

**RESOLUTION NUMBER 4323**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 200807160) PREPARED FOR THE SOUTH PERRIS INDUSTRIAL PROJECT BASED ON THE FINDINGS AND FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM.**

**WHEREAS**, the South Perris Industrial Project (“Project”) proposes the development of three separate sites for a total of approximately 7,394,048 square feet of industrial warehouse space, necessary parking, and associated on-and off-site street, water, recycled water, brine line, and sewer infrastructure improvements on approximately 458 acres located in the south portion of the City of Perris (“City”). The Project’s development on three non-contiguous sites is described as follows:

**Site 1:** The Airport Distribution Center includes development of approximately 783,700 square feet of industrial warehouse space in one building on an approximately 36-acre site;

**Site 2:** The First Park South Perris Distribution Center includes development of approximately 3,443,892 square feet of industrial warehouse space in four buildings on an approximately 205-acre site.

**Site 3:** The First Park South 215 Distribution Center includes development of approximately 3,166,456 square feet of industrial warehouse space in four buildings on an approximately 217-acre site; and

**WHEREAS**, the Project would augment the City’s economic base, create employment-generating opportunities for the citizens of the City and surrounding communities, provide a modern, industrial distribution centers that will allow for the storage and distribution of various goods due to the Project’s location adjacent to regional transportation corridors; and

**WHEREAS**, proposed General Plan Amendment (GPA 08-05-0023), Specific Plan Amendment (SPA 08-05-0024), Zone Change (ZC 09-03-0020), Tentative Parcel Maps (TPMs 35877 & 35886), Development Plan Reviews (DPRs 07-0130, 08-04-0006 and 08-01-0007), and related implementing actions for the Project are considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Res. Code, § 21000 *et seq.*);

**WHEREAS**, pursuant to CEQA and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), the City is the lead agency for the Project, as it is the public agency with general governmental powers over the Project; and

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**WHEREAS**, the City, as lead agency, determined that an Environmental Impact Report (“EIR”) should be prepared pursuant to CEQA in order to analyze all potentially significant adverse environmental impacts of the Project; and

**WHEREAS**, a Notice of Preparation (“NOP”) and Initial Study (“IS”) identifying the scope of environmental issues were distributed to numerous State, federal, and local agencies and organizations starting on July 11, 2008 for a period of 30 days ending August 11, 2008, pursuant to State CEQA Guidelines sections 15082(a), 15103 and 15375. A total of twenty-six comment letters were received and are included in Appendix “A” of the Draft EIR (“DEIR”). Relevant comments received in response to the NOP/IS were incorporated into the DEIR; and

**WHEREAS**, two joint public workshops/public scoping meetings were held with the Planning Commission at the Perris City Hall, City Council Chambers on June 18, 2008 and August 6, 2008 and no representative of any responsible agency or member of the general public elected to speak at the first meeting and three persons elected to speak at the second scoping meeting; and

**WHEREAS**, a Notice of Completion was sent with the DEIR to the State Clearinghouse on October 21, 2009; and

**WHEREAS**, the DEIR was distributed for a 45-day public review period starting on October 21, 2009 with the comment period expiring on December 7, 2009. Eighteen comment letters were received during the public comment period. The specific and general responses to comments are included in the Final EIR (“Final EIR”); and

**WHEREAS**, the Planning Commission of the City continued the public hearing regarding the Project on May 19, 2010 to June 19, 2010 to consider a recommendation to the City Council regarding the Project, the Final EIR, and staff recommendations on May 19, 2010; and

**WHEREAS**, notice of this Planning Commission hearing was duly provided through publication on May 5, 2010; and

**WHEREAS**, the Planning Commission of the City considered the Project at the public hearing on June 19, 2010 and recommended certification of the Final EIR and approval of the Project to the City Council; and

**WHEREAS**, notice of this City Council hearing was duly provided through publication on June 30, 2010; and

**WHEREAS**, as contained herein, the City Council has exercised its independent review of the Final EIR and has endeavored in good faith to set forth the basis for its recommendation on the Project; and

**WHEREAS**, all the requirements of CEQA and the State CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

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**WHEREAS**, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

**WHEREAS**, all of the proposed findings and conclusions recommended by this Resolution are based upon the oral and written evidence presented to the City Council as a whole and not based solely on the information provided in this Resolution; and

**WHEREAS**, the project level and cumulative environmental impacts identified in the Final EIR which the City Council finds to be less than significant and to not require mitigation are described in Section 3 of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

**WHEREAS**, the project level and cumulative environmental impacts identified in the Final EIR which the City Council finds to be mitigated to a level of less than significant through the imposition of feasible mitigation measures identified in the Final EIR and set forth therein are described in Section 4 of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

**WHEREAS**, the project level and cumulative environmental impacts identified in the Final EIR which the City Council finds cannot be mitigated to a level of less than significance despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth therein are described in Section 5 of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

**WHEREAS**, irreversible environmental changes as a result of the project are identified in the Final EIR, which the City Council approves for the reasons described in Section 6 of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

**WHEREAS**, the potential for growth inducing impacts described in the Final EIR which the City Council finds to be less than significant are described in Section 7 of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

**WHEREAS**, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section 8 of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record, including the Final EIR and all oral and written evidence presented to the City during all Project meetings and hearings; and

**WHEREAS**, the Final EIR reflects the independent judgment of the City Council of the City of Perris and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS** does resolve as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The City Council hereby certifies the Final EIR for the Project and the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit “A” and the Mitigation Monitoring Program (Exhibit “B”) incorporated herein by reference as if set forth in full, based on the following:

a. The Final EIR for the Project has been completed in compliance with CEQA and the State CEQA Guidelines;

b. The information contained in the Final EIR for the Project provides an adequate assessment of the potentially significant impacts allowed by the Project;

c. The Findings contained in that document entitled Statement of Facts in Support of the Findings Regarding the Significant Environmental Effects Resulting from the Project are supported by substantial evidence, in compliance with CEQA;

d. The Findings required by CEQA Guidelines Section 15091 are made in that document entitled Statement of Facts in Support of the Findings Regarding the Significant Environmental Effects Resulting from the Project for each potentially significant impact, and the rationale and substantial evidence supporting the Findings are contained in the Final EIR, Administrative Record, and Statement of Overriding Considerations (Exhibit “A”); and

e. The Mitigation Monitoring Program (Exhibit “B”) will result in the elimination of significant environmental impacts to the extent feasible, and the Project Requirements and Mitigation Measures contained therein are adopted and incorporated as Conditions of Approval (attached).

**Section 3.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

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**Section 4.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 13<sup>th</sup> day of July, 2010.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney, C.M.C.

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Judy L. Haughney, City Clerk of the City of Perris do hereby certify that the foregoing Resolution No. 4323 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 13<sup>th</sup> day of July, 2010, by the following vote:

AYES: YARBROUGH, EVANS, LANDERS, ROGERS, BUSCH  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk, Judy L. Haughney, C.M.C.

Attachments: Findings and Findings of Fact and Statement of Overriding Considerations (Exhibit A), Mitigation Monitoring and Reporting Program (Exhibit B)