

RESOLUTION NUMBER 4957

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2012111003) PREPARED FOR THE OPTIMUS LOGISTICS CENTER I PROJECT, A WAREHOUSE DEVELOPMENT PROJECT TOTALING 1,455,781 SQUARE FEET, BASED UPON THE STATEMENT OF FACTS AND FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Optimus Logistics Center I (“Project”) proposes to construct two warehouse buildings, totaling 1,455,781 square feet with associated parking and other site improvements, and on and off-site infrastructure improvements on 68.99 acres located north of Ramona Expressway between the I-215 Freeway and Ramona Expressway; and

WHEREAS, during the course of review of the Project it was deemed an Environmental Impact Report (EIR/*State Clearinghouse #2012111003*) was required to assess environmental impacts associated with the project; and

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, two scoping meetings were previously conducted for the proposed project on December 5, 2012 and July 17, 2013 by the Planning Commission to hear from both public agencies and the public on the potential environmental impacts, site planning and building architecture; and

WHEREAS, between November 26, 2014 and January 12, 2015, the Draft Environmental Impact Report (*Draft EIR*) was made available for public review and comment during a state-mandated 45-day public review period; and

WHEREAS, on April 24, 2015, the Final EIR was distributed to those agencies and persons that commented in writing on the Draft EIR; and

WHEREAS, on May 6, 2015, the Planning Commission conducted a duly noticed public hearing on the project and at the meeting recommended certification of the EIR by a 4-2 vote (*one vote unavailable due to vacated position*) to the City Council after considering public testimony and materials in the staff report and accompanying documents for the Statement of

Overriding Consideration of Environmental Impact, the Environmental Impact Report (*State Clearinghouse #2012111003*), Development Plan Review 12-10-0005, Specific Plan Amendment 12-10-0006, Street Vacation 13-05-0018, Tentative Parcel Map 36512/#13-05-0017 and Tentative Parcel Map 36582/#13-05-0016; and

WHEREAS, on June 9, 2015, the City Council conducted a duly noticed public hearing on the project and after the hearing was closed, voted 4-0 to continue the project after considering public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact, the Environmental Impact Report (*State Clearinghouse #2012111003*), Development Plan Review 12-10-0005, Specific Plan Amendment 12-10-0006, Street Vacation 13-05-0018, Tentative Parcel Map 36512/#13-05-0017 and Tentative Parcel Map 36582/#13-05-0016; and

WHEREAS, at the time of the hearing on June 9, 2015, one position on the City Council was vacant. A new Councilmember was elected to fill that vacancy and was sworn into office on December 8, 2015. The new Councilmember has reviewed all of the written materials, public testimony, and discussion from the hearing on June 9, 2015; and

WHEREAS, on January 12, 2016, the City Council conducted a duly noticed public hearing on the project and at the meeting certified the EIR after considering public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact, the Environmental Impact Report (*State Clearinghouse #2012111003*), Development Plan Review 12-10-0005, Specific Plan Amendment 12-10-0006, Street Vacation 13-05-0018, Tentative Parcel Map 36512/#13-05-0017 and Tentative Parcel Map 36582/#13-05-0016; 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 the Statement of Facts and Findings 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 the Statement of Facts and Findings 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 the Statement of Facts and Findings 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 Draft EIR which the City Council finds to be less than significant are described in the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, irreversible environmental impacts as a result of the project's impacts air quality (long-term air pollutant emission impacts), greenhouse gas emissions and traffic and circulation (intersections outside Perris and freeway mainline segments) are identified in the Draft EIR, which the City Council approves for the reasons described in Section 7 of the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto as Attachment 5 and incorporated herein by reference as if set forth in full; and

WHEREAS, the Mitigation Monitoring and Reporting Program to address project level and cumulative environmental impacts identified in the Draft 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 4.0 of the Final EIR attached hereto as Attachment 5 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 of the project are set forth therein and described in Section 5.4 of the Statement of Facts and Findings 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 certification of the Final EIR reflects its independent judgment and analysis; 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.

WHEREAS, the Environmental Impact Report (*Clearinghouse #2012111003*) was prepared in accordance with Sections 21000 through 21177 of the California Public Resources Code and Sections 15000 through 15387 of the California Code of Regulations (*CEQA Guidelines*); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct and incorporated herein by reference.

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. Certain impacts associated with air quality (long-term air pollutant emission impacts), greenhouse gas emissions and traffic and circulation (intersections outside Perris and freeway mainline segments) identified in the Final EIR have been determined to be significant and unavoidable. The specific impacts are set forth in the Statement of Facts and Findings and Statement of Overriding Considerations (see Attachment 5). Based on specific economic, social, technical and/or other considerations, the City Council finds those effects acceptable with adoption of the Statement of Facts and Findings and Statement of Overriding Considerations.

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

Section 5. The City Council hereby adopts the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto as Attachment 5 and incorporated herein by reference as if set forth in full.

Section 6. The City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Attachment 5 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# 2012111003).

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 this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 12th day of January, 2016.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

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

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4957 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 12th day of January 2016, by the following called vote:

AYES: ROGERS, YARBROUGH, BUSCH
NOES: BURKE, RABB
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar

Attachments: Mitigation Monitoring and Reporting Plan (see Attachment 5)
 Statement of Facts and Findings and Statement of
 Overriding Consideration (see Attachment 5)