

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT 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 a Conditional Use Permit and Coastal Development Permit for a proposed fuel transfer facility within BNSF railroad right-of-way and BNSF-owned property, located west of the 1800 block of Cleveland Avenue and north of West 19th Street, north to Civic Center Drive at a duly advertised public hearing held on September 15, 2025, at which time the Commission denied the Conditional Use Permit and Coastal Development Permit; and

WHEREAS, subsequent to the Planning Commission denial of the Conditional Use Permit and Coastal Development Permit, the applicant (“APPELLANT”) appealed the decision of the Planning to the City Council; 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 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 contained in Case File No. 2023-03 CUP, CDP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

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

WHEREAS, the action 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 denies the appellants’ appeal of and upholds the Planning Commission’s decision to deny Conditional Use Permit and Coastal Development Permit No. 2023-03 CUP, CDP 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, and is supported by the following findings:

FINDINGS FOR DENIAL
OF THE CONDITIONAL USE PERMIT

1. The proposed fuel transfer facility is not deemed essential and desirable to the public convenience and welfare, because the delivery of biofuels can be accomplished through other means of delivery with fewer air quality impacts to residents, workers, and visitors to the City of National City.
2. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because it would increase the use of diesel-powered trucks in a community already overburdened by emissions and further exacerbate air quality issues, and the potential benefits of the Project do not outweigh these problems.
3. In accordance with Policy HEJ-1.5 of the Health and Environmental Justice Element of the National City General Plan, the National City Planning Commission heard public comment from residents that would be potentially affected by the proposed project with concerns about impacts to health and the environment in their community and took into consideration these comments in the decision to deny the project.

FINDINGS FOR DENIAL
OF THE COASTAL DEVELOPMENT PERMIT

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

Section 2: 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, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney