

ORDINANCE NO. 2012 –

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY
AMENDING TITLE 18 OF THE MUNICIPAL CODE
APPROVING AND ADOPTING A LAND USE CODE AMENDMENT
AND OFFICIAL ZONING MAP AMENDMENT, AND
REPEALING ORDINANCE 2011-2362

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

WHEREAS, litigation has been filed challenging the validity of the Planning Commission's recommendations in Resolution 14-2011, and any actions "based on" this 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 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 City Council of the City of National City adopted a General Plan Update, including a land use map; adopted a Downtown Specific Plan including the Specific Plan Map amendment; adopted a Climate Action Plan; and adopted, 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, and the associated Water Supply Assessment at a duly noticed public hearing held on January 24, 2012, at which time oral and documentary evidence was presented; and

WHEREAS, the General Plan establishes general land use policies for the planning area, and the Land Use Code (Title 18 Zoning of the Municipal Code) establishes specific land use regulations and development standards to implement the policies of the General Plan; and

WHEREAS, the General Plan Land Use Map establishes the general distribution of land uses throughout the planning area, and the Official Zoning Map, which comprises part of Title 18 of the Municipal Code, identifies the specific zones that apply within and implement each General Plan land use designation; and

WHEREAS, the proposed Land Use Code and Official Zoning Map, as amended, would implement the General Plan Update through zone classifications that establish the permitted uses on each parcel of land, the intensity of development allowed, and the standards for development; and

WHEREAS, at a duly noticed public hearing held on January 9, 2012, the Planning Commission reviewed and considered the staff report contained in Case File No. 2011-17 GPA, ZC, SPA, IS, along with evidence and testimony presented at said hearing; and

WHEREAS, at said hearing, the Planning Commission reviewed and considered the proposed Land Use Code and Official Zoning Map, as amended, along with all evidence and testimony presented at said hearing, and along with the Environmental Impact Report prepared to assess project impacts of approving the Land Use Code and Official Zoning Map, as amended, together with any comments received; and

WHEREAS, prior to said hearing, the City sought out and incorporated public input throughout the preparation of the General Plan Update and the Land Use Code 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, at said hearing, the Planning Commission adopted Resolution No. 2-2012 recommending that the City Council adopt the Land Use Code and Official Zoning Map, as amended, and said resolution was transmitted forthwith to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on January 24, 2012, at which time oral and documentary evidence was presented, including the recommendation of the Planning Commission, as well as the information contained in the Environmental Impact Report prepared to assess the potential environmental impacts resulting from approval of the Land Use Code and Official Zoning Map, as amended.

NOW, THEREFORE, the City Council of the City of National City, California, does ordain as follows, that the above recitals are true and correct and are incorporated herein by reference as if set forth in full.

FURTHER, THEREFORE, the City Council of the City of National City does ordain as follows, that the oral and documentary evidence presented to the City Council at the public hearing held on January 24, 2012, support the following Findings of Fact.

1. The City Council has reviewed and considered Planning Commission's recommendations on the Land Use Code (Zoning) and associated Zoning map contained in Planning Commission Resolutions 20-2011 and 2-2012.
2. The Land Use Code and Official Zoning Map, as amended, reflects 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 General Plan Update and the Land Use Code and Official Zoning Map Amendments.

3. The Land Use Code and Official Zoning Map, as amended, is in the public interest since it would meet the current needs of the community by providing for the types of land uses that are necessary and desirable to the community.
4. The Land Use Code and Official Zoning Map, as amended, is consistent with and implements the land use policies of the General Plan and the land use designations of the General Plan.
5. The Land Use Code and Official Zoning Map, as amended, are deemed essential and desirable to the public health, safety, and general welfare of the community since specific land use regulations, development standards, and the designations of locations and distribution of land uses is necessary to reduce conflicts and insure compatibility.
6. The environmental impacts of the Zoning and Zoning Map amendments were addressed in the Comprehensive Land Use Update EIR (SCH No. 2010051009). That the testimony and evidence presented to the City Council at the public hearing held on January 24, 2012 and the City Council hearing for the second reading of this Ordinance, support the Findings of Fact, Statement of Overriding Considerations, and the MMRP attached hereto as Exhibit "E-1" and Exhibit "G". The City further finds and certifies that there has been no change to the proposed 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.

FURTHER, THEREFORE, the City Council of the City of National City does ordain as follows, that Title 18 of the Municipal Code is hereby amended to read as set forth in Exhibit "B-1".

FURTHER, THEREFORE, the City Council of the City of National City does ordain as follows, that the proposed Official Zoning Map is hereby approved and adopted as the Official Zoning Map of the City of National City, and is attached hereto as Exhibit "B-3" and incorporated herein by reference.

FURTHER, THEREFORE, the City Council of the City of National City does ordain as follows, that Ordinance 2011-2362 is hereby repealed in its entirety.

PASSED and ADOPTED this _____ day of _____, 2012.

Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael R. Dalla, City Clerk

Claudia Gacitua Silva
City Attorney