

RESOLUTION NO. 4326

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35877, HABITAT ACQUISITION NEGOTIATION STRATEGY (HANS) 09-03-0018 AND DEVELOPMENT PLAN REVIEW (DPR) 08-01-0007 FOR SITE 3 OF THE SOUTH PERRIS INDUSTRIAL PROJECT, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Perris has received an application (Development Plan Review 08-01-0007) for the First Park South 215 Distribution Center (Site 3) of the South Perris Industrial Project (the "Project") to develop approximately 3,166,857 square feet of industrial warehouse space in four buildings on an approximately 215.7 acre site at the northeast corner of Redlands Avenue and Ellis Avenue; and

WHEREAS, the Project applicant has filed Tentative Parcel Map 35877 concerning the First Park South 215 Distribution Center (Site 3) of the South Perris Industrial Project in accordance with PMC Section 18.12.010 *et seq.*, and the Subdivision Map Act; and

WHEREAS, the Project is partially located in Western Riverside Multiple Species Habitat Conservation Plan ("MSHCP") Criteria Cell No. 3173 and is subject to the Habitat Evaluation and Acquisition and Negotiation Strategy ("HANS") negotiation process required by the MSHCP and City Resolution No. 3162 to determine appropriate conservation areas for habitat preservation; and

WHEREAS, the MSHCP Compliance Report was reviewed by the City, the Riverside County Regional Conservation Authority ("RCA"), and the US Fish and Wildlife Service and the California Department of Fish and Game (the Wildlife Agencies) through the Joint Project Review process and a Determination of Project Consistency was made by the City for Sites 2 and 3 of the South Perris Industrial Project and approved by the RCA; and

WHEREAS, through the Joint Project Review process, it was determined that the designated conservation areas for the South Perris Industrial Project will total approximately 76 acres in three discontinuous sites along the San Jacinto River within City limits, and the City intends to convey these parcels to the RCA for permanent conservation; and

WHEREAS, the City Council received a recommendation from the Planning Commission at the public hearing held June 16, 2010 to certify the Environmental Impact Report ("EIR") prepared for the entire South Perris Industrial Project, including Site 3 thereof; adopt the EIR Findings and Findings of Fact and Statement of Overriding Considerations; and adopt the EIR Mitigation and Monitoring Program; and

WHEREAS, the City Council also received a recommendation from the Planning Commission at the public hearing held June 16, 2010 to approve Tentative Parcel Map 35877,

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HANS 09-03-0018, and Development Plan Review 08-01-0007 for Site 3 of the South Perris Industrial Project; 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 for the above-mentioned approvals, including all oral and written evidence presented to the City during all Project meetings and hearings; and

WHEREAS, the City Council of the City of Perris, after due notice, held a public hearing on July 13, 2010 for the purpose of certifying the Final EIR and approving the Statement of Overriding Considerations and accompanying attachments for the proposed project (Resolution No. 4323); and

WHEREAS, all legal prerequisites for 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 has reviewed and considered the environmental documentation and information included in the staff report prior to its action on the Tentative Parcel Map, the Habitat Evaluation and Acquisition and Negotiation Strategy (HANS), and the Development Plan Review applications for Site 3 of the Project, and finds and determines that the proposed use of the Site, based on the Findings of Fact in Support of the Statement of Overriding Considerations, and the required measures of the Mitigation Monitoring Program, fully address the potential environmental impacts to the extent feasible, and that the Declarations reflect the independent judgment of the City Council.

Section 3. The City Council hereby finds as required by PMC Section 18.12.030 for the approval of Tentative Parcel Map 35877 as follows:

- 1) The proposed project will not be detrimental to the public health safety, or welfare.
- 2) The proposed project is in compliance with the provisions of the Subdivision Map Act (Gov. Code, § 66410 *et seq.*).
- 3) The proposed project is consistent with the General Industrial zoning ordinance.
- 4) The proposed project is consistent with existing land uses and zoning designations in the area.
- 5) The proposed project is consistent with the General Plan.
- 6) The site plan is safe, functional, and environmentally sensitive to surrounding properties.

7) The proposed project is consistent with city standards, ordinances, and policies, including Title 18 and Title 19 of the City's Municipal Code, including the following findings in relation to PMC Section 18.12.050(D):

- a. That the design or improvement of the proposed subdivision is consistent with applicable General and Specific Plans;
- b. The site is physically suitable for the type of development proposed;
- c. The site is physically suitable for the proposed intensity of development;
- d. Based on EIR mitigation measures and the HANS process, neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- e. Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems;
- f. The design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision;
- g. All requirements of CEQA have been met;
- h. The discharge of waste from the proposed subdivision into an existing community sewer system will not result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

Section 4. The City Council hereby finds for the approval of Habitat Acquisition and Negotiation Strategy (HANS) 09-03-0018 as follows:

- 1) The Habitat Acquisition and Negotiation Strategy (HANS) is consistent with the Multiple Species Habitat Conservation Plan (MSHCP).
- 2) The HANS safeguards biological and ecological diversity within a rapidly urbanizing region.
- 3) The HANS addresses the requirements of the state and federal Endangered Species Acts.
- 4) The dedication of new conservation lands will preserve the environmental integrity of the MSHCP Criteria Area.

5) The HANS provides permanent open space, community edges and recreational opportunities for the public, which contribute to maintaining the community character of Western Riverside County.

6) A Determination of Project Consistency was made by the City for Sites 2 and 3 of the South Perris Industrial Project as part of the HANS process and approved by the Riverside County Regional Conservation Authority (RCA).

Section 5. The City Council hereby finds as required by PMC Section 19.54.040(F) for the approval of the Development Plan Review as follows:

1) The location, size, design, density and intensity of the proposed Project is consistent with the City's General Plan, any applicable Specific Plans, the purposes and provisions of the City's Zoning Code, the purposes of the Zone in which the site is located, and the development policies and standards of the City.

2) The proposed Project site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.

3) The Project would augment the City's economic base, create employment-generating opportunities for the citizens of Perris and surrounding communities, and provide modern industrial distribution centers that allow for the efficient storage and distribution of various goods due to the Project's location adjacent to regional transportation corridors.

4) The proposed Project and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

5) The architecture of the proposed Project is compatible with community standards and protects the character of adjacent development.

6) The proposed Project's landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.

7) The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed Project.

Section 6. Based on the Findings above, the City Council hereby approves Tentative Parcel Map 35877, the Habitat Evaluation and Acquisition and Negotiation Strategy (HANS), and the Development Plan Review applications for Site 3 of the Project; and

Section 7. 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.

Section 8. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 13th day of July, 2010.

Mayor, Daryl R. Busch

ATTEST:

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. 4326 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 13th 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: Planning and Engineering Conditions of Approval