

RESOLUTION 4449

**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.
2010031028) PREPARED FOR THE DOWNTOWN SPECIFIC PLAN
UPDATE BASED ON THE FINDINGS AND FINDINGS OF FACT,
STATEMENT OF OVERRIDING CONSIDERATIONS, AND
MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the Downtown Specific Plan Update (“Project”) proposes to amend the existing Downtown Specific Plan to allow a mix of uses, including a maximum of 852,056 square feet (s.f.) of retail uses, 1,878,641 s.f. of office uses, and 4,946 dwelling units (single- and multiple-family). The Downtown Specific Pan area is bounded by I-215 Freeway on the north, Ellis Avenue on the south, A Street to the west, and Redlands Avenue to the east; and

WHEREAS, the Project would provides opportunities for new employment uses in campus designs with employee amenities and services within the Downtown; and

WHEREAS, proposed Downtown Specific Plan Update SP-008-004 and General Plan Amendment GPA 11-06-0018 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 March 8, 2010 for a period of 30 days ending April 7, 2010, 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 Notice of Completion was sent with the DEIR to the State Clearinghouse on June 27, 2011; and

WHEREAS, the DEIR was distributed for a 45-day public review period starting on June 29, 2011, with the comment period expiring on August 15, 2011. 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, at a regularly scheduled Planning Commission hearing on October 19, 2011, the Planning Commission exercised its independent review of the Final EIR and recommended that the City Council certify the Final EIR; and

WHEREAS, notice of this City Council hearing was duly provided through publication on November 29, 2011; and

WHEREAS, at a regularly scheduled Planning Commission hearing on November 16, 2011, the Planning Commission exercised its independent review of the Final EIR and recommended that the City Council certify the Final EIR; 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 Planning Commission 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 Planning Commission recommends that the City Council find 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 Planning Commission recommends that the City Council find 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 Planning Commission recommends that the City Council find 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 Planning Commission recommends that the City Council approve for the reasons described in Section 7.2 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, the Mitigation Monitoring Program to address project level and cumulative environmental impacts identified in the Final EIR which the Planning Commission recommends that the City Council find 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, no comments made in the public hearings conducted by the City Council or any additional information submitted to the Planning Commission 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 ORDAIN AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the environmental documentation and information included in the staff report prior to certifying the FEIR, and finds and determines that the FEIR, based on the Findings of Fact and the Statement of Overriding Considerations and the requirements of the Mitigation, Monitoring and Reporting Program fully address the potential environmental impacts, and that the declarations reflect the independent judgment of the City Council.

Section 3. The City Council hereby certifies the FEIR including the “Findings of Facts and Statement of Overriding Considerations”, and the “Mitigation, Monitoring and Reporting Program” for the Downtown Specific Plan Update incorporated in this Resolution by

reference, based on the information and findings presented in the staff report, supporting exhibits and attachments, and the following:

1. The FEIR for the Project has been prepared in compliance with CEQA and the State CEQA Guidelines;
2. The information contained in the FEIR for the Project provides an adequate assessment of the potentially significant impacts incurred by the Project;
3. The Findings required by CEQA Guidelines section 15091 for each potentially significant impact are made in the document titled "Findings of Fact and Statement of Overriding Considerations";
4. 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;
5. Various short and long term air quality impacts as a result of the Project are 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 Attachment "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;
6. To the extent feasible, the Mitigation Monitoring and Reporting Program attached hereto as Attachment "B" and incorporated herein will result in the elimination of significant environmental impacts.

Section 4. 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 5. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 13th day of December, 2011.

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 4449 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 13th day of December, 2011, by the following vote:

AYES: LANDERS, EVANS, ROGERS, YARBROUGH, BUSCH

NOES:

ABSTAIN:

ABSENT:

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