



AGENDA

Regular Planning Commission Meeting

Monday, September 15, 2025 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

Richard Martin Miller, Chair

Randi Marie Castle, Vice-Chair

Claudia E. Valenzuela, Commissioner

Ricardo Sanchez, Commissioner

Liliana Armenta, Commissioner

Pearl Quinones, Commissioner

Ashlin Y. Lutes, Deputy City Attorney

Martin Reeder, Acting Director of Community Development

David Welch, Principal Planner

Sarah Esendencia, Executive Secretary

Thank you for participating in local government and the City of National Planning Commission Meetings.

Meetings: Regular Planning Commission Meetings are held on the first and third Mondays of the month at 6:00 p.m. Special Closed Session Meeting and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

Location: Regular Planning Commission Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

Agendas and Material: [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the Planning Commission no less than 72 hours prior to the Planning Commission Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

Public Participation: Encouraged in a number of ways as described below. Members of the public may attend the Planning Commission Meeting in person, watch the Planning Commission Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

Public Comment: Persons wishing to address the Planning Commission on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the Executive Secretary prior to the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. *(City Council Policy 104)*

If you wish to submit written comment [email](#) to the Planning Commission Secretary at least 4 hours prior to the Planning Commission Meeting to allow time for distribution to the Planning Commission.

American Disabilities Act Title II: In compliance with the American Disabilities Act (ADA) of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Planning Department, Sarah Esendencia (619) 336-4227 at least 24 hours in advance of the meeting.

Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.



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Reuniones: Las reuniones regulares del Comisión de Planificación se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

Ubicación: Las reuniones regulares del Comisión de Planificación se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

Agendas y Material: Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Comisión de Planificación no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

Participación pública: Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Comisión de Planificación en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Comentario Público: Las personas que deseen dirigirse al Comisión de Planificación sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Comisión de Planificación para dar tiempo a la distribución al Consejo Municipal.

Servicios de interpretación en español: Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



AGENDA

Regular Planning Commission Meeting

Monday, September 15, 2025 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

1. Approval of the Agenda for the Meeting on September 15, 2025

APPROVAL OF MINUTES

2. Approval of Minutes from the August 18, 2025

PUBLIC COMMENT (Limited up to three (3) minutes)

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the Planning Commissioners will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

PUBLIC HEARING

3. Consideration of a Final Environmental Impact Report to Assess Project Impacts and Approval of a Conditional Use Permit and Coastal Development Permit for a Proposed Fuel Transfer Facility within BNSF Railroad Right-of-Way and BNSF-Owned Property Located West of the 1800 Block of Cleveland Avenue and North of West 19th Street, North to Civic Center Drive. Case File No.: 2023-03 CUP, CDP, IS APNS: 559-010-14, 559-040-46, 559-040-47, 559-040-48, 559-040-52, 559-076-02, 559-091-03, & 559-091-11

STAFF REPORTS

ADJOURNMENT

Adjournment to the regularly scheduled meeting on October 6, 2025 at 6:00 p.m.



AGENDA

Regular Planning Commission Meeting

Monday, September 15, 2025 at 6:00 P.M.

Council Chamber, City Hall

1243 National City Boulevard, National City CA 91950

AFFIDAVIT OF POSTING MEETING AGENDA

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF NATIONAL CITY)

I, Sarah Esendencia, Executive Secretary of the City of National City, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the Planning Commission of the City of national City, California, was delivered and/or notice by email no less than 72 hours, before the hour of 6:00 p.m. on September 15, 2025, to the members of the Planning Commission, and caused the agenda to be posted on the City's website at www.nationalcityca.gov and at National City Hall, 1243 National City Blvd., National City, California 91950.

/s/: Sarah Esendencia
Sarah Esendencia, Executive Secretary



Planning Commission Minutes

Regular Planning Commission
Meeting of August 18, 2025

IN PERSON AND ONLINE MEETING

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

LIVE WEBCAST

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

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

CALL TO ORDER

A Regular Meeting of the Planning Commission of the City of National City was called to order at 6:00 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

ROLL CALL

Commissioners Present: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Staff Also Present: Legal Counsel Kristen S. Steinke, Associate Planner David Welch, Assistant Planner Sophia Depew, and Executive Secretary Sarah Esendencia.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Commissioner Quinones.

APPROVAL OF AGENDA

1. Approval of Agenda for the Regular Planning Commission Meeting on August 18, 2025.

Motion by Armenta, second by Castle, to approve the agenda.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

APPROVAL OF MINUTES

2. Approval of Minutes for the Regular Planning Commission Meeting of July 21, 2024.

Motion by Castle, second by Armenta, to approve the minutes with edits of opposition.

Motion carried by the following vote:

Ayes: Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: Valenzuela.

Absent: None.

Motion approved.

PUBLIC HEARING

3. Consideration of Certification of a Negative Declaration for a General Plan Amendment and Zone Change to Change the Zoning from RS-2 (Small Lot Residential) to MXC-1 (Minor Mixed-Use Corridor) for Properties Located at 3040, 3042-3046, 3102-3104, & 3106-3108 East 16th Street and 1540 South Harbison Avenue and Determination that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 32 of the CEQA Guideline Section 15332 (In-Fill Development) for a Zone Variance Request for Less than Required Street Wall for a Property Located at 3040 East 16th Street. Case File No.: 2025-02 GPA, ZC APNs: 558-162-18, 558-220-06, 558-220-07, 558- 220-35, 558-220-42, 558-220-11.

Associate Planner David Welch made a PowerPoint presentation.

Representative, Sushmitha Kudari gave an oral presentation and answered questions the Commissioners and public had.

Vice-Chair Castle discloses that her husband's uncle lives within 500 feet of the area but does not impede her judgement.

Commissioner Quinones disclosed she drove to the property and drives past often.

Commissioner Armenta disclosed that she drove past the property.

Chair Miller disclosed that he drove around the property to obtain an understanding of the layout.

Alisha Morrison made a public comment in opposition of the item.

Doyle Morrison made a public comment in opposition of the item.

Executive Secretary Esendencia disclosed that 2 public comments were received in writing and 1 public comment was received after the deadline. All comments were posted online.

Motion by Castle, second by Sanchez to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Motion by Castle, second by Sanchez to adopt Resolution No. 2025-08, a Resolution of the Planning Commission of the City of National City, California making a finding of no significant environmental effect and recommending approval of a General Plan Amendment and Zone Change to change the zoning from RS-2 (Small Lot Residential) to MXC-1 (Minor Mixed-Use Corridor) for Properties located at 3040, 3042-3046, & 3106-3108 East 16th Street and 1540 South Harbison Avenue Case File No. 2025-02 GPA, ZC, IS APNS: 558-162-18, 558-220-06, 558-220-07, 558-220-35, 558-220-42, 558-220-11.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Miller, Castle, Armenta.

Noes: Quinones.

Abstain: None.

Absent: None.

Motion approved.

Commissioner Quinones states she voted No because she believes that it can be built without changing the zoning.

Motion by Castle, second by Armenta to adopt Resolution No. 2025-09, a Resolution of the Planning Commission of the City of National City, California determining that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 32 of the CEQA Guidelines Section 15332 (In-Fill Development) and Approval of a Zone Variance Request for less than required street wall for a property located at 3040 East 16th Street Case File No. 2025-02 ZV APN: 558-220-35.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Miller, Castle, Armenta.

Noes: Quinones.

Abstain: None.

Absent: None.

Motion approved.

Commissioner Quinones states she voted No because she believes that it can be built without changing the zoning.

4. Determination that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for the Sale of Beer, Wine, and Distilled Spirits (ABC Type-21) at an Existing Target Located at 3060 Plaza Bonita Road. Case File No.: 2025-14 CUP APN: 554-472-09.

Associate Planner David Welch made a PowerPoint presentation.

Representative Beth Aboulafia gave an oral presentation via Zoom and answered questions the Commissioners and public had.

Commissioner Quinones disclosed she shops at Target.

Commissioner Armenta disclosed that she shops at Target.

Commissioner Sanchez disclosed that he shops at Target.

Chair Miller disclosed that he shops at Target.

Alisha Morrison made a public comment in opposition of the item.

Doyle Morrison made a public comment in opposition of the item.

Motion by Castle, second by Armenta to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Motion by Castle, second by Quinones to adopt Resolution No. 2025-10, a Resolution of the Planning Commission of the City of National City, California Determining that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for the Sale of Beer, Wine, and Distilled Spirits (ABC Type-21) at an existing Target Located at 3060 Plaza Bonita Road. Case File No.: 2025-14 CUP APN: 564-472-09 with amendments.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

5. Determination that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for Beer and Wine Sales (ABC Type-41) at a New Restaurant (Zhangliang Malatang

Spicy Hotpot) to be Located at 1430 East Plaza Boulevard Suite E20. Case File No.: 2025-17 CUP APN: 557-322-14.

Assistant Planner Sophia Depew made a PowerPoint presentation.

Applicants Andrew Synan and Shuang Zheng gave an oral presentation and answered questions the Commissioners and public had.

Commissioner Quinones disclosed she passed by.

Doyle Morrison made a public comment in opposition of the item.

Joan Rincon made a public comment.

Motion by Castle, second by Armenta to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Motion by Castle, second by Armenta to adopt Resolution No. 2025-10, a Resolution of the Planning Commission of the City of National City, California Determining that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Under Class 1 of the CEQA Guidelines Section 15301 (Existing Facilities) and Conditional Use Permit for the Sale of Beer and Wine sales (ABC Type-41) at a new restaurant (Zhangliang Malatang Spicy Hotpot) to be located at 1430 East Plaza Boulevard, Suite E20. Case File No.: 2025-17 CUP APN: 557-322-14.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

6. Amendment to Title 18 (Zoning) of the National City Municipal Code Amending Table 18.24.040A and Table 18.24.040D Related to Height and Number of Stories in the MXC-1 and MXD-1 Zones. Case File No.: 2025-25 A.

Assistant Planner Sophia Depew made a PowerPoint presentation.

Doyle Morrison made a public comment in opposition of the item.

Motion by Castle, second by Sanchez to close the Public Hearing.

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

Motion by Castle, second by Armenta to adopt Resolution No. 2025-10, a Resolution No. 2025-12, a Resolution of the Planning Commission of the City of National City, California recommending adoption to the City Council of an amendment to Title 18 (Zoning) of the National City Municipal Code Amending Table 18.24.040A and Table 18.24.040D related to Height and Number of Stories in the MXC-1 and MXD-1 Zones. Case File No.: 2025-25 A

Motion carried by the following vote:

Ayes: Valenzuela, Sanchez, Quinones, Miller, Castle, Armenta.

Noes: None.

Abstain: None.

Absent: None.

Motion approved.

STAFF REPORTS:

Deputy City Attorney: States that it will be her last meeting due to Deputy City Attorney, Ashlin Y. Lutes returning. Says thank you for having her and states that it has been a pleasure, very professional, excellently run commission and enjoyed working with staff as well.

Associate Planner: States that the next scheduled meeting is September 15 and does anticipate having items for that meeting and ask Commissioners to work on a census with the Executive Secretary by the end of the week.

Vice-Chair Castle: None.

Commissioner Valenzuela: None.

Commissioner Sanchez: None.

Commissioner Armenta: Had a question regarding public meetings and requirements for when no one shows.

Commissioner Quinones: Had a question regarding public notices.

Chair Miller: Ask if water bottles can be provided for the future meetings for the Commissioners.

ADJOURNMENT

Chair Miller adjourned to the Regular Meeting of the Planning Commission of the City of National City, Monday, August 18, 2025, at 8:20 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

Sarah Esendencia, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of September 15, 2025.

Martin Miller, Chair



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

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONSIDERATION OF A FINAL ENVIRONMENTAL IMPACT REPORT TO ASSESS PROJECT IMPACTS AND APPROVAL OF A CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A PROPOSED FUEL TRANSFER FACILITY WITHIN BNSF RAILROAD RIGHT-OF-WAY AND BNSF-OWNED PROPERTY LOCATED WEST OF THE 1800 BLOCK OF CLEVELAND AVENUE AND NORTH OF WEST 19TH STREET, NORTH TO CIVIC CENTER DRIVE.

Case File No.: 2023-03 CUP, CDP, IS

Location: BNSF Railroad right-of-way and BNSF-owned property located west of the 1800 block of Cleveland Avenue and north of West 19th Street north to Civic Center Drive

Assessor's Parcel Nos.: 559-010-14, 559-040-46, 559-040-47, 559-040-48, 559-040-52, 559-076-02, 559-091-03, & 559-091-11

Staff report by: David Welch, Associate Planner

Applicant: Cindy Fleming, Fleming Alliance Architecture

Zoning designation: MM (Medium Manufacturing)

Adjacent land use/zoning:

North: Pacific Steel remediation and operating site / MM

East: Honor Marine boat service across alley / MM

South: Ehmcke Sheet Metal Corp. across W. 19th Street / MM

West: Costco Optical Lab across BNSF tracks / MM

Environmental review: Environmental Impact Report

Staff recommendation: Certify Final Impact Report and approve the Conditional Use Permit and Coastal Development Permit based on the attached findings and subject to the attached Conditions of Approval

Staff Recommendation

Staff recommends (1) certification of the attached Final Environmental Impact Report (FEIR) assessing the impacts of the proposed project, a fuel transfer facility to be operated by San Diego Clean Fuels Facility LLC, and Mitigation Monitoring and Reporting Plan (MMRP); and (2) approval of the proposed project requesting a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) for the construction and operation of a fuel transfer facility. The FEIR addresses issues identified in the Initial Study and raised during the scoping period including, but not limited to, air quality, greenhouse gas (GHG) emissions, hazards and hazardous materials, noise, and transportation impacts. Approval of the proposed project is recommended based on the findings discussed in the FEIR, this report, and subject to the proposed Conditions of Approval in the attached draft resolution.

Executive Summary

The applicant proposes to construct and operate a fuel transfer facility to be operated by San Diego Clean Fuels Facility LLC within an approximately 7.5-acre site located on and adjacent to existing Burlington Northern & Santa Fe (BNSF) railway tracks. The location is between Civic Center Drive and West 19th Street and to the west of Cleveland Avenue. Rail cars will be delivered to the facility utilizing an existing rail spur that will be reconfigured to provide capacity for up to 21 rail cars. Clean renewable and biofuels (renewable diesel, ethanal, and sustainable aviation fuel (SAF)) will then be transloaded from the rail cars to trucks with an above-ground pump system. No fuel will be stored on site. Overall transloading capacity will be approximately 13,800 barrels of fuel per day. The site would receive up to 72 trucks daily, which would deliver the fuel to retail clients in the metropolitan San Diego area. The property is located within the City's Coastal Zone (CZ) overlay and subject to the development regulations outlined in the Local Coastal Program (LCP). Since the Implementation Plan of the LCP has not been formally updated, properties within the CZ are still regulated by the previous Land Use Code (LUC). The zoning designation of the property is Medium Manufacturing (MM).

Land uses that either store or distribute fuel in the MM zone are required to obtain approval of a CUP prior to operation. All projects in the CZ that require approval of a CUP must also have an approved CDP. The City of National City maintains permit jurisdiction for the subject property and, therefore, is able to approve a CDP without a permit application to the California Coastal Commission (CCC). The CCC retains the authority to hear appeals on CDPs when specific conditions or characteristics are

present. This project is considered a “major energy facility”¹ and, therefore, appealable pursuant to Section 30603 of the Coastal Act. Due to the characteristics of the proposed project, staff requested an Initial Study (IS) checklist pursuant to the California Environmental Quality Act (CEQA) to be prepared, which was submitted to the City with a draft Mitigated Negative Declaration (MND). The City, as lead agency, decided that the draft MND document was not a sufficient environmental review document for the project and the attached Environmental Impact Report (EIR) was subsequently prepared. A scoping meeting was held on May 23, 2024, to receive comments from public about the issues to be studied in the EIR. Planning Commission approval is required for the certification of the Final EIR, as well as the CUP and CDP.

Site Characteristics

The 7.5-acre site is located along the east side of the BNSF Railway right-of-way between West 18th and 19th Streets. Railway improvements in conjunction with this project extend north to the Civic Center Drive crossing. Immediately to the east of the property is an alleyway and industrial property with frontage on Cleveland Avenue. Most of the uses in the surrounding area are industrial in nature. However, there are City-owned properties planned for tourist-supporting commercial uses less than a half mile to the south as well as a newly opened cannabis lounge, restaurant, and hotel adjacent to Paradise Marsh. Several legal, non-conforming residential properties also exist within the vicinity of the subject property including the McKinley Apartments approximately 380 feet east and single-family homes approximately 900 feet to the south². It is unclear how many single-family residences remain west of Interstate 5 in the City since some structures have been incorporated into commercial businesses. The nearest school is Kimball Elementary School, which is more than 1,500 feet from the site, on the east side of Interstate 5.

The site itself is comprised of three different sections. First, there is the existing BNSF railway. This is a spur that terminates within Port of San Diego properties to the south. The main Port-related operations are Pasha Group, which receives shipments of new automobiles, and Dixieline Lumber, which receives shipments of new lumber and wood products. Adjacent to the subject site, there are two operational tracks that transition to one rail track to the north, just south of the Civic Center Drive crossing. With anticipation of this proposed project, BNSF has been working on the design and

¹ Coastal-dependent developments like refineries, power plants, and offshore petroleum facilities that are subject to strict regulation and permitting by the California Coastal Commission due to their potential adverse effects on coastal resources.

² New residential uses are not permitted in the MM zone. Existing lawfully constructed residences may remain, subject to NCMC 18.11 (Nonconforming uses, structures, and parcels).

implementation of a second track across Civic Center Drive to maintain operational capacity. Ultimately, BNSF rail traffic enters and exits the region to the north through downtown San Diego and along the coast to Orange County. Second, the middle portion of the site that is proposed for up to eight new tracks leading to the transfer facility is a former Pacific Steel, Incorporated (PSI) remediation site. The Department of Toxic Substance Control (DTSC) is still actively working on remediation from PSI operations, but the land within the subject site has been substantially remediated as of the writing of this report. Finally, the area of the subject site between West 18th Street to the north, the alley to the east, West 19th Street to the south, and the existing tracks to the west is proposed to be developed with the transfer facility. This land was previously occupied by industrial operations and Harrison Street right-of-way that has already been vacated³. All former structures have been demolished and the land in its current state would be considered disturbed.

Proposed Use

The applicant proposes to improve the 7.5-acre site for the purposes of operating a fuel transloading facility. This site is located along existing BNSF railroad and on adjacent BNSF-owned land. The fuel transfer operations would take place on the portion of land between West 18th and 19th Streets, between the existing railroad and industrial properties along Cleveland Avenue. The facility would operate 24 hours a day with 72 trucks per day primarily entering and exiting the site during off-peak hours (6:00 p.m. to 6:00 a.m.). Land uses that either store or distribute fuel are required to obtain approval of a CUP and CDP prior to the commencement of operations. There are no additional specific use regulations in the LUC for this type of facility.

The proposed operator, San Diego Clean Fuels Facility LLC, intends to build the facility to achieve objectives related to increased access to renewable fuels in the San Diego region. The project hopes to achieve or contribute to the following:

- Contribute to the State's commitment to a transition to carbon neutrality by 2045. Renewable fuels will help reduce greenhouse gas emissions and achieve benchmark reductions.
- Expand the availability of renewable fuels to the region by advancing the goal of the State's Low-Carbon Fuels Standard, which is a component of the 2022 California Air Resources Board (CARB) Scoping Plan, and solving geographic imbalances in the availability of cleaner, lower carbon fuel.

³ Harrison Avenue in this location was a "paper street", which only existed on the Assessor's Parcel Map. No developed right-of-way was located here.

- Lowering of emissions compared to existing supply chains by utilizing rail to deliver fuel to the San Diego market.
- Increase the speed at which cleaner fuels can be delivered to the market.
- Generate employment opportunities for National City and surrounding communities.
- Develop underutilized and/or previously contaminated properties while minimizing conflicts with surrounding existing uses.
- Provide an appropriately sized facility that balances business performance while minimizing necessary truck trips.
- Locate the facility in an appropriately zoned property with direct access to Interstate 5 (I-5).
- Provide infrastructure improvements to meet project needs and improve safety along the BNSF railroad.
- Provide additional firefighting capacity in the project area to address quick responses to hazards and emergencies.

The applicant's proposed physical improvements for the project include:

- Construction of railway tracks and turnouts/crossovers to facilitate car movement in/out and within the transload facility.
- Installation of concrete slap pump pads at each transload spot.
- Installation of truck load slabs sloped to drain in the center at each transload spot.
- Installation of pumps and piping to move fuels from rail cars to truck loading spots.
- Containment enclosures for additive totes.
- Concrete-lined containment basin and pipe each load slab drain to the basin.
- Track pans for containment at the rail transloading cars.
- A small office building with control center, restrooms, and driver check-in area.
- All weather paving for the facility and circulation.
- Lighting, as needed.

The approximate throughput capacity of the proposed facility will be 13,800 barrels of fuel daily. While the capacity of the facility was not initially stated by the applicant, there has been a reduction from what was originally proposed in 2023. Additionally, the proposal initially estimated 115 trucks per day would be entering the facility to transport fuel. However, the current proposal is for approximately 72 trucks daily. Therefore, the capacity of the project was reduced by more than a third during the environmental

review process. The proposed circulation of the site is for trucks to enter from West 18th Street and exit onto West 19th Street. The site is in close proximity to I-5. The general circulation pattern would be Civic Center Drive to Tidelands Avenue, West 19th Street to Cleveland Avenue and then West 18th Street into the site, returning the same way.

In addition to the transfer of fuel, the project includes measures to increase safety and prevent contamination from fuel spills. A 37,700-gallon concrete containment basin is proposed to be constructed below the rail car unloading and truck loading area. The volume of the basin is 110 percent that of a rail car. An Aqueous Film Forming Foam Fluorine Free Firefighting platform and additional fire hydrants will also be installed on site for use in the event of a fire. A Facility Response Plan (FRP) will also be developed to prevent or address spills.

Alternative Fuels and Environmental Considerations

The proposed project is in response to the State of California's commitment to improving air quality, reducing emissions from fossil fuels including greenhouse gases (GHG). Achieving State goals can help improve public health and reduce risks related to human-induced climate change. The landmark state bill AB 32, or the Global Warming Solutions Act of 2006, required California to reduce its GHG emission to 1990 levels by 2020. Implementation of AB 32, and subsequent legislation, is primarily the responsibility of the California Air Resources Board (CARB). While zero-emission technology is highly desired, CARB also encourages interim measures to help reduce emissions from current levels. One of these measures is the Low Carbon Fuel Standard (LCFS), which encourages the use of alternative fuel types that can achieve lower emissions.

The applicant proposes to construct the fuel transfer facility to improve the delivery of these fuel types to the San Diego market while also reducing emissions within the supply chain. The proposed fuel for distribution are biofuels, which include renewable diesel, biodiesel, and sustainable aviation fuel (SAF). Renewable diesel and SAF can be produced with new or recycled vegetable oils, animal fats, greases, algae, as well as crop residues or woody biomass. Renewable diesel and SAF are also designated as a "drop-in" biofuel allowing them to fully replace petroleum-based fuels with zero modification to stage facilities or engines. Biodiesel is a renewable, biodegradable fuel manufactured domestically from vegetable oils, animal fats, or recycled restaurant grease. When used in diesel engines, renewable diesel can reduce greenhouse gas emissions by up to 80%. Renewable diesel and a blend of renewable diesel and up to 20% biodiesel can also be used to replace petroleum diesel with no changes to an

engine. With the ability to produce biofuels from a wide variety of sources, they are considered 100% sustainable, as opposed to petroleum-based fuels.

While there can be a net benefit from an increase in availability of biofuels in the San Diego region, the same assertion cannot be made for the City of National City, Westside communities, and nearby receptors in the MM zone. There have been multiple efforts within the City to improve the health of residents and reduce dangerous pollutants associated with industrial and light industrial uses. Previous actions include the passage of the Westside Specific Plan and Amortization Program, early adoption of a Health and Environmental Justice Element within the General Plan, designation of the AB 617 Portside Community and passage of the Community Emissions Reduction Plan (CERP), and adoption of the City's Climate Action Plan (CAP). Primarily due to, but not limited to, the project's proposed utilization of diesel-powered truck trips for operations of the facility and the related impacts to greenhouse gas emissions, vehicle miles traveled, and air quality, City staff requested the preparation of an Environmental Impact Report (EIR) for this project.

Analysis

The project was analyzed for impacts pertaining to CEQA in the attached EIR. Some of the more specific details in the EIR will not be discussed in this document, but instead the project will be analyzed as it pertains to existing plans and policies related to the proposed development.

General Plan

The subject property has a General Plan land use designation of Industrial (I). The project proposed is an industrial use. The proposal is also well below the floor area ratio of 2.0 intended for this designation. The General Plan is comprised of several "elements", of which some have been recently updated through the Focused General Plan Update that was completed in 2024. Several policies from various elements of the General Plan pertain to this project, including:

Land Use (LU) Element

Policy LU-1.3 pertains to urban greening efforts, LU-4.2 encourages various pedestrian-scale urban design strategies, LU-4.4 pertains to the maintenance of sidewalks and bicycle routes, LU-5.3 encourages businesses to employ National City residents, LU 6.5 requires development to be consistent with the Zoning Code and applicable specific plans, LU-6.5 pertains to consistency with the City's Climate Action Plan (CAP)

The Land Use Element of the General Plan has several policies related to new development. This project relates to public realm improvements regarding sidewalk maintenance, landscaping and other greening efforts, and consistency with various codes and policies as discussed in this report. Conditions of approval ensure that pedestrian areas around the project will remain well-maintained and enhanced with appropriate landscaping elements and tree canopy. The project and associated right-of-way improvements at the railroad crossing at Civic Center Drive will enhance portions of the public realm and avoid conflict with bicycle routes, such as the Bayshore Bikeway. Consistency with the CAP and policies related to community enhancements such as LU-1.3 will be evaluated in subsequent sections of this report.

Transportation (T) Element

Policy T-3.6 relates to the enhanced transit services, Policy T-8.1 pertains to enhancements of infrastructure to facilitate timely movement of goods, particularly intermodal transfers, Policy T-8.4 pertains to the movement of goods by rail, Policy T-9.4 pertains to noise and pollution abatement associated with goods movement.

The project proposes to utilize existing rail to transfer fuel for delivery to retail outlets within the City and in the greater region. Elements of the project ensure that the delivery of fuel will be conducted in an efficient manner such as an improved rail crossing, operations at off-peak hours, and proximity to major truck routes. Truck movements will largely avoid residential properties and other areas with sensitive uses in the City. Policy T-3.6 is related to community enhancements, which will be discussed later in this report.

Safety (S) Element

Policy S-7.3 pertains to the ability to effectively respond to hazardous materials emergencies, S-8.1 pertains to the clean-up and reuse of contaminated sites.

The project proposes to reduce risk from fire hazards will be accomplished through the inclusion of a specialized firefighting platform and additional fire hydrants, as required by the National City Fire Department (NCFD). The project will be located on a vacant, under-utilized, and previously contaminated site, which is encouraged by policy S-8.1.

Noise and Nuisance (NN) Element

Policies NN-1.9, NN-1.10, NN-2.5, NN-3.1, NN-3.3, and NN-3.4 pertain to impacts related to noise levels and ground borne vibrations via construction, on-site activities, and off-site transportation. Policy NN-4.2 related to the reduction in offensive odors and other noxious substances.

Impacts related to noise and nuisance were evaluated for the proposed project in the EIR. Primarily, a Noise Analysis determined noise thresholds in the City's Noise Ordinance would be met for activities related to the construction and operation of the proposed project. The project location has existing ambient noise levels from nearby freeway traffic and other industrial uses. Staff has proposed conditions of approval requiring adherence to truck routes in the City to prevent increases in traffic-related noises and a six-foot high, solid fence or wall to reduce the potential for noise impacts to adjacent and nearby properties.

The applicant asserts that offensive odors associated with fuels and additives mostly come from combustion, which is not related to the proposed on-site activities. Nuisance odors are also regulated and enforced by San Diego Air Pollution Control District (SDAPCD) Rule 51 (Public Nuisances). A Condition of Approval is recommended requiring adherence to SDAPCD regulations.

Open Space and Agriculture (OS) Element

Policies OS-1.1, OS-1.2, OS-1.4, OS-2.1, OS-2.2, OS-2.3, OS-2.5, and OS-2.7 pertain to the preservation of open spaces, habitat, biological resources, and environmentally sensitive areas. Policy OS-1-3 encourages the planting of native plants near open spaces. Policies OS-4.2 and OS-4.4 encourage the planting of street trees and promotes the planting of shade trees with substantial canopies. Policies OS-8.4 and OS-8.8 pertain to the preservation of historic and cultural resources.

The EIR analyzed the potential for project impacts to open spaces, biological resources, and environmentally sensitive areas in detail. Adherence to mitigation measures discussed in the report are included as a condition of approval. In addition, staff is recommending Conditions of Approval that require additional landscaping, including the planting of street trees that will enhance the urban tree canopy. Mitigation measures are also required for the monitoring of paleontological or other cultural resources in the event they are discovered during grading or construction.

The Initial Study checklist prepared for this project also identified a potential wetland feature on this site. However, staff has confirmed that the discussed feature no longer exists. This is further discussed in the EIR.

Conservation and Sustainability (CS) Element

Policy CS-1.1 pertains to the reduction of the urban heat island effect. Policy CS-1.2 pertains to the development of industries that benefit the environment. Policies

CS-3.1 and CS-3.3 pertain to stormwater best management practices (BMPs) and low-impact development (LID) practices.

As previously discussed, staff is recommending a condition of approval for the project that would require enhanced street trees to support policy CS-1.1. The project proposes to transport clean fuels, which were discussed in the previous section of this report. The improved access to these alternative fuel types will have benefits for both the local economy and regional air quality. New construction projects are required to meet stormwater requirements and BMPs discussed in the conditions of approval from the Engineering Department.

Health and Environmental Justice (HEJ) Element

Policy HEJ-1.2, Policy HEJ-1.5, Policy HEJ-2.5, and HEJ-2.6

The HEJ was created to identify public health risk and environmental justice concerns and improve living conditions to foster the physical health and well-being of National City's residents. National City was an early adopter of this category of general plan element and the HEJ precedes the passage of SB 1000, which now requires this type of element for all general plans in the state. At the time of the adoption of the HEJ, National City had some of the worst health outcomes in San Diego County, including high rates of chronic obstructive pulmonary disease (COPD) and asthma. Both breathing disorders have correlation with poor air quality, which is caused by industrial pollution and vehicle emissions. The Westside of National City is particularly impacted by its close proximity to industrial areas west of I-5, port activities, Naval Base San Diego, and freeway traffic. In more recent years, studies have also identified diesel particulate matter (DPM) as a known carcinogen. This has furthered health concerns in areas with heavy truck traffic. Both the Westside and the industrial areas in the City have existing non-conforming uses, which means there are residential uses and sensitive receptors in close proximity to industrial operations, as well as polluting businesses in the middle of residential areas. While the proposed project is not located in a Specific Plan area, impacts to the Westside Specific Plan (WSP) area should also be considered.

Policy HEJ-1.2 states "consider environmental justice issues as they are related to potential health impacts associated with land use decisions, including enforcement action, to reduce the adverse health effects of hazardous materials, industrial activities, and other undesirable land uses on residents regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location." In this instance, health concerns have been identified for communities in National City at both the local and

state levels pertaining to new industrial uses and increased truck traffic. However, the EIR that was prepared for the proposed project included a Health Risk Assessment (HRA) that concluded that such impacts from the project specifically were less than significant. The three primary assessments were cancer risk, chronic health hazards, and acute health hazards.

Cancer risk is calculated by exposure periods with 70-year (lifetime risk calculation) and 30-year (individual risk calculation) periods for residents and 25-year periods for workers. Health risks for residents were based on the nearest residential use, the McKinley Apartments at West 18th Street and McKinley Avenue. Findings from the assessment are found in Table 3.1.7 of the EIR, which shows activities from construction and operation of the proposed fuel transfer facility. Results show the project would not result in a significant contribution to cancer risk to this community. Findings of significance were the same for chronic and acute health hazards, as shown in Table 3.1.8 of the EIR.

This policy encourages the City to consider actions to *reduce* potential health impacts. It is the opinion of staff that the policies related to the City's updated CAP and the AB 617 Portside Community's CERP are best suited to determine conformance with this HEJ policy, which are discussed below.

Policy HEJ-1.5 promotes the inclusion of potentially affected community residents in the decision-making process. The Planning Division has followed standard guidelines for both the environmental review process and the ongoing public hearing process. In addition, information on the project has been posted on the City website and staff had frequent email communications with interested parties. Both the applicant and the District 1 Councilmember, Luz Molina, have also worked to provide the public information and updates on the proposed project.

The project was initially submitted in 2023 with a draft Initial Study (IS) and Mitigated Negative Declaration (MND) prepared by an environmental consultant. Planning staff posted these documents for a 30-day public review period on the State Clearinghouse website beginning on June 2, 2023 in accordance to CEQA guidelines. Several comments were provided to the City during this period. After further discussions with the environmental consultant and modifications to the draft MND, the City ultimately decided a more thorough review of the project was required and a Draft Environmental Impact Report (EIR) was requested. While the review process was being worked on with the consultant, Councilmember Molina also invited City staff to provide information on the project at town hall meetings in September and October of 2023. The public

documents from the original MND generated significant interest in the project even though no public hearings had been announced at the time.

The earliest meeting that was noticed to the general public was a scoping meeting for the Draft EIR held on May 23, 2024, which coincided with the posting of the revised Initial Study and Notice of Preparation on the State Clearinghouse website. The purpose of this meeting was to solicit feedback on the scope of the review to be conducted for the Draft EIR. 27 comment cards were submitted by the public at this meeting as well as another 11 comment letters. Comments were summarized within the draft EIR.

The latest meeting with the general public was a Community Open House held August 14, 2024. This meeting was prompted by the applicant and their desire to have more community engagement in advance of any public hearings. Once again, Councilmember Molina collaborated with this event since the project is proposed within District 1.

Staff has been in regular communication with other agencies, organizations such as the Environmental Health Coalition, and interested residents throughout the review process. In particular, the public has been concerned with the timing of public hearings as staff worked with the environmental consultant and applicant to complete revisions to the draft documents. At the same time, the applicant has also had numerous meetings with City leaders and organizations regarding this project. The first public hearing was ultimately noticed for the Planning Commission meeting on June 2, 2025. However, the item was pulled due to significant concerns presented in a public comment by the California Coastal Commission (CCC).

The topic of environmental justice was one of the concerns of the CCC, which stated in its letter that they were recommending “a more thorough analysis of environmental justice impacts and improved outreach for this project”. As summarized, outreach for this project has been consistent with the City’s policy HEJ-1.5, although not always through the Planning Division, in that residents have been provided with consistent access to information regarding the project and how to participate in the decision-making process. Furthermore, the primary forum for public participation is the public hearing for which this report has been drafted. The project is also potentially subject to appeals and/or public hearings before the City Council and the California Coastal Commission after the Planning Commission has taken action.

Policy HEJ-2.5 encourages the protection of existing sensitive land uses through feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/clears, and/or other effective measures to minimize potential impacts from air pollution. While this policy discusses existing land uses, it also speaks to the importance of setbacks, landscaping, and other measures that can be utilized by a new project.

Policy HEJ-2.6, similarly to HEJ-1.2, requires to City to consider air quality impacts, including cumulative impacts, from existing and new development when making land use decisions and limit the number of industrial facilities or uses to prevent cumulative air pollution impacts. While the EIR includes findings that the proposed project will not result in significant health impacts, it cannot be ruled out that the operations and truck traffic associated with the proposed fuel transfer facility will not contribute to cumulative impacts resulting from existing and new industrial developments within the City. Once again, the CAP and CERP are the best mechanisms by which to evaluate this proposal.

Local Coastal Program (LCP)

The LCP is comprised of two sections: the Implementation Plan and the Land Use Plan. The Land Use Plan was recently updated in 2023 and certified by the CCC in March of this year. However, the Implementation Plan update, which is currently underway, is yet to be approved.

The Implementation Plan of the LCP discusses permit jurisdiction, applicability of CDPs, required findings, and applicable development standards. The proposed project is located within the City's adopted exclusion area, where new development is generally exempt from a CDP. However, the need for a discretionary permit (e.g., CUP) triggers the need for a CDP. The Implementation section also requires that new development provide coastal access, where required, and to not impede coastal access. The site is in the middle of the City's industrial area and does not require, or have the possibility to interfere with, access to coastal areas. Applicable development standards in the current adopted LCP reference Municipal Code sections related to new structures, uses, parking, landscaping, etc. Since these references pertain to the previous version of the LUC, development standards that would be considered defunct in the rest of the City remain in effect. Conformance with these standards are discussed in the following section. The two required findings of approval for CDPs are as follows:

- That granting said Coastal Development Permit will be consistent with all other plans and ordinances of the City of National City.

- That the granting of said Coastal Development Permit will be consistent with an implements the Certified Local Coastal Program.

The Land Use Plan of the LCP provides both policy recommendations and a land use plan map. Significant concerns for this plan include coastal access, preservation of habitat areas, supportive land uses, and coastal hazards. In addition, the Land Use Plan requires that development in the CZ adhere to policies found in Chapter 3 of the Coastal Act. The industrial section of the CZ is largely regulated by the existing development standards in the LUC for the manufacturing zones. These standards are relied upon to ensure that new development is visually appropriate. In addition, there is a policy stating that new development should consider proximity to the Bayshore Bikeway for the purposes of maximizing the recreational potential of the area. The project proponents have coordinated with City staff to ensure the upgraded rail crossings at Civic Center Drive will not interfere with improvements to this bikeway.

The City's LCP mostly relies upon the previous LUC to regulate industrial uses to ensure they do not cause nuisances, both through the CUP approval process and through adherence to existing development standards. Other than additional policies noted in this section, the project's conformance with the two required findings for approval of a CDP are analyzed in other sections of this report.

California Coastal Commission and the Coastal Act

The proposed project requires the approval of a CDP and is therefore subject to the Coastal Act and appeal procedures of the California Coastal Commission (CCC). Though the City retains permit jurisdiction, projects with certain characteristics remain appealable to the CCC. In this instance, the project is considered a "major energy facility" and can be appealed to the CCC within 10 working days of a final local action notice. Final action is not taken until the project is approved or denied by the City Council by consent or at a public hearing.

Policies of the City's LCP are inclusive of more general policies in Chapter 3 of the Coastal Act. In some instances, the LCP adds more specificity. Overall policies in the Coastal Act address public access, recreation, the marine environment, land resources, and development. The LCP included City-specific policies on public access, recreation, marsh preservation, visual resources, industrial development, and environmental hazards.

The project is located within the middle of the City's existing and zoned industrial properties. Both the project site and all adjacent properties are zoned Medium

Manufacturing (MM). The nearest recreational amenities are more than 1,500 feet to the south of the site and access to San Diego Bay to the west is largely restricted by Naval Base San Diego and Port of San Diego properties. While both the LCP and Coastal Act have polices related to public access, it is not required for this project or impeded by this project. No facilities related to coastal access are provided or needed.

Chapter IV of the LCP and Sections 30220 through 30224 of the Coastal Act have specific polices related to recreation. As previously mentioned, the subject site is in an industrialized area and the Land Use Plan for the LCP encourages the provision of recreational opportunities in other areas of the City's CZ.

The marine environment, land resources, and marshes are largely unaffected by the proposed development. The project location is not adjacent to any marine resources and there are no known land resources such as habitat, agricultural land, or archaeological or paleontological resources. The project proposes a new development in an existing industrial area. Storm Water Best Management Practices will be required by the Engineering Department, which will ensure that nearby waterways, including the bay and marsh, are protected from pollutants. Mitigation requirements will be in place to protect archaeological or paleontological resources should they be present during construction activities.

The Coastal Act and Chapter VI of the LCP calls for the protection of the scenic and visual qualities of coastal areas, and, where feasible, to restore and enhance the visual quality in visually degraded areas. The proposed new development will improve visual quality of the area by cleaning up a blighted property. Screening fences/walls will also be required to reduce the visibility of the transfer station in a reasonable manner.

Wetland

In a comment letter provided by the CCC on June 2, 2025, it was stated that *the project site includes at least one single-parameter wetland*. Wetlands in coastal areas can be designated by the presence of just one indicator. A wetland on the project site would have resulted in the following: the presence would establish appeal jurisdiction with the CCC for the project, the project would become infeasible due to buffering requirements found in the LCP, and the EIR would have needed to discuss justifications for the fill of the wetland and mitigation measures. As discussed earlier, the project is already appealable to the CCC since it includes a proposed "major energy facility".

An *Aquatic Resources Delineation* was completed for the proposed project in July of 2022, which is included as Appendix D of the Draft EIR. This study discussed "Feature 3",

which was a depressional feature indicated by aerial imagery and site visits. Dried algal mats were present, but the EIR described this feature as “an isolated puddle.” Staff visited the site on January 30, 2025 and the depression was no longer present. Soil remediation activities have been occurring on the northern portion of the site due to the presence of pollutants from the neighboring metal recycling facility and heavy earth-moving equipment is presumed to have altered the ground level since the original survey of the depression was conducted. Due to concerns from the CCC, the environmental consultant conducted an additional field survey and assessment of “Feature 3” on July 31, 2025 and concluded the feature is no longer present on site and the “location met neither vegetation, soils, or hydrologic parameters of being a wetland under its current condition.”

Environmental Justice

The CCC also expressed concerns about the analysis of the project’s environmental justice impacts. An Environmental Justice Policy was adopted by the CCC in 2019 that includes, among other statements, the following: *The Commission will use its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities. Coastal development should be inclusive for all who work, live, and recreate on California’s coast and provide equitable benefits for communities that have historically been excluded, marginalized, or harmed by coastal development.* Staff’s analysis of this project largely addresses environmental justice concerns through the City’s Health and Environmental Justice Element of the General Plan, the updated Climate Action Plan, and the AB 617 Portside Community’s Community Emissions Reduction Plan. These documents are supportive of the CCC’s policy and staff has modified this report for clarity.

Coastal Hazards

Chapter VIII of the Land Use Plan discusses environmental hazards, as required by Section 30253 of the Coastal Act. This chapter includes several policies related to the specific hazard of sea level rise (SLR), which require additional discussion due to the location of the proposed project. The following are relevant sections of the Coastal Act that should be taken into consideration as they relate to SLR:

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to

protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states:

New development shall do all of the following:

- a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs

Section 30270 of the Coastal Act states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The project location is more than 1,500 feet from the shoreline of San Diego Bay, which is mostly occupied by Naval Base San Diego and the Port of San Diego within National City. The proposed improvements for the fuel transfer facility do not include any shoreline protection devices due to the project location. It is unknown if, at any time during the life of the proposed project, nearby facilities would pursue or implement any modification of the coastline that could alter the possibility of hazards effecting the subject site.

Based on information provided by the applicant, the project's design life is 30 years. The statewide SLR guidance for critical infrastructure recommends taking a precautionary approach by considering and planning for higher-end SLR scenarios and long-term (e.g., 100-year) planning horizons. In the past century, the average global temperature has increased by about 1.1°C, and global sea levels have increased by 7 to 8 inches (17 to 21 cm). In addition, SLR has been accelerating in recent decades, with the global rate of SLR tripling since 1971 (IPCC, 2021). There is strong scientific consensus that SLR will continue over the coming millennia regardless of future human actions, but the exact rate and amount will depend on the amount of future greenhouse gas emissions as well as

the exact contribution from sources such as the Antarctic and Greenland ice sheets, which are areas of continuing research. While planning coastal development under this uncertainty presents challenges, it is widely documented that underestimating SLR could result in costly damages and adverse outcomes to coastal resources. Planning and development decisions on the California coast must, therefore, be appropriately precautionary and made with the full understanding that SLR will change coastal landscapes and hazard conditions. Not only will siting and design decisions regarding proposed coastal development influence the future safety of the development and overall resiliency of the California coast, but such decisions will also affect the way that coastal resources protected under the Coastal Act respond to changing sea levels over time.

Currently, the best available science on SLR projections in California is provided in the State of California Sea Level Rise Guidance (OPC 2024). The state guidance adopts the same framework and approach used by the Federal government and provides five sea level rise scenarios that have been regionalized for California-specific use. The state guidance also includes a decision framework to guide selection of appropriate sea level scenarios, primarily recommending evaluation of the intermediate, intermediate-high, and/or high scenarios depending on the context of the planning effort/project. This information is reflected in the Coastal Commission's Sea Level Rise Policy Guidance (CCC 2024). The table below shows the sea level rise scenarios for the San Diego tide gauge, the closest tide gauge to the project site.

TABLE 14. Sea Level Scenarios for San Diego.

Median values of Sea Level Scenarios, in feet, for each decade from 2020 to 2150, with a baseline of 2000. All median scenario values incorporate the local estimate of vertical land motion.

YEAR	LOW	INT-LOW	INTERMEDIATE	INT-HIGH	HIGH
2020	0.2	0.2	0.3	0.3	0.3
2030	0.3	0.4	0.4	0.5	0.5
2040	0.4	0.5	0.6	0.7	0.8
2050	0.5	0.7	0.8	1.1	1.3
2060	0.6	0.9	1.1	1.6	2.0
2070	0.7	1.0	1.4	2.3	3.0
2080	0.8	1.2	1.9	3.1	4.1
2090	0.9	1.4	2.5	3.9	5.4
2100	1.0	1.6	3.2	4.9	6.7
2110	1.1	1.8	3.9	5.7	8.0
2120	1.2	2.1	4.5	6.5	9.1
2130	1.3	2.3	5.0	7.1	10.0
2140	1.3	2.5	5.6	7.7	11.0
2150	1.4	2.7	6.1	8.3	11.9

The existing elevation throughout the Project Site ranges from approximately 8 to 13 feet above mean sea level. Based on CoSMoS, as shown on the Our Coast Our Future Hazards Map, the project site could begin to experience flooding impacts starting with 2.5 feet of SLR combined with a 100-year storm. Starting with 4.1 feet of SLR, portions of the site may be flooded under normal, non-storm conditions. Based on the same mapping, the main pathway for flooding appears to be from the 7th Street Channel to the north, such that the northern portions of the project site would be impacted sooner/with less SLR. With increasing SLR (or with increasing SLR plus storm conditions), more portions of the project site could be flooded. CoSMoS/OCOF also provides information on groundwater changes resulting from sea level rise. The project site is already in an area with a shallow groundwater table, and SLR could result in an emergent groundwater table (i.e., groundwater flooding) in portions of the project site with 2.5 feet of SLR.

As the table above shows, 2.0 to 3.0 feet of SLR could occur somewhere between 2060 and 2070 under the High scenario, or closer to 2090 (or later) under the more likely Intermediate Scenario. Similarly, 4.1 feet of SLR could occur as soon as 2080 under the High Scenario, or after 2110 under the Intermediate Scenario. As noted above, the Project lifetime is expected to be 30 years, but could have a potential useful life of up to 100 years.

It should be noted that the proposed project is largely influenced by State policies in place or under consideration. The Advanced Clean Fleets Regulations are proposed by CARB to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles and works in conjunction with the Advanced Clean Trucks Regulation, the Truck and Bus Regulation, and the Transport Refrigeration Unit (TRU) Regulation to meet statewide air pollution reduction goals including economy-wide carbon neutrality by 2045. The Advanced Clean Fleets Regulations was adopted by CARB in April 2023; however, the Office of Administrative Law has not yet approved the regulation.

The Advanced Clean Cars II Regulations are a set of rules proposed by the CARB to ban the sale of internal-combustion passenger vehicles and light trucks by 2035 and require an increasing number of zero-emission vehicles (ZEVs) and plug-in hybrid electric vehicles (PHEVs) starting from the 2026 model year. The regulations were approved by the Office of Administrative Law on November 22, 2022 and effective the same day.

The purpose of the regulations are to reduce air pollution and greenhouse gas emissions from the transportation sector and are aligned with Governor Newsom's 2020 Executive Order N-79-20. Given the aggressive schedule to comply with CARB's ZEV program and ultimately phase out all internal combustion trucks and cars with ZEVs, it is reasonable to assume that the Project lifetime would not be 100 years.

As such, it appears as though the project site and the proposed development would not be exposed to hazards over the anticipated 30-year lifetime, but could start to be exposed to flooding soon after under a high scenario. Even under the High Scenario though, initial risks to proposed development may not be significant. As identified above, initial flooding impacts would occur as a result of 2.5ft of SLR combined with a 100-year storm. Thus, flooding would be a rare, short-duration event rather than a routine, prolonged condition. Moreover, these earliest impacts would be primarily confined to the northern portion of the project site (north of W. 16th Street). This portion of the project site would only include construction of railroad tracks, which would likely be able to withstand occasional storm flooding impacts.

Additionally, some project design features incorporated into the Project already take into account SLR adaptation strategies, including the relocation and elevation of utility infrastructure and placement of the fuel transload facilities and equipment to areas outside of the risk for coastal flooding conditions. Specifically, fuel transload facilities and equipment and other proposed development are primarily located on the eastern portions of the project site, which would not be exposed to flood impacts under 2.5 feet of SLR (even with a 100-year storm).

Overall, the proposed development will adequately minimize risks associated with flooding, including as exacerbated by sea level rise, over the proposed 30-year anticipated lifetime. However, coastal hazards risks would increase in the following years with additional sea level rise. As such, it is appropriate to limit the authorization of the proposed development to 30 years and to require the development of a coastal hazards adaptation and implementation plan by the end of that time horizon that identifies any strategies necessary for protecting, relocating, or otherwise adapting the development authorized by the CDP as necessary to maintain safety from flooding and other coastal hazards. Special conditions of approval related to coastal hazards are included in the draft resolution.

Land Use Code (LUC)

As discussed in the preceding section, the project is located in a section of the CZ where the City retains permit jurisdiction and the development standards applied to the proposed development are contained within the previous version of the LUC. The project is located within the MM zone, which is regulated by Chapter 18.18 of the previous LUC. Land uses in the previous code are listed as permitted or permitted with a CUP under “use groups” that organize similar land uses into broader categories. Use Group 23 – Medium Manufacturing, which is allowed in the MM zone, permits the storage and distribution of oil-based products with the approval of a CUP.

The proposal has also been reviewed for conformance with applicable design regulations. The site is sufficient in size for the proposed use and meets the minimum required lot area and frontage. The proposed development adheres to all required minimum setbacks. The office for the facility is proposed to be a small, 512 square-foot pre-manufactured structure. Per the conditions of approval, this structure will need to be reviewed and permitted by the Building Division as a permanent structure. The proposed elevations of the office do not meet the minimum aesthetic standards of Section 18.18.240 of the (previous) Land Use Code and will need to be upgraded with additional exterior materials when plans are submitted for permits. Since the use primarily takes place using industrial equipment outdoors, the project is well below both the maximum height and floor area ratio. As previously discussed, staff is recommending increased screening since most on-site activities will take place outside of an enclosed structure.

The applicant is proposing five parking spaces on site with at least one ADA van accessible space and one EV-ready space. Parking is not required per State law AB 2097, due to the project’s proximity to the 24th Street Trolley Station. Most of the area surrounding the fuel transfer facility is open, paved surface to maximize the

maneuverability of trucks and fire access. Landscaping is required for setback areas in the MM zone and the site provides approximately 8 to 12 feet of landscaping along the West 18th and 19th Street frontages and the adjacent alley, where only four feet would be required for front and exterior side yard setbacks. No landscaping is currently proposed for the four-foot setback on the west side of West 18th Street. Planning staff will need to consult with the applicant and the Engineering Department during permitting on the feasibility of adding landscaping in this location. Other general design regulations required by the (previous) LUC are related to outdoor lighting, the screening of mechanical equipment, and trash and recycling. Conditions of Approval are included in the draft resolution ensuring conformance with these additional sections.

A Note on Non-Conforming Land Uses

The proposed project is a new construction fuel transfer facility on a site zoned for medium intensity manufacturing uses. The storage and distribution of fuel is permitted in the MM zone with approval of a CUP. In National City, many industrial uses are close to sensitive receptors such as residences, schools, and day care facilities. This proximity exacerbates air quality and health issues within the City and the proposed fuel transfer facility raises concerns about increased cumulative impacts. However, incompatible land uses are largely the result of land use decisions in the past and most of the examples in the City would not currently be permitted. Today, there are several residential properties within industrial zone districts, including the McKinley Apartments. Should any of these residential properties be redeveloped, they would not be allowed to remain residential. Similarly, the Westside Specific Plan Area of the City is home to dozens of nonconforming commercial and industrial properties. The Westside Specific Plan was created to help resolve the most egregious examples of land use incompatibility within the City and includes stricter requirements on non-conforming land uses. Air quality issues within this portion of the City *should* decrease over time as incompatible businesses cease operation. An amortization program exists in the City to help expedite this process and so far two nonconforming businesses have been amortized. However, this program requires dedicated funding and staff to implement, and no new businesses have been amortized in recent years.

Climate Action Plan (CAP)

The City's first CAP was first adopted in 2011 to align with State goals related to the reduction in greenhouse gas (GHG) emissions. As of 2018, the City had only achieved 40% of the reduction goal for 2020. In 2023, the Climate Action Plan Update (subsequently referred to as CAP) was adopted with renewed goals and an updated emissions inventory. New goals are to reduce GHG from 2018 baseline levels 40% by 2030 and 80% by 2050 in alignment with current Statewide targets. The proposed project

will result in a release of approximately 282 metric tons/year of GHG during construction activities and approximately 1,633 metric tons/year from operations of the fuel transfer facility. Almost all emissions from the facility will be from mobile sources (truck and rail). The amount of GHG emissions anticipated by the facility is below the threshold to be considered significant for a singular project in accordance with the methodologies recommended in the CAP. The project will also deliver a higher volume of cleaner diesel fuels to the market, which can significantly reduce GHG from emissions (up to 70% from standard diesel fuels) regionally. An estimate of the project's overall contribution to GHG reductions has not been provided. For the purposes of this report, the project will be evaluated based on specific strategies in the CAP.

As discussed above, the project is not considered significant for the purposes of GHG emissions. Thresholds are discussed in detail in the attached EIR. However, it should be noted that industrial developments, such as the proposed project were incorporated into the GHG analysis used to develop the CAP based on existing General Plan land use categories. The project does not exceed the intensity of use for the types of development permitted on the subject site and that was analyzed and evaluated in the CAP and the General Plan. Due to the anticipated emissions from this project, while not considered significant, opportunities to incorporate CAP strategies should be greatly encouraged for this project. The EIR includes Mitigation Measure (MM) GHG-1 to ensure consistency with the strategies that have been identified as applicable to the project. All mitigation measures identified in the EIR are included as conditions of approval in the draft resolution. In addition, there are other strategies in the CAP that are outside the scope of this project that will be discussed below.

Community Emissions Reduction Plan (CERP)

State Assembly Bill 617 (AB 617) was passed in 2017 and led the California Air Resources Board (CARB) to create a new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposures to air pollutants. San Diego Air Pollution Control District (SDAPCD) nominated the Portside Community for the AB 617 program, which is comprised of the neighborhoods of Barrio Logan, Logan Heights, and Sherman Heights in the City of San Diego and West National City within the City of National City. At the time, the State's CalEnviroScreen 3.0 tool was used to evaluate the communities most vulnerable to the effects of pollution based on environmental, health, and socioeconomic data for AB 617. All census tracts for the Portside Community ranked at or above the 85th percentile for vulnerability using this tool.

The most recent version of this tool, version 4.0, continues to indicate a very high pollution burden within these communities. As discussed earlier, pollution and poor air quality in National City and the adjacent San Diego neighborhoods are the result of mobile sources such as heavy truck traffic serving the port and along I-5 as well as stationary sources such as heavy industries. Harbor vehicles and activities at Naval Base San Diego also contribute. DPM, a known carcinogen, is an acute concern due to the wide variety of diesel-powered vehicles and equipment operated within and near the Portside Community. The census tract within National City experiences DPM exposure that is greater than 91% of the census tracts in the state. As a result, measurable health impacts such as the number of residents suffering from asthma far exceed other communities. The Portside Community is also disadvantaged economically with significantly higher rates of poverty and households that are cost-burdened with housing. Residents, are therefore, less likely to have the resources to pay additional costs associated with health problems, move to areas with less pollution exposure, or upgrade their residences with high quality air filters or other improvements that could improve their quality of life.

AB 617 was intended to be a community-driven program and the SDAPCD assisted with a robust community outreach and engagement initiative to help the Portside Community with the development a Community Emissions Reduction Plan (CERP). The plan was adopted in 2021. As a member of the Steering Committee, the City of National City participated in the adoption of this plan. The LCP Implementation Plan requires for the granting of a CDP that the permit will be consistent with all other plans and ordinances of the City of National City. Although the CERP is not an official plan of the City, staff strongly encourages the consideration of this plan in determining the Project's consistency due to the City's direct participation in the CERP's adoption.

As stated in the EIR, most of the action items associated with the CERP strategies direct agencies such as SANDAG, SDAPCD, and local cities to develop and implement the outlined strategies. The document presents a pathway to reduced air pollution in the Portside Community, but some of the specific programs or projects necessary to do so still need to be worked out. Of the more concrete action items in the CERP, the EIR identifies adherence to truck routes as applicable to the fuel transfer facility project. A recommended Condition of Approval for this Project requires the applicant to provide an operations plan that identifies the truck routes all trucks servicing the facility are required to utilize.

Notable goals of the CERP include a reduction in DPM levels to 80% of baseline levels from 2018 by 2031 and 100% zero emissions vehicles for medium and heavy-duty

trucks five years ahead of State requirements (currently 2045). The City of National City is identified in the CERP under the implementation responsibility of *encourage prioritization of deployment of ZEVs*. National City currently contributes funding to the operation of the Free Ride Around National City (FRANC) Neighborhood Electric Vehicle (NEV) on-demand shuttle service. National City's most significant contribution to the CERP to date has been the continued planning and implementation of important active transportation projects.

While the proposed project can be found in conformance with the CERP based on the action and strategies listed in the plan, it is also in conflict with the overall goals of the plan to reduce air pollution and improve health outcomes. 72 additional heavy-duty, diesel-powered trucks will be traversing the Portside Community should this project be approved in addition to emissions related to the on-site operations and movement of rail cars. While not significant according to the evaluation in the EIR, the project does contribute to an *increase* in emissions while the CERP was created with the intention to *decrease* emissions over time. Staff concludes that, despite the findings of insignificant impacts by the EIR, the proposed project is nevertheless not fully consistent with all plans the project would be subject to, based on the overall goals of the CERP.

Uniquely for this project, there is also a conflict between two state laws that National City must contend with. While the project does not fully meet the aspirational goals of the CERP, it *does* help to achieve the goals of AB 32 through the LCFS program, as discussed under the "Alternative Fuels and Environmental Considerations" heading under the "Proposed Use" section above.

Other Considerations

As stated in the beginning of this staff report, the recommendation to the Planning Commission is the approval of this project subject to the Conditions of Approval in the attached draft resolution. However, this recommendation is not fully based on the analysis above, which identifies concerns with the project's consistency with the CERP, but also voluntary commitments made by the project applicant to provide community benefits. The project proponent, in addition to the construction and operation of the fuel transfer facility, has agreed to enter into an economic benefit agreement with the City of National City in the amount of \$200,000 per year for the life of the project. This is included in the draft resolution as a Condition of Approval. Should these funds be added to the City's General Fund, they could potentially be spent on pensions, new hires, office supplies, or other resources related to the day-to-day operations of a municipality. However, staff is recommending that the applicant's proposed economic

benefit be directly used to implement strategies aimed at the reduction of emissions and the improving the quality of life within neighborhoods in the vicinity of the proposed facility. General Plan policies and programs related to urban greening, enhanced transit options, development of pedestrian and bike networks could all be funded or implemented using the economic benefit. As an example, the FRANC could receive consistent funding for the life of the proposed project to ensure continued operations, or even an expansion of the program. Another possibility would be funding the City's amortization program, which would allow for an accelerated timeline for the discontinuance of polluting business operating next door to residences in the Westside. Both programs are related to and further the goals of the CAP and the CERP.

Mailing

All property owners and occupants within 300 feet of the property are required to be notified of a public hearing for CUP and CDP applications. Notice of this public hearing was sent to 122 occupants and owners.

Staff previously sent notification for a public hearing on June 2, 2025. However, the item was pulled after the Planning Commission agenda was published due to concerns expressed by the California Coastal Commission received by the Planning Division the day of the scheduled hearing. Two other comments were also received. Previous public comments are included as an attachment.

California Environmental Quality Act (CEQA)

Section 5.1 of the attached FEIR discusses the findings that, with the mitigation measures identified in the EIR, impacts from the construction and/or operation of the proposed project would be reduced to below the level of significance or eliminated. Mitigation measures are included in Attachment 7 as part of the Mitigation Monitoring and Reporting Program (MMRP). All mitigation measures have also been included as separate Conditions of Approval in the draft resolution. Potential significant impacts from the project that were identified include the following:

Biological Resources

- **Substantial Adverse Effect on any Candidate, Sensitive, or Special Status Species**
 - o Direct impacts to Nuttall's Acmispon (*Acmispon Prostratus*), a special status plant species, may occur as a result of the proposed project due to ground-disturbing and vegetation removal activities in the project area.
 - o There is a low likelihood of ospreys nesting within the project area or buffer of the project area, which use the nearby bay for foraging. Project activities could cause indirect impacts while under development.

- o Palm trees within the project area may provide roosting habitats for bat species including the western yellow bat, a species of special concern. Direct impacts could result from ground-disturbing and vegetative removal activities.
- o The vegetation within the proposed project and infrastructure adjacent to the project area could provide nesting habitat for nesting birds and raptors and also provide foraging habitat for songbird and raptor species. Ground-disturbing construction activities could directly affect protected birds and their nests through the removal of habitat on the proposed project, and indirectly through increased noise, ground vibrations, and increased human activity.

Greenhouse Gas Emissions

- Conflict with an Applicable Plan, Policy, or Regulation for Reducing Greenhouse Gas Emissions
 - o At the time of submittal of the proposed project, the City's CAP Update had not been completed. The project would need to incorporate all applicable actions from this adopted plan to demonstrate consistency with the City's climate action planning efforts.

Tribal Cultural Resources

- Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is defined in terms of the size and scope of the landscape, sacred place, or object of cultural value to a California Native American tribe
 - o A small area located in the southeastern portion of the project area is mapped as young alluvial floodplain deposits dating from the Late Pleistocene to the Holocene. The Holocene surface sediments are consistent with the strata that precontact archeological deposits have been previously identified and documented in the region. Due to the presence of sediments contemporaneous with human occupation of the region and the presence of previously recorded precontact resources in the surrounding area and within the project area, the potential for subsurface resources in previously undisturbed soils is considered moderate. Therefore, ground-disturbing activities have the potential to result in the discovery of, or inadvertent damage to, archaeological contexts.

The proposed mitigation measures include salvage of rare plants, pre-construction survey for nesting birds, compliance with tree-trimming procedures to ensure protection for roosting bats, compliance with specific GHG-reducing measures identified in the City's CAP Update, and archaeological and Native American monitoring during construction activities.

Environmental Review Process

The applicant was advised by staff during preliminary application discussions that an Initial Study (IS) checklist would be required for the project submittal. Air quality was an early concern due to the number of diesel-powered trucks that would be serving the site. The project proposal originally called for 115 trucks entering the site daily, which was later reduced to 72. A completed IS was submitted along with a draft Mitigated Negative Declaration (MND). The IS screened out the following resources that the project would have either a Less than Significant or No Impact finding: Aesthetics, Agricultural and Forestry Resources, Geology and Soils, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildlife. Due to the heavily urbanized nature of the City, potential impacts from most projects are likely to be narrow in scope.

In accordance with CEQA procedures, the draft MND documents were posted for public review and comment for 30 days beginning on June 2, 2023. Several comments were submitted including letters from San Diego Air Pollution Control Board (SDAPCD), the CCC, CARB, Caltrans, and the Environmental Health Coalition (EHC). Staff worked with the environmental consultant to address these comments in the draft MND, but ultimately it was decided that an EIR would be needed for the project with specific concerns about air quality, GHG emissions, and vehicle miles traveled (VMT).

A scoping meeting was held for the DEIR on May 23, 2024 along with a 30-day comment period for the Notice of Preparation (NOP) and IS. At the scoping meeting 27 comment cards were submitted along with 11 comment letters from the comment period. These comments are summarized in the DEIR. The areas of controversy, or primary issues raised, were in regard to air quality, GHG emissions, hazards and hazardous materials, noise, and transportation. The areas of biological resources, energy, land use and planning, and tribal cultural resources were also evaluated for potential environmental effects from the proposed project. The EIR also analyzed project alternatives including a no project alternative, a reduced intensity alternative, and an offsite location alternative.

The DEIR was published on December 6, 2024, and had a 54-day public review and comment period. An extended review period was provided due to the overlap with the

City's two-week holiday furlough. With the mitigation measures discussed above, the EIR determined that the proposed project would have a less than significant impact or no impact on the resources discussed in the report. In the analysis of project alternatives, the reduced intensity alternative was considered to be environmentally superior because it would decrease the magnitude of impacts. However, this alternative would not meet project objectives and the proposed project would not result in any significant and unavoidable environmental impacts. During the review period, seven comments letters were received. No subsequent changes were made to the EIR. Responses to the comment letters can be found in the FEIR.

Environmental Summary

Through an extensive review process conducted under CEQA, the proposed project has not been found to result in any significant environmental impacts with incorporation of the proposed mitigation measures. The EIR was prepared by an environmental professional and staff concurs with the findings in the report and supporting documents. Attachment 7 discusses the draft findings for the EIR in detail and they are also included in the draft resolution for the certification of the EIR. Staff is recommending certification of the EIR based on these attached findings. The Planning Commission must act on the certification of the EIR before considering the approval of the requested CUP and CDP.

Recommended Findings for the CUP and CDP

Required Findings for Approval

The (previous) Municipal Code contains four required findings for CUPs:

1. The site for the proposed use is adequate in size and shape: The project is proposed for an approximately 7.5-acre site comprised of railroad right-of-way and adjacent property owned by BNSF railway. While the site exceeds the minimum lot area of 5,000 square feet for the Medium Manufacturing (MM) zone, only one small office structure is proposed with the majority of the site being occupied by new railways, pumping equipment to transfer fuel, and an appropriately-size paved service to allow for the ingress and egress of trucks. All proposed improvements adhere to minimum setback and site design requirements.
2. The site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use: The project location is on the west side of the City where adequate truck routes exist along Bay Marina Drive, Civic Center Drive, and Tideland Avenue. Interstate 5 is directly accessible from these streets. In addition, the site

has access from West 18th and West 19th Streets for ingress and egress of truck traffic. As a condition of approval, the West 18th Street right-of-way is required to be improved to the satisfaction of the City Engineer. A traffic impact study was completed for the proposed project and the trip generation of the proposed use was determined to be minimal.

3. The proposed use will not have an adverse effect upon adjacent or abutting properties: The proposed project is an industrial use consistent with the Medium Manufacturing (MM) zone description in the General Plan and will be subject to conditions of approval that ensure safe operation of the facility. Adjacent and abutting properties are occupied by similar industrial and manufacturing uses. As a condition of approval, the project is required to include a screening wall or fence and enhanced landscaping to reduce visual impacts. The project is also required to conform to all development standards and design guidelines of the MM zone, as well as all the requirements of the Mitigation Monitoring and Reporting Program developed for this Project and incorporated as conditions in the CUP.
4. The proposed use is deemed essential and desirable to the public convenience or welfare: The project proposes to further advance State goals to reduce the carbon-based emissions in the transportation sector. The proposed fuel transfer facility will bring approximately 13,800 barrels of biofuels to the regional market daily. Renewable biofuels can contribute to up to an 80% decrease in emissions from standard diesel fuel. The public will benefit from access to a cleaner-burning fuel as well as increased air quality and a reduction of GHG emissions. The use is consistent with the MM zone description, which is intended for uses in areas in which activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and/or fire and explosive hazards. In addition, the project proponent will enter into an economic benefit agreement with the City that will generate funds for the purpose of reducing emissions and improving the quality of life for residents.

In addition, projects in the Coastal Zone require two conditions related to CDPs:

1. The granting of said Coastal Development Permit will be consistent with all other plans and ordinances of the City of National City: The proposed use is permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. As discussed in the staff report, several policies in the Land Use, Transportation, Safety, Noise and Nuisance, Open Space and Agriculture, and

Conservation and Sustainability Elements of the General Plan are being met by the project. The project, subject to the condition of approval related to the establishment of an economic development agreement, is consistent with the policies of the Health and Environmental Justice Element because the additional funds can be used for the implementation of policies and programs to reduce emissions and improve the welfare of residents in the vicinity of the project area. The proposed economic benefit can also be used to further the goals of the AB 617 Portside Community's Community Emissions Reduction Plan (CERP). The project, subject to the approved mitigation measures requiring conformance with specific Climate Action Plan (CAP) policies, is also consistent with the CAP Update.

2. The granting of said Coastal Development Permit will be consistent with and implements the Certified Local Coastal Program: The project is located in an area generally exempt from a Coastal Development Permit; involves a fuel storage and distribution use, which is conditionally allowed in the MM zone; and will not prohibit coastal access or obstruct views.

Furthermore, findings have been included in a separate draft resolution with regard to compliance with the California Environmental Quality Act (CEQA) and the certification of an EIR. These findings can also be found in Attachment 7. The draft resolution for the approval of the CUP and CDP includes the following finding for CEQA:

1. The proposed project has been reviewed in compliance with the California Environmental Quality Act; an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Greenhouse Gas Emissions, and Tribal Cultural Resources. All issues identified can and will be adequately mitigated to a less than significant level with fully enforceable project mitigation measures.

Optional Findings for Denial

The following findings are recommended should the Planning Commission consider the denial of the CUP:

1. The proposed fuel transfer facility is not deemed essential and desirable to the public convenience and welfare, because the delivery of biofuels can be

accomplished through other means of delivery with fewer air quality impacts to residents, workers, and visitors to the City of National City.

2. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because it would increase the use of diesel-powered trucks in a community already overburdened by emissions and further exacerbate air quality issues, and potential benefits of the Project do not outweigh these problems.

One additional finding is recommended should the Planning Commission consider the denial of the CDP:

3. The granting of said Coastal Development Permit is inconsistent with applicable plans and ordinances within the City of National City because it will increase the number of diesel-powered trucks within the AB 617 Portside Community. The increased emissions from the project would be in conflict with the goals of the Community Emissions Reduction Plan (CERP) to reduce emissions and improve air quality in environmental justice communities. The project is also inconsistent with potential land use decisions as required by the Health and Environmental Justice Element of the General Plan.

Department Comments and Conditions of Approval

Comments were received from the Building Division, Engineering Department, and Fire Department. The Building Division provided a standard comment related to conformance with applicable codes, which is included as a condition of approval. The Engineering Department provided standard requirements related to new developments and grading. Comments also addressed required right-of-way improvements for the proposed project, which are included as conditions of approval. The Fire Department provided comments related to required access and the design of fire-suppression equipment. Specialized equipment in the event of fire is also required due the presence of hazardous materials at the proposed facility. The Planning Division has also included comments related to development standards and design requirements for new developments in the MM zone. Additional conditions are related to compliance with the mitigation measures required by the EIR, the project proponent's economic benefit agreement, and operational standards for the proposed facility. All comments have been incorporated as conditions of approval as well as general conditions related to CUPs and CDPs and can be found in the attached draft resolution for approval.

Summary

The proposed project is a fuel transfer facility to be located on and adjacent to an existing BNSF railway that will help bring clean, renewable biofuels to the San Diego market. The project was evaluated for potential environmental impacts in the attached EIR and impacts were found to be less than significant with incorporation of the proposed fully enforceable mitigation measures. While the project will introduce new emissions from rail activity and up to 72 diesel-powered trucks entering the site daily, the emissions do not exceed applicable thresholds and can potentially be offset by other implementation measures identified in the City's General Plan, CAP Update, and the AB 617 Portside Community CERP. The project proponent will be required to enter into an economic benefit agreement that could fund programs such as amortization or the Free Ride Around National City (FRANC). As the approving authority, the Planning Commission shall consider recommending certification of the EIR prior to considering recommendation of the requested CUP and CDP.

Planning Commission Options for Certification of the EIR

1. Certify that the Final EIR for the Proposed Project has been completed and processed in compliance with the requirements of CEQA; the Commission, as the decision-making body for the City, reviewed and considered the information contained in the EIR prior to approving the Proposed Project; and the EIR reflects the City's independent judgement and analysis, based on findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find that the Final EIR for the Proposed Project has not been completed and processed in compliance with the requirements of CEQA based on findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Planning Commission Options for the CUP and CDP

1. Approve 2023-03 CUP, CDP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Deny 2023-03 CUP, CDP based on the attached findings, or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Draft Resolution for Certification of the Final EIR
2. Draft Resolutions for Approval/Denial of the CUP/CDP
3. Overhead
4. Site Photos
5. Applicant's Plans (Exhibit A, Case File No. 2023-03 CUP, CDP, IS, dated 2/19/2024)
6. Public Hearing Notice (Sent to 120 property owners & occupants)
7. Public Comments
8. Findings of Fact for Certification of Final EIR and MMRP
9. Final EIR (an electronic version is available at: <https://fc.nationalcityca.gov/url/FINALEIRSDCLEANFIELDSELLC>) (a hard copy is available for public viewing at City Hall, 2nd Floor lobby)

RESOLUTION NO. 2025-13

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA CERTIFYING A FINAL
ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED FUEL TRANSFER
FACILITY WITHIN BNSF RAILROAD RIGHT-OF-WAY AND BNSF-OWNED
PROPERTY LOCATED WEST OF THE 1800 BLOCK OF CLEVELAND AVENUE AND
NORTH OF WEST 19TH STREET, NORTH TO CIVIC CENTER DRIVE.

APPLICANT: SAN DIEGO CLEAN FUELS FACILITY LLC

CASE FILE NO. 2023-03 IS

APNS: 559-010-14, 559-040-46, 559-040-47, 559-040-48, 559-040-52, 559-076-02,
559-091-03, & 559-091-11

WHEREAS, the Planning Commission of the City of National City, California, considered the Final Environmental Impact Report for the application at a duly advertised public hearing held on September 15, 2025, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2023-03 IS, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on September 15, 2025, supports the following findings:

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “lead agency” for the project.
2. The Draft EIR and Final EIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
3. The Final EIR for the San Diego Clean Fuels Facility LLC Project reflects the City’s independent judgment and analysis in accordance with PRC Section 20182.1 (c)

- (3) and CEQA Guidelines section 15090(a) in reviewing, commenting on, and revising material prepared by the consultant.
4. An MMRP has been prepared for the project, which the City has adopted and has made a condition of approval of the project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the project.
 5. With the certification of the EIR and approval of the Proposed Project, the Planning Commission adopts all mitigation measures recommended by the EIR as listed in the Mitigation Monitoring and Reporting Program
 6. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
 7. In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence in the record and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
 8. The impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
 9. The Planning Commission finds that the Proposed Project would not conflict with air quality plans or expose sensitive receptors to harmful pollutant levels, and impacts would be less than significant. Therefore, no mitigation is required.
 10. The Planning Commission finds that the Proposed Project would have less than significant effects related to wasteful, inefficient, or unnecessary energy consumption during construction and is consistent with applicable state and local plans for renewable energy and energy efficiency.
 11. The Planning Commission finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects identified in the EIR.
 12. The Planning Commission finds that Project implementation would not conflict with applicable environmental policies of the City's General Plan and/or State and federal laws, regulations and orders, and that impacts would be less than significant, and no mitigation is required.
 13. The Planning Commission finds that the Proposed Project would not physically divide an established community and would not conflict with applicable environmental policies of the City's General Plan, and/or local plans, and/or State and federal laws, regulations and orders. Impacts would be less than significant, and no mitigation is required.
 14. The Planning Commission finds that the Proposed Project would not conflict with any of the applicable plans, programs, or ordinances, or policies addressing the

circulation system. The Project is consistent with the City's General Plan and does not exceed the average daily trip (ADT) threshold and would not have a significant vehicle miles traveled (VMT) impact. Impacts would be less than significant.

15. The Planning Commission finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects to Special Status Plant and Wildlife Species identified in the EIR.
16. The Planning Commission finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects to Tribal Cultural Resources identified in the EIR.
17. The City reviewed the comments received on the Draft EIR 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 project. 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 EIR.
 - a. The responses to comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
18. The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.
19. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
20. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and finds as stated in these Findings.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Environmental Impact Report No. 2023-03 IS, together with any comments received during the public review process, and finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment after incorporation of fully enforceable mitigation measures and that the Environmental Impact Report reflects the City's independent judgment and analysis, and hereby certifies the Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, and authorizes the filing of a Notice of Determination.

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 15, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2025-14

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA APPROVING A CONDITIONAL USE
PERMIT AND COASTAL DEVELOPMENT PERMIT FOR
A PROPOSED FUEL TRANSFER FACILITY WITHIN BNSF RAILROAD
RIGHT-OF-WAY AND BNSF-OWNED PROPERTY, LOCATED
WEST OF THE 1800 BLOCK OF CLEVELAND AVENUE AND NORTH OF
WEST 19TH STREET, NORTH TO CIVIC CENTER DRIVE.
APPLICANT: SAN DIEGO CLEAN FUELS FACILITY LLC
CASE FILE NO. 2023-03 CUP, CDP, IS
APNS: 559-010-14, 559-040-46, 559-040-47, 559-040-48,
559-040-52, 559-076-02, 559-091-03, & 559-091-11

WHEREAS, the Planning Commission of the City of National City considered said applications at a duly advertised public hearing held on September 15, 2025, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2023-03 CUP, CDP, IS maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on September 15, 2025, support the following findings:

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT

1. The site for the proposed use is adequate in size and shape because the project is proposed for an approximately 7.5-acre site comprised of railroad right-of-way and adjacent property owned by BNSF railway. While the site exceeds the minimum lot area of 5,000 square feet for the Medium Manufacturing (MM) zone, only one small office structure is proposed with the majority of the site being occupied by new railways, pumping equipment to transfer fuel, and an appropriately-size paved service to allow for the ingress and egress of trucks. All proposed improvements adhere to minimum setback and site design requirements.

2. The site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use because the project location is on the west side of the City where adequate truck routes exist along Bay Marina Drive, Civic Center Drive, and Tidelands Avenue. Interstate 5 is directly accessible from these streets. In addition, the site has access from West 18th and West 19th Streets for ingress and egress of truck traffic. As a condition of approval, the West 18th Street right-of-way is required to be improved to the satisfaction of the City Engineer. A traffic impact study was completed for the proposed project and the trip generation of the proposed use was determined to be minimal.
3. The proposed use will not have an adverse effect upon adjacent or abutting properties because the proposed project is an industrial use consistent with the Medium Manufacturing (MM) zone description in the General Plan and will be subject to conditions of approval that ensure safe operation of the facility. Adjacent and abutting properties are occupied by similar industrial and manufacturing uses. As a condition of approval, the project is required to include a screening wall or fence and enhanced landscaping to reduce visual impacts. The project is also required to conform to all development standards and design guidelines of the MM zone, as well as all the requirements of the Mitigation Monitoring and Reporting Program developed for this Project and incorporated as conditions in the CUP.
4. The proposed use is deemed essential and desirable to the public convenience or welfare because the project proposes to further advance State goals to reduce the carbon-based emissions in the transportation sector. The proposed fuel transfer facility will bring approximately 13,800 barrels of biofuels to the regional market daily. Renewable biofuels can contribute to up to an 80% decrease in emissions from standard diesel fuel. The public will benefit from access to a cleaner-burning fuel as well as increased air quality and a reduction of GHG emissions. The use is consistent with the MM zone description, which is intended for uses in areas in which activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and/or fire and explosive hazards. In addition, the project proponent will enter into an economic benefit agreement with the City that will generate funds for the purpose of reducing emissions and improving the quality of life for residents.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE COASTAL DEVELOPMENT PERMIT

1. The granting of said Coastal Development Permit will be consistent with all other plans and ordinances of the City of National City because the proposed use is permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. As discussed in the staff report, several policies in the Land Use, Transportation, Safety, Noise and Nuisance, Open Space and Agriculture, and Conservation and Sustainability Elements of the General Plan are being met by the project. The project, subject to the condition of approval related to the establishment of an economic development agreement, is consistent with the policies of the Health and Environmental Justice Element because the additional funds can be used for the implementation of policies and programs to reduce emissions and improve the welfare of residents in the vicinity of the project area. The proposed economic benefit can also be used to further the goals of the AB 617 Portside Community's Community Emissions Reduction Plan (CERP). The project, subject to the approved mitigation measures requiring conformance with specific Climate Action Plan (CAP) policies, is also consistent with the CAP Update.
2. The granting of said Coastal Development Permit will be consistent with and implements the Certified Local Coastal Program because the project is located in an area generally exempt from a Coastal Development Permit; involves a fuel storage and distribution use, which is conditionally allowed in the MM zone; and will not prohibit coastal access or obstruct views.

RECOMMENDED FINDING FOR
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. The proposed project has been reviewed in compliance with the California Environmental Quality Act; an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Greenhouse Gas Emissions, and Tribal Cultural Resources. All issues identified can and will be adequately mitigated to a less than significant level with fully enforceable project mitigation measures.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit and Coastal Development Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* and *Coastal Development Permit* authorizes the construction and operation of a fuel transfer facility. Except as required by Conditions of Approval, all plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-03 CUP, CDP, IS, dated 2/15/2024.

2. This *Conditional Use Permit* and *Coastal Development Permit* shall not become effective until the Environmental Impact Report associated with the project has been certified and the Notice of Determination filed with the CEQA State Clearinghouse, and all required appeals have been exhausted.
3. Before this *Conditional Use Permit* and *Coastal Development Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit* and *Coastal Development Permit*. The applicant or owner shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant or owner shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* and *Coastal Development Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
4. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *San Diego County Clerk* and submitted to the National City Planning Division. The fee is currently \$4,123.50, although it may be different at time of filing.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* and *Coastal Development Permit* may be revoked if the operator is found in violation of any Conditions of Approval or applicable law. The property, the use and the permittee shall comply with all applicable law at all times.
7. Should either the Conditional Use Permit or Coastal Development Permit expire or be revoked, operations of the authorized use shall cease immediately.

Building

8. All plans submitted for improvements must comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Coastal Development Permit – Special Conditions

9. **Expiration.** Except as otherwise provided in this special condition, this Coastal Development Permit (CDP) shall expire 30 years from the date of approval. By

acceptance of this CDP, the Permittee acknowledges and agrees that the project authorized pursuant to this CDP is thus interim and temporary, and is permitted for the time frame identified in order to provide a reasonable period of time for the Permittee to evaluate future risk of coastal hazards as influenced by sea level rise and plan, develop, and implement any necessary responses to coastal hazards including adaptation or relocation alternatives, to ensure minimization of risk in the long term, or to address any coastal resource impacts associated with maintaining the subject development at this location.

At least six months prior to the expiration of the authorization period, the Permittee or its successors shall submit an application for a CDP amendment to either (a) modify the expiration date of this CDP and modify its design, as needed, to ensure consistency with the Coastal Act, or (b) relocate or remove all or portions of the project and restore the affected areas to pre-development conditions or better. If a complete CDP amendment application is filed prior to the CDP expiration date, the authorization period shall be automatically extended until the time the City acts on the application. The required amendment application shall conform to the City's permit filing regulations at the time and shall reflect the approach(es) identified in the Coastal Hazards Adaptation and Implementation Plan (see Special Condition 10), as well as any necessary updates to reflect the site conditions and regional sea level rise planning approaches at the time of the amendment.

10. **Coastal Hazard Adaptation and Implementation Plan.** The permittee shall submit for review and approval a Coastal Hazards Adaptation and Implementation Plan (CHAIP) at the same time as the CDP amendment required pursuant to Special Condition 9 or at the same time as any future application for modifications to the development authorized by this CDP, whichever comes first. The CHAIP shall identify a suite of strategies necessary for protecting, relocating, or otherwise adapting the development authorized by 2023-03 CDP as necessary to maintain safety from flooding and other coastal hazards in order to minimize risk and assure stability and structural integrity and to ensure protection of coastal resources over the long-term (at least through 2125). The CHAIP shall reflect the ongoing long-term sea level rise adaptation planning efforts by the City, the Port of San Diego, and other relevant asset managers and stakeholders. The CHAIP shall include/address the following:
 - a. An analysis of current and future coastal hazards that may impact the development authorized in this CDP, including flood hazards caused by tidal inundation, extreme tides and storms, overtopping of seawalls/dikes/levees, and elevated groundwater and/or reduced or inadequate drainage, which takes into account local sea level rise through at least 2125, considering intermediate-high and high SLR scenarios, and based on the best available science at the time of plan preparation.
 - b. An evaluation of alternatives to the development authorized in this CDP to address any coastal hazard vulnerabilities identified, including but not limited to alternatives

involving accommodation strategies (e.g., floodproofing), protection measures, and retreat and relocation strategies (including retreat and relocation of all or portions of the development). The evaluation shall describe the specific design elements and adaptation measures, including how different strategies may be used in combination and over time to ensure the integrity and functionality of the project and protection of coastal resources. The information concerning these alternatives must be sufficiently detailed to enable the City to evaluate the feasibility of each alternative for addressing consistency with the Coastal Act, including whether the alternatives minimize risks of geologic and flood hazards and ensure protection of coastal resources. The evaluation shall include a feasibility analysis of the alternatives that assesses and considers all potential constraints, including geotechnical and engineering constraints, regulatory requirements, project costs, and potential funding options. The identified adaptation strategies and overall long-term approach shall be the least-environmentally damaging feasible alternative

Engineering

11. A Grading and Improvement plan shall be required to be submitted to the National City Public Works Department.
12. The following items are required to be submitted at the time the grading plans are submitted:
 - a. A soils report.
 - b. Hydrology study.
 - c. Hydro modification report or a letter from the engineer of work detailing why a hydro modification is not required.
 - d. An engineer's cost estimate.
 - e. Two copies of calculations for any retaining walls.
 - f. A copy of calculations for any other underground structure.
 - g. Completed Storm Water BMP Applicability Checklist located at this link: <https://www.nationalcityca.gov/home/showpublisheddocument/13794/636287938225800000>.
 - h. A completed copy of the "Application for Grading or Construction" located at this link: <https://www.nationalcityca.gov/home/showpublisheddocument/12543/636090627169130000>.
13. The plans shall be drawn by a registered civil engineer licensed in the State of California.

14. The plans shall be drawn on National City standard border with National City standard title block and standard notes.
15. The plans shall be drawn on standard "D" size sheets.
16. Bonding in the amount of 100% of the engineer's cost estimate is required.
17. A Storm Water BMP Maintenance Agreement shall be required.
18. Landscaped plans shall be included with the grading and improvement plans.
19. No work shall commence until a grading permit has been issued by the City of National City and a preconstruction meeting held with the Senior Construction Inspector.
20. All work performed shall comply with all State and local requirements and the requirements of the Department of Toxic Substance Control.
21. Sidewalk shall be installed along the southerly side of West 18th Street from the westerly end of West 18th Street to the alley which runs from West 18th Street to West 19th Street.
 - a. The sidewalk shall be aligned with the existing sidewalk east of the alley.
 - b. The sidewalk shall conform to the San Diego Regional Standard Drawings (SDRSD) G-07, G-09, and G-10.
22. Curb and gutter shall be installed along the southerly side of West 18th Street from the westerly end of West 18th Street to the westerly side of the alley which runs from West 18th Street to West 19th Street.
 - a. The curb and gutter shall run from the end of the street pavement to the alleys and connect to the existing return on the south side and have a new return installed on the north side which mirrors the south return.
 - b. Curb and gutter shall be in accordance with the SDRSD G-02, G-09, and G-10.
23. West 18th Street shall be reconstructed from the alley to the westerly limit. Full depth reconstruction with four inches of Asphalt Concrete pavement over ten inches of base in accordance with National City Standard Drawing SB-113. Where road surface terminates at the property line on the west end there shall be a 2" x 4" redwood header in conformance with Cal Trans Section 02513 Asphalt Concrete Paving.
24. Fencing shall be installed where the K-rails are currently installed along the property lines. Gate(s) shall be equipped with Knox box(es) for emergency access.

Fire

25. Plans are to be designed, fabricated, and installed in compliance with the current editions and standards of the National Fire Protection Association (NFPA), California Fire Code (CFC), California Building Code (CBC), National Electrical Code (NEC), Title

19 and local City of National City Municipal Codes. All design plans shall reflect the most current code at time of submittal.

26. Permits shall be obtained through the City of National City's Building and Fire Departments. Engagement with both departments includes: submission of site, electrical, and fire protection plans, emergency response integration strategies, and clear access for utilities and first responders.

27. A fire protection engineer shall be consulted and shall be instrumental in concept and design of fire protection devices required for this project. The proposed fire protection systems shall include the following elements:

- Early warning detection (smoke/heat), especially in enclosed structures.
- Fire alarm systems tied to building occupancy and risk.
- Fire sprinkler systems per NFPA 13.
- Clear emergency shut-off signage and system accessibility

28. The National City Fire Department follows the following preparedness recommendations for new projects to enhance safety and readiness:

- Require full compliance with NEC, NFPA, CBC, and CFC codes.
- Perform fire flow and hydrant assessments prior to construction.
- Design fire access road to meet CFC Section 503.
- Special equipment needed/required to respond and safely address/tackle the emergency.
- Engage in pre-incident planning and joint site inspections.
- Conduct training drills for fuel spills/hazards and fire scenarios.
- Conduct annual drills with NCFD and advise of any changes to the industry/site.
- Ensure emergency shut-offs, placards, and safety systems are clearly marked and easily accessible.
- Require NCFD sign package for new development.
- This comprehensive approach ensures the safety and preparedness of the National City Fire Department and ultimately the community. For questions, please reach out to the Fire Department at 619-336-4550.

29. Project will be required to apply for all hazardous material permits per the 2022 or current edition of the CFC with the Fire Department.

30. The proposed office trailer shall be permitted through the National City Building Division as a permanent structure.

31. If fire sprinkler and fire alarm protection is required, fire protection plans are to be directly submitted to the National City Fire Department under separate permit for review and permitting. Fees along with three (3) sets of plans including all “Cut Sheets and Calculations” shall be included upon submittal. Plan review shall be a 30-day plan review process or 21 working days. No over the counter plan review accomplished/no exceptions. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression system have been tested and approved.
32. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2022) and shall extend to within 150 feet of **all** portions of the facility and **all** portions of the exterior walls of the first story of the building as measured by an **approved** route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
33. The required width of emergency fire apparatus access roads shall not be **obstructed in any manner**, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all-weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road; the minimum road width shall be 26 feet. A 28-foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
34. Grade of fire apparatus road shall be within the limits established (15% Grade) by the fire code official based on fire department’s apparatus.
35. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which aerial fire apparatus access road is positioned shall be approved by the fire code official.
36. Aerial fire apparatus roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
37. The fire code official is authorized to require more than one fire apparatus road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions other factors that could limit access. A secondary roadway will be required.
38. Where two fire apparatus roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between access.

39. Fire hydrants to be located throughout the project as not to have a separation distance greater than 300 feet. Fire hydrants to be located within 300 feet of all locations which are roadway accessible. (Measurement starts from nearest existing fire hydrant to project).
40. The following items pertain to fire hydrants:
- A. Size and location, including size and number of outlets and whether outlets are to be equipped with independent gate valves.
 - B. Fire hydrant to be of three outlet design.
41. Provide calculation confirming flow availability to meet fire flow demands and supply large diameter hose (4 inch).
42. Fire hydrants to be marked by use of blue reflective marker in the roadway.
43. Upon submittal for an underground permit, the following shall be included:
- Data sheet for Back-Flows
 - Data sheets for Private and Commercial Hydrants
 - Data sheets for Post Indicator Valves
 - o *Information on required fire hydrants back-flow devices, etc.; can be acquired from Sweetwater Authority. All pipe and their appliances, shall meet industry/code standards for underground use*
44. An Aqueous Film Forming Foam Fluorine Free Firefighting platform and additional fire hydrants shall be installed on site to the satisfaction of the National City Fire Department for use in the event of a fire.
45. Prior to the commencement of operations, a completed Facility Response Plan (FRP) shall be submitted to both the National City Fire Department and National City Planning Division.
46. As part of the operational and safety planning related to the deployment of business infrastructure, the National City Fire Department will implement a cost recovery component to ensure fiscal responsibility during emergency incidents. Cost recovery will be defined as the reimbursement of expenses incurred by the fire department in the course of an emergency response involving business systems or installations. This includes, but not limited to: personnel costs, equipment usage, and damaged or lost equipment. The cost recovery framework ensures that the department remains equipped and funded to maintain operational readiness without placing undue financial burden on the municipality or local taxpayers.
47. Additional comments may be required based on additional information provided due to the above comments. Final approval contingent upon final field inspection and compliance with all applicable codes and ordinances.

Planning

48. This *Conditional Use Permit* and *Coastal Development Permit* authorizes the construction and operation of a fuel transfer facility for various *biofuels*. The transfer and handling of any other fuel or product, except for necessary additives, is strictly prohibited. The average daily transfer volume of product shall not exceed 13,800 barrels of fuel per day.
49. A qualified professional archaeologist, meeting or working under the direction of someone meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology should be retained to monitor all ground-disturbing activities associated with the construction of the project, including vegetation removal, clearing, grading, trenching, excavation, or other activities that will disturb original (pre-project) ground. The monitor must have the authority to temporarily pause activity at the location in the event of an unanticipated discovery, as identified in mitigation measure **(MM) CUL-1** of the Mitigation Monitoring and Reporting Program (MMRP).
50. A Native American monitor from a tribe that is traditionally and culturally affiliated with the Project Area should be retained to monitor all ground-disturbing activities associated with Project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that will disturb original (pre-project) ground. The Native American monitor should have the authority to temporarily pause activity at the location in the event of an unanticipated discovery, so that he or she can coordinate with the Project archaeologist on the identification of a potential cultural resource, as identified in **MM-CUL-2** of the MMRP.
51. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment, as identified in **MM-CUL-3** of the MMRP.
52. The project shall implement the following applicable greenhouse gas-reducing measures, consistent with the National City Climate Action Plan Update, as identified in **MM-GHG-1** of the MMRP:
- Prior to issuance of a building permit, the applicant shall demonstrate that the employee parking lot is electric vehicle ready on the plans (i.e., charging stations, preferred parking, etc.).
 - Limit idling times for all employee and tanker truck vehicles, as well as construction equipment, to less than 5 minutes.

- Prior to issuance of a building permit, the applicant shall demonstrate implementation of all applicable Nonresidential Voluntary Measures of the California Green Building Standards Code – Part 11, Title 24, California Code of Regulations (CalGreen) from the Planning and Design, Energy Efficiency, Water Efficiency and Conservation, and Material Conservation and Resource Efficiency Divisions (Appendix A5 of the 2022 California Green Building Standards Code). These measures shall include, but are not limited to, energy efficiency enhancements, water use reduction, sustainable building materials, improved indoor environmental quality, and waste management strategies.
53. Prior to the start of construction activities, a qualified biologist shall salvage seed from the Nuttall's Acmispon (*Acmispon prostratus*) during the appropriate time of year (June to October), store under appropriate conditions, and coordinate donation of the seeds with a refuge and/or plant nursery (e.g., Sweetwater Marsh National Wildlife Refuge and Native West Nursery) that would apply seed within the refuge boundaries. Appropriate seed storage conditions are in a paper bag, placed in a dry location out of direct sunlight, away from moisture, ideally at 72 degrees Fahrenheit. Seed shall be collected from June to October 2024 and the subsequent spring (2025), provided that the plant is present and ready to seed, as identified in **MM-BIO-1** of the MMRP.
54. Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through January 14) to avoid violations of the MBTA and California Fish and Game Code §§ 3503, 3503.5 and 3513. Several species identified as having potential to nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status avian species shall be conducted by a qualified biologist (experienced in the identification of avian species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or special-status avian species are scheduled to occur. The survey shall include the Proposed Project and adjacent areas where Project activities have the potential to cause nest failure. The pre-construction survey shall be conducted no more than three days prior to the start of ground-disturbing activities (including vegetation removal) within the bird breeding season. Site preparation and construction activities may begin if no nesting birds or special status avian species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, avoidance or minimization measures shall be implemented to avoid potential Proposed Project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional survey and monitoring requirements, or non-disturbance buffers established around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests will be determined by the qualified biologist (300 feet is typically recommended for songbirds and 500 feet is typically

recommended for raptors). Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer will be removed by the qualified biologist and project work may resume in the area, as identified in **MM-BIO-2** of the MMRP.

55. If tree trimming and removal activities are required, these activities should take place outside of the bat maternity season (April 1 to August 31) to the greatest extent feasible. If tree removal must take place during the maternity season, a pre-removal bat survey shall take place to determine if bats are roosting in the trees. If bats are determined to be present in the trees during surveys, tree removal shall be postponed until after the maternity season (September 1 through March 31). All tree-trimming and removal activities shall be conducted under the direct supervision of a qualified bat biologist.

To minimize direct mortality to any roosting bats, including western yellow bat, each palm tree requiring removal shall be trimmed using a two-step process conducted over two consecutive days. On the first day only the outermost fronds of each individual tree shall be removed, including the uppermost live fronds (the top of the tree) entirely on the first day along with the upper 25 percent of the frond skirt. The innermost fronds shall not be trimmed. No more than 50 percent of the palm fronds shall be removed from each tree during Day 1. This method would allow for sufficient disturbance of the tree that would encourage any roosting bats within the frond skirt to abandon the tree during evening emergence without directly impacting roosting bats within the skirt. The remainder of the tree should be removed on the second day. This procedure need not be implemented if the tree does not have fronds. All fronds must be removed/trimmed using chainsaws or other hand-tools. No use of heavy equipment shall be used to remove fronds.

If bats emerge at any time during the tree trimming, trimming activities shall cease at that individual tree for the remainder of the day to allow for any additional bats roosting in the tree to emerge during evening hours when it is safe and appropriate for them to do so. Trimming of the tree may resume the following morning.

Tree trimming activities in the fall should be conducted on days when weather conditions are such that roosting bats are unlikely to be in torpor (predicted overnight lows on evenings before and after the tree trimming activities are above 45°F) to the extent practicable, as identified in **MM-BIO-3** of the MMRP.

56. A maximum of 72 trucks may enter the site for the purposes of fuel transport per day. No vehicles used for fuel transport shall be stored on adjacent public streets.
57. Prior to the issuance of building permits for this project, an operations plan shall be submitted to the National City Planning Division for review and approval. The operations plan shall include, at a minimum, the following:

- A description of how logs will be maintained on the amount of product transferred at the site and the number of trucks transporting fuel.
 - A restriction on the maximum number of trucks to enter the site on a daily basis.
 - A detailed description of routes that incoming and exiting trucks will use. Routes shall be based on established truck routes in the City of National City.
 - A restriction on truck idling per NCMC Chapter 11.34.
 - A description of how the operator will prevent standing or staging of trucks within the right-of-way before fuel is loaded.
58. The project proponent shall enter into an economic benefit agreement with the City of National City providing annual funds for the life of the project in the amount of \$200,000.00 for the purpose of implementing strategies aimed at the reduction of emissions and improving the quality of life within neighborhoods in the vicinity of the proposed facility. The agreement shall be reviewed by the City Attorney's office and approved by the City Council prior to the commencement of fuel transfer operations at the facility. The use of funds shall be dedicated to the implementation of the goals and strategies found in the AB 617 Portside Community's approved Community Emissions Reduction Plan (CERP), the City's approved Climate Action Plan (CAP), and/or other policies explicitly stated in the City's General Plan that are reasonably related to the stated purpose of the funds.
59. At all times, the facility shall be operated in conformance with all San Diego Air Pollution Control District (SDAPCD) rules and regulations pertaining to the proposed use including, but not limited to, nuisance odors and emissions standards.
60. All required federal, state, or local permits for the installation and operation of the facility shall be approved prior to start of operations. Permits shall be maintained for the life of the project. Failure to maintain proper operating permits shall constitute a violation of this CUP and CDP.
61. All development plans submitted for the construction of the proposed facility shall adhere to the design regulations of Section 18.18.180 of the previous Land Use Code (Ord. 1503 § 1 (part), 1976: NCLUC § 972-6 (part)). Specifically, the proposed office structure on site shall conform with the materials standards of Section 18.18.240 of the previous Land Use Code (Ord. 1892 § 5, 1986; Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.04)
62. The applicant shall provide a solid six-foot high perimeter wall or fence around the proposed development, subject to visibility triangle requirements for driveways and operational requirements for railway tracks for the purposes of screening the fuel transfer facility and reducing potential noise impacts on the surrounding area. The screening wall or fence shall be protected with graffiti-resistant coating to a height of six

feet on all sides facing the exterior of the property. The wall or fence shall be provided in addition to required landscaping.

63. A landscape plan shall be submitted with development plans in conformance with Chapter 18.54 of the previous Land Use Code (Ord. No. 2010-2331, § 1; 3-2-2010). All landscaped areas shall be maintained for the life of the project.
64. Street trees shall be provided at a ratio of one tree per 30 feet along West 18th Street, West 19th Street, and the alley to the east, excepting the portions of frontages occupied by driveways. Trees shall be 24" box size or larger, preferably mature, and of a species providing the maximum shade canopy to the extent permitted by overhead power lines.
65. Shrubs shall be provided at a minimum of two shrubs per six feet along West 18th Street, West 19th Street, and the alley to the east, excepting the portions of frontages occupied by driveways. Shrubs shall be a minimum 10-gallon size. Shrubs shall be located on the right-of-way side of the screening wall or fence along West 18th and 19th Streets.
66. Plans submitted for construction shall conform to Chapter 18.60 – Outdoor Lighting of the previous Land Use Code (Ord. 1503 § I (part), 1976: NCLUC § 975-10).
67. Plans submitted for construction shall conform to Chapter 18.86 - Mechanical Equipment of the previous Land Use Code (Ord. 1503 § 1 (part), 1976: NCLUC § 976-1 (part)).
68. Applicant shall coordinate with EDCO to determine the appropriate trash and recycling needs for the project. Location of trash and recycling shall be shown on building permit plans and screened from public view.
69. The design of the project shall not interfere with the ability to utilize Zero Emissions Vehicles (ZEVs) in facility operations.
70. The operator shall work with local outlets to inform residents of employment opportunities at the fuel transfer facility. At a minimum, new positions shall be posted on the National City Chamber of Commerce website.
71. The applicant shall comply with all applicable standards required by outside agencies and service providers. It is advised that, at a minimum, San Diego Gas and Electric and Sweetwater Authority be consulted prior to the submittal of development permits.

Indemnification Agreement

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

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

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 15, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2025-04

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA DENYING A
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT
FOR A PROPOSED FUEL TRANSFER FACILITY WITHIN BNSF RAILROAD
RIGHT-OF-WAY AND BNSF-OWNED PROPERTY LOCATED WEST OF
THE 1800 BLOCK OF CLEVELAND AVENUE AND NORTH OF
WEST 19TH STREET, NORTH TO CIVIC CENTER DRIVE.
APPLICANT: SAN DIEGO CLEAN FUELS FACILITY LLC
CASE FILE NO. 2023-03 CUP, CDP, IS
APNS: 559-010-14, 559-040-46, 559-040-47, 559-040-48,
559-040-52, 559-076-02, 559-091-03, & 559-091-11

WHEREAS, the Planning Commission of the City of National City considered said applications at a duly advertised public hearing held on September 15, 2025, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2023-03 CUP, CDP, IS maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on September 15, 2025, support the following findings:

RECOMMENDED FINDINGS FOR DENIAL
OF THE CONDITIONAL USE PERMIT

1. The proposed fuel transfer facility is not deemed essential and desirable to the public convenience and welfare, because the delivery of biofuels can be accomplished through other means of delivery with fewer air quality impacts to residents, workers, and visitors to the City of National City.
2. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to

persons, property, or improvements in the vicinity and zone in which the property is located, because it would increase the use of diesel-powered trucks in a community already overburdened by emissions and further exacerbate air quality issues, and the potential benefits of the Project do not outweigh these problems.

RECOMMENDED FINDINGS FOR DENIAL
OF THE COASTAL DEVELOPMENT PERMIT

1. The granting of said Coastal Development Permit is inconsistent with applicable plans and ordinances within the City of National City because it will increase the number of diesel-powered trucks within the AB 617 Portside Community. The increased emissions from the project would be in conflict with the goals of the Community Emissions Reduction Plan (CERP) to reduce emissions and improve air quality in environmental justice communities. The project is also inconsistent with potential land use decisions as required by the Health and Environmental Justice Element of the General Plan.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit and Coastal Development Permit is hereby denied.

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

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 15, 2025, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

2023-03 CUP, CDP, IS – Project Area – Overhead



2023-03 CUP, CDP, IS – Site Photos



West 19th Street looking north toward proposed transfer facility location (2025)



West 19th Street looking north toward location of new rail spurs (2025)



View from the end of West 18th Street (2022)



View of the existing Civic Center Drive rail crossing toward the proposed facility (2022)

Exhibit A:
Case File No.: 2023-03 CUP, CDP, IS
Date: 2/19/2024

1. ALL APPLICABLE CONSTRUCTION BMP'S AND NON-STORM WATER DISCHARGE BMP'S SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE CITY OF NATIONAL CITY MINIMUM BMP REQUIREMENTS INCLUDED IN THE NATIONAL CITY MUNICIPAL CODE AND THE CITY OF NATIONAL CITY JURISDICTIONAL RUNOFF MANAGEMENT PROGRAM (JRMP). ALL STORM WATER BMP'S SHALL BE MAINTAINED FOR THE DURATION OF THE PROJECT.
2. EROSION CONTROL BMP'S SHALL BE IMPLEMENTED FOR ALL PORTIONS OF THE PROJECT AREA IN WHICH NO WORK HAS BEEN DONE OR IS PLANNED TO BE DONE OVER A PERIOD OF 14 OR MORE DAYS. ALL ONSITE DRAINAGE PATHWAYS THAT CONVEY CONCENTRATED FLOWS SHALL BE STABILIZED TO PREVENT EROSION.
3. RUN-ON FROM AREAS OUTSIDE THE PROJECT AREA SHALL BE DIVERTED AROUND WORK AREAS TO THE EXTENT FEASIBLE. RUN-ON THAT CANNOT BE DIVERTED SHALL BE MANAGED USING APPROPRIATE EROSION AND SEDIMENT CONTROL BMP'S.
4. SEDIMENT CONTROL BMP'S SHALL BE IMPLEMENTED, INCLUDING PROVIDING FIBER ROLLS, GRAVEL BAGS, OR OTHER EQUALLY EFFECTIVE BMP'S AROUND THE PERIMETER OF THE PROJECT TO PREVENT TRANSPORT OF SOIL AND SEDIMENT OFFSITE. ANY SEDIMENT TRACKED ONTO OFFSITE PAVED AREAS SHALL BE REMOVED VIA SWEEPING AT LEAST DAILY. ALL BMP'S SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPLICABLE CASQA FACT SHEETS.
5. TRASH AND OTHER CONSTRUCTION WASTES SHALL BE PLACED IN A DESIGNATED AREA AT LEAST DAILY AND SHALL BE DISPOSED OF IN ACCORDANCE WITH APPLICABLE REQUIREMENTS.
6. MATERIALS SHALL BE STORED TO AVOID BEING TRANSPORTED IN STORM WATER RUNOFF AND NON-STORMWATER DISCHARGES. CONCRETE WASHOUT SHALL BE DIRECTED TO A WASHOUT AREA DESIGNED IN ACCORDANCE WITH CASQA STANDARDS; CONCRETE SHALL NOT BE WASHED OUT TO THE GROUND.
7. STOCKPILES AND OTHER SOURCES OF POLLUTANTS SHALL BE COVERED WHEN THE CHANCE OF RAIN WITHIN THE NEXT 48 HOURS IS AT LEAST 50%.

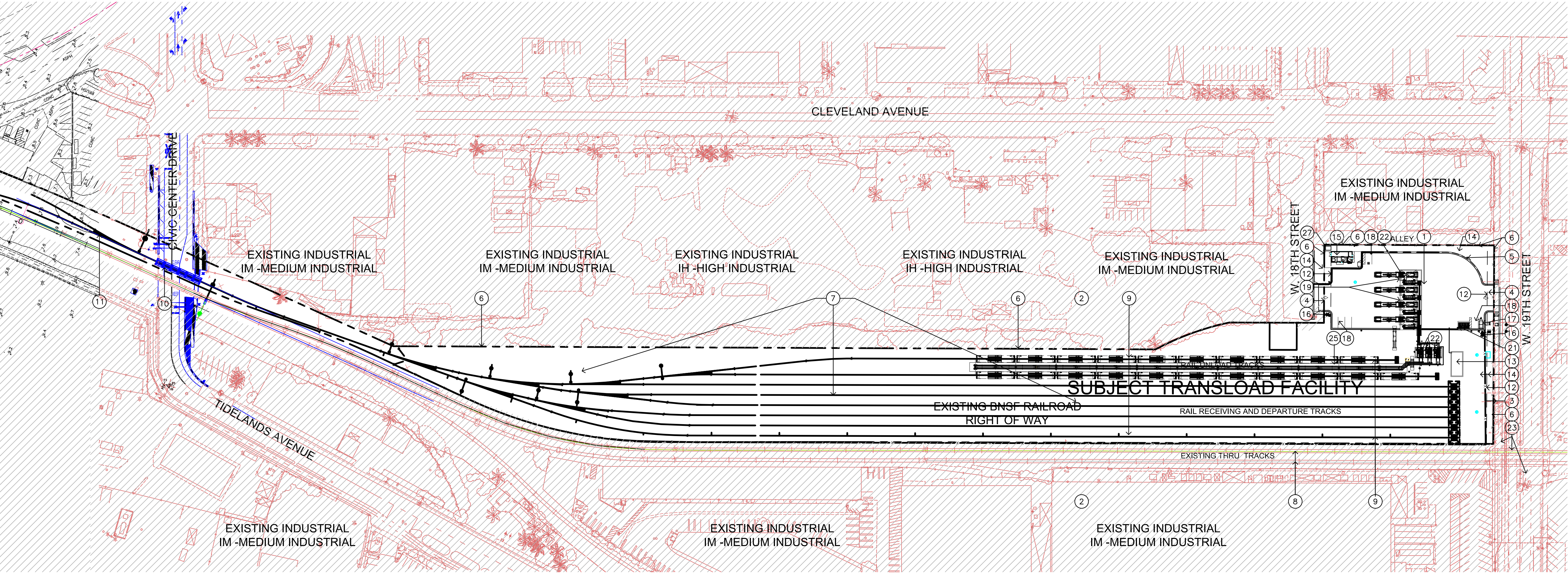
1. SUBJECT TRANSLOAD FACILITY (NON-SHADED AREA)
2. SHADE INDICATES AREA NOT A PART (TYP.)
3. EXISTING PUBLIC SIDEWALK TO REMAIN (TYP.)
4. NEW 40' WIDE DRIVEWAY CURB CUT - SEE (TYP FOR 2)
5. SITE LIGHTING - SEE SHEET E200 (TYP.)
6. EXISTING RAIL YARD PROPERTY LINE / EXISTING FENCE LINE
7. BNSF PROPERTY / PACIFIC STEEL CLEAN-UP SITE - MITIGATION COMPLETED
8. EXISTING MAIN LINE RAILROAD TRACKS TO REMAIN
9. NEW / RECONFIGURED RAIL TRACKS
10. ADDED TRACK AT CIVIC CENTER CROSSING - SEE SHEET T153
11. END OF ADDED TAIL TRACK SHORT OF HARBOR DRIVE
12. LINE OF 10' STREET FRONTAGE SETBACK
13. CONTAINMENT BASIN - SEE S122
14. PLANTER - SEE LANDSCAPE PLAN
15. OFFICE TRAILER - SEE A-3
16. PROPOSED FIRE HYDRANT LOCATION
17. PROPOSED LOCATION OF FIRE FIGHTING FOAM TRAILER
18. EMPLOYEE PARKING
19. TRUCK LOAD OUT PAD & SKID (TYP FOR 4)
20. NOT USED
21. ADDITIVE TOTE CONTAINMENT ENCLOSURE (TYP FOR 3)
22. TRANSFER EQUIPMENT
23. EXISTING RR CROSSING & SIGNAL TO REMAIN
24. NOT USED
25. FALL PROTECTION SUPPORT SYSTEM BETWEEN LOAD OUT RAILS- SEE SHEET S300
26. NOT USED
27. PROPOSED ELECTRICAL TRANSFORMER LOCATION

CONSTRUCTION STORM WATER BMP NOTES

9

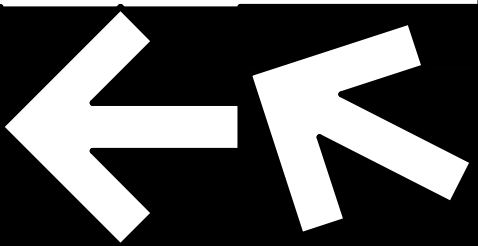
KEYNOTES

1



NOTE:
- SEE SHEETS G110 & C121 FOR APN
BOUNDARIES & TERMINAL SITE DIMENSIONS.

PLAN NORTH TRUE NORTH



SCALE
1"=80'-0"

4

ATTACHMENT 5

OVERALL SITE PLAN



FLEMING ALLIANCE ARCHITECTURE, INC.
24672 San Juan Avenue, Suite 101
Suite 101
Dana Point, CA 92629
TEL 949-276-7001
FAX 949-276-7003
License

Project Name
SAN DIEGO CLEAN FUELS FACILITY

830 W. 18TH STREET
NATIONAL CITY, CALIFORNIA

Client Name
SAN DIEGO CLEAN FUELS LLC

811 MAIN STREET
HOUSTON, TX 77002
281-291-3921

Revision	Date	Description
5-30-23		FIRE CHANGE
1-25-24		EIR MODIFICATIONS

All ideas, designs, plans and specifications indicated or represented by these drawings are owned by and are the property of FAA and were created and developed for use in connection with the specified project. None of such ideas, designs, plans or specifications shall be used, in part or in whole, for any purpose whatsoever without the written permission of FAA.

Sheet Name

OVERALL SITE
PLAN

Drawn	Checked	Date
FAA	CF	1-17-23
Job Number	21006	

Sheet

A-1

of

1. SUBJECT TRANSLOAD FACILITY (NON-SHADED AREA)
2. SHADE INDICATES AREA NOT A PART
3. EXISTING PUBLIC SIDEWALK TO REMAIN
4. NEW 40' DRIVEWAY CURB CUT (TYP FOR 2)
5. EXISTING 30' WIDE CURB CUT TO BE REMOVED. INSTALL NEW SIDEWALK, CURB & GUTTER
6. EXISTING RAIL YARD PROPERTY LINE / EXISTING FENCE LINE TO REMAIN
7. BNSF PROPERTY / PACIFIC STEEL CLEAN-UP SITE - MITIGATED IN 2023

8. NEW TRANSLOAD TRACKS W/ TRACK PANS & FALL PROTECTION – SEE SHEET S100
9. NEW / RECONFIGURED RAIL TRACKS
10. SITE LIGHTING – SEE SHEET E200 (TYP.)
11. NOT USED
12. LINE OF 10' STREET FRONTAGE SETBACK
13. CONTAINMENT BASIN – SEE S122
14. PLANTER – SEE LANDSCAPE PLAN
15. OFFICE TRAILER – SEE A-3
16. PROPOSED FIRE HYDRANT LOCATION
17. PROPOSED LOCATION OF FIRE FIGHTING FOAM TRAILER

18. EMPLOYEE & HANDICAP PARKING (TYP.)
19. TRUCK LOAD OUT PAD & SKID (TYP FOR 4)
20. NOT USED
21. ADDITIVE TOTE CONTAINMENT ENCLOSURE
22. PROPOSED ELECTRICAL TRANSFORMER LOCATION



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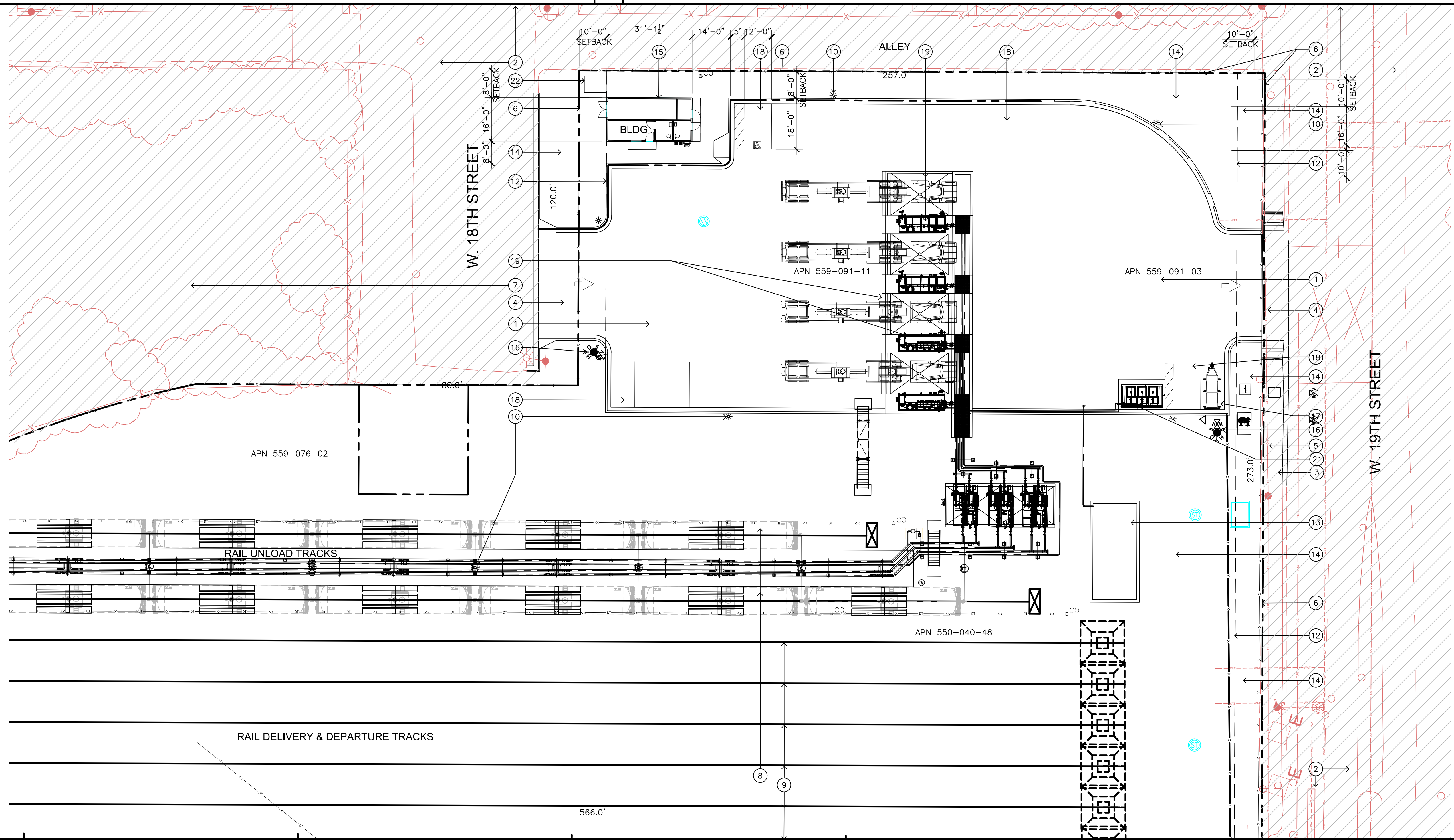
License

PERMANENT STORM WATER BMP'S

13

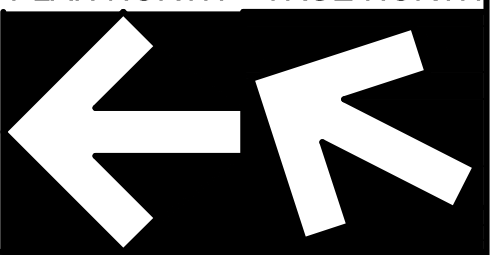
KEYNOTES

1



NOTE: SEE SHEETS
G110 & C121 FOR
ADDITIONAL APN
INFORMATION & FULL
SITE DIMENSIONS

PLAN NORTH TRUE NORTH



SCALE
1"=20'-0"

4

Project Name **SAN DIEGO CLEAN FUELS FACILITY**

830 W. 18TH STREET
NATIONAL CITY, CALIFORNIA

Client Name **SAN DIEGO CLEAN FUELS LLC**
811 MAIN STREET

HOUSTON, TX 77002
281-291-3921

Revision	Date	Description
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Sheet Name

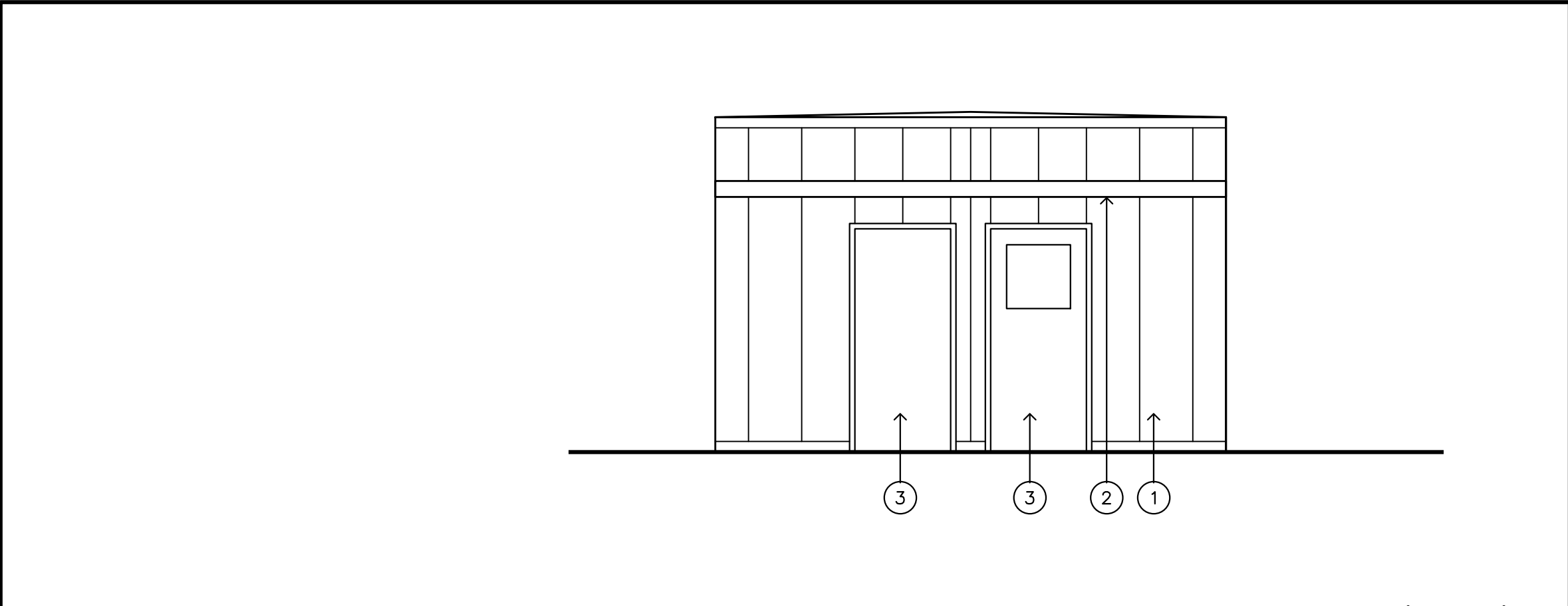
PARTIAL SITE PLAN

Drawn	Checked	Date
CAA	CF	1-17-23
Job Number	21006	

Sheet

A-2

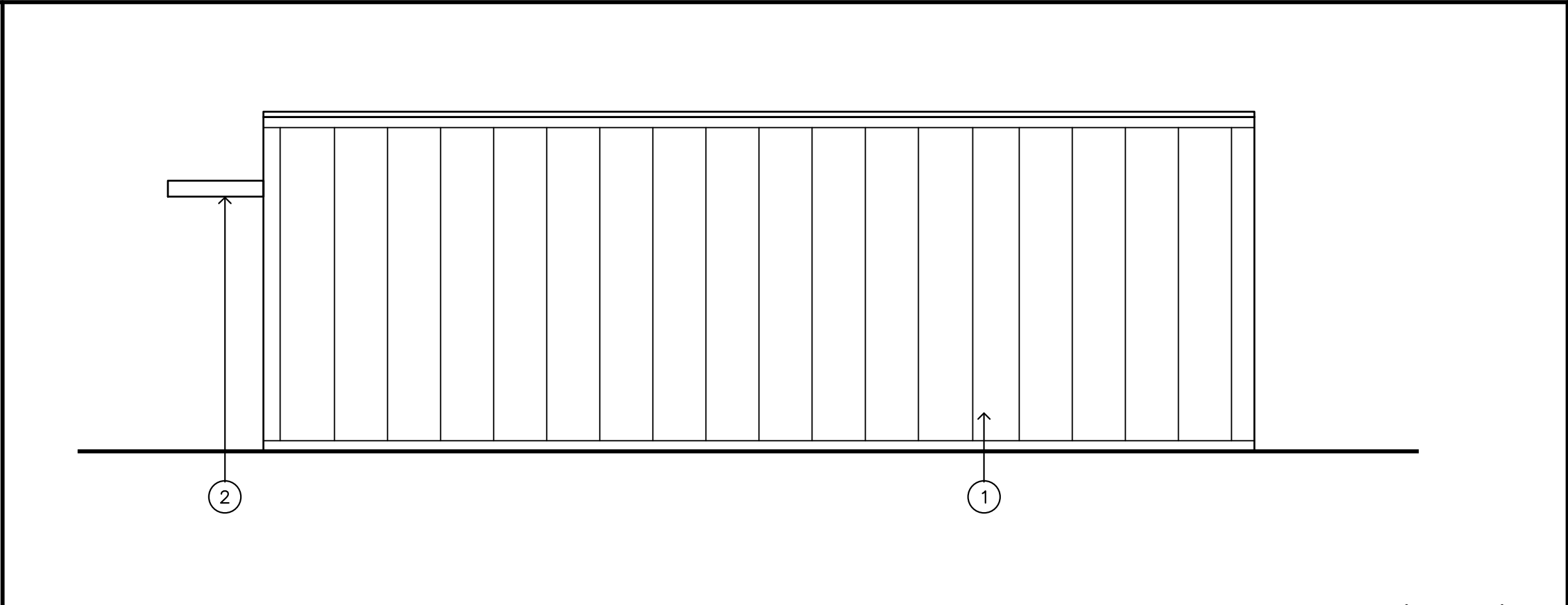
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SOUTH ELEVATION

SCALE
1/4" = 1'-0"

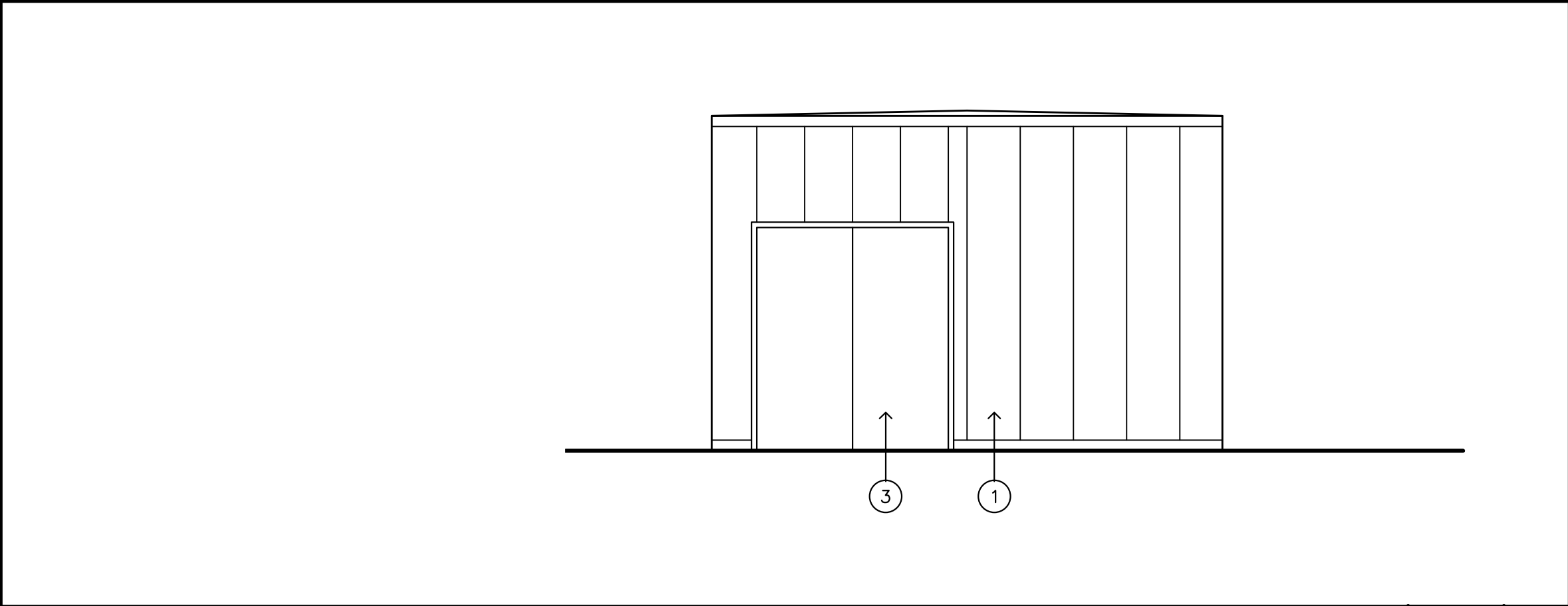
13



EAST ELEVATION (ALLEY)

SCALE
1/4" = 1'-0"

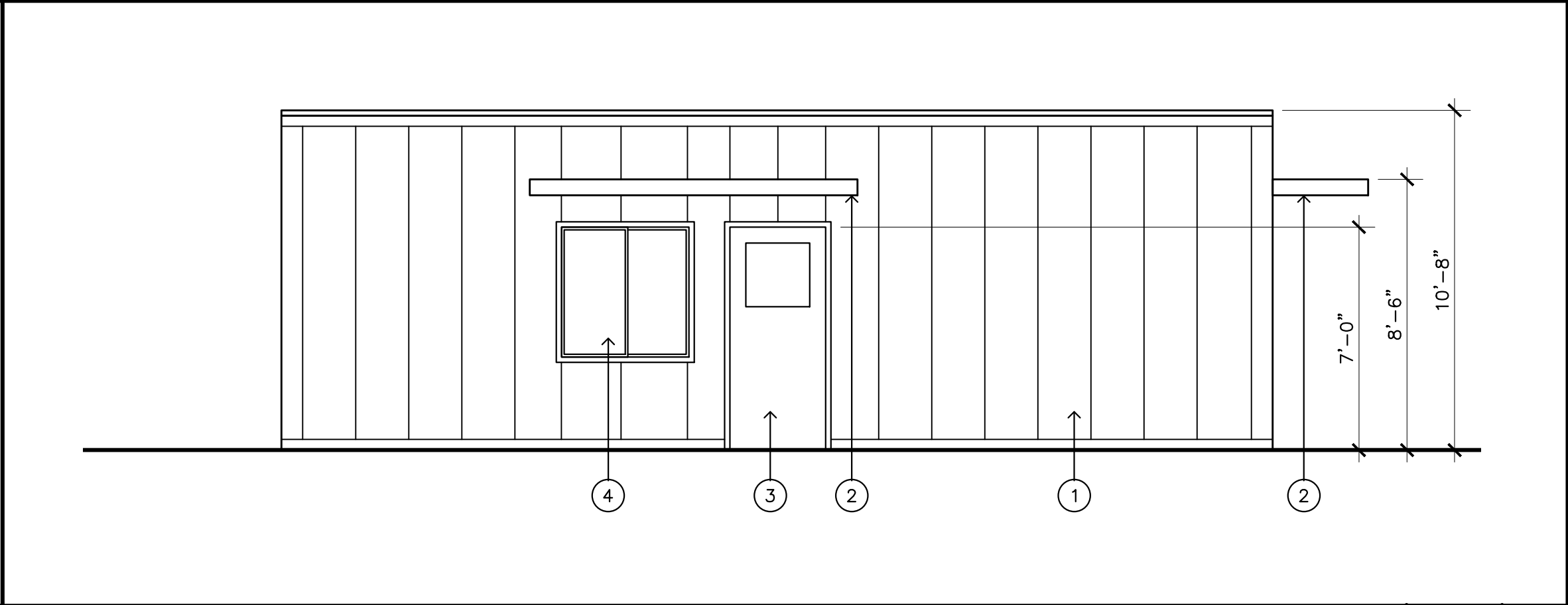
5



NORTH ELEVATION (18TH ST.)

SCALE
1/4" = 1'-0"

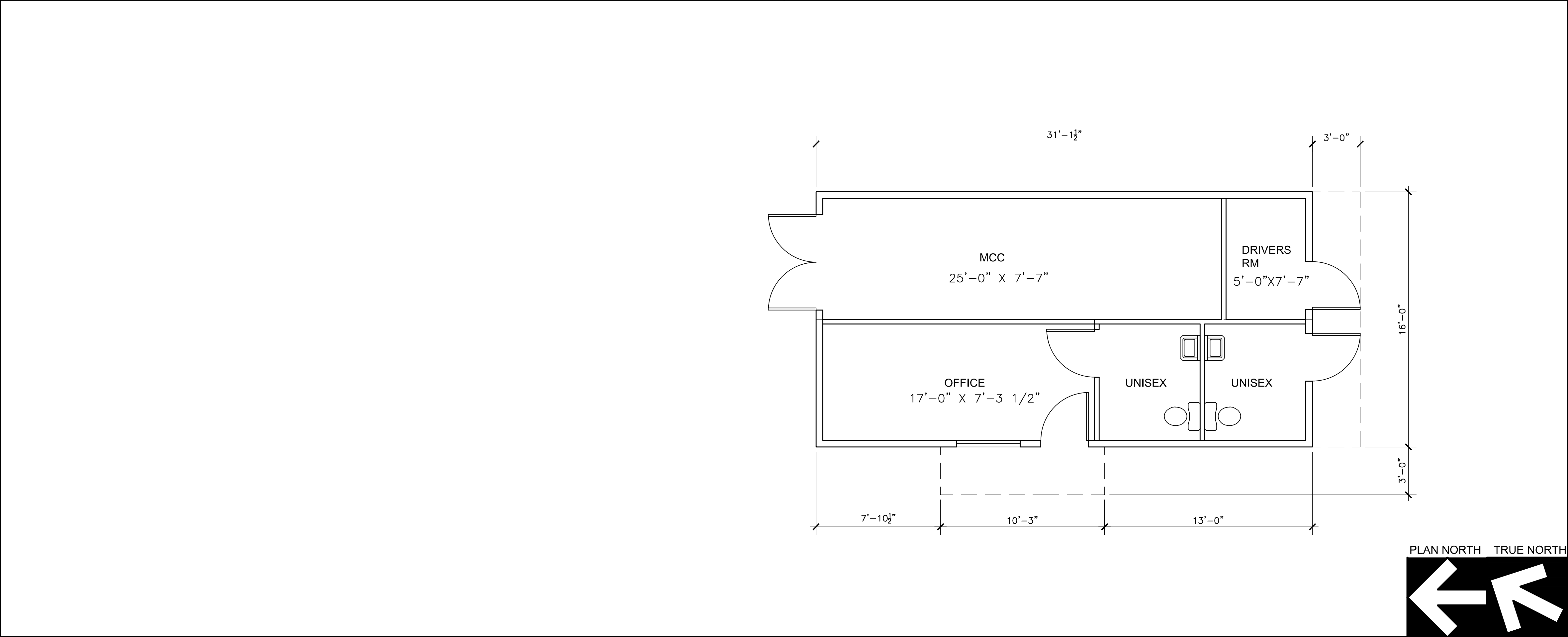
14



WEST ELEVATION (FRONT)

SCALE
1/4" = 1'-0"

6



FLOOR PLAN

SCALE
1/4" = 1'-0"

8

1. PREFABRICATED METAL BUILDING / TRAILER SIDING & TRIM-- COLOR: WHITE
2. METAL EYEBROW CANOPY -- COLOR: GREY
3. DOOR -- COLOR: GREY
4. WINDOW -- TRIMMED IN WHITE

KEYNOTES

F

FLEMING ALLIANCE ARCHITECTURE

FLEMING ALLIANCE ARCHITECTURE, INC.
24672 San Juan Avenue, Suite 101
Suite 101
Dana Point, CA 92629
TEL 949-276-7001
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License

Project Name

Client Name

SAN DIEGO CLEAN FUELS FACILITY
830 W. 18TH STREET
NATIONAL CITY, CALIFORNIA

SAN DIEGO CLEAN FUELS LLC
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Sheet Name

OPERATIONS TRAILER PLAN & ELEVATIONS

Drawn	Checked	Date
FAA	CF	1-17-23

Job Number
21006

Sheet

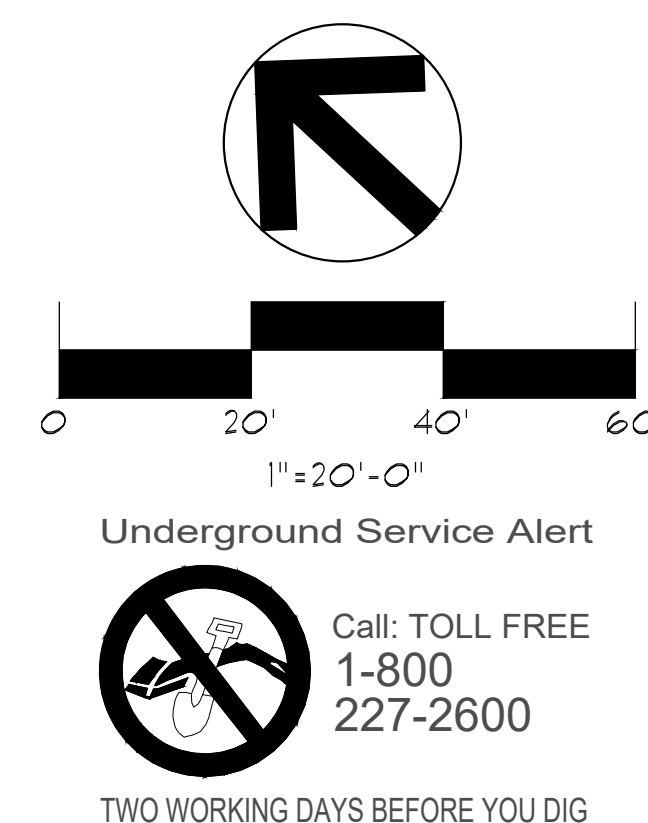
A-3

of

This architectural site plan depicts a building complex situated between 18th Street to the north, an Alley to the east, and 19th Street to the south. The plan includes the following details:

- Streets:** 18th Street runs horizontally along the top edge. The Alley runs vertically along the right edge. 19th Street runs horizontally along the bottom edge.
- Building Footprints:** A large, irregular building footprint occupies the central and right portions of the site. It features several internal courtyards and a central core area. A smaller, rectangular building footprint is located in the upper left corner, adjacent to 18th Street.
- Parking and Driveways:** Multiple parking lots are shown, primarily along the western and southern boundaries. Driveways connect these parking areas to the main building complex.
- Landscaping:** The plan includes numerous circular symbols representing trees and shrubs, particularly along the streets and within the courtyards. Shaded areas indicate landscaped zones.
- Orientation:** A north arrow is positioned in the upper right corner, pointing towards the top right of the page.
- Annotations:** Various alphanumeric codes (e.g., DT, X, W, CO, TUG, CHP, WAT) are scattered throughout the plan, likely representing specific site features or survey points.

This architectural floor plan depicts a large building complex with multiple wings and courtyards. The plan is oriented with 18th Street to the left and 19th Street to the right. An alley runs along the top edge of the building. The building features several wings, including a long central wing with a series of rooms labeled with abbreviations like DT, IW, W, CO, and WC. There are also smaller wings and courtyards, some of which are shaded to indicate specific materials or finishes. The plan includes numerous dimensions, room labels, and architectural details such as windows, doors, and stairs. The streets are labeled 18TH STREET and 19TH STREET, and the alley is labeled ALLEY. The plan also shows various utility lines and structural elements.



of



NOTICE OF PUBLIC HEARING

CONSIDERATION OF A FINAL ENVIRONMENTAL IMPACT REPORT TO ASSESS PROJECT IMPACTS AND APPROVAL OF A CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A PROPOSED FUEL TRANSFER FACILITY WITHIN BNSF RAILROAD RIGHT-OF-WAY AND BNSF-OWNED PROPERTY LOCATED WEST OF THE 1800 BLOCK OF CLEVELAND AVENUE AND NORTH OF WEST 19TH STREET, NORTH TO CIVIC CENTER DRIVE.

CASE FILE NO.: 2023-03 CUP, CDP, IS

APNS: 559-010-14, 559-040-46, 559-040-47, 559-040-48,

559-040-52, 559-076-02, 559-091-03, & 559-091-11

NOTICE IS HEREBY GIVEN that the National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, September 15, 2025**, in the City Council Chambers, located at the Civic Center, 1243 National City Boulevard, National City, California, on the following item:

An application was submitted on January 30, 2023 (Applicant: Cindy Fleming, Fleming Alliance Architecture) proposing to construct and operate a fuel transfer facility within an approximately 7.5-acre site located on and adjacent to existing Burlington Northern & Santa Fe (BNSF) railway tracks. The location is between Civic Center Drive and West 19th Street and to the west of Cleveland Avenue. Rail cars will be delivered to the facility utilizing an existing rail spur that will be reconfigured to provide capacity for up to 21 rail cars. Clean renewable and biofuels (renewable diesel, ethanol, and sustainable aviation fuel (SAF)) will then be transferred from the rail cars to trucks with an above-ground pump system. No fuel will be stored on site. The quantity of transferred fuel will be approximately 13,800 barrels of fuel per day. The site would receive up to 72 trucks a day, which would deliver the fuel to retail clients in the metropolitan San Diego area. The Planning Commission will also consider findings presented in the Final Environmental Impact Report (EIR) that the potential proposed project impacts may be mitigated to below a level of significance as contemplated under the California Environmental Quality Act. In addition, the project is located within the Coastal Zone. Pursuant to Section 30603 of the Coastal Act, action taken on a major energy facility may be appealable to the California Coastal Commission (CCC). Appeals must be filed with the CCC within 10 working days of a final local action notice.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment orally at the hearing or in writing. Written comments should be received by the Planning Division on or before 2:00 p.m., **September 15, 2025** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

Under California Government Code section 65009, if you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Please refer to the official posted agenda on the City's website (nationalcityca.gov) prior to the meeting for the staff report for this item and/or changes to the agenda.

From: [Tonya Hussain](#)
To: [Michael Aguirre](#)
Cc: [Maria Severson](#); [Maria Luisa Mccarthy](#); [Micaela Polanco](#); [Alisha \(Family Of LV\) Doyle](#); [Sarah Esendencia](#); [Shelley Chapel](#)
Subject: RE: San Diego Unclean Fuels Project - please see attached
Date: Monday, June 2, 2025 12:33:07 PM
Attachments: [2025-01-27 Air Resource Board letter of concern.pdf](#)

Good morning,

Forwarding your request to Sarah Esendencia, who is copied on this email. She is the staff lead who clerks the Planning Commission meetings.

Thanks.



Tonya Hussain, CMC

Deputy City Clerk
Office of the City Clerk
City of National City
1243 National City Blvd., National City, CA 91950
T: 619.336.4415 | thussain@nationalcityca.gov
[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: Michael Aguirre <maguirre@amslawyers.com>
Sent: Monday, June 2, 2025 12:30 PM
To: Tonya Hussain <thussain@nationalcityca.gov>
Cc: Maria Severson <mseverson@amslawyers.com>; Maria Luisa Mccarthy <lmccarthy@lavistamemorialpark.com>; Micaela Polanco <polancolvmp@gmail.com>; Alisha (Family Of LV) Doyle <alisha.67morr@gmail.com>
Subject: San Diego Unclean Fuels Project - please see attached

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings, please distribute to the Planning Commission members for tonight's meeting June 2, 2025. The attached Air Resource Board letter raising significant and fundamental health concerns regarding the San Diego Clean Fuels Project, Resolution No. 2025-04. This letter is written on behalf of Alisha Morrison, Luisa McCarthy, and Micaela Polanco. Thank you. Mike Aguirre

Michael J. Aguirre, Esq.
AGUIRRE & SEVERSON LLP
501 W. Broadway, Ste. 1050
San Diego, CA 92101
Tel. 619-876-5364
Mobile 619-252-1123
maguirre@amslawyers.com

January 27, 2025

David Welch
Associate Planner
City of National City
1243 National City Boulevard
National City, California 91950
dwelch@nationalcityca.gov

Sent via email

Dear David Welch:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the San Diego Clean Fuels Facility LLC Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2024050468. The Project proposes the construction and operation of a new transload facility on the BNSF Railway railroad right of way. The proposed facility would add nine rail spurs and four fixed truck loading spots to transload clean renewable and biofuels (renewable diesel, ethanol, and sustainable aviation fuel) directly from rail cars into trucks. Project trucks would deliver renewable diesel to local retailers within a 35-mile radius, with an average trip distance of 12.3 miles per trip. The Project would result in 144 daily heavy-duty truck trips and 25 passenger automobile trips associated with the onsite workers. The Project's air quality analysis assumes the Project would result in 104 train trips per year. The Project site is located within the City of National City (City), California, which is the lead agency for California Environmental Quality Act purposes.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparation (NOP) for the DEIR released in May 2024. CARB's comments dated June 7, 2024, highlighted the need to prepare a health risk assessment (HRA) for the Project and encouraged the City and the applicant to implement all existing and emerging zero-emission technologies to minimize exposure to diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments on the NOP expressed concerns with the potential health risks associated with the construction and operation of the Project.

CARB is concerned that the Project will expose nearby communities in the Portside Community, which has been designated as a disadvantage community under Assembly Bill 617 (AB 617) (C. Garcia, Chapter 136, Statutes of 2017), to elevated levels of

air pollution beyond the existing baseline emissions at the Project site.¹ As of November 2023, over \$16 million in incentives have been invested in the Portside Community to improve air quality. However, even with this incentive funding, the operation of the Project would expose residences in the Portside Community to air pollutant emissions that could pose a significant health impact. Residences are located north of the Project site, with the closest residence located approximately 380 feet north of the Project site. In addition to residences, Kimball Elementary School, John A. Otis Elementary School, Integrity Charter Elementary School, Central Elementary School, and National City Middle School, are all located within a mile from the Project site. The Portside community is surrounded by existing toxic diesel PM emission sources, which include many industrial uses, Port of San Diego (Port) equipment emissions, rail traffic along BNSF rail lines, and vehicular traffic along Interstate 5. The operation of the Project, in conjunction with the operation of the other industrial development within the City, will expose the nearby communities to elevated levels of air pollution, including diesel PM. Diesel PM is a carcinogen and is linked to cancer and respiratory health effects such as asthma and premature mortality due to heart attacks and cardiopulmonary illnesses.

To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. CARB also requires increasing the use of zero-emission trucks, through the Advanced Clean Trucks Regulation. To ensure that lead agencies, like the Project, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as recommended in this letter.

The DEIR Must Use Heavy-Duty Truck Trip Length Distances Supported by Substantial Evidence When Modeling the Project Air Quality Impacts

The City may have underestimated the Project's mobile source air pollutant emissions in the DEIR by relying on vehicle trip lengths unsupported by substantial evidence. Section 2.3 (Air

¹ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

Quality) of the DEIR states that the “Project trucks would deliver renewable diesel to local retailers within a 35-mile radius, with an average trip distance of 12.3 miles per trip.”² Based on CARB’s review of Appendix B (Air Quality & Greenhouse Gas Emissions Assessment), the City assumed all heavy-duty trucks serving the Project would travel a distance of 12.3 miles per trip. Although the traffic study specifies that heavy-duty trucks would travel a maximum distance of 35 miles, it does not specify or analyze the average trip distance all trucks would make during Project’s operations. To provide decision-makers and the public a better understanding of the Project’s potential impacts on air quality and public health, the City must either provide substantial evidence supporting the average 12.3-mile trip distance for trucks serving the Project, or revise the Project’s air quality impact analysis to conservatively assume a trip length of 35 miles in the Final Environmental Impact Report (FEIR).

The Number of Heavy-Duty Truck Trips Presented in the Project’s Description is Inconsistent with the Project Health Risk Analysis

CARB is concerned about the inconsistencies between the trip rates used to estimate the Project’s health risk impacts and the Project’s traffic study. According to Appendix I (Traffic Study) of the DEIR, the Project would result in 144 daily heavy-duty truck trips.³ However, in the Project’s health risk analysis presented in Appendix B (Air Quality & Greenhouse Gas Emissions Assessment) of the DEIR, the City assumed that the Project would result in 138 daily heavy-duty truck trips.⁴ The daily heavy-duty truck trips used in the Project’s health risk analysis are approximately six fewer than those presented in the Project’s traffic study. CARB is concerned that the City may have underestimated the Project’s operational health risk impacts by not using the trip rates provided in the Project’s traffic study. The City should re-evaluate the Project’s health risk impacts by using heavy-duty daily trip rates consistent with those used in the Project’s traffic study.

CARB Urges the City to Include a Mitigation Measure that Ensures the Project Uses the Cleanest Switcher and Line-Haul Locomotives Available

To reduce the Project’s impact on air quality and public health, CARB urges the City to plan for the use of zero-emission switcher locomotives at the proposed transload facility and to work with BNSF to use zero-emission line-haul locomotives when transporting renewable diesel to the proposed transload facility. As presented in the DEIR, the operation of the Project would result in 104 annual train trips and the operation of switcher locomotives at

² City of National City. San Diego Clean Fuels Facility LLC Project. Page 3.1-13. Accessible at <https://ceqanet.opr.ca.gov/2024050468/2/Attachment/xKQpvB>

³ City of National City. San Diego Clean Fuels Facility LLC Project. Appendix I. Page 8. Table 4.1. Accessible at <https://ceqanet.opr.ca.gov/2024050468/2/Attachment/ZPN5Uw>

⁴ City of National City. San Diego Clean Fuels Facility LLC Project. Appendix B. Table B-2. Accessible at <https://ceqanet.opr.ca.gov/2024050468/2/Attachment/SKmTiR>

the proposed transload facility.⁵ The air quality analysis prepared for the Project shows the operation of switchers and line-haul locomotives constitutes a large percentage of the air pollutant emissions generated by the Project. Since the City concluded air pollutant emissions generated during the operation of switchers and line-haul locomotives would not exceed the San Diego County Air Pollution Control District's significance thresholds, the City did not include mitigation measures or project design futures in the DEIR that would reduce locomotive emissions at the proposed transload facility. To reduce the Project's air quality and public health impacts, CARB urges the City to include either a project design feature or mitigation measure that requires all locomotives serving the Project to be Tier 4 or cleaner at the start of Project operations and to prepare for zero-emission locomotive technology by installing on-site charging/fueling infrastructure.

To understand the environmental impacts associated with the operation of trains traveling near California communities, CARB staff conducted an analysis comparing the environmental impact of trucks and trains in the freight transportation sector.⁶ Based on the analysis, CARB staff found that by 2030, one train could emit as much as four times the PM_{2.5} emissions of trucks, due to CARB regulations such as the Advanced Clean Truck Regulation, which aims to accelerate the adoption of zero-emission trucks. Although trains have previously had lower GHG emissions when compared with trucks, CARB's Truck vs. Train Emissions Analysis found that trucks would emit less GHG as more trucks operate with zero emissions in California under CARB regulations.⁷ Without the use of zero-emission locomotive technologies, locomotives will continue to be a dirtier mode of transportation than trucks.

Based on emerging technologies in batteries and hydrogen fuel cells, zero-emission locomotive operation could be used to meet the needs of the Project. Battery electric switch locomotives are currently commercially available. CARB estimates that zero-emission technology will be commercially available by 2035 for freight line haul locomotives.⁸ CARB has sponsored and continues to sponsor demonstration projects to accelerate the adoption of clean freight technologies and to reduce air pollution caused by the movement of freight throughout the State. CARB's Zero and Near Zero-emission Freight Facilities Program

⁵ City of National City. San Diego Clean Fuels Facility LLC Project. Appendix B. Table A-1. Accessible at [SKmTiR_WtXrxIBbsRcK6i6rFPeMc5NNxjsh0keyUfmkH7526HultbnR5BdBR1nNiFG_KPFvDWTvIvpX0](https://www2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf)

⁶ CARB. Truck vs. Train Emissions Analysis. September 23, 2020. Accessible at: <https://www2.arb.ca.gov/resources/fact-sheets/truck-vs-train-emissions-analysis>

⁷ CARB. Truck vs. Train Emissions Analysis FAQ. November 12, 2021. Accessible at: <https://www2.arb.ca.gov/resources/fact-sheets/truck-vs-train-emissions-analysis-faq>

⁸ CARB. Public Hearing to consider the Proposed In-Use Locomotive Regulation Staff Report: Initial Statement of Reasons. Appendix F. Page 52, 57. Accessible at: <https://www2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf>

successfully demonstrated batteries in freight locomotives.⁹ With advanced planning and rapid development of battery technology, the Project could be served with zero-emission locomotives. To facilitate zero-emission locomotive operation, CARB urges the City to work with BNSF to electrify key parts or even the entire rail line serving the proposed transload facility.

The City Should Facilitate the Use of Zero-Emission Technology in Heavy-Duty Trucks Serving the Project

Heavy-duty trucks transporting renewable diesel fuel from the proposed transload facility to local retailers would create diesel PM and other air pollutants, further exposing residences and other sensitive uses (e.g., schools, daycares, and senior living facilities) already heavily impacted by air pollution. As presented in the DEIR, the Project would add 144 daily heavy-duty trucks along local roadways. To reduce the Project's potential air quality and public health impacts, CARB urges the City to include either project design features or a mitigation measure that facilitates the transition to all zero-emission heavy-duty trucks, including installing on-site infrastructure to support zero-emission trucks at the proposed transload facility.

While CARB has implemented or is developing regulations that will eventually require the use of zero-emission trucks, the Project must plan for this transition, and the FEIR should explain how the Project will achieve this transition. The Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) is a part of California Climate Investments incentivizing the purchase of zero-emission trucks. A list of commercially-available zero-emission trucks can be obtained from the HVIP.¹⁰ Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs proposed in the Project.

Here are details regarding some of the CARB regulations that are reducing Diesel PM and NOx emissions from trucks within California:

- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start manufacturing zero-emission trucks and vans beginning in 2024. The rule is expected to result in

⁹ California Air Resources Board (CARB), 2020. CARB's Zero and Near Zero-emission Freight Facility Program. Accessible at <https://ww2.arb.ca.gov/news/carb-announces-more-200-million-new-funding-clean-freight-transportation#:~:text=The%20goal%20of%20CARB's%20Zero,commercialization%20of%20these%20technologies%20statewide>

¹⁰ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate use of zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs in anticipation of fully ZEV fleets by 2045 everywhere feasible, and specifically to reach:

- 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
- 100% zero-emission refuse trucks and local buses by 2040
- 100% zero-emission capable utility fleets by 2040

With the implementation of the above regulations, the City would, over time, be required to phase out the use of diesel trucks. To protect the air quality of the communities located at the proposed transload facility and along truck routes, CARB urges the City to include all feasible project design features and/or mitigation measures in the FEIR that would facilitate the transition to exclusively zero-emission trucks.

Conclusion

Although the Project would promote the use of renewable diesel fuels that would help support California's greenhouse gas reduction goals, CARB is concerned that emissions from diesel-powered heavy-duty trucks and locomotives serving the Project would negatively impact the air quality in the surrounding Portside community. As previously discussed in this letter, the Portside community is already heavily impacted by air pollution from the existing operations at the Port, nearby industrial facilities, and roadways. To reduce the harmful impacts of diesel pollution, the City should incorporate the cleanest available switchers, line-haul locomotives, and trucks within the proposed transload facility.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. Please note that CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A black rectangular redaction box covering a signature. A blue ink scribble is visible above the box.

Matthew O'Donnell, Chief, Risk Reduction Branch

Attachment

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Kathleen Keehan, Supervising Air Resources Specialist - Planning and Incentives, San Deigo County Air Pollution Control District
Kathleen.Keehan@sdcounty.ca.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

June 7, 2024

David Welch
Associate Planner
City of National City, Planning Division
1243 National City Boulevard
City of National City, California 91950
dwelch@nationalcityca.gov

Sent via email

Dear David Welch:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the San Diego Clean Fuels Facility, LLC Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2024050468. The Project proposes the construction and operation of a new transload facility on the BNSF Railway railroad right of way. The proposed facility would result in the reconfiguration of one existing rail spur and addition of truck loading spots to transload clean renewable and biofuels (renewable diesel, ethanol, and potentially sustainable aviation fuels at a later date) directly from rail cars into trucks to be distributed to local retailers. The Project site is located within the City of National City (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project, once operational, has the potential to help achieve the goals established in the Governor Gavin Newsom signed Executive Order N-79-20 and the 2022 Scoping Plan for Achieving Carbon Neutrality, and help California attain federal national ambient air quality standards in the State's Implementation Plans.^{1,2,3} Although the transport of sustainable fuels, as proposed under the Project, would help reduce air pollutant and greenhouse gas emissions in California, CARB is concerned about the potential for the Project to increase heavy-duty truck and locomotive trips in the nearby Portside Environmental Justice Neighborhoods Community (Portside Community) resulting in an increase in localized health impacts.

¹ Executive Department State of California. Executive Order N-79-20. September 23, 2020. Accessible at <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

² CARB. Final 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. Accessible at <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents#:~:text=The%202022%20Scoping%20Plan%20for,directed%20by%20Assembly%20Bill%201279>

³ CARB. 2022 State Strategy for the State Implementation Plan. Adopted September 2022. Accessible at <https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy>

The Project Will Increase Exposure to Air Pollution for Residences Located Within the Portside Environmental Justice Neighborhoods Community

In 2018, the Portside Community was nominated by the San Diego County Air Pollution Control District (SDCAPCD) and selected by CARB as a monitoring community and in 2019, the Portside Community was selected for development of a community emissions reduction program. The Project will further expose residents of the Portside Community to elevated levels of air pollution. The Portside Community includes the neighborhoods of Barrio Logan, Logan Heights, and Sherman Heights in the City of San Diego, and West National City within National City. The Portside Community is about eight square miles with a population of approximately 53,000 who are already exposed to the highest levels of air pollution in California. The sources of air pollution within the Portside Community include the freight operations at the Port of San Diego, local industrial sources such as metal recyclers, welding shops, and auto body repair and paint shops, rail traffic along local rail lines, vehicle traffic along Interstate 5 (I-5) and State Route 15 (SR-15) and Port truck traffic through residential areas. Sensitive receptors in the community include 24 schools, 16 licensed daycare facilities, and 2 hospitals.^{4,5,6} The community experiences some of the highest rates of asthma, poverty, and unemployment in the region.

To protect the residences living near the Project, it should be the City's goal to implement all feasible mitigation measures into the Project's final design to protect the air quality in the Portside Community. The following three pieces of legislation need to be seriously considered when developing a project like this near a disadvantaged community:

Senate Bill 535 (De León, 2012); Disadvantaged Communities

Senate Bill 535 (De León, Chapter 830, 2012)⁷ recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)).

⁴ California Department of Education. Accessible at: <https://www.cde.ca.gov/ds/>

⁵ California Department of Public Health. GIS Open Data. Accessible at: <https://data-cdphdata.opendata.arcgis.com/>

⁶ California Air Resources Board. Updated and Statewide Expansion of the Environmental Justice Screening Method. Accessible at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/11-336.pdf>

⁷ Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721 and § 39723.

CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen).⁸ The Project is located with the boundary of the Portside Community. Many residences within the Portside Community are located in census tracts with a maximum CalEnviroScreen score in the top 5%, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in this community routinely exceed state and federal air quality standards.

The City must ensure the implementation of all feasible mitigation, including utilization of zero-emission technologies, to limit the Project's air quality and public health impact on neighboring disadvantaged communities.

Senate Bill 1000 (Leyva, 2016); Environmental Justice Element for Land Use Planning

Senate Bill (SB) 1000 (Leyva, Chapter 587, Statutes of 2016).⁹ amended California's Planning and Zoning Law. SB 1000 requires local governments that have identified disadvantaged communities to incorporate the addition of an environmental justice element into their general plans upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities, like Portside Community.

Assembly Bill 617 (Garcia, 2017); Community Air Protection

The State of California has emphasized protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill (AB) 617 (Garcia, Chapter 136, Statutes of 2017).¹⁰ AB 617 required CARB to develop the process that creates new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to

⁸ "CalEnviroScreen 4.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁹ Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

¹⁰ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

air pollutants. In response to AB 617, CARB established the Community Air Protection Program with the goal of reducing exposure in communities heavily impacted by air pollution. As part of its role in implementing AB 617, CARB must annually consider the selection of communities for development and implementation of community air monitoring plans and/or community emission reduction programs for those communities affected by a high cumulative exposure burden.

CARB approved the Portside Community CERP in July 2021, which describes strategies to achieve emission and exposure reductions throughout this community, including significantly reducing or eliminating emissions from heavy-duty mobile sources and industrial stationary sources, with strategies aimed at reducing emissions from port, marine vessels, truck, and rail activities associated with the Ports. The CERP focuses on concerted efforts by a range of government bodies, local agencies, the Port of San Diego, and the community to reduce these threats, including goals to reduce truck emissions throughout the community and at the Port of San Diego terminals years ahead of CARB regulations. However, the proposed Project would result in an increase in diesel powered heavy-duty trucks and locomotive trips within the Portside Community, in a stark departure from the CERP.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Operation

Since the Project would generate diesel powered heavy-duty truck and locomotive traffic along roadways and railways adjacent to residential communities, CARB urges the City to prepare a health risk assessment (HRA) for the Project. The HRA should account for all potential operational health risks from Project-related diesel particulate matter (diesel PM) emission sources, including, but not limited to, back-up generators, on-site diesel-powered equipment, heavy-duty trucks, and locomotives. The HRA should also determine if the operation of the Project in conjunction with past, present, and reasonably foreseeable future projects or activities would result in a cumulative cancer risk impact on nearby residences. To reduce diesel PM exposure and associated cancer risks during the operation of the Project, CARB urges the City to include all the air pollution reduction measures listed below.

- Require all service equipment used within the Project site to be zero-emission. This equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).¹¹
- Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the Project site to be zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission

¹¹ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

Truck and Bus Voucher Incentive Project (HVIP).¹² Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.¹³

- Restricting diesel-powered trucks and support equipment from idling longer than two minutes while on site.

The HRA prepared in support of the Project should be based on the latest Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments).¹⁴ The Project's mobile PM emissions used to estimate the Project's cancer risk impacts should be based on CARB's latest 2021 Emission Factors model (EMFAC2021). Mobile emission factors can be easily obtained by running the EMFAC2021 Web Database: <https://arb.ca.gov/emfac/>.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Construction

In addition to the health risks associated with operational diesel PM emissions, health risks associated with construction diesel PM emissions should be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel PM emissions from the use of both on-road and off-road diesel equipment. The OEHHA guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project-site during construction. The HRA should account for all diesel PM emission sources related to Project construction, including, but not limited to, off-road mobile equipment, diesel generators, and on-road heavy-duty trucks. To reduce diesel PM exposure and associated cancer risks during the construction of the Project, CARB urges the City to include all the air pollution reduction measures listed below.

- Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero-emission and near zero-emission equipment and tools.
- Implement, and plan accordingly for, the necessary infrastructure to support the zero-emission and near zero-emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site

¹² Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

¹³ Carl Moyer Program and Voucher Incentive Program. <https://ww2.arb.ca.gov/carl-moyer-program-apply>

¹⁴ Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

vehicles and equipment, locomotives, and medium-heavy and heavy-heavy duty trucks.

- In construction contracts, include language that requires all off-road diesel-powered equipment used during construction, including locomotives serving the project, to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, to ensure that emission reductions achieved are equal to or exceed that of a Tier 4 engine.
- In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
- In construction contracts, include language that requires all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.¹⁵
- In construction contracts, include language that requires all construction equipment to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NOx emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the emission reduction measures provided in this letter.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

¹⁵ In 2013, CARB adopted optional low-NOx emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NOx emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NOx emission standard is available at: <https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>

CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A black rectangular redaction box covering the signature of Matthew O'Donnell. Above the box, there are faint blue ink scribbles and a small mark resembling a checkmark.

Matthew O'Donnell, Branch Chief, Risk Reduction Branch

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Paula Forbis, Air Pollution Control Officer, San Diego County Air Pollution Control District
paula.forbis@sdcountry.ca.gov

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

National City Healthy Culturas Coalition
 302 W. 19th Street
 National City CA, 91950

5/30/25

To: National City Leadership,

On behalf of the National City Healthy Culturas Coalition, we strongly urge you to reject the USDG Fuels project proposal at 830 West 18th Street. This project directly threatens the health of West National City residents and undermines long-standing environmental justice efforts in our community.

The health and wellness of our community is our top priority. The proposed fuel transfer facility would bring thousands of additional diesel truck trips per month into an area already burdened by some of the worst air pollution in the state. Diesel emissions are a leading cause of respiratory illnesses, asthma, and cancer risk in our neighborhoods, where children already visit emergency rooms for asthma at 1.5 times the county average. The facility's proximity to homes, Kimball Elementary School, Paradise Creek Community Garden, and St. Anthony Padua Church is deeply alarming.

This project jeopardizes our Community Emissions Reduction Plan (CERP), which aims to reduce diesel particulate matter by 80% by 2031 and 2024 Climate Action Plan GHG emission reductions targets. It also contradicts National City's Health and Environmental Justice goals by increasing pollution and undermining progress toward clean air.

Approving a facility that would increase practices that further contaminate our community is a step backward.

We stand united in opposition to this project and call on our city's leaders to protect public health, honor community-driven clean air policies, and reject USDG Fuels.

Sincerely,

National City Healthy Culturas Coalition



June 2, 2026

National City
 Planning Commission
 1243 National City Boulevard
 National City, CA 91950
 Submitted via email to: PlcPubComment@nationalcityca.gov

Re: **Proposed Fuel Transfer Facility, 2023-03 CUP, CDP, IS**

To Planning Commissioners,

Thank you for the opportunity to comment on the San Diego Clean Fuels Terminal, LLC Conditional Use Permit (CUP) and Coastal Development Permit (CDP). As described in the staff report, the proposed project would construct a transloading facility on the existing Burlington Northern Santa Fe (BNSF) Railway tracks between Civic Center Drive and West 19th Street. Our January 29, 2025 and June 30, 2023 letters provided comments on the Initial Study Mitigated Negative Declaration (ISMND) and the Draft Environmental Impact Report (DEIR) and are included as attachments. The purpose of this letter is to request that a decision on the CDP be postponed in order to allow additional time for our staffs to work together to address the project's inconsistencies with the City's Local Coastal Program (LCP) and the Coastal Act, particularly regarding wetland resources, sea level rise, and environmental justice.

The proposed project would consist of the following:

- Construction of railway tracks and turnouts/crossovers to facilitate car movement in/out and within the transload facility.
- Installation of concrete slab pump pads at each transload spot.
- Installation of truck load slabs sloped to drain in the center at each transload spot.
- Installation of pumps and piping to move fuels from rail cars to truck loading spots.
- Containment enclosures for additive totes.
- Concrete-lined containment basin and pipe each load slab drain to the basin.
- Track pans for containment at the rail transloading cars.
- A small office building with control center, restrooms, and driver check-in area.
- All weather paving for the facility and circulation.
- Lighting, as needed.
- Approximate throughput capacity of 13,800 barrels of fuel daily.
- 72 heavy-duty trucks making both an inbound trip and outbound trip daily for a total of 144 daily heavy-duty truck trips and 25 passenger automobile trips associated with the onsite workers.

Jurisdiction and Standard of Review

The project would be located in the coastal zone and development within the coastal zone requires an analysis of conformity with the City's certified Local Coastal Program (LCP). Page 11 of the staff report identifies the City's LCP; however, the staff report does not include any analysis of the project's conformity with all of the relevant policies and provisions of the City's LCP, including the Chapter 3 policies of the Coastal Act which are incorporated into the LCP by reference as Appendix 1 of the Land Use Plan (LUP). Rather, the staff report states that the City's LCP "mostly relies upon the previous Land Use Code (LUC)" except for two required findings specific to CDPs. The staff report does not elaborate on exactly how the LCP relies on the LUC, which portions specifically rely on the LUC and which do not. The findings specific to CDPs as identified in the staff report include a requirement that a CDP will be consistent with all other plans and ordinances of the City of National City and a requirement that granting said CDP will be consistent with and implements the certified LCP. By not thoroughly analyzing the project against each of the relevant policies and provisions of the LCP it is not possible for the City to make a finding that the project is consistent with the LCP. Because, the project must also be found consistent with Chapter 3 of the Coastal Act, the City's findings should also analyze the project against applicable Chapter 3 policies.

Commission staff would also note that there is one identified single-parameter wetland within the project area. Pursuant to Section 30603 of the Coastal Act, local CDP decisions within 100 feet of any wetlands are appealable to the Commission. However, the City's public hearing notice does not address the subject of appealability and therefore, notice has not been provided to the public that the project may be appealed to the Commission as required by Title 14, Division 5.5 California Code of Regulations § 13565. As such, the City should re-notice the project to identify that the project is appealable to the Coastal Commission.

Allowed Use in Wetlands

The project site includes at least one single-parameter wetland. Allowed uses within wetlands within the coastal zone are governed by Section 30233 of the Coastal Act which includes a three-part test. The first test requires that the proposed wetland fill activity fit within one of the enumerated use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Regarding the first test and the enumerated use categories, the staff report does not include any discussion or analysis of wetlands. The EIR for the project describes the specific project elements that would be located within the wetland area and analyzes how the proposed project is consistent with the enumerated uses of Section 30233.

The EIR also discusses how there is no feasible less environmentally damaging alternative exists pursuant to the second test of Section 30233.

The final test stipulates that filling of wetlands may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental effects. Neither the staff report nor the EIR include any analysis of impacts to the wetland or mitigation. Rather, City staff responded to CCC staff's January 29, 2025, Comment letter with a determination that based on the City's analysis the previously identified wetland is an "isolated puddle" and that based on that analysis the City concluded that there would be less than significant

impacts to wetlands.

CCC ecology staff had an opportunity to review the City's most-recent letter and analysis in conjunction with the information in the EIR and concluded that the feature may not be an isolated puddle as described by the City. Because the feature has retained water long enough to produce algal mats it exhibits at least one of the parameters that would identify it as a wetland. Commission staff notes that the City's analysis did not include any formal wetland delineation points at the site and instead the Aquatic Resources Report primarily relied upon aerial photographs, so there is not sufficient information in the record to determine whether the feature potentially exhibits one or both of the other wetland parameters.

Pursuant to the certified LCP, wetlands in private ownership, which may be located in industrial areas, are required to be protected from development through the application of an overlay zone or other, appropriate protective measures, including adequate buffers, regulations regarding the design and siting of structures, and open space easements (Land Use Plan Chapter V, Marsh Preservation, Policy 5). The staff report should include an analysis of any temporary or permanent impacts to the wetland and feasible mitigation measures including potential onsite or offsite wetland mitigation. Coastal Commission precedent is to require mitigation at a ratio of 4:1 for permanent impacts to wetlands and 1:1 for temporary impacts to wetlands. A disturbance would be considered a temporary impact if the impacted wetland were able to recover on its own to its pre-disturbance condition within one year of the impact.

Environmental Justice

Commission staff appreciate the staff report's acknowledgement of the importance of the environmental justice impacts of this development, as well as certain conditions to mitigate some of its impacts on vulnerable communities. Nevertheless, as stated in the report, one of the primary reasons City staff prepared an EIR for the project is due to the potential air quality impacts of this project in an existing overburdened area that has necessitated a Community Emissions Reduction Plan (CERP) and specific plans to reduce emissions. As evidenced in the attached letters, the Coastal Commission has consistently recommended a more thorough analysis of environmental justice impacts and improved outreach for this project, considering its potential impacts.

The City's responses to Commission staff's comments regarding environmental justice concerns have been inadequate. The City uses a nationwide tool (Environmental Protection Agency's EJScreen) to analyze low-income and people of color populations. To get the most accurate data, it is advisable to use local and statewide data to understand disproportionate impacts. For example, the westside of National City falls in the 90th percentile for people living at two times below the federal poverty level, whereas east of National City Boulevard, that percentile drops to 61st percentile, in some areas. The City further stated that the project would "not result in impacts that are predominantly borne by a low-income or minority population" because the number of low-income or minority populations are similar to the demographics of the City as a whole. However, as discussed above, the applicant's analysis and use of tools such as EJScreen is overly broad and does not capture the disproportionate effects to the specific community that would most likely be impacted by the project. Although City staff does use CalEnviroScreen in their report to look at the potentially impacted population, the data is from the 3.0 version, even

though the 4.0 version has been available for several years. The CalEnviroScreen 4.0 data shows a significantly high diesel burden, as well as other pollutants coupled with sensitive receptors, such as low-birth weight and linguistic isolation in this community. Moreover, the City did not address the concerns of public participation of these potentially impacted communities outlined in HEJ-1 and HEJ 1.7 in the General Plan.

Although the project has some potential for positive regional and statewide impacts such as reduction of GHG emissions, the potential negative impacts would be mostly located within a community that is already disproportionately overburdened by heavy pollution, as described above. The City staff report identifies policies HEJ-1.2 and 2.6 and states that the City's Climate Action Plan (CAP) and Community Emissions Reduction Plan (CERP) are the primary means by which to evaluate the project's impacts to potential health and air quality impacts. The City is not sure of the project's potential positive impacts, stating that "an estimate of the project's overall contribution to GHG reductions has not been provided." Later, the City states that the project is "in conflict with the overall goals of the CERP plan to reduce air pollution and improve health outcomes". However, despite this finding no mitigation is proposed.

Coastal Hazards

The City's LCP requires the City to review projects to determine if proposed developments may be impacted by sea level rise (LUP Chapter VIII Environmental Hazards, Policies 1-19), consistent with the Commission's most recently adopted sea level guidance; however, it does not appear that City staff's recommendation takes sea level rise considerations into account. Specifically, the project is located in close proximity to San Diego Bay with surface grades that vary from five to 18 feet above mean sea level (MSL). The appropriate time horizon to use to evaluate sea level rise and coastal hazards depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission's Sea Level Rise Policy Guidance for Critical Infrastructure (SLR Guidance)¹ identifies infrastructure, such as the proposed bio-fuel transfer facility, as "critical" infrastructure given its long design life, generally low adaptive capacity, and the high consequences associated with its failure. In such cases, the Commission's 2024 Sea Level Rise Policy Update² recommends that applicants understand the risks associated with the high scenario and anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like the fuel transfer station is typically considered to be 100 years.

Commission staff previously performed a desktop analysis of the site using the Our Coast Our Future (OCOF) Hazard Map³ and the area appears to be vulnerable to flooding beginning at 4.1 feet of SLR which is approximately equal to the amount of SLR anticipated by the year 2080 under the High scenario. The vulnerabilities of the project site are only expected to increase when considered under a longer design life, the extreme risk aversion scenario and when coupled with major weather events such as a 100-year storm.

The staff report does not include any analysis of the project with respect to sea level rise and coastal hazards. The City's response to CCC staff's letter states that the California Environmental Quality Act (CEQA) does not require an analysis of the impacts of the

¹ https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf

² <https://documents.coastal.ca.gov/assets/slr/guidance/2024/2024AdoptedSLRPolicyGuidanceUpdate.pdf>

³ <https://ourcoastourfuture.org/hazard-map/>

environment on a project and states that the applicant has entered into a lease agreement for a period of five years with the option of renewal, so the project lifetime was assumed to be a period of ten years (initial five year lease plus one five year renewal). The City's letter states that any assumption of operation beyond the lease term would be speculative and that pursuant to a ten-year operating period the project appears to be safe from hazards.

Although the City believes any assumption of operation beyond the lease term would be speculative, in its own analysis the City was being speculative when it assumed an additional five years beyond the initial lease term. Second, to assume that the operator would not pursue additional lease renewals and only operate for ten years is also speculative. As such, the staff report should define the anticipated life of the project and identify the appropriate SLR projection(s) to analyze over that anticipated lifetime consistent with the Commission's SLR Guidance for critical infrastructure. A range of sea level rise and storm scenarios should be evaluated in order to identify a safe building envelope that avoids hazards over the anticipated life of the development. The staff report should also analyze and describe the physical impacts from coastal hazards and SLR that may constrain the project site and/or impact the proposed development. Lastly, the staff report should include an assessment of any SLR adaptation measures that may be implemented as part of the design or implemented in the future, such as relocation or removal if and when the development is threatened by coastal hazards.

Wetland Delineation

Commission staff have reviewed the aquatic resources delineation as well as the biological resources assessment and would note that mulefat (*Baccharis salicifolia*) has a wetland indicator status of FAC. Further, the Commission's ecologist noted the presence of at least four other facultative wetland plants (FACW), which appear in wetlands 67-99% of the time, in Attachment B of the Biological Resources Assessment: rabbitsfoot grass (*Polypogon monspeliensis*), alkali weed (*Cressa truxillensis*), arroyo willow (*Salix lasiolepis*), and toad rush (*Juncus bufonius*). Only rabbitsfoot grass is listed as a part of a vegetation community on site. It is unclear where the remainder of these plants, particularly in relation to the identified mulefat community and other FAC plants, reside on the site. Considering this status the final DEIR should include a regional jurisdictional arid-west wetland delineation for this area.

Conclusion

Commission staff appreciates the opportunity to comment on the staff report. Please contact me at Wesley.Horn@coastal.ca.gov if you have any questions or need clarification on any of the points in this letter.

Sincerely,



Wesley Horn
Senior Environmental Scientist
Energy, Ocean Resources and Federal Consistency Division

June 30, 2023

Marin Reeder
Planning Manager
Community Development Dept. – Planning Division
City of National City
1243 National City Blvd., National City, CA 91950

Re: **Draft Initial Study and Mitigated Negative Declaration (ISMND) for the San Diego Clean Fuels Terminal LLC Project**

Dear Mr. Reeder,

Thank you for the opportunity to comment on the San Diego Clean Fuels Terminal, LLC Draft Initial Study and Mitigated Negative Declaration (ISMND). As described in the ISMND, the proposed project would construct a transloading facility on the existing Burlington Northern Santa Fe (BNSF) Railway tracks between Civic Center Drive and West 19th Street.

The proposed project would consist of the following:

- Build nine rail spurs and four fixed truck loading spots to transload bio-diesel fuel, renewable diesel fuel, ethanol and sustainable aviation fuel directly from rail cars into trucks.
- Build tracks and turnouts/crossovers to facilitate car movement in/out and within the transload facility.
- Install concrete slab pump pads at each transload spot.
- Install truck load slabs sloped to a drain in the center at each transload spot.
- Install pumps and piping to move fuels from rail cars to truck loading spots.
- Provide containment enclosures for additive totes.
- Provide a concrete-lined containment basin and pipe each load slab drain to the basin.
- Provide track pans for containment at the rail transloading cars.
- Provide an office trailer with control center, restrooms and driver check-in area.
- Provide all weather paving for the facility and circulation.
- Provide lighting for the site, as needed.

The terminal is expected to receive approximately 115 trucks per day coming in on 18th Street and exiting the facility on W. 19th Street and on to retail client deliveries. Approximately 70-percent of truck trips will occur between 6:00 p.m. and 6:00 a.m. to avoid peak traffic periods.

Jurisdiction and Standard of Review

The project would be located in the coastal zone and development within the coastal zone may not commence until a coastal development permit (CDP) has been issued by either the California Coastal Commission (Commission) or a local government that has a Commission-certified local coastal program (LCP). For the proposed project, National City has a Commission-certified LCP and would therefore need to issue a CDP for the project.

Commission staff would also note that the ISMND identified at least one single-parameter wetland within the project area. Pursuant to Section 30603 of the Coastal Act, local CDP decisions within 100 feet of any wetlands are appealable to the Commission.

Use and Required Permits

The ISMND states that the project is located within a land use designation of Industrial/Salt Production and a Medium Industrial and High Industrial Zone. The ISMND does not specify how the proposed project is consistent with the underlying land uses and zoning. Specifying the use with respect to land uses and zoning under the certified LCP is necessary in order to determine what permits would be required and what standards would apply. As such, the ISMND should also include specific information on the proposed use with respect to the land use, zoning and any required permits or applicable standards.

Allowed Use in Wetlands

The project site includes at least one single-parameter wetland. Allowed uses within wetlands within the coastal zone are governed by Section 30233 of the Coastal Act which includes a three-part test. The first test requires that the proposed wetland fill activity fit within one of the enumerated use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Regarding the first test and the enumerated use categories, the ISMND should describe the specific project elements that would be located within the wetland area and analyze how the proposed project is consistent with the enumerated uses of Section 30233.

Second, the project must demonstrate that no feasible less environmentally damaging alternative exists. Please includes in the ISMND an analysis of alternatives. Alternatives to consider could include, but are not limited to: no project alternative, reconfiguration of the project to avoid the wetland area, consolidation with other existing industrial facilities, or other sites located within or outside of the coastal zone.

The final test stipulates that filling of wetlands may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental effects. The ISMND does not include any analysis of impacts to the wetland or mitigation. Rather, the ISMND states "For impacts to CCA areas, the Project would require consistency with the Local Coastal Program (LCP) and concurrence with the City, who presides over the LCP." Pursuant to the certified LCP, wetlands in private ownership, which may be located in industrial areas, are required to be protected from development through the application of an overlay zone or other, appropriate protective measures, including adequate buffers, regulations regarding the design and siting of structures, and open space easements. The

ISMND should include an analysis of any temporary or permanent impacts to wetlands and feasible mitigation measures.

Environmental Justice

The ISMND does not include an Environmental Justice (EJ) analysis. However, a desktop review of the site and surrounding areas on CalEnviroScreen 4.0¹ shows that the census tracts within the area of the proposed project appear to be subject to EJ concerns including housing burden, low-birth weight, linguistic isolation, exposure to high amounts of diesel particulate matter, threats of contamination to groundwater, and proximity to various industrial facilities including hazardous waste and solid waste. The ISMND should include a comprehensive EJ analysis including EJ screening and consultation consistent with the Commission's accepted methodologies within a broad Area of Potential Effects (APE) to ensure those communities are properly notified of the project and included in the process.

Coastal Hazards

In Section 4.10.2 of the ISMND, the findings state that although the project is located in close proximity to San Diego Bay with surface grades that vary from five to 18 feet above mean sea level (MSL), the offshore barrier islands and the configuration of the continental shelf in the San Diego vicinity have historically provided relief from tsunamis. The ISNMND also states that the project area is not located below and confined bodies of water and is not within a flood hazard area.

The appropriate time horizon to use to evaluate sea level rise and coastal hazards depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission's Sea Level Rise Policy Guidance for Critical Infrastructure (SLR Guidance)² identifies infrastructure, such as the proposed bio-fuel transfer facility, as "critical" infrastructure given its long design life, generally low adaptive capacity, and the high consequences associated with its failure. In such cases, the Commission SLR Guidance recommends that applicants understand the risks associated with the medium-high risk aversion scenario and extreme (H++) risk aversion scenario and anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like the fuel transfer station is typically considered to be 100 years.

Commission staff performed a desktop analysis of the site using the Our Coast Our Future (OCOF) Hazard Map³ and the area appears to be vulnerable to flooding beginning at 4.1 feet of SLR which is approximately equal to the amount of SLR anticipated by the year 2080 under the Medium-High risk aversion scenario. The vulnerabilities of the project site are only expected to increase when considered under a longer design life, the extreme risk aversion scenario and when coupled with major weather events such as a 100-year storm.

The ISMND should define the anticipated life of the project and identify the appropriate SLR projection(s) to analyze over that anticipated lifetime consistent with the Commission's SLR Guidance for critical infrastructure. A range of sea level rise and storm

¹ <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

²

https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf

³ <https://ourcoastourfuture.org/hazard-map/>

scenarios should be evaluated in order to identify a safe building envelope that avoids hazards over the anticipated life of the development. The ISMND should also analyze and describe the physical impacts from coastal hazards and SLR that may constrain the project site and/or impact the proposed development. Lastly, the ISMND should include an assessment of any SLR adaptation measures that may be implemented as part of the design or implemented in the future, such as relocation or removal if and when the development is threatened by coastal hazards.

Wetland Delineation

Commission staff have reviewed the aquatic resources delineation as well as the biological resources assessment and would note that mulefat (*Baccharis salicifolia*) has a wetland indicator status of FAC. Considering this status the final ISMND should include a regional jurisdictional arid-west wetland delineation for this area.

Hazardous Materials and Water Quality

Sections 4.9 and 4.10 of the ISMND discuss hazardous materials and hydrology and water quality. Both sections generally describe the history of uses at the site, existing onsite drainage characteristics, and the proposed development. Both sections conclude that with implementation of protective measures including Best Management Practices (BMPs) and development of an Emergency Response Plan (ERP) and a Storm Water Pollution Prevention Plan (SWPPP), the project would have no impact or the impact would be less than significant. The ISMND does not provide any specific information on what would be included in the ERP or the SWPPP, nor does it include any specific information on what BMPs would be included.

Without this information, it is not possible to evaluate whether the proposed project would effectively protect against spills of hazardous materials and provide effective containment and cleanup facilities. Considering the location of the project approximately 500 meters from the waters of Port of San Diego (Port), it is critically important that the project include sufficient measures to prevent any hazardous materials from construction or operation of the project from migrating to the Port waters. The final ISMND should include a robust discussion of hazardous materials and water quality while also identifying and discussing the specific measures that will be taken to ensure water quality protection, effective containment and cleanup facilities are provided.

Commission staff suggest the ISMND include the following:

- All Federal, State, and local oil pollution and safety laws and regulations that apply to the project and demonstrate compliance with those requirements.
- Industry and safety and pollution prevention standards and best practices proposed to be implemented at the proposed facility (both during and after construction).
- Schedules, methods, and procedures for testing, maintaining, and inspecting pipelines/facilities that contain or handle fuels.
- Methods to reduce spills during transfer and storage, including overfill prevention and immediate spill containment provisions.
- Procedures to assure clear communication during fuel transfer operations.

- Information on a worst-case discharge (WCD) spill scenario with respect to the proposed containment system and any feasibility to expand or improve the containment system accommodate a larger spill volume.
- Requirement that any heavy construction equipment use 100% biodiesel fuel and vegetable-oil-based hydraulic fluids. In addition to having lower aquatic toxicity than petroleum products, vegetable-oil based hydraulic fluids and biodiesel fuel are biodegradable and break down more rapidly in the environment than do petroleum products.
- Final plans for construction-phase BMPs, whether in a SWPPP or in a separate document, and post-construction BMPs.
- Prohibit the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, and mulch control netting) that contain plastic netting. Only products that contain loose-weave natural-fiber netting, or that do not contain netting, shall be allowed. Heavy-duty silt fences reinforced by plastic or metal netting shall also be prohibited. All temporary erosion and sediment control products shall be promptly removed when no longer required.
- Runoff control BMPs (such as a concrete wash-out facility or a dewatering tank) shall be installed or implemented to retain, infiltrate, or treat non-stormwater runoff resulting from construction activities.
- BMPs to prevent automotive pollutants from truck load slabs and roadways from being transported by stormwater runoff into coastal waters.
- Cover truck load slabs with a roof to keep stormwater from flowing across the concrete surface and picking up pollutants from spills and vehicular pollutants. Also, all stormwater runoff, including runoff from roof drains and pavements, should be directed away from potentially polluted surfaces (e.g., the truck load slabs) to prevent the transport of pollutants via runoff into coastal waters.
- Details, including sizing calculations, of how the project design will mimic the predevelopment runoff conditions. The amount of impervious surface area that will be added and/or replaced by the proposed project, and the type of surface (e.g., concrete pad, asphalt roadway, or roof-top) should also be specified.
- Details on the function, design, number and sizing of planters being proposed. The project should also specify if the planters are intended to be stormwater treatment BMPs that infiltrate runoff into native soil. If so, calculations should be provided indicating that each planter will be sized and designed to treat the runoff Design Capture Volume from the Drainage Management Area that flows to the planter.

Conclusion

Commission staff appreciates the opportunity to comment on the Draft ISMND and looks forward to continued engagement as we work towards review of any approvals required for the project. Please contact me at Wesley.Horn@coastal.ca.gov if you have any questions or need clarification on any of the points in this letter.

Sincerely,



Wesley Horn
Environmental Scientist
Energy, Ocean Resources and Federal Consistency Division

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

455 MARKET STREET, SUITE 300

SAN FRANCISCO, CA 94105-2421

VOICE (415) 904-5200

FAX (415) 904-5400



January 29, 2025

David Welch
Associate Planner
Planning Department
1243 National City Boulevard
National City, CA 91950

Re: Draft Environmental Impact Report (DEIR) For a Proposed Fuel Transfer Facility

Dear Mr. Welch,

Thank you for the opportunity to comment on the San Diego Clean Fuels Terminal, LLC Draft Environmental Impact Report (DEIR). As described in the DEIR, the proposed project would construct a transloading facility on the existing Burlington Northern Santa Fe (BNSF) Railway tracks between Civic Center Drive and West 19th Street. Our June 30, 2023, letter provided comments on the Draft Initial Study and Mitigated Negative Declaration and is included as an attachment.

The proposed project would consist of the following:

- Replace one existing rail turnout.
- Install new receiving and departure track for the facility.
- Install concrete slab pump pads at each transload pump system.
- Install truck load slabs sloped to a drain in the center at each truck transload spot.
- Provide a concrete lined containment basin and connect each truck transload slab drain to the basin.
- Install pumps and piping to move fuels from rail cars to truck loading spots.
- Provide containment enclosures for renewable diesel additive totes.
- Provide track pans below railcars at the transloading rail for conveyance of potential spills to the remote containment basin.
- Provide an office trailer with control center, restrooms, and driver check-out area.
- Provide all weather paving for the facility and circulation as needed to supplement existing yard drives.
- Provide lighting and security for the site as required.
- Provide an on-site A-FFF Florida Free Firefighting platform with additional fire hydrants, as per the National City Fire Department (NCFD) requirements.

In addition, the fleet mix was adjusted to reflect 72 heavy-duty trucks making both an inbound trip and outbound trip daily for a total of 144 daily heavy-duty truck trips and 25 passenger automobile trips associated with the onsite workers.

Jurisdiction and Standard of Review

The project would be located in the coastal zone and development within the coastal zone may not commence until a coastal development permit (CDP) has been issued by either the California Coastal Commission (Commission) or a local government that has a Commission-certified local coastal program (LCP). For the proposed project, National City has a Commission-certified LCP and would therefore need to issue a CDP for the project.

Commission staff would also note that the DEIR identified at least one single-parameter wetland within the project area. Pursuant to Section 30603 of the Coastal Act, local CDP decisions within 100 feet of any wetlands are appealable to the Commission.

Allowed Use in Wetlands

The project site includes at least one single-parameter wetland. Allowed uses within wetlands within the coastal zone are governed by Section 30233 of the Coastal Act which includes a three-part test. The first test requires that the proposed wetland fill activity fit within one of the enumerated use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Regarding the first test and the enumerated use categories, the DEIR describes the specific project elements that would be located within the wetland area and analyzes how the proposed project is consistent with the enumerated uses of Section 30233. The DEIS also discusses how there is no feasible less environmentally damaging alternative exists pursuant to the second test of Section 30233.

The final test stipulates that filling of wetlands may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental effects. The DEIR does not include any analysis of impacts to the wetland or mitigation. Rather, the DEIR states "For impacts to CCA areas, the Project would require consistency with the Local Coastal Program (LCP) and concurrence with the City, who presides over the LCP." Pursuant to the certified LCP, wetlands in private ownership, which may be located in industrial areas, are required to be protected from development through the application of an overlay zone or other, appropriate protective measures, including adequate buffers, regulations regarding the design and siting of structures, and open space easements. The DEIR should include an analysis of any temporary or permanent impacts to wetlands and feasible mitigation measures including potential onsite or offsite wetland mitigation. Coastal Commission precedent is to require mitigation at a ratio of 4:1 for permanent impacts to wetlands and 1:1 for temporary impacts to wetlands. A disturbance would be considered a temporary impact if the impacted wetland were able to recover on its own to its pre-disturbance condition within one year of the impact.

Environmental Justice

The ISMND does not include an Environmental Justice (EJ) analysis. However, the surrounding community, including McKinley Apartments and Kimball Elementary School, are sensitive receptors and considered disadvantaged pursuant to SB 535 a Community

Air Protection Program (CAPP) Community under AB 617. Using CalEnviroScreen 4.0¹, the census tract has an extremely high pollution burden for Diesel, proximity to Cleanup sites, Hazardous Waste Facilities, Solid Waste Facilities. This tract also faces high linguistic isolation, homelessness, low-birth weight, and poverty. The Coastal Act explicitly identifies the need for equity and environmental justice and allows the Commission and local government to consider coastal resource issues and impacts through that lens, even when the LCP itself may be silent on such issues (Sections 30013; 30107.3; 30604(h)). The term “environmental justice” is currently understood to include both substantive and procedural rights, meaning that in addition to the equitable distribution of environmental benefits, underserved communities also deserve equitable access to the process where significant environmental and land use decisions are made (EJ Policy). Moreover, as the ISMND notes, the City has a General Plan element which includes Environmental Justice with several applicable policies to this project specifically, those that deal with procedural rights (Goals HEJ-1; HEJ-1.7) as well as Education and Public Participation Goals E-7/6 and E-7-10. As such, the ISMND should include a comprehensive EJ analysis for impact discussion including EJ screening, a more robust cumulative analysis of air quality (overall analysis rather than site-specific) and proper community consultation consistent with the Commission’s EJ Policy and the General Plan Health and Environmental Justice and Education and Public Participation elements within a broad Area of Potential Effects (APE) to ensure those communities are properly notified of the project and included in the decision-making process. Currently, the outreach on this project has been inadequate per Commission’s EJ policy and the City’s General Plan. Finally, the Alternatives should consider the health, and environmental justice impacts when determining viability.

Coastal Hazards

The project is located in close proximity to San Diego Bay with surface grades that vary from five to 18 feet above mean sea level (MSL), the DEIR states that the site is not located within a tsunami or seiche zone. The DEIR also states that the project area is not within a flood hazard area.

The appropriate time horizon to use to evaluate sea level rise and coastal hazards depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission’s Sea Level Rise Policy Guidance for Critical Infrastructure (SLR Guidance)² identifies infrastructure, such as the proposed bio-fuel transfer facility, as “critical” infrastructure given its long design life, generally low adaptive capacity, and the high consequences associated with its failure. In such cases, the Commission’s 2024 Sea Level Rise Policy Update³ recommends that applicants understand the risks associated with the high scenario and anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like the fuel transfer station is typically considered to be 100 years.

Commission staff performed a desktop analysis of the site using the Our Coast Our Future (OCOF) Hazard Map⁴ and the area appears to be vulnerable to flooding beginning at 4.1 feet of SLR which is approximately equal to the amount of SLR anticipated by the year

¹ <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

² https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf

³ <https://documents.coastal.ca.gov/assets/slr/guidance/2024/2024AdoptedSLRPolicyGuidanceUpdate.pdf>

⁴ <https://ourcoastourfuture.org/hazard-map/>

2080 under the High scenario. The vulnerabilities of the project site are only expected to increase when considered under a longer design life, the extreme risk aversion scenario and when coupled with major weather events such as a 100-year storm.

The DEIR should define the anticipated life of the project and identify the appropriate SLR projection(s) to analyze over that anticipated lifetime consistent with the Commission's SLR Guidance for critical infrastructure. A range of sea level rise and storm scenarios should be evaluated in order to identify a safe building envelope that avoids hazards over the anticipated life of the development. The DEIR should also analyze and describe the physical impacts from coastal hazards and SLR that may constrain the project site and/or impact the proposed development. Lastly, the DEIR should include an assessment of any SLR adaptation measures that may be implemented as part of the design or implemented in the future, such as relocation or removal if and when the development is threatened by coastal hazards.

Wetland Delineation

Commission staff have reviewed the aquatic resources delineation as well as the biological resources assessment and would note that mulefat (*Baccharis salicifolia*) has a wetland indicator status of FAC. Considering this status the final DEIR should include a regional jurisdictional arid-west wetland delineation for this area.

Conclusion

Commission staff appreciates the opportunity to comment on the DEIR and looks forward to continued engagement as we work towards review of any approvals required for the project. Please contact me at Wesley.Horn@coastal.ca.gov if you have any questions or need clarification on any of the points in this letter.

Sincerely,



Wesley Horn
Environmental Scientist
Energy, Ocean Resources and Federal Consistency Division

Attachment 1 - June 30, 2023, CCC comment letter on the Draft Initial Study and Mitigated Negative Declaration

June 30, 2023

Marin Reeder
Planning Manager
Community Development Dept. – Planning Division
City of National City
1243 National City Blvd., National City, CA 91950

Re: **Draft Initial Study and Mitigated Negative Declaration (ISMND) for the San Diego Clean Fuels Terminal LLC Project**

Dear Mr. Reeder,

Thank you for the opportunity to comment on the San Diego Clean Fuels Terminal, LLC Draft Initial Study and Mitigated Negative Declaration (ISMND). As described in the ISMND, the proposed project would construct a transloading facility on the existing Burlington Northern Santa Fe (BNSF) Railway tracks between Civic Center Drive and West 19th Street.

The proposed project would consist of the following:

- Build nine rail spurs and four fixed truck loading spots to transload bio-diesel fuel, renewable diesel fuel, ethanol and sustainable aviation fuel directly from rail cars into trucks.
- Build tracks and turnouts/crossovers to facilitate car movement in/out and within the transload facility.
- Install concrete slab pump pads at each transload spot.
- Install truck load slabs sloped to a drain in the center at each transload spot.
- Install pumps and piping to move fuels from rail cars to truck loading spots.
- Provide containment enclosures for additive totes.
- Provide a concrete-lined containment basin and pipe each load slab drain to the basin.
- Provide track pans for containment at the rail transloading cars.
- Provide an office trailer with control center, restrooms and driver check-in area.
- Provide all weather paving for the facility and circulation.
- Provide lighting for the site, as needed.

The terminal is expected to receive approximately 115 trucks per day coming in on 18th Street and exiting the facility on W. 19th Street and on to retail client deliveries. Approximately 70-percent of truck trips will occur between 6:00 p.m. and 6:00 a.m. to avoid peak traffic periods.

Jurisdiction and Standard of Review

The project would be located in the coastal zone and development within the coastal zone may not commence until a coastal development permit (CDP) has been issued by either the California Coastal Commission (Commission) or a local government that has a Commission-certified local coastal program (LCP). For the proposed project, National City has a Commission-certified LCP and would therefore need to issue a CDP for the project.

Commission staff would also note that the ISMND identified at least one single-parameter wetland within the project area. Pursuant to Section 30603 of the Coastal Act, local CDP decisions within 100 feet of any wetlands are appealable to the Commission.

Use and Required Permits

The ISMND states that the project is located within a land use designation of Industrial/Salt Production and a Medium Industrial and High Industrial Zone. The ISMND does not specify how the proposed project is consistent with the underlying land uses and zoning. Specifying the use with respect to land uses and zoning under the certified LCP is necessary in order to determine what permits would be required and what standards would apply. As such, the ISMND should also include specific information on the proposed use with respect to the land use, zoning and any required permits or applicable standards.

Allowed Use in Wetlands

The project site includes at least one single-parameter wetland. Allowed uses within wetlands within the coastal zone are governed by Section 30233 of the Coastal Act which includes a three-part test. The first test requires that the proposed wetland fill activity fit within one of the enumerated use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Regarding the first test and the enumerated use categories, the ISMND should describe the specific project elements that would be located within the wetland area and analyze how the proposed project is consistent with the enumerated uses of Section 30233.

Second, the project must demonstrate that no feasible less environmentally damaging alternative exists. Please include in the ISMND an analysis of alternatives. Alternatives to consider could include, but are not limited to: no project alternative, reconfiguration of the project to avoid the wetland area, consolidation with other existing industrial facilities, or other sites located within or outside of the coastal zone.

The final test stipulates that filling of wetlands may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental effects. The ISMND does not include any analysis of impacts to the wetland or mitigation. Rather, the ISMND states "For impacts to CCA areas, the Project would require consistency with the Local Coastal Program (LCP) and concurrence with the City, who presides over the LCP." Pursuant to the certified LCP, wetlands in private ownership, which may be located in industrial areas, are required to be protected from development through the application of an overlay zone or other, appropriate protective measures, including adequate buffers, regulations regarding the design and siting of structures, and open space easements. The

ISMND should include an analysis of any temporary or permanent impacts to wetlands and feasible mitigation measures.

Environmental Justice

The ISMND does not include an Environmental Justice (EJ) analysis. However, a desktop review of the site and surrounding areas on CalEnviroScreen 4.0¹ shows that the census tracts within the area of the proposed project appear to be subject to EJ concerns including housing burden, low-birth weight, linguistic isolation, exposure to high amounts of diesel particulate matter, threats of contamination to groundwater, and proximity to various industrial facilities including hazardous waste and solid waste. The ISMND should include a comprehensive EJ analysis including EJ screening and consultation consistent with the Commission's accepted methodologies within a broad Area of Potential Effects (APE) to ensure those communities are properly notified of the project and included in the process.

Coastal Hazards

In Section 4.10.2 of the ISMND, the findings state that although the project is located in close proximity to San Diego Bay with surface grades that vary from five to 18 feet above mean sea level (MSL), the offshore barrier islands and the configuration of the continental shelf in the San Diego vicinity have historically provided relief from tsunamis. The ISNMND also states that the project area is not located below and confined bodies of water and is not within a flood hazard area.

The appropriate time horizon to use to evaluate sea level rise and coastal hazards depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission's Sea Level Rise Policy Guidance for Critical Infrastructure (SLR Guidance)² identifies infrastructure, such as the proposed bio-fuel transfer facility, as "critical" infrastructure given its long design life, generally low adaptive capacity, and the high consequences associated with its failure. In such cases, the Commission SLR Guidance recommends that applicants understand the risks associated with the medium-high risk aversion scenario and extreme (H++) risk aversion scenario and anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like the fuel transfer station is typically considered to be 100 years.

Commission staff performed a desktop analysis of the site using the Our Coast Our Future (OCOF) Hazard Map³ and the area appears to be vulnerable to flooding beginning at 4.1 feet of SLR which is approximately equal to the amount of SLR anticipated by the year 2080 under the Medium-High risk aversion scenario. The vulnerabilities of the project site are only expected to increase when considered under a longer design life, the extreme risk aversion scenario and when coupled with major weather events such as a 100-year storm.

The ISMND should define the anticipated life of the project and identify the appropriate SLR projection(s) to analyze over that anticipated lifetime consistent with the Commission's SLR Guidance for critical infrastructure. A range of sea level rise and storm

¹ <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

²

https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf

³ <https://ourcoastourfuture.org/hazard-map/>

scenarios should be evaluated in order to identify a safe building envelope that avoids hazards over the anticipated life of the development. The ISMND should also analyze and describe the physical impacts from coastal hazards and SLR that may constrain the project site and/or impact the proposed development. Lastly, the ISMND should include an assessment of any SLR adaptation measures that may be implemented as part of the design or implemented in the future, such as relocation or removal if and when the development is threatened by coastal hazards.

Wetland Delineation

Commission staff have reviewed the aquatic resources delineation as well as the biological resources assessment and would note that mulefat (*Baccharis salicifolia*) has a wetland indicator status of FAC. Considering this status the final ISMND should include a regional jurisdictional arid-west wetland delineation for this area.

Hazardous Materials and Water Quality

Sections 4.9 and 4.10 of the ISMND discuss hazardous materials and hydrology and water quality. Both sections generally describe the history of uses at the site, existing onsite drainage characteristics, and the proposed development. Both sections conclude that with implementation of protective measures including Best Management Practices (BMPs) and development of an Emergency Response Plan (ERP) and a Storm Water Pollution Prevention Plan (SWPPP), the project would have no impact or the impact would be less than significant. The ISMND does not provide any specific information on what would be included in the ERP or the SWPPP, nor does it include any specific information on what BMPs would be included.

Without this information, it is not possible to evaluate whether the proposed project would effectively protect against spills of hazardous materials and provide effective containment and cleanup facilities. Considering the location of the project approximately 500 meters from the waters of Port of San Diego (Port), it is critically important that the project include sufficient measures to prevent any hazardous materials from construction or operation of the project from migrating to the Port waters. The final ISMND should include a robust discussion of hazardous materials and water quality while also identifying and discussing the specific measures that will be taken to ensure water quality protection, effective containment and cleanup facilities are provided.

Commission staff suggest the ISMND include the following:

- All Federal, State, and local oil pollution and safety laws and regulations that apply to the project and demonstrate compliance with those requirements.
- Industry and safety and pollution prevention standards and best practices proposed to be implemented at the proposed facility (both during and after construction).
- Schedules, methods, and procedures for testing, maintaining, and inspecting pipelines/facilities that contain or handle fuels.
- Methods to reduce spills during transfer and storage, including overfill prevention and immediate spill containment provisions.
- Procedures to assure clear communication during fuel transfer operations.

- Information on a worst-case discharge (WCD) spill scenario with respect to the proposed containment system and any feasibility to expand or improve the containment system accommodate a larger spill volume.
- Requirement that any heavy construction equipment use 100% biodiesel fuel and vegetable-oil-based hydraulic fluids. In addition to having lower aquatic toxicity than petroleum products, vegetable-oil based hydraulic fluids and biodiesel fuel are biodegradable and break down more rapidly in the environment than do petroleum products.
- Final plans for construction-phase BMPs, whether in a SWPPP or in a separate document, and post-construction BMPs.
- Prohibit the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, and mulch control netting) that contain plastic netting. Only products that contain loose-weave natural-fiber netting, or that do not contain netting, shall be allowed. Heavy-duty silt fences reinforced by plastic or metal netting shall also be prohibited. All temporary erosion and sediment control products shall be promptly removed when no longer required.
- Runoff control BMPs (such as a concrete wash-out facility or a dewatering tank) shall be installed or implemented to retain, infiltrate, or treat non-stormwater runoff resulting from construction activities.
- BMPs to prevent automotive pollutants from truck load slabs and roadways from being transported by stormwater runoff into coastal waters.
- Cover truck load slabs with a roof to keep stormwater from flowing across the concrete surface and picking up pollutants from spills and vehicular pollutants. Also, all stormwater runoff, including runoff from roof drains and pavements, should be directed away from potentially polluted surfaces (e.g., the truck load slabs) to prevent the transport of pollutants via runoff into coastal waters.
- Details, including sizing calculations, of how the project design will mimic the predevelopment runoff conditions. The amount of impervious surface area that will be added and/or replaced by the proposed project, and the type of surface (e.g., concrete pad, asphalt roadway, or roof-top) should also be specified.
- Details on the function, design, number and sizing of planters being proposed. The project should also specify if the planters are intended to be stormwater treatment BMPs that infiltrate runoff into native soil. If so, calculations should be provided indicating that each planter will be sized and designed to treat the runoff Design Capture Volume from the Drainage Management Area that flows to the planter.

Conclusion

Commission staff appreciates the opportunity to comment on the Draft ISMND and looks forward to continued engagement as we work towards review of any approvals required for the project. Please contact me at Wesley.Horn@coastal.ca.gov if you have any questions or need clarification on any of the points in this letter.

Sincerely,



Wesley Horn
Environmental Scientist
Energy, Ocean Resources and Federal Consistency Division

SAN DIEGO CLEAN FUELS FACILITY LLC PROJECT
CEQA FINDINGS AND FACTS
National City, California

April 2025

State Clearinghouse Number:
2024050468

Lead Agency:



City of National City
1243 National City Boulevard
National City, California 91950

Prepared by:



ECORP Consulting, Inc.
3838 Camino del Rio North, Suite 370
San Diego, California 92108

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1.0 INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 *et seq.*) and the CEQA Guidelines (14 Code of California Regulations Section 15000 *et seq.*) state that if it has been determined that a project may have a significant impact on the environment then an Environmental Impact Report (EIR) must be prepared. Accordingly, an EIR has been prepared by the City of National City (City) to evaluate potential environmental effects that may result from the proposed San Diego Clean Fuels Facility LLC Project (Proposed Project).

The documentation prepared to comply with CEQA for this Proposed Project, including the Notice of Preparation, Notice of Availability, Draft EIR and appended Technical Studies, and Final EIR constitute the EIR for this Proposed Project. These documents will be referred to collectively as the EIR. These Findings of Fact are based on, and summarize, the EIR documents.

The EIR documents that constitute the record of proceedings upon which the City 's Council decision is based are available in electronic format at City's website at the following link:

<https://www.nationalcityca.gov/government/community-development/planning/current-projects>

The City is the custodian of the Final EIR documents that constitute the record of proceedings. The record of proceedings is provided in compliance with CEQA PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

1.1 Certification

On June 2, 2025 and in accordance with CEQA Guidelines Section 15090, the Planning Commission of National City (Commission) certifies that:

- a) The Final EIR for the Proposed Project has been completed and processed in compliance with the requirements of CEQA;
- b) The Commission, as the decision-making body for City, reviewed and considered the information contained in the EIR prior to approving the Proposed Project; and
- c) The EIR reflects City's independent judgment and analysis.

The City has exercised independent judgment in accordance with CEQA PRC Section 21082.1(c).

1.2 Statutory Requirements for Findings

CEQA (PRC Section 21081) and the CEQA Guidelines (PRC Section 15091) require that no public agency approve or carry out a project for which an EIR has been certified that identifies one or more significant effects of the project on the environment unless the public agency makes one or more written findings for each of these significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, are:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report.

For those significant effects that cannot be mitigated to a level that is less than significant, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In addition, CEQA requires a public agency to make a finding that the EIR reflects the public agency's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, the Commission finds that the Final EIR for the San Diego Clean Fuels Facility LLC Project (State Clearinghouse Number 2024050468) reflects City 's independent review and judgment.

The Final EIR identifies significant or potentially significant environmental effects prior to and after mitigation that may occur as a result of approval of the Proposed Project. In accordance with the provisions of CEQA and the CEQA Guidelines, the Commission of National City adopts these Findings as part of its certification of the EIR.

In conjunction with its adoption of these Findings, the Commission has reviewed and considered a substantial amount of material including, but not limited to, the following:

1. The Draft EIR for the and all appendices thereto.
2. The Final EIR for the including the comments, responses to comments, and a list of all persons, organizations, and public agencies commenting during the 54-day public and agency review period.
3. The Mitigation Monitoring and Reporting Program.

2.0 PROJECT SUMMARY

2.1 Project Location

The San Diego Clean Fuels Facility LLC Project is located in San Diego County in the City of National City (City). The Project Area is located between the existing buildings along Cleveland Avenue and the existing Burlington Northern Santa Fe (BNSF) Railway tracks and between Civic Center Drive and West 19th Street. The Project Area is approximately 6.5 acres and is primarily unimproved and undeveloped. The site address is 830 West 18th Street.

2.2 Project Description

The Proposed Project USD Clean Fuels (USD-CF) proposes to construct a transloading facility on the BNSF Railway railroad right-of-way (ROW) and adjacent BNSF-owned property. The Project Area is approximately 6.5 acres and is primarily unimproved and undeveloped. The area was formerly used for railroad and industrial purposes.

The purpose of the Proposed Project is to provide a new transloading facility along the BNSF Railroad to deliver renewable fuels to the San Diego market. The Proposed Project will achieve its objectives by providing needed infrastructure, safety improvements, employment opportunities and access to renewable fuels. The Proposed Project will assist the City in advancing the goal of the State of California's Carbon Neutrality Goals and Low-Carbon Fuels Standards. Additional Project details and specific Project characteristics and construction activities are found in Chapter 2.0 of the Final EIR

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The EIR for the San Diego Clean Fuels Facility, LLC Project was prepared pursuant to CEQA (PRC Section 21000 *et seq.*), the CEQA Guidelines (14 Code of California Regulations Section 15000 *et seq.*), and City's Local CEQA Guidelines. CEQA allows for various steps to encourage public participation in the environmental review process, as summarized below.

3.1 Scoping

Prior to the preparation of the Final EIR, the City, as Lead Agency, prepared a Notice of Preparation (NOP) for the Proposed Project. A copy of the NOP is provided in Appendix A of the Draft EIR. The City circulated the NOP for the Draft EIR to the State Clearinghouse and other interested parties on May 5, 2024.

Pursuant to Section 15082 of the State CEQA Guidelines, recipients of the NOP were requested to provide responses within 30 days after their receipt of the NOP. The NOP was also published in the following newspapers:

- *The Star News – Chula Vista and National City (May 3, 2024)*

The City held a public scoping meeting on May 23, 2024, to present the Proposed Project and solicit comments. The public scoping meeting was held at the National City Public Library community room

located at 1401 National City Boulevard., pursuant to the requirements of Section 15082(c)(1) of the State CEQA Guidelines.

Twenty-seven comment cards were received at the public scoping meeting and 11 comment letters were received by mail and email.

As a result of the scoping process and based on written comments received from the commenters, the following issue areas were considered to require further resolution prior to making an informed decision on the Proposed Project and would be addressed in the Draft EIR:

- Air Quality
- Biological Resources
- Energy
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources

Environmental impacts identified as potentially significant but that can be mitigated to a level of less than significant through the implementation of mitigation measures are described in this document in Section 4.3.2. Alternatives to the Proposed Project considered in the EIR are described in this document in Section 4.4.

The Draft EIR was prepared using technical studies prepared for the Project, which are appended to the Draft EIR, including:

- *Draft Initial Study for the San Diego Clean Fuels Facility LLC Project* (May 2024) (ECORP 2024b; Appendix A)
- *Air Quality & Greenhouse Gas Emissions Assessment for the San Diego Clean Fuels Facility LLC Project* (September 2024) (ECORP 2024a; Appendix B)
- *Biological Resources Assessment for the San Diego Clean Fuels Terminal LLC Project* (July 2022) (ECORP 2022a; Appendix C)
- *Aquatic Resources Delineation for the San Diego Clean Fuels Terminal LLC Project* (July 2022) (ECORP 2022b; Appendix D)
- *Fuel Consumption Calculations, (20242)* (ECORP; Appendix E)

- *Report of Geotechnical Investigation, USD Group Clean Fuels Rail Terminal* (May 2022) (Group Delta 2022; Appendix F)
- *Noise Model Output*, (2024) (ECORP; Appendix G)
- *Traffic Impact Analysis for the Transload Clean Fuels Facility, 18th Street and Cleveland Avenue* (September 2024) (KOA 2024; Appendix H)

Existing documentation from San Diego County and the City of National City and other publicly available documents were also used to prepare the Draft EIR. Agency documents are available for review at their respective agency website or office.

Environmental resource areas not carried forward for further analysis in the Draft EIR included:

The City determined during preparation of the Initial Study Environmental Checklist (Appendix A) that the Proposed Project would have either a Less than Significant or No Impact finding associated with the following resources: Aesthetics, Agricultural and Forestry Resources, Geology and Soils, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

3.1.1 Draft EIR Circulation and Opportunities for Comment

The Draft EIR and Notice of Availability (NOA) were distributed for review and comment to a mailing list that included local, regional, and state agencies, tribal governments, stakeholders, and other interested parties for a 54-day public and agency review period from December 6, 2024, through January 28, 2025.

The NOA was also filed at the San Diego County Clerk and posted on National City's website at:

<https://www.nationalcityca.gov/government/community-development/planning/current-project>

The NOA was also published in the following newspapers:

- *The Star News – Chula Vista and National City* (December 6, 2024)

The Notice of Completion (NOC) was submitted to the State Clearinghouse along with an electronic copy of the Draft EIR for distribution to state agencies.

3.2 Final EIR

During the 54-day public review period for the Draft EIR, the City received seven written comment letters. The City prepared the Final EIR and, pursuant to CEQA PRC Section 21092.5; as such, the City provided written responses to the commenters within the statutory time frame. The letters are included as Appendix I of the Final EIR. The MMRP is included as Appendix J of the Final EIR and Chapter 6 herein.

No written comments provided during the 54-day public comment period have produced substantial new information requiring recirculation or additional environmental review under CEQA Guidelines Section 15088.5.

The Final EIR and MMRP were taken to the National City Council publicly noticed meeting for consideration of approval and certification.

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4.0 FINDINGS

4.1 Organization/Format of Findings

In compliance with CEQA statutory requirements (PRC Section 21081), the Findings of Fact are organized as follows:

- General findings
- Environmental impact findings
 - Less than significant impacts requiring no mitigation;
 - Potentially significant impacts that can be mitigated to below a level of significance;
 - Cumulative impacts; and
- Findings regarding Project Alternatives.

4.2 General Findings

4.2.1 *Independent Judgment Finding*

ECORP Consulting, Inc. (ECORP) prepared the EIR under the supervision and direction of City staff.

Finding: The Final EIR for the San Diego Clean Fuels Facility LLC Project reflects City 's independent judgment in accordance with PRC Section 20182.1 (c) (3) in reviewing, commenting on, and revising material prepared by the consultant.

4.2.2 *General Finding on Mitigation Measures*

The Planning Commission takes action to certify the EIR. In conjunction with the certification of the EIR, the Planning Commission adopts the mitigation measures stated in the Final EIR and in the Mitigation Monitoring and Reporting Program (Chapter 5 of the Final EIR).

Finding: With the certification of the EIR and approval of the Proposed Project, the Planning Commission adopts all mitigation measures recommended by the EIR as listed in the Mitigation Monitoring and Reporting Program.

4.3 Environmental Impact Findings

The Draft EIR, Final EIR, these Facts, and other information in the administrative record serve as the basis for City's environmental determinations. The detailed analysis of potentially significant environmental effects and mitigation measures for the Proposed Project is presented in Sections 3, 4, and 5 of the Draft EIR. Responses to comments received on the Draft EIR from the public and other government agencies are provided in Section 3 of the Final EIR.

The Draft EIR evaluated the following environmental categories for potential impacts:

4.3.1 Less than Significant Impacts Requiring No Mitigation

- Air Quality
- Energy
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Transportation

4.3.2 Potentially Significant Impacts that Can Be Mitigated to Below a Level of Significance

- Biological Resources
- Greenhouse Gas Emissions
- Tribal Cultural Resources

Both Project-specific and cumulative impacts were evaluated. Of these nine major categories, the Planning Commission concurs with the conclusions in the EIR that the issues discussed in Sections 4.3.1 and 4.3.2 below are either less than significant and do not require mitigation or will be reduced to below a level of significance with the implementation of mitigation measures.

4.3.1 *Less than Significant Impacts Requiring No Mitigation*

The following issues were identified in the DEIR to have no potential to cause either Project-specific or cumulative significant environmental impacts and therefore do not require mitigation. In the following sections, each resource issue is identified and the potential for significant adverse environmental effects is discussed.

Air Quality

Summary of Potential Environmental Impacts Evaluated: The Proposed Project would result in air emissions from construction due to the use of heavy equipment and from operations of the proposed facility.

Finding: The Planning Commission finds that the Proposed Project would not conflict with air quality plans or expose sensitive receptors to harmful pollutant levels, and impacts would be less than significant. Therefore, no mitigation is required.

Facts Supporting the Finding: Air Quality is fully discussed and analyzed in Chapter 3.1 of the Draft EIR. The Proposed Project aligns with local land use plans, supports cleaner fuel use, and would improve air quality by reducing emissions and vehicle miles. Modeling shows that construction and operational

emissions are below federal and state significance thresholds and would not contribute to a significant increase in pollutants. A Health Risk Assessment confirms that impacts to nearby sensitive receptors are below significance levels, and traffic from the project would not create carbon monoxide hot spots.

Energy

Summary of Potential Environmental Impacts Evaluated. Impact analysis focused on the three sources of energy that are relevant to the Proposed Project: electricity, the equipment-fuel necessary for Project construction, and the automotive fuel necessary for Project operations.

Finding: The Planning Commission finds that the Proposed Project would have less than significant effects related to wasteful, inefficient, or unnecessary energy consumption during construction and is consistent with applicable state and locals plans for renewable energy and energy efficiency.

Facts Supporting the Finding. Potential impacts to energy are found in Chapter 3.3 of the Draft EIR. Project-related fuel consumption would increase the annual construction-related fuel use in the county by 0.00179 percent. Project construction would have a nominal effect on local and regional energy supplies. No unusual Project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the State. The annual electricity consumption due to Project operations would be 2,180 kilowatt-hours (kWh), which would result in a negligible increase (0.00002 percent) in the typical annual electricity consumption attributable to all non-residential uses in San Diego County. Project trucks and trains would result in the consumption of approximately 156,187 gallons of automotive fuel per year, which would increase the annual countywide automotive fuel consumption by 0.01 percent. The Proposed Project was found to be consistent with Senate Bill 1389; the Low Carbon Fuel Standard; the California Code of Regulations, Title 24, Parts 6 and 11; the Regional Energy Strategy, and the General Plan.

Greenhouse Gas Emissions

Summary of Potential Environmental Impacts Evaluated. Thresholds used to evaluate impacts related to GHGs are based on applicable criteria in Appendix G of the State CEQA Guidelines. All Project-related emission sources were included in the analysis and determined to be less than significant.

Finding: The Planning Commission finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects identified in the EIR

Facts Supporting the Finding. The Planning Commission finds that the Proposed Project would result in a less than significant impact to greenhouse gas emissions with implementation of the measures provided in the Mitigation Monitoring and Reporting Plan

GHG-1: Adhere to National City's Climate Action Planning Reduction Measures

The Project shall implement the following applicable greenhouse gas-reducing measures, consistent with National City Climate Action Plan Update:

- Prior to issuance of a building permit, the Applicant shall demonstrate that the employee parking lot is electric vehicle ready (i.e., charging stations, preferred parking, etc.).
- Limit idling times for all employee and tanker truck vehicles, as well as construction equipment, to less than 5 minutes.
- Prior to issuance of a building permit, the Applicant shall demonstrate implementation of all applicable Nonresidential Voluntary Measures of the California Green Building Standards Code – Part 11, Title 24, California Code of Regulations (CalGreen) from the Planning and Design, Energy Efficiency, Water Efficiency and Conservation, and Material Conservation and Resource Efficiency Divisions (Appendix A5 of the 2022 California Green Building Standards Code). These measures shall include, but are not limited to, energy efficiency enhancements, water use reduction, sustainable building materials, improved indoor environmental quality, and waste management strategies.

Hazards and Hazardous Materials

Summary of Potential Environmental Impacts Evaluated. Inherent to the type of facility proposed potential impacts to the environment exist both during construction and operation of the Proposed Project.

Finding: The Planning Commission finds that Project implementation would not conflict with applicable environmental policies of the City's General Plan and/or State and federal laws, regulations and orders. Impacts would be less than significant, and no mitigation is required.

Facts Supporting the Finding. Impacts related to Hazards and Hazardous Materials are discussed thoroughly in Chapter 3.5 of the Draft EIR. The Facility Response Plan (FRP); Spill Prevention, Control and Countermeasures (SPCC) Plan, and Stormwater Pollution Prevention Plan (SWPPP), would be implemented to address and/or manage any potential spills or emergency events onsite to reduce hazards to the public or environment during construction and operation of the Proposed Project

Land Use and Planning

Summary of Potential Environmental Impacts Evaluated. Impacts on land use and planning are considered significant if the Proposed Project were to (1) physically divide an established community or (2) cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Finding: The Proposed Project would not physically divide an established community and would not conflict with applicable environmental policies of the City's General Plan, and/or local plans, and/or State and federal laws, regulations and orders. Impacts would be less than significant, and no mitigation is required.

Facts Supporting the Finding Impacts to Land Use and Planning are discussed thoroughly in Chapter 3.6 of the Draft EIR. The Proposed Project was found to be consistent with the Local Coastal Program; the City's land use designation for the Project Area and the City's Zoning Code upon issuance of a conditional use permit, the General Plan, and would not conflict with the Portside Community Emissions Reduction Plan. **Noise**

Summary of Potential Environmental Impacts Evaluated. Construction noise associated with the Proposed Project would be temporary and would vary depending on the nature of the activities being performed. Noise generated would primarily be associated with the operation of off-road equipment for onsite construction activities as well as construction vehicle traffic on area roadways. Operation of the Proposed Project would not contribute any noise sources beyond what is currently experienced in the Project Area.

Finding: Impacts would be less than significant, and no mitigation is required.

Facts Supporting the Finding Impacts to Noise are discussed thoroughly in Chapter 3.7 of the Draft EIR. The City Council finds that the Proposed Project would not result in construction noise levels exceeding established standards. Project construction would not result in a doubling of traffic; therefore, its contribution to existing traffic noise would not be perceptible. The Project is consistent with the types, intensity, and patterns of land use envisioned for the Project Area, as outlined in the City's General Plan. The Project proposes to replace one existing rail turnout and install a new receiving and departure track for the facility. Two or more trains would not be running simultaneously; therefore, the level of noise within the Project Area would not increase when compared to existing conditions. Operation of the Project would not contribute any noise sources beyond what is currently experienced in the Project Area and would not result in a significant noise-related impact associated with onsite sources. The Project would not result in a doubling of traffic; therefore, its contribution to existing traffic noise would not be perceptible. The Proposed Project would not conflict with applicable environmental policies of the City's General Plan and/or State and federal laws, regulations and orders. Construction and operational vibration levels would not exceed recommended thresholds that could result in structural damage to older structures.

Transportation

Summary of Potential Environmental Impacts Evaluated. Impacts to transportation are considered significant if the Proposed Project were to (1) conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; (2) conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b); (3) substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or (4) result in inadequate emergency access.

Finding: The Planning Commission finds that the Proposed Project would not conflict with any of the applicable plans, programs, or ordinances, or policies addressing the circulation system. The Project is consistent with the City's General Plan and does not exceed the

average daily trip (ADT) threshold and would not have a significant vehicle miles traveled (VMT) impact. Impacts would be less than significant.

Facts Supporting the Finding Impacts Transportation are discussed thoroughly in Chapter 3.8 of the Draft EIR. The proposed alterations to rail facilities would not impede the implementation of the City's programs supporting walking, bicycling, and use of public transportation. Additionally, the rail facilities would not impede or impact public access to the coast. Under General Plan Policy T-5.3, a Project's transportation impacts shall be measured by VMT. The Proposed Project will generate 385 passenger car equivalent trips per day. A VMT analysis is not required for projects with 1,000 ADT or less that are consistent with the General Plan. The Project is screened out and further VMT analysis is not required and presumed insignificant.

4.3.2 Potentially Significant Impacts that Can Be Mitigated to Below a Level of Significance

The following issues were identified in the EIR to have no potential to cause either Project-specific or cumulative significant environmental impacts and require mitigation. In the following sections, each resource issue is identified and the potential for significant adverse environmental effects is discussed.

Biological Resources – Special Status Plant and Wildlife Species

Summary of Potential Environmental Impacts Evaluated. One special-status plant species, Nuttall's acmispon (*Acmispon prostratus*), was observed within the Project Area. Two special-status animal species, an osprey western and yellow bat were observed flying to the west of the Project Area during the reconnaissance survey. Vegetation within and infrastructure adjacent to the Project Area (e.g., utility poles, existing buildings) could provide nesting habitat for nesting birds and raptors protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code and also provides foraging habitat for songbird and raptor species.

Finding: The Planning Commission finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects to Special Status Plant and Wildlife Species identified in the EIR.

Facts Supporting the Finding. Impacts to Biological Resources are discussed thoroughly in Chapter 3.2 of the Draft EIR. Mitigation Measures BIO-1 through BIO-3 would reduce impacts to a less than significant level. These measures are included in the Mitigation Monitoring and Reporting Program in Section 6 of this document.

BIO-1: Rare Plant Salvage. Prior to the start of construction activities, a qualified biologist shall salvage seed from the Nuttall's acmispon (*Acmispon prostratus*), during the appropriate time of year (June to October), store under appropriate conditions, and coordinate donation of the seeds with a refuge and/or plant nursery (e.g., Sweetwater Marsh National Wildlife Refuge and Native West Nursery) that would apply seed within the refuge boundaries.

Appropriate seed storage conditions are in a paper bag, placed in a dry location out of direct sunlight, away from moisture, ideally at 72 degrees Fahrenheit. Seed shall be collected from June to October 2024 and the subsequent spring (2025), provided that the plant is present and ready to seed.

BIO-2: Pre-Construction Survey for Nesting Birds and Special-Status Avian Species. Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through January 14) to avoid violations of the MBTA and California Fish and Game Code Sections 3503, 3503.5 and 3513. Several species were identified as having potential to nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status avian species shall be conducted by a qualified biologist (experienced in the identification of avian species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or special-status avian species are scheduled to occur. The survey shall include the Proposed Project and adjacent areas where Project activities have the potential to cause nest failure. The pre-construction survey shall be conducted no more than 3 days prior to the start of ground-disturbing activities (including vegetation removal) within the bird breeding season. Site preparation and construction activities may begin if no nesting birds or special-status avian species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, avoidance or minimization measures shall be implemented to avoid potential proposed Project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional survey and monitoring requirements, or non-disturbance buffers established around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests will be determined by the qualified biologist (300 feet is typically recommended for songbirds and 500 feet is typically recommended for raptors). Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer will be removed by the qualified biologist and proposed Project work may resume in the area.

BIO-3: Compliance with Section 4150 of California Fish and Game Code: If tree trimming and removal activities are required, these activities should take place outside of the bat maternity season (April 1 to August 31) to the greatest extent feasible. If tree removal must take place during the maternity season, a pre-removal bat survey shall take place no more than 48 hours prior to planned tree removal to determine if bats are roosting in the trees. If bats are determined to be present in the trees during surveys, tree removal shall be postponed until after the maternity season (September 1 through March 31). All tree-trimming and removal activities shall be conducted under the direct supervision of a qualified bat biologist.

To minimize direct mortality to any roosting bats, including western yellow bat, each palm tree requiring removal shall be trimmed using a two-step process conducted over two

consecutive days. On the first day only the outermost fronds of each individual tree shall be removed, including the uppermost live fronds (the top of the tree) entirely on the first day along with the upper 25 percent of the frond skirt. The innermost fronds shall not be trimmed. No more than 50 percent of the palm fronds shall be removed from each tree during Day 1. This method would allow for sufficient disturbance of the tree that would encourage any roosting bats within the frond skirt to abandon the tree during evening emergence without directly impacting roosting bats within the skirt. The remainder of the tree should be removed on the second day. This procedure need not be implemented if the tree does not have fronds. All fronds must be removed/trimmed using chainsaws or other hand-tools. No use of heavy equipment shall be used to remove fronds.

If bats emerge at any time during the tree trimming, trimming activities shall cease at that individual tree for the remainder of the day to allow for any additional bats roosting in the tree to emerge during evening hours when it is safe and appropriate for them to do so. Trimming of the tree may resume the following morning.

Tree trimming activities in the fall should be conducted on days when weather conditions are such that roosting bats are unlikely to be in torpor (predicted overnight lows on evenings before and after the tree trimming activities are above 45 degrees Fahrenheit) to the extent practicable.

Tribal Cultural Resources

Summary of Potential Environmental Impacts Evaluated. Two non-Tribal Cultural Resources have been previously identified within the Project Area: P-37-013073, the Coronado Railroad; and P-37-024739, the BNSF (formerly AT&SF) Railway. P-37-013073 was previously evaluated and found not eligible for inclusion on the National Register of Historic Places (NRHP) or California Register of Historic Places (CRHR). P-37-024739 was previously evaluated and found eligible for the NRHP and CRHR. The search of the Sacred Lands File as conducted by the Native American Heritage Commissions (NAHC) was negative, indicating the absence of previously recorded Native American resources in the Project Area

Finding: The Planning Commission finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects to Tribal Cultural Resources identified in the EIR.

Facts Supporting the Finding. Impacts to Tribal Cultural Resources are discussed thoroughly in Chapter 3.9 of the Draft EIR. Impacts to Tribal Cultural Resources would be less than significant with the following measures included in the Mitigation Monitoring and Reporting Program in Section 6 of this document:

CUL-1: Archaeological Monitoring. A qualified professional archaeologist, meeting or working under the direction of someone meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology should be retained to monitor all ground-disturbing activities associated with Project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that will

disturb original (pre-Project) ground. The monitor must have the authority to temporarily pause activity at the location in the event of an unanticipated discovery, so that he or she can direct the procedures in section 6.3.3.

CUL-2: Native American Monitoring. A Native American monitor from a tribe that is traditionally and culturally affiliated with the Project Area should be retained to monitor all ground-disturbing activities associated with Project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that will disturb original (pre-project) ground. The Native American monitor should have the authority to temporarily pause activity at the location in the event of an unanticipated discovery, so that he or she can coordinate with the Project archaeologist on the identification of a potential cultural resource and the Project archaeologist can direct the procedures in the following section.

CUL-3: Post-Review Discovery Procedures. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City, and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines, or a Historic Property, as defined in 36 CFR 60.4. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or Section 106; or 2) that the treatment measures have been completed to their satisfaction.
- If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Diego County Medical Examiner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Medical Examiner determines the remains are Native American and not the result of a crime scene, the Medical Examiner will notify the

NAHC, which then will designate a Native American Most Likely Descendent (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

4.3.3 Cumulative Impacts

A discussion and analysis of Cumulative Impacts is found in the Draft EIR Section 5. Section 15130(e) of the CEQA Guidelines requires a discussion of cumulative impacts of a project “when the project’s incremental effect is cumulatively considerable.” The CEQA Guidelines Section 15355, defines a cumulative impact as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Cumulatively considerable impacts are defined in Section 15065(c) of the CEQA Guidelines as the “incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

Section 15130(b) of the CEQA Guidelines states, “[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness...”

Analysis found impacts of the Proposed Project would have no impact or be less than cumulatively significant.

4.3.4 Finding Regarding Growth Inducing Impacts

CEQA Guidelines Section 15126(e) requires the EIR to discuss how the Proposed Project “could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment” as well as:

... the characteristic of some projects which may encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Based on the entire record, the City Council finds that the Proposed Project would not result in growth-inducing impacts.

4.4 Findings Regarding Project Alternatives

CEQA requires that an EIR consider a reasonable range of alternatives to a proposed project that can attain most of the basic project goals, but has the potential to reduce or eliminate significant adverse impacts of the proposed project and may be feasibly accomplished in a successful manner, considering the economic, environmental, social, and technological factors involved. An EIR must evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a), (d) and (e)). If certain alternatives are found to be infeasible, the analysis must explain the reasons and facts supporting that conclusion.

Section 15126.6(d) also requires that, if an alternative would cause one or more significant effects in addition to those caused by the proposed project, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. One of the alternatives analyzed must be the “No Project” alternative (CEQA Guidelines Section 15126.6(e)). The EIR must also identify alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the reasons underlying the lead agency’s determination (CEQA Guidelines Section 15126.6(c)).

CEQA Guidelines Section 15126.6(e)(2) requires that the EIR identify the environmentally superior alternative. If that alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The environmentally superior alternative is discussed in Section 6.6 of the EIR.

Three alternatives to the Proposed Project are analyzed in the Final EIR:

- Alternative 1 – No Project Alternative
- Alternative 2 – Reduced Intensity Alternative
- Alternative 3 – Offsite Location within National City

4.4.1 Alternative 1 No Project Alternative

CEQA requires that the No Project Alternative be analyzed in an EIR. In accordance with Section 15126.6(e)(3)(B), the No Project Alternative consists of an analysis of the circumstance under which the Project does not proceed. With the No Project Alternative, the proposed San Diego Clean Fuels Facility, LLC Project would not be implemented, and its goals would not be fully achieved.

Per CEQA Guidelines Section 15126.6(e)(3)(A), when the project is the revision of an existing plan, policy, or operation, the “no project” alternative will be the continuation of the existing plan into the future. Following this guidance, the No Project Alternative would not meet the purpose and need of the Project.

Finding: The Planning Commission finds that the No Project Alternative would not meet the Project objectives and would have greater impacts than the Proposed Project.

Facts Supporting the Finding. Detailed analysis of the No Project Alternative is found in Section 5 of the Draft EIR.

4.4.2 *Alternative 2 – Reduced Intensity Alternative*

With the intent of reducing the amount of Project truck trips, the City has considered a Reduced Intensity Alternative. Under this alternative, the transloading facility would transfer approximately 25 percent fewer barrels of fuel per day than the Proposed Project.

Finding: The Planning Commission finds that Alternative 2 would not fully meet the Project objectives and would have similar impacts as identified with the Proposed Project but would be reduced in magnitude.

Facts Supporting the Finding. Detailed analysis of Alternative 2 is found in Section 6 of the Draft EIR.

4.4.3 *Alternative 3 – Offsite Location Within National City*

With the intent of avoiding impacts at the Proposed Project's current location, the City has considered an offsite location within the City limits. Locating the Proposed Project on another site within the City would most likely achieve the Project objectives stated above, including providing new employment opportunities, balancing business performance metrics while minimizing total truck trips, and locating the Project in an appropriately zoned area that would minimize conflicts with incompatible uses. The *CEQA Guidelines* (§15126.6[f][2]) state:

The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

Because no significant impacts were identified for the Proposed Project, this analysis considers whether the offsite location within National City would lessen the magnitude of the impact identified for the Proposed Project. The analysis of alternative sites included 1) inquiries into the availability of the sites that could accommodate the proposed use; 2) an assessment of sites in the City that would also be suitable for the development as proposed; and 3) an identification of sites appropriately zoned/designated by the General Plan to accommodate the Proposed Project.

A potential offsite location for the transloading facility would be south of the Proposed Project on a 6.07-acre parcel east of I-5 and the BNSF rail line at 3202 Hoover Avenue within National City.

Finding: The Planning Commission finds that Alternative 3 would not fully meet the Project objectives and would have greater impacts to aesthetics and biological resources as compared to the Proposed Project..

Facts Supporting the Finding. Detailed analysis of Alternative 3 is found in Section of the EIR.

4.4.4 Evaluation of Alternatives

Chapter 5 of the Draft EIR provides a comparison of anticipated impacts of the Project Alternatives with the Proposed Project per State CEQA Guidelines Section 15126.6(d). It also provides a determination of *Impacts would be greater than the Proposed Project*; **(=)** *Impacts would be similar to the Proposed Project*; and **(-)** *Impacts would be less than the Proposed Project* with respect to each environmental issue area.

5.0 COMPARISON OF ALTERNATIVES

The following discussion compares the impacts of each alternative with the impacts of the Proposed Project, which is detailed in this section. Table 5.7-1 from the DEIR compares the impacts of the alternatives with those of the Proposed Project. This table identifies whether the alternative results in (1) a reduction of the impact; (2) a greater impact than the Project; or (3) the same impact as the Project.

Table 5.7-1. Comparison of Alternatives to the Proposed Project				
Environmental Issue	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Intensity	Alternative 3: Offsite Location within National City
Aesthetics	LTS	=	=	^
Agriculture and Forestry Resources	NI	=	=	=
Air Quality	LTS	=	v	v
Biological Resources	LTS/MIT	=	=	+
Cultural Resources	LTS/MIT	=	=	=
Energy	LTS	=	v	v
Geology and Soils	LTS	^	=	=

Table 5.7-1. Comparison of Alternatives to the Proposed Project				
Environmental Issue	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Intensity	Alternative 3: Offsite Location within National City
Greenhouse Gas Emissions	LTS	^	v	v
Hazards and Hazardous Materials	LTS	v	=	=
Hydrology and Water Quality	LTS	=	=	=
Land Use and Planning	LTS	=	=	v
Mineral Resources	NI	=	=	=
Noise	LTS	=	=	=
Population and Housing	NI	=	=	=
Public Services	LTS	=	=	=
Recreation	LTS	=	=	=
Transportation	LTS	=	=	=

Table 5.7-1. Comparison of Alternatives to the Proposed Project				
Environmental Issue	Proposed Project	Alternative 1: No Project	Alternative 2: Reduced Intensity	Alternative 3: Offsite Location within National City
Tribal Cultural Resources	LTS/MIT	=	=	=
Utilities and Service Systems	LTS	^	=	=
Wildfire	NI	=	=	=

Notes:

Proposed Project

NI No Impact

LTS Less than Significant

LTS/MIT Less than Significant with Mitigation

SIG Significant Impact with or without Mitigation

Project Alternatives

= Compared with the Proposed Project, no change in significance of impact.

^ Compared with the Proposed Project, the magnitude of the impact is increased.

v Compared with the Proposed Project, the magnitude of the impact is reduced.

+ Compared with the Proposed Project, a new impact has been identified.

- Compared with the Proposed Project, an impact has been eliminated.

6.0 MITIGATION MONITORING AND REPORTING PLAN

Introduction

In accordance with CEQA, an EIR that identified adverse impacts related to the construction activity for the Proposed Project was prepared. The EIR identified mitigation measures that would reduce or eliminate these impacts to below the level of significance.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring plan for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A Mitigation Monitoring and Reporting Plan (MMRP) is required for the Proposed Project because the EIR identified potentially significant adverse impacts related to construction and operation activities, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

Purpose of the Mitigation Monitoring and Reporting Plan

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified during Project implementation, as necessary, in response to changing conditions or other Project refinements. Table 5-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the EIR.

Roles and Responsibilities

The City of National City, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

Mitigation Monitoring and Reporting Plan

The column categories identified in the MMRP table (Table 5-1 from the DEIR And included in the EIR) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.

- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – This column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
- **Comments** – This column provides space for written comments, if necessary.

MITIGATION MONITORING AND REPORTING PLAN

SAN DIEGO CLEAN FUELS FACILITY LLC PROJECT

In accordance with Section 15091(d) and Section 15097 of the CEQA Guidelines, which require a public agency to adopt a program for reporting or monitoring required mitigations, the Mitigation Monitoring and Reporting Program (MMRP) provided in Section 5 of the Final EIR is hereby adopted as the Mitigation Monitoring and Reporting Program for the Proposed Project. A list of acronyms is included at the end of the MMRP table.

Table 5-1. Mitigation Monitoring and Reporting Plan.					
Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
Biological Resources Mitigation Measures					
BIO-1: Rare Plant Salvage. Prior to the start of construction activities, a qualified biologist shall salvage seed from the Nuttall's acmispon during the appropriate time of year (June to October), store under appropriate conditions, and coordinate donation of the seeds with a refuge and/or plant nursery (e.g., Sweetwater Marsh National Wildlife Refuge and Native West Nursery) that would apply seed within the refuge boundaries. Appropriate seed storage conditions are in a paper bag, placed in a dry location out of direct sunlight, away from moisture, ideally at 72 degrees Fahrenheit. Seed shall be collected from June to October 2024 and the subsequent spring (2025), provided that the plant is present and ready to seed.	Activity: Seed salvage Timing: Prior to the start of construction activities. Frequency: 2 collection seasons.	Project Biologist	City of National City	Possible coordination with USFWS.	Seeds collected in July 2022 and donated in October 2022.
		Initials	Initials		
		Date	Date		

Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
BIO-2: Pre-Construction Survey for Nesting Birds and Special-Status Avian Species. Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through January 14) to avoid violations of the MBTA and California Fish and Game Code Sections 3503, 3503.5 and 3513. Several species were identified as having potential to nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status avian species shall be conducted by a qualified biologist (experienced in the identification of avian species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or special-status avian species are scheduled to occur. The survey shall include the Proposed Project and adjacent areas where Project activities have the potential to cause nest failure. The pre-construction survey shall be conducted no more than 3 days prior to the start of ground-disturbing activities (including vegetation removal) within the bird breeding season. Site preparation and construction activities may begin if no nesting birds or special-status avian species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, avoidance or minimization measures shall be implemented to avoid potential Proposed Project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional survey and	Activity: Pre-construction survey for nesting birds and special-status avian species. Timing: Conduct survey no more than three days prior to initial ground disturbance if construction is to occur during breeding season. Frequency: One time.	Project Biologist	City of National City	Possible coordination with CDFW.	
		Initials	Initials		
		Date	Date		

Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
monitoring requirements, or non-disturbance buffers established around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests will be determined by the qualified biologist (300 feet is typically recommended for songbirds and 500 feet is typically recommended for raptors). Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer will be removed by the qualified biologist and Proposed Project work may resume in the area.					
BIO-3: Compliance with Section 4150 of California Fish and Game Code: If tree trimming and removal activities are required, these activities should take place outside of the bat maternity season (April 1 to August 31) to the greatest extent feasible. If tree removal must take place during the maternity season, a pre-removal bat survey shall take place no more than 48 hours prior to planned tree removal to determine if bats are roosting in the trees. If bats are determined to be present in the trees during surveys, tree removal shall be postponed until after the maternity season (September 1 through March 31). All tree-trimming and removal activities shall be conducted under the direct supervision of a qualified bat biologist. To minimize direct mortality to any roosting bats, including western yellow bat, each palm tree requiring removal shall be	Activity: Tree trimming and removal; Bat survey. Timing: Outside bat maternity season. Bat survey no more than 48 hours prior to tree removal. Frequency: As needed.	Project Biologist Initials Date	City of National City Initials Date		

Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
trimmed using a two-step process conducted over two consecutive days. On the first day only the outermost fronds of each individual tree shall be removed, including the uppermost live fronds (the top of the tree) entirely on the first day along with the upper 25 percent of the frond skirt. The innermost fronds shall not be trimmed. No more than 50 percent of the palm fronds shall be removed from each tree during Day 1. This method would allow for sufficient disturbance of the tree that would encourage any roosting bats within the frond skirt to abandon the tree during evening emergence without directly impacting roosting bats within the skirt. The remainder of the tree should be removed on the second day. This procedure need not be implemented if the tree does not have fronds. All fronds must be removed/trimmed using chainsaws or other hand-tools. No use of heavy equipment shall be used to remove fronds. If bats emerge at any time during the tree trimming, trimming activities shall cease at that individual tree for the remainder of the day to allow for any additional bats roosting in the tree to emerge during evening hours when it is safe and appropriate for them to do so. Trimming of the tree may resume the following morning. Tree trimming activities in the fall should be conducted on days when weather conditions are such that roosting bats are unlikely to be in torpor (predicted overnight lows on evenings before and after the tree trimming activities are above 45 degrees Fahrenheit) to the extent practicable.					

Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
Greenhouse Gas Mitigation Measures					
GHG-1: Adhere to National City’s Climate Action Planning Reduction Measures. The Project shall implement the following applicable greenhouse gas-reducing measures, consistent with National City Climate Action Plan Update: ■ Prior to issuance of a building permit, the Applicant shall demonstrate that the employee parking lot is electric vehicle ready (i.e., charging stations, preferred parking, etc.). ■ Limit idling times for all employees and tanker truck vehicles, as well as construction equipment, to less than 5 minutes. ■ Prior to issuance of a building permit, the Applicant shall demonstrate implementation of all applicable Nonresidential Voluntary Measures of the California Green Building Standards Code – Part 11, Title 24, California Code of Regulations (CalGreen) from the Planning and Design, Energy Efficiency, Water Efficiency and Conservation, and Material Conservation and Resource Efficiency Divisions (Appendix A5 of the 2022 California Green Building Standards Code). These measures shall include, but are not limited to, energy efficiency enhancements, water use reduction, sustainable building	Activity: GHG reduction measures. Timing: Prior to the issuance of occupancy permits. Frequency: As needed.	Applicant Initials Date	City of National City Initials Date		

Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
materials, improved indoor environmental quality, and waste management strategies.					
Tribal Cultural Resources Mitigation Measures					

Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
CUL-1: Archaeological Monitoring. A qualified professional archaeologist, meeting or working under the direction of someone meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology should be retained to monitor all ground-disturbing activities associated with Project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that will disturb original (pre-Project) ground. The monitor must have the authority to temporarily pause activity at the location in the event of an unanticipated discovery, so that he or she can direct the procedures in section 6.3.3.	Activity: Archaeological Monitoring. Timing: During ground-disturbing activities. Frequency: As needed.	Qualified Archaeologist Initials Date	City of National City Initials Date		
CUL-2: Native American Monitoring. A Native American monitor from a tribe that is traditionally and culturally affiliated with the Project Area should be retained to monitor all ground-disturbing activities associated with Project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that will disturb original (pre-project) ground. The Native American monitor should have the authority to temporarily pause activity at the location in the event of an unanticipated discovery, so that he or she can coordinate with the Project archaeologist on the identification of a potential cultural resource and the Project archaeologist can direct the procedures in the following section.	Activity: Tribal Cultural Resource Monitoring. Timing: During ground-disturbing activities. Frequency: As needed.	Native American Monitor Initials Date	City of National City Initials Date		

CUL-3: Post-Review Discovery Procedures. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find: ■ If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. ■ If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City, and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines, or a Historic Property, as defined in 36 CFR 60.4. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or Section 106; or 2) that the treatment measures have been completed to their satisfaction. ■ If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the San Diego County Medical Examiner (per § 7050.5 of	Activity: Resource evaluation. Timing: During construction. Frequency: As needed.	Qualified Archaeologist Initials Date	City of National City Initials Date		
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Table 5-1. Mitigation Monitoring and Reporting Plan.

Mitigation Measure	Activity/Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Medical Examiner determines the remains are Native American and not the result of a crime scene, the Medical Examiner will notify the NAHC, which then will designate a Native American Most Likely Descendent (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must reburial the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.					

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