

RESOLUTION NO. 2025-

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

WHEREAS, the Planning Commission of the City of National City considered the Final Environmental Impact Report for an application for a proposed fuel transfer facility within BNSF railroad right-of-way and BNSF-owned property, located west of the 1800 block of Cleveland Avenue and north of West 19th Street, north to Civic Center Drive at a duly advertised public hearing held on September 15, 2025, at which time the Planning Commission considered evidence; and

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2023-03 IS, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing and voted to adopt Resolution No. 2025-13 by a unanimous vote of those present; and

WHEREAS, the City Council of the City of National City considered the appeal of the Planning Commission's denial of the Conditional Use Permit and Coastal Development Permit for the aforementioned project for a proposed fuel transfer facility at a duly advertised public hearing held on October 7, 2025, at which time oral and documentary evidence was presented; and

WHEREAS, at said public hearing the City Council considered the staff report provided for Case File No. 2023-03 IS maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

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

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

Section 1: That the City Council hereby certifies the Final Environmental Impact Report for a proposed fuel transfer facility within BNSF railroad right-of-way and BNSF-owned property, located west of the 1800 block of Cleveland Avenue and north of West 19th Street, north to Civic Center Drive, based on the following findings:

1. Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “lead agency” for the project.
2. The Draft EIR and Final EIR were prepared in compliance with CEQA, CEQA Guidelines, and any City Significance Determination Thresholds.
3. The Final EIR for the San Diego Clean Fuels Facility LLC Project reflects the City’s independent judgment and analysis in accordance with PRC Section 20182.1 (c) (3) and CEQA Guidelines section 15090(a) in reviewing, commenting on, and revising material prepared by the consultant.
4. An MMRP has been prepared for the project, which the City has adopted and has made a condition of approval of the project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the project.
5. With the certification of the EIR, the City Council adopts all mitigation measures recommended by the EIR as listed in the Mitigation Monitoring and Reporting Program
6. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
7. In determining whether the project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence in the record and has complied with CEQA Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b).
8. The impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
9. The City Council finds that the Proposed Project would not conflict with air quality plans or expose sensitive receptors to harmful pollutant levels, and impacts would be less than significant. Therefore, no mitigation is required.
10. The City Council finds that the Proposed Project would have less than significant effects related to wasteful, inefficient, or unnecessary energy consumption during construction and is consistent with applicable state and locals plans for renewable energy and energy efficiency.
11. The City Council finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects identified in the EIR.
12. The City Council finds that Project implementation would not conflict with applicable environmental policies of the City’s General Plan and/or State and federal laws, regulations and orders, and that impacts would be less than significant, and no mitigation is required.
13. The City Council finds that the Proposed Project would not physically divide an established community and would not conflict with applicable environmental policies of

the City's General Plan, and/or local plans, and/or State and federal laws, regulations and orders. Impacts would be less than significant, and no mitigation is required.

14. The City Council finds that the Proposed Project would not conflict with any of the applicable plans, programs, or ordinances, or policies addressing the circulation system. The Project is consistent with the City's General Plan and does not exceed the average daily trip (ADT) threshold and would not have a significant vehicle miles traveled (VMT) impact. Impacts would be less than significant.
15. The City Council finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects to Special Status Plant and Wildlife Species identified in the EIR.
16. The City Council finds that changes or alterations have been required in, or incorporated into, the Proposed Project which would mitigate or avoid the significant environmental effects to Tribal Cultural Resources identified in the EIR.
17. The City reviewed the comments received on the Draft EIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts associated with the project. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR.
 - a. The responses to comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR.
18. The City has made no decisions that constitute an irretrievable commitment of resources toward the project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the project.
19. Copies of all the documents incorporated by reference in the Draft EIR and/or Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.
20. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the project and finds as stated in these Findings.

Section 2: That the City Council has considered the proposed Environmental Impact Report No. 2023-03 IS, together with any comments received during the public review process, and finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment after incorporation of fully enforceable mitigation measures and that the Environmental Impact Report reflects the City's independent judgment and analysis, and hereby certifies the Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, and authorizes the filing of a Notice of Determination:

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

Section 3: 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 7th day of October, 2025.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney