

**RESOLUTION NUMBER 4955**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT 14-01-0017 (STATE CLEARINGHOUSE #2014051034) PREPARED FOR THE OPTIMUS LOGISTICS CENTER 2 PROJECT, A WAREHOUSE DEVELOPMENT PROJECT TOTALING 1,037,811 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 2 (“Project”) proposes to construct two warehouse buildings, totaling 1,037,811 square feet with associated parking and other site improvements, and on and off-site infrastructure improvements on 48.38 acres located on the north side of Markham Street between Patterson and Webster Avenues; and

**WHEREAS**, during the course of review of the Project it was deemed an Environmental Impact Report (EIR/*State Clearinghouse #2014051034*) 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**, on June 4, 2014 the Planning Commission conducted a duly noticed scoping hearing on the project to hear from both public agencies and the public on the potential environmental impacts, site planning and building architecture; and

**WHEREAS**, between July 29, 2015 and September 11, 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 November 4, 2015, the Final EIR was distributed to those agencies and persons that commented in writing on the Draft EIR; and

**WHEREAS**, on November 18, 2015, the Planning Commission conducted a duly noticed public hearing on the project and at the meeting recommended certification of the EIR 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 14-01-0017 (*State Clearinghouse #2014051034*),

Development Plan Review 14-01-0015, Specific Plan Amendment 14-04-0001, Street Vacation 14-04-0002, Tentative Parcel Map 14-01-0016 (TPM 36678); 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 14-01-0017 (*State Clearinghouse #2014051034*), Development Plan Review 14-01-0015, Specific Plan Amendment 14-04-0001, Street Vacation 14-04-0002, Tentative Parcel Map 14-01-0016 (TPM 36678); 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 operational air quality impact, cumulative air quality impact and cumulative traffic impacts related to intersection, roadway segment capacity, freeway mainline segments and freeway merger/diverge 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 4 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 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 14-01-0017 (*Clearinghouse #2014051034*) 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 operational air quality impact, cumulative air quality impact and cumulative traffic impacts related to intersection, roadway segment capacity, freeway mainline segments and freeway merger/diverge 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 4). 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 4 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 4 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 EIR 14-01-0017 (SCH# 2014051034).

**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 12<sup>th</sup> day of January, 2016.

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Mayor, Daryl R. Busch

ATTEST:

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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 4955 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 12<sup>th</sup> day of January 2016, by the following called vote:

AYES: ROGERS, YARBROUGH, BUSCH

NOES: BURKE, RABB

ABSENT: NONE

ABSTAIN: NONE

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City Clerk, Nancy Salazar

**Attachments:** Mitigation Monitoring and Reporting Plan (see Attachment 4)  
Statement of Facts and Findings and Statement of  
Overriding Consideration (see Attachment 4)