

RESOLUTION NUMBER 4361

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. 2008111080) PREPARED FOR THE RADOS DISTRIBUTION CENTER PROJECT BASED ON THE FINDINGS AND FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the Rados Distribution Center (“Project”) proposes the development of approximately 1,191,080 square feet of industrial warehouse space, necessary parking, and associated on-and off-site infrastructure improvements on approximately 61.63 gross acres located at the northeast corner of Webster Avenue and Rider Street; 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 center 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 Zone Change 07-0117, Agricultural Diminishment 07-0118, and Development Plan Review 07-0119 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

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 November 21, 2008 for a period of 30 days ending December 22, 2008, pursuant to State CEQA Guidelines sections 15082(a), 15103 and 15375. Relevant comments received in response to the NOP/IS were incorporated into the DEIR; and

WHEREAS, a joint public workshop/public scoping meeting was held with the Planning Commission at the Perris City Hall Council Chambers on December 3, 2008 and no representative of any responsible agency or member of the general public elected to speak at the scoping meeting; and

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

WHEREAS, the DEIR was distributed for a 45-day public review period starting on March 29, 2010 with the comment period expiring on May 7, 2010. Nine comment letters were received from Federal, State and local agencies, and Native American groups 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, at the regularly scheduled meeting on September 15, 2010 recommended approval to the City Council of the Final EIR; and

WHEREAS, notice of the City Council hearing scheduled for October 12, 2010 was duly provided through publication on September 29, 2010; and

WHEREAS, a City Council hearing was held on October 12, 2010 at which time all interested persons were given full opportunity to be heard and to present evidence; 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 decision 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

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 C of the Findings and the Findings of Fact and Statement of Overriding Considerations are 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 D.1.a. 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 D.1.b. 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 D.2 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's impact to agricultural resources and air quality are identified in the Final EIR, which the City Council approves for the reasons described in Section D.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 Mitigation Monitoring Program to address 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 are set forth therein and described in Section E 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 F 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 City Council's decision to certify the Final EIR reflects the independent judgment and analysis of the City Council; and

WHEREAS, no comments made in the public hearings conducted by the City Council or any additional information submitted to the City Council 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 majority of potentially significant environmental impacts of the Project identified in the Final EIR have been determined to be less than significant or mitigated to a level of less than significance.

Section 3. Various short and long term air quality impacts as a result of the Project, including the cumulative impacts of Global Climate Change, identified in the Final EIR have been determined to be significant and unavoidable. The specific impacts are set forth in Section D.1.b. of the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit "A". Based on specific economic, social, technical and/or other considerations, the Planning Commission recommends that the City Council find those effects acceptable if the Findings and Findings of Fact and Statement of Overriding Considerations are adopted by the City Council.

Section 4. The City Council finds that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council, having final approval authority over the Project, certifies the Final EIR as complete and adequate.

Section 5. Based on the above findings, the City Council hereby adopts the Findings and Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit "A" and incorporated herein by reference as if set forth in full.

Section 6. Based on the above findings, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B" and incorporated herein by reference as if set forth in full.

Section 7. Based on the above findings, the City Council hereby certifies the Final EIR for the Project (SCH# 2008111080).

Section 8. 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 9. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 12th day of October 2010.

Daryl R. Busch, Mayor

ATTEST:

Judy Haughney, City Clerk

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

I, Judy Haughney, City Clerk of the City of Perris do hereby certify that the foregoing Resolution Number 4361 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 12th day of October 2010, by the following vote:

AYES: Evans, Landers, Yarbrough, Rogers, Busch

NOES:

ABSENT:

ABSTAIN:

Judy L. Haughney, City Clerk

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