

RESOLUTION NO. 2022 - 80

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, REPEALING AND REPLACING RESOLUTION 2021-165 FOR THE CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR, AND APPROVING, A GENERAL PLAN AMENDMENT, ZONE CHANGE, CODE AMENDMENT, AND CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A CARMAX DEALERSHIP ON PROPERTY LOCATED ON THE NORTH SIDE OF PLAZA BONITA ROAD, WEST OF SWEETWATER ROAD, AND EAST OF INTERSTATE 805 AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION. (APPLICANT: CARMAX) (CASE FILE NO. 2016-30 GPA, ZC, A, CUP, IS)

WHEREAS, on November 2, 2021, the City Council of the City of National City ("City") adopted Resolution 2021-165; and

WHEREAS, Resolution 2021-165 certified the Environmental Impact Report (EIR) for the Carmax project and approved the associated General Plan Amendment, Zone Change, Code Amendment, and Conditional Use Permit; and

WHEREAS, Section 2 of the Resolution 2021-165 inadvertently made reference to a Negative Declaration rather than the Environmental Impact Report; and,

WHEREAS, this error appears three times in the section, but nowhere else in the Resolution 2021-165; and

WHEREAS, City staff recommends that Resolution 2021-165 should be repealed and replaced with a corrected version.

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

Section 1. The foregoing recitals are true and correct.

Section 2. That Resolution 2021-165 is hereby repealed in its entirety and shall be replaced to read as follows:

Section 1. The evidence presented to the City Council at the Public Hearing held on November 2, 2021, support the following findings:

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FINDINGS FOR CERTIFICATION OF
THE ENVIRONMENTAL IMPACT REPORT

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 City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City.
4. An MMRP has been prepared for the project, which the City has adopted or 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. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator.
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).
7. The impacts of the project have been analyzed to the extent feasible at the time of certification of the Final EIR.
8. 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.
9. 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.

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10. 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.
11. 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.

FINDING FOR APPROVAL OF
THE GENERAL PLAN AMENDMENT

1. The proposed development is consistent with General Plan Land Use and Open Space Policies LU-2.9, LU 5.6, LU-7.1, OS-1.3, and OS-1.4, because the area is vacant and prime for development. Having a comprehensive commercial project in this area will contribute to the City's job and revenue generation needs. The project will complement the commercial nature of the area, with the business providing additional exposure for Westfield Plaza Bonita.

FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the CUP will be conditioned such that the Code Amendment permitting auto sales in the CS zone must be complete prior to the CUP being active. With the amendment in place the use will comply with the Land Use Code, subject to approval of the CUP.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the CUP will be conditioned such that the General Plan Amendment and Zone Change must be complete prior to the CUP being active. With the amendments in place the use will be consistent with the General Plan, subject to approval of the CUP. No specific plan covers this area.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the Carmax dealership has been designed in such a way as to not unduly impact adjacent City streets and to function as a complementary use to Westfield Plaza Bonita, which is located across the street from the proposed

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project. The Final EIR concluded that the project would have no significant impacts and require no mitigation measures associated with aesthetics, land use, transportation, or utilities and service systems.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the property is currently vacant and is being developed at a built intensity of less than 3%. Access to the property will be via three driveways (two public). All existing utilities will be maintained or rerouted to the satisfaction of the respective utility provider. New utilities are proposed consistent with City and utility provider regulations.
5. Granting the permit would not 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 the property is currently vacant and suffers from chronic issues associated with trespassing, dumping, and illegal encampments. Rerouting and protecting the existing drainage course and developing the property with a sales tax and job-creating use will be beneficial to the City and the region.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act; an EIR was completed for the project and concluded that the project would have no significant impacts and require no mitigation measures, with the exception of Biological Resources, Cultural and Tribal Resources, and Paleontological Resources. All issues identified can and will be adequately mitigated to a less than significant level with project mitigation.

Section 2. The City Council has considered the proposed Environmental Impact Report No. 2016-30 IS, together with any comments received during the public review process, and finds on the basis of the whole record (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Environmental Impact Report reflects the City's independent judgment and analysis, and hereby approves the Environmental Impact Report and authorizes the filing of a Notice of Determination.

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Section 3. That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 17th day of May, 2022.

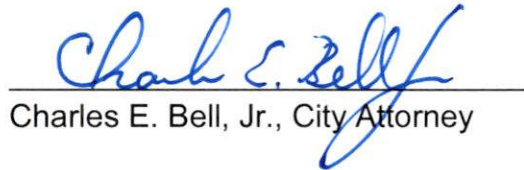


Alejandra Sotelo-Solis, Mayor

ATTEST:


Luz Molina, City Clerk

APPROVED AS TO FORM:


Charles E. Bell, Jr., City Attorney

Passed and adopted by the City Council of the City of National City, California, on May 17, 2022 by the following vote, to-wit:

Ayes: Sotelo-Solis, Bush, Morrison, Rios, Rodriguez

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY: ALEJANDRA SOTELO-SOLIS
Mayor of the City of National City, California



Luz Molina
City Clerk of the City of National City, California

BY: Shelley Chapel
Shelley Chapel, MMC, Deputy City Clerk