure MM CUL-1 would require technical evaluations by a qualified historian of any building 45 years or older and would include consultation with knowledgeable local groups. Please see response to comment P-1 and P-2.

Comment P-5 Response

Concentrations of resources have been tentatively identified and are shown in Figure 3.4-1 of the draft EIR. As noted above, any building that meets the 45 year or older threshold would require an evaluation report by a qualified historian. The report will explicitly state whether the resource is eligible for either state or local historical registers and shall also make specific recommendations as appropriate.

Comment P-6 Response

Comment noted. Several mitigation measures have been added to the final EIR to further protect the integrity of Paradise Creek. Please see the response to A-1.

Comment P-7 Response

Comment noted. While recommending designation of individual structures or buildings is outside the scope of this study and the Programmatic EIR, implementation of the Westside Specific Plan would require implementation of MM CUL-1. As projects are proposed, MM CUL-1 would require a qualified historian to prepare a technical evaluation report of any building on-site that meets the 45 year or older threshold. The report will explicitly state whether the resource is eligible for either state or local historical registers and will also make specific recommendations as appropriate.

Commnet Letter Q

December 21, 2009

Ms. Peggy Chapin, Planning Department
City Of National City
1243 National City Blvd.
California, 91950

Dear Ms. Chapin:

SUBJECT: Comments on Westside Specific Plan Draft Environmental Impact Report, November 2009

Q-1 Paradise Creek, like so many natural areas in San Diego County, is not being given due consideration as a development plan is put forward. The process is emblematic of the failure to recognize the importance of this area in a comprehensive watershed management program. Maintaining and protecting the integrity of watersheds is of prime importance. Although we have much to learn about the connections between bays, estuaries the marine environment and adjacent terrestrial and freshwater systems, we know enough to understand that there is a vital ecological connectivity between watersheds and the ocean. Watershed inputs can profoundly shape estuaries, bays and marine ecosystems, and, in turn, estuarine dynamics in the region are largely influenced by the nature of the ocean / watershed connection. More fundamentally, ecological principles highlight that biological diversity is typically correlated with habitat diversity. By extension, then, protecting distinct but connected habitats is critical for conserving ecological diversity and integrity.

This statement certainly holds true for Paradise Creek, Paradise Marsh, San Diego Bay and ultimately the interconnection to the Ocean.

Poorly planned projects create cumulative impact on complex interconnected biological, hydrological and geophysical systems. This project certainly falls into this category. The EIR does not identify or provide the provisions needed to protect Paradise Creek or the values that it provides as a complex riparian corridor. The EIR should be modified to take ecological concerns of the project into consideration.

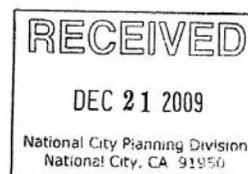
Some of the items that must be taken into full consideration are as follow:

- Q-2 | • Air quality mitigation procedures.
- Q-3 | • Biological opinion from the Division of Ecological Services of the US Fish and Wildlife Service.
- Q-4 | • Consideration for noise abatement with reference to wildlife.
- Q-5 | • Consideration for night lighting impacts on wildlife.
- Q-6 | • Funding for enforcement and management of the area after the project is completed.
- Q-7 | • Biological standards must be maintained during and after construction. If there are deviations from these standards then Mitigation Measures must be implemented to abate impacts to wildlife and their habitat.
- Q-8 | • Sediment abatement is critical to protect the riparian corridor, the marsh and the bay. Sediment production must be addressed as part of this whole process. Erosion is a serious problem that is generated at sites where best management practices (BMPs) are violated.
- Q-9 | • Any impacts to the resource including wildlife, wildlife habitat, water/water quality, soil or soil erosion that are outside of agency regulation must be identified and ameliorated.
- Q-10 | • New development occurring in the 100-year floodplain must be analyzed and impacts upstream, downstream, and on-site must be fully mitigated. FEMA should be consulted if there is any intention of intruding into a 100-year floodplain. In addition it must be recognized by any community in proximity to a bay, ocean or estuarine system that sea level rise will be a significant issue. Land retreat and the riparian flood plain will be an issue that must be addressed in this case.
- Q-11 | • Specifically, Paradise Creek is an Environmentally Sensitive Area and known contaminated soils and other materials may be released to the wetlands through development activity. If there are contaminants then both the land owner and the city could be held liable for any detrimental effects this may have on the environment, wildlife, public health and water quality. Mitigation measures must be put in place to deal with impacts to wildlife and wildlife habitat.
- Q-12 | • Impacts should be considered in light of previous municipal plans to rebuild existing sewer main lines under Paradise Creek at West 22nd Street due to possible leakage. No mitigation measures are identified to provide funding for this known existing problem. This should be brought to the attention of the Regional Water Quality Control Board.
- Q-13 | • State regulated BMPs for urban stormwater runoff due to increased impervious surfaces adjacent to Paradise Creek need to be put in place. This will require analysis of potential runoff exacerbated by the project. Studies need to be put in place to deal with this issue.
- Q-14 | • National City's funding for public services and the mitigation measures called out in this plan must be guaranteed in order to mitigate impacts from the development associated with this Specific Plan.
- Q-15 | • A 100 foot buffer should be put in place to protect the natural resource and the riparian zone from human impact.

I would appreciate it if you would enter this into the public record.

Sincerely

Michael A. McCoy, DVM
President of the Southwest Wetlands Interpretive Association
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Response to Letter Q

Southwest Wetland Interpretive Association (SWIA)

Comment Q-1 Response

The draft and final EIR contains several mitigation measures to protect Paradise Creek and the value of the riparian habitat. In addition to those measures listed in the draft EIR, the following mitigation measures have been added to the final EIR: MM-BIO-5 (Trail Restrictions), MM BIO-6 (Fencing and Signage), MM BIO-7 (Placement of Water Quality and Hydrology Controls), MM BIO-8 (Lighting Restrictions), MM BIO-9 (Construction Noise), MM BIO-10 (Operational Noise), MM BIO-11 (Landscape Requirements), MM BIO-12 (Non-reflective glass), and MM BIO-14 (LID measures).

Comment Q-2 Response

A mitigation measure requires a specification of timing (when the mitigation would take place) and a responsible party (who would pay for and implement the measure). The MMRP, included with the final EIR, will list the timing, responsible party, measure methodology, and the impact after implementation for all mitigation measures, including measures related to air quality.

Comment Q-3 Response

The USFWS has commented on the draft EIR. Several revisions were made to address the agency's concerns. In addition, mitigation in the draft EIR would ensure future consultation with the agencies when development is subsequently proposed. See Letter A and the accompanying responses.

Comment Q-4 Response

Mitigation measures (MM BIO-9 and MM BIO-10) to reduce noise impacts on Paradise Creek from both construction and operation have been added to the final EIR. This is in addition to the noise mitigation listed in the noise chapter of the draft EIR.

Comment Q-5 Response

Mitigation measure (MM BIO-8) would restrict the use of, type of, and illumination of lighting near the sensitive biological habitat.

Comment Q-6 Response

Responsibility for maintaining the open space and parkland will be determined during the development of the TOD application. The city will retain ownership over the creek and wetland area.

Comment Q-7 Response

See response to Q-6.

Comment Q-8 Response

Please see page 5-2 through 5-4 of the draft EIR. Compliance with Title 14.22 Stormwater Management and Discharge Control and BMPs, including design, source control, and treatment control would be required for all new development.

Comment Q-9 Response

Comment noted. The draft EIR contains several mitigation measures related to wildlife, wildlife habitat, water/water quality, and soil or soil erosion, namely MM-BIO-5 (Trail Restrictions), MM BIO-6 (Fencing and Signage), MM BIO-7 (Placement of Water Quality and Hydrology Controls), MM BIO-8 (Lighting Restrictions), MM BIO-9 (Construction Noise), MM BIO-10 (Operational Noise), MM BIO-11 (Landscape Requirements), MM BIO-12 (Non-reflective glass), and MM BIO-14 (LID measures).

Comment Q-10 Response

Comment noted. Regulations related to stormwater and wastewater runoff are discussed on Page 5-2,-3, and -4. Page 5-4 of the draft EIR has been revised to address the regulation of development adjacent to or within floodplains in the final EIR. The final EIR states:

Moreover, the City of National City enforces stormwater and wastewater runoff through Title 14, Stormwater Management and Discharge Control.

Chapter 18.24 of the Land Use Code addresses requirement for developing within the floodplain. Any proposed development within areas of 100 year flood plain would be analyzed through the discretionary review process. Development would be required to comply with city codes, state building codes, the RWQCB and FEMA.

Thus, Pprior to any construction activity, specific projects would be required to comply with all regulations and permitting procedures described above. Implementation of construction and post-construction stormwater controls that adhere to the City’s SUSMP and RWQCB requirements and enforcement of the flood control requirements listed in the City’s municipal code would ensure that significant water quality–related impacts on hydrology and water quality would not occur. Therefore, impacts on hydrology and water quality would be less than significant.

In regard to sea level rise, the most recent Climate Action Team report to the Governor states “by 2050, sea-level rise could range from 30 to 45 cm (11 to 18 inches) higher than in 2000, and by 2100, sea-level rise could be 60 to 140 cm (23 to 55 inches) higher than in 2000” (Climate Action Team Report, 2009, pg. 1.10). The project site is not located adjacent to the ocean and is approximately ½ mile inland. Paradise creek runs through the project site, however, an 11 to 18 inch rise in water level along Paradise Creek by 2050 would not be enough of a rise to adversely impact future development near the creek.

Comment Q-11 Response

Mitigation measures MM HAZ-1, MM HAZ-2, and MM HAZ-3 would require subsequent development to conduct the appropriate environmental site assessments prior to any earth disturbance that could result in contaminated soils entering the watershed. In addition, MM BIO-7 (Placement of BMPs) and MM BIO-14 (Low Impact Development Requirements) would substantially reduce the amount of water runoff leaving the development project site.

Comment Q-12 Response

New development within the Westside Specific Plan area would be required to pay development impact fees to help upgrade the local sewer conveyance network and would directly pay for adequate wastewater conveyance on-site. Leaking sewer lines are in violation of the state wastewater regulations and repairs would be required. Failure to implement corrective action by the City could result in enforcement actions by RWQCB Region 9.

Comment Q-13 Response

Please also see mitigation measures MM BIO-7 (Placement of Water Quality and Hydrology Controls) and MM BIO-14 (Low Impact Development Measures).

Comment Q-14 Response

Development Impact Fees are required of all new development. In addition, the city continuously pursues grant funds for development of public facilities and infrastructure, and will continue to do so. Mitigation of the impacts associated with new development will occur through the discretionary permit process and in accordance with the MMRP.

Comment Q-15 Response

See response to A-1. The City of National City met with the CDFG (Kelly Fisher, Darren Bradford, and Russ Patrice) and the USACE (Peggy Bartels) on February 9, 2010. The Westside Specific Plan is designed to prevent development from impacting jurisdictional wetlands as defined by CDFG and USACE. Specific design measures to eliminate potential encroachment into the wetland would be identified through the discretionary review process. If encroachment into the riparian habitat and wetland is possible, consultation with the agencies will be required. All open space areas shall be preserved in an open space easement in perpetuity and rezoned as Open Space Reserve to maintain the biological functions and values of the wetland habitat.

Chapter 3

Modifications to the Draft EIR

Executive Summary

Page ES-2

Significant direct environmental impacts are discussed and analyzed in detail within Chapter 3 of this Environmental Impact Report (EIR). Significant cumulative impacts are discussed in Chapter 6 of this EIR. Technical reports and analyses were prepared to determine potential impacts on air quality, biological resources, cultural resources, hazards and hazardous materials, ~~and noise, and traffic, circulation, and parking~~; their findings have been incorporated into this document, and copies of the reports (except for the confidential report for cultural resources) are appended to this EIR.

Page ES-5

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
TRAFFIC, CIRCULATION, AND PARKING				
<p>Threshold TR-1: Would the proposed project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</p> <p><u>Impact Determination:</u> After implementation of the planned and fully funded TCIF improvement projects, buildout of the Westside Specific Plan, at the program-level, would not have significant impacts on intersections or roadway segments.</p> <p>Impact TR-1: Future projects proposed under the Westside Specific Plan could result in direct and cumulative impacts on intersection and roadway segments that, while mitigated through the improvements identified under the planned and fully funded TCIF, would require project level fair share contributions to address impact nexus and proportionality.</p>	<p><u>Less than Significant</u></p>	<p>MM TR-1: Future Projects Provide Fair Share Contributions. Future development projects within the Westside Specific Plan area shall reimburse the project's fair share portion to the City for the City's contribution to the Trade Corridor Improvement Fund. The fair share amount shall be proportional to future project impacts as determined through additional project level CEQA analysis and shall be enforced through project specific mitigation.</p>	<p>Less than significant</p>	<p>No Project, No Mixed-Use, and Reduced Buildout Alternatives</p>

Page ES-8 through ES-11

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold AQ-1: Would the proposed project be consistent with the San Diego Air Quality Strategy (RAQS) and State Implementation Plan (SIP)?</p>	<p>Less than significant</p>	<p>No mitigation is required</p>	<p>Less than significant</p>	<p>No Project, No Mixed-Use, and Reduced Buildout Alternatives</p>
<p>Threshold AQ-2: Would the proposed project violate any air quality standard or contribute to an existing or projected air quality violation?</p> <p><u>Impact Determination:</u></p> <p>Impact AQ-1a (Construction): Despite the potential variability in construction emissions and schedules, there are a number of feasible control measures that can be reasonably implemented to reduce ozone and PM10/PM2.5 emissions during construction; these measures are summarized in Mitigation Measure MM AQ-1. However, given the lack of specifics regarding construction activities, construction-related emissions related to Impact AQ-1a would be significant and mitigation is required.</p> <p>Impact AQ-1b (Operations): The project would promote development, resulting in more traffic and area-source emissions of criteria pollutants within the plan area. Therefore, this impact is considered significant.</p>	<p>Significant</p>	<p>MM AQ-1a: Fugitive Dust and Exhaust Control Measures. The SDAPCD has recently adopted a rule (Rule 55) that requires fugitive dust control measures for construction and demolition projects. Future development proposed within the Westside neighborhood shall be required to employ fugitive dust control measures to reduce the amount of fugitive dust. The selection of specific measures is left to the discretion of the project operator. Additional measures to reduce NOx and ROG emissions may be needed if construction-related emissions exceed the screening level emission thresholds (Table 3.2-9). <u>For any future development, the applicant shall employ measures to include, such measures can include,</u> but are not be limited to, the following:</p> <ul style="list-style-type: none"> ■ Inactive Construction Areas. Apply non-toxic soil stabilizers according to manufacturers’ specification to all inactive construction areas. ■ Exposed Stockpiles. Enclose, cover, water twice daily, or apply non-toxic soil binders according to manufacturers’ specification to 	<p>Construction: Significant and unavoidable</p> <p>Operational: Significant and unavoidable</p>	<p>No Project, No Mixed-Use, and Reduced Buildout Alternatives</p>

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p>exposed piles.</p> <ul style="list-style-type: none"> ■ Active Site Areas. Water active site areas twice daily. ■ Hauling. Cover all haul trucks hauling dirt, sand, soil, or other loose materials or maintain two feet of freeboard. ■ Adjacent Roadways. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the project site. ■ Adjacent Roadways. Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads. ■ Unpaved Roads and Parking/Staging Areas. Apply water three times daily or non-toxic soil stabilizers according to manufacturers' specification to all unpaved roads and parking or staging areas. ■ Speed Limit. Limit traffic speeds on unpaved areas to 10 miles per hour. ■ Disturbed Areas. When active construction ceases on the site, replace ground cover as quickly as possible. ■ Equipment maintenance. Install emission controls (cooled exhaust recirculation, lean-NO_x catalysts), tune equipment and reduce idling time. ■ Equipment age. Require models newer than 1996. ■ Coatings. Use VOC-free or low-VOC 		

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p>coatings, limit the amount of coating and paints applied daily, or rent or purchase VOC Emission Reduction Credits.</p> <p>MM AQ-1b: Mitigation Measures to Reduce Project Operational Emissions. Operational emissions could be reduced by incorporating various mitigation measures. Within URBEMIS, For any future development, the applicant shall employ the following mitigation measures could be implemented to reduce operational emissions:</p> <ul style="list-style-type: none"> ■ Increased Energy Efficiency (20%) beyond Title 24. ■ Use of electric landscaping equipment with access to outside electrical outlets (20% of total landscaping equipment) ■ Use of low- or no-ROG/VOC paints (a minimum of 40% below typical paints). <p>Implementation of mitigation will help to reduce emissions from area sources. Project design inherently reduces mobile source emissions, so no further mitigation for mobile sources was applied. Operational emissions after applying mitigation are presented in Table 3.2-12. Further, MM AQ-4 presents various GHG-reducing measures that will inherently also reduce project-related criteria pollutants by reducing energy consumption.</p> <p>After mitigation, the proposed project still exceeds SDAPCD operational emission thresholds. This impact would be</p>		

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold AQ-3: Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment status under an applicable federal or state ambient air quality standard (including the release of emissions that exceed quantitative thresholds for ozone precursors)?</p>	Significant	<p>MM AQ-2: Implementation of MM AQ-1a and MM AQ-1b would reduce the net increase in criteria pollutants for which the SDAB is currently in non-attainment status.</p>	Significant and unavoidable	<p>No Project, No Mixed-Use, and Reduced Buildout Alternatives</p>
<p><u>Impact Determination:</u> Impact AQ-2: The proposed project would result in a net increase in emissions of criteria pollutants for which the SDAB is currently in nonattainment or maintenance. Therefore, this impact would be significant.</p>				

Page ES-12

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold AQ-4: Would the proposed project expose sensitive receptors to substantial pollutant concentrations?</p> <p><u>Impact Determination:</u></p> <p>Impact AQ-3: The project would allow residential development to occur approximately 400 feet from I-5. At this distance, the cancer risk is estimated to be 188 in 1 million. This exceeds the SDAPCD’s threshold of 10 in 1 million.</p>	Significant	<p>MM AQ-3: Building Design Measures to Reduce Exposure of Residents to Pollutant Emissions. Mitigation measures to reduce pollutant emissions for <u>any proposed new development</u> the proposed multi-family dwelling units in close proximity (i.e., within 500 feet) of I-5 shall include:</p> <ul style="list-style-type: none"> ■ providing the facility with individual heating, ventilation, and air conditioning (HVAC) systems in order to allow adequate ventilation with windows closed; ■ locating air intake systems for HVAC systems as far away from the existing air pollution sources as possible; ■ using high efficiency particulate air (HEPA) air filters in the HVAC system and developing a maintenance plan to ensure the filtering system is properly maintained; and ■ utilizing only fixed windows next to any existing sources of pollution. ■ <u>explore the use of vegetated berms and walls along I-5 to help reduce residential land use exposure to emissions from I-5. Consult with Caltrans to determine the feasibility of installing vegetated berms/walls.</u> 	Significant and unavoidable	<p>No Project, No Mixed-Use, and Reduced Buildout Alternatives</p>

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold AQ-5: Would the proposed project create objectionable odors affecting a substantial number of people</p> <p><u>Impact Determination:</u> The project would expose people to odors generated during project construction and operation. Construction would be staggered, and the schedule is unknown. Operational odors would be minimal. Therefore, this impact would be less than significant.</p>	Less than significant	No mitigation is required	Less than significant	No Project , No Mixed-Use, and Reduced Buildout Alternatives
<p>Threshold AQ-6: Would the project conflict with or obstruct applicable climate change regulations and/or substantially increase exposure to the potential adverse effects of climate change?</p> <p><u>Impact Determination:</u> Impact AQ-4: The proposed project would contribute 43,242 metric tons of CO₂e per year at buildout.</p>	Significant	<p>MM AQ-4: Project Design Features to Reduce Project Contribution to Climate Change. See Section 3.2, “Air Quality” for the full list of measures. A summary of the proposed measures include:</p> <ul style="list-style-type: none"> ■ Energy Efficiency ■ Renewable Energy ■ Water Conservation and Efficiency ■ Solid Waste Measures <p style="padding-left: 40px;">Transportation and Motor Vehicles</p>	Less than significant	No Project , No Mixed-Use, and Reduced Buildout Alternatives
<p>Cumulative Impact Analysis: <u>Impact Determination:</u> The proposed project would result in a cumulatively considerable net increase in emissions of criteria pollutants for which the SDAB is currently in nonattainment or maintenance (Impact AQ-2).</p>	Significant	Implement MM AQ-1a (construction) and MM AQ-1b (operation).	Significant and unavoidable	No Project , No Mixed-Use, and Reduced Buildout Alternatives
<p>The proposed project would contribute 43,242 metric tons of CO₂e per year at buildout. Therefore, this impact is considered significant (Impact AQ-4).</p>	Significant	Implement MM AQ-4 .	Significant and unavoidable	No Project , No Mixed-Use, and Reduced Buildout Alternatives

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Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
CULTURAL RESOURCES				
<p>Threshold CUL-1: Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? <u>Impact Determination:</u> Impact CUL-1: There are potentially historic buildings and structures within the plan area. Future development, as permitted under the development standards proposed in Westside Specific Plan, would significantly impact potentially historic buildings and structures.</p>	Significant	<p>MM CUL-1: Historic Building/Structure Evaluation. Prior to future project approval and the issuance of any construction permit within the Westside Specific Plan area, including but not limited to a demolition or building permit, if research indicates that the onsite building(s) or structure(s) is 45 years or older, the applicant shall be required to conduct an evaluation of the onsite building(s) or structure(s) to determine if it is eligible for inclusion in the state or local historical registers. The evaluation shall be performed by a historian or architectural historian who meets the Secretary of Interior’s Professional Qualification Standards for Historic Preservation Professionals. The historian/architectural historian shall consult <u>with knowledgeable local groups (e.g. Save Our Heritage Organisation, National City Historical Society, San Diego Historical Society, and others) and individuals</u>, appropriate archives, and <u>appropriate</u> repositories in an effort to identify the original and subsequent owners as well as the architect and the builder to establish whether any of these individuals played important roles in local or regional history (criterion B). Additionally the physical characteristics and condition of the building or structure shall</p>	Less than significant	None

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p>be evaluated under criterion (C), and those judged to possess “the distinctive characteristics of a type, period, region, or method of construction” shall be further assessed for integrity and context.</p> <p>The results of the archival research and field assessment shall be documented in an evaluation report. This report will explicitly state whether the resource is eligible for either state or local historical registers and shall also make specific recommendations as appropriate. The historian/architectural historian shall complete the necessary California Department of Parks and Recreation (DPR) site forms (minimally Primary Record and Building/Structure/Object Record; others as required) and include as an attachment to the report. Copies of the DPR site forms shall be submitted to the California Historical Resource Information System via the SCIC, an auxiliary of San Diego State University.</p>		

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Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
BIOLOGICAL RESOURCES				
<p>Threshold BIO-1: Would the proposed project have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFG or USFWS?</p> <p><u>Impact Determination:</u></p> <p>Impact BIO-1: <u>Subsequent</u> specific development projects proposed within the plan area would potentially result in impacts on special-status species, if present. Based on the presence of suitable riparian habitat along Paradise Creek, impacts on special-status species would be significant.</p> <p>Impact BIO-2: Direct impacts and indirect on nesting birds/raptors resulting from the implementation of specific development projects within the proposed plan area would be considered significant.</p>	Significant	<p>MM BIO-1: Focused Surveys. <u>If there is an indication that native habitat (flora or fauna) exists on site,</u> prior to the issuance of any grading, building, or other construction permit within the undeveloped parcels within the proposed plan area, a habitat assessment shall be conducted for the parcel to determine whether the potential exists for special-status species to occur. If the habitat assessment identifies potentially suitable habitat for special-status species, a focused survey shall be conducted by a qualified biologist to determine whether special-status species occur within the plan area. If no species are observed or detected during focused surveys, additional mitigation shall not be required. However, if special-status species are observed/detected, project-specific mitigation measures shall be <u>formulated and</u> required to mitigate impacts on special-status species to below a level of significance. Coordination/consultation with the USFWS under ESA and the CDFG under CESA shall be required for any proposed impacts on federally listed and/or state listed species, respectively.</p> <p>MM BIO-2: Preconstruction Nesting Bird Surveys. <u>As determined and warranted by the habitat assessment,</u> if</p>	Less than significant	None

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p>construction activities occur between January 15 and August 31, a preconstruction survey (within three days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within or adjacent to the plan area proposed for development in order to avoid the nesting activities of breeding birds/raptors.</p> <p>If nesting activities within 200 feet of the proposed work area are not detected, construction activities may proceed. If nesting activities are confirmed, construction activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the appropriate buffer shall be determined by a qualified biologist, but shall be at least 25 feet.</p> <p>MM BIO-3: Resource Agency Permits/Approvals. If restoration/revegetation efforts are proposed that would result in impacts on riparian vegetation, <u>as determined by the project biologist</u>, permits/approvals would be required from one or more of the following agencies: USACE, CDFG, and RWQCB. Prior to implementation of individual restoration/revegetation projects, permits/approvals shall be obtained from the resource agencies, or documentation shall be obtained from these agencies indicating that permits/approvals are not required.</p>		

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold BIO-2: Would the proposed project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS?</p> <p><u>Impact Determination:</u></p> <p>Impact BIO-3: Implementation of restoration/revegetation efforts within and adjacent to Paradise Creek have the potential to result in significant impacts on riparian habitat. In addition, specific <u>future</u> development projects (<u>currently unplanned</u>) within other undeveloped areas of the proposed plan area could result in <u>significant</u> impacts on sensitive natural communities. <u>Avoidance of development within sensitive habitat areas would reduce the potential impacts to less than significant.</u></p>	Significant	<p><u>Implement MM BIO-1, MM BIO-2, and MM BIO-3.</u></p> <p>MM BIO-4: Habitat Assessment/Biology Report. <u>Prior to the initiation of specific future development projects within the undeveloped portions of the Plan area, a habitat assessment shall be conducted when warranted in areas undisturbed by prior development to determine whether sensitive natural communities (including riparian vegetation) occur are present.</u> If the habitat assessment identifies sensitive natural communities, a biological report shall be prepared to address impacts on sensitive natural communities resulting from the proposed project. This <u>The</u> report shall identify mitigation measures to reduce all significant impacts to below a level of significance <u>to the greatest extent feasible.</u> If no sensitive natural communities are observed during the habitat assessment, additional mitigation shall not be required.</p> <p>MM BIO-5: Trail Restrictions. <u>Trails shall be kept out of the jurisdictional wetland areas and in areas of biological sensitivity. Biological sensitivity shall be determined by a qualified biologist in consultation with the wildlife agencies as appropriate. Trails shall be sensitively placed to consider biological and/or cultural resources areas along Paradise Creek and aligned roughly perpendicular to the length of the creek (i.e. spur trails). There interpretive areas and spur trails shall avoid</u></p>	Less than significant	None

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p><u>biologically sensitive areas or areas with strong potential for effective habitat restoration and enhancement of species diversity.</u></p> <p><u>MM BIO-6: Install Fencing and Signage.</u> <u>Permanent fencing shall be installed at the outside edge of the riparian area. The type, placement, and height of such fencing shall be determined in consultation with the project biologist and the wildlife agencies. The fencing shall be designed to restrict human and domestic animals encroachment in the adjacent habitat (including not permitting picnic areas within sensitive resource areas). The signage shall inform people that sensitive habitat lie beyond the fencing and entering the area is prohibited by law.</u></p> <p><u>MM BIO-7: Placement of Post Construction BMPs and Discharge of Water Runoff.</u> <u>All post construction structural BMPs shall be located outside the wetland and the riparian corridor. Furthermore, all filtration and attenuation of surface flows provided by the proposed BMPs shall occur prior to the discharge of the flows into the riparian areas.</u></p> <p><u>MM BIO-8: Lighting Restrictions.</u> <u>No additional lighting shall be provided within the vicinity of both upland and wetland sensitive habitats, and where feasible, any existing lighting within such areas shall be removed. The definition of “vicinity” shall be determined by a qualified biologist and the determination supported with substantial</u></p>		

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p>evidence.</p> <p><u>MM BIO-9: Attenuation of Construction Noise.</u> In addition to implementing MM NOI-1, future construction activities, including construction staging areas, shall employ methods to reduce construction noise and operational noise levels at the edge of sensitive resources that may include temporary noise attenuation barriers and other measures that would reduce noise levels to an acceptable level as determined by the project biologist in consultation with CDFG.</p> <p><u>MM BIO-10: Attenuation of Operational Noise.</u> Excessive noise generating sources shall be located away from the Paradise Creek riparian areas to maintain existing ambient noise levels. “Excessive” noise sources shall be defined as sources which exhibit noise levels in excess of 65 dBA CNEL (or 65 dBA 1-hour Leq) at or beyond the edge of the environmentally sensitive area. Possible examples of such sources include but are not limited to cargo delivery and pick-up areas, HVAC systems, sirens or other warning systems, and communication systems. If noise levels at the environmentally sensitive area are suspected of being greater than 65 dBA Leq, a noise study shall be prepared and measures recommended demonstrating how construction noise can be reduced.</p> <p><u>MM BIO-11: Landscape Requirements.</u> In areas of sensitive habitat, proposed landscaping palettes shall consist of native and drought-tolerant plants and vegetation.</p>		

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
		<p><u>Exotic and invasive plants, as identified on the California Invasive Plant Council’s (Cal-IPC) Invasive Plant Inventory shall not be used. Landscaping adjacent to the Paradise Creek riparian area shall be drought-tolerant and minimal fertilizers and pesticides. As required by MM BIO-7, water runoff shall be directed away from the buffer area and contained and/or treated with the development footprint. All new development shall comply with the City’s Water Efficient Landscape Ordinance, Chapter 18.54 of the Land Use Code.</u></p> <p><u>MM BIO-12: Use of Non-Reflective Glass.</u> Development adjacent facing Paradise Creek shall incorporate the use of non-reflective glass for window design.</p> <p><u>MM BIO-13: Limit on Building Heights Adjacent to Paradise Creek.</u> Building heights within 175 feet of the outside edge of the jurisdictional riparian habitat shall be limited to a maximum of 50 feet with stepping back of the upper units or stories, or angling buildings, to reduce the potential for excessive shading. Measures shall be incorporated into the building design to prevent predator perching. Buildings or components of buildings proposed more than 175 feet from the creek shall not be restricted to this height condition, but would meet the height limits for the zone of 60-foot identified in the Westside Specific Plan.</p> <p><u>MM BIO-14: Low Impact Development Water Quality and Hydrology Measures.</u> All subsequent development along Paradise Creek shall adhere to low impact</p>		

Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold BIO-3: Would the proposed project have a substantial adverse effect on federally protected wetlands, as defined by CWA Section 404 (including, but not limited to, marshes and vernal pools) through direct removal, filling, hydrological interruption, or other means?</p>	Significant	<p><u>development (LID) criteria as defined by current storm water best management practices which emphasize retention of rain on or near the site and consideration of use of pervious surface treatments.</u></p> <p>Implement <u>MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, MM BIO-11, MM BIO-12, MM BIO-13, and MM BIO-14.</u></p>	Less than significant	None
<p><u>Impact Determination:</u></p> <p>Impact BIO-4: Implementation of restoration/revegetation efforts within and adjacent to Paradise Creek would result in significant impacts on jurisdictional wetlands/waters.</p>				

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Environmental Effects	Level of Significance	Proposed Mitigation	Level of Significance after Mitigation	Alternatives That May Reduce Impacts
<p>Threshold HAZ-2: Would the proposed project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> <p><u>Impact Determination:</u></p> <p>Impact HAZ-1: Future redevelopment within the plan area permitted by the proposed project on, adjacent to, or nearby property with known or suspected contaminated soil, soil gas, and/or groundwater would result in a significant impact on workers and nearby receptors (e.g., residents and employees of other businesses) during construction activities. Impacts related to Threshold HAZ-2 would be significant.</p>	Significant	<p>MM HAZ-1: Phase I Environmental Site Assessment. Prior to future project approvals, <u>and when there has been identified prior use of hazardous material on site or in close proximity or other factors are present which indicate contaminated soils exist</u> a Phase I Environmental Site Assessment (ESA) shall be completed for the project site proposed for <u>development or redevelopment within the Westside Specific Plan boundaries if the site has historically used or stored hazardous materials or if the site is within 1,000 feet of a site that has historically used or stored hazardous materials</u>. The Phase I ESA shall include a comprehensive records search, consideration of historical information, onsite evidence of hazardous material use, storage, or disposal, and a recommendation as to whether a Phase II soil testing and chemical analysis is required. <u>In addition, the Phase I ESA will review the permit status of nearby businesses to ensure they are in compliance and would not pose a potentially significant impact on proposed new development.</u></p> <p>MM HAZ-2: Phase II Environmental Site Assessment. If mitigation measure MM HAZ-1 requires a Phase II ESA, the Phase II ESA shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> ■ A work plan that includes the number and locations of proposed 	Less than significant	None

soil/monitoring wells, sampling intervals, drilling and sampling methods, analytical methods, sampling rationale, site geohydrology, field screening methods, quality control/quality assurance, and reporting methods. Where appropriate, the work plan is approved by a regulatory agency such as the DTSC, RWQCB, or County HMD.

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

by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the identified type of waste.

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

Chapter 1, Introduction

Page 1-6

Agency	Responsibilities, Permits, and Approvals
California Department of Transportation (Caltrans)	Caltrans is the permitting authority for highway improvements and rail trackage, connections, and signage during construction operations. While the plan area does not have any state routes or other Caltrans jurisdictional roads within its boundaries, <u>Caltrans has jurisdiction over Interstate 5 (I-5) adjacent to the project site's western boundary as well as the I-5 on- and off-ramps within and adjacent to the plan area.</u>

Chapter 2, Project Description

Page 2-12

The Westside Specific Plan also explores the effects of redeveloping the Public Works yard and surrounding area into a transit-oriented infill affordable housing project. The goals for this transit oriented development (TOD) are to (1) transform the proposed property into affordable housing with linkages to the 24th Street Metropolitan Transit System Trolley Station; (2) enhance Paradise Creek and ensure the expansion of the Paradise Creek Education Park; and (3) prepare and provide facilities and ongoing program management for an “incubator” that would provide training and services that assist project tenants in more effectively pursuing home ownership and higher paying jobs. The 14-acre TOD area would be located within the MCR-2 zone. The zone allows residential uses at a maximum density of 45 dwelling units per net acre and would seek to achieve a minimum of 30 employees per acre. At maximum buildout, the area would support 360 dwelling units, 295,000 to 450,000 gross square feet of office space, and 45,000 to 65,000 gross square feet of retail space (not including existing development). The project-specific development may include an adult educational center within the TOD area and relocation of the public works yard.

Section 3.1, Traffic, Circulation, and Parking

Page 3.1-1

This section discusses the existing conditions and regulatory section for traffic, circulation, and parking within the plan area. It also analyses the potential

impacts on traffic, circulation, and parking if the proposed project is implemented. The contents of this section are based on the Traffic Impact Analysis (TIA) prepared by Linscott, Law & Greenspan (LLG) in ~~July-October~~ 2009 (Appendix B). The following discussion considers the proposed project's impact on intersections, roadway segments, and parking conditions.

Page 3.1-3

The following streets listed below under Table 3.1-2 are located within the plan area and are listed as east/west or north/south streets. Brief descriptions of each street are provided in the traffic analysis. It should be noted that not all neighborhood street segments within the plan area were analyzed. Instead, the Westside Specific Plan traffic impact analysis focused on the major roadways and intersections to determine the reasonably foreseeable impacts that would occur at the community-wide level by project buildout, not specific impacts on smaller residential streets. However, as subsequent development projects are proposed, project level traffic impact analyses would be required that would take into account impacts on the surrounding street network, including nearby lower volume residential roadways. ~~in the traffic report if it was clear that the project would not substantially affect traffic along these segments.~~ Figure 3-1 of the traffic report depicts the existing conditions diagram of the study area segments and intersections.

Page 3.1-15 through 3.1-16

The City of National City, in a joint effort with Caltrans, City of San Diego, San Diego Unified Port District, and the Naval Base, San Diego, has two traffic corridors slated for improvement in 2012. The intersection at Bay Marina Drive and I-5 is planned and funded as is the intersection at Civic Center Drive and I-5. Table 3.1-7 lists the projects with construction start and end dates ~~as well as project cost and TCIF funding.~~

Page 3.1-31

Moreover, as discussed in the Regulatory Setting above, the Trade Corridor Improvement Fund (TCIF) project is a joint effort between Caltrans, the City of National City, the City of San Diego, the San Diego Unified Port District, and the Naval Base, San Diego. This project includes capital improvements to the I-5/Civic Center Drive and the I-5/Bay Marina Drive interchanges, which would add an exclusive right-turn lane and a second eastbound left-turn lane at the I-5/Southbound Ramp intersection and a second westbound left-turn lane at the I-5/Northbound Ramp intersection. These improvements are slated to begin in ~~2011~~ June 2012 with a completion date of ~~November 2013~~ 2012.

Page 3.1-34 through 3.1-35

After implementation of the planned and fully funded TCIF improvement projects, buildout of the Westside Specific Plan, at the program-level, would not have significant impacts on intersections or roadway segments. ~~However, future projects would need to provide fair share mitigation in proportion to the impacts these future projects would have on the intersections and segments identified above.~~

~~**Impact TR-1:** Future projects proposed under the Westside Specific Plan could result in direct and cumulative impacts on intersection and roadway segments that, while mitigated through the improvements identified under the planned and fully funded TCIF, would require project-level fair share contributions to address impact nexus and proportionality.~~

Mitigation Measures

No mitigation is required.

~~**MM TR-1: Future Projects Provide Fair Share Contributions.** Future development projects within the Westside Specific Plan area shall reimburse the project's fair share portion to the City for the City's contribution to the Trade Corridor Improvement Fund. The fair share amount shall be proportional to future project impacts as determined through additional project-level CEQA analysis and shall be enforced through project-specific mitigation.~~

Residual Impacts

~~Implementation of mitigation measure MM TR-1 would provide fair share contributions to help reimburse local government for TCIF improvements. Impacts related to Threshold TR-1 would be less than significant.~~

Section 3.2, Air Quality

Page 3.2-30

Finally, there are numerous facilities near the plan area that are identified by CARB as potential air toxic hot spots. Land uses within the plan area and adjacent neighborhoods are riddled with industrial land uses, ranging from shipbuilding to chrome plating to automobile paint and body shops. While there are 142 industrial-related land uses within the plan area, there are nine facilities that are identified by CARB as major TAC emitters. There are also many minor TAC-emitting facilities, including small auto-related land uses, which are not

required to report emissions. Table 3.2-8 is a list the major facilities, total TAC's emissions, and the TACs each emits.

Page 3.2-32

Table 3.2-8. Current Westside Area Toxic Air Facilities

Facility	TAC Emissions (tons/year)	Toxic Air Contaminants
C&J Electronics 1636 Wilson Avenue	<0.01	Aluminum, Cadmium, Chromium, Copper, Glycol Ethers, Lead, Manganese, Nickel
California Auto Body and Frame 1921 Roosevelt Avenue	0.17	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
Civic Center Auto Body 1304 Roosevelt Avenue	0.24	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
CP Manufacturing 1300 Wilson Avenue	3.47	1,2,4TriMeBenze, Cobalt, EGBE, MEK, Methanol, Toluene, Xylenes, [D] Acetone
Greenwald's Auto Body & Frame 1814 Roosevelt Avenue	0.48	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
Jocson's Auto Body & Paint Shop 1320 Coolidge Avenue	0.20	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
JZ Auto Body 202 W 11 th Street	0.05	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
Southland Auto Body 141 18 th St W	0.38	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
Southwest Paint & Body 1616 West Ave	0.25	1,2,4TriMeBenze, Barium, Benzene, Ethyl Benzene, Glycol Ethers, Isopropyl Alcohol, MEK, MIBK, Toluene, Xylenes, [D] Acetone, n-Butyl Alcohol
Source: CARB 2009b.		

In addition to the above facilities, numerous minor TAC-emitting facilities exist within the Westside neighborhood, including many auto-body shops, Momax Truck School, and the Contac Tours bus station, among others. SDAPCD prioritizes facilities based on the magnitude of emissions, the potency of those emissions, and the proximity of sensitive receptors to the facility. Facilities that are considered a "high" or "intermediate" priority are subject to the TAC and HRA reporting requirement of AB2588, but those facilities that are of "low" priority are not. While these facilities are not required to report emissions, they inevitably do produce emissions within the Westside neighborhood.

Page 3.2-39

Infill developments not only encourage fewer vehicle trips, they also reduce the distance residents and visitors have to travel, thereby reducing VMTs. Infill development creates shorter trips because more destinations are located within the immediate neighborhood. Shorter trips produce fewer VMTs. In a case study performed by EPA using two hypothetical developments within San Diego County (one infill and one sprawled), infill development traffic was 75% less congested, per capita VMTs were reduced 48%, and automobile use as a percentage of all trips was 11% lower. This resulted in a 51% and 48% reduction in ozone precursor (NO_x and VOC, respectively) emissions and a 48% decrease GHG emissions (EPA 1999). Thus, it is reasonable to presume air quality during project operation, which would produce fewer VMTs than traditional development patterns, would be an improvement over traditional development patterns.

Page 3.2-42

The traffic report accounts for trip rate reductions given the mixed-use and transit-oriented nature of the project. However, the traffic report does not account for the potential reduction in trip lengths. As discussed under Impact AQ-1, high density and transit-oriented developments tend to reduce trip lengths. While results indicate that the project would result in a significant increase in emissions from within the plan area, because of the potential reduction in trip lengths, emissions from the proposed project scenario are likely over-estimated.

In addition, the above analysis assumes a default vehicle fleet mix for both the existing and proposed land use scenarios. While it is reasonable to assume industrial uses that are amortized and new polluting industrial uses, which are prohibited in the plan area, will relieve some of the truck trips from within the Westside neighborhood, it is unknown to what degree this will occur. Therefore, to remain conservative in the analysis, the default vehicle fleet mix for San Diego County operating in 2030 was applied to both scenarios.

Page 3.2-43 through 3.2-44

MM AQ-1a: Fugitive Dust and Exhaust Control Measures. The SDAPCD has recently adopted a rule (Rule 55) that requires fugitive dust control measures for construction and demolition projects. Future development proposed within the Westside neighborhood shall be required to employ fugitive dust control measures to reduce the amount of fugitive dust. The selection of specific measures is left to the discretion of the project operator. Additional measures to reduce NO_x and ROG emissions may be needed if construction-related emissions exceed the screening level emission thresholds (Table 3.2-9). For any future

development, the applicant shall employ measures that include. Such measures can include, but are not be limited to, the following:

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

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

Operational emissions could be reduced by incorporating various mitigation measures. Within URBEMIS, For any future development, the applicant shall employ the following mitigation measures ~~could be implemented~~ to reduce operational emissions:

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

Page 3.2-50

Implementation of the proposed project would reduce the potential for new businesses to locate within the Westside area that would negatively impact the quality of life for the residents and could amortize businesses that currently pose a health risk to nearby residents. ~~Implementation of the proposed project would remove many land uses within the Westside area that currently pose a health risk to nearby residents.~~ CARB acknowledges that avoiding incompatible land uses can be a challenge in the context of mixed-use land use zoning. For a number of reasons, government agencies have encouraged the proximity of housing to employment, retail, and transit corridors in an effort to reduce vehicle trips. Generally, communities are designed to provide adequate space between incompatible land uses and sensitive land uses, such as residents and schools. However, residential areas of the Westside area are mixed with industrial and commercial businesses that emit TACs.

Page 3.2-51

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

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

Page 3.2-56

To put project-buildout GHG emissions into context, California as a whole is responsible for almost 500 million metric tons of GHG emissions, which represents approximately 2% of global GHG emissions.

Page 3.2-58 through 3.2-63

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

Energy Efficiency

- Design buildings to be energy efficient.
- Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight.
- Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use.
- Install light colored “cool” roofs and cool pavements.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.
- Limit the hours of operation of outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.
- ~~Provide education on energy efficiency.~~

Renewable Energy

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

Water Conservation and Efficiency

- Create water-efficient landscapes in accordance with City Land Use Code Chapter 18.54.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.

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

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) in accordance with City Municipal Code 15.80.
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- ~~Recover by-product methane to generate electricity.~~
- ~~Provide education and publicity about reducing waste and available recycling services.~~

Transportation and Motor Vehicles

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

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

- Incorporate Use low or zero-emission vehicles, including construction vehicles.

- Promote ride sharing programs *e.g.*, by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.
- Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (*e.g.*, electric vehicle charging facilities and conveniently located alternative fueling stations).
- Increase the cost of driving and parking private vehicles by, *e.g.*, imposing tolls and parking fees.
- Institute a low-carbon fuel vehicle incentive program.
- Work with MTS or other transit agency to provide shuttle service to public transit.
- Work with MTS or other transit agency to provide public transit incentives such as free or low-cost monthly transit passes.
- Partner with SANDAG to promote “least polluting” ways to connect people and goods to their destinations.
- Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments.
- Incorporate bicycle-friendly intersections into street design.
- Work with new For commercial and multi-family projects; provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, *e.g.*, locked bicycle storage or covered or indoor bicycle parking.
- Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.
- Work with the school district to restore or expand school bus services.
- Encourage businesses to ~~Institute~~ a telecommute and/or offer flexible work hours program, ~~provide~~ information, training, and incentives to encourage participation, ~~and~~ provide incentives for equipment purchases to allow high-quality teleconferences.
- Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation.

Further, the Attorney General’s Office has identified a non-exhaustive list of measures to reduce GHG emissions at the general plan level. Through the development of the General Plan update, the City may include such measures that would be utilized in the Westside area that would include, While these are intended to be incorporated at the general plan level, the City could incorporate many of these into future development within the Specific Plan area. These measures include, but are not limited to, the following:

- Work with new development applicants to use a higher level of efficiency through design~~Strengthen building codes within the Westside Area for new construction and renovation to require a higher level of energy efficiency.~~
- Require that all new government buildings, and all major renovations and additions, meet identified green building standards.
- Ensure availability of funds to support enforcement of code and permitting requirements.
- Adopt a “Green Building Program” to require or encourage green building practices and materials. The program could be implemented through, *e.g.*, a set of green building ordinances.
- Require orientation of buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Building orientation, wiring, and plumbing should optimize and facilitate opportunities for on-site solar generation and heating.
- Provide permitting-related and other incentives for energy efficient building projects, *e.g.*, by giving green projects priority in plan review, processing and field inspection services.
- Conduct energy efficiency audits of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization. Offer financial incentives for adoption of identified efficiency measures.
- Partner with community services agencies to fund energy efficiency projects, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization, for low income residents.
- Target local funds, including redevelopment and Community Development Block Grant resources, to assist affordable housing developers in incorporating energy efficient designs and features.
- Provide innovative, low-interest financing for energy efficiency and alternative energy projects. For example, allow property owners to pay for energy efficiency improvements and solar system installation through long-term assessments on individual property tax bills.
- Fund incentives to encourage the use of energy efficient vehicles, equipment and lighting. Provide financial incentives for adoption of identified efficiency measures.

- Require environmentally responsible government purchasing. Require or give preference to products that reduce or eliminate indirect greenhouse gas emissions, *e.g.*, by giving preference to recycled products over those made from virgin materials.
- Require that government contractors take action to minimize greenhouse gas emissions, *e.g.*, by using low or zero-emission vehicles and equipment.
- Adopt a “heat island” mitigation plan that requires cool roofs, cool pavements, and strategically placed shade trees. (Darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas.) Adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building requirements for cool roofs on non-residential buildings.
- Adopt a comprehensive water conservation strategy. The strategy may include, but not be limited to, imposing restrictions on the time of watering, requiring water-efficient irrigation equipment, and requiring new construction to offset demand so that there is no net increase in water use. Include enforcement strategies, such as citations for wasting water.
- Encourage Sweetwater Authority to adopt water conservation pricing, *e.g.*, tiered rate structures, to encourage efficient water use.
- ~~■ Adopt fees structures that reflect higher costs of services for outlying areas.~~
- Ensure compliance with the City’s adopted Adopt water-efficient landscape ordinances, Chapter 18.54 of the Land Use Code.
- Strengthen local building codes for new construction and implement a program to renovate existing buildings to require a higher level of water efficiency.
- Adopt ordinances requiring energy and water efficiency upgrades as a condition of issuing permits for renovations or additions, and on the sale of residences and buildings.
- Work with Sweetwater Authority to continue to pProvide individualized water audits to identify conservation opportunities. Provide financial incentives for adopting identified efficiency measures.
- Work with Sweetwater Authority to pProvide water audits for large landscape accounts. Provide financial incentives for efficient irrigation controls and other efficiency measures.
- Encourage Require water efficiency training and certification for irrigation designers and installers, and property managers.
- Implement or expand city or county-wide recycling and composting programs for residents and businesses. Require commercial and industrial recycling.

-
- Work with the trash collector (EDCO) to eExtend the types of recycling services offered (*e.g.*, to include food and green waste recycling).
 - ~~Establish methane recovery in local landfills and wastewater treatment plants to generate electricity.~~
 - Implement Community Choice Aggregation (CCA) for renewable electricity generation. (CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.)
 - Preserve existing conservation areas (*e.g.*, forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
 - Establish a mitigation program for development of conservation areas. Impose mitigation fees on development of such lands and use funds generated to protect existing, or create replacement, conservation areas.
 - Provide public education and information about options for reducing greenhouse gas emissions through responsible purchasing, conservation, and recycling.

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

Adoption of the measures cited above when fully incorporated into the Westside Specific Plan area will lessen GHG emissions from within the project area and potentially achieve a reduction target of 29% below BAU, as stated in AB32. Of particular efficacy, the requirements for energy-efficient buildings are likely to be the largest source of GHG emissions reductions of all the measures described above. It is also important to note that future state actions taken pursuant to AB 32 including requirements for lower carbon-content in motor vehicle fuels, improved vehicle mileage standards (provided California is not barred due to federal action), and an increased share of renewable energy in electricity generation will also serve, in time, to further reduce GHG emissions related to this project. However, without a quantitative analysis of GHG emissions from specific construction and operations proposed, it is not possible to know if the above listed measures would indeed achieve that target.

As discussed earlier, climate change discussions are cumulative by nature. Therefore, the projects contribution is, by itself, less than significant with mitigation. However, the cumulative contribution of the project to climate change is discussed in Chapter 6, Cumulative and Growth Inducing Impacts.

Section 3.4, Cultural Resources

Page 3.4-11 through 3.4-12

The relative frequency and distribution of potentially historic resources present in the plan area is depicted in Figure 3.4-1 and is based on tax assessor parcel information maintained by the City of National City. The blue parcels represent properties listing a building date between 1909 and 1963; green parcels represent those with no building date listed. As the figure shows, the blue parcels are concentrated between West Plaza Boulevard and 18th Street. The majority of the small green parcels are also located in the northern portion of the plan area, and structures on these properties most likely were constructed prior to 1909. Other references must be considered when evaluating these parcels, specifically the various series of Sanborn Fire Insurance Company maps. These maps were produced between the 1880s and the 1950s and show in great detail all structures then present on every lot. Comparing Sanborn maps to contemporary aerial photographs of a given neighborhood may reveal that currently vacant lots once had residences or that the contemporary construction is quite different than what is depicted on the Sanborn map. Additionally, during the late nineteenth and early twentieth century it was a common practice to pick up a house and move it to another lot. An example of this phenomenon is the first schoolhouse in National City; it was originally located on National Avenue near 12th, then moved to the corner of 19th and Taft Avenue, and finally relocated to 1905 Wilson Avenue (SOHO 2005).

Both tax assessor records and Sanborn maps south of 18th Street are spotty references. City records do not list a building date for Kimball Elementary School, located south of 18th Street between Harding and Hoover Avenues, despite the fact that it was constructed in 1941 (Figure 3.4-2a). Other large green parcels are adjacent to the northeast-southwest trending Paradise Creek that was channelized during the 1970s (Figure 3.4-2b); these parcels represent reclaimed marshland, and this which explains why no building dates are listed nor structures shown.

Page 3.4-12 through 3.4-13

MM CUL-1: Historic Building/Structure Evaluation. Prior to future project approval and the issuance of any construction permit within the Westside Specific Plan area, including but not limited to a demolition or building permit, if research indicates that the onsite building(s) or structure(s) is 45 years or older, the applicant shall be required to conduct an evaluation of the onsite building(s) or structure(s) to determine if it is eligible for inclusion in the state or local historical registers. The evaluation shall be performed by a historian or architectural historian who meets the Secretary of Interior's Professional Qualification Standards for Historic Preservation Professionals. The potentially

historic building/structure shall be evaluated according to the NRHP and CRHR criteria A-D. The historian/architectural historian shall consult with knowledgeable local groups (e.g. Save Our Heritage Organisation, National City Historical Society, San Diego Historical Society, and others) and individuals, appropriate archives, and appropriate repositories in an effort to identify the original and subsequent owners as well as the architect and the builder to establish whether any of these individuals played important roles in local or regional history (criterion B). Additionally the physical characteristics and condition of the building or structure shall be evaluated under criterion C, and those judged to possess “the distinctive characteristics of a type, period, region, or method of construction” shall be further assessed for integrity and context.

Section 3.5, Biological Resources

Page 3.5-9

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

Page 3.5-9

Impact BIO-1: Subsequent Specific development projects proposed within the plan area would potentially result in impacts on special-status species, if present. Based on the presence of suitable riparian habitat along Paradise Creek, impacts on special-status species would be significant.

Page 3.5-10

MM BIO-1: Focused Surveys. If there is an indication that native habitat (flora or fauna) exists on site, ~~p~~Prior to the issuance of any grading, building, or other construction permit within the ~~undeveloped parcels within the~~ proposed plan area, a habitat assessment shall be conducted for the parcel to determine whether the potential exists for special-status species to occur. If the habitat assessment identifies potentially suitable habitat for special-status species, a focused survey shall be conducted by a qualified biologist to determine whether special-status species occur within the plan area. If no species are observed or detected during focused surveys, additional mitigation shall not be required. However, if special-status species are observed/detected, project-specific mitigation measures shall be formulated and required to mitigate impacts on special-status species to below

a level of significance. Coordination/consultation with the USFWS under ESA and the CDFG under CESA shall be required for any proposed impacts on federally listed and/or state listed species, respectively.

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

If nesting activities within 200 feet of the proposed work area are not detected, construction activities may proceed. If nesting activities are confirmed, construction activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the appropriate buffer shall be determined by a qualified biologist, but shall be at least 25 feet.

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

Page 3.5-10

After implementation of mitigation measures MM BIO-1 ~~and~~ MM BIO-2, and MM BIO-3, impacts related to Impacts BIO-1 and BIO-2 would be less than significant.

Page 3.5-11 through 3.5-12

The proposed project would result in an increase in impervious surfaces that would potentially result in indirect water quality impacts on Paradise Creek. Individual development projects would be subject to existing laws, policies, and ordinances related to water quality, including complying with construction and permanent BMPs required by Construction General Permits. MS4 permit compliance (NPDES) enforced through the National City Municipal Code and stormwater requirements of the CBC would be implemented. Therefore, the project would not result in a significant indirect impact on Paradise Creek's water quality. However, mitigation is proposed to further reduce impacts related to water quality.

Impact Determination

Impact BIO-3: Implementation of restoration/revegetation efforts within and adjacent to Paradise Creek have the potential to result in significant impacts on riparian habitat. In addition, specific future development projects (currently unplanned) within other undeveloped areas of the proposed plan area could result in significant impacts on sensitive natural communities. Avoidance of development within sensitive habitat areas would reduce the potential impacts to less than significant.

Mitigation Measures

Implement MM BIO-1, MM BIO-2, and MM BIO-3.

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

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

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

MM BIO-7: Placement of Post Construction BMPs and Discharge of Water Runoff. All post construction structural BMPs shall be located outside the wetland and the riparian corridor. Furthermore, all filtration and attenuation of

surface flows provided by the proposed BMPs shall occur prior to the discharge of the flows into the riparian areas.

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

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

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

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

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

MM BIO-13: Limit on Building Heights Adjacent to Paradise Creek. Building heights within 175 feet of the outside edge of the jurisdictional riparian habitat shall be limited to a maximum of 50 feet with stepping back of the upper units or stories, or angling buildings, to reduce the potential for excessive shading. Measures shall be incorporated into the building design to prevent predator perching. Buildings or components of buildings proposed more than

175 feet from the creek shall not be restricted to this height condition, but would meet the height limits for the zone of 60-feet identified in the Westside Specific Plan.

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

Residual Impacts

After implementation of mitigation measures MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, MM BIO-11, MM BIO-12, MM BIO-13, and MM BIO-14, impacts related to Impact BIO-3 would be less than significant.

Threshold BIO-3: Would the proposed project have a substantial adverse effect on federally protected wetlands, as defined by CWA Section 404 (including, but not limited to, marshes and vernal pools) through direct removal, filling, hydrological interruption, or other means?

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

Impact Determination

Impact BIO-4: Implementation of restoration/revegetation efforts within and adjacent to Paradise Creek would result in significant impacts on jurisdictional wetlands/waters.

Mitigation Measures

Implement MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, MM BIO-11, MM BIO-12, MM BIO-13, and MM BIO-14.

Residual Impacts

After implementation of mitigation measure MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, MM BIO-11, MM BIO-12, MM BIO-13, and MM BIO-14, impacts related to Impact BIO-4 would be less than significant.

Section 3.6, Community Character and Aesthetics

Page 3.6-8

The plan area also includes Paradise Creek, a recognized and valuable wetland resource that provides natural views of open space marsh habitat and wildlife. Paradise Creek opened as an educational center in the spring of 2007. The project proposes to limit uses adjacent to Paradise Creek to restoration, passive recreation, and open space. The view corridor would be preserved through the site to Paradise Creek. These policies of the project would help ensure that Paradise Creek would maintain its aesthetic value. In addition, the project would be located outside of the jurisdictional wetland areas and additional vegetation may be added, in consultation with the wildlife agencies, to enhance the existing riparian resources. ~~implement appropriate setbacks from the edge of the creek through the development of the TOD affordable housing project and preserved open space easements to provide a buffer for restoration efforts.~~ A meeting on February 9, 2010 with the California Department of Fish and Game and the Army Corps of Engineers did not indicate that a permit would be required, however development plans will be coordinated with these agencies to ensure no and reduce physical disturbances occur near the creek, and ensure preservation of the aesthetic value. The TOD development would comply with all applicable mitigation measures list in the Westside Specific Plan Program EIR and additional Mmitigation measures would may be imposed through the discretionary review process. ~~on the TOD development through consultation with CDFG. Additional mitigation measures may be required at the project level once specific development information is available.~~

Section 3.7, Land Use and Planning

Page 3.7-4

San Diego County's Regional Transportation Plan (RTP), entitled "Pathways to the Future," is a collaborative guide for accommodating the County's projected growth with efficient and safe transportation facilities. The RTP was developed with the cooperation of the County's 18 incorporated cities, SANDAG, the San Diego Metropolitan Transit System (MTS), the North County Transit District

(NCTD), and the California Department of Transportation (Caltrans). The document is organized guided by four major topics/themes:

- Land Use focuses on how future land uses can impact transportation facilities. As future land use plans are developed in the region, coordination with transportation planners and agencies is critical to improving and sustaining a working transportation system.
- Systems Development deals with identifying where new facilities will be needed and which types of options would be most beneficial for the area.
- Systems Management includes maximizing the region’s transportation system and informing the public of available transportation resources to allow travelers to make well-informed and practical transportation decisions.
- Demand Management is concerned with managing the region’s transportation options and reducing overwhelmed facilities during peak hours by promoting alternative modes of transportation.

“Mobility 2030” is the County of San Diego’s RTP, which is intended to be a blueprint to address the mobility changes created by the region’s growth. It is a long-range plan that contains an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system in the San Diego region. Mobility 2030 includes seven policy goals that are aimed at improving the mobility, accessibility, reliability, and efficiency of the transportation system, as well as promoting livability of communities, sustainability, and ensuring equity.

Page 3.7-9

SANDAG Regional Comprehensive Plan Goals and Objectives	Westside Specific Plan Consistency Discussion	Consistency Determination
<p>Goal 2: Create safe, healthy, walkable, and vibrant communities that are designed and built accessible to people of all abilities.</p>	<p>Upon adoption of the Westside Specific Plan, the City would could discourage amortize auto-body users throughout the neighborhood <u>if deemed in non-conformance pursuant to Municipal Code 18.108 and in compliance with 18.108.230, and would</u> prohibit new industrial uses that are not listed as a acceptable use within the plan area <u>in order to help achieve the goal of improving air quality for a safer, healthier community.</u> The project would designate portions of the area for mixed-use commercial/residential development in proximity to transit, existing jobs, and shopping opportunities, which would create a more walkable and vibrant community that would be accessible to people of all abilities.</p>	<p>Consistent ✓</p>

Page 3.7-9

SANDAG Regional Comprehensive Plan Goals and Objectives	Westside Specific Plan Consistency Discussion	Consistency Determination
Policy Objective 6: Protect public health and safety by avoiding and/or mitigating incompatible land uses.	Existing hazardous light-industrial uses would not be discouraged allowed if determined in non-conformance with <u>Municipal Code 18.108</u> during implementation of the Westside Specific Plan to promote public health and safety by avoiding the co-location of residential and hazardous light-industrial uses. Uses such as <u>non-conforming</u> auto paint and body shops would be amortized by the City.	Consistent ✓

Page 3.7-13

National City General Plan Policy	Westside Specific Plan Consistency Discussion	Consistency Determination
Policy M: The City will encourage the location of sensitive land uses away from high noise areas, or require mitigation to control adverse impacts.	The Westside Specific Plan would discourage <u>remove non-conforming</u> high noise light-industrial land uses from the plan area's boundaries pursuant to <u>City Municipal Code 18.108</u> and direct new single-family residential land uses away from high noise areas, such as I-5 and National City Boulevard. Mitigation would be required for any adverse noise impacts.	Consistent ✓

Page 3.7-14 through 3.7-15

National City General Plan Policy	Westside Specific Plan Consistency Discussion	Consistency Determination
Policy DD: Encourage General Plan amendments which carry out policies to maintain or upgrade residential neighborhoods.	The proposed project, which includes a General Plan amendment, would carry out policies to upgrade the Westside neighborhood, which was historically a residential community. The project would discourage <u>amortize non-conforming</u> existing hazardous materials ² users pursuant to <u>City Municipal Code Section 18.108</u> and prohibit new uses from the residential portions of the area and replace them with cleaner, more compatible land uses such as mixed-use.	Consistent ✓

Page 3.7-19

Redevelopment Plan Policy	Westside Specific Plan Consistency Discussion	Consistency Determination
Increase, improve, and preserve the community’s supply of affordable housing for very low, low, and moderate income households.	The proposed project includes a variety of residential housing types ranging from lower density single-family residential to higher density multi-family, ensuring a range of housing supply for varying income levels. <u>Moreover, a transit-oriented development (TOD) is in the early planning stages and would provide up to 360 residential units at varying price points.</u> Statewide affordable housing requirements would be enforced by the City for new residential development.	Consistent ✓

Section 3.9, Hazards and Hazardous Materials

Page 3.9-11

The proposed project emphasizes the gradual removal of existing industrial uses that do not conform to the Westside Specific Plan land use guidelines and Land Use Code rezoning. New clean industrial uses ~~that would be allowed~~ would only be allowed if they meet the land uses identified in the Westside Specific Plan and the City’s Municipal Code Section 18.108.100 (Substitution of Non-Conforming Uses). Eventual buildout of the proposed project would greatly reduce the number of sources that routinely transport, use, or dispose of hazardous materials. Consequently, the environmental effect and specifically the human health effect over the long term would be beneficial rather than adverse. However, overlap between existing industrial businesses and new projects being implemented under the proposed project would mean new development would be placed proximate to businesses which routinely transport, use, or dispose of hazardous materials.

As documented in Table 3.9-1 above, existing businesses or properties which use, transport, store, and/or generate hazardous materials are interspersed throughout the project site. However, federal, state, and local regulatory agencies that regulate and oversee the storage, use, transport, and/or disposal of hazardous materials have permitting inspection authority over such existing businesses and properties. Therefore, these existing laws and regulations, along with oversight by the regulatory agencies that identify hazard and fire risk and respond to releases of hazardous substances, would be considered adequate to reduce potential impacts that may exist with the use, transport, storage, and disposal of hazardous materials within the proposed project site to a level considered less than significant.

Specific regulatory agencies that regulate and oversee the storage, use, transport, and/or disposal of hazardous materials include but are not limited to: EPA, Cal/EPA (i.e., DTSC, SWRCB, CARB, and California Integrated Waste Management Board [CIWMB]), Caltrans, San Diego County DEH, and the National City Fire Department.

Specific federal laws (discussed under the Regulatory Setting) that are enforced throughout the plan area include the RCRA of 1976, the DOT Hazardous Materials Regulations, Federal Water Pollution Control Act, Safe Drinking Water Act, Clean Air Act, Toxic Substances Control Act, and Occupational Safety and Health Act. Specific state laws include Hazardous Waste Control Law; Hazardous Material Release Response Plans and Inventory Law; California Labor Code; CCR Title 8 “Industrial Relations”; CCR Title 22 “Environmental Health Standards for the Management of Hazardous Wastes”; and CCR Title 26 “Toxics.”

Page 3.9-13

MM HAZ-1: Phase I Environmental Site Assessment. Prior to future project approvals, and when the subject site has had a history of hazardous material use onsite or in close proximity, or other factors are present which indicate contaminated soils or groundwater may exist, a Phase I Environmental Site Assessment (ESA) shall be completed for the project site proposed for development or redevelopment within the Westside Specific Plan boundaries if the site has historically used or stored hazardous materials or if the site is within 1,000 feet of a site that has historically used or stored hazardous materials. The Phase I ESA shall include a comprehensive records search, consideration of historical information, onsite evidence of hazardous material use, storage, or disposal, and a recommendation as to whether a Phase II soil testing and chemical analysis is required. In addition, the Phase I ESA will review the permit status of nearby businesses to ensure they are in compliance and would not pose a potentially significant impact on proposed new development.

Section 3.10, Utilities and Public Services

Page 3.10-17 through 3.10-18

The average daily wastewater flow (ADWF) to Metro within the plan area would increase from approximately 5.04 mgd, to 5.22 mgd under current land use plans. This is based on National City’s existing land use regulations and zoning which would support a buildout of 727 residential dwelling units and using the City’s estimate of 70 gallons per day (gpd) for each residential dwelling unit. Using 75% buildout of the proposed project, wastewater service and capacity would be needed to serve the following expansion: (1) residential dwelling units

increase to a total of 1,846 with an accompanying estimated population of 6,384 residents, (2) office development increases to a total of 669,140 gross square feet, and (3) commercial development increases to 892,187 gross square feet.

As Table 3.10-5 shows, using the City’s estimate of 70 gallons per day (gpd) for each residential dwelling unit and using the City-supplied-commercial wastewater generation rates of 50 gpd of usage per employee, calculated at 10 employees for every 10,000 square feet of non-residential space, the proposed project would result in an average daily wastewater usage of approximately 524,946207,286 gpd at full buildout. With addition of the proposed project ADWF only, the City’s average daily wastewater flow to Metro would be approximately 5.565.25 mgd, well within the City’s permitted flow capacity of 7.5 mgd. Impacts related to Threshold UTIL-1a would be less than significant.

Table 3.10-5. Average Daily Wastewater Flow and Available Capacity of South Metro Interceptor Line (in MGD)

Existing ADWF	Projected ADWF in 2028 with Project	Total Capacity	Available ADWF Capacity for Project
5.04+	5.56 <u>25</u>	7.5	Yes
Source: Based on usage factors from IEC 2006.			

Page 3.10-19

Future development proposed under the project that would require new or improved tie-ins to the existing water facilities would be required to prepare improvement plans consistent with the National City Municipal Code and the current CBC. Specifics regarding the infrastructure improvements that will be required cannot be determined until detailed development plans are prepared and submitted to the City and the Sweetwater Authority for review. As part of the development review process, the City will require the project engineer to contact the Sweetwater Authority to facilitate the design process. Improvement plans would be subject to approval by the City Engineer. Based upon conditions of project approval, future developments proposed under the project would be responsible for adding or upgrading infrastructure as needed to serve individual sites. Any environmental impacts related to required improvements for new development would be analyzed and mitigated (as feasible) under CEQA. Therefore, the proposed project would not result in significant impacts on water infrastructure and facilities.

Page 3.10-20 through 3.10-21

Table 3.10-6. Total Water Demand for the Sweetwater Authority Service Area with the Proposed Project (Acre-Feet/Year)

Water Use Sectors	Fiscal Year Ending		
	2010	2020	2030
Residential	17,688	21,600	24,191
Commercial	4,733	5,324	5,622
Industrial	471	848	1,149
Public	2,200	2,498	2,658
Irrigation/Agriculture	51	45	37
Other	40	45	47
Unaccounted for Water	999	1,174	1,274
Estimated Conservation Savings	(1,212)	(1,952)	(2,659)
Total Demand	24,969	29,583	32,320
Source: <u>Westside Specific Plan Water Supply Assessment 2009</u> Appendix H			

Forecasted water supply within the Sweetwater Service Area for 2010, 2020, and 2030 is shown in Table 3.10-7. ~~The Sweetwater Authority service area supply would meet the projected demand with the proposed project.~~ This WSA Report demonstrates and verifies that with development of the resources identified, there will be sufficient water supplies, over a 20-year planning horizon, to meet the projected demands of the proposed Project, and the existing and planned development projects within Sweetwater's service area. These findings further verify that there will be sufficient water supply to serve the proposed Project, including existing and other planned projects in both normal and dry year forecasts. An adequate supply is further confirmed by Metropolitan's 2005 UWMP which identifies reserve supply, and through the development of its IRP, which will identify a water planning strategy through the year 2030 to ensure Metropolitan will have adequate supplies to meet normal and dry-year demands within its service area over the next 20 years. However, while Sweetwater is developing new local water supplies, and Metropolitan has not changed its conclusion of available surplus supplies, Sweetwater advises the City of National City that given the current water supply issues, including drought conditions in California and the Colorado River Basin, and legal and regulatory issues involving utilization of the San Francisco Bay Delta to convey California State Project Water to Southern California, conditions which form the basis of Governor Schwarzenegger's recent declaration of drought, Sweetwater cannot guarantee that, at some time in the future, Metropolitan may not project a supply of surplus water required to serve the project.

Table 3.10-7. Total Projected Water Supply/Demand for the Sweetwater Authority Service Area with the Proposed Project (Acre-Feet/Year)

Supply Source	Fiscal Year Ending		
	2010	2020	2030
Imported Water	12,769	13,761	15,720
Sweetwater Reservoir	5,400	5,400	5,400
National City Wells	2,400	2,400	2,400
Reynolds Desalination	4,400	8,800	8,800
Total Available Supply/Demand	24,969	30,361	32,320
Source: Appendix H Westside Specific Plan Water Supply Assessment 2009			

An analysis was also prepared for single and multiple dry years, as shown in Table 3.10-8.

Table 3.10-8. Projected Water Supply/Demand for Normal, Single, and Multiple Dry Years

Supply Type	Normal Water Year (2025)	Single Dry Water Year (2025)	Year 1 (2026)	Year 2 (2027)	Year 3 (2028)
Imported Water	14,351	21,568	21,381	21,674	21,967
Sweetwater Reservoir	5,400	350	830	830	830
National City Wells	2,400	2,400	2,400	2,400	2,400
Reynolds Desalination	8,800	8,800	8,800	8,800	8,800
Total Available Supply/Demand	30,951	33,118	33,411	33,704	33,997
Source: Appendix H Westside Specific Plan Water Supply Assessment 2009					

Chapter 4, Transit Oriented Development

Page 4-2 through 4-3

The TOD project site consists of approximately 14 acres including the National City Public Works yard, vacant lands used for storage, Paradise Creek, Paradise Creek Educational Park, and other potential properties should acquisition be feasible. The TOD project would be located in the multi-use commercial residential (MCR-2) zone. The zone allows residential uses at a maximum density of 45.0 dwelling units per net acre and would seek to achieve a minimum of 30 employees per acre. An estimated build-out of 360 dwelling units, 295,000 to 450,000 gross square feet of office space, and 45,000 to 65,000 gross square feet of retail space (not including existing development) is anticipated. The TOD development may include an adult educational center within the TOD area and relocation of the public works yard. In addition, the project would include expansion and enhancement of Paradise Creek and the Paradise Creek Educational Park. Enhancements to the Paradise Creek Educational Park would include extending the park area, walking paths, and restored habitats of the park. Enhancements to the open areas that run the length of Paradise Creek would also occur (Figure 4-1).

Page 4-47

The proposed TOD project would result in an increase in traffic volumes. The total volume including the increase in volume due to the project causes the level of service on three segments, Bay Marina Drive from Harrison Avenue to I-5, Mile-of-Cars Way from I-5 to Wilson Avenue and Mile-of-Cars Way from Wilson Avenue to National City Boulevard, to exceed the level of service standard established by the City. These three impacts are considered significant. However, Mile-of-Cars Way from Wilson Avenue to National City Boulevard would actually improve under the Westside Specific Plan. All intersections would be mitigated through implementation of the Trade Corridor Improvement Fund (TCIF), which is an approved and fully funded project that will begin construction in June 2012 and end in November 2013. Additionally, the TCIF would fund the South Line Freight Enhancements project and there are currently improvements underway to the Blue Line Trolley. Once the TOD development is formally submitted, its potential impact on these two projects will be analyzed. Projects outside the TOD area, but within the Westside Specific Plan will also be analyzed as they are proposed.

Page 4-50 through 4-51

~~The City projects under the no project condition that the average daily wastewater flow (ADWF) to Metro would increase approximately 0.19 percent per year due to ambient population growth. This equates to an ADWF of approximately 5.26 mgd 20 years from today.~~

Using industry-standard wastewater generation rates of 70 gpd ~~of usage per resident~~residential unit, and 50 gpd ~~of usage per~~ employee (calculated at 10 employees for every 10,000 square feet of non-residential space (IEC 2006, p.3), the Westside Specific Plan would result in an average daily wastewater usage of approximately ~~207,286~~25,000 gpd ~~at 75% buildout~~. With addition of the Westside Specific Plan ADWF only, the City's ADWF to Metro would equate to approximately ~~5.78~~5.25 mgd, well within the City's permitted flow capacity of 7.5 mgd. Since the TOD project is part of the larger Westside Specific Plan and was analyzed therein, there would be adequate wastewater capacity to serve the TOD project. Impacts would be less than significant and mitigation measures would not be required.

Chapter 5, Effects Determined Not to be Significant

Page 5-4

Moreover, the City of National City enforces stormwater and wastewater runoff through Title 14, Stormwater Management and Discharge Control. Chapter 18.24 of the Land Use Code addresses requirement for developing within the floodplain. Any proposed development within areas of 100 year flood plain would be analyzed through the discretionary review process. Development would be required to comply with city codes, state building codes, the Regional Water Quality Control Board (RWQCB) and Federal Emergency Management Agency (FEMA).

Thus, Pprior to any construction activity, specific projects would be required to comply with all regulations and permitting procedures described above. Implementation of construction and post-construction stormwater controls that adhere to the City's SUSMP and RWQCB requirements and enforcement of the flood control requirements listed in the City's municipal code would ensure that significant water quality-related impacts on hydrology and water quality would not occur. Therefore, impacts on hydrology and water quality would be less than significant.

Chapter 7, Alternatives

Page 7-4

Overall, however, because development densities would be lower under the No Project Alternative, total ADTs would be fewer, and impacts on the surrounding street networks would generally be reduced. As a result, automobile emissions would be less under the No Project Alternative. However, amortization of existing polluting businesses, the prohibition on new polluting businesses, and the reduction in heavy truck traffic would improve air quality over the long run. Thus, impacts on air quality under the No Project Alternative would be ~~reduced~~ greater slightly compared to the proposed project because of ~~its relatively lower development density and reduced population size~~ the continuation of existing source pollutants and heavy truck traffic.

Page 7-4

Overall, noise impacts under the No Project Alternative would be mixed when compared to the proposed project: noise from industrial sources and heavy trucks would continue and could increase under the No Project Alternative; but construction-related noise would be less frequent, and traffic-related noise would be reduced.

Page 7-6

The proposed project is preferred over the No Project Alternative because the No Project Alternative would not meet most of the primary project objectives (1, 2, 3, 4, 5, 7, and 8), which include reducing the co-location of housing with businesses that use, store, or generate hazardous materials. Impacts on air quality, biological resources, and from hazardous materials would be greater under the No Project Alternative. As such, the proposed project is preferred to the No Project Alternative.

Page 7-17

Environmental Analysis Issue Area	No Project Alternative (Alternative 1)	No Mixed-Use Alternative (Alternative 2)	Reduced Buildout Alternative (Alternative 3)	Retain and Expand Industrial Uses Alternative (Alternative 4)
Air Quality	Reduced Greater	Reduced	Reduced	Greater

Chapter 9, References

Page 9-5

Save Our Heritage Organisation. 2005. Found San Diego. *Reflections* 36(3).

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Attachment A
Mitigation Monitoring and Reporting Program

Table A-1. Mitigation Monitoring and Reporting Program for the Westside Specific Plan

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
AIR QUALITY		
<p>MM AQ-1a: Fugitive Dust and Exhaust Control Measures.</p> <p>The SDAPCD has recently adopted a rule (Rule 55) that requires fugitive dust control measures for construction and demolition projects. Future development proposed within the Westside neighborhood shall be required to employ fugitive dust control measures to reduce the amount of fugitive dust. The selection of specific measures is left to the discretion of the project operator. Additional measures to reduce NOx an ROG emissions may be needed if construction-related emissions exceed the screening level emission thresholds (Table 3.2-9 in the DEIR). Such measures can include, but are not be limited to, the following:</p> <ul style="list-style-type: none"> ■ Inactive Construction Areas. Apply non-toxic soil stabilizers according to manufacturers’ specification to all inactive construction areas. ■ Exposed Stockpiles. Enclose, cover, water twice daily, or apply non-toxic soil binders according to manufacturers’ specification to exposed piles. ■ Active Site Areas. Water active site areas twice daily. ■ Hauling. Cover all haul trucks hauling dirt, sand, soil, or other loose materials or maintain two feet of freeboard. ■ Adjacent Roadways. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the project site. ■ Adjacent Roadways. Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads. ■ Unpaved Roads and Parking/Staging Areas. Apply water three times daily or non-toxic soil stabilizers according to manufacturers’ specification to all unpaved roads and parking or staging areas. ■ Speed Limit. Limit traffic speeds on unpaved areas to 10 miles per 	<p>Timing: During construction and ground disturbing activities (e.g. grading)</p> <p>Methods: Implement fugitive dust and exhaust control measures during construction activities. Verify implementation during construction and ground disturbing by requiring reporting.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>hour.</p> <ul style="list-style-type: none"> ■ Disturbed Areas. When active construction ceases on the site, replace ground cover as quickly as possible. ■ Equipment maintenance. Install emission controls (cooled exhaust recirculation, lean-NO_x catalysts), tune equipment and reduce idling time. ■ Equipment age. Require models newer than 1996. ■ Coatings. Use VOC-free or low-VOC coatings, limit the amount of coating and paints applied daily, or rent or purchase VOC Emission Reduction Credits. <p>MM AQ-1b: Mitigation Measures to Reduce Project Operational Emissions.</p> <p>Operational emissions could be reduced by incorporating various mitigation measures. Within URBEMIS, the following mitigation measures could be implemented to reduce operational emissions:</p> <ul style="list-style-type: none"> ■ Increased Energy Efficiency (20%) beyond Title 24. ■ Use of electric landscaping equipment with access to outside electrical outlets (20% of total landscaping equipment) ■ Use of low- or no-ROG/VOC paints (a minimum of 40% below typical paints). 		
<p>Impact AQ-2 is fully mitigated by implementing MM AQ-1a and MM AQ-1b. Therefore, the heading MM AQ-2 is not used and the same timing and methods apply as listed in MM AQ-1a and MM AQ-1b.</p>	N/A	N/A
<p>MM AQ-3: Building Design Measures to Reduce Exposure of Residents to Pollutant Emissions.</p> <p>Mitigation measures to reduce pollutant emissions for the proposed multi-family dwelling units in close proximity (i.e., within 500 feet) of I-5 shall include:</p> <ul style="list-style-type: none"> ■ providing the facility with individual heating, ventilation, and air conditioning (HVAC) systems in order to allow adequate ventilation 	<p>Timing: Prior to the issuance of the building permits (bullet 1-3); prior to the issuance of the discretionary permit (bullet 4)</p> <p>Methods: Confirm on building plans that bullets 1-3 are listed; verify installation prior to the issuance of the occupancy permit; consult with Caltrans on bullet 4.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>with windows closed;</p> <ul style="list-style-type: none"> ■ locating air intake systems for HVAC systems as far away from the existing air pollution sources as possible; ■ using high efficiency particulate air (HEPA) air filters in the HVAC system and developing a maintenance plan to ensure the filtering system is properly maintained; and utilizing only fixed windows next to any existing sources of pollution. ■ explore the use of vegetated berms to help reduce residential land use exposure to emissions from I-5. Consult with Caltrans to determine the feasibility of installing vegetated berms. 		<p>Project Proponent</p> <p>Verification: City</p>
<p>MM AQ-4: Project Design Features to Reduce Project Contribution to Climate Change. There are a number of project design features that could be included in the proposed project that will help to reduce future GHG emissions. Below is a list of potential design features that should be incorporated, as feasible, into future projects to ensure consistency with adopted State-wide plans and programs. The measures outlined below are not meant to be exhaustive, but are meant to provide a sample list of measures that could be incorporated into future project design.</p> <p><u>Energy Efficiency</u></p> <ul style="list-style-type: none"> ■ Design buildings to be energy efficient. ■ Install efficient lighting and lighting control systems. Site and design building to take advantage of daylight. ■ Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use. ■ Install light colored “cool” roofs and cool pavements. ■ Provide information on energy management services for large energy users. ■ Install energy efficient heating and cooling systems, appliances and equipment, and control systems. ■ Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting. 	<p>Timing: Prior to the issuance of the discretionary permit</p> <p>Methods: The development plans will list appropriate measures taken from MM AQ-4 prior to the issuance of the discretionary permit. Similarly, as appropriate the building plans will list measures as they apply to the proposed structures. Verify installation of specific measures listed on plans prior to the issuance of the occupancy permit.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<ul style="list-style-type: none"> ■ Limit the hours of operation of outdoor lighting. ■ Use solar heating, automatic covers, and efficient pumps and motors for pools and spas. ■ Provide education on energy efficiency. <p><u>Renewable Energy</u></p> <ul style="list-style-type: none"> ■ Install solar or wind power systems and solar hot water heaters. Educate consumers about existing incentives. ■ Install solar panels on carports and over parking areas. ■ Use combined heat and power in appropriate applications. <p><u>Water Conservation and Efficiency</u></p> <ul style="list-style-type: none"> ■ Create water-efficient landscapes. ■ Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. ■ Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water. ■ Design buildings to be water-efficient. Install water-efficient fixtures and appliances. ■ Use of graywater (or untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines). For example, install dual plumbing in all new development allowing graywater to be used for landscape irrigation. ■ Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. ■ Restrict the use of water for cleaning outdoor surfaces and vehicles. ■ Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site). ■ Devise a comprehensive water conservation strategy appropriate for 		

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</p> <ul style="list-style-type: none"> ■ Provide education about water conservation and available programs and incentives. <p><u>Solid Waste Measures</u></p> <ul style="list-style-type: none"> ■ Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). ■ Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. ■ Recover by-product methane to generate electricity. ■ Provide education and publicity about reducing waste and available recycling services. <p><u>Transportation and Motor Vehicles</u></p> <ul style="list-style-type: none"> ■ Limit idling time for commercial vehicles, including delivery and construction vehicles. ■ Use low or zero-emission vehicles, including construction vehicles. ■ Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides. ■ Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation. ■ Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems. ■ Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). ■ Increase the cost of driving and parking private vehicles by, e.g., 		

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>imposing tolls and parking fees.</p> <ul style="list-style-type: none"> ■ Institute a low-carbon fuel vehicle incentive program. ■ Provide shuttle service to public transit. ■ Provide public transit incentives such as free or low-cost monthly transit passes. ■ Promote “least polluting” ways to connect people and goods to their destinations. ■ Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. ■ Incorporate bicycle-friendly intersections into street design. ■ For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking. ■ Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points. ■ Work with the school district to restore or expand school bus services. ■ Institute a telecommute and/or flexible work hours program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences. ■ Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation. <p>Further, the Attorney General’s Office has identified a non-exhaustive list of measures to reduce GHG emissions at the general plan level. While these are intended to be incorporated at the general plan level, the City could incorporate many of these into future development within the Specific Plan area. These measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ■ Strengthen building codes within the Westside Area for new construction and renovation to require a higher level of energy 		

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>efficiency.</p> <ul style="list-style-type: none"> ■ Require that all new government buildings, and all major renovations and additions, meet identified green building standards. ■ Ensure availability of funds to support enforcement of code and permitting requirements. ■ Adopt a “Green Building Program” to require or encourage green building practices and materials. The program could be implemented through, e.g., a set of green building ordinances. ■ Require orientation of buildings to maximize passive solar heating during cool seasons, avoid solar heat gain during hot periods, enhance natural ventilation, and promote effective use of daylight. Building orientation, wiring, and plumbing should optimize and facilitate opportunities for on-site solar generation and heating. ■ Provide permitting-related and other incentives for energy efficient building projects, e.g., by giving green projects priority in plan review, processing and field inspection services. ■ Conduct energy efficiency audits of existing buildings by checking, repairing, and readjusting heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization. Offer financial incentives for adoption of identified efficiency measures. ■ Partner with community services agencies to fund energy efficiency projects, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization, for low income residents. ■ Target local funds, including redevelopment and Community Development Block Grant resources, to assist affordable housing developers in incorporating energy efficient designs and features. ■ Provide innovative, low-interest financing for energy efficiency and alternative energy projects. For example, allow property owners to pay for energy efficiency improvements and solar system installation through long-term assessments on individual property tax bills. ■ Fund incentives to encourage the use of energy efficient vehicles, equipment and lighting. Provide financial incentives for adoption of 		

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>identified efficiency measures.</p> <ul style="list-style-type: none"> ■ Require environmentally responsible government purchasing. Require or give preference to products that reduce or eliminate indirect greenhouse gas emissions, e.g., by giving preference to recycled products over those made from virgin materials. ■ Require that government contractors take action to minimize greenhouse gas emissions, e.g., by using low or zero-emission vehicles and equipment. ■ Adopt a “heat island” mitigation plan that requires cool roofs, cool pavements, and strategically placed shade trees. (Darker colored roofs, pavement, and lack of trees may cause temperatures in urban environments to increase by as much as 6-8 degrees Fahrenheit as compared to surrounding areas.) Adopt a program of building permit enforcement for re-roofing to ensure compliance with existing state building requirements for cool roofs on non-residential buildings. ■ Adopt a comprehensive water conservation strategy. The strategy may include, but not be limited to, imposing restrictions on the time of watering, requiring water-efficient irrigation equipment, and requiring new construction to offset demand so that there is no net increase in water use. Include enforcement strategies, such as citations for wasting water. ■ Adopt water conservation pricing, e.g., tiered rate structures, to encourage efficient water use. ■ Adopt fees structures that reflect higher costs of services for outlying areas. ■ Adopt water-efficient landscape ordinances. ■ Strengthen local building codes for new construction and implement a program to renovate existing buildings to require a higher level of water efficiency. ■ Adopt ordinances requiring energy and water efficiency upgrades as a condition of issuing permits for renovations or additions, and on the sale of residences and buildings. ■ Provide individualized water audits to identify conservation 		

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>opportunities. Provide financial incentives for adopting identified efficiency measures.</p> <ul style="list-style-type: none"> ■ Provide water audits for large landscape accounts. Provide financial incentives for efficient irrigation controls and other efficiency measures. ■ Require water efficiency training and certification for irrigation designers and installers, and property managers. ■ Implement or expand city or county-wide recycling and composting programs for residents and businesses. Require commercial and industrial recycling. ■ Extend the types of recycling services offered (e.g., to include food and green waste recycling). ■ Establish methane recovery in local landfills and wastewater treatment plants to generate electricity. ■ Implement Community Choice Aggregation (CCA) for renewable electricity generation. (CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy.) ■ Preserve existing conservation areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits. ■ Establish a mitigation program for development of conservation areas. Impose mitigation fees on development of such lands and use funds generated to protect existing, or create replacement, conservation areas. ■ Provide public education and information about options for reducing greenhouse gas emissions through responsible purchasing, conservation, and recycling. 		

Mitigation Measures	Timing and Methods	Responsible Parties
NOISE		
<p>MM NOI-1: Implement Construction Noise Reduction Measures. Mitigation measures MM NOI-1.1 through MM NOI-1.8 shall be implemented as applicable to future projects proposed within the Westside Specific Plan area.</p> <p>MM NOI-1.1: Equipment Sound Attenuation. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.</p> <p>MM NOI-1.2. Use of Electrical Equipment. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.</p> <p>MM NOI-1.3. Distance from Sensitive Receptors. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.</p> <p>MM NOI-1.4. Construction Traffic Speeds. Construction site and access road speed limits shall be established and enforced during the construction period.</p> <p>MM NOI-1.5. Hours of Construction. Construction operations shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Friday, or at any time on weekends or holidays. The hours of construction, including noisy maintenance activities and all spoils and material transport, shall be restricted to the periods and days permitted by the local noise or other applicable ordinance. Noise-producing construction activity shall comply with, or in special circumstances obtain exemptions from, local noise control regulations affecting construction</p>	<p>Timing: Prior to approving the discretionary permit; during construction</p> <p>Methods: During development review, confirm development plans list MM NOI-1.1 through -1.8. During construction, require reporting to ensure measures are employed.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>activity.</p> <p>MM NOI-1.6. Use of Noise-Producing Signals. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.</p> <p>MM NOI-1.7. Use of Public Address or Music Systems. No project-related public address or music system shall be audible at any adjacent sensitive receptor.</p> <p>MM NOI-1.8. Noise Complaint Process. the onsite construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.</p>		
<p>MM NOI-2: Trolley Line Noise Study. Prior to approval of final site design, any project located within 300 feet of or with direct line of sight to the existing MTS Trolley Line shall perform a noise study conducted by a qualified noise consultant to determine potential impacts on noise-sensitive land uses.</p>	<p>Timing: Prior to approval of the final site design and issuance of the discretionary permit</p> <p>Methods: Require the applicant to prepare a noise study if within 300 feet or direct line of sight of MTS trolley line. Require recommendations listed in the noise report as project conditions.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
<p>MM NOI-3: Vibration Study. Prior to approval of final site design, any project proponent that would propose driving pilings or performing an action that could cause substantial vibrations shall perform a vibration study conducted by a qualified vibration consultant to determine potential impacts on surrounding vibration-sensitive land uses and identify mitigation measures as appropriate.</p>	<p>Timing: Prior to approval of the final site design and issuance of the discretionary permit</p> <p>Methods: Require the applicant to prepare a vibration study if proposing to drive pilings or perform an action that could cause significant noise. Require recommendations listed in the noise report as project conditions. Require recommendations</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
	listed in the vibration report as project conditions.	Project Proponent Verification: City
<p>MM NOI-4: Traffic Noise Study. For noise sensitive projects within 100 feet of the centerline of Civic Center Drive and Wilson Drive, within 150 feet of the centerline of Plaza Boulevard, within 250 feet of the centerline of National Coty Boulevard, within 350 feet of Mile of Cars Way/24th Street, or within 1,200 feet of Interstate 5, a noise study shall be prepared to determine the estimated noise levels on-site and to identify any feasible project-level mitigation measures to reduce noise impacts to a level less than significant.</p>	<p>Timing: Prior to the issuance of the discretionary permit Methods: Require a noise study if conditions in MM NOI-4 are met.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
CULTURAL RESOURCES		
<p>MM CUL-1: Historic Building/Structure Evaluation. Prior to future project approval and the issuance of any construction permit within the Westside Specific Plan area, including but not limited to a demolition or building permit, if research indicates that the onsite building(s) or structure(s) is 45 years or older, the applicant shall be required to conduct an evaluation of the onsite building(s) or structure(s) to determine if it is eligible for inclusion in the state or local historical registers. The evaluation shall be performed by a historian or architectural historian who meets the Secretary of Interior’s Professional Qualification Standards for Historic Preservation Professionals. The historian/architectural historian shall consult with knowledgeable local groups (e.g. Save Our Heritage Organisation, National City Historical Society, San Diego Historical Society, and others) and individuals, appropriate archives, and appropriate repositories in an effort to identify the original and subsequent owners as well as the architect and the builder to establish whether any of these individuals played important roles in local or</p>	<p>Timing: Prior to the issuance of the discretionary permit and construction permit Methods: Require a historic building evaluation if a building or structure onsite is 45 years or older.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>regional history (criterion B). Additionally the physical characteristics and condition of the building or structure shall be evaluated under criterion (C), and those judged to possess “the distinctive characteristics of a type, period, region, or method of construction” shall be further assessed for integrity and context.</p> <p>The results of the archival research and field assessment shall be documented in an evaluation report. This report will explicitly state whether the resource is eligible for either state or local historical registers and shall also make specific recommendations as appropriate. The historian/architectural historian shall complete the necessary California Department of Parks and Recreation (DPR) site forms (minimally Primary Record and Building/Structure/Object Record; others as required) and include as an attachment to the report. Copies of the DPR site forms shall be submitted to the California Historical Resource Information System via the SCIC, an auxiliary of San Diego State University.</p>		
<p>MM CUL-2: Archaeological Letter Report.</p> <p>Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit, future construction projects within the Westside Specific Plan area shall obtain a qualified archaeologist to conduct a pedestrian survey and records search to determine the potential for the plan area containing significant archaeological resources. A qualified archaeologist shall be a registered professional archaeologist and possess an advanced degree in archaeology, history, or a related discipline. The findings from the pedestrian survey and records search shall be included in a brief archaeological letter report. The report shall conclude if the site has a low, moderate, or high potential to contain prehistoric and historic archaeological resources. Sites characterized with a low potential shall not be required to perform any additional investigative work nor implement any mitigation related to archaeological resources. Sites with a moderate to high potential shall undergo test and evaluation to determine if potentially significant archaeological resources are on site. If a resource is discovered on site and is determined significant based on the evaluation, the site shall be avoided or the qualified archaeologist shall prepare a data recovery plan and require</p>	<p>Timing: Prior to the discretionary permit and construction permit</p> <p>Methods: Require an archaeological pedestrian survey and records search by a qualified archaeologist and a letter survey report summarizing the site sensitivity as low, moderate, or high. If moderate or high further testing will be required.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>archaeological monitoring during excavation activities, as determined necessary. The details of the data recovery plan or mitigation monitoring shall be tailored to the specific circumstances at the site and shall be designed to reduce project-level impacts on archaeological resources to a level less than significant.</p>		
<p>MM CUL-3: Paleontological Letter Report. Prior to future project approvals and the issuance of any construction permits including but not limited to a grading permit, future construction projects within the Westside Specific Plan area proposing a cut depth greater than 10 feet and 1,000 cubic yards shall obtain a qualified paleontologist to review the proposed construction and grading information to determine if the project would have a moderate to high potential of encountering paleontological resources. A qualified paleontologist shall possess an advanced degree in geology, paleontology, or a related discipline, and shall state his/her professional opinion in a brief paleontological letter report. The report shall include a recommendation as to whether paleontological mitigation monitoring shall be required and provide feasible mitigation at the project level to ensure a significant impact on paleontological resources would not result from future development projects proposed under the Westside Specific Plan.</p>	<p>Timing: Prior to the discretionary permit and construction permit Methods: Require an archaeological pedestrian survey and records search by a qualified archaeologist and a letter survey report summarizing the site sensitivity as low, moderate, or high. If moderate or high further testing will be required.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
BIOLOGICAL RESOURCES		
<p>MM BIO-1: Focused Surveys. Prior to the issuance of any grading, building, or other construction permit within the proposed plan area, a habitat assessment shall be conducted for the parcel to determine whether the potential exists for special-status species to occur. If the habitat assessment identifies potentially suitable habitat for special-status species, a focused survey shall be conducted by a qualified biologist to determine whether special-status species occur within the plan area. If no species are observed or detected during focused surveys, additional mitigation shall not be required. However, if special-status species are observed/detected, project-specific mitigation measures shall be formulated and required to mitigate impacts on special-status</p>	<p>Timing: Prior to the issuance of the discretionary permit and the issuance of any grading permit, building permit, or other construction permit Methods: Prepare a habitat assessment to determine potential for special-status species to occur. If potentially present, require a focused survey.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>species to below a level of significance. Coordination/consultation with the USFWS under ESA and the CDFG under CESA shall be required for any proposed impacts on federally listed and/or state listed species, respectively.</p>		<p>Verification: City</p>
<p>MM BIO-2: Preconstruction Nesting Bird Surveys. If construction activities occur between January 15 and August 31, a preconstruction survey (within three days prior to construction activities) shall be conducted by a qualified biologist to determine if active nests are present within or adjacent to the plan area proposed for development in order to avoid the nesting activities of breeding birds/raptors. If nesting activities within 200 feet of the proposed work area are not detected, construction activities may proceed. If nesting activities are confirmed, construction activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the appropriate buffer shall be determined by a qualified biologist, but shall be at least 25 feet.</p>	<p>Timing: If construction activity would occur between January 15 and August 31, then prior to any construction activities Methods: Require a preconstruction survey within 3 days prior to construction activities to determine if active nests are present.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
<p>MM BIO-3: Resource Agency Permits/Approvals. If restoration/revegetation efforts are proposed that would result in impacts on riparian vegetation, permits/approvals would be required from one or more of the following agencies: USACE, CDFG, and RWQCB. Prior to implementation of individual restoration/revegetation projects, permits/approvals shall be obtained from the resource agencies, or documentation shall be obtained from these agencies indicating that permits/approvals are not required.</p>	<p>Timing: Prior to the approval of the construction permits (e.g. building, grading, etc) Methods: If impacts on riparian vegetation would occur, require the applicant to submit an application to USACE, CDFG, and RWQCB to initiate the permitting process.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
<p>MM BIO-4: Habitat Assessment/Biology Report. Prior to the initiation of future development projects within the Plan area, a habitat assessment shall be conducted when warranted in areas undisturbed by prior development to determine whether sensitive natural communities</p>	<p>Timing: Prior to the issuance of the discretionary permit Methods: Require a habitat assessment to identify sensitive natural habitat. If present and the project</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>(including riparian vegetation) are present. If the habitat assessment identifies sensitive natural communities, a biological report shall be prepared to address impacts on sensitive natural communities resulting from the proposed project. The report shall identify mitigation measures to reduce all significant impacts to below a level of significance to the greatest extent feasible. If no sensitive natural communities are observed during the habitat assessment, additional mitigation shall not be required.</p>	<p>would have a potential impact on the habitat, require a biological report with mitigation.</p>	<p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
<p>MM BIO-5: Trail Restrictions. Trails shall be kept out of the jurisdictional wetland areas and in areas of biological sensitivity. Biological sensitivity shall be determined by a qualified biologist in consultation with the wildlife agencies as appropriate. Trails shall be sensitively placed to consider biological and/or cultural resources areas along Paradise Creek and aligned roughly perpendicular to the length of the creek (i.e. spur trails). There interpretive areas and spur trails shall avoid biologically sensitive areas or areas with strong potential for effective habitat restoration and enhancement of species diversity.</p>	<p>Timing: When planning trails in biologically sensitive areas Methods: Apply MM BIO-5 when planning trails in areas of biological sensitivity</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
<p>MM BIO-6: Install Fencing and Signage. Permanent fencing shall be installed at the outside edge of the riparian area. The type, placement, and height of such fencing shall be determined in consultation with the project biologist and the wildlife agencies. The fencing shall be designed to restrict human and domestic animals encroachment in the adjacent habitat (including not permitting picnic areas within sensitive resource areas). The signage shall inform people that sensitive habitat lie beyond the fencing and entering the area is prohibited by law.</p>	<p>Timing: As a component of the Paradise Creek Restoration Plan; implement during the restoration efforts Methods: Install fencing and signage to restrict human and domestic animal encroachment into riparian habitat.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
<p>MM BIO-7: Placement of Post Construction BMPs and Discharge of Water Runoff.</p>	<p>Timing: Prior to approving drainage plans; During and immediately following construction activities</p>	<p>Implementation: Applicant, Developer, or</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>All post construction structural BMPs shall be located outside the wetland and the riparian corridor. Furthermore, all filtration and attenuation of surface flows provided by the proposed BMPs shall occur prior to the discharge of the flows into the riparian areas.</p>	<p>Methods: Confirm all post construction BMPs are located outside the wetland and riparian habitat on the drainage plans; inspect BMPs after installation to confirm function.</p>	<p>Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
<p>MM BIO-8: Lighting Restrictions.</p> <p>No additional lighting shall be provided within the vicinity of both upland and wetland sensitive habitats, and where feasible, any existing lighting within such areas shall be removed. The definition of “vicinity” shall be determined by a qualified biologist and the determination supported with substantial evidence.</p>	<p>Timing: Prior to issuance of the discretionary permit</p> <p>Methods: Require lighting locations and specifications to be provided on the project development plans; confirm lighting is outside the sensitive habitat and has adequate measures to prevent spill lighting into sensitive habitat.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
<p>MM BIO-9: Attenuation of Construction Noise.</p> <p>In addition to implementing MM NOI-1, future construction activities, including construction staging areas, shall employ methods to reduce construction noise and operational noise levels at the edge of sensitive resources that may include temporary noise attenuation barriers and other measures that would reduce noise levels to an acceptable level as determined by the project biologist in consultation with CDFG.</p>	<p>Timing: Prior to issuance of the construction permits</p> <p>Methods: Require noise attenuation measures for projects near sensitive biological resources; require showing measures on construction plans; coordinate with the project biologist and noise specialist to confirm noise levels would be reduced to acceptable levels at the edge of the sensitive habitat.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>MM BIO-10: Attenuation of Operational Noise. Excessive noise generating sources shall be located away from the Paradise Creek riparian areas to maintain existing ambient noise levels. “Excessive” noise sources shall be defined as sources which exhibit noise levels in excess of 65 dBA CNEL (or 65 dBA 1-hour Leq) at or beyond the edge of the environmentally sensitive area. Possible examples of such sources include but are not limited to cargo delivery and pick-up areas, HVAC systems, sirens or other warning systems, and communication systems. If noise levels at the environmentally sensitive area are suspected of being greater than 65 dBA Leq, a noise study shall be prepared to demonstrate how the project design will comply with this mitigation measure.</p>	<p>Timing: Prior to the issuance of the discretionary permit Methods: For projects in close proximity to sensitive biological habitat, require noise sources to be identified on the development plans. Demonstrate on the development plans and in the noise study how operational noise levels would be 65 dBA CNEL or less at the edge of the sensitive habitat</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
<p>MM BIO-11: Landscape Requirements. Proposed landscaping palettes shall consist of native and drought-tolerant plants and vegetation. Exotic and invasive plants, as identified on the California Invasive Plant Council’s (Cal-IPC) Invasive Plant Inventory shall not be used. Landscaping adjacent to the Paradise Creek riparian area shall be drought-tolerant and use minimal fertilizers and pesticides. As required by MM BIO-7, water runoff shall be directed away from the buffer area and contained and/or treated with the development footprint .</p>	<p>Timing: Prior to the issuance of the discretionary permit and construction permits; prior to the issuance of the occupancy permit Methods: Require development plans to list the landscaping palette and confirm the palette is native and drought-tolerant. After installation, confirm planting is native and drought tolerant.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
<p>MM BIO-12: Use of Non-Reflective Glass. Development adjacent facing Paradise Creek shall incorporate the use of non-reflective glass for window design.</p>	<p>Timing: Prior to issuance of the discretionary permit and building permit; after installation. Methods: Require development plans to specify use of non-reflective glass. As part of the building inspection requirement, verify glass installed is non-reflective.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: City Verification: City</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>MM BIO-13: Limit on Building Heights Adjacent to Paradise Creek. Building heights within 175 feet of the outside edge of the jurisdictional riparian habitat shall be limited to a maximum of 50 feet with stepping back of the upper stories to reduce the potential for excessive shading. Measures shall be incorporated into the building design to prevent predator perching. Buildings or components of buildings proposed more than 175 feet from the creek shall not be restricted to this height condition, but would meet the height limits for the zone of 60-feet identified in the Westside Specific Plan.</p>	<p>Timing: Prior to the issuance of the discretionary permit Methods: Require development plans to include an elevation of the proposed building to demonstrate compliance with the 50-foot height limit if within 175 feet of creek.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: City Verification: City</p>
<p>MM BIO-14: Low Impact Development Water Quality and Hydrology Measures. All subsequent development along Paradise Creek shall adhere to low impact development (LID) criteria as defined by current storm water best management practices which emphasize retention of rain on or near the site and consideration of use of pervious surface treatments.</p>	<p>Timing: Prior to issuance of the discretionary permit and building permit Methods: Require development plans along paradise creek to show LID water quality and hydrology measures.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent Verification: City</p>
HAZARDS AND HAZARDOUS MATERIALS		
<p>MM HAZ-1: Phase I Environmental Site Assessment. Prior to future project approvals and when there has been identified prior use of hazardous material on site or in close proximity or other factors are present which indicate contaminated soils exist a Phase I Environmental Site Assessment (ESA) shall be completed for the project site proposed for development or redevelopment within the Westside Specific Plan boundaries. The Phase I ESA shall include a comprehensive records search, consideration of historical information, onsite evidence of hazardous material use, storage, or disposal, and a recommendation as to whether a Phase II soil testing and chemical analysis is required. In addition, the Phase I ESA will review the permit status of nearby businesses</p>	<p>Timing: Prior to the issuance of the discretionary permit and building permit Methods: Require preparation of a Phase I ESA if a project proposal meets the conditions of MM HAZ-1.</p>	<p>Implementation: Applicant, Developer, or Project Proponent Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p>

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
to ensure they are in compliance and would not pose a potentially significant impact on proposed new development.		Verification: City
<p>MM HAZ-2: Phase II Environmental Site Assessment. If mitigation measure MM HAZ-1 requires a Phase II ESA, the Phase II ESA shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> ■ A work plan that includes the number and locations of proposed soil/monitoring wells, sampling intervals, drilling and sampling methods, analytical methods, sampling rationale, site geohydrology, field screening methods, quality control/quality assurance, and reporting methods. Where appropriate, the work plan is approved by a regulatory agency such as the DTSC, RWQCB, or County HMD. ■ A site-specific health and safety plan signed by a Certified Industrial Hygienist. ■ Necessary permits for encroachment, boring completion, and well installation. ■ Sampling program (fieldwork) in accordance with the work plan and health and safety plan. Fieldwork is completed under the supervision of a State of California registered geologist. ■ Hazardous materials testing through a state-certified laboratory. ■ Documentation including a description of filed procedures, boring logs/well construction diagrams, tabulations of analytical results, cross-sections, an evaluation of the levels and extent of contaminants found, and conclusions and recommendations regarding the environmental condition of the site and the need for further assessment. A remedial action plan will be developed as determined necessary by the Principal Investigator. Contaminated groundwater will generally be handled through the NPDES/dewatering process. ■ Disposal process including transport by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the identified type of waste. 	<p>Timing: Prior to the issuance of the discretionary permit and building permit Methods: Based on recommendations of the Phase I ESA from MM HAZ-1, require preparation of Phase II ESA as detailed in MM HAZ-2.</p>	<p>Implementation: Applicant, Developer, or Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>
MM HAZ-3: Compliance with Local, State, and Federal Laws and	<p>Timing: Prior to issuance of the construction permit Methods: Based on the results of the Phase II</p>	Implementation: Applicant, Developer, or

<i>Mitigation Measures</i>	<i>Timing and Methods</i>	<i>Responsible Parties</i>
<p>Regulations (Phase III).</p> <p>In the event hazardous materials are determined to be present, the property owner, developer, or responsible party shall be required to contact the local CUPA or applicable regulatory agency to oversee the remediation of the property in compliance with all applicable local, county, state, and federal laws. The property owner, developer, or responsible party shall be responsible for funding or securing funding for the site remediation and shall provide proof to the City that the site contaminants have been properly removed in compliance with all applicable laws and regulations prior to project development.</p>	<p>conducted pursuant to MM HAZ-2, require the applicant to contact the local CUPA or applicable regulatory agency to initiate remediation.</p>	<p>Project Proponent</p> <p>Monitoring and Reporting: Qualified agent, approved by the City, of the Applicant, Developer, or Project Proponent</p> <p>Verification: City</p>

