

RESOLUTION NUMBER 4463

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. 2009081086) PREPARED FOR THE PERRIS VALLEY COMMERCE CENTER SPECIFIC PLAN AND PERRIS VALLEY MASTER DRAINAGE PLAN BASED ON THE FINDINGS AND FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the proposed Perris Valley Commerce Center Specific Plan (“Project”) consists of approximately 3,500 acres located east of the I-215 Freeway, north of Placentia Avenue, west of the Perris Valley Storm Drain, and south of the March Air Reserve Base, and includes the Perris Valley Master Drainage Plan; and

WHEREAS, the Project envisions a high quality industrial environment that is recognized for its aesthetic cohesiveness, superior land planning and architectural design, and will establish a framework of land use intensities, infrastructure design, entry themes, architectural and landscape design guidelines that follow smart growth principles; and

WHEREAS, the proposed Perris Valley Commerce Center Specific Plan (SP 08-10-0007, General Plan Amendment 08-10-0008 and Zone Change 08-10-0009) 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 beginning August 26, 2009 and ending 30 days hence on September 25, 2009 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 September 16, 2009; and

WHEREAS, a Notice of Completion was sent with the DEIR to the State Clearinghouse on June 27, 2011; and

WHEREAS, the Draft EIR was circulated for a 45-day public review period to agencies, organizations and the public from July 20, 2011 to September 6, 2011. A total of 20 comment letters were received from Federal, State and local agencies, the Pechanga Tribe, and local residents and their representatives during the public comment period. The specific and general responses to comments are included in the Final EIR (“Final EIR”); and

WHEREAS, notice of this City Council hearing was duly provided through publication on December 28, 2011; 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 recommendation 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 are found by the City Council to be less than significant and to not require mitigation are described in Section 5.2 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 5.3 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 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 5.4. 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 land use (consistency with the Air Quality Management Plan), short-term construction emissions, long-term mobile and stationary source emissions, consistency with the Air Quality Management Plan for air quality, and cumulative construction and operational impacts are identified in the Final EIR, which the City Council hereby approves for the reasons described in Section 7.3 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 5.3 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, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section 5.5 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 action on the Final EIR reflects their 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.

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 identified in the Final EIR have been determined to be significant and unavoidable. The specific impacts are set forth in Section 7.2 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 City Council adopts the Findings and Findings of Fact 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. 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 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 adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "2" and incorporated herein by reference as if set forth in full.

Section 7. Based on the above findings, the City Council certifies the Final EIR for the Project (SCH# 2009081086).

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 10th day of January, 2012.

Daryl R. Busch, Mayor

ATTEST:

Judy L. Haughney, C.M.C., City Clerk

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

I, Judy L. Haughney, City Clerk of the City Council of the City of Perris, do hereby certify that the foregoing Resolution Number 4463 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 10th day of January, 2012, by the following vote:

AYES: Evans, Rogers, Yarbrough, Landers, Busch

NOES:

ABSTAIN:

ABSENT:

Judy L. Haughney, C.M.C., City Clerk