

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ACCEPTING THE FINDINGS OF THE BALANCED PLAN ENVIRONMENTAL IMPACT REPORT AND ADOPTING BY REFERENCE THE MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the City of National City (City) and the San Diego Unified Port District (District) worked cooperatively to prepare the National City Balanced Plan (Project), a multi-jurisdictional plan for various public infrastructure improvements and increased access and visitor serving uses along the City's and District's waterfront; and,

WHEREAS, for purposes of the California Environmental Quality Act (CEQA), the District was designated as the Lead Agency and the City the Responsible Agency for preparation of the National City Balanced Plan Environmental Impact Report (EIR); and

WHEREAS, the District certified the EIR, adopted findings and approved a Mitigation Monitoring and Reporting Program (MMRP) at a duly noticed public hearing held on November 16, 2022; and

WHEREAS, as the Responsible Agency, the City must consider all significant environmental impacts analyzed in the EIR, adopt CEQA findings based substantial evidence, and approve a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, the Planning Commission of the City of National City, fully considered the environmental impacts, adopted Statements of Overriding Considerations, and appropriate mitigation measures found in the certified EIR; and

WHEREAS, at a duly advertised public hearing held on March 6, 2023, the Planning Commission recommended that the City Council of the City of National City make findings and accept the EIR and adopt the MMRP; and

WHEREAS, the City Council of the City of National City, California, considered said acceptance and adoption at a duly advertised public hearing held on March 21, 2023, at which time the City Council considered evidence; and

WHEREAS, at said public hearing the City Council considered the staff report provided for Case File No. 2022-26 LCPA, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and

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

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

NOW, THEREFORE, THE CITY COUNCIL OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the evidence presented to the City Council at the public hearing held on March 21, 2023, support the following findings:

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is a “Responsible Agency” for the project.
2. The Final EIR was prepared in compliance with CEQA statute and Guidelines.
3. The City has independently reviewed and analyzed the Final EIR, considered all substantial evidence, public comments, public testimony, and the District’s responses to public comments, and the City’s analysis of the EIR, MMRP, and related documents reflect the independent judgment of the City.
4. The District found and determined that the proposed Balanced Plan project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091. The City Council makes and accepts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A", which are hereby incorporated herein fully by this reference and made a part of the City’s administrative record herein and declares that it considered all relevant and substantial evidence described in connection with each such findings.
5. An MMRP has been prepared by skilled and independent professionals for the project and approved by the District. The City Council adopts the mitigation measures applicable to the City’s portions of the Project or made a condition of approval of the Project. The MMRP is incorporated by reference herein as Exhibit “B” and is considered part of the Record of Proceedings for the Project.
6. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator for those mitigation measures applicable to the City’s jurisdiction.
7. In determining whether the Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b) and all other relevant provisions of CEQA.
8. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR.

9. The City has made no decisions that constitute an irretrievable commitment of resources toward the Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the Project.
10. The City Council finds that pursuant to CEQA Section 21081(a), that the adverse changes to the environment have been fully mitigated or have been determined to have overriding benefits to the City that outweigh those impacts.
11. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times to any member of the public at the offices of the City, custodian of record for such documents or other materials.
12. Having received, reviewed, and considered all information and documents in the administrative record, the City Council conditions the Project and approves the Project consistent with the Findings herein.

Section 2: The City Council has considered the EIR and finds on the basis of the whole of the administrative record that the Final EIR reflects the City's independent judgment and analysis.

Section 3: Based on the Findings of Fact set forth above, the City Council accepts the Findings of Fact and the Statement of Overriding Consideration contained in the Final EIR and adopts the MMRP for the mitigation measures applicable to the City's portions of the Project.

Section 4: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of March, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, Interim City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney