

RESOLUTION NO. 2012 – 25

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING A GENERAL PLAN UPDATE, INCLUDING A GENERAL PLAN LAND USE MAP AMENDMENT; ADOPTING A DOWNTOWN SPECIFIC PLAN AMENDMENT, AND SPECIFIC PLAN MAP AMENDMENT; ADOPTING A CLIMATE ACTION PLAN; APPROVING, IN CONCEPT ONLY, FIVE DEVELOPMENT PROPOSALS, INCLUDING STREET CONVERSIONS/COMMUNITY CORRIDORS, SENIOR VILLAGE EXPANSION, LAS PALMAS PARK AND FACILITIES VISION CONCEPT PLAN, KIMBALL PARK MASTER PLAN, AND EL TOYON PARK MASTER PLAN; APPROVING THE WATER SUPPLY ASSESSMENT, AND RESCINDING RESOLUTION NO. 2011-119 CASE FILE NO. 2011-17 GPA, ZC, SPA, IS

WHEREAS, the City has held a total of 23 community workshops/meeting regarding the Comprehensive Land Use Update (“CLUU”); and

WHEREAS, on May 16, 2011, the Planning Commission adopted Resolution No. 14-2011, recommending that the City Council approve the Comprehensive Land Use Update; and

WHEREAS, litigation has been filed challenging the validity of the Planning Commission’s recommendations in Resolution 14-2011, and any actions “based on” that resolution, which Plaintiffs contended at oral argument included the amendments to the General Plan, the Land Use Code, and the Downtown Specific Plan; and

WHEREAS, the City now desires to take further action to eliminate any uncertainty over the validity of the Planning Commission’s Resolution and the City Council’s subsequent approvals concerning the Comprehensive Land Use Update, to avoid costs and further litigation, and to further provide maximum opportunities for public review and public participation in City actions concerning the Comprehensive Land Use Update; and

WHEREAS, the Planning Commission of the City of National City again reviewed and considered a Final Environmental Impact Report, Findings, Mitigation Monitoring and Reporting Program (“MMRP”), and Statement of Overriding Considerations prepared to assess and mitigate the project impacts from the proposed adoption of components of the Comprehensive Land Use Update, at a duly advertised public hearing held on January 9, 2012, at which time, oral and documentary evidence was presented on the Comprehensive Land Use Update (“CLUU”); and

WHEREAS, the Comprehensive Land Use Update includes a General Plan Update, a Land Use Code Amendment, a Downtown Specific Plan Amendment, a Climate Action Plan, and five conceptual development proposals, namely, Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan; and

WHEREAS, the General Plan is the City’s principal policy document to guide growth, development, and conservation, and is the foundation for all planning decisions; and

WHEREAS, the Downtown Specific Plan regulates the use and development of land within the downtown area of National City; and

WHEREAS, the Climate Action Plan establishes a strategy to reduce greenhouse gas emissions that contribute to climate change; and

WHEREAS, at the January 9, 2012 public hearing the Planning Commission considered the staff report contained in Case File No. 2011-17 GPA, ZC, SPA, IS, which is maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS at said hearing, the Planning Commission reviewed and considered components of the proposed Comprehensive Land Use Update, along with all evidence and testimony presented at said hearing, and along with the Environmental Impact Report to assess project impacts of approving the Comprehensive Land Use Update, together with any comments received; and

WHEREAS, at said hearing the Planning Commission voted to adopt Resolution 2-2012, which rescinded their prior recommendations on the CLUU contained in Resolution 14-2011, and further recommended that the City Council certify the Final Environmental Impact Report; adopt a Mitigation Monitoring and Reporting Program; adopt Findings of Fact and a Statement of Overriding Considerations; adopt the General Plan Update, including a General Plan and Land Use Map amendment, adopt a Land Use Code (Zoning) amendment and Official Zoning Map amendment; adopt a Downtown Specific Plan amendment and Specific Plan Map amendment; adopt a Climate Action Plan; and approve, in concept only, five development proposals, including Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan (identified as the "proposed project" in the EIR); and

WHEREAS, prior to said hearing, the City sought out and incorporated public input throughout the preparation of the Comprehensive Land Use Update. As part of the public outreach and participation efforts, the City held a total of 23 public workshops, community meetings, and other public engagement events at different locations throughout the City in addition to public hearings before the Planning Commission and City Council; and

WHEREAS, the City Council recognizes the need and desirability to conduct reviews of, and consider amendments to, the General Plan to accommodate the changing needs of the community; and

WHEREAS, the City Council recognizes the need and desirability to consider amendments to the Downtown Specific Plan to be consistent with and implement the General Plan Update; and

WHEREAS, the City Council recognizes the need and desirability to consider the policies and programs of the Climate Action Plan to be consistent with and implement the General Plan Update and to comply with State law; and

WHEREAS, the City Council recognizes the need and desirability to consider the five development proposals that are a part of the Comprehensive Land Use Update to be consistent with and implement the General Plan Update; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City that the above recitals are true and correct and are incorporated herein by reference as if set forth in full.

BE IT FURTHER RESOLVED that the City Council has reviewed and considered the Planning Commission's recommendations contained in Planning Commission Resolution 2-2012.

BE IT FURTHER RESOLVED that the City Council has reviewed and considered the information contained in the Final Environmental Impact Report, which addressed the environmental impacts of the Comprehensive Land Use Update (SCH No. 2010051009) (Exhibits "E-2", "E-3", and "E-4").

BE IT FURTHER RESOLVED that the testimony and evidence presented to the City Council at the public hearing held on January 24, 2012, support the Findings of Fact, the Statement of Overriding Considerations, and the MMRP attached hereto as Exhibit "E-1" and Exhibit "G" and incorporated herein as though fully set forth. The City further finds and certifies that there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent or supplemental environmental analysis in accordance with CEQA, including Public Resources Code section 21166 and CEQA Guideline sections 15162 and 15163.

BE IT FURTHER RESOLVED that the City Council hereby rescinds City Council Resolution No. 2011-119, which adopted components of the National City Comprehensive Land Use Update, which included (1) an Update of the General Plan and Land Use Map; (2) an amendment of the Downtown Specific Plan and Specific Plan Map; (3) a Climate Action Plan; (4) five development proposals in concept only (Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan); and (5) Water Supply Assessment.

BE IT FURTHER RESOLVED that the City Council has reviewed and considered the Water Supply Assessment ("WSA") contained in Exhibit "I" and approves the WSA.

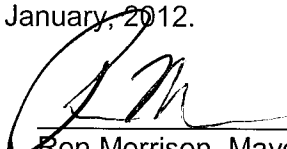
BE IT FURTHER RESOLVED that the City Council has reviewed and considered the information in the agenda packet (including, but not limited to the Final EIR, the "proposed project" and the alternatives in the Final EIR, the proposed General Plan, the proposed Land Use Code, the proposed Downtown Specific Plan, the proposed Climate Action Plan), and hereby approves and adopts the General Plan Update (Exhibit A), adopts the proposed Downtown Specific Plan Amendment (Exhibit C-1) and Map (Exhibit C-4), adopts the Climate Action Plan (Exhibit D), adopts, in concept only, the five development proposals described in the EIR (SCH No. 2010051009), including Street Conversions/Community Corridors, Senior Village Expansion, Las Palmas Park and Facilities Vision Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan (collectively titled "Development Proposals"). These exhibits are consistent with the "proposed project" described in the Final EIR, as modified by the MMRP and

the minor revisions recommended by Staff and the Planning Commission (as described in the Planning Commission's Staff Report for January 9, 2012). These approvals are based upon the following findings:

1. The amended General Plan, Land Use Code, Downtown Specific Plan, Climate Action Plan, and the Development Proposals reflect the desired future vision of the City that was expressed by the community through the public participation process over the course of more than two years of development of the Update.
2. The amended General Plan, Land Use Code, Downtown Specific Plan, Climate Action Plan, and the Development Proposals are in the public interest, and the Update would meet the current needs of the community by providing for the types of land uses that are necessary and desirable to the community.
3. The amended General Plan, Land Use Code, Downtown Specific Plan, Climate Action Plan, and the Development Proposals would ensure consistency between the General Plan, the Land Use Code, the Climate Action Plan, the Downtown Specific Plan Amendment, and the five development projects that would implement the Comprehensive Land Use Update.
4. The amended General Plan, Land Use Code, Downtown Specific Plan, Climate Action Plan, and the Development Proposals are deemed essential and desirable to the public health, safety, and general welfare of the community since these items comprehensively address community issues identified through the public participation process and during the development of the Update.

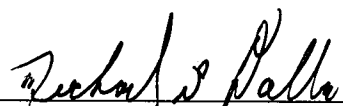
BE IT FURTHER RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the resolution is adopted.

PASSED and ADOPTED this 24th day of January, 2012.



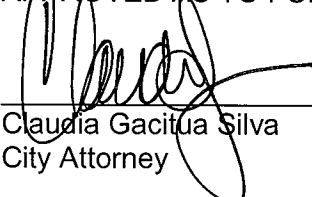
Ron Morrison, Mayor

ATTEST:



Michael R. Dalla, City Clerk

APPROVED AS TO FORM:



Claudia Gacitua Silva
City Attorney

Passed and adopted by the Council of the City of National City, California, on January 24, 2012 by the following vote, to-wit:

Ayes: Councilmembers Morrison, Natividad, Rios, Zarate.

Nays: None.

Absent: Councilmember Sotelo-Solis.

Abstain: None.

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



Richard D. Ball
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. 2012-25 the City of National City, California, passed and adopted by the Council of said City on January 24, 2012.

City Clerk of the City of National City, California

By: _____
Deputy