

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, CERTIFYING THE FINAL SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SPEIR) WITH THE SELECTION OF THE ALTERNATE PROJECT LOCATION ALTERNATIVE, AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITY OF NATIONAL CITY FOCUSED GENERAL PLAN UPDATE

WHEREAS, the City of National City (City) has prepared the Focused General Plan Update (FGPU, Project), which includes updates to General Plan policies and supporting updates to the Municipal Code (Title 18), Zoning Map, Downtown Specific Plan, and Westside Specific Plans. Policy updates will be reflected in the Land Use Element, Transportation Element, and Safety Element. The FGPU is inclusive of the Climate Action Plan update, Housing Strategic Plan, House National City Program and Bicycle Master Plan update; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 California Code of Regulations Section 15000 et. seq., the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, in accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation (“NOP”) of the Draft SPEIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on March 19, 2022, for a 30-day public comment period. Various agencies and other interested parties responded to the NOP. In addition, a public scoping meeting was held on April 6, 2022; and

WHEREAS, the Draft SPEIR for the proposed project was then prepared and after completing the Draft SPEIR (SCH No. 2010051009), the City released the document for public review for a 45-day public comment period, beginning February 17, 2023, and ending on April 3, 2023, by filing a Notice of Availability in the Star News on February 17, 2023; and

WHEREAS, the City received comments concerning the Draft SPEIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft SPEIR, which raised environmental issues; and

WHEREAS, the City has determined that the comments received on the Draft SPEIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft SPEIR is not required; and

WHEREAS, the City prepared a Final SPEIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft SPEIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft SPEIR and the City's responses to comments, which was sent out for a 10-day public notice period on May 17, 2023, pursuant to Public Resources Code Section 21092.5; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 21, 2023, and considered the staff report, written public comments, and oral public testimony regarding a the Final SPEIR, Findings of Fact Statements of Overriding Consideration, and MMRP; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2023-15 recommending that City Council certify the Final SPEIR with the Alternate Project Location Alternative, adopt the Findings of Fact Statements of Overriding Consideration, and approve the MMRP; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on August 25, 2023, in the Star News; and

WHEREAS, the City Council of the City of National City, fully considered the environmental impacts, Statement of Overriding Considerations, appropriate mitigation measures found in the SPEIR, and hereby makes findings, certifies the SPEIR and adopts the MMRP at a duly advertised public hearing held on September 5, 2023, at which time the City Council has considered substantial evidence to support the certification of the SPEIR and adoption of the MMRP; and

WHEREAS, at said public hearing, the City Council considered all significant impacts, mitigation measures, and Project alternatives identified in the Final SPEIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible; and

WHEREAS, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an SPEIR has been completed that identifies one or more

significant effects of the project unless the public agency makes certain written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, CEQA and the CEQA Guidelines require that where an agency approves a project that would allow the occurrence of significant environmental effects, which are identified in an SPEIR, but are not mitigated to a level of insignificance, the agency state in writing the specific reasons supporting its action based on the Final SPEIR and/or other information in the record; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, 15093, and 15097, the City has prepared Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, which have been filed with the City of National City (**Exhibits B and C of the staff report**); and

WHEREAS, the City Council has balanced the benefits of the Project against its unavoidable environmental risks in making its recommendation on this Project as necessary to serve the existing and future needs of the City, has analyzed the information submitted by staff and considered any written and oral comments received at the public hearing, including all factors relating to the Project (Case File No. 2021-14 GP, A, IS), and has determined that any remaining unavoidable significant impacts are outweighed by specific economic, legal, social, or other benefits of the Project; and

WHEREAS, at said public hearing before the City Council considered the staff report provided for Case File No. 2021-14 GP, A, IS, which is maintained by the City and incorporated herein by reference, along with any other evidence presented at said hearing; and

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

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

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

Section 1: Findings.

Pursuant to CEQA Guidelines Sections, the City is the “Lead Agency” for the project.

- 1) The Final SPEIR was prepared in compliance with CEQA statute and Guidelines.
- 2) The City has independently reviewed and analyzed the Final SPEIR, considered all substantial evidence, public comments, public testimony, responses to public comments, and

the City's analysis of the SPEIR, MMRP, and related documents reflect the independent judgment of the City.

3) The City has determined that the proposed FGPU project is approved despite the existence of certain significant environmental effects identified in the Final SPEIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091. The City Council makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended to the staff report as Exhibit B, 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.

4) An MMRP has been prepared by skilled and independent professionals for the project. The City Council adopts the mitigation measures. The MMRP is incorporated by reference attached as Exhibit C of the staff report and is considered part of the Record of Proceedings for the Project.

5) 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.

6) 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.

7) The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final SPEIR.

8) The City has made no decisions that constitute an irretrievable commitment of resources toward the Project prior to certification of the Final SPEIR, nor has the City previously committed to a definite course of action with respect to the Project.

9) The City Council finds that pursuant to CEQA Section 21081(a) that adverse changes to the environment have been fully mitigated or have been determined to have overriding benefits to the City that outweigh those impacts.

10) Copies of all the documents incorporated by reference in the Draft SPEIR and/or Final SPEIR are and have been available upon request at all times to any member of the public at the offices of the City, custodian of record for such documents or other materials.

11) 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: That the City Council hereby certifies the Final SPEIR with the selection of the Alternate Project Location Alternative and adopts the Findings of Fact, Statements of Overriding Consideration, and approves the MMRP for mitigation measures applicable to the City's portions of the Project.

Section 3: The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolution.

PASSED and ADOPTED this 5th day of September 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Shultz, City Attorney