

RESOLUTION NUMBER 5677

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AN ADDENDUM (PLN 20-05062) TO THE PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (SCH. NO. 2008071060) RELATING TO SITE 3 OF THE SOUTH PERRIS INDUSTRIAL PROJECT; APPROVING MAJOR MODIFICATION (MM 19-05332) AND CONDITIONAL USE PERMIT 20-05064, WHICH MODIFY THE ORIGINAL PROJECT (DEVELOPMENT PLAN REVIEW DPR 08-01-0007) TO RECONFIGURE AND REDUCE THE NUMBER OF BUILDINGS TO THREE, OVERALL BUILDING SQUARE FOOTAGE (SF) TO 2,358,347, AND ADD A RAIL SPUR AS SPECIFIED THEREIN; AND ADOPTING FINDINGS IN SUPPORT THEREOF.

WHEREAS, on July 13, 2010, the City of Perris (“City”) City Council approved the South Perris Industrial Project (“Original Project”), which was submitted by FR/Cal Ellis, LLC, and approved a related Development Agreement 10-04-0010 in accordance with Perris Municipal Code (“PMC”) Section 18.19.010 et seq. and Government Code Section 65864 et seq. (“Development Agreement 10-04-0010”); and

WHEREAS, the applicant for the Project (as defined below) is the successor in interest of FR/Cal Ellis, LLC’s interest and rights in the Original Project and Development Agreement 10-04-0010 (“Applicant”); and

WHEREAS, the Original Project involved three non-contiguous sites and the current action affects only the northernmost of the three non-contiguous sites of approximately net 215.7 acres at the northeast corner of Ellis and Redlands Avenues (“site,” or “Site III”); and

WHEREAS, the site is located within the Light Industrial zone; and

WHEREAS, since the approval of the Original Project, there has not been development on Site III, but additional infrastructure in the area has been constructed, and the surrounding area has generally become more developed/urbanized; and

WHEREAS, the City has received an application for a Major Modification (MM 19-05332) to and a Conditional Use Permit (CUP 20-05064) for the Original Project relating to Site III of the South Perris Industrial Project (the “Proposal”) to develop one of two alternative site plans referred to as “Plan A” and “Plan B”, as described below, from the Applicant; and

WHEREAS, Plan A includes 2,869,677 square feet of industrial warehouse space in three buildings which represents a reduction of 296,779 square feet from the Original Project approval, and includes updated and enhanced architecture; and

WHEREAS, Plan B includes 2,358,347 square feet of industrial warehouse space in three buildings which represents a reduction of 808,109 square feet from the Original Project approval, and includes updated and enhanced architecture; and

WHEREAS, Plan B also includes a rail spur located between Ellis Avenue and Case Road and an outdoor storage area screened by a 14-foot tall concrete wall, which requires the submission of Conditional Use Permit (CUP 20-05064) by the Applicant pursuant to the PMC; and

WHEREAS, the City of Perris also received an application for an amendment to Development Agreement 10-04-0010 from the Applicant concerning development of Site III of the South Perris Industrial Project pursuant to the Original Project in accordance with PMC Section 18.19.010 *et seq.* and Government Code section 65864 *et seq.*, and the Applicant further desires to enter into said modification of Development Agreement 10-04-0010 with the City (“Development Agreement 20-05063”); and

WHEREAS, on May 20, 2020, the Planning Commission conducted a duly noticed public hearing on the Proposal, and at the meeting only recommended approval of Plan B of the Proposal after considering public testimony and materials in the staff report and accompanying documents for the Addendum to the EIR, Major Modification (MM 19-05332), Conditional Use Permit 20-05064, and Development Agreement 20-05063; and

WHEREAS, Major Modification (MM 19-05332), Conditional Use Permit 20-05064, and Development Agreement 20-05063 have each been modified since the May 20, 2020, Planning Commission meeting so that only Plan B is being proposed (“the Project”); and

WHEREAS, the Project is partially located in Western Riverside Multiple Species Habitat Conservation Plan (“MSHCP”) Criteria Cell No. 3470 and participated in the Habitat Evaluation and Acquisition and Negotiation Strategy (“HANS”) negotiation process for Site III 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 II and III of the Original 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, on July 13, 2010, the City certified the South Perris Industrial Final Environmental Impact Report (SCH No. No. 2008071060) (“EIR”) for the Original Project pursuant to CEQA and the State CEQA Guidelines by adopting City Council Resolution No. 4323, and which incorporates the Final EIR, the Draft EIR with changes and revisions thereto, written Responses to Comments made during the CEQA review period, and the Mitigation and Monitoring Program; and

WHEREAS, as provided above, the Project now includes an amendment to Site III of the Original Project including a rail spur, and

WHEREAS, pursuant to CEQA and State CEQA Guidelines, an Addendum to the EIR has been prepared for the Project and it has been determined that no new or more severe significant impacts than those addressed in the EIR result from the Project, which reduces the square footage that will be developed on the site when compared with the Original Project, therefore reducing a number of associated impacts on the environment compared to those impacts addressed in the EIR; and

WHEREAS, the City Council has reviewed the Addendum to the EIR and accompanying attachments; 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 from City staff and members of the public presented at all Project meetings and public hearings, including the previously certified EIR for the Original Project; 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. Recitals.

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

Section 2. Environmental Analysis.

1) The City of Perris is the lead agency for the Original Project and Project as determined by CEQA and State CEQA Guidelines.

2) On July 13, 2010, the City certified the South Perris Industrial Final Environmental Impact Report SCH No. No. 2008071060 (“EIR”) for the Original Project pursuant to CEQA and the State CEQA Guidelines by adopting City Council Resolution No. 4323, and which incorporates the Final EIR, the Draft EIR with changes and revisions thereto, written Responses to Comments made during the CEQA review period, and the Mitigation and Monitoring Program.

3) City Council Resolution No. 4323 found that all the requirements of CEQA and the State CEQA Guidelines have been satisfied in the EIR. The Addendum to the EIR, which is sufficiently detailed so that all of the significant environmental effects of the Project have been adequately evaluated, has met all the requirements of CEQA and State CEQA Guidelines. Based upon the forgoing, including but not limited to the Addendum to the EIR prepared for the Project and the accompanying technical studies and all oral and written communications from City staff and members of the public presented at the June 9, 2020, public hearing, the City Council finds that:

a. There are no substantial changes to the Original Project or the circumstances under which the Original Project will be carried out that will require major revisions to the previously certified EIR, and that the previously certified EIR remains relevant.

b. The Project will not result in new significant environmental effects or substantial increases in the severity of previously identified significant effects.

c. There is no new information substantial importance, which was known or could have been known with the exercise of reasonable diligence at the time the previous EIR was certified.

d. The Project will not have any significant effects that are not identified and discussed in the previously certified EIR, and there are no newly feasible, or considerably different, mitigation measures or alternatives which would substantially reduce one or more significant effects of the Project which the Applicant declines to adopt.

Section 3. Major Modification (MM 19-05332).

Based upon the forgoing and all oral and written statements and reports presented by City staff and members of the public, including but not limited to, such statements and reports presented at its public hearing on June 9, 2020, the City Council make the findings required by PMC Section 19.54.040(f) for approval of Major Modification (MM 19-05332) of the Original Development Plan Review (“DPR 08-01-0007”) as follows:

1) *The Major Modification is consistent with the findings for the Original Project because location, size, design, and density and intensity of the proposed Project is consistent with the City’s General Plan (LI), any applicable Specific Plans (none), the purposes and provisions of the City’s Zoning Code, the purposes of the Zone (Light Industrial) in which the site is located, and the development policies and standards of the City.*

There is no change in the size of the site, the architectural design and site circulation have been improved, and the square footage of Major Modification (MM 19-05332) is substantially reduced from the Original Project. The proposed development is consistent with the General Plan zoning Light Industrial (LI) designation on the site, and with the existing land uses in the area. The Project, as conditioned, meets or exceeds all design and development criteria of the underlying LI zoning district, which implements the development standards and policies 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.*

The proposed Project is physically suitable in terms of parcel size, shape, access and availability to utilities and services, as the site is located at the northeast corner of Ellis and Redlands Avenues, which allows for adequate two-way access from both frontages and provides for the logical extension of infrastructure to service the site. Since the approval of the Original Project, there has not been development on Site III, but additional infrastructure in the area has been constructed, and the surrounding area has generally become more developed/urbanized. Utility service connections are available to service the site and will be designed, installed and maintained consistent with City and service agency requirements.

3) *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.*

The Project is adjacent to other light industrial, governmental and recreational uses that are compatible with the e-commerce/warehousing uses proposed on the site. 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 and rail lines.

4) *The architecture of the proposed Project includes updated and enhanced architecture which is compatible with community standards and protects the character of adjacent development.*

As designed, the proposed architecture meets or exceeds the intent of the architectural design standards in the Light Industrial zone. The architecture proposed is an upgrade and update from the architecture approved for the Original Project. Additionally, the proposed architecture will be compatible with and protect the character of the existing and future light industrial uses through the application of enhanced development standards, landscaping, setbacks, site design and improvements, which aesthetically enhance the site and protects the character of the adjacent development.

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

As conditioned, the proposed Project meets or exceeds the on-site and off-site landscape standards for the Light Industrial (LI) zoning district as outlined in Chapter 19.70 of the Zoning Code, by providing a mix of specimen native and drought-tolerant trees, shrubs, ground cover and annual color throughout the site to ensure visual relief and effectively frame, soften and embellish access points, building entries, parking areas and trash enclosures. As required, all areas not covered by structures, drive aisles, parking or hardscape have been landscaped, which will provide an attractive environment for the public's enjoyment.

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

The proposed Project provides the safeguards necessary to protect the public health, safety, and general welfare through the conditions of approval and mitigation measures, which will ensure that the Project is developed in compliance with City and affected service agency codes and policies and mitigate potential impacts to the environment.

Section 4. Conditional Use Permit 20-05064.

Based upon the forgoing and all oral and written statements and reports presented by City staff and members of the public, including but not limited to, such statements and reports presented at its public hearing on June 9, 2020, the City Council make the findings required by PMC Section 19.54.040(c) for approval of the Conditional Use Permit 20-05064 for the outdoor storage associated with the Project as follows:

1) *The proposed location of the conditional use is in accord with the objectives of the Perris Municipal Code and the purposes of the zone in which the site is located.*

The zoning and General Plan designation of the site is Light Industrial. This zone permits light industrial uses and related activities including manufacturing, research, warehouse and distribution, assembly of non-hazardous products/materials, and retail related to manufacturing. The outdoor storage for which this conditional use permit is required is not located adjacent to local streets and is screened from views from I-215 with 14-foot tall concrete screen walls. As

conditioned, no materials stored outdoors are allowed to exceed the height of the screen walls; therefore, the Project meets or exceeds the objectives of the Light Industrial zone.

2) *The proposed Project is consistent with the findings for the Original Project and the City's General Plan (LI), and conforms to all specific plans, zoning standards (Light Industrial), applicable subdivision requirements, and other ordinances and resolutions of the city.*

The Project will conform to the applicable Original Project conditions of approval and EIR mitigation measures. The goals of the General Plan and Zoning Code are achieved because the Project complies with the development standards of the Light Industrial Zone and provides reduced environmental impacts, and superior site design and building architecture.

3) *The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The Project is adjacent to other light industrial, governmental and recreational uses that are compatible with the e-commerce/warehousing uses proposed on the site. The outdoor storage for which Conditional Use Permit 20-05064 is required is located away from adjacent uses and is screened from views from I-215. 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 and rail lines.

4) *The architecture of the proposed Project includes updated and enhanced architecture which is compatible with community standards and protects the character of adjacent development.*

As designed, the proposed architecture meets or exceeds the intent of the architectural design standards in the Light Industrial zone. The architecture proposed is an upgrade and update from the architecture approved for the Original Project. Additionally, the proposed architecture will be compatible with and protect the character of the existing and future light industrial uses through the application of enhanced development standards, landscaping, setbacks, site design and improvements, which aesthetically enhance the site and protects the character of the adjacent development.

5) *The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.*

Good quality landscaping is provided throughout the site, including street trees along Ellis and Redlands Avenues, multi-layered, drought-tolerant landscaping including flowering trees and shrubs, and trails are provided in large landscape areas along and within the setback areas. ensures visual relief and provides an attractive environment for the public's enjoyment.

Section 5. Approval.

Based upon the forgoing and all oral and written statements and reports presented by City staff and members of the public, including but not limited to, such statements and reports presented at its public hearing on June 9, 2020, the City Council hereby:

- 1) Approves the Addendum to the EIR.

2) Approves Major Modification (MM 19-05332) subject to the Planning Division and Engineering Department Conditions of Approval attached hereto as Attachment 1 and incorporated herein by this reference.

3) Approves Conditional Use Permit 20-05064 subject to the Planning Division and Engineering Department Conditions of Approval attached hereto as Attachment 1 and incorporated herein by this reference.

Section 6. 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 7. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 9th day of June, 2020.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

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

I, Nancy Salazar, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 5677 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9th day of June, 2020, by the following vote:

AYES: MAGAÑA, CORONA, RABB, ROGERS, VARGAS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

City Clerk, Nancy Salazar

Attachments: Planning Division and Engineering Department Conditions of Approval