

AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY



COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, OCTOBER 15, 2019 – 6:00 PM

ALEJANDRA SOTELO-SOLIS
Mayor

RON MORRISON
Vice Mayor

JERRY CANO
Councilmember

GONZALO QUINTERO
Councilmember

MONA RIOS
Councilmember

*1243 National City Blvd.
National City, CA 91950
619-336-4240*

*Meeting agendas and
minutes available on web*

WWW.NATIONALCITYCA.GOV

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website **www.nationalcityca.gov**.

PUBLIC COMMENTS: Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or unrelated.

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are

adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audífonos están disponibles en el pasillo al principio de la junta.

Spanish to English interpretation services are available to members of the public who wish to speak to the City Council during the meeting. "Request to Speak" forms requesting interpretation must be filed within the first two hours of the meeting.

Español a los servicios de interpretación Inglés de audio está disponibles para los miembros del público que desean hablar con el Ayuntamiento durante del Consejo Municipal. "Solicitud para hablar de" formas solicitud de interpretación deben ser presentadas dentro de las dos primeras horas del Consejo Municipal.

COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS AND CERTIFICATES

1. [National City Recognizes Francine Maigne for Community Leadership](#)
2. [Life Saving Recognition - Corporal Salvador Gil and Mohammed Farha](#)

AWARDS AND RECOGNITIONS

PRESENTATIONS

3. [Community Survey for Cannabis. \(City Manager\)](#)
4. [South County Economic Development Council \(SCEDC\) Business Outreach Update](#)

INTERVIEWS / APPOINTMENTS

REGIONAL BOARDS AND COMMITTEE REPORTS (FIVE-MINUTE TIME LIMIT)

CONSENT CALENDAR

5. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
6. [Resolution of the City Council of the City of National City adjusting Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \\$140,543.52 in additional Road Maintenance and Rehabilitation Account \(RMRA\) funds in order to reflect actual RMRA funds received in Fiscal Years 2018 and 2019. \(Engineering/Public Works\)](#)

7. [Resolution of the City Council of the City of National City approving an Affordable Housing Density Bonus Agreement with C Avenue 8 Plex LLC, for the development of 10 units located at 1821 "C" Avenue and restricting the rent and occupancy of one \(1\) unit to a low income household in exchange for a density bonus pursuant to California Government Code Sections 65915 - 65918. \(Housing Authority\)](#)
8. [Resolution of the City Council of the City of National City opposing new federal oil and gas leasing in all U.S. waters off the coast of California. \(City Manager\)](#)
9. [Temporary Use Permit - Padres Pedal the Cause Bicycle Ride sponsored by Padres Pedal the Cause on November 16, 2019 from 10:00 a.m. to 2:15 p.m. with no waiver of fees. \(Neighborhood Services\)](#)
10. [Warrant Register #10 for the period of 8/28/19 through 9/3/19 in the amount of \\$2,781,785.62. \(Finance\)](#)
11. [Warrant Register #11 for the period of 9/4/19 through 9/10/19 in the amount of \\$2,652,416.39. \(Finance\)](#)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

NON CONSENT RESOLUTIONS

12. [Resolution of the City Council of the City of National City approving the designation of historic properties as recommended by the National City Historical Society and based on historic properties surveys. \(Planning\)](#)

NEW BUSINESS

13. [Temporary Use Permit - Request from the City of National City to conduct the National City Inaugural Dia de Los Muertos Event on "A" Avenue on November 1, 2019 from 12:00 p.m. to 8:00 p.m. with no waiver of fees. \(Neighborhood Services\)](#)
14. [Report on the process for the Ballot Measure to have the Elected Offices of City Clerk and City Treasurer to become Appointed Officers and direct the City Attorney as the Council deems appropriate. \(City Attorney\)](#)
15. [Reconsideration of the City Council's decision to "Opt Out" of Microenterprise Home Kitchen Operations \(MEHKO\) Program Participation, which allows individuals to operate a food facility out of a private home. \(City Attorney\).](#)

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

16. [Community Development Department Rollout/Kickoff. \(Community Development\)](#)

MAYOR AND CITY COUNCIL

CLOSED SESSION REPORT

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - November 5, 2019 - 6:00 p.m. - Council Chambers - National City, California

The following page(s) contain the backup material for Agenda Item: [National City Recognizes Francine Maigne for Community Leadership](#)
Please scroll down to view the backup material.

Item # ____
10/15/19

**NATIONAL CITY RECOGNIZES FRANCINE MAIGUE
FOR COMMUNITY LEADERSHIP**

Proclamation Forthcoming

The following page(s) contain the backup material for Agenda Item: [Life Saving Recognition - Corporal Salvador Gil and Mohammed Farha](#)
Please scroll down to view the backup material.

Item # ____
10/15/19

**LIFE SAVING RECOGNITION – CORPORAL SALVADOR GIL
AND MOHAMMED FARHA**

The following page(s) contain the backup material for Agenda Item: [Community Survey for Cannabis. \(City Manager\)](#)
Please scroll down to view the backup material.

Item # ____
10/15/19

COMMUNITY SURVEY FOR CANNABIS

(City Manager)

The following page(s) contain the backup material for Agenda Item: [South County Economic Development Council \(SCEDC\) Business Outreach Update](#)
Please scroll down to view the backup material.

Item # ____
10/15/19

SOUTH COUNTY ECONOMIC DEVELOPMENT COUNCIL (SCEDC)
BUSINESS OUTREACH UPDATE

The following page(s) contain the backup material for Agenda Item: [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # ____
10/15/19

MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES OR RESOLUTIONS THAT ARE HAVING A PUBLIC HEARING CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES OR RESOLUTIONS SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY.

(City Clerk)

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City adjusting Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \\$140,543.52 in additional Road Maintenance and Rehabilitation Account \(RMRA\) funds in order to reflect actual RMRA funds received in Fiscal Years 2018 and 2019. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: | October 15, 2019 |

AGENDA ITEM NO. |

ITEM TITLE:

|Resolution of the City Council of the City of National City adjusting Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \$140,543.52 in additional Road Maintenance and Rehabilitation Account (RMRA) funds in order to reflect actual RMRA funds received in Fiscal Years 2018 and 2019. |

PREPARED BY: Jose Lopez, P.E., Associate Civil Engineer

PHONE: |619-336-4312|

EXPLANATION:

|See attached. |

DEPARTMENT: |Engineering/Public Works |

APPROVED BY: _____



FINANCIAL STATEMENT:

ACCOUNT NO. |

|Revenue Account: 109-00000-3416 (Gas Tax, SHC Sec 2030 RMRA) - \$140,543.52
|Expenditure Account: 109-409-500-598-6035 (Street Resurfacing) - \$140,543.52 |

APPROVED: _____

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

The projects comply with the California Environmental Quality Act (CEQA).

ORDINANCE: | **INTRODUCTION:** | **FINAL ADOPTION:** |

STAFF RECOMMENDATION:

|Adopt Resolution adjusting Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \$140,543.52 in additional RMRA funds. |

BOARD / COMMISSION RECOMMENDATION:

|N/A|

ATTACHMENTS:

1. |Explanation w/ attachments
2. |Resolution

Explanation

On April 28, 2017, Governor Brown signed State Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017. To address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road system, SB 1: increases per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees; and provides for inflationary adjustments to tax rates in future years.

On November 1, 2017, the State Controller (Controller) began the process of depositing various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding is apportioned by formula to eligible cities and counties pursuant to Streets and Highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

SB 1 emphasizes the importance of accountability and transparency in the delivery of California's transportation programs. Therefore, in order to be eligible for RMRA funding, statute requires cities and counties to provide basic annual RMRA project reporting to the California Transportation Commission (Commission).

SHC Section 2032.5(a) articulates the general intent of the legislation that recipients of RMRA funding be held accountable for the efficient investment of public funds to maintain local streets and roads and are accountable to the people through performance goals that are tracked and reported.

Pursuant to SHC Section 2030(a), the objective of the Local Streets and Roads Program is to address deferred maintenance on the local streets and roads system through the prioritization and delivery of basic road maintenance and rehabilitation projects as well as critical safety projects.

The State Department of Finance publishes revenue projections for cities and counties. In FY 2018 National City was eligible to receive \$343,345 in RMRA funds, however, after reviewing the available documents on the State Controller's Office website (attached), and confirming with the City's Finance Department, National City received \$358,663.42, an increase of \$15,318.42.

In FY 2019 National City was eligible to receive \$1,016,456 in RMRA funds, however, after reviewing the available documents on the State Controller's Office website, and confirming with the City's Finance Department, National City received \$1,141,681.10, an increase of \$125,225.10.

Therefore, staff recommends the City Council of the City of National City adjust Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \$140,543.52 in additional Road Maintenance and Rehabilitation Account (RMRA) funds in order to reflect actual RMRA funds received in Fiscal Years 2018 and 2019.

CONTROLLER OF CALIFORNIA, STATE OF CALIFORNIA
P O BOX 942850, SACRAMENTO, CA 94250-0001

REMITTANCE ADVICE

CLAIM SCHEDULE NUMBER: 1800518A
PAYMENT ISSUE DATE: 08/22/2019

NATIONAL CITY TREASURER
1243 NATIONAL CITY BL
NATIONAL CITY CA 91950

Financial Activity

Additional Description:
Road Maintenance and Rehabilitation Account - Allocation for Cities
More information at http://www.sco.ca.gov/ard_local_apportionments.html

Road Maintenance and Rehabilitation - Section 2032(h)(2) of the Streets & Highways Code Fiscal Year: 2018

Collection Period: 07/01/2019 To 07/31/2019

Payment Calculations:

City Population	62,257.00
Road Maintenance and Rehabilitation Gross Allocation	\$96,723.87
City Eligibility Adjustment	\$0.00
City Reporting Adjustment	\$0.00
Gross Claim	\$96,723.87
Net Claim / Payment Amount	\$96,723.87
YTD Amount:	\$1,141,681.10

For assistance, please call: Erika Bosnich at (916) 323-2892

CONTROLLER OF CALIFORNIA, STATE OF CALIFORNIA

P O BOX 942850, SACRAMENTO, CA 94250-0001

REMITTANCE ADVICE

CLAIM SCHEDULE NUMBER: 1700510A

PAYMENT ISSUE DATE: 08/22/2018

NATIONAL CITY TREASURER
1243 NATIONAL CITY BL

NATIONAL CITY CA 91950

Financial Activity

Additional Description:

Road Maintenance and Rehabilitation Account - Allocation for Cities

More information at http://www.sco.ca.gov/ard_local_apportionments.html

Road Maintenance and Rehabilitation - Section 2032(h)(2) of the Streets & Highways Code Fiscal Year: 2017

Collection Period: 07/01/2018 To 07/31/2018

Payment Calculations:

RMRA City Population 61,210.00

Road Maintenance and Rehabilitation Gross Allocation \$76,506.84

City Eligibility Adjustment \$0.00

City Reporting Adjustment \$0.00

Gross Claim \$76,506.84

Net Claim / Payment Amount \$76,506.84

YTD Amount: \$358,663.42

For assistance, please call: Erika Bosnich at (916) 323-2892

8/15/2018

275

RESOLUTION NO. 2019 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADJUSTING THE GAS TAX FUND BUDGET APPROPRIATIONS FOR FISCAL YEAR
2020 TO APPROPRIATE \$140,543.52 IN ADDITIONAL ROAD MAINTENANCE AND
REHABILITATION ACCOUNT (RMRA) FUNDS IN ORDER TO REFLECT ACTUAL
RMRA FUNDS RECEIVED IN FISCAL YEARS 2018 AND 2019**

WHEREAS, on April 28, 2017, Governor Brown signed State Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017 to address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road system; and

WHEREAS, on November 1, 2017, the State Controller (Controller) began the process of depositing various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (“RMRA”); and

WHEREAS, a percentage of RMRA funding is apportioned by a formula to eligible cities and counties pursuant to Streets and Highways Code (SHC) Section 2032(a) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system; and

WHEREAS, SHC Section 2032.5(a) articulates the general intent of the legislation that recipients of RMRA funding be held accountable for the efficient investment of public funds to maintain local streets and roads and are accountable to the people through performance goals that are tracked and reported; and

WHEREAS, in order to be eligible for RMRA funding, statute requires cities and counties to provide basic annual RMRA project reporting to the California Transportation Commission (Commission); and

WHEREAS, in Fiscal Year 2018, National City was eligible to receive \$343,345 in RMRA funds; and

WHEREAS, after reviewing the available documents on the State Controller’s Office website, and confirming with the City’s Finance Department, National City received \$358,663.42, an increase of \$15,318.42 in Fiscal Year 2018; and

WHEREAS, in Fiscal Year 2019, National City was eligible to receive \$1,016,456 in RMRA funds; and

WHEREAS, after reviewing the available documents on the State Controller’s Office website, and confirming with the City’s Finance Department, National City received \$1,141,681.10, an increase of \$125,225.10 in Fiscal Year 2019; and

WHEREAS, staff is requesting the City Council of the City of National City to adjust the Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \$140,543.52 in additional Road Maintenance and Rehabilitation Account (RMRA) funds in order to reflect actual RMRA funds received in Fiscal Years 2018 and 2019.

**Resolution No. 2019 –
Page Two**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City, approves the adjustment of the Gas Tax Fund budget appropriations for Fiscal Year 2020 to appropriate \$140,543.52 in additional Road Maintenance and Rehabilitation Account (“RMRA”) funds in order to reflect actual RMRA funds received in Fiscal Years 2018 and 2019.

PASSED and ADOPTED this 15th day of October, 2019.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City approving an Affordable Housing Density Bonus Agreement with C Avenue 8 Plex LLC, for the development of 10 units located at 1821 "C" Avenue and restricting the rent and occupancy of one \(1\) unit to a low income household in exchange for a density bonus pursuant to California Government Code Sections 65915 - 65918. \(Housing Authority\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO. _____

ITEM TITLE:

Resolution of the City Council of the City of National City approving an Affordable Housing Density Bonus Agreement with C Avenue 8 Plex LLC, for the development of 10 units located at 1821 "C" Avenue and restricting the rent and occupancy of one (1) unit to a low income household in exchange for a density bonus pursuant to California Government Code Sections 65915 - 65918.

PREPARED BY:

Greg Rose, Property Agent

DEPARTMENT: Housing Authority

PHONE: 619-336-4266

APPROVED BY: _____



EXPLANATION:

C Avenue 8Plex LLC (Developer) wants to develop their property located at 1821 "C" Avenue. Current zoning allows for the construction of 8 units by right. The Developer will restrict the rent and occupancy of one (1) unit to a low income household (below 80% of area median income) in exchange for a density bonus of 23% mandated by California Government Code Sections 65915 – 65918, which will allow the construction of an additional 2 units for a total of 10 units on the property. The Affordable Density Housing Bonus Agreement ("Agreement") will serve to memorialize the Developer's obligation to provide the one (1) affordable unit and the restriction of the affordable unit by the recordation of this agreement assuring affordability for a total of fifty-five (55) years. A Performance Deed of Trust will also be recorded to secure the Agreement on the property. See Background Report for information on the Density Bonus Law.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

The Density Bonus Agreement is not considered a project as defined by the California Environmental Quality Act (CEQA), and is therefore not subject to CEQA.

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Background Report and Site Plan
2. Affordable Housing Density Bonus Agreement
3. Performance Deed of Trust
4. Resolution

BACKGROUND REPORT

California's Density Bonus Law is a mechanism which allows developers to obtain more favorable local development requirements in exchange for offering to build or donate land for affordable or senior units. The Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides developers with powerful tools to encourage the development of affordable and senior housing, including up to a 35% increase in project densities, depending on the amount of affordable housing provided. The Density Bonus Law is about more than the density bonus itself, however. It is actually a larger package of incentives intended to help make the development of affordable and senior housing economically feasible. Other tools include reduced parking requirements, and incentives and concessions such as reduced setback and minimum square footage requirements. Often these other tools are even more helpful to project economics than the density bonus itself, particularly the special parking benefits. Sometimes these incentives are sufficient to make the project pencil out, but for other projects financial assistance is necessary to make the project feasible.

In determining whether a development project would benefit from becoming a density bonus project, developers also need to be aware that:

- The Density Bonus is a state mandate. A developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. As with any state mandate, some local governments will resist complying with the state requirement. But many local governments favor the density bonus as a helpful tool to cut through their own land use requirements and local political issues.
- Use of a density bonus may be particularly helpful in those jurisdictions that impose inclusionary housing requirements for new developments.
- Special development bonuses are available for developers of commercial projects who partner with affordable housing developers to provide onsite or offsite affordable housing. Special bonuses are also available for condominium conversion projects and projects that include child care facilities.
- The Legislature has recently added density bonuses for housing developments for foster youth, disabled veterans, homeless persons and college students.

Cities and counties are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of the housing units are restricted to very low income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low income level.
- At least 20% of the housing units are for low income college students in housing dedicated for full-time students at accredited colleges.
- The project donates at least one acre of land to the city or county for very low income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.

- The project is a senior citizen housing development (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for those units. As of January 1, 2015, the income and rent restrictions must remain in place for a 55 year term for very low or lower income units. Rents must be restricted as follows:

- For very low income units, rents may not exceed 30% x 50% of the area median income for a household size suitable for the unit.
- For lower income units, rents may not exceed 30% x 60% of the area median income for a household size suitable for the unit.
- Area median income is determined annually by regulation of the California Department of Housing and Community Development, based upon median income regulations adopted by the U.S. Department of Housing and Urban Development.
- Rents must include a reasonable utility allowance.
- Household size appropriate to the unit means 1 for a studio unit, 2 for a one bedroom unit, 3 for a two bedroom unit, 4 for a three bedroom unit, etc. In many cases, achieving a reduction in parking requirements may be more valuable than the additional permitted units.

The Density Bonus Law is often used by developers to obtain more housing than the local jurisdiction would ordinarily permit, it can also be a helpful land use tool. The density bonus can provide a useful mechanism for increasing allowable density without requiring local officials to approve general plan amendments and zoning changes. A project that satisfies the requirements of the Density Bonus Law often can obtain the necessary land use approvals through the award of the density bonus units and requested concessions and incentives, without having to amend the underlying land use requirements.

Although there is no specific density bonus exemption from the California Environmental Quality Act, many density bonus projects are likely candidates for urban infill and affordable housing exemptions from CEQA. One commonly invoked exemption is the Class 32 urban infill exemption found in CEQA Guidelines Section 15332. That exemption is available if the project is consistent with applicable general plan designation and zoning, the site is five acres or less and surrounded by urban uses, is not habitat for endangered, rare or threatened species, does not have any significant effects relating to traffic, noise, air quality or water quality, and is adequately served by utilities and public services. Other exemptions are available for high density housing projects near major transit stops (CEQA Guidelines Section 15195) and affordable housing projects of up to 100 units (CEQA Guidelines Section 15194).

The site plans for the apartment project at 1821 C Avenue start on the following page.



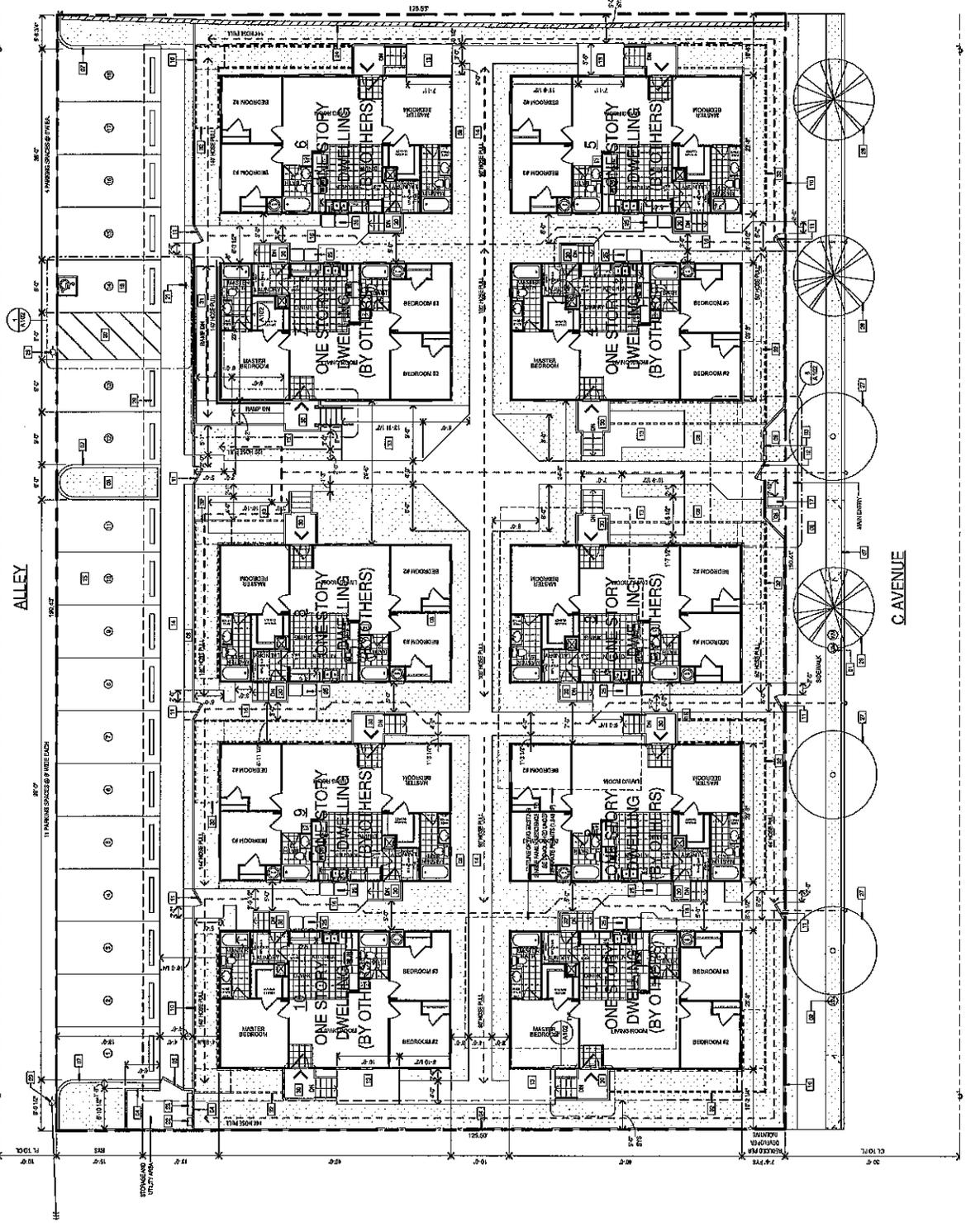
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Site Plan
 Sheet No. **A101**

- KEYNOTE LEGEND**
1. NOTES SHOWN WITH WATER METERS AND SODIUM HYPOCHLORITE SERVICE FOR TREATMENT PER CUL PLANS
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- SITE PLAN NOTES**
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- SITE PLAN LEGEND**
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1 SITE PLAN
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 Development Commission]
 Attention: Executive Director]
 1243 National City Boulevard]
 National City, CA 91950]

AFFORDABLE HOUSING DENSITY BONUS AGREEMENT
 (1821 C Avenue, National City)

THIS AFFORDABLE HOUSING DENSITY BONUS AGREEMENT (“Agreement”) is dated as of the 25th day of September, 2019, by and between the City of National City (“City”), and C Avenue 8 Plex¹ LLC, a California limited liability company (“Developer”).

WHEREAS, Developer is the owner of that certain real property generally located at 1821 C Avenue, in the City of National City, County of San Diego, more particularly described in Exhibit “A” attached hereto (“Property”); and

WHEREAS, the General Plan and Zoning Ordinance of National City permit no more than eight (8) housing units on the Property; and

WHEREAS, Developer proposes to develop a total of ten (10) housing units on the Property (“Development”); and

WHEREAS, pursuant to Government Code section 65915, and Sections 18.48.030, et seq. of the National City Municipal Code, the Developer has proposed to construct and restrict the rent and occupancy of one (1) residential dwelling unit (“Affordable Unit”) to a low-income household in exchange for a density bonus (“Density Bonus”) which will allow the construction of the ten (10) unit Development on the Property. In addition to the Density Bonus, the Developer has requested and received incentives or concessions set forth in Government Code Section 65915; and

WHEREAS, This Agreement will serve to memorialize Developer’s obligation to provide the one (1) Affordable Unit, the time frame for the construction and occupancy of the Affordable Unit and the restriction of the Affordable Unit by the recordation of this Agreement assuring affordability for a total of fifty-five (55) years measured from the issuance of final inspection approval for the Development.

NOW, THEREFORE, in consideration of the foregoing and of the mutual terms and covenants hereinafter set forth and other good and valuable consideration, the City and Developer agree as follows:

1. Acknowledgement of Incentives. Developer acknowledges and agrees that, in addition to the Density Bonus, Developer is receiving incentives and concessions pursuant to and in accordance with the requirements of Government Code 65915.

2. Developer Covenants. Pursuant to and in consideration of the Density Bonus and the additional incentives and concessions, Developer hereby agrees and covenants on behalf of itself and its successors and assigns, and each successor in interest to the Property, that at all times during the term of this Agreement one (1) three bedroom residential dwelling unit on the Property shall be rented and occupied as an Affordable Unit as set forth in this Agreement. As used herein the term "Affordable Unit" shall refer to the one (1) residential dwelling unit on the Property which is held available strictly in accordance with the terms and conditions set forth in this Agreement.

3. Affordability Restrictions.

(a) Area Median Income. As used herein, "Area Median Income" shall mean the area median income, as adjusted for family size, for the San Diego-Carlsbad Metropolitan Statistical Area, established periodically by the U.S. Department of Housing and Urban Development ("HUD") and published in the Federal Register. In the event HUD ceases to publish an established Area Median Income as aforesaid, the City may, in its sole discretion, use any other reasonably comparable method of computing Area Median Income.

(b) Occupancy Restrictions. During the term of this Agreement, the Affordable Unit shall be occupied by a family earning at or below eighty percent (80%) of the Area Median Income.

(c) Rent Amount. During the term of this Agreement, the monthly rental rate the Affordable Unit (which shall include a utility allowance based on the utility allowance schedules published annually by Landlord) shall not exceed 1/12 of thirty percent (30%) of sixty percent (60%) of the Area Median Income, as adjusted for assumed family size and utilities. The imputed household size for the Affordable Unit shall be equal to the number of bedrooms in the unit plus one. For example, the rent for a two-bedroom unit shall be calculated using sixty percent (60%) of the Area Median Income for a three-person household.

4. Restrictions. The following restrictions shall also be applicable to the Affordable Unit:

(a) No Relationship With Developer. The Affordable Unit shall not be occupied or leased to Developer or any relative (by blood or marriage) of Developer or any person employed by Developer or of any individuals who are members, principals, executives, directors, partners or shareholders of Developer or in any entity having an ownership in Developer or in the Property.

(b) No FullTime Students. No Affordable Unit shall be occupied or leased to any household comprised exclusively of persons who are full-time students, unless such persons are married and eligible to file a joint federal income tax return and both of such persons reside in the Affordable Unit. The term “full-time student” shall be defined as any person who will be or has been a full-time student during five calendar months of the calendar year in question at an educational institution (other than a correspondence school) with regular faculty and students.

(c) No Student Dependents. Notwithstanding the provisions of section 4(b), no Affordable Unit shall be occupied or leased to any student dependent as defined in the U.S. Internal Revenue Code, unless the taxpayer (upon whom the student in question is dependent) resides in the same unit.

(d) No Owners of Real Property. No Affordable Unit shall be occupied or leased to any person or any household comprised of one or more persons who own real property.

(e) Liquid Asset Limitation. No Affordable Unit shall be occupied or leased to any person or household holding, directly or indirectly, liquid assets whose aggregate value exceeds, at the time of determination of eligibility, eighty percent (80%) of the then-current annual Area Median Income. As used herein, the term “liquid assets” refers to cash and assets which are readily convertible to cash within a reasonable period, including but not limited to savings and checking accounts, certificates of deposit of any term, marketable securities, money market and similar accounts, mutual fund shares, and insurance policy cash values. The term “liquid assets” shall not include retirement funds which are not readily accessible or which cannot be accessed by the tenant without the tenant incurring a penalty.

(f) Income of Co-Tenants. The income of all co-tenants and/or occupants shall be taken into account in determining whether a tenant or prospective tenant meets the requirements of this Agreement.

(g) Eligible Tenants Increased Income. If as a result of the annual recertification procedure described above any household which was previously determined to be eligible to occupy an Affordable Unit is determined to be ineligible as a result of increased income or assets, the City will provide written notification thereof, and Developer shall have one hundred eighty days (180) from the date of notification to take all reasonable steps to pursue eviction of the ineligible household. If Developer fails to act within the one hundred eighty day (180) period, the City shall require payment of a fee by Developer, provided that no fee shall be payable so long as Developer is diligently pursuing eviction of the ineligible household by appropriate proceedings. Under this fee requirement, the ineligible tenant residing in the Affordable Unit shall pay the full market rate rent, and Developer shall pay the difference between the affordable rent and the full market rate rent, as determined by the City, to the City. The period of fee payment shall in no event exceed a period of six (6) months, at which time Developer’s failure to provide such Affordable Unit to a household eligible hereunder shall constitute a material default under this Agreement.

5. Term. Pursuant to Government Code Section 65915, this Agreement shall be effective on the date of its recordation and shall remain in force until the date that is fifty-five (55) years from the date of issuance of final inspection approval of the Development by the City.

6. Deed of Trust.

(a) Execution and Recordation. Developer shall, concurrently with the execution of this Agreement, execute, acknowledge and record a deed of trust on the Property ensuring timely performance of the obligations set forth in this Agreement (“Deed of Trust”). The Deed of Trust shall be subordinated to the construction deed(s) of trust and/or permanent financing in favor of institutional lenders, as approved by the City Manager. The subordination shall be upon such terms and conditions and for such periods of time as the City Manager may approve to protect the provision of affordable housing as required by this Agreement. The City shall reconvey the Deed of Trust following the expiration of the term of this Agreement.

(b) Foreclosure on the Property. In the event of a foreclosure on the Property which eliminates the Deed of Trust, the new owner, upon five (5) days written notice from the City, shall: (i) execute, acknowledge and deliver to the City an assignment and assumption of this Agreement in a form as approved by the City, in its reasonable discretion, for recordation; (ii) execute, acknowledge and deliver to the City a deed of trust, in a form as approved by the City, in its reasonable discretion, to be recorded against the Property, in a lien priority immediately junior to the assignment and assumption of this Agreement which will secure the performance of this Agreement; and (iii) reimburse the City for all of its attorneys’ fees and costs in connection with the foregoing, including all costs, attorneys’ fees, and expert witnesses fees incurred by the City in obtaining compliance by the new owner, including those incurred in litigation, if any.

7. Verification of Eligibility. The Affordable Unit shall not be rented to a prospective tenant or occupied by any person unless and until the City, through its designated staff, has verified that the prospective tenant or occupant is eligible and that affordable rents will be charged in accordance with the criteria set forth in this Agreement. Developer and/or its successor in interest shall ensure that all eligibility and rent criteria are met during the term of the Agreement. Annually, on the anniversary of the initial certification of compliance, as determined by the City, during the term of this Agreement, Developer or its successor in interest shall certify to the City that the Affordable Unit is being occupied by eligible tenants. Said certification shall be on forms acceptable to the City.

8. Maintenance Standards. During the term of this Agreement, Developer shall maintain the unit(s) subject to this Agreement and the Property in a condition that satisfies the more stringent of (a) the requirements of the applicable local codes or (b) the United States Department of Housing and Urban Development’s Uniform Physical Conditions Standards. The City shall have the right to inspect the Affordable Unit and the Property prior to initial occupancy and periodically during the term of this Agreement, upon three business days’ notice to Developer. The City shall have the right to disclose results of those inspections to the appropriate enforcement authorities. Any deficiencies in the physical condition of the Affordable Unit shall be corrected by Developer at Developer’s expense within thirty (30) days of the identification of such deficiency by the City and delivery of written notice of the same to Developer. Failure to

maintain the unit(s) and the Property in compliance with this section shall constitute a breach of this Agreement and subject the Developer to damages as set forth in Section 13 of this Agreement.

9. Interpretation and Construction. If any provision of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Agreement and the application of such provisions to persons or circumstances, other than those as to which it is found to be invalid, shall not be affected thereby. Nothing contained herein shall be deemed compliance with or waiver of any provision of law or conditions of approval except as expressly stated herein.

10. Design, Construction and Occupancy Schedule for the Affordable Unit. The Affordable Unit shall receive final inspection approval no later than the date that the market-rate units receive final inspection and approval. Time is of the essence in the occupancy of the Affordable Unit. The City Manager may, in his or her sole discretion, extend one or more time deadlines for performance as referenced in this Agreement for good cause.

11. Indemnity. Developer agrees to indemnify, defend and hold harmless the City, the National City Community Development Commission, and any and all of their respective councilmembers, commissioners, members, officers, agents, servants and employees (the "Indemnitees") from and against all claims, liens, claims of lien, losses, damages, costs, and expenses, whether direct or indirect, arising in any way from the construction, sale, rental or operation of the Development, the Property and/or any of the units, or from the default by Developer in the performance of its obligations under this Agreement; provided, however, that Developer shall not be required to indemnify, defend or hold harmless any of the Indemnitees from claims, losses, damages, costs and expenses related to the sole negligence or willful misconduct of the Indemnitees.

12. Agreement Binding on Successors. The terms, covenants and conditions of this Agreement shall apply to, and shall bind the parties hereto and any successors or assignees. Developer shall not sell, transfer or otherwise dispose of the Property, any portion thereof, or any interest therein unless the proposed transferee shall have executed and delivered to the City an express written assumption of all of Developer's obligations under this Agreement, on a form reasonably acceptable to the City. Upon assignment and assumption by a successor entity, as approved by the City, Developer shall be released from all prospective liability and responsibility under the terms of this Agreement. Developer agrees that all of its obligations hereunder shall constitute covenants, which shall run with the land and shall be binding upon the Property and upon every person having any interest therein at any time and from time to time during the term of this Agreement. Further, Developer agrees that, if a court of competent jurisdiction determines that the obligations set forth herein do not qualify as covenants running with the land, they shall be enforced as equitable servitudes. Any sale or conveyance of the Property shall be made subject to this Agreement.

13. Damages; Enforcement; Remedies; Security.

(a) Standing; Equitable Remedies; Remedies Cumulative. Developer expressly agrees and declares that the City shall be the proper party to, and shall have standing to, initiate and pursue any and all actions or proceedings, at law or in equity, to enforce the provisions hereof and/or to recover damages for any event that is expressly stated to be a material default hereunder and which event remains uncured following sixty (60) days' written notice to Developer from the City (or up to one hundred twenty (120) days after notice, if actions to correct the material default have been timely initiated and are, in the reasonable opinion of the City, being diligently pursued), notwithstanding the fact that such damages or the detriment arising from such a material default that remains uncured as aforesaid may have actually been suffered by some other person or by the public at large. Further, Developer expressly agrees that injunctive relief and specific performance are proper pre-trial and/or post-trial remedies hereunder to assure compliance with this Agreement. Nothing in this Section and no recovery by the City shall restrict or limit the rights or remedies of persons or entities other than the City, against Developer in connection with the same or related acts by Developer, provided that Developer shall not be subject to duplicate awards or recoveries. The remedies set forth in this Section are cumulative and not mutually exclusive, except to the extent that their award is specifically determined to be duplicative by final order of a court of competent jurisdiction. Further, the award of damages hereunder shall not bar the exercise of police power or other governmental powers, or the pursuit of criminal, civil or administrative penalties by the City in connection with any material default under this Agreement that remains uncured as aforesaid. Developer acknowledges that a material default under this Agreement that remains uncured may constitute a violation of state law.

(b) Remedies At Law For Breach Of Rental Restrictions. In the event of any material default under the provisions hereof that remains uncured following thirty (30) days written notice to Developer from the City (or up to ninety (90) days after notice, if actions to correct the material default have been timely initiated and are, in the reasonable opinion of the City, being diligently pursued) regarding restrictions on rental of the Affordable Unit, at the sole option of the City, the City shall be entitled to the following remedies at law to the extent they are not duplicative, the election of which shall not be required and may be revoked and/or modified until immediately prior to entry of judgment:

(1) Damages For Specific Breach. The City shall be entitled to recover compensatory damages, at its sole option in the event of a material uncured default under the terms of this Agreement. If the material uncured default in question involves the violation of Section 13(b) above, the amount of such compensatory damages shall be the product of multiplying (A) the number of months that the material uncured default in question has continued (following expiration of Developer's cure period) until the time of trial or cure, whichever occurs first, by (B) the result of subtracting (i) the rents properly chargeable hereunder for the Affordable Unit (ii) the rents actually collected by Developer for the Affordable Unit for the months in question, as reasonably determined by the City. Developer and the City agree that it would be extremely difficult or impracticable to ascertain the precise amount of actual damages accruing to the City as a result of such a material uncured default and that the foregoing formula is a fair and reasonable method of approximating such damages. The

City shall be entitled to seek and to recover damages in separate actions for successive, separate breaches, which may occur during the term of this Agreement. Further, interest shall accrue on the amount of such damages from the date of the expiration of Developer's cure period for the material uncured breach in question at the rate of ten percent (10%) per annum or the maximum rate then allowed by law, whichever is less. Nothing in this section shall preclude the award of exemplary damages as allowed by law.

(2) Acceleration and Liquidation of Future Performance. At the sole option of the City, if any material default by Developer in the performance of its obligations under this Agreement remains uncured for more than ninety (90) days after written notice to Developer by the City specifying such breach in reasonable detail (or such longer period of time, not to exceed six (6) months, as may reasonably be required for Developer to cure such breach exercising reasonable diligence), Developer's obligation to perform hereunder may be accelerated by the City and declared immediately due through the payment of a liquidated sum. Developer and the City agree that it would be extremely difficult and impractical to predict the precise cost to the City of (i) locating rental units equivalent to the Affordable Unit, (ii) procuring such units (through purchase, lease or subsidies) at the rent discounts contemplated herein, (iii) performing the substantial administrative activities associated with replacing the Affordable Unit, and (iv) inflation. Therefore, Developer and the City agree that, in the event of a material default hereunder by Developer that remains uncured as aforesaid, and upon written notice from the City to Developer that the City has elected to exercise its option to accelerate and liquidate Developer's performance hereunder in accordance with the provisions of this Section 13(b)(2), Developer shall pay, and the City shall be entitled to receive, within thirty (30) days of the City's delivery of such written notice, in complete liquidation of the City's future monetary damages and Developer's future obligations under this Agreement, a lump sum payment equal to: (A) the aggregate of the mathematical differences between the monthly rent for "Comparable Market Rate Unit" (as determined by the City, using statistical data for units of the same size and location at the time of the breach) and the monthly rent allowable hereunder for the Affordable Unit, at the date of delivery of the aforesaid written notice of election to accelerate, multiplied by (B) the number of months remaining in the term of this Agreement, from and after the date of delivery of the aforesaid written notice of election to accelerate. Developer and the City agree that acceleration is a fair and reasonable remedy for non-compliance hereunder, and that the foregoing formula represents a fair and reasonable method of approximating and liquidating the future monetary obligations of Developer to the City hereunder for purposes of any such optional acceleration by the City. Further, such liquidated amount shall automatically commence to bear interest at the rate of ten percent (10%) per annum or the maximum rate then allowed by law, whichever is less, from and after the date that the City delivers to Developer the aforesaid written notice of the City's election to accelerate Developer's performance hereunder, until paid. Further, if Developer breaches this Section 13(b)(2), the City shall be entitled to receive all reasonable attorneys' fees, costs of suit, title insurance charges, foreclosure costs and other out-of-pocket expenses reasonably incurred in recovering such liquidated amount.

14. Monitoring Fees. Developer shall pay to the City, each year during the term of this Agreement, an annual monitoring fee, as determined by the City in schedules promulgated by the City from time to time. Failure to timely pay such fees shall constitute a material default under this Agreement.

If to Developer: C Avenue 8 Plex, LLC
c/o Keith Robinson
2801 B Street #70
San Diego, CA 92102

(h) Exhibits and Recitals Incorporated. All exhibits referred to in this Agreement are hereby incorporated in this Agreement by this reference, regardless of whether or not the exhibits are actually attached to this Agreement. The Recitals to this Agreement are hereby incorporated in this Agreement by this reference.

(i) Further Assurances. If Developer does not receive all of the necessary permits and approvals to construct the Project, Developer and the City agree that this Agreement and the density bonus granted herein shall be null and void and of no further force and effect and Developer and the City agree to take all reasonable steps and to execute and cause to be recorded all documents reasonably necessary to remove this Agreement and the Deed of Trust from the record chain of title to the Property.

16. Risk of Market Conditions. Developer shall bear sole responsibility for developing, constructing and marketing the units covered by this Agreement, pursuant to the approvals that the City has issued for the Development and the requirements contained in this Agreement. The City shall have no obligation to amend this Agreement, and the Developer shall reimburse the City for administrative costs associated with any modification of this Agreement that shall require the approval of the City Council of National City.

17. Signature Authority. All individuals signing this Agreement for a party which is a corporation, limited liability company, partnership or other legal entity, or signing under a power of attorney, or as a trustee, guardian, conservator, or in any other legal capacity, covenant to the other party hereto that he or she has the necessary capacity and authority to act for, sign and bind the respective entity or principal on whose behalf he or she is signing.

CITY OF NATIONAL CITY

By: _____
Brad Raulston, City Manager

APPROVED AS TO FORM:
Angil P Morris-Jones, City Attorney

By: _____
Roberto M. Contreras
Deputy City Attorney

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

DEVELOPER:

C Avenue 8 Plex, LLC, a California limited liability company

By: 
Keith Robinson, Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of San Diego)

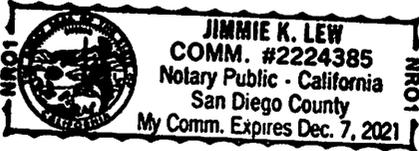
On SEPT. 25TH, 2019, before me, JIMMIE K. LEW, notary public, personally appeared KEITH ROBINSON who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Jimmie K. Lew*

(Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of San Diego)

On _____, 2019, before me, _____, notary public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

EXHIBIT "A"

Legal Description of the Property

That certain real property located in the City of National City, County of San Diego, State of California more particularly described as follows:

Parcels 1, 2, 3 and 4 of Parcel Map No. 21545, in the City of National City, County of San Diego, State of California, according to map thereof filed in the office of the County Recorder of said County.

Assessor's Parcel Number: 560-222-38-00, 560-222-39-00, 560-222-40-00, 560-222-41-00.
(underlying APN: 560-222-35-00, 560-222-36-00, 560-222-37-00)

No Fees per Government Code 6103

Recording Requested By:
National City Community
Development Commission

When Recorded Mail To:
National City Community
Development Commission
Attention: Executive Director
1243 National City Boulevard
National City, CA 91950

**DEED OF TRUST
(1821 C Avenue-Density Bonus Agreement)**

THIS DEED OF TRUST is dated as of the 25th day of September 2019, between C Avenue 8Plex LLC, a California limited liability company (“Trustor”), whose address is 2801 B Street #70, San Diego 92102, Lawyers Title Company (“Trustee”), and the City of National City (“Beneficiary”), whose address is 1243 National City Boulevard, National City, California 91950.

TRUSTOR HEREBY irrevocably grants, transfers, and assigns to Trustee, in trust, with power of sale, all that property in the City of National City, County of San Diego, State of California, described as (“Property”):

(See Legal Description - Exhibit “A”)

FOR THE PURPOSE OF SECURING:

- (1) The timely performance of the Affordable Housing Density Bonus Agreement of even date herewith (“Agreement”), between the Beneficiary and the Trustor, and any renewals, extensions, modifications or amendments to the Agreement by the Trustor and each and every covenant set forth herein; and
- (2) The performance of each agreement contained in this Deed of Trust.

A. TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR AGREES:

1. Defense of Security. To appear in and defend any action or proceeding purporting to affect the security of this Deed of Trust or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorneys’ fees in a reasonable

sum, in any such action or proceeding in which Beneficiary or Trustee may appear, and in any suit brought by Beneficiary to foreclose on this Deed of Trust.

2. Payment of Liens and Taxes. To pay, at least ten (10) days before delinquency, all taxes and assessments affecting the Property, including assessments on appurtenant water stock, all encumbrances, charges, and liens, with interest, on the Property or any part of the Property, which appear to be prior or superior to this Deed of Trust, and all costs, fees, and expenses of this Deed of Trust. If Trustor fails to make any payment or to do any act as provided in this Deed of Trust, then Beneficiary or Trustee may (but is not obligated to) make the payment or do the act in the required manner and to the extent deemed necessary by Beneficiary or Trustee to protect the security of this Deed of Trust. The performance by Beneficiary or Trustee of such an act shall not require notice to or demand upon Trustor and shall not release Trustor from any obligation under this Deed of Trust. Beneficiary or Trustee shall also have the following related rights and powers: to enter upon the Property for the foregoing purposes; to appear in and defend any action or proceeding purporting to affect the security of this Deed of Trust or the rights or powers of Beneficiary or Trustee; to pay, purchase, contest, or compromise any encumbrance, charge, or lien that in the judgment of either appears to be prior or superior to this Deed of Trust; to employ counsel; and to pay necessary expenses and costs, including attorneys' fees.

3. Reimbursement of Costs. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to this Deed of Trust, with interest from date of expenditure at the amount allowed by law in effect at the date of this Deed of Trust, and to pay any reasonable amount demanded by Beneficiary (up to the maximum allowed by law at the time of the demand) for any statement regarding the obligation secured by this Deed of Trust.

4. Use. That it will not permit or suffer the use of any of the Property for any purpose other than the use for which the same was intended at the time this Deed of Trust was executed.

5. Incorporation of Agreement. That the Agreement is incorporated herein by reference and made a part of this Deed of Trust.

6. Performance of Other Obligations. To perform, in a timely manner, each agreement and covenant by and between Trustor on any and all notes, loans and deeds of trust that are senior and/or junior to this Deed of Trust. A default in any of these obligations, beyond any applicable cure period, shall constitute a default under this Deed of Trust.

B. THE PARTIES AGREE THAT:

7. Waiver of Late Payments. By accepting payment of any sum secured by this Deed of Trust after its due date, Beneficiary does not waive its right either to require prompt payment when due of all other sums so secured or to declare default for failure to pay any indebtedness secured by this Deed of Trust.

8. **Full Reconveyance.** Upon expiration of the term of the Agreement and written request of Beneficiary, and payment of Trustee's fees and charges, Trustee shall reconvey, without warranty, the Property then subject to this Deed of Trust. The recitals in the reconveyance shall be conclusive proof of the truthfulness of the recitals. The grantee in the reconveyance may be described as "the person or persons legally entitled thereto."

9. **Assignment of Rents.** As additional security, Trustor hereby gives to and confers upon Beneficiary the right, power, and authority during the continuance of this Deed of Trust, to collect the rents, issues, and profits of the Property, but reserves the right, prior to any default by Trustor in payment of any indebtedness secured by this Deed of Trust or in the performance of any agreement under this Deed of Trust, to collect and retain these rents, issues, and profits as they become due and payable. Upon any such default beyond any applicable cure period, Beneficiary may, without notice and without regard to the adequacy of the security for the indebtedness secured by this Deed of Trust, either personally or by agent or court-appointed receiver, do the following: enter upon and take possession of the Property or any part of the Property; sue for or otherwise collect all rents, issues, and profits, including those past due and unpaid; and apply these rents, issues, and profits, less costs and expenses of operation and collection (including reasonable attorneys' fees), upon any indebtedness secured by this Deed of Trust, in any order determined by Beneficiary. The exercise of the foregoing rights by Beneficiary shall not cure or waive any default or notice of default under this Deed of Trust or invalidate any act done pursuant to such a notice.

10. **Default and Foreclosure.** Upon default under the Agreement, subject to any applicable notice and cure rights contained in the Agreement, or in the performance of any obligation under this Deed of Trust beyond any applicable cure period, Beneficiary may declare all obligations secured by this Deed of Trust immediately due and payable by delivering to Trustee a written declaration of default and demand for sale and a written notice of default and election to sell the Property. Trustee shall cause the notice of default and election to sell to be recorded. After the required time period has lapsed following the recordation of the notice of default, and after notice of sale has been given as required by law, Trustee, without demand on Trustor, shall sell the Property at the time and place specified in the notice of sale, either as a whole or in separate parcels, and in any order determined by Trustee, at public auction to the highest bidder for cash in lawful money of the United States, payable at the time of sale. Trustee may postpone sale of all or any portion of the Property by public announcement at the time and place of sale, and from time to time thereafter may postpone the sale by public announcement at the time fixed by the preceding postponement. Trustee shall deliver to the purchaser at the auction its deed conveying the Property sold, but without any covenant or warranty, express or implied. The recital in the deed of any matter or fact shall be conclusive proof of the truthfulness of the recital. Any person, including Trustor, Trustee, or Beneficiary, may purchase at the sale. After deducting all costs, fees, and expenses of Trustee and Beneficiary under this paragraph, including costs of procuring evidence of title incurred in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms of this Deed of Trust, not then repaid, with accrued interest at the amount allowed by law in effect at the date of this Deed of Trust; all other sums then secured by this Deed of Trust; and the remainder, if any, to the person or persons legally entitled to the remaining proceeds.

11. **Due on Sale or Further Encumbrance.** Trustor shall not sell, transfer or otherwise dispose of the real property described in this deed of trust, or any portion thereof, or any interest therein unless the proposed transferee shall have executed and delivered to the Beneficiary an express written assumption of all of Trustor's obligations hereunder this deed of trust, on a form reasonably acceptable to the Beneficiary. Consent to one transaction of this type will not constitute a waiver of the right to acquire consent to future or successive transactions.

12. **General Provisions.** This Deed of Trust applies to, inures to the benefit of, and binds all parties to this Deed of Trust and their heirs, legatees, devisees, administrators, executors, successors, and assigns. The term "Beneficiary" shall mean the City of National City, and its successors and assigns. In this Deed of Trust, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

13. **Substitution of Trustees.** Beneficiary, or any successor in ownership of any obligations secured by this Deed of Trust, may from time to time, by written instrument, substitute a successor or successors to any Trustee named in or acting under this Deed of Trust. The substitution instrument shall contain the name of the original Trustor, Trustee, and Beneficiary under this Deed of Trust, the book and page where this Deed is recorded, and the name and address of the new Trustee. When executed by Beneficiary and duly acknowledged and recorded in the office of the recorder of the county or counties where the Property is situated, the substitution instrument shall be conclusive proof of proper substitution of the successor Trustee or Trustees. Any successor Trustee or Trustees shall, without conveyance from the Trustee predecessor, succeed to all its title, estate, rights, powers, and duties.

14. **Cumulative Powers and Remedies.** The powers and remedies conferred in this Deed of Trust are concurrent and cumulative to all other rights and remedies provided in this Deed of Trust or given by law. These powers and remedies may be exercised singly, successively, or together, and as often as deemed necessary.

15. **Conclusiveness of Recitals.** The recitals contained in any reconveyance, trustee's deed, or any other instrument executed by the Trustee from time to time under the authority of this Deed of Trust or in the exercise of its powers or the performance of its duties under this Deed of Trust, shall be conclusive evidence of their truth, whether stated as specific and particular facts, or in general statements or conclusions absent manifest error. Further, the recitals shall be binding and conclusive upon the Trustor, its heirs, executors, administrators, successors, and assigns, and all other persons.

16. **Attorneys' Fees.** If any action is brought for the foreclosure of this Deed of Trust or for the enforcement of any provision of this Deed of Trust (whether or not suit is filed), Trustor agrees to pay all costs and expenses of Beneficiary and Trustee, including reasonable attorneys' fees; and these sums shall be secured by this Deed of Trust. The prevailing party in any litigation, including but not limited to arbitration, writ petitions, complaints, and/or actions for declaratory relief, brought to enforce, interpret or reform the provisions of this Deed of Trust shall be entitled to reasonable attorneys' and experts' fees, costs and out-of-pocket expenses (whether or not considered recoverable "costs" under applicable statute) incurred in such litigation.

17. Request for Notices of Default and Sale. In accordance with Section 2924b of the California Civil Code, request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale under that Deed of Trust executed by the Trustor concerning this Property be mailed to:

City of National City
 Attention: Executive Director
 1243 National City Boulevard
 National City, CA 91950

NOTICE: A copy of any notice of default and of any notice of sale will be sent only to the address contained in this recorded request. If your address changes, a new request must be recorded.

18. Inspections. Trustor shall permit Beneficiary and its agents or representatives, to inspect the Property at any and all reasonable times, upon 48 hours advance notice to Trustor. Inspections shall be conducted so as not to interfere with the tenants' use and enjoyment of the Property.

19. Hazardous Materials Defined. For purposes of this Deed of Trust, "Hazardous Materials" means and includes any flammable, explosive, or radioactive materials or hazardous, toxic or dangerous wastes, substances or related materials or any other chemicals, materials or substances, exposure to which is prohibited, limited or regulated by any federal, state, county, regional or local authority or which, even if not so regulated, may or could pose a hazard to the health and safety of the occupants of the Property or of property adjacent to the Property, including, but not limited to, asbestos, PCBs, petroleum products and byproducts, substances defined or listed as "hazardous substances" or "toxic substances" or similarly identified in, pursuant to, or for purposes of, the California Solid Waste Management, Resource Recovery and Recycling Act (California Government Code Section 66700 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. Section 9601, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801, et seq.), the Resource Conservation and Recovery act (42 U.S.C. Section 6901, et seq.), Section 25117 or Section 25316 of the California Health & Safety Code; and any so-called "Superfund" or "Superlien" law, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material; or any substances or mixture regulated under the Toxic Substance Control Act of 1976, as now or hereafter amended (15 U.S.C. Section 2601 et seq.); and any "toxic pollutant" under the Clean Water Act, as now or hereafter amended (33 U.S.C. Section 1251 et seq.); and any hazardous air pollutant under the Clean Air Act, as now or hereafter amended (42 U.S.C. Section 7901 et seq.). Notwithstanding the above, the term "Hazardous Materials" shall not include small amounts of chemicals, cleaning agents and the like commonly employed in routine household uses in a manner typical of occupants in other similar residential properties provided they are used in compliance with applicable laws. The term "Hazardous Materials Laws" means any federal, state or local law, code, statute, ordinance, rule, regulation, rule of common law or guideline relating to Hazardous

Materials now or hereafter enacted or promulgated (collectively, and including, without limitation, any such laws which require notice of the use, presence, storage, generation, disposal or release of any Hazardous Materials to be provided to any party).

20. Trustor's Hazardous Materials Representations and Warranties and Indemnity. In addition to the general and specific representations, covenants and warranties set forth in the Deed of Trust or otherwise, Trustor represents, covenants and warrants, with respect to Hazardous Materials, as follows:

(a) Neither Trustor nor, to the best knowledge of Trustor, any other person, has ever caused or permitted any Hazardous Materials to be manufactured, placed, held, located or disposed of on, under or at the Property or any part thereof, and neither the Property nor any part thereof, or any property adjacent thereto, has ever been used (whether by the Trustor or, to the best knowledge of the Trustor, by any other person) as a manufacturing site, dump site or storage site (whether permanent or temporary) for any Hazardous Materials;

(b) Trustor hereby agrees to indemnify Beneficiary, its officers, employees, contractors and agents, and hold Beneficiary, its officers, employees, contractors and agents harmless from and against any and all losses, liabilities, damages, injuries, costs, expenses and claims of any and every kind whatsoever paid, incurred or suffered by, or asserted against Beneficiary, its officers, employees, contractors and agents for, with respect to, or as a direct or indirect result of, the presence or use, generation, storage, release, threatened release or disposal of Hazardous Materials on or under the Property or the escape, seepage, leakage, spillage, discharge, emission or release of any Hazardous Materials from the Property (including, without limitation, any losses, liabilities, damages, injuries, costs, expenses or claims asserted or arising under CERCLA, any so-called "Superfund" or "Superlien" law, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to or imposing liability or standards of conduct concerning any Hazardous Materials) regardless of whether or not caused by or within the control of Trustor, except to the extent arising as a result of the negligence or willful misconduct of Beneficiary.

(c) Trustor has not received any notice of (i) the happening of any event involving the use, spillage, discharge, or cleanup of any Hazardous Materials ("Hazardous Discharge") affecting Trustor or the Property or (ii) any complaint, order, citation or notice with regard to air emissions, water discharges, noise emissions or any other environmental, health or safety matter affecting Trustor or the Property ("Environmental Complaint") from any person or entity, including, without limitation, the United States Environmental Protection Agency ("EPA"). If Trustor receives any such notice after the date hereof, then Trustor will give, within seven (7) business days thereafter, oral and written notice of same to Beneficiary.

(d) Without limitation of Beneficiary's rights under this Deed of Trust, Beneficiary shall have the right, but not the obligation, to enter onto the Property or to take such other actions as it deems necessary or advisable to clean up, remove, resolve or minimize the impact of, or otherwise deal with, any such Hazardous Materials or Environmental Complaint upon its receipt of any notice from any person or entity, including without limitation, the EPA, asserting the existence of any Hazardous Materials or an Environmental Complaint on or pertaining to the

Property which, if true, could result in an order, suit or other action against Trustor affecting any part of the Property by any governmental agency or otherwise which, in the sole opinion of Beneficiary, could jeopardize its security under this Deed of Trust. All reasonable costs and expenses incurred by Beneficiary in the exercise of any such rights shall be secured by this Deed of Trust and shall be payable by Trustor upon demand together with interest thereon at a rate equal to the highest rate payable by law.

(e) The foregoing representation, covenants, indemnities and warranties shall be continuing and shall be true and correct for the period from the date hereof to the release of this Deed of Trust (whether by satisfaction of the obligations secured hereby or foreclosure or action in lieu thereof), and these representations, covenants, indemnities and warranties shall survive such release.

21. Authority to Sign. All individuals signing this Deed of Trust for a party which is a corporation, limited liability company, partnership or other legal entity, or signing under a power of attorney, or as a trustee, guardian, conservator, or in any other legal capacity, covenant to the Beneficiary that they have the necessary capacity and authority to act for, sign and bind the respective entity or principal on whose behalf they are signing.

TRUSTOR:

C Avenue 8 Plex, LLC, a California limited liability company

By: 
Keith Robinson, Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of San Diego)

On SEPT. 25TH, 2019, before me, JIMMIE K. LEW, notary public, personally appeared KEITH ROBINSON who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jimmie K. Lew

(Seal)

Exhibit "A"

Legal Description

That certain real property located in the City of National City, County of San Diego, State of California more particularly described as follows:

Parcels 1, 2, 3 and 4 of Parcel Map No. 21545, in the City of National City, County of San Diego,

State of California, according to map thereof filed in the office of the County Recorder of said County.

Assessor's Parcel Number: 560-222-38-00, 560-222-39-00, 560-222-40-00, 560-222-41-00.
(underlying APN: 560-222-35-00, 560-222-36-00, 560-222-37-00)

RESOLUTION NO. 2019 –

RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN AFFORDABLE HOUSING DENSITY BONUS AGREEMENT WITH C AVENUE 8 PLEX, LLC, FOR THE DEVELOPMENT OF 10 UNITS LOCATED AT 1821 “C” AVENUE AND RESTRICTING THE RENT AND OCCUPANCY OF ONE (1) UNIT TO A LOW INCOME HOUSEHOLD IN EXCHANGE FOR A DENSITY BONUS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65915 – 65918

WHEREAS, C Avenue 8 Plex, LLC (“Developer”) is the owner of that certain real property generally located at 1821 C Avenue (“Property”), in the City of National City, County of San Diego; and

WHEREAS, the General Plan and Zoning Ordinance of National City permit no more than eight (8) housing units on the Property; and

WHEREAS, Developer proposes to develop a total of ten (10) housing units on the Property (“Development”); and

WHEREAS, pursuant to Government Code section 65915, and Sections 18.48.030, et seq. of the National City Municipal Code, the Developer has proposed to construct and restrict the rent and occupancy of one (1) residential dwelling unit (“Affordable Unit”) to a low-income household in exchange for a density bonus (“Density Bonus”) which will allow the construction of the ten (10)-unit Development on the Property; and

WHEREAS, in addition to the Density Bonus, the Developer is entitled to receive incentives and concessions as set forth in Government Code Section 65915 and the Developer has independently and of its own free will chosen not to receive any such incentives or concessions; and

WHEREAS, the Affordable Housing Density Bonus Agreement (“Agreement”) will serve to memorialize Developer’s obligation to provide the one (1) Affordable Unit including the time frame for the construction and occupancy of the Affordable Unit and the restriction of the Affordable Unit by the recordation of the Agreement assuring affordability for a total of fifty-five (55) years measured from the issuance of final inspection approval for the Development; and

WHEREAS, a Performance Deed of Trust will also be recorded for the purpose of securing the timely performance of the Agreement and the performance of each agreement contained in the Performance Deed of Trust.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City, approves the Affordable Housing Density Bonus Agreement with C Avenue 8 Plex, LLC, for the development of 10 units located at 1821 “C” Avenue and restricting the rent and occupancy of one (1) unit to a low income household in exchange for a density bonus as mandated by California Government Code Sections 65915 - 65918. After being recorded by the County of San Diego, a copy of said Agreement will be on file in the office of the City Clerk.

**Resolution No. 2019 –
Page Two**

BE IT FURTHER RESOLVED that City Council of the City National City will record a Performance Deed of Trust securing the timely performance of Affordable Housing Density Bonus Agreement. After being recorded by the County of San Diego, a copy of said Deed of Trust will be on file in the office of the City Clerk.

PASSED and ADOPTED this 15th of October, 2019.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil P. Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City opposing new federal oil and gas leasing in all U.S. waters off the coast of California. \(City Manager\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City opposing new federal oil and gas leasing in all U.S. waters off the coast of California. (City Manager)

PREPARED BY: Raymundo Pe, Principal Planner 

PHONE: 619-336-4421

DEPARTMENT: Planning Division

APPROVED BY: 
Armando Vergara
Director of Community Development

EXPLANATION:

On June 27, 2019, the City Manager's Office was contacted by Oceana, a nonprofit international advocacy organization focused on ocean conservation, to support efforts to oppose offshore oil and gas drilling in all U.S. waters. Oceana was established in 2001 for ocean advocacy by the Pew Charitable Trusts, Oak Foundation, Marisla Foundation (formerly Homeland Foundation), Sandler Foundation, and the Rockefeller Brothers Fund. This particular campaign is focused on offshore oil and gas drilling and exploration along California and the Pacific Ocean.

In April 2017, a Presidential Executive Order proposes to re-open the Pacific coast to expanded offshore oil and gas drilling, potentially placing ocean resources and coastal economies at risk. Given the cited risks of new offshore oil and gas drilling, Oceana has requested that the City join over 90 other Pacific Coast municipalities in passing a resolution opposing new offshore drilling in response to the U.S. Department of the Interior's Bureau of Ocean Energy Management consideration of an expanded Five-Year Outer Continental Shelf Leasing Program for the years 2019-2024. (Background attached)

FINANCIAL STATEMENT:

ACCOUNT NO.

Not applicable.

APPROVED: _____ **FINANCE**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This action is not subject to the California Environmental Quality Act since it is not a project as defined in the California Code of Regulations Section 15378.

ORDINANCE: INTRODUCTION FINAL ADOPTION Not applicable.

STAFF RECOMMENDATION:

Adopt the resolution opposing new federal oil and gas leasing in all U.S. waters off the coast of California.

BOARD / COMMISSION RECOMMENDATION:

Not applicable.

ATTACHMENTS:

1. Background.
2. Oceana background materials.
3. Resolution.

BACKGROUND

Oceana has provided the City with the following reasons to consider in adopting a resolution that opposes new federal oil and gas leasing in all U.S. waters off the coast of California.

The City is proximate to the coastline and relies on coastal tourism, fishing, recreation, commerce, and education. These industries bring in over \$42 Billion in GDP and nearly 600,000 jobs to California, and they rely on a clean coastline.

The City's residents enjoy the beach, the bay, and a clean ocean, which contribute significantly to quality of life and property value.

The City is located on San Diego Bay and harbors part of Naval Base San Diego. Military operations on the coastline would be inhibited with the current proposal to expand drilling, and most of the coastline in San Diego County is utilized for some military purpose. An oil spill could threaten military preparedness or hinder training exercises. The military also contributes substantially to the City's economy and the county's economy at large. (Report attached)

Offshore drilling has not been proven a reliably safe method for offshore drilling. Current proposals and official actions to weaken safety requirements on offshore rigs by the Department of Interior are happening in conjunction with the proposals for expanded drilling. This makes the current proposal very dangerous and likely to result in an oil spill off San Diego County' coastline and to risk the benefits of a clean and healthy coastline.

The ocean and coastal waters provide habitat to a vast array of wildlife, including fish, marine mammals, sea turtles, and birds that depend on a healthy and clean environment.

The oil industry's negligence has resulted in a long legacy of catastrophic economic and environmental damage to coastal waters and communities, including a massive oil spill in 1969 off the coast of Santa Barbara.

The Department of Interior's 2017-2022 Five-Year Outer Continental Shelf Leasing Program adopted as of November 18, 2016 contained no proposed offshore drilling along the Pacific Coast.

The state of California prohibited new oil and gas leasing in state waters due to the unacceptably high risk of damage and disruption to the marine environment.

The Governor of California, the Attorney General, the State Senate and Assembly, the State Lands Commission, the Coastal Commission, the Fish and Game Commission, the Pacific Fishery Management Council, along with a growing number of cities, have taken a stand against new federal offshore oil and gas leases in the Pacific Ocean.

Given the cited risks of new offshore oil and gas drilling, Oceana has requested that the City join over 90 other Pacific Coast municipalities in passing a resolution opposing new offshore drilling in response to the U.S. Department of the Interior's Bureau of Ocean Energy Management consideration of an expanded Five-Year Outer Continental Shelf Leasing Program for the years 2019-2024.

[Report on the compatibility of Department of Defense \(DOD\) activities with oil and gas resource development on the Outer Continental Shelf \(OCS\)](#)

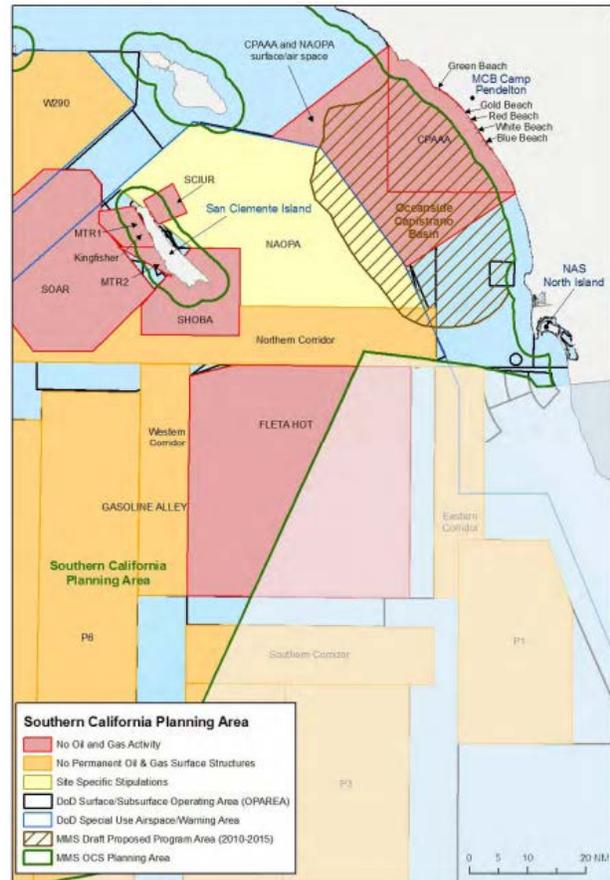
The most recent DOD compatibility report that assessed Pacific waters came out in 2010. The report identified locations with potential conflicts between DOD training/testing activities and offshore oil and gas development. The report classified areas offshore California as incompatible with oil and gas activities/infrastructure, and gives examples of activities that directly conflict with such development.

- In the report, a significant portion of the Southern California Program Area has longstanding operations critical to national security and military readiness that directly conflict with oil and gas activities. For example, parts of the [Southern California \(SOCAL\) OPAREA](#) are designated as areas where *any* oil and gas development infrastructure would jeopardize DOD operations. These areas have ongoing activities like live fire fleet gunnery missions, anti-submarine warfare training, torpedo firing, and seeded mine warfare training. The primary incompatibility with oil and gas operations here is the frequent use of live munitions.

Southern California Program Area

Oceanside/Capistrano Basin

No Oil & Gas Activity	57%
Site Specific Stipulations	19%
Unrestricted	24%



2017-2022 Draft Proposed Program - Pacific OCS Region:

DOD conducts training, testing, and operations in offshore operating and warning areas, undersea warfare training ranges, and special use or restricted airspace on the OCS. **These activities are critical to military readiness and to national security.** The U.S. Navy utilizes the airspace, sea surface, sub-surface,

and seafloor of the OCS for events ranging from instrumented equipment testing to live-fire exercises. The U.S. Air Force conducts flight training and systems testing over extensive areas on the OCS. The U.S. Marine Corps' amphibious warfare training extends from offshore waters to the beach and inland. Some of the most extensive offshore areas used by DOD include Navy at-sea Operational Areas (OPAREAS). Testing and training does not occur on all days of the year, but may occur during any season. These activities vary depending on where in the OPAREA they occur (e.g., open water versus near shore) and may be concentrated within a smaller geographic area than the OPAREA footprint. The Pacific Northwest OPAREA is off the Washington and Oregon coasts, and the Southern California-Point Mugu OPAREA is off the central and southern California coasts and extends into waters south of the U.S.-Mexico border. Vandenberg Air Force Base is on the coast in the Southern California Planning Area and has an active launch program which has been taken into account via lease stipulations in the past. There are also other smaller areas associated with onshore military installations.

Economic benefits of defense in the Pacific Region:

- **Defense contracts:** In fiscal year 2017, \$9.2 billion in procurement contracts was projected to flow into San Diego.¹
- **Direct Spending:** In fiscal year 2017, direct spending by Department of Defense (DoD) in compensation for the more than 140,000 active duty and civilians, support for veteran services, and defense contracts was an estimated \$25.2 billion.¹
- **Defense spending:** San Diego County receives more defense spending than any other county in the U.S. with the exception of Fairfax County, Virginia, home to the Pentagon.²
- When considering the overall ripple effects of the defense cluster in San Diego, about 20 percent of San Diego's gross regional product (GRP) is the result of [defense-related spending](#).
- **Pacific Fleet:** San Diego is home port to the Pacific Fleet and is the primary training ground for much of U.S. Marine Corps.¹

Source: Oceana

OPPOSITION FROM MUNICIPALITIES AND COUNTIES

Source: Oceana.org

1. [Hermosa Beach, CA](#): passed 4/11/2019
2. **Eureka, CA**: awaiting resolution copy
3. [El Segundo, CA](#): passed 3/19/2019
4. [Vista, CA](#): passed 3/12/2019
5. [Oxnard, CA](#): passed 2/19/2019
6. [Portland, OR](#): passed 01/30/19
7. [Escondido, CA](#): passed 01/23/2019
8. [Trinidad, CA](#): passed 12/12/2018
9. [Pacific Grove, CA](#): passed 10/17/2018
10. [Costa Mesa, CA](#): passed 10/16/2018
11. [Cotati, CA](#): passed 09/25/2018
12. [Seattle, WA](#): passed 09/10/2018
13. [Carlsbad, CA](#): passed 08/28/2018
14. [Rancho Palos Verde, CA](#): Sent letter to BOEM 08/21/2018
15. [Gold Beach, OR](#): passed 08/13/2018
16. [Culver City, CA](#): passed 07/23/18
17. [Lincoln City, OR](#): passed 7/9/2018
18. [Ventura, CA](#): sent letter to Senator Feinstein 07/09/2018
19. [Norwalk, CA](#): passed 06/26/18
20. [Port Orford, OR](#): passed 06/21/18
21. [Alameda County, CA](#): passed 06/05/18
22. [Chula Vista, CA](#): passed 5/22/2018
23. [Dana Point, CA](#): passed 04/24/18
24. [Santa Clarita](#): passed 4/10/2018
25. [South Bend, WA](#): passed 04/09/2018
26. [Los Osos, CA](#): passed 04/05/18
27. [Yachats, OR](#): passed 04/04/18

28. [Pacifica, CA](#): passed 03/26/18
29. [Raymond, WA](#): passed 03/19/18
30. [Petaluma, CA](#): passed 03/19/18
31. [San Leandro, CA](#): passed 03/08/18
32. [Monterey, CA](#): sent letter to BOEM 03/08/2018; passed [resolution](#) 5/7/2019
33. [Redondo Beach, CA](#) passed 03/6/18
34. [Richmond, CA](#): passed 03/06/18
35. [Toledo, OR](#): passed 03/07/18
36. [San Diego, CA](#): passed 03/06/18
37. [Santa Monica, CA](#) passed 03/06/18
38. [Newport, OR](#): passed 03/05/2018
39. [Grover Beach, CA](#): passed 03/05/18
40. [Aberdeen, WA](#): passed 02/28/18
41. [Oceanside, CA](#): passed 02/28/18
42. [Clallam County, WA](#): passed 02/27/18
43. [Humboldt County, CA](#): passed 02/27/18
44. [Morro Bay, CA](#): passed 02/27/18
45. [Carpinteria, CA](#): sent letter 02/26/18
46. [Pacific County, WA](#): passed 02/13/18
47. [San Diego County, CA](#): voted 02/13/18; sent letter 03/09/18
48. [Los Angeles County, CA](#): passed 02/13/18
49. [Point Arena, CA](#): passed 02/13/18
50. [Fort Bragg, CA](#): passed 02/12/18
51. [Ilwaco, WA](#): passed 02/12/18
52. [Scotts Valley, CA](#): passed 02/07/18
53. [Windsor, CA](#): passed 02/07/18
54. [Half Moon Bay, CA](#): passed 02/06/18
55. [Manhattan Beach, CA](#): passed 02/06/18
56. [Carmel-by-the-Sea, CA](#): passed 02/06/18

57. [Long Beach, WA](#): passed 02/05/18
58. [West Hollywood, CA](#): passed 02/05/18
59. [Santa Barbara County, CA](#): passed 01/30/18
60. [Marin County, CA](#): 01/30/18
61. [Westport, WA](#): 01/29/18
62. [Sonoma County, CA](#): 01/29/18
63. [Capitola, CA](#): passed 01/25/18
64. [Solana Beach, CA](#): passed 01/24/18
65. [Encinitas, CA](#): passed 01/24/18
66. [Contra Costa County, CA](#): passed 01/23/18
67. [San Mateo County, CA](#): passed 01/23/18
68. [Pismo Beach, CA](#): sent letter to BOEM 01/11/2018
69. [San Mateo, CA](#): passed 04/16/18
70. [Mendocino County, CA](#): passed 01/23/18
71. [Ventura County, CA](#): passed 01/23/18
72. [Ocean Shores, WA](#): passed 01/22/18
73. [Imperial Beach, CA](#): passed 01/17/18
74. [San Francisco, CA](#): passed 01/09/18
75. [Watsonville, CA](#): passed 12/12/17
76. [Santa Cruz City, CA](#): passed 12/05/17 and [sent letter](#) 01/18/18
77. [Santa Cruz County, CA](#): passed 11/14/17
78. [Laguna Beach, CA](#): passed 11/07/17
79. [Marina, CA](#): passed 11/07/17
80. [Ojai, CA](#): passed 10/24/17
81. [Monterey County, CA](#): passed 10/24/17
82. [Oakland, CA](#): passed 10/17/17
83. [Del Mar, CA](#): sent letter 10/16/17
84. [Goleta, CA](#): passed 10/03/17
85. [San Luis Obispo, CA](#): passed 10/03/17

86. [Berkeley, CA](#): passed 09/12/17
87. [Malibu, CA](#): passed 09/10/17
88. [Arcata, CA](#): passed 09/06/17
89. [Santa Barbara, CA](#): passed 07/25/17
90. [Los Angeles, CA](#): passed 04/28/17
91. [San Luis Obispo County](#): passed 2/28/17
92. **Hayward, CA**: Awaiting resolution copy
93. **Hoquiam, WA**: Awaiting resolution copy
94. **Montesano, WA**: Awaiting resolution copy

RESOLUTION NO. 2019 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
OPPOSING NEW FEDERAL OIL AND GAS LEASING
IN ALL U.S. WATERS OFF THE COAST OF CALIFORNIA**

WHEREAS, the City of National City and its visitors enjoy California's beaches and the Pacific Ocean for recreational, commercial, and educational activities, all of which support our local economy; and

WHEREAS, our residents value our state's ocean and coastal waters, which provide habitat to a vast array of wildlife, including fish, whales, sea turtles, and birds that depend on a healthy and clean environment; and

WHEREAS, offshore oil and gas drilling and exploration off the Pacific coast puts these coastal resources, and the communities and industries that depend on them, at risk from oil spills and other damage; and

WHEREAS, expanding offshore oil and gas drilling complicates existing efforts to maintain clean and healthy coastal ecosystems and the tourism and recreation jobs and revenue that depend on them; and

WHEREAS, the oil industry's negligence of oil platform safety standards has resulted in a long legacy of catastrophic economic and environmental damage to coastal waters and communities, including a massive oil spill in 1969 off the coast of Santa Barbara; and

WHEREAS, in 2015 a pipeline servicing offshore oil platforms in Refugio State Park burst and fouled the same coastal areas, damaging wildlife populations and impacting recreational and commercial activities; and

WHEREAS, the Administration has proposed an expansion of offshore oil and gas leasing to new areas which have largely been off-limits to new federal leasing, including the Pacific Coast; and

WHEREAS, new federal offshore oil and gas leases have not been granted off the coast of California since 1984; and

WHEREAS, the U.S. Department of Interior's 2017-2022 Five-Year Outer Continental Shelf (OCS) Leasing Program adopted as of November 18, 2016 contained no proposed offshore drilling along the Pacific Coast; and

WHEREAS, the Department's Bureau of Ocean Energy Management (BOEM) is considering an expanded Five-Year OCS Leasing Program for the years 2019-2024, in response to which this resolution is hereby submitted; and

WHEREAS, the City of National City is opposed to inclusion of any offshore drilling tracts in any OCS Planning Area on the Pacific Coast in the pending 2019-2024 Proposed Program and any other future National Programs; and

///
///
///

**Resolution No. 2019 –
Page Two**

WHEREAS, the State of California prohibited new oil and gas leasing in state waters due to the unacceptably high risk of damage and disruption to the marine environment; and

WHEREAS, the Governor of California, the Attorney General, the State Senate and Assembly, the State Lands Commission, the Coastal Commission, the Fish and Game Commission, the Pacific Fishery Management Council, along with a growing number of cities, have taken a stand against new federal offshore oil and gas leases in the Pacific Ocean.

NOW, THEREFORE BE IT RESOLVED, that the City of National City opposes new federal oil and gas leasing in all U.S. waters, including off the coast of California.

The City Clerk shall forward a copy of this Resolution to Secretary Bernhardt; Bureau of Ocean Energy Management Acting Director Walter Cruickshank; Bureau of Ocean Energy Management National Program Manager Kelly Hammerle; Governor Gavin Newsom; U. S. Senators Feinstein and Harris; U.S. Representative Juan Vargas; State Senator Ben Hueso; State Assembly Member Lorena Gonzalez; State Assembly Member Shirley N. Weber; and any other interested parties.

PASSED and ADOPTED this 15th day of October, 2019.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Temporary Use Permit - Padres Pedal the Cause Bicycle Ride sponsored by Padres Pedal the Cause on November 16, 2019 from 10:00 a.m. to 2:15 p.m. with no waiver of fees. \(Neighborhood Services\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

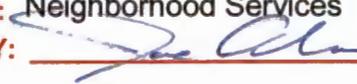
AGENDA ITEM NO.:

ITEM TITLE:

Temporary Use Permit – Padres Pedal the Cause Bicycle Ride sponsored by Padres Pedal the Cause on November 16, 2019 from 10 a.m. to 2:15 p.m. with no waiver of fees.

PREPARED BY: Dionisia Trejo
PHONE: 619-336-4255

DEPARTMENT: Neighborhood Services

APPROVED BY: 

EXPLANATION:

This is a request from the non-profit organization Pedal the Cause to conduct the “Padres Pedal the Cause” through San Diego County on November 16, 2019. This will be the 7th Annual Pedal the Cause fundraising cycling event dedicated to raising money for cancer research in San Diego County.

OUTBOUND – The course begins at Petco Park at 6:00 a.m. heading south towards downtown San Diego and the harbor district. This bicycle ride will enter the City of National City at approximately 10 a.m. on Sweetwater Road onto Bayshore Bikeway going west. All riders will exit bike path and turn left onto W 32nd Street. Riders will then turn left onto Goesno Place continue straight onto Tidelands Avenue, turning right onto Civic Center Drive leaving National City jurisdiction. Event course is mapped and listed.

NOTE: This event was approved by Council in 2017 and 2018 with no waiver of fees.

FINANCIAL STATEMENT:

APPROVED: _____ **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

City fee of \$272.00 for processing the TUP through various City departments plus \$330.00 for Engineering.
Total fees: \$602.00

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Application for a Temporary Use Permit with recommended conditions of approval.



City of National City ■ Neighborhood Services Department
 1243 National City Boulevard ■ National City, CA 91950
 (619) 336-4364 ■ fax (619) 336-4217
 www.nationalcityca.gov

Special Event Application

Type of Event

- Fair/Festival
 Parade/March
 Walk or Run
 Concert/Performance
 TUP
 Sporting Event
 Other (specify) _____

Event Name & Location

Event Title Padres Pedal The Cause
 Event Location (list all sites being requested) Various roads in National City (see attached maps)

Event Times

Set-Up Starts
 Date 11/16/2019 Time 10am Day of Week Saturday
 Event Starts
 Date 11/16/2019 Time 10am Day of Week Saturday
 Event Ends
 Date 11/16/2019 Time 2:15pm Day of Week Saturday
 Breakdown Ends
 Date 11/16/2019 Time 2:15pm Day of Week Saturday

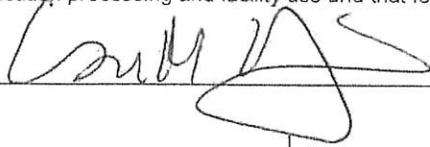
RECEIVED
SEP 12 2019
 Neighborhood Services Department
 City of National City

Applicant Information

Applicant (Your name) Lauren Diaz Sponsoring Organization Padres Pedal The Cause
 Event Coordinator (if different from applicant) Robert Panzera, CCSD Sport Event
 Mailing Address 1286 University Ave #268, San Diego, CA 92103
 Day Phone 917-543-2670 After Hours Phone _____ Cell _____ Fax _____
 Public Information Phone 619-510-4950 E-mail robert@ccsd.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant:  Date 9/12/19

Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes No

Are admission, entry, vendor or participant fees required? Yes No

If YES, please explain the purpose and provide amount (s):

Registration fee of \$75 - \$125 per participant. Participants then fundraise further amounts

In addition to this.

\$ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 1.5M Estimated Expenses for this event.

\$ 3.0M What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

Description of Event

First time event Returning Event include site map with application

Note that this description may be published in our City Public Special Events Calendar:

Padres Pedal the Cause is an annual fundraising cycling event that raises money for collaborative

cancer research at 4 San Diego institutions. Participants start and finish the event at Petco Park in

downtown San Diego and follow a variety of routes (from 25 to 100 miles) through Coronado, San

Diego, Chula Vista, SD County, and National City. The event has raised over \$10M to date for cancer

research.

Estimated Attendance

Anticipated # of Participants: 1500 Anticipated # of Spectators: 0

Traffic Control, Security, First Aid and Accessibility

Requesting to close street(s) to vehicular traffic? Yes No

List any streets requiring closure as a result of the event (provide map): _____

Date and time of street closure: _____ Date and time of street reopening: _____

Other (explain) _____

Requesting to post "no parking" notices? Yes No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):

Other (explain) _____

Security and Crowd Control

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: _____

Not required

Have you hired Professional Security to handle security arrangements for this event?

Yes No If YES, name and address of Security Organization _____

Security Director (Name): _____ Phone: _____

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Is this a night event? Yes No If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: _____

First Aid

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes No First aid/CPR certified? Yes No

First aid station to be staffed by professional company. ▶ Company AMR

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Accessibility

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Event will be open to cyclists with disabilities.

Elements of your Event

Setting up a stage? Yes No

Requesting City's PA system

Requesting City Stage; if yes, which size? Dimensions (13x28) Dimensions (20x28)

Applicant providing own stage ▶ _____(Dimensions)

Setting up canopies or tents?

_____ # of canopies size _____

_____ # of tents size _____

No canopies/tents being set up

Using lighting equipment at your event? Yes No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name _____

Address

City/State

Phone Number

Using electrical power? Yes No

Using Kimball Park Bowl Lighting (from _____ to _____)

Using on-site electricity For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s) For sound and/or lighting

For food and/or refrigeration

Vendor Information

PLEASE NOTE: You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes No

Vendors preparing food on-site ▶ # _____ ▶ Business License # _____

If yes, please describe how food will be served and/or prepared: _____

If you intend to cook food in the event area please specify the method:

GAS ELECTRIC CHARCOAL OTHER (Specify): _____

Vendors bringing pre-packaged food ▶ # _____ ▶ Business License # _____

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # _____

Vendors selling food # _____ ▶ Business License #(s) _____

Vendors selling merchandise # _____ ▶ Business License #(s) _____

Food/beverages to be handled by organization; no outside vendors Prepackaged store bought granola bars for participants

Vendors selling services # _____ ▶ Business License #(s) _____

▶ Explain services _____

Vendors passing out information only (no business license needed) # _____

▶ Explain type(s) of information _____

No selling or informational vendors at event

Having children activities? Yes No

PLEASE NOTE: In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # _____ Rock climbing wall Height _____

Inflatable bouncer slide # _____ Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides _____ Other _____

Having fireworks or aerial display? Yes No

Vendor name and license # _____

Dimensions _____ Duration _____

Number of shells _____ Max. size _____

PLEASE NOTE: In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545.00

Arranging for media coverage? Yes No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe _____

Event Signage

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes No

Yes, we will post signage # 10-20 Dimensions 2ft x 3ft route signage

Yes, having inflatable signage # _____ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # _____

What will signs/banners say? _____

How will signs/banners be anchored or mounted? _____

Location of banners/signage _____

Waste Management

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes No

If yes, please identify the following:

▶ Total number of portable toilets: _____

▶ Total number of ADA accessible portable toilets: _____

Contracting with portable toilet vendor. ▶ _____
Company Phone

▶ Load-in Day & Time _____ ▶ Load-out Day & Time _____

Portable toilets to be serviced. ▶ Time _____

Set-up, Breakdown, Clean-up

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) _____

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

NPDES-Litter Fence

City to install litter fence

Applicant to install litter fence

N/A

Breaking down set-up the day after the event?

Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) _____

No, breakdown will occur on the event day.

How are you handling clean-up?

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

Miscellaneous

Please list anything important about your event not already asked on this application:

**Please make a copy of this application for your records.
We do not provide copies.**



Special Events

Pre-Event Storm Water Compliance Checklist

I. Special Event Information

Name of Special Event: <u>Padres Pedal The Cause</u>	
Event Address: <u>various roads in National City</u>	Expected # of Attendees: <u>1500</u>
Event Host/Coordinator: <u>Padres Pedal The Cause</u>	Phone Number: <u>619-510-4950</u>

II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: <u>0</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: <u>0</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

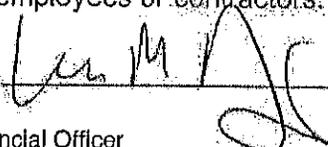
Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City
Risk Management Department
1243 National City Boulevard
National City, CA 91950
Padres Pedal The Cause

Organization: _____
Lauren Diaz
Person in Charge of Activity: _____
2445 5th Avenue, Suite 345, San Diego, CA 92101
Address: _____
619-510-4950 Sat, Nov 16, 2019
Telephone: _____ Date(s) of Use: _____

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

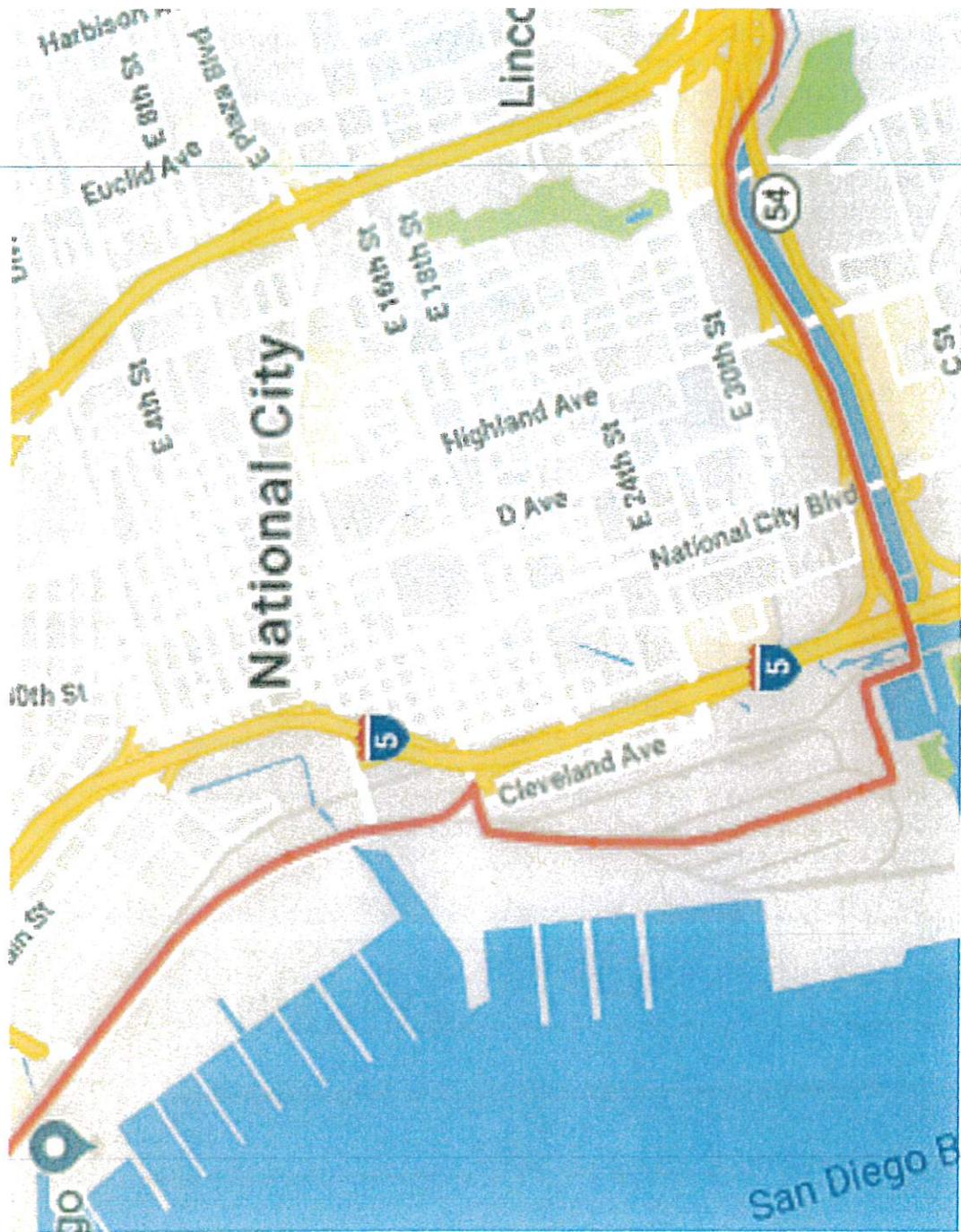
Signature of Applicant:  _____

Chief Financial Officer

Official Title: _____ Date: 8/15/2019

For Office Use Only

Certificate of Insurance Approved _____ Date _____



ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.
KKI-78981-00	4/10/2019	Pedal The Cause San Diego	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED OWNERS AND/OR LESSORS OF PREMISES, SPONSORS OR CO-PROMOTERS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

The policy is amended to include as an additional insured any person or organization of the types indicated by an "X" in any boxes shown below, but only with respect to liability arising out of your operations:

Owners and/or lessors of the premises leased, rented, or loaned to you, subject to the following additional exclusions:

- a. This insurance applies only to an "occurrence" which takes place while you are a tenant in the premises;
- b. This insurance does not apply to "bodily injury" or "property damage" resulting from structural alterations, new construction or demolition operations performed by or on behalf of the owner and/or lessor of the premises;

c. This insurance does not apply to liability of the owners and/or lessors for "bodily injury" or "property damage" arising out of any design defect or structural maintenance of the premises or loss caused by a premises defect.

With respect to any additional insured included under this policy, this insurance does not apply to any negligence of such additional insured.

- Sponsors
- Co-Promoters
- Any individual person(s) or organization(s) listed below:

The City of National City its officials, agents, employees and volunteers
 City of National City c/o Risk Manager
 1243 National City Blvd.
 National City, CA 91950-4301

 AUTHORIZED REPRESENTATIVE

 DATE

**CITY OF NATIONAL CITY
NEIGHBORHOOD SERVICES DEPARTMENT
APPLICATION FOR A TEMPORARY USE PERMIT
CONDITIONS OF APPROVAL**

SPONSORING ORGANIZATION: Padres Pedal the Cause
EVENT: Padres Pedal the Cause
DATE OF EVENT: November 16, 2019

APPROVALS:

COMMUNITY DEVELOPMENT	YES [x]	NO []	SEE CONDITIONS []
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS []
FINANCE	YES [x]	NO []	SEE CONDITIONS [x]
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
CITY ATTORNEY	YES [x]	NO []	SEE CONDITIONS [x]
COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS []
ENGINEERING	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

COMMUNITY DEVELOPMENT

No comments

POLICE DEPARTMENT

A bulletin information Form (BIF) will be created for all patrol personnel working during the event times listed. National City Police Traffic Division Sergeant has been notified of this event. Per the event application there is no request for Police personnel.

CITY ATTORNEY

Approved on condition that Risk Manager approves.

COMMUNITY SERVICES

No involvement

RISK MANAGER (619) 336-4370

Risk Management has reviewed the above captioned request for the issuance of a Temporary Use Permit. All the insurance requirements were met and the following documents were provided with the Temporary Use Permit application:

- A valid copy of the Certificate of Liability Insurance by the applicant.
- The insurance policy has a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) for each occurrence that would cover the date and location of the event.
- The applicant provided a separate additional insured endorsement wherein it notes as the additional insured as "The City of National City, its officials, agents, employees and volunteers"
- The insurance company issuing the insurance policy has an A.M. Best's Guide Rating of A: VII and that the insurance company is a California admitted company.
- The medical provider American Medical Response Ambulance Services, Incorporated has previously provided a Certificate of Liability Insurance and supporting additional insured endorsement which provided all the necessary types and levels of coverage
- The Certificate Holder reflects:
City of National City
c/o Risk Manager
1243 National City Boulevard
National City, CA. 91950-4397

PUBLIC WORKS (619)366-4580

No involvement

FINANCE

There is a current business license. Finance/Business License has no further comments or stipulations.

ENGINEERING

City of National City Traffic Control Requirements

The traffic control application should contain the following:

1. Traffic Control Cover Sheet (11x17 sheet).
<https://www.nationalcityca.gov/home/showdocument?id=22537>
2. Certificate of Liability Insurance.
<https://www.nationalcityca.gov/home/showdocument?id=22489>
3. Contractors' State License (hardcopy required).
4. Contractor's City Business License (hardcopy required).
5. Traffic Control Plans must be submitted on 11x17.
6. Traffic Control Fee \$330.00.
7. Payments will only be accepted with complete submittals.
8. Please submit all documents at least 30 days prior to commencing work/event.

FIRE (619) 336-4550

No fees for this event

Stipulations required by the Fire Department for this event are as follows:

- 1) Maintain Fire Department access at all times. Emergency services access shall be given to all emergency apparatus upon approach
- 2) Access for Fire Department shall be maintained at all times. At no time shall fire lanes, fire hydrants, fire protection systems of all types etc. be obstructed at any time. A minimum of 20 feet wide shall be maintained for the use of fire lanes
- 3) First Aid will be provided by organization
- 4) Fees can only be waived by City Council

The following page(s) contain the backup material for Agenda Item: [Warrant Register #10 for the period of 8/28/19 through 9/3/19 in the amount of \\$2,781,785.62. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #10 for the period of 8/28/19 through 9/3/19 in the amount of \$2,781,785.62. (Finance)

PREPARED BY: Karla Apalategui, Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period 8/28/19 - 9/3/19. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
Allstar Fire Equipment	343790	63,836.01	Lion Model CVBM-K7 PBI / Fire
Mile of Cars Association	343807	101,323.70	FY19 Apportionment
Ensafe Inc	343916	113,624.71	Remediation – Paradise PH3-CA
City of San Diego	91482	1,408,984.00	Sewerage Syst 1 ST Qtr 7/1/19-9/30/19

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$2,781,785.62.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify warrants totaling \$2,781,785.62

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 10



**WARRANT REGISTER # 10
9/3/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACEDO, I	RETIREE HEALTH BENEFITS / SEP 2019	343826	9/3/19	160.00
ANDERSON, E	RETIREE HEALTH BENEFITS / SEP 2019	343827	9/3/19	110.00
BEARD, P	RETIREE HEALTH BENEFITS / SEP 2019	343828	9/3/19	70.00
BECK, L	RETIREE HEALTH BENEFITS / SEP 2019	343829	9/3/19	140.00
BISHOP, R	RETIREE HEALTH BENEFITS / SEP 2019	343830	9/3/19	110.00
BOEGLER, C	RETIREE HEALTH BENEFITS / SEP 2019	343831	9/3/19	260.00
BULL, P	RETIREE HEALTH BENEFITS / SEP 2019	343832	9/3/19	580.00
CAMEON, C	RETIREE HEALTH BENEFITS / SEP 2019	343833	9/3/19	400.00
CARRILLO, R	RETIREE HEALTH BENEFITS / SEP 2019	343834	9/3/19	290.00
COLE, L	RETIREE HEALTH BENEFITS / SEP 2019	343835	9/3/19	165.00
COLLINSON, C	RETIREE HEALTH BENEFITS / SEP 2019	343836	9/3/19	420.00
CONDON, D	RETIREE HEALTH BENEFITS / SEP 2019	343837	9/3/19	280.00
CORDERO, E	RETIREE HEALTH BENEFITS / SEP 2019	343838	9/3/19	520.00
CORPUZ, T	RETIREE HEALTH BENEFITS / SEP 2019	343839	9/3/19	140.00
DANESHFAR, Z	RETIREE HEALTH BENEFITS / SEP 2019	343840	9/3/19	250.00
DEESE, L	RETIREE HEALTH BENEFITS / SEP 2019	343841	9/3/19	660.00
DESROCHERS, P	RETIREE HEALTH BENEFITS / SEP 2019	343842	9/3/19	110.00
DI CERCHIO, A	RETIREE HEALTH BENEFITS / SEP 2019	343843	9/3/19	70.00
DIAZ, M	RETIREE HEALTH BENEFITS / SEP 2019	343844	9/3/19	680.00
DILLARD, S	RETIREE HEALTH BENEFITS / SEP 2019	343845	9/3/19	480.00
DREDGE, J	RETIREE HEALTH BENEFITS / SEP 2019	343846	9/3/19	250.00
EISER III, G	RETIREE HEALTH BENEFITS / SEP 2019	343847	9/3/19	250.00
ETZLER, J	RETIREE HEALTH BENEFITS / SEP 2019	343848	9/3/19	460.00
FABINSKI, D	RETIREE HEALTH BENEFITS / SEP 2019	343849	9/3/19	220.00
FERNANDEZ, R	RETIREE HEALTH BENEFITS / SEP 2019	343850	9/3/19	270.00
FIFIELD, K	RETIREE HEALTH BENEFITS / SEP 2019	343851	9/3/19	540.00
GAUT, A	RETIREE HEALTH BENEFITS / SEP 2019	343852	9/3/19	700.00
GELSKEY, K	RETIREE HEALTH BENEFITS / SEP 2019	343853	9/3/19	115.00
GIBBS JR, R	RETIREE HEALTH BENEFITS / SEP 2019	343854	9/3/19	120.00
GONZALES, M	RETIREE HEALTH BENEFITS / SEP 2019	343855	9/3/19	480.00
HANSON, E	RETIREE HEALTH BENEFITS / SEP 2019	343856	9/3/19	135.00
HARLAN, M	RETIREE HEALTH BENEFITS / SEP 2019	343857	9/3/19	500.00
HAUG, S	RETIREE HEALTH BENEFITS / SEP 2019	343858	9/3/19	120.00
HERNANDEZ, M	RETIREE HEALTH BENEFITS / SEP 2019	343859	9/3/19	600.00
HERNANDEZ, R	RETIREE HEALTH BENEFITS / SEP 2019	343860	9/3/19	400.00
HODGES, H	RETIREE HEALTH BENEFITS / SEP 2019	343861	9/3/19	200.00
IBARRA, J	RETIREE HEALTH BENEFITS / SEP 2019	343862	9/3/19	780.00
JAMES, R	RETIREE HEALTH BENEFITS / SEP 2019	343863	9/3/19	140.00
JUNIEL, R	RETIREE HEALTH BENEFITS / SEP 2019	343864	9/3/19	50.00
KIMBLE, R	RETIREE HEALTH BENEFITS / SEP 2019	343865	9/3/19	300.00
KLOS, F	RETIREE HEALTH BENEFITS / SEP 2019	343866	9/3/19	480.00
LEACH, D	RETIREE HEALTH BENEFITS / SEP 2019	343867	9/3/19	600.00
LIMFUECO, M	RETIREE HEALTH BENEFITS / SEP 2019	343868	9/3/19	160.00
MATIENZO, M	RETIREE HEALTH BENEFITS / SEP 2019	343869	9/3/19	100.00
MC CABE, T	RETIREE HEALTH BENEFITS / SEP 2019	343870	9/3/19	280.00
MCDANIEL, P	RETIREE HEALTH BENEFITS / SEP 2019	343871	9/3/19	290.00
MEDINA, R	RETIREE HEALTH BENEFITS / SEP 2019	343872	9/3/19	105.00
MENDOZA, G	RETIREE HEALTH BENEFITS / SEP 2019	343873	9/3/19	290.00



**WARRANT REGISTER # 10
9/3/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MINER, D	RETIREE HEALTH BENEFITS / SEP 2019	343874	9/3/19	580.00
MORRISON, R	RETIREE HEALTH BENEFITS / SEP 2019	343875	9/3/19	520.00
NOTEWARE, D	RETIREE HEALTH BENEFITS / SEP 2019	343876	9/3/19	120.00
OLIVARES, G	RETIREE HEALTH BENEFITS / SEP 2019	343877	9/3/19	280.00
OLIVERIA, H	RETIREE HEALTH BENEFITS / SEP 2019	343878	9/3/19	360.00
PAUU JR, P	RETIREE HEALTH BENEFITS / SEP 2019	343879	9/3/19	340.00
PEASE JR, D	RETIREE HEALTH BENEFITS / SEP 2019	343880	9/3/19	140.00
PETERS, S	RETIREE HEALTH BENEFITS / SEP 2019	343881	9/3/19	290.00
POST, R	RETIREE HEALTH BENEFITS / SEP 2019	343882	9/3/19	280.00
RAY, S	RETIREE HEALTH BENEFITS / SEP 2019	343883	9/3/19	190.00
ROARK, L	RETIREE HEALTH BENEFITS / SEP 2019	343884	9/3/19	135.00
RODRIGUEZ, M	RETIREE HEALTH BENEFITS / SEP 2019	343885	9/3/19	260.00
RUIZ, J	RETIREE HEALTH BENEFITS / SEP 2019	343886	9/3/19	310.00
SANCHEZ, L	RETIREE HEALTH BENEFITS / SEP 2019	343887	9/3/19	330.00
SERVATIUS, J	RETIREE HEALTH BENEFITS / SEP 2019	343888	9/3/19	340.00
SHORT, C	RETIREE HEALTH BENEFITS / SEP 2019	343889	9/3/19	300.00
SMITH, J	RETIREE HEALTH BENEFITS / SEP 2019	343890	9/3/19	320.00
STEWART, W	RETIREE HEALTH BENEFITS / SEP 2019	343891	9/3/19	200.00
STRASEN, W	RETIREE HEALTH BENEFITS / SEP 2019	343892	9/3/19	135.00
TIPTON, B	RETIREE HEALTH BENEFITS / SEP 2019	343893	9/3/19	250.00
VERRY, L	RETIREE HEALTH BENEFITS / SEP 2019	343894	9/3/19	280.00
VILLAGOMEZ, J	RETIREE HEALTH BENEFITS / SEP 2019	343895	9/3/19	480.00
WHITE, J	RETIREE HEALTH BENEFITS / SEP 2019	343896	9/3/19	230.00
	RETIREE HEALTH BENEFIT SUBTOTAL			21,500.00
ALLSTAR FIRE EQUIPMENT INC	LION MODEL CVBM-K7 NATURAL 6 OZ. PBI /FIRE	343790	9/3/19	63,836.01
ALVAREZ, ESTELA	REFUND DUE TO VENDOR PER DATA TICKET	343791	9/3/19	25.00
CEB	LEGAL PUBLICATION - AUTO UPDATE	343792	9/3/19	1,266.05
EAN HOLDINGS LLC	LATE FEES DISMISSED - PAYMENT WAS ON TIME	343794	9/3/19	30.00
EDWARDS, FRED	LATE FEES DISMISSED - PAYMENT WAS ON TIME	343795	9/3/19	35.00
EPLUS TECHNOLOGY INC	UMBRELLA SECURITY CONTRACT / MIS	343796	9/3/19	3,919.50
EVERINGHAM BROS BAIT	LATE FEES DISMISSED - PAYMENT WAS ON TIME	343797	9/3/19	35.00
FREGOSO, JESUS RINCON	REFUND DUE TO VENDOR PER DATA TICKET	343798	9/3/19	90.00
GONZALEZ, REY J	REFUND DUE TO VENDOR PER DATA TICKET	343799	9/3/19	25.00
HERNANDEZ, LIUS ANTONIO	REFUND DUE TO VENDOR PER DATA TICKET	343800	9/3/19	25.00
HERTZ VEHICLES LLC	REFUND DUE TO VENDOR PER DATA TICKET	343801	9/3/19	25.00
HIGUERA, JUAN	REFUND DUE TO VENDOR PER DATA TICKET	343802	9/3/19	25.00
JOSSE, DENNIS	TRAINING ADV LDG TACTICAL FIREARM / PD	343803	9/3/19	477.54
MABPA	MABPA MEMBERSHIP 6/01/19 THROUGH 5/31/20	343804	9/3/19	300.00
MARTINEZ MORALES, DIEGO	LATE FEES DISMISSED - PAYMENT WAS ON TIME	343805	9/3/19	35.00
MARTINEZ, GERARDO	REFUND DUE TO VENDOR PER DATA TICKET	343806	9/3/19	25.00
MILE OF CARS ASSOCIATION	FY19 APPORTIONMENT	343807	9/3/19	101,323.70
NATIONAL CITY CHAMBER	MEMBERSHIP DUES AUG 2019 - JUL 2020	343808	9/3/19	100.00
NOWDOCS INTERNATIONAL INC	GREEN VOID BOTTOM CHECKS / FINANCE	343809	9/3/19	365.40
OH HOO JA	REFUND DUE TO VENDOR PER DATA TICKET	343810	9/3/19	35.00
PIERSON, D	EDUCATINAL REIMBURSEMENT	343811	9/3/19	645.00
PORT OF SAN DIEGO	REFUNDABLE DEPOSIT FOR SUMMER FIESTA EVENT	343812	9/3/19	1,500.00
PROGRESSIVE SOLUTIONS INC	CASH REGISTER RIBBON / FINANCE	343813	9/3/19	239.77
PULUPOT EMANUEL	REFUND DUE TO VENDOR PER DATA TICKET	343814	9/3/19	25.00



**WARRANT REGISTER # 10
9/3/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ROM LLC	MUSIC FOR SUMMER FIESTA EVENT / CSD	343815	9/3/19	3,400.00
ROSS HARRY M	REFUND DUE TO VENDOR PER DATA TICKET	343816	9/3/19	35.00
SAN DIEGO CRIME	MEMBERSHIP L. CEKANDER NCPD	343817	9/3/19	35.00
SD COUNTY POLICE CHIEF'S	SD COUNTY CHIEF/SHERIFF ASSN TELLEZ	343818	9/3/19	500.00
SOUTH COAST FIRE EQUIPMENT INC	PIERCE ARROW XT PIC / FIRE	343819	9/3/19	5,471.21
SUN BADGE COMPANY INC	P200 - 2 SUNTONE/SILTONE FLAT BADGE	343820	9/3/19	148.57
TALLABAS, BRENDA	REFUND DUE TO VENDOR PER DATA TICKET	343821	9/3/19	25.00
THE LEW EDWARDS GROUP	CONSULTANT SERVICES / HOUSING	343822	9/3/19	3,500.00
U S BANK	08-22-19 CREDIT CARD STATEMENT-BRAD RAUL	343823	9/3/19	4,235.39
WATKINS, JERRY	REFUND DUE TO VENDOR PER DATA TICKET	343824	9/3/19	25.00
WILSON, ALBERT FRANK	REFUND DUE TO VENDOR PER DATA TICKET	343825	9/3/19	35.00
ACE UNIFORMS & ACCESSORIES INC	UNIFORM SUPPLIES / PD	343897	9/3/19	4,787.26
ACME SAFETY & SUPPLY CORP	WIRE STAKES FOR SIGNS / PD	343898	9/3/19	55.46
ACTION TARGET INC	SERVICE VISIT	343899	9/3/19	1,950.00
ALDEMCO	FOOD / NUTRITION	343900	9/3/19	4,265.85
ALL FRESH PRODUCTS	FOOD / NUTRITION	343901	9/3/19	553.84
ALPHA PROJECT FOR THE HOMELESS	ALPHA PROJECT FOR OUTREACH SERVICES MAY	343902	9/3/19	12,520.06
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY20	343903	9/3/19	8,833.45
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY20	343904	9/3/19	2,286.60
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY20	343905	9/3/19	457.42
AUTODESK INC	AUTOCAD~	343906	9/3/19	4,512.00
CDWG	CYLANCE PROT+OPTICS 501-1k ENDPTS	343907	9/3/19	14,403.75
CITRIX SYSTEMS INC	SHAREFILE UNLIMITED RENEWAL	343908	9/3/19	676.85
COX COMMUNICATIONS	COX DATA VIDEO SERVICES FY20	343909	9/3/19	174.00
CSA SAN DIEGO COUNTY	CDBG AGREEMENT: CSA SAN DIEGO COUNTY	343910	9/3/19	4,995.31
CSULB FOUNDATION	TRAINING TUITION FET/MAYO	343911	9/3/19	724.00
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY 2020	343913	9/3/19	1,809.87
DE LAGE LANDEN	LEASE 20 SHARP COPIERS FOR FY20.	343914	9/3/19	2,939.63
DEPARTMENT OF CONSERVATION	SEISMIC HAZARD MAPPING FEES - ENG	343915	9/3/19	6,007.14
ENSAFE INC	REMEDICATION - PARADISE PH3-CA	343916	9/3/19	113,624.71
ESGIL CORPORATION	ESGIL - PLAN REVIEW SERVICE	343917	9/3/19	22,654.63
FEDEX	TESTING MATERIALS FOR FIRE CAPTAIN	343918	9/3/19	26.85
GONZALEZ, HERMELINDA	BUILDING FEE REFUND	343919	9/3/19	406.80
HOME DEPOT CREDIT SERVICES	GENERAL SUPPLIES NEEDED FOR BUILDING	343920	9/3/19	261.16
HUDSON SAFE T LITE RENTALS	ASPHALT AND CONCRETE IN A CAN	343921	9/3/19	448.16
ID SERVICES INC	FARGO DTC 4250E DUAL SIDED CARD PRINTER	343922	9/3/19	2,540.31
LOPEZ, J	MILEAGE REIMBURSEMENT	343923	9/3/19	18.10
LOPEZ, R	TRAINING ADV LDG SWAT LOPEZ / PD	343924	9/3/19	1,949.15
MALLORY SAFETY & SUPPLY LLC	SURVEY VESTS GLOVES AND CREDIT INVOICE	343925	9/3/19	54.59
MCGOUGH, J	TRAINING FTO UPD REIM MCGOUGH / PD	343926	9/3/19	86.00
MEYERS NAVE	LABOR RELATIONS AND NEGOTIATIONS SERVICE	343927	9/3/19	4,900.00
OPES CONSTRUCTION INC	REFUND OF CONSTRUCTION AND DEMO DEPOSIT	343928	9/3/19	1,056.30
PACIFIC TELEMAGEMENT SERVICE	PAYPHONE SERVICES	343929	9/3/19	86.58
PE, R	REIMBURSEMENT FOR TRANSPORTATION	343930	9/3/19	51.26
PRADO OLYMPIC SHOOTING PARK	TRAINING SWAT RANG FEE LOPEZ/RUDE / PD	343931	9/3/19	150.00
PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES / NSD	343932	9/3/19	145.18
QUEZADA, L	REIMBURSEMENT QUEZADA / NSD	343933	9/3/19	58.70
RUDE, R	TRAINING ADV LDG SWAT ROBERT RUDE / PD	343934	9/3/19	1,949.15



**WARRANT REGISTER # 10
9/3/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
RUTHY PUZON	REFUND DEPOSIT FOR TEMP BANNER	343935	9/3/19	500.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING POLICE ACADMEY 119 LOPEZ	343936	9/3/19	184.00
SDHI INC	REFUND OF CONSTRUCTION AND DEMO DEPOSIT	343937	9/3/19	154.86
SEAPORT MEAT COMPANY	FOOD / NUTRITION	343938	9/3/19	1,007.19
SEGAL, M	TRAINING REIM THRT ASSMT CONF/SEGAL	343939	9/3/19	194.77
SOUTH BAY FENCE	ROLL OF 4 POINT BART WIRE	343940	9/3/19	103.31
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES - STAPLES MOP 45704	343941	9/3/19	79.29
STC TRAFFIC	PLAZA MIDBLOCK X-WALK LIGHTING	343942	9/3/19	941.48
SUPERIOR READY MIX	ASPHALT TACK 3/8 SHEET	343943	9/3/19	499.96
SYSCO SAN DIEGO INC	FOOD / NUTRITION	343944	9/3/19	3,982.86
THE STAR NEWS	PUBLIC NOTICING - STAR NEWS	343945	9/3/19	527.88
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS AND MAINTENANCE	343946	9/3/19	305.20
VISTA PAINT	MOP 68834 PAINT SUPPLIES	343947	9/3/19	561.87
WILLY'S ELECTRONIC SUPPLY	COMPUTER ACCESSORIES	343948	9/3/19	627.24
			A/P Total	445,408.17
WIRED PAYMENTS				
CITY OF SAN DIEGO	SEWERAGE SYST 1ST QTR 7/01/19 - 9/30/19	91482	8/29/19	1,408,984.00
SECTION 8 HAPS	Start Date 8/28/2019	End Date 9/3/2019		927,393.45
			GRAND TOTAL	<u>\$ 2,781,785.62</u>

CERTIFICATION

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.

Mark Roberts

MARK ROBERTS, DIRECTOR OF FINANCE

BRAD RAULSTON,
CITY MANAGER

FINANCE COMMITTEE

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

RONALD J. MORRISON, VICE-MAYOR

JERRY CANO, COUNCILMEMBER

GONZALO QUINTERO, COUNCILMEMBER

MONA RIOS, COUNCILMEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 15TH OF OCTOBER 2019.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: [Warrant Register #11 for the period of 9/4/19 through 9/10/19 in the amount of \\$2,652,416.39. \(Finance\)](#)
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #11 for the period of 9/4/19 through 9/10/19 in the amount of \$2,652,416.39. (Finance)

PREPARED BY: Karla Apalategui, Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period 9/4/19 - 9/10/19. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
DBX Inc	343955	70,495.65	Comm Infra Expansion Kimball Tower
Whillock Contracting	343989	114,639.95	Portion of Contracting – Retention
Ameresco Inc	343991	309,367.18	Energy Service Agreement
Fordyce Construction	344012	61,075.50	1430 Hoover Ave Warehouse Tenant
Kaiser Foundation HP	344020	186,633.44	Group 104220-0002 August 2019
Portillo Concrete Inc	344031	148,931.98	Harbison Ave Road DIET
Select Electric Inc	344045	111,361.44	Vehicle Maintenance Items
Public Emp Ret System	9052019	255,729.60	Service Period 8/13/19-8/26/19

FINANCIAL STATEMENT:

APPROVED:  **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$2,652,416.39.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION FINAL ADOPTION

STAFF RECOMMENDATION:

Ratify warrants totaling \$2,652,416.39

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register # 11



**WARRANT REGISTER # 11
9/10/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACE UNIFORMS & ACCESSORIES INC	ADJUSTABLE RADIO HOLDER BLACK - NSD	343949	9/9/19	48.48
ALDEMCO	FOOD FOR NUTRITION	343950	9/9/19	2,963.58
ALL FRESH PRODUCTS	FOOD FOR NUTRITION	343951	9/9/19	867.51
CITY OF SAN DIEGO	FIRE DISPATCH SERVICES TO NATIONAL CITY	343952	9/9/19	5,016.00
CLEAN HARBORS ENVIRONMENTAL	JUL 2019 N C HHW - RATE & ADDITIONAL LOA	343953	9/9/19	1,678.82
COUNTY OF SAN DIEGO	FACILITY PERMIT RENEWAL 9/30/19 - 9/30/20	343954	9/9/19	646.00
DBX INC	COMM INFRA EXPANSION KIMBALL TOWER	343955	9/9/19	70,496.65
ESGIL CORPORATION	PLAN CHECK REVIEW SERVICES JUN 2019	343956	9/9/19	5,157.90
FIRE ETC	STRUCTURE BOOTS POWER TOE BLACK	343957	9/9/19	6,107.43
GRAINGER	MOP 65179 GENERAL SUPPLIES - PW	343958	9/9/19	923.80
JANI-KING OF CALIFORNIA INC	JANITORIAL SERVICES AUG 2019 - NUTRITION	343959	9/9/19	5,498.58
MAINTEX INC	RAGS 4 CORNER TURKISH TOWELS / NSD	343960	9/9/19	340.94
METRO AUTO PARTS DISTRIBUTOR	MOP 75943 AUTO SUPPLIES - PW	343961	9/9/19	284.96
MEYERS NAVE	CONFERENCE CALL JUL 29, 2019	343962	9/9/19	280.00
MY LITTLE CARNIVAL	FACE PAINTING / NC SUMMER FIESTA	343963	9/9/19	359.00
NATIONAL CITY CAR WASH	CAR WASH SERVICES FOR CITY FLEET	343964	9/9/19	535.00
NATIONAL CITY CHAMBER OF	SALUTE TO NAVY COMMANDER OCT 24, 2019	343965	9/9/19	1,500.00
NATIONAL CITY MOTORCYCLES	SERVICE AND REPAIR FOR EMERGENCY	343966	9/9/19	2,178.90
NV5 INC	EAST 1ST & PALM AVE ADA SURVEY SVCS	343967	9/9/19	18,379.50
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES - ENG	343968	9/9/19	50.84
OFFICE TEAM	TEMPORARY SERVICES W/E AUG 02, 2019 - NSD	343969	9/9/19	3,571.57
OLIVER PRODUCTS	PACKAGING MATERIALS FOR HOME DELIVERED	343970	9/9/19	1,031.16
PACIFIC REFRIGERATION INC	EQUIPMENT REPAIR / NUTRITION	343971	9/9/19	1,420.76
PADRE JANITORIAL SUPPLIES	CONSUMABLES - NUTRITION	343972	9/9/19	367.24
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	343973	9/9/19	4,057.41
PROFESSIONAL SEARCH GROUP LLC	TEMP SVCS W/E JUL 28, 2019 - MAYOR OFFICE	343974	9/9/19	6,708.00
PRUDENTIAL OVERALL SUPPLY	MOP 69277 LANDSCAPE SUPPLIES - PW	343975	9/9/19	557.85
RANDALL LAMB ASSOCIATES INC	C OF N C LIBRARY HVAC SYSTEM REPAIR	343976	9/9/19	2,382.50
SAN DIEGO COUNTY ASSESSOR	SAN DIEGO COUNTY RECORDS JUL 2019 / NSD	343977	9/9/19	4.00
SAN DIEGO UNION TRIBUNE	PARADISE CREEK PARK EXPANSION	343978	9/9/19	477.24
SDG&E	GAS & ELECTRIC UTILITIES FOR PW FY 2020	343979	9/9/19	121.40
SEAPORT MEAT COMPANY	FOOD - NUTRITION	343980	9/9/19	1,780.19
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	343981	9/9/19	1,268.15
SOCAL PPE	TURNOUT INSPECTION/REPAIR	343982	9/9/19	1,516.45
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES - PW	343983	9/9/19	352.82
STAPLES BUSINESS ADVANTAGE	MOP 45704 CITY CLERK OFFICE SUPPLIES	343984	9/9/19	137.82
SUPERIOR READY MIX	ASPHALT, TACK 3/8 SHEET FY 2020	343985	9/9/19	1,748.39
SYSCO SAN DIEGO INC	FOOD - NUTRITION	343986	9/9/19	4,551.74
THE SHERWIN WILLIAMS CO	MOP 77816 PAINT SUPPLIES / NSD	343987	9/9/19	162.30
TINOSA INC	AIR COMPRESSOR SERVICE	343988	9/9/19	250.00
WHILLOCK CONTRACTING	PORTION OF CONTRACT - RETENTION	343989	9/9/19	114,639.95
ACADEMI TRAINING CENTER LLC	TRAINING SHOOT / PD	343990	9/10/19	400.00
AMERESCO INC	ENERGY SERVICE AGREEMENT	343991	9/10/19	309,367.18
BOOT WORLD	MOP 64096 SAFETY WEARING APPAREL - PW	343992	9/10/19	475.07
C A P F	SEPTEMBER 2019 - FIRE LDT	343993	9/10/19	955.00
CALIFORNIA ASSOCIATION OF	CACEO 2019 SEMINAR / NSD	343994	9/10/19	410.00
CALIFORNIA ELECTRIC SUPPLY	MOP 45698 GENERAL SUPPLIES - PW	343995	9/10/19	33.78
CALIFORNIA LAW ENFORCEMENT	SEPTEMBER 2019 - PD LTD	343996	9/10/19	2,082.50



**WARRANT REGISTER # 11
9/10/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
COUNTYWIDE MECHANICAL SYSTEMS	LABOR STANDARD TIME - TRUCK CHARGE	343997	9/10/19	890.00
CPOA	CPOA DUES ESPIRITU / PD	343998	9/10/19	500.00
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY 2020	343999	9/10/19	532.75
DAY WIRELESS SYSTEMS	MAINT AUG - OCT	344000	9/10/19	4,716.00
DAY, J	CALIFORNIA PARAMEDIC RENEW AUG 2019	344001	9/10/19	200.00
DELTA DENTAL	GROUP 05-0908600000 AUGUST 2019	344002	9/10/19	15,600.80
DELTA DENTAL	GROUP 05-0908601002 AUGUST 2019	344003	9/10/19	280.45
DELTA DENTAL INSURANCE CO	GROUP 05-7029600000 AUGUST 2019	344004	9/10/19	2,703.36
DELTA DENTAL INSURANCE CO	GROUP 05-7029600002 AUGUST 2019	344005	9/10/19	16.50
DEPARTMENT OF TRANSPORTATION	HIGHWAY LIGHTING FOR FY 2019	344006	9/10/19	15,158.66
DEPT OF JUSTICE	DOJ FINGERPRINTING / PD	344007	9/10/19	32.00
D-MAX ENGINEERING INC	EL TOYON - LAS PALMAS BICYCLE BLVD JUL 2019	344008	9/10/19	2,703.02
EXPERIAN	CREDIT CHECKS / PD	344009	9/10/19	27.00
FACTORY MOTOR PARTS	MOP 82766 AUTO SUPPLIES - PW	344010	9/10/19	393.87
FASTSIGNS	HOT TEAM MAGNETS / PD	344011	9/10/19	137.29
FORDYCE CONSTRUCTION INC	1430 HOOVER AVE WAREHOUSE TENANT IMP	344012	9/10/19	61,075.50
GEOSYNTEC CONSULTANTS INC	VALLEY RD CHANNEL IMPROV APR 30, 2019	344013	9/10/19	3,216.00
GOVCONNECTION INC	HEADSETS FOR DISPATCH	344014	9/10/19	1,361.93
GRAINGER	MOP 9513 SUPPLIES PD	344015	9/10/19	159.41
GROSSMAN PSYCHOLOGICAL	PSYCH EXAMS JUNE	344016	9/10/19	1,300.00
GROWERS SOLUTION LLC	COVER FOR VISITOR LOT	344017	9/10/19	1,360.80
HUTCHINSON, C	MILLAGE REIMB STORMWATER MEETING - ENG	344018	9/10/19	73.23
IPS GROUP INC	ENFORCEMENT SERVICES JUNE 2019	344019	9/10/19	1,180.39
KAISER FOUNDATION HEALTH PLANS	GROUP 104220-0002 AUGUST 2019	344020	9/10/19	186,633.44
KAISER FOUNDATION HEALTH PLANS	GROUP 104220-01, 06, 07 - AUGUST 2019	344021	9/10/19	20,810.68
KAISER FOUNDATION HEALTH PLANS	GROUP 104220-03, 09 - AUGUST 2019	344022	9/10/19	5,878.41
KAISER FOUNDATION HEALTH PLANS	GROUP 104220-05 - AUGUST 2019	344023	9/10/19	4,586.92
KAISER FOUNDATION HEALTH PLANS	GROUP 104220-7002 - AUGUST 2019	344024	9/10/19	1,632.72
KIMLEY HORN	LABOR EXPENSES DIVISION ST JUN 30, 2019	344025	9/10/19	412.20
LANGUAGE LINE SERVICES	LANGUAGE LINE SERVICES	344026	9/10/19	92.76
METRO AUTO PARTS DISTRIBUTOR	MOP 75943 AUTO SUPPLIES - PW	344027	9/10/19	12.65
NATIONAL CITY TROPHY	MOP 66556 OFFICE SUPPLIES - PW	344028	9/10/19	80.48
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	344029	9/10/19	157.87
PALOMAR HEALTH	SART FORENSIC EXAMS	344030	9/10/19	1,950.00
PORTILLO CONCRETE INC	HARBISON AVENUE ROAD DIET	344031	9/10/19	148,931.98
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	344032	9/10/19	721.32
PROJECT PROFESSIONALS CORP	ADA TRANSITION PLANS/AUDIT JUN 2019	344033	9/10/19	37,344.41
PRUDENTIAL OVERALL SUPPLY	MOP 45742. LAUNDRY SERVICES / PARKS	344034	9/10/19	1,557.77
RELIANCE STANDARD	GROUP VA1826233 AUGUST 2019	344035	9/10/19	7,383.43
RELY ENVIRONMENTAL	HAZARDOUS WASTE CONTRACT AUG 2019	344036	9/10/19	3,312.00
RELY ENVIRONMENTAL	HARDOUS WASTE CONTRACT JUL 2019	344037	9/10/19	408.25
S D COUNTY SHERIFF'S DEPT	TRAINING / PD	344038	9/10/19	3,150.00
SAKAMOTO, C	REIMBURSEMENT / UNIFORM PD	344039	9/10/19	127.12
SAN DIEGO KIDS PARTY RENTALS	SUMMER FIESTA JUMPERS / CSD	344040	9/10/19	840.00
SAN DIEGO PET SUPPLY	MOP 02975 K9 SUPPLIES PD	344041	9/10/19	620.41
SCST INC	304 WEST 19TH STREET ENV MAR 31, 2019	344042	9/10/19	5,183.50
SDG&E	GAS AND ELECTRIC UTILITIES - PW	344043	9/10/19	825.57
SELECT ELECTRIC INC	CITYWIDE TRAFFIC SIGNAL & ADA IMP	344044	9/10/19	111,361.44



**WARRANT REGISTER # 11
9/10/2019**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SHINE SUPPLY	VEHICLE MAINTENANCE ITEMS	344045	9/10/19	437.58
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	344046	9/10/19	430.30
SMART SOURCE OF CALIFORNIA LLC	MOP 63845 BUSINESS CARD IMPRINTS - FIRE	344047	9/10/19	36.98
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL AUTO SUPPLIES - PW	344048	9/10/19	135.31
STC TRAFFIC	PEDESTRIAN ADA IMPROVEMENTS JUN 2019	344049	9/10/19	17,557.35
SULLIVAN, C	EDUCATIONAL REIMBURSEMENT	344050	9/10/19	2,252.76
SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES FY 2020	344051	9/10/19	31,879.36
THE BUMPER GUY INC	FORD VEHICLE PAINT & PARTS DEC 13, 2018	344052	9/10/19	484.50
THE COUNSELING TEAM	EMPLOYEE SUPPORT SERVICES / PD	344053	9/10/19	6,400.00
THE LINCOLN NATIONAL LIFE INS	GROUP 415491 SEPTEMBER 2019	344054	9/10/19	9,506.01
THE SHERWIN WILLIAMS CO	MOP 77816 PAINTING SUPPLIES - PW	344055	9/10/19	126.97
TOPECO PRODUCTS	MOP 63849 GENERAL SUPPLIES - PW	344056	9/10/19	20.49
U S BANK	CREDIT CARD EXPENSES / PD	344057	9/10/19	882.79
UNITED ROTARY BRUSH CORP	STREET SWEEPER REPAIRS AND MAINTENANCE	344058	9/10/19	305.22
VALLEY INDUSTRIAL SPECIALTIES	MOP 46453 BUILDING SUPPLIES - PW	344059	9/10/19	455.65
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL VET CARE / PD	344060	9/10/19	1,110.13
VISION SERVICE PLAN	AUGUST 2019 VISION SERVICE PLAN (CA)	344061	9/10/19	827.09
VORTEX INDUSTRIES INC	REPAIRS 2ND AND 3RD ROLLING STEEL DOORS	344062	9/10/19	750.00
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	344063	9/10/19	677.69
WETMORES	MOP 80333 AUTO SUPPLIES - PW	344064	9/10/19	74.36
WILLY'S ELECTRONIC SUPPLY	MOP 45763 ELECTRIC SUPPLIES - PW	344065	9/10/19	158.74
ZAPPIELLO, L	MILEAGE REIMB AUG 07 AND 15, 2019 - ENG	344066	9/10/19	22.44
			A/P Total	1,316,310.37

WIRED PAYMENTS

PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 08/13/19 - 08/26/19	9052019	9/5/19	255,729.60
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PAYROLL

Pay period	Start Date	End Date	Check Date	
19	8/27/2019	9/9/2019	9/18/2019	1,080,376.42

GRAND TOTAL

\$ 2,652,416.39

CERTIFICATION

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.

Mark Roberts

MARK ROBERTS, DIRECTOR OF FINANCE

BRAD RAULSTON,
CITY MANAGER

FINANCE COMMITTEE

ALEJANDRA SOTELO-SOLIS, MAYOR-CHAIRWOMAN

RONALD J. MORRISON, VICE-MAYOR

JERRY CANO, COUNCILMEMBER

GONZALO QUINTERO, COUNCILMEMBER

MONA RIOS, COUNCILMEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 15TH OF OCTOBER 2019.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City approving the designation of historic properties as recommended by the National City Historical Society and based on historic properties surveys. \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City approving the designation of historic properties as recommended by the National City Historical Society and based on historic properties surveys. (Planning)

PREPARED BY: Raymundo Pe, Principal Planner

PHONE: 619-336-4421

DEPARTMENT: Planning Division

APPROVED BY: 
Armando Vergara
Director of Community Development

EXPLANATION:

Municipal Code Section 18.12.160 Historic Properties provides for the preservation of historic resources by establishing a list of designated historic properties. There are currently 32 properties on the list, including four on the National Register of Historic Places. Designation may be initiated by resolution of the City Council or by application of the property owner. On May 15, 2018, the City Council directed staff to update historic properties surveys in consultation with the National City Historical Society and to contact owners of properties to be considered for designation. On October 16, 2018, the City Council adopted Resolution 2018-187, which initiated the designation of 32 properties recommended by the Historical Society. Two properties initiated for designation were demolished by the property owner for redevelopment after City Council review and approval of building permits. The Historical Society was given the opportunity to salvage materials before demolition. On September 9, 2019, the Planning Commission considered the remaining 30 properties for designation and the written request of the property owner of 110 D Avenue to exclude the property (attachment 3). The Planning Commission voted to exclude 110 D Avenue and recommend that the City Council designate the remaining 29 properties. Additional requests to be excluded from designation were received after the Planning Commission hearing (attachment 4). The City Council may designate historic properties without property owner consent and may use its discretion to include or exclude any of the properties initiated. (Background attached)

FINANCIAL STATEMENT:

ACCOUNT NO.

Not applicable.

APPROVED: _____ **FINANCE**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This action is not subject to the California Environmental Quality Act since it is not a project as defined in the California Code of Regulations Section 15378.

ORDINANCE: INTRODUCTION FINAL ADOPTION Not applicable.

STAFF RECOMMENDATION:

Adopt the resolution approving the designation of historic properties.

BOARD / COMMISSION RECOMMENDATION:

On September 9, 2019, the Planning Commission adopted Resolution No. 2019-19 recommending that the City Council approve historic designations for 29 properties.

ATTACHMENTS:

1. Background.
2. Planning Commission Resolution No. 2019-19.
3. Planning Commission Staff Report 2019-20 HL.
4. Correspondence Received.
5. Resolution.

BACKGROUND

Municipal Code Section 18.12.160 Historic Properties provides for the preservation of historic resources by establishing a list of designated historic properties. There are currently 32 properties on the list, including four on the National Register of Historic Places. Designation may be initiated by resolution of the City Council (without property owner consent) or by application of the property owner. The application fee (not to exceed \$5,050) would not apply to properties initiated by City Council.

On May 15, 2018, the City Council directed staff to update previous historic properties surveys in consultation with the National City Historical Society and to contact owners of properties that should be considered for designation. An informational meeting was held for those property owners on August 14, 2018. On October 16, 2018, the City Council adopted Resolution 2018-187, which initiated the historic designation of 32 properties as recommended by the Historical Society.

Two properties initiated for designation were demolished for redevelopment after City Council approval of building permits. On December 18, 2018, the City Council approved a demolition permit for 1932 Harding Avenue with a condition that the Historical Society be allowed 90 days to salvage materials before demolition. The owner has proposed to develop nine single-family residences on the site. On August 20, 2019, the City Council approved a demolition permit for 1929 Harding Avenue. The Historical Society completed an inspection of the property and found nothing of salvage value due to the dilapidated condition of the structure. The owner has proposed to develop an 18-unit apartment complex on the site.

On September 9, 2019, the Planning Commission considered the remaining 30 properties for designation. At the public hearing, the Planning Commission considered the written request of the property owner of 110 D Avenue to exclude the property from designation. The Planning Commission voted to exclude the property and recommend that the City Council designate the remaining 29 properties initiated by City Council Resolution 2018-187.

Criteria for Designation

The Municipal Code does not provide specific criteria for the designation of historic properties; however, properties previously designated have met the criteria set out by the California Office of Historic Preservation for historical resources. A historic resource should be over 50 years old and meet at least one of the following criteria:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.

ATTACHMENT 1

2. Associated with the lives of persons important to local, California or national history.
3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The National City Historical Society found that all of the properties recommended for designation meet criteria no. 3 in that each embodies the distinctive characteristics of a type, period, region or method of construction. In addition, some of the properties also meet other criteria.

Building Permits and Designated Properties

If the Building Official determines that a property proposed for demolition or significant alteration or conversion is on the historic properties list, building permits are withheld for a period of 30 days and notice provided to the Historical Society. Any comments from the Historical Society are included in a staff report and recommendation to the City Council. The City Council may approve the permit, deny the permit with findings, or withhold issuance until alternative measures have been evaluated.

Historic Properties Surveys

The City's most recent surveys were updated under consultation with the National City Historical Society, which conducted an extensive review of the surveyed properties in addition to other properties not included in the surveys. Initially, 73 properties with the highest ranking on the most recent (2010) survey were considered. After subsequent review by the Historical Society, only 32 of those were deemed appropriate for designation and were included in City Council Resolution 2018-187. However, the Historical Society identified approximately 50 additional properties that they recommended be considered for designation. If directed by City Council, staff would contact these property owners and prepare a subsequent resolution to initiate the additional properties for consideration.

The City engaged consultants to conduct historic properties surveys in 1989, 1994, and 2010. The 1989 survey listed a total of 108 potentially historic properties. The 1994 survey was more extensive and included 1,183 properties with approximately 174 potentially significant. The 2010 survey updated the 1989 and 1994 surveys by including 138 of the highest ranked properties on the 1994 survey, 89 properties on the 1989 survey, and 16 properties listed on the California Historical Resources Information System (CHRIS) for a total of 188 properties. The 2010 update was undertaken to determine the presence or absence and basic integrity/condition of the properties. Of the

188 resources surveyed in 2010, 39 could not be relocated for various reasons, e.g. incomplete information, located on military installation, mismatched style/replacement structure, etc.

The 2010 survey found that most of the remaining 149 buildings retained their integrity, ranging from fair to excellent condition. Thirteen buildings were found to be in fair to poor condition, and only two were found to be in poor condition. Buildings found to be in good or good to fair condition included many that had been altered on their exteriors in non-structural ways, which affected the historic integrity but could also be reversed. Examples of alterations included original clapboard siding covered in stucco or original doors and windows (e.g. wood sash casement or double-hung) replaced by non-period materials (e.g. aluminum or vinyl framed windows).

In 2014, staff conducted a review of the 2010 survey to verify the integrity of the database and to develop a current GIS database file. The review found that the presence/absence findings of the 2010 survey were still valid. A 2017 cursory review of the database against GIS aerial imagery and additional mapping and data sources found that most buildings were still present, and that four of the properties had been designated and listed since the 1994 survey. As new information becomes available, data references are updated within the database for current accuracy.

Mills Act Program

California Government Code Section 50280, commonly known as "the Mills Act," authorizes local agencies to enter into agreements with owners of qualified historic properties. These contracts are a historic preservation tool that allows for property tax reductions for owners who agree to preserve and/or restore their historic structures.

On May 7, 2002, the City Council adopted a Mills Act program allowing the City to enter into contracts with owners of historic properties. Any historic structure on the list is eligible for a Mills Act contract. The application fee is \$100 per \$100,000 of assessed value of the historic property, not to exceed \$500. To date, the City has entered into 13 contracts between 2002 and 2010. The last three contracts approved by City Council resulted in a reduction of approximately \$6,242 in annual property tax revenue to the City.

Properties with Mills Act contracts are re-assessed by the County Assessor based on the capitalization of income method. This method considers the income-producing (rental) potential of a property rather than its resale value, and generally results in a tax reduction of between 15% and 60% for properties assessed under Proposition 13. The State estimates that the average tax reduction is approximately 50%.

Mills Act contracts have an initial term of 10 years and are automatically extended for one year on the anniversary date so that the term of the contract is always 10 years. Either the City or the property owner may opt not to renew the contract, which would expire after the current 10 year term. The City may cancel the contract following a public hearing if

the contract is breached or the property is allowed to deteriorate. If cancelled, the owner must pay a fee equal to 12.5% of the property's value.

State law requires the contracts to provide for the preservation of the property and for its restoration/rehabilitation where necessary in compliance with the California Office of Historic Preservation regulations, the U.S. Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code. Contracts provide for required inspections and are binding on future property owners.

California Register of Historical Resources

The mission of the State Office of Historic Preservation and the State Historical Resources Commission is to preserve and enhance California's historic heritage so that cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations. California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance by meeting required criteria. California Historical Landmarks are listed in the California Register of Historical Resources.

National Register of Historic Places

The National Register of Historic Places is authorized under the National Historic Preservation Act of 1966. The National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service under the U.S. Department of the Interior.

RESOLUTION NO. 2019-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY
RECOMMENDING TO THE CITY COUNCIL THE DESIGNATION OF HISTORIC
PROPERTIES AT VARIOUS LOCATIONS IN THE CITY OF NATIONAL CITY
CITY COUNCIL INITIATED
CASE FILE NO. 2019-20 HL

WHEREAS, National City Municipal Code Section 18.12.160 provides for the preservation of National City's historic resources by establishing a list of designated historic properties; and

WHEREAS, National City Municipal Code Section 18.12.160.B provides that the designation of a historic property may be initiated by resolution of the City Council or by application of the property owner; and

WHEREAS, on May 15, 2018, the City Council directed staff to update previous historic properties surveys in consultation with the National City Historical Society and to contact owners of properties that should be considered for designation; and

WHEREAS, the surveys were updated under consultation with the National City Historical Society, which conducted an extensive review of the surveyed properties; and

WHEREAS, 32 property owners were provided notice of the City Council's intent to initiate the historic designation and an informational meeting held on August 14, 2018; and

WHEREAS, on October 16, 2018, the City Council adopted Resolution 2018-187, which initiated the historic designation of 32 properties as recommended by the National City Historical Society; and

WHEREAS, two of the properties recommended for designation have since been demolished following City Council consideration and approval of building permits for demolition; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing held on September 9, 2019, at which time the oral and documentary evidence was presented; and

WHEREAS, at said public hearing the Planning Commission considered the staff report for Case File No. 2019-20 HL, which is maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS, the Planning Commission has made the finding that the properties recommended for designation meet at least one of the criteria set out by the California

ATTACHMENT 2

Office of Historic Preservation, namely that each embodies the distinctive characteristics of a type, period, region, and/or method of construction; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that it hereby recommends that the City Council designate the following addresses as historic properties:

31 East 2nd Street	2323 East 18th Street	1808 F Avenue
204 East 2nd Street	1320 East 24th Street	1240 Harding Avenue
1105 East 2nd Street	1333 East 24th Street	1507 Harding Avenue
1112 East 2nd Street	2715 A Avenue	913 Hoover
1116 East 2nd Street	602 B Avenue	1605 J Avenue
211 East 3rd Street	1206 Coolidge Avenue	1723 J Avenue
141 E 4th Street	520 F Avenue	2565 J Avenue
441 East 7th Street	523 F Avenue	2333 Prospect Avenue
1041 East 17th Street	618 F Avenue	1905-1907 Wilson Ave
2221 East 18th Street	642 F Avenue	

BE IT FURTHER RESOLVED that the Planning Commission of the City of National City, California, has made the finding that the properties recommended for designation meet at least one of the criteria set out by the California Office of Historic Preservation, namely that each embodies the distinctive characteristics of a type, period, region, and/or method of construction; and,

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 9, 2019, by the following vote:

AYES: Yamane, Natividad, Baca, Flores, Dela Paz, Garcia

NAYS: None.

ABSENT: Sendt

ABSTAIN: None.


CHAIRPERSON



Item no. **5**
September 9, 2019

CITY OF NATIONAL CITY - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DESIGNATION OF HISTORIC PROPERTIES CITYWIDE

Case File No.: 2019-20 HL

Location: Various Locations Citywide

Assessor's Parcel No: Multiple APNs Citywide

Staff report by: Raymond Pe, Principal Planner

Applicant: City Council Initiated

Zoning designation: Various Zoning Citywide

Adjacent uses and zoning: Various Uses/Zoning Citywide

North: -

East: -

South: -

West: -

Environmental review: This action is not subject to the California Environmental Quality Act since it is not a project as defined in the California Code of Regulations Section 15378.

Staff recommendation: Adopt a resolution recommending that the City Council approve Historic Designations for each of the subject properties.

ATTACHMENT 3

Staff Recommendation

Staff recommends that the Planning Commission adopt a resolution recommending that the City Council approve historic designations for each of the subject properties.

Background

Municipal Code Section 18.12.160 Historic Properties provides for the preservation of historic resources by establishing a list of designated historic properties. There are currently 32 properties on the list, including four on the National Register of Historic Places. Designation may be initiated by resolution of the City Council or by application of the property owner.

On May 15, 2018, the City Council directed staff to update previous historic properties surveys in consultation with the National City Historical Society and to contact owners of properties that should be considered for designation. An informational meeting was held for those property owners on August 14, 2018. On October 16, 2018, the City Council adopted Resolution 2018-187, which initiated the historic designation of 32 properties as recommended by the National City Historical Society.

One of the properties recommended for designation, 1932 Harding Avenue, was demolished after the City Council approved the building permit on December 18, 2018 with a condition that the National City Historical Society be given 90 days to salvage any materials from the structure before demolition. The owner plans to develop nine single-family residences on the site.

The owner of 1929 Harding applied for a building permit to demolish the structures on the property and plans to develop an 18-unit apartment complex on the site. On August 20, 2019, the City Council approved the building permit for demolition. The Historical Society completed an inspection of the property and found nothing of salvage value due to the dilapidated condition of the structures, and has indicated no objection to the issuance of the permit.

With the demolition of 1932 Harding Avenue and the proposed demolition of 1929 Harding Avenue, staff recommends the designation of the remaining 30 properties initiated by City Council Resolution 2018-187. Notice of the Planning Commission public hearing was mailed to the owners of the initiated properties. Staff received general inquiries, and correspondence received from property owners is attached.

The Municipal Code does not provide criteria for the designation of historic properties; however, a property should meet the criteria set out by the California Office of Historic Preservation for historical resources. A historic resource should be over 50 years old and meet at least one of the following criteria:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
2. Associated with the lives of persons important to local, California or national history.
3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

All of the properties recommended for designation meet criteria no. 3 in that each embodies the distinctive characteristics of a type, period, region or method of construction. In addition, some of the properties also meet other criteria.

Options

1. Adopt the resolution.
2. Amend and adopt the resolution.
3. Take no action on the resolution.
4. Continue the item.

Attachments

1. City Council Resolution 2018-187
2. Municipal Code Section 18.12.160 Historic Properties
3. Historic Properties List
4. Public Hearing Notice
5. Correspondence from Property Owners
6. Resolution



RAYMUNDO PE
Principal Planner



ARMANDO VERGARA
Director of Community Development

RESOLUTION NO. 2018 – 187

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
INITIATING THE DESIGNATION OF HISTORIC PROPERTIES
AS RECOMMENDED BY THE NATIONAL CITY HISTORICAL SOCIETY

WHEREAS, National City Municipal Code Section 18.12.160.B provides for City Council initiation of the designation of historic properties for the historic properties list; and

WHEREAS, on May 15, 2018, the City Council directed staff to update previous historic property surveys and to contact owners of properties to be considered for designation; and

WHEREAS, the surveys were updated under consultation with the National City Historical Society, which conducted an extensive review of the surveyed properties; and

WHEREAS, 32 property owners were provided notice of the City Council's intent to initiate the historic designation and an informational meeting was held on August 14, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby initiates the designation of historic properties for the following addresses:

31 East 2nd Street	1320 East 24th Street	1240 Harding Avenue
204 East 2nd Street	1333 East 24th Street	1507 Harding Avenue
1105 East 2nd Street	2715 A Avenue	1924-1936 Harding Avenue
1112 East 2nd Street	602 B Avenue	1929 Harding Avenue
1116 East 2nd Street	1206 Coolidge Avenue	913 Hoover
211 East 3rd Street	110 D Avenue	1605 J Avenue
141 E 4th Street	520 F Avenue	1723 J Avenue
441 East 7th Street	523 F Avenue	2565 J Avenue
1041 East 17th Street	618 F Avenue	2333 Prospect Avenue
2221 East 18th Street	642 F Avenue	1905-1907 Wilson
2323 East 18th Street	1808 F Avenue	

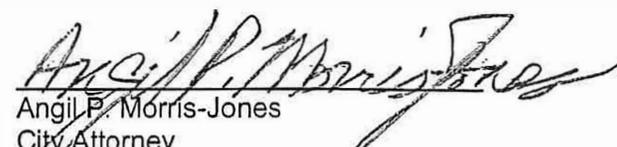
PASSED and ADOPTED this 16th day of October, 2018.


Ron Morrison, Mayor

ATTEST:


Michael R. Dalla, City Clerk

APPROVED AS TO FORM:


Angil P. Morris-Jones
City Attorney

Passed and adopted by the Council of the City of National City, California, on October 16, 2018 by the following vote, to-wit:

Ayes: Councilmembers Cano, Mendivil, Morrison, Rios, Sotelo-Solis.

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY: RON MORRISON
Mayor of the City of National City, California

MICHAEL R. DALLA
City Clerk of the City of National City, California

By: _____
Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 2018-187 of the City of National City, California, passed and adopted by the Council of said City on October 16, 2018.

City Clerk of the City of National City, California



By: *Deputy*
Deputy

National City Municipal Code
Title 18 Zoning

18.12.160 HISTORIC PROPERTIES

A. Intent and Purpose

It is the intent and purpose of this Section to protect, preserve and, where damaged, restore National City's historic resources by:

1. Establishing a procedure whereby properties of historical significance are identified and appropriate notice is provided in the event demolition, significant alteration, or conversion is proposed.
2. Protecting the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.

B. Designation of Historic Properties

1. A list of historic properties shall be maintained and periodically updated.
2. Changes to the historic properties list may be initiated by resolution of the City Council or on the verified application of the owner(s) of the property to be designated or their authorized agents.
3. Any application or resolution that proposes changes to the historic properties list shall be accompanied by an evaluation of the historic character of the property and shall be reviewed by the Planning Division.
4. The Planning Division, after reviewing such application for completeness, shall notify the Historical Society of the proposed changes to the historic properties list. Any comments or recommendations provided by the Historical Society must be received within 20 days of the notice of proposed changes.
6. Once the Planning Division has completed review of the application and considered any comments or recommendations from the Historical Society, it shall prepare a report and recommendation to the Planning Commission.
7. The Planning Commission shall hold a public hearing on the proposal and shall provide a recommendation to the City Council.
8. The City Council shall hold a public hearing and may approve, modify and approve, or deny the proposed changes to the historic properties list.

C. Review of Ministerial Permits

1. The Building Official or designee shall review each request for a non-discretionary building or demolition permit to determine if it involves any structure identified on the list of historic properties. If a property proposed for demolition or significant alteration or conversion is determined to be on the historic properties list, the Building Official or designee shall withhold issuance of the permit for a period of 30 days.
2. The Building Official shall immediately notify the Planning Division and the City Council of the pending permit.
3. Within five days, the Planning Division shall provide notice to the Historical Society of the pending permit and may request comments and recommendations. Any comments or recommendations provided by the Historical Society must be received within 20 days of the notice of pending permit.
4. Once the Planning Division has reviewed the permit application and considered any comments or recommendations from the Historical Society, it shall provide a recommendation to the City Council. The recommendation may include approval of the permit, no recommendation, recommendation that the permit be denied, or a request for additional time to evaluate the permit.
5. The City Council, at its sole discretion, may approve the permit, deny the permit if a finding is made that such permit may result in an adverse effect on the public welfare, or withhold the issuance of the permit until such time as all alternative measures are thoroughly evaluated.

D. Review of Discretionary Permits

All discretionary permits involving a historic resource shall be reviewed in compliance with the California Environmental Quality Act.

**City of National City
Historic Properties List
04/17/2018**

National Register (date filed)

Brick Row	7/16/73	906-940 A Avenue, 45 E. Plaza
St. Matthew's Episcopal Church	10/25/73	521 E. 8th Street
Granger Music Hall	3/18/75	1615 E. 4th Street
Santa Fe Depot (California Southern Terminus Depot)	4/18/96	900 W. 23rd Street

Locally Designated Significant Buildings

1.	907	A Avenue	Elizur Steel/Crandall/Ennis House
2.	921	A Avenue	Frank Kimball House
3.	939	A Avenue	John Proctor House
4.	538	C Avenue	Pinney House
5.	907	D Avenue	Boyd-Vurgason House
6.	1108	D Avenue	Fred Copeland House
7.	540	E Avenue	William Burgess House
8.	305	F Avenue	Mitchell-Webster House
9.	341	F Avenue	Tyson House
10.	405	G Avenue	Doctor's House
11.	437	G Avenue	
12.	1735	J Avenue	George Beermaker House
13.	1515	L Avenue	George Kimball House
14.	2824	L Avenue	McKnight House (approved by CC 5/15/07)
15.	2525	N Avenue	Oliver Noyes House
16.	636	E. 2nd Street	John Steele House
17.	926	E. 7th Street	Barber-Ferbita House
18.	3600	E. 8th Street	Wellington Estate
19.	2202	E. 10th Street	Tower House of Moses Kimball
20.	1129	E. 16th Street	Mrs. Eimar Home
21.	539	E. 20th Street	Charles Kimball House
22.	1504	E. 22nd Street	D. K. Horton House
23.	541	E. 24th Street	Olivewood Clubhouse
24.	1430	E. 24th Street	Wallace Dickinson House
25.	1433	E. 24th Street	Dickinson Boal House
26.	1941	Highland Avenue	Floyd Home
27.	425	Shell Avenue	Josselyn House
28.	940	E. 16th Street	Frederick Hertel-Hawken House



August 1, 2019

Property Owner:

On October 16, 2018, the City Council of the City of National City initiated the process to consider the historic designation of several properties for listing on the City's local historic properties list. Records indicate that you are the owner of property that will be considered for designation—see attached resolution. The Planning Commission will hold a public hearing on Monday, September 9, 2019 to consider the proposed designations and make a recommendation to the City Council, which will hold a future public hearing prior to taking any action on the recommendation.

If you have any questions, please contact Raymond Pe at (619) 336-4421 or email rpe@nationalcityca.gov.

Sincerely,

Raymond Pe
Principal Planner

cc: Armando Vergara, Director of Community Development

Encl: City Council Resolution No. 2018-187

RESOLUTION NO. 2018 – 187

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
INITIATING THE DESIGNATION OF HISTORIC PROPERTIES
AS RECOMMENDED BY THE NATIONAL CITY HISTORICAL SOCIETY

WHEREAS, National City Municipal Code Section 18.12.160.B provides for City Council initiation of the designation of historic properties for the historic properties list; and

WHEREAS, on May 15, 2018, the City Council directed staff to update previous historic property surveys and to contact owners of properties to be considered for designation; and

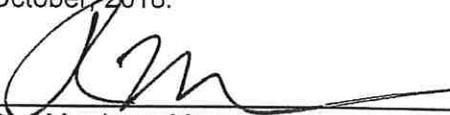
WHEREAS, the surveys were updated under consultation with the National City Historical Society, which conducted an extensive review of the surveyed properties; and

WHEREAS, 32 property owners were provided notice of the City Council's intent to initiate the historic designation and an informational meeting was held on August 14, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby initiates the designation of historic properties for the following addresses:

31 East 2nd Street	1320 East 24th Street	1240 Harding Avenue
204 East 2nd Street	1333 East 24th Street	1507 Harding Avenue
1105 East 2nd Street	2715 A Avenue	1924-1936 Harding Avenue
1112 East 2nd Street	602 B Avenue	1929 Harding Avenue
1116 East 2nd Street	1206 Coolidge Avenue	913 Hoover
211 East 3rd Street	110 D Avenue	1605 J Avenue
141 E 4th Street	520 F Avenue	1723 J Avenue
441 East 7th Street	523 F Avenue	2565 J Avenue
1041 East 17th Street	618 F Avenue	2333 Prospect Avenue
2221 East 18th Street	642 F Avenue	1905-1907 Wilson
2323 East 18th Street	1808 F Avenue	

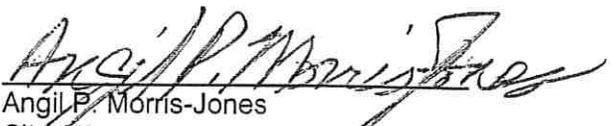
PASSED and ADOPTED this 16th day of October, 2018.


Ron Morrison, Mayor

ATTEST:


Michael R. Dalla, City Clerk

APPROVED AS TO FORM:


Angil P. Morris-Jones
City Attorney

Passed and adopted by the Council of the City of National City, California, on October 16, 2018 by the following vote, to-wit:

Ayes: Councilmembers Cano, Mendivil, Morrison, Rios, Sotelo-Solis.

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY: RON MORRISON
Mayor of the City of National City, California

MICHAEL R. DALLA
City Clerk of the City of National City, California

By: _____
Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 2018-187 of the City of National City, California, passed and adopted by the Council of said City on October 16, 2018.

City Clerk of the City of National City, California



By: *Deputy*
Deputy

Flores Trust
5843 Willis Ave
Sherman Oaks, CA
91411

Overbey Jerry/Nedra K
204 E. 2nd St
National City, CA
91950

Reyes Jose L 1995 Trust
1105 E. 2nd St
National City, CA
91950

Cardenas Homero J
1112 E. 2nd St
National City, CA
91950

Gurrola Arturo & Avila Marisela
1116 E. 2nd St
National City, CA
91950

Garcia Jose J
209 Hillcrest Ln
Ramona, CA
92065

Gomez Jeanette
141 E. 4th
National City, CA
91950

Diaz Fernando C & Castaneda-Barba
Diana
441 E. 7th St.
National City, CA 91950

Fowler William E & Carol A Revocable
1041 E. 17th St
National City, CA
91950

Parra Maria O
2221 E. 18th St
National City, CA
91950

Trevillyan Elmer L Trust
2323 E. 18th St
National City, CA
91950

Ochoa Gustavo R & Enriqueta Family
Trust
1320 E. 24th St
National City, CA 91950

Edwards Family Trust
8371 Paseo Del Ocaso
La Jolla, CA
92037

Flores Miguel & Maria C
2715 A Ave
National City, CA
91950

Williams Agustina L Revocable Trust
5762 Watercrest Dr
Bonita, CA
91902

First Christian Spiritualist Church
1206 Coolidge Ave
National City, CA
91950

Ledesma Pamela
110 D Ave
National City, CA
91950

Scheffler Mark
520 F Ave
National City, CA
91950

Kemper William E & Sylvia M
523 F Ave
National City, CA
91950

Martinez Family Trust
618 F Ave
National City, CA
91950

Zavala Rose
2983 Morningside St
San Diego, CA
92139

Torres Antonio & Genevieve
39 E. 5th St
National City, CA
91950

Youssofi Hasib
12928 Calle Abuelito
San Diego, CA
92129

Camacho Fernando & Lopez Paula
1507 Harding Ave
National City, CA
91950

Clara Futura Investments LLC
1111 9th St #202
Coronado, CA
92118

Clara Futura Investments LLC
1111 9th St #202
Coronado, CA
92118

Fernandez Juan J
913 Hoover Ave
National City, CA
91950

Perez Daniel
1605 J Ave
National City, CA
91950

Kajjy Family Trust
3243 Fairmount Ave
San Diego, CA
92105

Aevermann Brian D
2565 J Ave
National City, CA
91950

Carter Linda L Trust
2333 Prospect St
National City, CA
91950

Cardenas Homero J / Cardenas Homero
1112 E. 2nd St
National City, CA
91950

Garcia Jose J / Garcia Alicia C
209 Hillcrest Ln
Ramona, CA
92605

Gomez Jeanette / Garay Patricia
141 E. 4th St
National City, CA
91950

Carter Linda L Trust / Cantu Katrina M
2333 Prospect St
National City, CA
91950

Fowler William E & Carol A Revocable
Trust 1994
1041 E. 17th St
National City, CA
91950

Ledesma Pamela / Ditch Gloria
110 D Ave
National City, CA
91950

Clara Futura Investments LLC
1924 Harding Ave #36
National City, CA
91950

Mailing Address - Property Owner

#	Situs Address	APN	Mailing Address	Property Owner	Property Owner 2	Property Owner 3
1	31 E. 2 nd Street	556 011 21 00	5843 Willis Ave Sherman Oaks CA 91411	Flores Trust	Flores Trust	
2	204 E. 2 nd Street	556 103 01 00	204 E. 2nd St National City 91950	Overbey Jerry/Nedra K	Overbey Jerry/Nedra K	
3	1105 E. 2 nd Street	556 082 31 00	1105 E. 2nd St National City CA 91950	Reyes Jose L 1995 Trust	Reyes Jose L 1995 Trust	
4	1112 E. 2 nd Street	556 180 33 00	1112 E. 2nd St National City CA 91950	Cardenas Homero J / Cardenas Homero	Cardenas Homero J	Cardenas Homero
5	1116 E. 2 nd Street	556 180 34 00	1116 2nd St National City CA 91950	Gurrola Arturo & Avila Marisela	Gurrola Arturo & Avila Marisela	
6	211 E. 3 rd Street	556 103 23 00	209 Hillcrest Ln Ramona CA 92065	Garcia Jose J / Garcia Alicia C	Garcia Jose J	Garcia Alicia C
7	141 E. 4 th Street	556 104 11 00	141 E. 4th National City CA 91950	Gomez Jeanette / Garay Patricia	Gomez Jeanette	Garay Patricia
8	441 E. 7 th Street	556 351 13 00	441 E. 7th St. National City CA 91950	Diaz Fernando C & Castaneda-Barba Diana	Diaz Fernando C & Castaneda-Barba Diana	Castaneda-Barba Dian
9	1041 E. 17 th Street	561 070 16 00	1041 E. 17th St. National City CA 91950	Fowler William E & Carol A Revocable Trust 1994	Fowler William E & Carol A Revocable	Trust 1994
10	2221 E. 18 th Street	561 160 12 00	2221 E. 18th St. National City 91950	Parra Maria O	Parra Maria O	
11	2323 E. 18 th Street	561 160 31 00	2323 E. 18th St. National City 91950	Trevillyan Elmer L Trust	Trevillyan Elmer L Trust	
12	1320 E. 24 th Street	563 030 40 00	1320 E. 24th St. National City 91950	Ochoa Gustavo R & Enriqueta Family Trust	Ochoa Gustavo R & Enriqueta Family Trust	
13	1333 E. 24 th Street	561 340 19 00	8371 Paseo Del Ocaso La Jolla CA 92037	Edwards Family Trust	Edwards Family Trust	
14	2715 A Avenue	562 121 10 00	2715 A Ave National City CA 91950	Flores Miguel & Maria C	Flores Miguel & Maria C	
15	602 B Avenue	556 332 12 00	5762 Watercrest Dr Bonita CA 91902	Williams Agustina L Revocable Trust	Williams Agustina L Revocable Trust	
16	1206 Coolidge Avenue	559 033 16 00	1206 Coolidge Ave National City CA 91950	First Christian Spiritualist Church	First Christian Spiritualist Church	
17	110 D Avenue	556 012 10 00	110 D Ave National City CA 91950	Ledesma Pamela / Ditch Gloria	Ledesma Pamela	Ditch Gloria
18	520 F Avenue	556 232 20 00	520 F Ave National City CA 91950	Scheffler Mark	Scheffler Mark	
19	523 F Avenue	556 233 17 00	523 F Ave National City CA 91950	Kemper William E & Sylvia M	Kemper William E & Sylvia M	
20	618 F Avenue	556 352 10 00	618 F Ave National City CA 91950	Martinez Family Trust	Martinez Family Trust	
21	642 F Avenue	556 352 14 00	2983 Morningside St San Diego CA 92139	Zavala Rose	Zavala Rose	
22	1240 Harding Avenue	559 032 07 00	12928 Calle Abuelito San Diego CA 92129	Youssofi Hasib	Youssofi Hasib	
23	1507 Harding Avenue	559 064 01 00	1507 Harding Ave National City CA 91950	Camacho Fernando & Lopez Paula	Camacho Fernando & Lopez Paula	
24	1924-36 Harding Avenue	559 105 12 00	1924 Harding Ave #36 National City CA 91950	Clara Futura Investments LLC	Clara Futura Investments LLC	
25	1929 Harding Avenue	559 104 03 00	1111 9th St #202 Coronado CA 92118	Clara Futura Investments LLC	Clara Futura Investments LLC	
26	913 Hoover Avenue	555 085 02 00	913 Hoover Ave National City CA 91950	Fernandez Juan J	Fernandez Juan J	
27	1605 J Avenue	561 070 01 00	1605 J Ave National City CA 91950	Perez Daniel	Perez Daniel	
28	1723 J Avenue	561 080 03 00	3243 Fairmount Ave San Diego CA 92105	Kajjy Family Trust	Kajjy Family Trust	
29	2565 J Avenue	563 021 07 00	2565 J Ave National City 91950	Aevermann Brian D	Aevermann Brian D	
30	2333 Prospect Avenue	561 420 29 00	2333 Prospect St National City CA 91950	Carter Linda L Trust / Cantu Katrina M	Carter Linda L Trust	Cantu Katrina M
31	1905-07 Wilson Avenue	559 105 01 00	39 E 5th St National City CA 91950	Torres Antonio & Genevieve	Torres Antonio & Genevieve	
32	1808 F Ave	560 232 06 00	1808 F Ave National City CA 91950	City of National City	City of National City	

Ray Pe

From: gmapam6262@gmail.com
Sent: Wednesday, August 21, 2019 2:26 PM
To: Ray Pe
Subject: Historic designation of my home @ 110 D Ave.

Categories: Historic Preservation

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

After careful consideration I am requesting that my home be removed from your list of homes being considered for historic designation.

Thank you, Pam Ledesma (owner).

Sent from my iPhone

Ray Pe

From: gmapam6262@gmail.com
Sent: Wednesday, August 21, 2019 2:35 PM
To: Ray Pe
Subject: Historic properties list

Categories: Historic Preservation

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

After careful consideration I am requesting that my home at, 110 D Avenue be removed from the historic properties list.
Thank you, Pam Ledesma (owner)

Sent from my iPhone

RESOLUTION NO. 2019-19

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY
RECOMMENDING TO THE CITY COUNCIL THE DESIGNATION OF HISTORIC
PROPERTIES AT VARIOUS LOCATIONS IN THE CITY OF NATIONAL CITY
CITY COUNCIL INITIATED
CASE FILE NO. 2019-20 HL

WHEREAS, National City Municipal Code Section 18.12.160 provides for the preservation of National City's historic resources by establishing a list of designated historic properties; and

WHEREAS, National City Municipal Code Section 18.12.160.B provides that the designation of a historic property may be initiated by resolution of the City Council or by application of the property owner; and

WHEREAS, on May 15, 2018, the City Council directed staff to update previous historic properties surveys in consultation with the National City Historical Society and to contact owners of properties that should be considered for designation; and

WHEREAS, the surveys were updated under consultation with the National City Historical Society, which conducted an extensive review of the surveyed properties; and

WHEREAS, 32 property owners were provided notice of the City Council's intent to initiate the historic designation and an informational meeting held on August 14, 2018; and

WHEREAS, on October 16, 2018, the City Council adopted Resolution 2018-187, which initiated the historic designation of 32 properties as recommended by the National City Historical Society; and

WHEREAS, two of the properties recommended for designation have since been demolished following City Council consideration and approval of building permits for demolition; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing held on September 9, 2019, at which time the oral and documentary evidence was presented; and

WHEREAS, at said public hearing the Planning Commission considered the staff report for Case File No. 2019-20 HL, which is maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS, the Planning Commission has made the finding that the properties recommended for designation meet at least one of the criteria set out by the California

Office of Historic Preservation, namely that each embodies the distinctive characteristics of a type, period, region, and/or method of construction; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that it hereby recommends that the City Council designate the following addresses as historic properties:

31 East 2nd Street	2323 East 18th Street	642 F Avenue
204 East 2nd Street	1320 East 24th Street	1808 F Avenue
1105 East 2nd Street	1333 East 24th Street	1240 Harding Avenue
1112 East 2nd Street	2715 A Avenue	1507 Harding Avenue
1116 East 2nd Street	602 B Avenue	913 Hoover
211 East 3rd Street	1206 Coolidge Avenue	1605 J Avenue
141 E 4th Street	110 D Avenue	1723 J Avenue
441 East 7th Street	520 F Avenue	2565 J Avenue
1041 East 17th Street	523 F Avenue	2333 Prospect Avenue
2221 East 18th Street	618 F Avenue	1905-1907 Wilson Ave

BE IT FURTHER RESOLVED that the Planning Commission of the City of National City, California, has made the finding that the properties recommended for designation meet at least one of the criteria set out by the California Office of Historic Preservation, namely that each embodies the distinctive characteristics of a type, period, region, and/or method of construction; and,

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

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of September 9, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

Ray Pe

From: Ezequiel Flores <eflores_639@hotmail.com>
Sent: Tuesday, October 1, 2019 10:17 AM
To: Ray Pe
Cc: flores.miguel.39@gmail.com
Subject: Historic Designation of Property on 2715 A Ave

Follow Up Flag: Follow up
Flag Status: Flagged

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

To whom it may concern,

On behalf of the homeowners (they are Cc in this email) of the property on 2715 A Avenue, National City, CA, 91950, we would like to decline the designation of historic property.

Thank you,

Ezequiel Flores Ortega

ATTACHMENT 4

From: Frank Parra

Sent: Wednesday, October 9, 2019 9:03 AM

To: Armando Vergara <AVergara@nationalcityca.gov>; Ray Pe <rpe@nationalcityca.gov>

Subject: 1320 East 24th street

I have been asked by my Father-in Law, Gustavo Ochoa to convey that he does not want his home located at:

1320 East 24th street
National City, CA 91950

to be designated a Historic property.

Thank you

Francisco "Frank" Parra
Chief of Emergency Services
National City Fire Department
619-336-4551 Office
619-726-6547 Cell

RESOLUTION NO. 2019 -

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
APPROVING THE DESIGNATION OF HISTORIC PROPERTIES
AS RECOMMENDED BY THE NATIONAL CITY HISTORICAL SOCIETY
AND BASED ON HISTORIC PROPERTIES SURVEYS
CASE FILE NO. 2019-20 HL**

WHEREAS, National City Municipal Code Section 18.12.160 provides for the preservation of National City's historic resources by establishing a list of designated historic properties; and

WHEREAS, National City Municipal Code Section 18.12.160.B provides that the designation of a historic property may be initiated by resolution of the City Council or by application of the property owner; and

WHEREAS, on May 15, 2018, the City Council directed staff to update previous historic properties surveys in consultation with the National City Historical Society and to contact owners of properties that should be considered for designation; and

WHEREAS, the surveys were updated under consultation with the National City Historical Society, which conducted an extensive review of the surveyed properties; and

WHEREAS, 32 property owners were provided notice of the City Council's intent to initiate the historic designation and an informational meeting held on August 14, 2018; and

WHEREAS, on October 16, 2018, the City Council adopted Resolution 2018-187, which initiated the historic designation of 32 properties as recommended by the National City Historical Society; and

WHEREAS, two of the properties recommended for designation have since been demolished following City Council consideration and approval of building permits for demolition; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing held on September 9, 2019, at which time the oral and documentary evidence was presented; and

WHEREAS, at said public hearing the Planning Commission considered the staff report for Case File No. 2019-20 HL, which is maintained by the City, as well as the evidence and testimony presented at said hearing; and

WHEREAS, at said public hearing the Planning Commission considered the written request of the property owner of 110 "D" Avenue to exclude the property and voted to exclude said property and recommend that the City Council designate the remaining 29 properties; and

WHEREAS, the Planning Commission has made the finding that the properties recommended for designation meet at least one of the criteria set out by the California Office of Historic Preservation, namely that each embodies the distinctive characteristics of a type, period, region, and/or method of construction; and

WHEREAS, the City Council conducted a duly noticed public hearing on October 15, 2019, at which time the oral and documentary evidence was presented; and

WHEREAS, at said public hearing the City Council considered the staff report for Case File No. 2019-20 HL, which is maintained by the City, as well as the evidence and testimony presented at said hearing; and

///
///
///

**Resolution No. 2019 –
Page Two**

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 Council of the City of National City, that it hereby designates the following addresses as historic properties:

31 East 2nd Street	2323 East 18th Street	1808 “F” Avenue
204 East 2nd Street	1320 East 24th Street	1240 Harding Avenue
1105 East 2nd Street	1333 East 24th Street	1507 Harding Avenue
1112 East 2nd Street	2715 “A” Avenue	913 Hoover
1116 East 2nd Street	602 “B” Avenue	1605 “J” Avenue
211 East 3rd Street	1206 Coolidge Avenue	1723 “J” Avenue
141 E 4th Street	520 “F” Avenue	2565 “J” Avenue
441 East 7th Street	523 “F” Avenue	2333 Prospect Avenue
1041 East 17th Street	618 “F” Avenue	1905-1907 Wilson Ave
2221 East 18th Street	642 “F” Avenue	

BE IT FURTHER RESOLVED that the City Council of the City of National City, has considered the request of the property owner of 110 “D” Avenue to not have their home designated a historical property and City Council **hereby** excludes such property as an historical designation.

BE IT FURTHER RESOLVED that the City Council of the City of National City, has made the finding that the properties to be designated meet at least one of the criteria set out by the California Office of Historic Preservation, namely that each embodies the distinctive characteristics of a type, period, region, and/or method of construction.

PASSED and ADOPTED this 15th day of October, 2019.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil Morris-Jones, City Attorney

The following page(s) contain the backup material for Agenda Item: [Temporary Use Permit - Request from the City of National City to conduct the National City Inaugural Dia de Los Muertos Event on "A" Avenue on November 1, 2019 from 12:00 p.m. to 8:00 p.m. with no waiver of fees. \(Neighborhood Services\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO. |

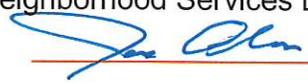
ITEM TITLE:

Temporary Use Permit — Request from the City of National City to conduct the National City Inaugural Dia de Los Muertos Event on “A” Avenue on November 1, 2019 from 12 p.m. to 8 p.m. with no waivers of fees.

PREPARED BY: Dionisia Trejo |

DEPARTMENT: Neighborhood Services Division

PHONE: (619) 336-4255 |

APPROVED BY: 

EXPLANATION:

This is a request from the City of National City to conduct the National City Inaugural Dia de Los Muertos Event on “A” Avenue on November 1, 2019 from 12 p.m. to 8 p.m. Since the 2018 cancellation of the “Tower of Terror” event, this new community venue is being created and considered to replace the “Tower of Terror” as a city-sponsored yearly event. This event will consist of family games, food trucks, live performances, an altar, and a Catrina costume competition. This event is open to the public and free of charge.

The applicant is requesting to close “A” Avenue on November 1, 2019 from 8 a.m. through 10 p.m.

Note: This city event is currently not on the city sponsored list, however a recommendation is being made to the 802 Council Policy Committee for consideration to replace the Tower of Terror event.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

City fee of \$272.00 for processing the Temporary Use Permit through various City departments plus \$2,178.42 for Public Works.
Total Fees are \$2,450.42

ENVIRONMENTAL REVIEW:

N/A |

ORDINANCE: INTRODUCTION: **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

BOARD / COMMISSION RECOMMENDATION:

N/A |

ATTACHMENTS:

Application for a Temporary Use Permit with recommended conditions of approval. |



City of National City ■ Neighborhood Services Department
1243 National City Boulevard ■ National City, CA 91950
(619) 336-4364 ■ fax (619) 336-4217
www.nationalcityca.gov

Special Event Application

Type of Event

- Fair/Festival
 Parade/March
 Walk or Run
 Concert/Performance
 TUP
 Sporting Event
 Other (specify) Celebration of Dia de los Muertos

Event Name & Location

Event Title NC Inaugural Dia de Los Muertos

Event Location (list all sites being requested) A Ave. (Between 12th St. & A Ave. Parking Lot)

Event Times

Set-Up Starts
Date 11/01/19 Time 8:00 am Day of Week Friday

Event Starts
Date 11/01/19 Time 12:00 pm Day of Week Friday

Event Ends
Date 11/01/19 Time 8:00 pm Day of Week Friday

Breakdown Ends
Date 11/01/19 Time 9:30 pm Day of Week Friday



Applicant Information

Applicant (Your name) Xiomara Dodson Sponsoring Organization _____

Event Coordinator (if different from applicant) _____

Mailing Address 1243 National City Blvd, National City, CA 91950

Day Phone 619-336-4284 After Hours Phone 619-495-6180 Cell ^x _____ Fax _____

Public Information Phone 619-336-4284 E-mail xdodson@nationalcityca.gov

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: [Signature] Date 10/2/19

Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes No

Are admission, entry, vendor or participant fees required? Yes No

If YES, please explain the purpose and provide amount (s):

\$ _____ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ _____ Estimated Expenses for this event.

\$ _____ What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

Description of Event

First time event Returning Event include site map with application

Note that this description may be published in our City Public Special Events Calendar:

Dia de los Muertos event with altars, crafts, food trucks, and performers. there will be an altar

competition and Catrina costume competition.

Estimated Attendance

Anticipated # of Participants: _____ Anticipated # of Spectators: 500

Traffic Control, Security, First Aid and Accessibility

Requesting to close street(s) to vehicular traffic? Yes No

List any streets requiring closure as a result of the event (provide map): A Ave.
(Between 12th St. & A Ave. Parking Lot)

Date and time of street closure: 11/1/19 8:00am Date and time of street reopening: 11/1/19 10:00pm

Other (explain) _____

Requesting to post "no parking" notices? Yes No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):
A Ave.

Other (explain) _____

Security and Crowd Control

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: Internal Security

Police will be present as participants

Have you hired Professional Security to handle security arrangements for this event?

Yes No If YES, name and address of Security Organization _____

Security Director (Name): _____ Phone: _____

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as an additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Is this a night event? Yes No If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: _____

First Aid

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes No First aid/CPR certified? Yes No

First aid station to be staffed by professional company. ▶ Company AMR

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Accessibility

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Elements of your Event

Setting up a stage? Yes No

Requesting City's PA system

Requesting City Stage; if yes, which size? Dimensions (13x28) Dimensions (20x28)

Applicant providing own stage ▶ _____(Dimensions)

Setting up canopies or tents?

_____ # of canopies size _____

_____ # of tents size _____

No canopies/tents being set up

*requesting
sound system &
lighting*

Setting up tables and chairs?

Furnished by Applicant or Contractor

_____ # of tables No tables being set up

_____ # of chairs No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

30 # of tables No tables being set up

100 # of chairs No chairs being set up

Contractor Name _____

Contractor Contact Information _____
Address City/State Phone Number

Setting up other equipment?

Sporting Equipment (explain) _____

Other (explain) _____

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes No

PA System for announcements CD player or DJ music

Live Music ▶ Small 4-5 piece live band ▶ Large 6+ piece live band

Other (explain) _____

If using live music or a DJ. ▶ Contractor Name _____

▶ _____
Address City/State Phone Number

Using lighting equipment at your event? Yes No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name _____

Address City/State Phone Number

Using electrical power? Yes No

Using Kimball Park Bowl Lighting (from _____ to _____)

Using on-site electricity For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s) For sound and/or lighting

For food and/or refrigeration

Requesting Lighting Tower from Public Works

Vendor Information

PLEASE NOTE: You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes No

Vendors preparing food on-site ▶ # _____ ▶ Business License # _____

If yes, please describe how food will be served and/or prepared: _____

If you intend to cook food in the event area please specify the method:

GAS ELECTRIC CHARCOAL OTHER (Specify): _____

Vendors bringing pre-packaged food ▶ # _____ ▶ Business License # _____

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # _____

Vendors selling food # 4 ▶ Business License #(s) _____

Food trucks

Vendors selling merchandise # _____ ▶ Business License #(s) _____

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # _____ ▶ Business License #(s) _____

▶ Explain services _____

Vendors passing out information only (no business license needed) # _____

▶ Explain type(s) of information _____

No selling or informational vendors at event

Having children activities? Yes No

PLEASE NOTE: In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # _____ Rock climbing wall Height _____

Inflatable bouncer slide # _____ Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides _____ Other Arts & Crafts

Having fireworks or aerial display? Yes No

Vendor name and license # _____

Dimensions _____ Duration _____

Number of shells _____ Max. size _____

PLEASE NOTE: In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545.00

Arranging for media coverage? Yes No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe _____

Event Signage

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes No

Yes, we will post signage # _____ Dimensions _____

Yes, having inflatable signage # _____ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # _____

What will signs/banners say? National City Inaugural Dia de los Muertos

How will signs/banners be anchored or mounted? _____

Location of banners/signage entrances

Waste Management

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes No

If yes, please identify the following:

▶ Total number of portable toilets: _____

▶ Total number of ADA accessible portable toilets: _____

Contracting with portable toilet vendor. ▶ _____
Company Phone

▶ Load-in Day & Time _____ ▶ Load-out Day & Time _____

Portable toilets to be serviced. ▶ Time _____

Set-up, Breakdown, Clean-up

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) _____

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

NPDES-Litter Fence

City to install litter fence

Applicant to install litter fence

N/A

Breaking down set-up the day after the event?

Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) _____

No, breakdown will occur on the event day.

How are you handling clean-up?

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

Miscellaneous

Please list anything important about your event not already asked on this application:

Requesting restrooms stay open during event

**Please make a copy of this application for your records.
We do not provide copies.**



Special Events

Pre-Event Storm Water Compliance Checklist

I. Special Event Information

Name of Special Event:	National City's Inaugural Dia de los Muertos		
Event Address:	A Ave	Expected # of Attendees:	500
Event Host/Coordinator:	Xiomara Dodso	Phone Number:	(619) 336-4284

II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: _____ Edco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City
Risk Management Department
1243 National City Boulevard
National City, CA 91950

Organization: _____

Person in Charge of Activity: _____

Address: _____

Telephone: _____ Date(s) of Use: _____

HOLD HARMLESS AGREEMENT

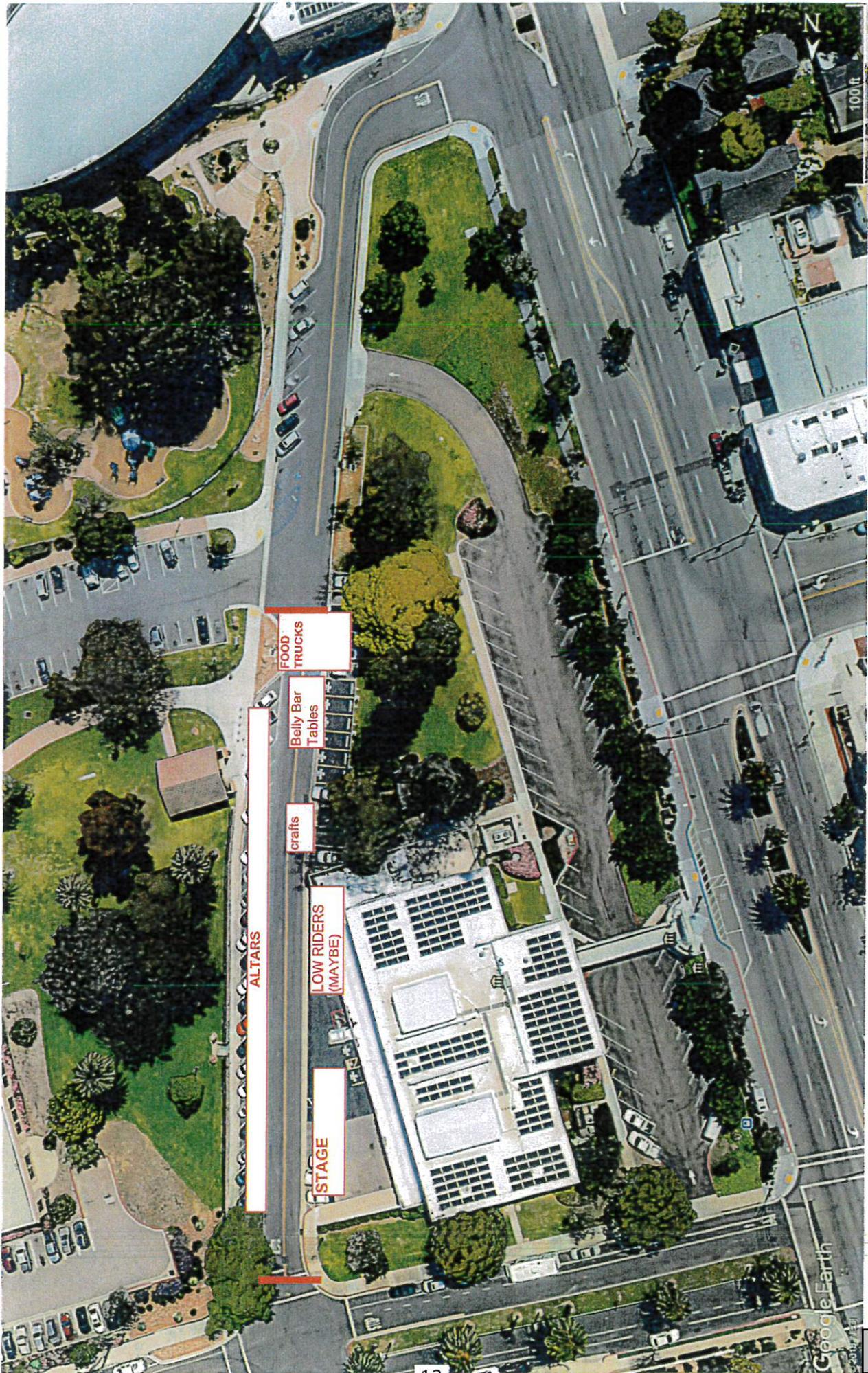
As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: _____

Official Title: _____ Date: _____

For Office Use Only

Certificate of Insurance Approved _____ Date _____



ALTARS

FOOD TRUCKS

Belly Bar Tables

crafts

LOW RIDERS (MAYBE)

STAGE

Google Earth

**CITY OF NATIONAL CITY
 NEIGHBORHOOD SERVICES DEPARTMENT
 APPLICATION FOR A TEMPORARY USE PERMIT
 CONDITIONS OF APPROVAL**

SPONSORING ORGANIZATION: City of National City
EVENT: National City Inaugural Día de Los Muertos
DATE OF EVENT: November 1, 2019

APPROVALS:

COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS [x]
FINANCE	YES [x]	NO []	SEE CONDITIONS [x]
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
CITY ATTORNEY	YES [x]	NO []	SEE CONDITIONS [x]
ENGINEERING	YES [x]	NO []	SEE CONDITIONS []
COMMUNITY DEVELOPMENT	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

ENGINEERING

No comments

CITY ATTORNEY

Approved on conditions that Risk Manager approves

COMMUNITY SERVICES

The Community Services Department will assist with set up from 12-5 pm, provide the step and repeat, and host an arts and crafts booth from 5-8 pm

FINANCE

All Vendors will need a Business License.

PUBLIC WORKS (619)366-4580

Streets Division

- 1 staff for 2hrs. of reg. hrs. @ \$75.47hr. = \$150.94
- 1 staff for 4hrs. of O.T. hrs. @ \$113.20hr. = \$452.80
- 1 Truck for 6hrs. @ \$22.76hr. = \$136.56
- 4 Traffic control signs @ \$3.12ea. = \$12.48
- 6 A-frame wood barricades @ \$1.04ea. = \$6.24

Total \$759.02

Parks Division

- Park Staff will set up **Standard stage and PA system** day of event and break down after event.
- Set up and break down cost during overtime \$ 745.28

Facilities

- (2 staff) 4 hrs. @ \$53.73= \$214.92
- 30 tables = \$30.00
- 60 chairs= \$45.00

Total \$289.92

Lighting Tower

- 4hrs. Light tower = \$115.60
- 4 staff hours = \$268.60

Total \$ 384.20

POLICE DEPARTMENT

A bulletin information Form (BIF) will be created for all patrol personnel working during the event times listed.

National City Police Officers will conduct extra patrol as possible, including foot patrol.

Extra patrol will take place during un-obligated time taking into account that priority calls for service take precedence.

RISK MANAGER (619) 336-4370

Risk Management has reviewed the application and determined that this is an event that is sponsored by the City of National City through the Mayor's Office. As such there would be no need for additional insurance for this event.

COMMUNITY DEVELOPMENT

Planning

1. All activities shall comply with the limitations contained in Table III of NCMC Title 12 (Noise).
2. All speakers shall face away from residential properties.

Building

No conditions for this event from building.

Neighborhood Services

Neighborhood Notifications – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, "No Parking" signs being posted, music at the event, etc.

Display of banners – Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

Fee: No Fee Required

Inspection: Inspection Required

Stipulations required by the Fire Department for this event are as follows:

- 1) Access to area to be maintained at all times, to both entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 2) Fire Hydrants shall not be blocked or obstructed.
- 3) Access to the street to be maintained at all times, to both entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 4) Fire Department access into and through the area are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 14 feet.
- 5) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 6) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 7) Extension cords shall be UL listed, in good condition, and appropriate for their use. Only UL-listed power strips with over-current protection shall be used when the number of outlets provided is adequate. Power strips shall be plugged directly into provided outlets and shall not be plugged into one another in series.
- 8) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only.
- 9) Provide a 2A:10BC fire extinguisher at stage if stage is being used. Extinguisher to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. Maximum travel distance from an extinguisher shall not be more than 75 feet travel distance.
- 10) Internal combustion power sources that may be used for emergency power/generators/light towers etc. shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted prior to start of the event.

- 11) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least **20** feet away from the tents/canopies.
- 12) First Aid is being provided by the organization.
- 13) Request meeting with organizer for this first time event.

The following page(s) contain the backup material for Agenda Item: [Report on the process for the Ballot Measure to have the Elected Offices of City Clerk and City Treasurer to become Appointed Officers and direct the City Attorney as the Council deems appropriate. \(City Attorney\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO. |

ITEM TITLE: Report on the Process for the Ballot Measure to have the Elected Offices of the City Clerk and City Treasurer to become Appointed Officers and direct the City Attorney as the Council Deems Appropriate.

PREPARED BY: Angil P. Morris-Jones

DEPARTMENT: City Attorney

PHONE: (619) 336-4220

APPROVED BY: 

EXPLANATION:

Attached is a Staff Report Memorandum that will explain the process and list options for the City Council to change the elective offices of City Clerk and City Treasurer to an appointed office.

Additionally, the 3 options are:

- Option 1)** The Measure would be one ballot question that covers both offices.
- Option 2)** The Measure would be two separate ballot questions.
- Option 3)** Direct the City Attorney to not draft a resolution (take no action).

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Direct City Attorney to draft the Resolutions to place one Measure or two separate Measures on the March 2020 Primary Ballot wherein the voters shall decide whether or not to make the Clerk and Treasurer Appointed Offices.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

- 1) Staff Report Memorandum

Mayor
Alejandra Sotelo-Solis
Council Members
Ron Morrison
Mona Rios
Jerry Cano
Gonzalo Quintero



City Attorney
Angil P. Morris-Jones
Senior Assistant City Attorney
Nicole Pedone
Deputy City Attorney
Roberto M. Contreras

STAFF REPORT MEMORANDUM

DATE: October 15, 2019

TO: Mayor Sotelo-Solis
Vice Mayor Morrison
Councilmember Rios
Councilmember Cano
Councilmember Quintero

CC Brad Raulston, City Manager

FROM: Angil P. Morris-Jones, City Attorney

SUBJECT: Ballot Measure for the City Clerk & Treasurer to Become Appointed Officers

This memorandum is in response to Council direction to the City Attorney to present a Staff Report on the process for the City Council to change the elective offices of City Clerk and City Treasurer to an appointed office.

The process for the Council to change the elective offices of City Clerk and City Treasurer to an appointed office is reflected in **California Government Code §36508 – §36510**. Simply put, the City Council pursuant to **§36508** would adopt a resolution to put the Measure on the ballot for any municipal election or special election as a question to the National City voters as to whether the elective office of City Clerk and City Treasurer shall be changed to an appointment of the City Council. The ballot proposition may be presented as one question on one ballot covering **two** elective offices or as two separate ballot questions with each question covering **one** elective office. The City Council may also direct the City Attorney to not draft a resolution. In other words, the Council has three options as follows:

Option One: The Measure would be **one ballot question** that cover **both** offices as subscribed by **§36509** to state:

“Shall the offices of City Clerk and City Treasurer be appointive?”

Option Two: The Measure would be **two separate ballot questions** as subscribed by **§36509** to state:

“Shall the Office of City Clerk be appointive?”

“Shall the Office of City Treasurer be appointive?”

Option Three: Direct the City Attorney to **not** draft a resolution (take no action).

Additionally, as provided by **§36509**, the words “Yes” and “No” would also be printed on each Proposition respectively for City Clerk and City Treasurer so that the National City voters may express their choice.

Please note, that the City Clerk has received an estimate from the Registrar of Voters for the cost of option one and two. The cost for both City offices as one ballot question under option one is between \$15,000 to \$30,000 for the March 2020 Primary Election. The cost for two separate ballot questions as provided under option two is between, \$30,000 to \$60,000.

Michael Dalla and Mitch Beauchamp are respectively, the duly elected City Clerk and City Treasurer for the City of National City with the expiration of term of November 2020. Pursuant to **Government Code §36510**, if a majority of the votes cast on the Proposition are in favor of it, the City Council would appoint such officers at the expiration of the terms of the Officers then in office. Therefore, the Measure would need to be placed on the ballot for March 3, 2020, in order for the elective offices to become an appointed one at expiration of the terms of the Officers currently in office.

I have discussed with the City Clerk and the City Treasurer their view on such elective offices becoming appointed. They have each decided to take **no** position on whether their elective office should be made an appointed office. However, they are both recommending that should the majority of the voters of National City vote in favor of the Measure that the City Council vest their appointing power in the City Manager. As reflected hereinabove from **§36510** if the elective offices become appointed, the law vest the appointment authority to the City Council. However, pursuant to **Government Code §34856**, the City Council is empowered to adopt an ordinance vesting the City Manager with their appointment authority.

In short, the City Clerk and City Treasurer are recommending that if the Council directs the City Attorney to draft the necessary resolutions to place the proposition on the ballot, that the resolution include their intent to vest the appointment authority in the City Manager. Therefore, you are advised that should you decide to direct the City Attorney to draft the necessary resolutions for placing the two Measures before the voters, that you include direction for City Attorney that if one or both of the Measures pass, to draft a proposed ordinance amending Title 2 Chapter 2.01 §2.01.020 (B) of the Municipal Code to enlarge the City Manager appointment authority to include the appointment of the City Clerk and City Treasurer.

In conclusion, the process for making the Electives Officers appointed is to direct the City Attorney to draft the necessary resolutions for the City Council to place one Measure as provided as one, or the two separate Measures on the ballot which would be option two before the National City voters. As stated hereinabove, the two Propositions would need to be placed on the March 3, 2020 ballot for them to be effective before the next Municipal Election of November 3, 2020, of such Elective Officers.

Additionally, in accordance with the City Clerk and City Treasurer’s recommendation, and to provide notice to the electors, the resolutions should include direction to the City Attorney to draft an ordinance amendment which would enlarge the City Manager appointment authority to encompass the appointment of the City Clerk and City Treasurer. The direction to draft an ordinance amendment which vests the City Manager with the appointment authority of the City Clerk and/or City Treasurer would be based upon the majority of the voters casting in favor of one or both Propositions.

The following page(s) contain the backup material for Agenda Item: [Reconsideration of the City Council's decision to "Opt Out" of Microenterprise Home Kitchen Operations \(MEHKO\) Program Participation, which allows individuals to operate a food facility out of a private home. \(City Attorney\).](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: October 15, 2019

AGENDA ITEM NO. |

ITEM TITLE:

Reconsideration of the City Council's decision to "Opt Out" of Microenterprise Home Kitchen Operations (MEHKO) Program Participation, which allows individuals to operate a food facility out of a private home.

PREPARED BY: Roberto M. Contreras *RMC*

DEPARTMENT: City Attorney

PHONE: Ext. 4412

APPROVED BY: 

EXPLANATION:

See attached Staff Report

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

N/A

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. Staff Report

Mayor
Alejandra Sotelo-Solis
Council Members
Ron Morrison
Mona Rios
Jerry Cano
Gonzalo Quintero



Office of the City Attorney
STAFF REPORT MEMORANDUM

City Attorney
Angil P. Morris-Jones
Senior Assistant City Attorney
Nicole Pedone
Deputy City Attorney
Roberto M. Contreras

DATE: October 15, 2019

TO: Mayor Sotelo-Solis
Vice Mayor Morrison
Councilmember Rios
Councilmember Cano
Councilmember Quintero

CC Brad Raulston, City Manager

FROM: Roberto Contreras, Deputy City Attorney

SUBJECT: Reconsideration of the City Councils decision to “Opt Out” of Microenterprise Home Kitchen Operations (MEHKO) Program Participation, which allows individuals to operate a food facility out of a private home.

Explanation

A. **Procedural History.**

At the June 18, 2019 City Council Meeting, the City Council voted to “opt out” of the Microenterprise Home Kitchen Operations (“MEHKO”) program pursuant to then-existing Health & Safety Code section 114367¹. The City Council also unanimously authorized the Mayor to sign a letter that opposed legislation pending at that time – Assembly Bill No. 377. Of interest to the City, Assembly Bill No. 377 eliminated the City’s authority to opt out of MEHKO Program Participation.

After its legislative recess in August, the City Council directed staff to return with a presentation on the final outcome of the changes Assembly Bill No. 377 made to the underlying MEHKO program. Governor Newsom signed Assembly Bill No. 377 into law on Monday, October 7, 2019.

¹ All undesignated statutory references to the “Health & Safety Code” in this Staff Report will be to Health & Safety Code section 114367

B. Assembly Bill No. 377's Changes to the MEHKO Law.

By way of review, Assembly Bill No. 626 (Garcia) established MEHKOs as a permitted residential use where individuals can sell meals prepared in their home to consumers for pick-up, delivery, or onsite consumption. Assembly Bill No. 626 became effective on Tuesday, January 1, 2019.

All changes that Assembly Bill No. 377 made to the underlying MEHKO law (Assembly Bill No. 626) are available at:

http://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB377.

The majority of these changes related to third-party delivery services and county inspections. Most importantly, the version of Assembly Bill No. 377 that was signed into law eliminated a City's ability to either opt in or out of the MEHKO program.

C. Effect of City's June 18th "Opt Out"

As discussed at the June 18th meeting, the City Council's decision to "opt out" sent a message to the county and the Legislature that the City was concerned with various aspects of MEHKOs such as: (1) ABC License Requirements; (2) zoning issues; (3) business license issues; (4) fats, oils, and grease ("FOG"); (5) parking issues; and (6) noise issues. Since the Health & Safety Code no longer allows cities the option of opting in or out the MEHKO program, the effect of the City's "opt out" is now largely historical or symbolic in nature. Put differently, if the County of San Diego later authorizes MEHKO activity within the county, the City's "opt out" action would conflict with the Health & Safety Code. In such instance, the City's "opt out" would be preempted by the county's decision to authorize MEHKO activity.

D. Changes to MEHKO Law that Staff Would Support

The following are examples of amendments to existing MEHKO law that staff in the City Attorney's Office would support: (1) allow the City to require CUPs and hearings before ABC licenses are issued to MEHKO operators; (2) allow the City to regulate the number and location of MEHKO kitchens operating within the city; (3) address FOG concerns; (4) address parking issues; and (5) address business license issues.

E. Options Before the Council

1. Do nothing, which would leave Resolution # 2019 – 106 in place.
2. Rescind Resolution # 2019 – 106 and take no further action.
3. Rescind Resolution # 2019 – 106 and enact a resolution in support of MEHKOs.

The following page(s) contain the backup material for Agenda Item: [Community Development Department Rollout/Kickoff. \(Community Development\)](#)
Please scroll down to view the backup material.

Item # ____
10/15/19

COMMUNITY DEVELOPMENT DEPARTMENT ROLLOUT/KICKOFF

(Community Development)