



CITY OF NATIONAL CITY FOCUSED GENERAL PLAN UPDATE  
SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT  
(SCH #2010051009)

CANDIDATE CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS

May 2023

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## I. INTRODUCTION

### A. California Environmental Quality Act

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000, et seq.) promulgated thereunder, require that the environmental impacts of a project or program be examined before a project is approved. In addition, CEQA and the State CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. It is the role of staff to independently evaluate the proposed candidate findings and to make a recommendation to the decision-maker regarding their legal adequacy. Specifically, CEQA Section 15091(a) states that no public agency shall approve or carry out a project or program for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project were approved or carried out, unless such public agency makes one or more of the following findings:

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

CEQA also requires that the findings made pursuant to Section 15091 of the CEQA Guidelines be supported by substantial evidence in the record (Section 15091(b) of the CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the CEQA Guidelines).

When making the findings required in CEQA Section 15091 (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects, if any have been identified. These measures, if included, must be fully enforceable through permit conditions, agreements, or other measures.

The following Candidate Findings of Fact (Findings) have been submitted to the City Council of the City of National City (City Council), as the decision-making body, to be approved for the above-referenced project pursuant to CEQA. Having received, reviewed, and considered the Final Supplemental Program Environmental Impact Report for the City of National City Focused General Plan Update (FGPU), State Clearinghouse No. 2010051009 (Final SPEIR),

as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City of National City (City) in its capacity as the CEQA lead agency. These Findings and Statement of Overriding Considerations (SOC) set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the program.

## B. Project Background

The City prepared a SPEIR as defined in Section 15168(a) [Program EIR] and Section 15163 [Supplement to an EIR] of the CEQA Guidelines. In accordance with CEQA, this SPEIR examines the environmental impacts of future buildout of the city as allowed under the FGPU and focuses on the physical changes in the environment that would result from buildout of the FGPU as compared to existing adopted plans.

These Findings are made relative to the specific conclusions of the Final SPEIR prepared for the project.

## C. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- Comments received on the NOP;
- The Draft SPEIR for the FGPU;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SPEIR;
- All responses to written comments submitted by agencies or members of the public during the public review and comment period for the Draft SPEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- All documents, studies, EIRs, or other materials incorporated by reference or cited to in the Draft SPEIR and the Final SPEIR;
- All supplemental documents prepared for the EIR and submitted to the City Council prior to this hearing;
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings;
- City staff report prepared for this hearing related to the FGPU and any exhibits thereto;
- Any other relevant materials required to be in the record of proceedings by CEQA section 21167.6(e).

The Draft SPEIR and related technical studies were made available for review during the public review period on the City's website at:

<https://www.nationalcityca.gov/government/community-development/planning/focused-general-plan-update>

#### D. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the FGPU, as detailed above, are at the offices of the City's Planning Division, located at 1243 National City Boulevard, 1st Floor, National City, CA 91950. The Planning Division is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are available upon request at the offices of the Planning Division. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

## II. PROJECT SUMMARY

### A. Project Location

The proposed Focused General Plan Update (FGPU) is effective citywide and geographically includes the annexation of three parcels within the Lincoln Acres unincorporated community in 2019 into the City boundaries.

Additional details regarding the environmental setting are provided in Chapter 2.0 of the Draft SPEIR.

### B. Project Description

To address changes in State legislation, a changing regional context and forecasted future growth, National City is conducting a FGPU. The FGPU will include updates to policies and supporting updates to codes, ordinances, and development standards. Policy updates will be reflected in the Land Use Element, Transportation Element, Safety Element, and Climate Action Plan (CAP), which were last updated in 2011. The FGPU takes into account separate recent planning documents, including the 24th Street Transit Oriented Development Overlay (TODO) study. Recommendations from this predecessor planning study have been carried forward to all components of the FGPU per City Council direction. In addition, the General Plan will be expanded to include the annexation of approximately 50 acres of the unincorporated community of Lincoln Acres into the City of National City, which was completed in 2020.

#### General Plan - Element Updates

The goals, policies, and actions in the General Plan will guide development and conservation in National City through the horizon year in 2050. These documents will supersede the current City of National City General Plan, which was last updated in 2011, and portions of the current Municipal Code.

The Land Use Element is required by State law (Government Code Section 65302). The Element designates the general distribution, location, and extent of uses of land for housing, businesses, industry, open space, etc. It is implemented through the Land Use Code (Municipal Code Title 18 Zoning), which establishes regulations for the use and development of land. The Land Use Element will be updated to reflect the City's vision for managing the region's growth.

The Transportation Element guides the City's decision making related to transportation for the future. The update will build on the focused studies and plans that were completed since the last 2011 General Plan update, including integrating findings from the Safe, Multi-modal, Accessible Routes To (SMART) Foundation Plan (2014), Downtown Specific Plan (2017), INTRACONnect (2020), Homefront to Waterfront Connectivity Study (2020), Bicycle Master Plan, Parking Plan, and Americans with Disabilities Act (ADA) Master Plan. It will also include new modelling to encompass anticipated growth in the region.

The Safety Element addresses the potential short and long-term risks of fires, floods, earthquakes, landslides, climate change, hazards, emergency services and disaster response, and other locally relevant safety issues. Due to updates in state legislation, including Senate Bill (SB) 379, which requires safety element updates to include climate adaptation and resilience strategies, and SB 1035, which requires that the Safety Element be revised no less than every eight years, the Safety Element must be updated to reflect these new requirements.

#### Climate Action Plan

The CAP addresses the major sources of greenhouse gas (GHG) emissions in National City and sets forth a detailed and long-term strategy that the City and community can implement to achieve GHG emissions reduction targets. It provides an updated 2018 emissions inventory and guides the City in its efforts to reduce its GHG emissions through proposing reduction targets, policies, and measures.

#### House National City

House National City is a new program to incentivize affordable and mixed income housing in strategic areas across the city. In exchange for affordable housing, qualifying projects receive a Floor Area Ratio (FAR) bonus.

The City also proposes to adopt updates to the zoning code, specific plan amendments, and objective design standards as a means to implement the FGPU.

#### Zoning Code Updates

Updates to regulations and development standards in National City's zoning code to accelerate housing production in all income categories in a manner consistent with the goals of National City's Housing Element and recent State legislation. This includes updates and revisions to floor-area ratios, maximum allowable heights, and parking requirements, as well as, updated density bonus regulations, and other incentives to increase housing production.

## Objective Design Standards

Objective design standards developed to provide architectural and design requirements aimed at streamlining the approval process for qualifying multi-unit residential developments based on zoning, general plan land use designations, and percentages of residential use designated square footages. These standards will serve as the minimum requirements and will be mandatory for any eligible project for which a streamlined approval process is requested under state law provisions that reference objective design standards. The objective design standards will be incorporated into the municipal code.

## Housing Strategic Plan

Four-year Housing Strategic Plan to guide the investment of the National City Housing Authority's resources and assist the City in meeting its Regional Housing Needs Allocation (RHNA). The Strategic Plan provides recommendations to direct the agency's financial and real estate assets towards housing production. The plan identifies resources to fund the construction for 650 to 750 new units and establishes property-specific guidelines to inform future requests for proposals (RFPs) for development. The Strategic Plan creates an implementation roadmap and quantifiable metrics for the National City Housing Authority to accelerate housing production within the first four years of the 6th Housing Element Cycle.

## Specific Plan Amendments

Amending the Downtown Specific Plan and Westside Specific Plan policies, including development zones (allowed uses, densities, FARs, heights, and other development standards), design guidelines, and parking requirements to encourage housing production. The policies aim to streamline housing production for all income categories and align with updates to the Zoning Code and General Plan. Amendments to these Specific Plans center on specific conformance with recently adopted plans and those being concurrently revised through the updates to the General Plan, and do not serve to create new plans.

## Bicycle Master Plan Update

Updates to the Bicycle Master Plan to incorporate new changes to the General Plan and other recently completed planning documents, such as the Harbor Drive Corridor Study, the INTRACONnect plan, and the 24th Street TODO study. This update revises the Citywide bicycle network to guide the City in planning for a more connected, safe, and accessible network. Design guidelines will be updated to align with current best practices and City plans. The plan will identify priority projects for implementation and will update recommendations for programs for education, bicycling encouragement, enforcement, and evaluation. Estimated network costs and resources to fund construction will be identified.

Additional details regarding the project description are provided in Chapter 3.2 of the Final SPEIR.



### C. Statement of Objectives

As described in Section 3.6 of the Draft SPEIR, the following primary objectives are identified for the FGPU:

- Update the City's General Plan to integrate new State legislation and other regional and local regulatory changes into the City's policies and programs.
- Encourage smart growth that is consistent with statewide and regional transportation and planning goals.
- Create a framework for a mix of land uses, including residential, commercial, employment, service, agricultural, open space, and recreational uses that accommodate the needs of persons from all income groups and age levels.
- Encourage the development of complete neighborhoods that meet the community's needs for sustainable and high-quality living environments.
- Develop effective plans, codes, resolutions, ordinances, and zoning to implement the General Plan.
- Establish a universally accessible, safe, comprehensive, and integrated pedestrian and bicycle system.
- Develop a comprehensive circulation system that is safe and efficient for all modes of travel that is coordinated with the regional system.
- Provide and manage parking in a way that balances economic development, livable neighborhoods, environmental health, and public safety with a compact, multimodal environment.
- Develop a safe and efficient system for the movement of goods that supports commerce while enhancing the livability of the community.
- Reduce GHG emissions resulting from local government and community-wide activities within the City.

The City has considered the statement of objectives sought by the FGPU and hereby adopts these objectives as part of the FGPU.

## III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

### A. Notice of Preparation

In accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of a Draft SPEIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties. The NOP was circulated for public comment from March 19, 2022, to April 18, 2022. Comment letters received during the NOP review period are included in the Draft SPEIR in Appendix 13.A.

### B. Public Review of Draft EIR

The Draft EIR for the FGPU was prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on February 17, 2023 and concluded on April 3, 2023. A Notice of Completion of the Draft SPEIR was sent to

the State Clearinghouse and the Draft SPEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research.

A Notice of Availability of the Draft SPEIR for review was mailed to organizations and parties expressing interest in the FGPU. Comments submitted to the City during the public review of the Draft SPEIR have received formal responses as required by CEQA. Those responses to comments have been incorporated into the Final SPEIR (Appendix A).

### C. Decision Making Process

The FGPU will be formally heard before the City Council on June 6, 2023, when an ultimate disposition (approval/denial of the FGPU and certification of the Final SPEIR) will be determined.

## IV. GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “lead agency” for the FGPU.
- The Draft SPEIR and Final SPEIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
- The City has independently reviewed and analyzed the Draft SPEIR and Final SPEIR, and these documents reflect the independent judgment of the City.
- An MMRP has been prepared for the FGPU, which the City has adopted or made a condition of approval of the FGPU. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the FGPU.
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
- In determining whether the FGPU has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
- The impacts of the FGPU have been analyzed to the extent feasible at the time of certification of the Final SPEIR.
- The City reviewed the comments received on the Draft SPEIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts associated with the FGPU. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final SPEIR.

The responses to comments on the Draft SPEIR, which are contained in the Final SPEIR, clarify and amplify the analysis in the Draft SPEIR.

- The City has made no decisions that constitute an irretrievable commitment of resources toward the FGPU prior to certification of the Final SPEIR, nor has the City previously committed to a definite course of action with respect to the FGPU.
- Digital copies of all the documents incorporated by reference in the Draft SPEIR and/or Final SPEIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.

Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the FGPU and finds as stated in these Findings.

## V. FINDINGS REQUIRED UNDER CEQA

CEQA Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects[...].” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects or programs and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects or programs for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project or program, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR” (CEQA Guidelines Section 15091(a)(1)). The second permissible finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (CEQA Guidelines Section 15091 (a)(2)). The third potential conclusion is that “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” (CEQA Guidelines Section 15091(a)(3)). CEQA Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations (see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565).

The concept of “feasibility” also questions of a particular alternative or mitigation measure promotes the underlying goals and core objectives of a project (see *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 18; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (Ibid).

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. CEQA Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (CEQA Section 21002).

For purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-527, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these Findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level or has simply been substantially lessened but remains significant. Moreover, although CEQA Guidelines Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these Findings will nevertheless fully account for all such effects identified in the Final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the exclusive jurisdiction and responsibility for modifying the project lies with some other agency (CEQA Guidelines, § 15091, subd. (a), (b), and (c)).

#### A. Legal Effects of Findings

To the extent that these Findings conclude that various design features incorporated into the program and mitigation measures outlined in the Final SPEIR are feasible and have not been

modified, superseded, or withdrawn, the City hereby binds itself to implement these design features and mitigation measures. These Findings, therefore, constitute a binding set of obligations that will come into effect when the City formally approves the FGPU.

## VI. MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code Section 21081.6 (a)(1), the City, in adopting these Findings, also concurrently adopts an MMRP. The program is designed to ensure that during project implementation, all responsible parties comply with the feasible mitigation measures identified below. The MMRP is described in the document entitled "Mitigation Monitoring and Reporting Program," included as Section 3.5 of the Final SPEIR. The City will use the MMRP to track compliance with required mitigation measures. The MMRP will be available for the public to review by request during the mitigation compliance period, which is an ongoing following program approval and through buildout of future projects implemented under the conditions of the program.

The MMRP will serve the dual purpose of verifying completion of the mitigation measures for the program and generating information on the effectiveness of the mitigation measures to guide future decisions.

## VII. SUMMARY OF IMPACTS

The Final SPEIR contains an environmental analysis of the potential impacts associated with project implementation. The Final SPEIR concludes that the FGPU would have less than significant impacts and require no mitigation measures associated with the following issue areas:

- Aesthetics (Issue 3-Visual Character and Visual Quality)
- Air Quality (Issue 4 - Odors)
- Cultural and Tribal Resources (Issue 3 – Human Remains; Issue 4 – Tribal Cultural Resources)
- Hazards (Issue 1 – Transport, Use, and Disposal; Issue 3 – Within 1/3 Mile of an Existing or Proposed Skill, Issue 5 – Airport Land Use Compatibility Plan Safety Hazard or Excessive Noise)
- Land Use (Issue 2 – Conflict with Land Use Plan, Policy, Regulations)

The Final SPEIR concludes that implementation of the project would result in significant direct impacts that would be mitigated to less than significant levels with respect to the following issue areas:

- Cultural and Tribal Resources (Issue 1-Historic Resources, 2-Archeological Resources) (Direct and Cumulative)
- Geology and Soils (Issue 6-Paleontological Resources) (Direct and Cumulative)

- Hazards (Issue 4 -Hazardous Materials Sites) (Direct and Cumulative)
- Noise (Issue 1-Ambient Noise and Issue 2-Ground Borne Vibration) (Direct and Cumulative)

The Final EIR concludes that implementation of the FGPU would result in significant and unavoidable impacts with respect to the following issue areas.

- Air Quality (Issue 1-Air Quality Plan Implementation, Issue 2-Air Quality Standards Issue 3-Sensitive Receptors) (Cumulative)

#### VIII. FINDINGS RELATED TO LESS THAN SIGNIFICANT IMPACTS

The City finds the characterization of impacts in the Final SPEIR with respect to issue areas identified as less than significant have been described accurately and would result in less than significant impacts as so described in the Final SPEIR. This finding applies to the impacts evaluated in the Final SPEIR and determined to be less than significant, as stated under VII, Summary of Impacts, and listed below:

- Aesthetics (Issue 3-Visual Character and Visual Quality)
- Air Quality (Issue 4 - Odors)
- Cultural and Tribal Resources (Issue 3 – Human Remains; Issue 4 – Tribal Cultural Resources)
- Hazards (Issue 1 – Transport, Use, and Disposal; Issue 3 – Within 1/3 Mile of an Existing or Proposed Skill, Issue 5 – Airport Land Use Compatibility Plan Safety Hazard or Excessive Noise)
- Land Use (Issue 2 – Conflict with Land Use Plan, Policy, Regulations)

## IX. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

### A. Impacts Mitigated to Less than Significant Levels: Findings Pursuant to CEQA Guidelines Section 15091(a)(1)

#### 1. Cultural and Tribal Cultural Resources

##### *Significance Determinations Threshold 1: Historic Resources*

Pursuant to Issue 1, a significant impact would occur if the project would cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

##### Impact CUL-1 Historic Resources

The Planning Area has the potential to contain significant historical structures and/or sites. The adoption of the FGPU would not directly result in physical construction that would impact historic resources. Future buildout under the FGPU and its associated construction activities have the potential to result in direct or indirect impacts to subsurface resources during grading and/or construction activities. Direct impacts to historical resources (historic structures) could result from the physical demolition, destruction, relocation, or alteration of these structures within the Planning Area. Additionally, as implementation of the FGPU would occur over the next 30 years, future development has the potential to impact buildings or structures that may be 50 years of age or older at the time site-specific projects are proposed and, therefore, those sites may need to be evaluated for historical significance at that time.

##### Mitigation

Impacts to historical resources would be mitigated through implementation of MM-CUL-1.

##### MM-CUL-1 Historic Properties Application Review

Applications for future development shall be reviewed by the building official or designee for non-discretionary building or demolition permits to determine if they involve any structure identified on the list of historic properties, per National City Title 18 Zoning Chapter 18.12.160 Historic Properties, (c) Review of Ministerial Permits, or if a structure is known to be 45 years or older. If a property proposed for demolition or significant alteration or conversion is determined to be on the historic properties list, the application must be reviewed in accordance with Municipal Code Title 15 Buildings and Construction Chapter 15.34 Historical Buildings, which addresses regulations governing the enlargement, alteration, repair, moving, removal, demolition, converging, occupancy, use, and maintenance of all historical buildings and/or structure.

All discretionary permits involving a historic resource, or a structure known to be 45 years or older shall be reviewed in compliance with the California Environmental Quality Act (CEQA). For any building/structure having its original structural integrity intact and potentially eligible for the National Register of Historic Places or the California Register of Historic Resources, a qualified professional architectural historian may be required to determine whether the affected building/structure is historically significant. The evaluation

of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in CEQA Guidelines section 15064.5. A historical resource report shall be submitted by the project applicant to the City of National City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, evaluate the significance of any historical resources, and identify mitigation measures to protect the resource from loss of a characteristic designating it as historic.

### Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final SPEIR to a level less than significant. Specifically, mitigation measure MM-CUL-1 is feasible and shall be required to be implemented.

### Rationale

Implementation of MM-CUL-1 would reduce significant direct and cumulative impacts to historical resources to a less than significant impact. This mitigation measure would require that applications for future development to be reviewed by the building official or designee for non-discretionary building or demolition permits to determine if they involve any structure identified on the list of historic properties, per National City Title 18 Zoning Chapter 18.12.160 Historic Properties, (c) Review of Ministerial Permits, or if a structure is known to be 45 years or older. All discretionary permits involving a historic resource, or a structure known to be 45 years or older shall be reviewed in compliance with the California Environmental Quality Act (CEQA).

Implementation of the mitigation measure would require the identification of historic structures during project application review for both ministerial and discretionary projects, and applicable construction regulations or mitigation would be required to protect the resource. Therefore, impacts would be reduced to a level less than significant.

### *Significance Determinations Threshold 2: Archaeological Resources*

Pursuant to Issue 2, a significant impact would occur if the project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

### Impact CUL-2: Archaeological Resources

Pursuant to Issue 2, a significant impact would occur if the FGPU would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. The adoption of the FGPU would not directly result in physical construction that would impact archaeological resources. However, future development consistent with the FGPU may result in direct or indirect impacts to both known and unknown archaeological resources. While a majority of the Planning Area is largely built out, with limited vacant and undeveloped land, construction activities such as grading and excavation could result in the accidental destruction or disturbance of previously unidentified archaeological sites.



## Mitigation

Impacts to archaeological resources would be mitigated through implementation of MM-CUL-2, MM-CUL-3, and MM-CUL-4.

### MM-CUL-2 Ground Disturbance Monitoring

Applications for future development located on a vacant/undeveloped site or on a site with proposed excavation into native soils, wherein the Planning Department has determined a potential for impacts to subsurface archaeological resources, shall be required to comply with the following mitigation framework:

An archaeological and/or Native American monitor shall be present during construction activities that involve subsurface grading and/or excavation involving the disturbance of native soils more than 3 feet in depth. The monitor(s) would ensure that important subsurface archaeological sites, which could underlie a redevelopment area, are not damaged or destroyed.

### MM-CUL-3 Archaeological Survey and Report

Applications for future development located on a vacant/undeveloped project site, wherein the Planning Department has determined a potential for impacts to archaeological resources, shall be required to comply with the following mitigation framework:

As applicable by recommendation by the Planning Department, an archaeological field survey of the project site and a report summarizing the findings of the survey shall be completed by a qualified archaeologist. An archaeological resource report detailing the results of the record search and the field survey of the project area shall be submitted by the project applicant to the City of National City.

The archaeological resources report would be required prior to issuance of a permit to ensure that any resources are identified and mitigated prior to grading and construction.

### MM-CUL-4 Unanticipated Discovery of Archaeological Resources

In the event of an unanticipated discovery during construction, construction should stop on the site until a qualified archaeologist can survey the resource and determine potential impacts and preservation measures. Any archaeological resources that are found on an undeveloped project site would be identified, adequately documented in the field, and/or preserved, as recommended by a qualified archaeologist.

## Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final SPEIR to a level less than significant. Specifically, mitigation measure MM-CUL-2, MM-CUL-3, and MM-CUL-4 is feasible and shall be required to be implemented.

## Rationale

Implementation of MM-CUL-2, MM-CUL-3, and MM-CUL-4 would reduce significant direct and cumulative impacts to archaeological resources to a level less than significant. This

mitigation measure would require ground disturbance monitoring for future development located on a vacant/undeveloped site or on a site with proposed excavation into native soils. In addition, developments falling under these conditions would be required to complete an archaeological field survey of the project site and submit a report summarizing the findings of the survey by a qualified archaeologist. In the event of inadvertent discovery, construction on the site should stop until a qualified archaeologist can survey the resource and determine potential impacts and preservation measures. Implementation of the mitigation measure would ensure that should archaeological resources or tribal cultural resources be discovered, steps are taken to preserve, document, and record such resources. Because implementation of the mitigation measure would preserve archaeological resources and tribal cultural resources that may be unearthed during construction, impacts would be reduced to a level less than significant.

## 2. Paleontological Resources

### *Significance Determinations Threshold 1: Paleontological Resources*

Pursuant to Issue 1, a significant impact would occur if the FGPU would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

#### Impact PAL-1 Paleontological Resources

As described in Section 4.4.4 of the Draft SPEIR, excavation and grading within portions of the Planning Area are assigned a high paleontological resource sensitivity could destroy undiscovered paleontological resources. Impacts to unknown resources would be significant. Projected buildout and the associated construction activities, which are likely to occur under the FGPU could result in direct or indirect impacts to paleontological resources depending on the depth and quantity of ground disturbance proposed. Construction activities such as grading and excavation within paleontologically sensitive areas may result in the accidental destruction or disturbance of paleontological resources.

#### Mitigation

Impacts to paleontological resources would be mitigated through implementation of MM-PALEO-1.

#### MM-PALEO-1: Paleontological Monitoring and Excavation Plan

All proposed site-specific projects under the Focused General Plan Update (FGPU) shall be reviewed by the Planning Department for the potential to result in impacts to paleontological resources. A project may result in impacts to paleontological resources if it:

- (a) Is situated above any area of moderate to high paleontological sensitivity (as defined in the 2022 FGPU Draft Supplemental Program Environmental Impact Report Chapter 4.4 Paleontology);
- (b) Would result in greater than 1,000 cubic yards of excavation at 10 feet or greater of depth in an area of high sensitivity; or
- (c) Would result in greater than 2,000 cubic yards of excavation at 10 feet or greater depth in an area of moderate sensitivity.

Projects meeting the above criteria shall be subject to implementation of the following mitigation framework:

- (a) A qualified paleontological monitor shall be present during ground disturbance. The monitor shall have the authority to stop and/or divert grading, trenching, or excavating within an appropriate radius of the find if a paleontological resource is encountered.
- (b) An excavation plan shall be implemented to mitigate the discovery. Excavation shall include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording of stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.

#### Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final SPEIR to a level less than significant. Specifically, mitigation measure MM-PALEO-1 is feasible and shall be required to be implemented.

#### Rationale

Implementation of MM-PALEO-1 would reduce significant direct and cumulative impacts to paleontological resources to a level less than significant. This mitigation measure would require implementation of specific monitoring actions prior to start of construction, during construction, and upon completion of construction. Implementation of the mitigation measure would ensure that should paleontological resources be discovered, steps are taken to preserve, document, and record such resources. Because implementation of the mitigation measure would preserve paleontological resources that may be unearthed during construction, impacts would be reduced to a level less than significant.

### 3. Hazards and Hazardous Materials

#### *Significance Determinations Threshold 4: Cortese List/Hazardous Sites*

Pursuant to Issue 4, a significant impact would occur if the project would be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code § 65962.5 and, as a result, would create a significant hazard to the public or the environment.

#### Impact HAZ-4 Cortese List

The Planning Area is largely urbanized, and infill development allowed under the FGPU has the potential to be developed on sites with existing soil or groundwater contamination. Any infill development proposed on a site listed on a hazardous waste database would be required to prepare all required hazardous waste and material assessments and plans (including the Hazardous Materials Questionnaire and Hazardous Materials Business Plan) to determine necessary avoidance, minimization, and/or mitigation measures prior to ground disturbance, thus reducing the potential in exposing the public to hazards during construction.

Future development under the FGPU would require compliance with General Plan Safety Element Policies S-8.1 through S-8.3, which would require cleanup and remediation of these contaminated sites as a condition of reuse of the site.

Redevelopment of contaminated sites, or adjacent sites, with existing soil or groundwater contamination could pose a significant hazard to the public or the environment through releases of hazardous materials into the environment. Although the risk of significant hazard to the public or the environment from redevelopment of sites with existing soil or groundwater contamination can be reduced by conformance with existing policies and regulations, it cannot be completely eliminated and therefore would have a *significant impact* (Impact HAZ-1).

#### Mitigation

Impacts from development being located on a listed hazardous material site would be mitigated through implementation of MM-HAZ-1.

#### MM-HAZ-1 Environmental Site Assessment

Applications for site-specific developments under the Focused General Plan Update (FGPU) where the Planning Department has determined a potential impact to a site listed in a hazardous materials database, or to sites with potential but unknown hazardous material impacts, shall be required to comply with the following mitigation framework:

Projects shall be required to identify potential conditions that require further regulatory oversight and demonstrate compliance based on the following measures prior to issuance of any permits.

- a) A Phase I Environmental Site Assessment (ESA) shall be completed in accordance with ASTM International Standards. If hazardous materials are identified that require remediation, a Phase II ESA and remediation effort shall be conducted in conformance with federal, state, and local regulations.
- b) If the Phase II ESA identifies the need for remediation, then the following shall occur prior to the issuance of grading permits:
  - 1) The applicant shall retain a qualified environmental engineer to develop a soil and/or groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City of National City prior to development of the site.
  - 2) The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels has been avoided or remediated to meet cleanup requirements established by appropriate local regulatory agencies (Regional Water Quality Control Board [RWQCB]/California Department of Toxic Substances Control [DTSC]/Department of Environmental Health [DEH]) based on the future planned land use of the specific area within the boundaries of the site

(i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.

- 3) The applicant shall obtain written authorization from the appropriate regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the event that previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.

All cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to the National City Municipal Code.

#### Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final SPEIR to a level less than significant. Specifically, mitigation measure MM-HAZ-1 is feasible and shall be required to be implemented.

#### Rationale

Implementation of MM-HAZ-1 would require development projects located on a site listed in a hazardous materials database, or a site with potential but unknown hazardous material impacts, to identify potential conditions that require further regulatory oversight and demonstrate compliance. As required, all cleanup activities would be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits would be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to the National City Municipal Code. Therefore, implementation of the mitigation measure would ensure that should hazardous materials be present on a site proposed for redevelopment, adequate remediation would be completed prior to approval of permits. Because implementation of the mitigation measure would reduce potential significant hazards to the public or the environment, impacts would be reduced to a level less than significant.

#### 4. Noise and Vibration

##### *Significance Determinations Threshold 1: Ambient Noise*

Pursuant to Issue 1, a significant impact would occur if a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, is generated.

## Impact NOI-1 and NOI-2 Ambient Noise

There is a high likelihood for construction activities to take place adjacent to existing noise-sensitive receivers such as residential dwelling uses. Noise level changes would be greatest nearest the Focus Areas, where the greatest concentration of project-related traffic would occur and would diminish at greater distances from the Focus Areas of development.

Future development in and around the Focus Areas potentially would be exposed to changes in ambient noise from a variety of sources including vehicular traffic, stationary sources such as certain commercial uses and construction noise.

### Mitigation

Impacts to ambient noise from the project would be mitigated through implementation of MM-NOI-1 and MM-NOI-2.

#### MM-NOI-1 Temporary Noise Sources (Construction)

Prior to the issuance of a permit to construct land uses associated with noise-sensitive receptors consistent with the Focused General Plan Update within 112 feet of a noise-sensitive receptors, including, but not limited to, residential dwelling units, transient lodging, hospitals, nursing homes, facilities for long-term medical care, educational facilities, libraries, or churches, a Construction Noise Control Plan shall be submitted to the City of National City's Community Development Department for review and approval. The plan shall demonstrate that all construction activity will not expose noise-sensitive land uses such as residences to noise levels that exceed 75 dBA  $L_{eq}$ . The construction noise control plan can include, but is not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating stationary equipment and construction staging areas away from sensitive uses, where feasible.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel-powered equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- Project developers shall require by contract specifications that heavily loaded trucks used during construction be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.
- Prior to commencement of construction activities, at least one sign shall be installed near the project site entrance stating the allowable construction hours and workdays, as well as the phone number of the job superintendent. The sign shall be clearly conspicuous and legible from the public right-of-way and shall remain in place throughout construction. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

## MM-NOI-2 Permanent Stationary Noise Sources

Prior to the issuance of a permit to construct developments consistent with the Focused General Plan Update that would include outdoor mechanical equipment, the Planning Department shall require appropriate noise attenuation measures for heating, ventilation, and air conditioning (HVAC) equipment, including, but not limited to, (1) set back at least 30 feet from the nearest property line, (2) surrounded by walls or parapet walls that obstruct the line-of-sight to adjacent land uses, or (3) placed within a mechanical equipment room. Where it may be demonstrated that other measures would reduce HVAC noise to levels below the limits specified in the Municipal Code, such measures may be substituted.

## Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final SPEIR to a level less than significant. Specifically, mitigation measure MM-NOI-1 and MM-NOI-2 is feasible and shall be required to be implemented.

## Rationale

Implementation of MM-NOI-1 and MM-NOI-2 would require development projects located within 112-feet of a noise sensitive receptor to develop and submit a Construction Noise Control to the City of National City's Community Development Department for review and approval. The plan shall demonstrate that all construction activity will not expose noise-sensitive land uses such as residences to noise levels that exceed 75 dBA  $L_{eq}$ . In addition, any permanent noise source installations would be required to show attenuation as conditions of approval. Therefore, implementation of the mitigation measures would ensure impacts to ambient noise are minimized, and impacts would be reduced to a level less than significant.

## *Significance Determinations Threshold 2: Vibration*

Pursuant to Issue 2, a significant impact would occur if excessive groundborne vibration or groundborne noise levels are generated by the project.

## Impact NOI-3 Vibration

Future development consistent with the Specific Plan may require pile driving or blasting that would expose people to excessive groundborne vibration or noise levels. As project-level details are not available at this time, potential vibration impacts cannot be determined. Future development consistent with the FGPU may require pile driving that would expose people to excessive groundborne vibration or noise levels (Impact NOI-3).

## Mitigation

Impacts from vibration would be mitigated through implementation of MM-NOI-3.

## NOI-3 Vibration

Prior to the issuance of a permit to construct projects that are in the Planning Area that would include pile driving, the Planning Department shall require that a Noise and Vibration Impact Analysis be prepared. The Noise and Vibration Impact Analysis shall be prepared by a qualified professional. Wherein a potential impact-related groundborne noise or vibration is identified, the Planning Department shall require that the reduction measures be incorporated into project design.

## Finding

Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project that will substantially lessen or avoid the significant effect as identified in the Final SPEIR to a level less than significant. Specifically, mitigation measure MM-NOI-3 is feasible and shall be required to be implemented.

## Rationale

Implementation of MM-NOI-3 would require projects that would include pile driving to complete a Noise and Vibration Impact Analysis and to incorporate vibration reduction measures into the project design. With implementation of MM-NOI-3, vibration impacts would be reduced on a project specific basis to a level less than significant.

### B. Impacts that can only be Mitigated to Less than Significant Levels by Another Jurisdiction: Findings Pursuant to CEQA Guidelines Section 15091(a)(2)

No impacts that could only be mitigated to less than significant through the actions of another jurisdiction or public agency were identified in the Final SPEIR.

### C. Impacts that would Remain Significant and Unavoidable Findings Pursuant to CEQA Guidelines Section 15091(a)(3)

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the National City City Council, pursuant to Section 15093 of the CEQA Guidelines, if the project is approved. Based on the analysis contained in the Final EIR, the following impacts have been determined to be significant and unavoidable:

#### 1. Air Quality

##### *Significance Determinations Threshold 1: Consistency with Air Quality Plans*

Pursuant to Issue 1, a significant impact would occur if conflict with or obstruction of the implementation of an applicable air quality plan would occur.



## Impact AQ-1 Consistency with Air Quality Plans

The FGPU would result in greater density, and overall future operational emissions associated with buildout of the FGPU would be greater than future emissions associated with buildout of the adopted General Plan land uses. Therefore, emissions of ozone precursors (reactive organic gases and nitrogen oxides) would be greater than what is accounted for in the San Diego County Regional Air Quality Strategy (RAQS). Thus, the FGPU would conflict with implementation of the RAQS.

## Mitigation

Impacts from conflict with air quality plans would be mitigated through implementation of MM-AQ-1 but would be a significant impact until implementation of the mitigation measure is completed.

## MM-AQ-1 Conflicts with Air Quality Plans

Within six months of the certification of the Final Supplemental Program Environmental Impact Report, the City of National City shall provide a revised land use map and housing and employment forecast for the Planning Area to the San Diego Association of Governments (SANDAG) to ensure that any revisions to the population and employment projections used by the San Diego Air Pollution Control District in updating the Regional Air Quality Strategy and State Implementation Plan will accurately reflect anticipated growth due to the proposed project.

## Finding

Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations are required in, or incorporated into, the project, which will mitigate, in part, this significant air quality impact attributable to the project, as identified in the Final SPEIR. Specifically, mitigation measure MM-AQ-1 is feasible and shall be required to be implemented. However, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, the direct and cumulative impacts of impact AQ-1 would remain significant and unavoidable. Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, there are specific overriding economic, legal, social, technological, and other benefits of the project that outweigh the significant and unavoidable impacts.

## Rationale

The FGPU would not be consistent with the RAQS and SIP and would result in a significant and unavoidable impact (Impact AQ-1) in the near-term. MM-AQ-1 requires that the City provide a revised land use map and housing and employment forecast to SANDAG to ensure that any revisions to the population and employment projects are considered in the update of the RAQS and the SIP. The provision of housing information would assist SANDAG in revising the population forecasts; however, until the anticipated growth is included in the emission estimates of the RAQS and the SIP, the direct and cumulative impacts would remain significant and unavoidable. It should be noted that the SDAPCD may revise an emission reduction strategy if the district demonstrates to CARB, and CARB finds, that the

modified strategy is at least as effective in improving air quality as the strategy being replaced.

### *Significance Determinations Threshold 2: Air Quality Standards*

Pursuant to Issue 2, a significant impact would occur if the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

#### Impact AQ-2 Air Quality Standards

The exact number and timing of individual development projects that would occur as a result of implementation of the FGPU are unknown at this time, and therefore project-level emission estimates cannot conclusively be determined at the program level. Because of the potential for multiple individual projects occurring simultaneously, construction emissions could exceed San Diego Air Pollution Control District screening thresholds. Subsequent development projects would need to analyze specific construction-related criteria air pollutant impacts to ensure that emissions remain below SDAPCD thresholds.

Operational source emissions would originate from traffic generated by buildout of the FGPU or as a result of future development consistent with buildout of the FGPU. At the program level, the analysis considers emissions from buildout of the FGPU in relation to the adopted General Plan to determine if the emissions would exceed the emissions estimates included in the RAQS. If such an exceedance occurs, then the FGPU would obstruct attainment or result in an exceedance of the NAAQS and CAAQS and could cause the temporary or permanent exposure of persons to unhealthy concentrations of pollutants. Therefore, the analysis evaluates the potential for future development within the FGPU area to result in, or contribute to, a violation of any air quality standard, based on a comparison of the total change in pollutant emissions projected to result from buildout of the adopted General Plan in the year 2050 to buildout of the FGPU in the year 2050, and determines whether the total change in emissions is significant.

The City's process for evaluating discretionary projects includes environmental review and documentation pursuant to CEQA, as well as an analysis of those projects for consistency with the goals, policies, and recommendations of the General Plan. However, it is possible that for certain projects, adherence to the regulations may not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. Ministerial projects would not be subject to further CEQA review. Because operational emissions associated with buildout of the FGPU would be greater for all pollutants when compared to adopted land uses and the assumptions used to develop the RAQS, and because there could be certain projects that would not be able to reduce emissions below the thresholds, this impact would be potentially *significant* (Impact AQ-3).

#### Mitigation

Impacts from conflict with air quality standards would be reduced through implementation of MM-AQ-2A, M-AQ-2B and MM-AQ-3.

## MM-AQ-2A Air Quality Standards - Project-specific Construction Air Quality Impact Analysis

Proposed development projects that are subject to the California Environmental Quality Act (CEQA) and larger than the hypothetical 1.87-acre mixed-use scenario described herein shall have construction-related air quality impacts analyzed using the latest available CalEEMod model, or other analytical method determined in conjunction with the City of National City. The results of the construction-related air quality impacts analysis shall be included in the development project's CEQA documentation. If such analyses identify potentially significant regional or local air quality impacts based on the City's emissions thresholds, the City shall require the incorporation of appropriate mitigation to reduce such impacts. Examples of potential mitigation measures are provided in MM-AQ-2B, below.

## MM-AQ-2B Air Quality Standards - Construction Emissions Reduction Measures

For individual construction projects greater than 5 acres that exceed the daily emissions thresholds established by the City of National City, best available control measures/technology shall be incorporated to reduce construction emissions to the extent feasible. Best available control measures/technology shall include, but not be limited to, the following:

- a) Minimizing simultaneous operation of multiple pieces of construction equipment;
- b) Use of more efficient, or low pollutant emitting equipment, e.g., Tier III or Tier IV rated equipment;
- c) Use of alternative fueled construction equipment;
- d) Dust control measures for construction sites to minimize fugitive dust such as:
  - i. Contractor(s) shall implement paving, chip sealing, or chemical stabilization of internal roadways after completion of grading.
  - ii. Dirt storage piles shall be stabilized by chemical binders, tarps, fencing, or other erosion control.
  - iii. A 15-mile per hour (mph) speed limit shall be enforced on unpaved surfaces.
  - iv. On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
  - v. Haul trucks hauling dirt, sand, soil, or other loose materials shall be covered, or 2 feet of freeboard shall be maintained.
  - vi. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County of San Diego and/or San Diego Air Pollution Control District to reduce dust generation.
  - vii. Grading shall be terminated if winds exceed 25 mph.
  - viii. Any blasting areas shall be wetted down prior to initiating the blast.
- e) Minimizing idling time by construction vehicles.

## MM-AQ-3 Air Quality Standards - Project-specific Operational Air Quality Impact Analysis

Proposed development projects that are subject to the California Environmental Quality Act (CEQA) (non-ministerial) shall have long-term operational-related air quality impacts analyzed using the latest available CalEEMod model, or other analytical method determined in conjunction with the City of National City. The results of the operational-related air quality impacts analysis shall be included in the development project's CEQA documentation. If such analyses identify potentially significant regional or local air quality impacts based on the City's thresholds, the City shall require the incorporation of appropriate mitigation to reduce such impacts. Examples of potential measures shall include, but not be limited to, the following:

- Install electric vehicle charging stations;
- Improve walkability design and pedestrian network;
- Increase transit accessibility and frequency by incorporating Bus Rapid Transit routes;
- Included in the San Diego Association of Governments Regional Plan; and/or
- Limit parking supply and unbundle parking costs. Lower parking supply below Institute of Traffic Engineers rates and separate parking costs from property costs.

#### Finding

Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(3), changes or alterations are required in, or incorporated into, the project, which will mitigate, in part, this significant air quality impact attributable to the project, as identified in the Final SPEIR. 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 SPEIR. Specifically, the ability of future development to successfully implement the actions required to fully satisfy MM-AQ-2 and MM-AQ-3 cannot be guaranteed at this time, and impacts would remain significant and unavoidable. Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, there are specific overriding economic, legal, social, technological, and other benefits of the project that outweigh the significant and unavoidable impacts.

#### Rationale

As the implementation of these mitigation measures cannot be guaranteed at this time, the mitigation measures identified are considered infeasible. In addition, even if the mitigation measures were fully satisfied by a future development, it is possible that the development would still result in a significant impact related to violating air quality standards (Impact AQ-2). Thus, air pollutant impacts from construction and operation under the FGPU are considered *significant and unavoidable* at the program level.

#### *Significance Determinations Threshold 3: Sensitive Receptors*

##### Impact AQ-3 Sensitive Receptors

Potential impacts to sensitive receptors may result from stationary or mobile sources in the vicinity of the receptor. Future development may site new sensitive receptors in proximity to land uses commonly associated with substantial air emissions, such as industrial uses.

The FGPU zoning designations for parcels within 500 feet of I-5 are generally Industrial and Commercial/Industrial. CARB has identified DPM from heavy equipment and trucks as a TAC and estimates that DPM is responsible for 70 percent of total known cancer risk related to air toxics in California. Because traffic is responsible for the majority of DPM as well as several other carcinogens, CARB recommends caution when siting sensitive land uses near heavily traveled roadways. Parcels with a residential Specific Plan zoning designation that are entirely or partially within 500 feet of I-5 include the Focus Area 24th Street Transit Station. Therefore, future development consistent with FGPU may result in the exposure of sensitive receptors to substantial DPM concentrations from mobile sources. Impacts of the FGPU relative to DPM exposure would be *significant* (Impact AQ-4).

#### Mitigation

Impacts to sensitive receptors would be reduced through implementation of MM-AQ-4A and 4B.

#### MM-AQ-4A Sensitive Receptors - Health Risk Assessment

Prior to the issuance of building permits for any facility that would place sensitive receptors within 500 feet of Interstate 5, a health risk assessment shall be prepared that demonstrates that health risks would be below the level of significance.

#### MM-AQ-4B Sensitive Receptors – Enhanced Construction

Where a project consistent with the Focused General Plan Update would place sensitive receptors within 500 feet of Interstate 5, the City of National City shall require that buildings be equipped with ventilation systems that are rated at Minimum Efficiency Reporting Value of “MERV13” or better for enhanced particulate removal efficiency. The City Building Inspector shall verify the aforementioned requirements are included on plans submitted for approval of any Land Use and Building permits and shall verify compliance on-site prior to occupancy clearance. The property manager or responsible maintenance entity shall be trained in conducting regular inspections and replacements, and regular inspections and replacements shall be completed on the recommended basis by the system manufacturer.

#### Finding

Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR. Specifically, the ability of future development to successfully implement the actions required to fully satisfy MM-AQ-4A and MM-AQ-4B cannot be guaranteed at this time, and impacts would remain significant and unavoidable. Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, there are specific overriding economic, legal, social, technological, and other benefits of the project that outweigh the significant and unavoidable impacts.

## Rationale

While implementation of MM-AQ-4A and MM-AQ-4B would reduce TAC impacts, the ability of future development to successfully implement the actions required to fully meet the health risk threshold cannot be guaranteed at this time. Thus, TAC impacts under the FGPU are considered *significant and unavoidable* at the program level.

## X. FINDINGS REGARDING ALTERNATIVES

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of “a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that “the range of alternatives in an EIR is governed by the ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.”

The objectives of the project are presented above.

The City Council must consider the feasibility of any alternatives to the FGPU, evaluating whether these alternatives could avoid or substantially lessen significant environmental effects while achieving most of the objectives of the program. The Final EIR includes an analysis of two alternative program scenarios: No Project (Adopted Plan) Alternative and the Alternate Project Location Alternative.

### No Project (Adopted Plan) Alternative

The No Project (Adopted Plan) Alternative would see greater impacts than that of the FGPU in conflicting with land use plans, policies, and regulations and in GHG emissions. The No Project Alternative would not update the General Plan elements and CAP to be in compliance with recent State and local legislation and plans to reduce GHG emissions and achieve sufficient new local housing supply. The No Project Alternative would not include greater connections to transit from higher-density development within a 0.5-mile radius of high-quality transit (and associated VMT reductions) and would not include updated CAP strategies that aim to reduce emissions from all sectors (energy, transportation, water, solid waste, etc.) In addition, it would not include the GHG reduction strategies included in the 2022 California Air Resources Board (CARB) Scoping Plan. Therefore, it would not be consistent with the GHG reduction goals of the 2022 CARB Scoping Plan.

The No Project Alternative would see a reduction in impacts related to air quality (consistency with air quality plans and exposing sensitive receptors to air quality impacts), as compared to the FGPU. This reduction would be due to new sensitive receptors not being exposed to substantial diesel particulate matter concentrations from mobile sources due to lack of the potential for future infill development within 500 feet of I-5. The No Project Alternative does not propose new redevelopment opportunities in this area. In addition, since existing regional air plans are based on the existing City forecasts, the No Project

Alternative, which is based on the Adopted General Plan, would be consistent with the Regional Air Quality Standards (RAQS).

Although this Alternative sees reductions in some impacts as compared to the FGPU, the No Project Alternative would not fully address the following objectives of the FGPU:

- Update the City's General Plan to integrate new State legislation and other regional and local regulatory changes into the City's policies and programs.
  - The No Project Alternative would not update the General Plan to integrate new State legislation that has been adopted since 2011.
- Develop a comprehensive circulation system that is safe and efficient for all modes of travel and that is coordinated with the regional system.
  - The No Project Alternative would not update the circulation system with the latest Regional Transportation Plan/Sustainable Communities Strategy update, 2021 San Diego Forward Regional Plan.
- Reduce greenhouse gas (GHG) emissions resulting from local government and community-wide activities within the City.
  - The No Project Alternative would reduce GHG emissions, but as it was developed in 2011, the current adopted Climate Action Plan (CAP) would not maintain consistency with the State legislation adopted since then, which sets new GHG reduction goals (see Table CAP-1 Regulatory Framework in the 2022 CAP).

#### Alternate Project Location Alternative

The Alternate Project Location Alternative would incrementally reduce the project's significant impacts requiring mitigation associated with air quality emissions on sensitive receptors and would have less impacts in conflicting with land use plans, policies, and regulations, and in ambient noise impacts compared to the FPGU. Incremental differences are due to a change from the proposed the 24th Street Transit Center Focus Area to the Alternate Site). The 24th Street Transit Center Focus Area's proximity to the busy I-5 corridor has the potential to expose sensitive receptors to emissions from stationary or mobile sources in the vicinity. As detailed in the Final SPEIR Chapter 3.3 Air Quality, Section 3.3.7.2 Mobile Sources, sensitive receptors within 500 feet of I-5 are likely to be subject to substantial diesel particulate matter concentrations from mobile sources. Since the Alternative Project Location Alternative would move density from the 24<sup>th</sup> Street Transit Center Focus Area away from this range of the I-5, it would result in less air quality impacts to sensitive receptors. The Alternative would result in incrementally less impacts relating to consistency with local policies since it would not propose new residential development within 500 feet of the centerline of a freeway (e.g., the 24th Street Transit Center Focus Area of the Proposed Project would be replaced by the Alternate Site), and therefore consistent with Adopted General Plan Policy HEJ-2.3. The Alternative would also have an incremental reduction in ambient noise impacts to sensitive receptors compared to the Proposed Project due to the location of the Alternate Site since freeways are sources of sustained vehicular noise that contributes to the ambient noise environment.

While the Alternate Project Location Alternative would incrementally reduce impacts as compared to the FGPU, the relocation of density from the 24th Street Transit Station to a set

of parcels ("Alternative Site") further from the I-5 would not place density in as close proximity to an existing transit station, therefore, incrementally reducing transit-oriented development in the City.

Despite this, the Alternate Location Alternative would meet all of the objectives of the Proposed Project, as the differences between the two are minor.

## Finding

The City Council, having reviewed and considered the information contained in the Final EIR, finds pursuant to CEQA Guidelines Section 15091(a)(3) that the alternatives presented and considered in the Final EIR constitute a reasonable range of alternatives necessary that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project to permit a reasoned choice among the options available to the City and/or the project proponent.

## XI. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

### A. Growth Inducement

Based on the discussion presented in Chapter 5.0 of the Draft SPEIR, the City finds that the FGPU would be growth inducing as it provides a land use framework that allows for additional housing over what is currently allowed within the Planning Area under the adopted General Plan. The FGPU would not remove an impediment to growth; rather, it would supplement the existing land use framework governing the area. An overall increase in commercial and industrial development would generate additional employment growth, while the anticipated increase in residential units within the Planning Area would help to foster economic growth within the City. As such, the FGPU can be considered to be a growth-inducing project, intended to spur economic, population, and housing growth within the Planning Area.

### B. Significant Irreversible Environmental Changes

Section 15126.2(c) of the State CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur because of project implementation. Consistent with the analysis presented in Chapter 6.0 Cumulative Impacts of the Draft SPEIR, the City finds that implementation of the project would not result in significant irreversible impacts to non-renewable resources. Additionally, the City finds, consistent with the Final SPEIR, that the FGPU would not result in secondary impacts from environmental changes resulting from the adoption of the FGPU, nor would irreversible environmental changes potentially occur associated with future buildout due to mitigation.

## XII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines section 15093(a) and (b), the City Council (City) is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental



benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (CEQA Guidelines, §15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines, §15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs, See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656.

In accordance with the requirements of CEQA and the CEQA Guidelines, the City finds that the mitigation measures identified in the Final SPEIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid or substantially lessen many of the significant effects identified in the Draft SPEIR for the project. However, certain significant impacts of the FGPU are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to air quality. The Draft SPEIR provides detailed information regarding these impacts (see Final SPEIR Section 3.3.10 Air Quality: Significance After Mitigation).

The City finds that all feasible mitigation measures identified in the Final SPEIR will be implemented as conditions of approval for each future development project consistent with the FGPU, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final SPEIR, and the record, as follows:

1. The City has identified the need to serve the residents of National City and the region; to meet projected increases in demand for housing opportunities; and to further become a resilient, transit-oriented development community by providing a framework for future development through 2050.
2. The FGPU will provide opportunities for infill development of new housing and commercial properties, specifically in proximity to transit corridors.
3. The FGPU provides guidance to improve vehicular, pedestrian, and bicycle connections and circulation.
4. The FGPU provides a framework to reduce citywide GHG emissions to meet state reduction targets.

5. The FGPU provides guidance for smart growth that will encourage the development of complete neighborhoods that meet the community's needs for sustainable and high-quality living environments.

Considering all the factors, the City finds that there are specific economic, legal, social, technological, and other considerations associated with the FGPU that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the City hereby adopts this Statement of Overriding Considerations.