

RESOLUTION NUMBER 4203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR/STATE CLEARINGHOUSE #2007021132), ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS OF ENVIRONMENTAL IMPACT AND MAKE FINDINGS IN SUPPORT THEREOF, AND APPROVING DEVELOPMENT PLAN REVIEW 06-0432, TENTATIVE PARCEL MAP 35268/#06-0498 AND STREET VACATION 07-12-001 TO CONSTRUCT A 643,000 SQUARE FOOT WAREHOUSE NORTH OF RIDER STREET BETWEEN JOHNSON AND REDLANDS AVENUE, SUBJECT TO CONDITIONS OF APPROVAL AND THE FINDINGS NOTED HEREIN.

WHEREAS, on October 19, 2006 a formal Development Plan Review application (DPR 06-0432) was submitted for consideration of architectural and site design; and

WHEREAS, on December 12, 2006 a Tentative Parcel Map application (TPM 35268/#06-0498) was submitted to revert the site from Tract 4269 consisting of 191 individual lots with streets to a single lot to facilitate the development; and

WHEREAS, on December 19, 2007 a Street Vacation application (ST. Vac. 07-12-0013) was submitted to facilitate the realignment of Redlands Avenue to be consistent with the updated circulation plan; and

WHEREAS, during the course of review of the project it was deemed an Environmental Impact Report (EIR/State Clearinghouse #2007021132) was required to assess environmental impacts associated with the project; and

WHEREAS, on September 5, 2007, the Planning Commission held a scoping meeting and workshop for the Environmental Impact Report (EIR/State Clearinghouse #2007021132) to discuss and hear from the public on the potential environmental impacts and plotting and building architecture of said industrial development; and

WHEREAS, on February 14, 2008, the project obtained a consistency determination from the Airport Land Use Commission because the westerly half of the project site is located within Accident Potential Zone 2 of the "Airport Land Use Plan" (ALUP - 1984), thereby forgoing the need to obtain an overrule determination; and

WHEREAS, between October 9, 2008 and November 28, 2008, the Draft Environmental Impact Report (Draft EIR) was available for public review and comment during a state-mandated 45-day public review period; and

WHEREAS, on January 28, 2008, the Final EIR was distributed to those agencies and persons that commented in writing on the Draft EIR; and

WHEREAS, on March 4, 2009, the Planning Commission conducted a duly noticed public hearing after continuing the project from its February 18, 2009 meeting. At the March 4, 2009 meeting the Planning Commission recommended approval of 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 #2007021132*), Tentative Parcel Map 35268/#06-0498, Street Vacation 07-12-0013, and Development Plan Review 06-0432; and

WHEREAS, on March 31, 2009, the City Council conducted a duly noticed public hearing on the project, consider 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 #2007021132*), Tentative Parcel Map 35268/#06-0498, Street Vacation 07-12-0013, and Development Plan Review 06-0432; and

WHEREAS, an Environmental Impact Report (*Clearinghouse #2007021132*) 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

WHEREAS, the EIR identified several air quality impacts that would result in environmental impacts for which mitigation measures are not available to reduce impacts below levels of significance and a Statement of Overriding Consideration of Environmental Impact must be adopted prior to approval by the City Council; and

WHEREAS, the EIR identified all other potential environmental impacts as either not an impact, a less than significant impact, or a less than significant impact with mitigation and a Mitigation Monitoring Program has been prepared for those potential impacts requiring mitigation, which is part of the Final EIR; and

WHEREAS, Section 66411 of the California Government Code (*Subdivision Map Act*) vests in the legislative bodies of local agencies the regulation and control of the design and improvement of subdivisions; and

WHEREAS, Title 18 of the City of Perris Municipal Code (*Subdivisions*) implements the state Subdivision Map Act and authorizes the Planning Commission to act as an advisory agency to the City Council and authorizes the City Council to take action on a subdivision/parcel map; and

WHEREAS, Chapter 19.54 of the City of Perris Municipal Code (*Zoning Code, Authority and Review Procedures*) authorizes the City to approve, conditionally approve, or deny requests for Development Plan Review, Tentative Parcel Map and Street Vacation; 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.

Section 2. The City Council finds and determines that the City has complied with the California Environmental Quality Act and that City Council determinations reflect the independent judgment of the City Council.

Section 3. The City Council hereby certifies the Environmental Impact Report (*State Clearinghouse #2007021132*) finding that:

(a) The City has complied with the California Environmental Quality Act (CEQA) and the EIR is an accurate and objective statement that fully complies with CEQA and CEQA Guidelines; and

(b) No evidence of new significant impacts as defined by CEQA Guidelines Section 15088.5, has been received by the City after circulation of the Draft EIR which would require recirculation; and

(c) The EIR has identified and discussed the following significant environmental impacts, which may occur as a result of the Project and which require mitigation, but cannot be mitigated to less than significant levels, thereby requiring adoption of a Statement of Overriding Considerations as set forth in this Resolution:

(i) The project will violate an air quality standard and contribute substantially to an existing or projected air quality violation.

(ii) The project will result in a cumulatively considerable net increase of NO_x emissions for which the project is within a Non-Attainment Region.

(iii) The project will create short term exposure of PM₁₀ and NO_{2.5} emissions to sensitive residential receptors near the site.

(d) The EIR has identified and discussed significant environmental impacts which may occur as a result of the Project and which require mitigation, and can be mitigated to less than significant levels (*except for unavoidable significant impacts as discussed in section 3, above*); and

(e) Other reasonable alternatives to the Project which could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project; and

(f) Environmental, economic, social and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further Mitigation Measures beyond those incorporated into the Project; and

Section 4. The City Council hereby adopts a Statement of Overriding Considerations of Environmental Impact finding that:

(a) Pursuant to CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against any unavoidable environmental impacts in

determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered “acceptable”; and

(b) The City has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project; and

(c) To the extent any Mitigation Measure recommended in the EIR or Project conditions of approval could not be incorporated, such Mitigation Measure is infeasible because it will impose restrictions on the Project that will prohibit the realization of specific economic, social and other benefits that the City finds outweigh the unmitigated impacts; and

(d) Except for the Project, all other alternatives set forth in the EIR are infeasible because they will prohibit the realization of Project objectives and/or specific economic, social and other benefits that the City finds outweigh any environmental benefits of the alternatives; and

(e) Having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed Mitigation Measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City has determined that each of the following social, economic and environmental benefits of the Project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

(i) The Project is a high quality land use transition from a fallow agricultural field to a warehouse distribution center consistent with the property’s industrial zoning and land use designations.

(ii) The Project represents the continuation of a logical development pattern occurring in the surrounding area.

(iii) The Project provides for transportation improvements, including the improvement of segments of Johnson Avenue, Rider Street, and Redlands Avenue, and the vacation of a portion of Redlands Avenue, which will provide an extraordinary benefit to the local transportation system.

(iv) The Project provides backbone public infrastructure (i.e., roads and utilities) to service the site and surrounding properties, which will ensure that the Project will not adversely impact existing infrastructure.

(v) The site will provide a high quality industrial development that will enhance the surrounding community and provide opportunities to meet the demands of local and regional area businesses and the community.

(vi) The Project will help the City create an improved balance between employment and housing by providing job opportunities to existing residents that currently commute outside of the local area to work.

(vii) The Project will create positive net fiscal revenue to the City through an increased tax base.

(f) The foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project, which cannot be mitigated; and

(g) Each of the Project benefits separately and individually outweighs the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

Section 5. The City Council hereby approves Tentative Parcel Map 35268 (TPM 06-0498) and Street Vacation 07-12-0013, subject to the conditions of approval and finding that:

(a) Tentative Parcel Map 35268 and Street Vacation 07-12-0013 are consistent with the General Plan land use designation of Light Industrial all other applicable General Plan policies, as amended; and

(b) Tentative Parcel Map 35268 and Street Vacation 07-12-0013 are consistent with the Zoning designation of Light Industrial and all other applicable Zoning Code standards, as amended; and

(c) Tentative Parcel Map 35268 and Street Vacation 07-12-0013 are in compliance with the Subdivision Map Act; and

(d) The site is physically suitable for the reversion to acreage and the type of industrial development; and

(e) The design of Tentative Parcel Map 35268 and Street Vacation 07-12-0013 and the type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, other than as addressed by the adopted Statement of Overriding Considerations of Environmental Impact; and

(f) The design of Tentative Parcel Map 35268 and Street Vacation 07-12-0013 and the type of improvements are unlikely to cause serious public health problems; and

(g) The design of Tentative Parcel Map 35268 and Street Vacation 07-12-0013 and the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision; and

(h) The discharge of waste from implementation of Tentative Parcel Map 35268 and Street Vacation 07-12-0013 will not result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the California Water Code.

Section 6. The City Council hereby approves Development Plan Review 06-0432 for architectural and site design, subject to the conditions of approval and finding that:

(a) Development Plan Review 06-0432, is consistent with the General Plan land use designation (Light Industrial) and other applicable General Plan policies, including the location, size, design, and intensity of the development and related improvements; and

(b) Development Plan Review 06-0432, including the location, size, design, density and intensity of the development and related improvements, is consistent with the Zoning designation of Light Industrial and all other applicable Zoning Code standards, as amended; and

(c) All requirements of the California Environmental Quality Act have been met; and

(d) The site is physically suitable for the location, size, design, density, and intensity of the plotting and architectural design for the type of industrial development; and

(e) Development Plan Review 06-0432, including the location, size, design, density and intensity of the development and related improvements, is consistent with the Sustainable Community Element of the General Plan, in that the Project supports the City's commitment to protect the environment, improve quality of life, and promote sustainable development by incorporating certain measures into the design, construction, and maintenance of the buildings and overall project development. Specifically, the Project supports the following Sustainable Community Element goals (followed by the Project's implementing measures):

(i) Goal I – “Create a vision for energy and resource conservation and the use of green building design of the City, which provides for protection of the environment, improving quality of life, and promoting sustainability.”

- Construction Activity Pollution Prevention – The Project reduces pollution from construction activities by controlling soil erosion, waterway sedimentation, and airborne dust generation, in that the applicant will implement an Erosion and Sediment Control Plan as part of the required Stormwater Pollution Prevention Permit. This task complies with California Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000002, and also complies with the Sustainable Sites Prerequisite 1 for LEED certification.

- Stormwater Design (*quantity control*) – The Project implements a Stormwater Management Plan that prevents the post-development peak discharge rate and quantity from exceeding the pre-development peak discharge rate and quantity for the one- and two-year, 24-hour design storms, in that the Preliminary Water Quality Management Plan (*PWQMP*) for the project site has been accepted by the City's independent third party consultant (*URS Corporation*) as complying with, and exceeding, these standards. This task complies with Chapter 14.22 of the City of Perris Municipal Code (*Stormwater/Urban Runoff Management and Discharge Control*), the Santa Ana River Basin Water Quality Control Plan, and National Pollutant Discharge Elimination System General Permit No. CAS618033, and also complies with Sustainable Sites Credit 6.1 for LEED certification – 1 point.

- Storage and Collection of Recyclables – The Project facilitates the reduction of waste generated by building occupants that is hauled to and disposed of in landfills, in that the applicant will provide an easily accessible area that serves the entire site and is dedicated to the collection and storage of non-hazardous materials for recycling, including (*at a minimum*) paper, corrugated cardboard, glass, plastics and metals. This task complies with the Riverside County Recycling Guide for Residents and Businesses 2005/2006 (*California Assembly Bill 939 implementation*) and also complies with Materials and Resources Prerequisite 1 for LEED certification.

- Environmental Tobacco Smoke Control – The Project minimizes exposure of building occupants, indoor surfaces, and ventilation air distribution systems to environmental tobacco smoke, in that the owner will prohibit smoking in the building and will locate any exterior designated smoking areas at least 25 feet from entries, outdoor air intakes and operable windows. This task furthers the intent of Section 6404.5 of the California Labor Code (Smoking in the Work Place) and also complies with Indoor Environmental Quality Prerequisite 2 for LEED certification.

(ii) Goal II – “Encourage land uses and new development that support alternatives to the single occupant vehicle.”

- Alternative Transportation (*bicycle storage and changing rooms*) – The Project reduces pollution and land development impacts from automobile use by providing secure bicycle racks or storage (*within 200 yards of the building entrance*) for 5 percent or more of the building users (*measured at peak periods*), and providing shower and changing facilities in the building (or within 200 yards of the building entrances) for 0.5 percent of the full-time equivalent building occupants. This task also complies with Sustainable Sites Credit 4.2 for LEED certification – 1 point.

- Alternative Transportation (*low emission and fuel efficient vehicles*) – The Project reduces pollution and land development impacts from automobile use by providing preferred parking for low-emitting and fuel efficient vehicles for 5 percent of the total vehicle parking capacity of the site. This task also complies with Sustainable Sites Credit 4.3 for LEED certification – 1 point.

(iii) Goal III – “Encourage improved energy performance standards above and beyond the California Title 24 requirements.”

- Heat Island Effect (*non-roof and roof*) - The Project reduces heat islands (*thermal gradient differences between developed and undeveloped areas*) to minimize impact on microclimate and human and wildlife habitat, in that the site development includes use of permeable parking materials to deter water runoff and promote natural filtering of precipitation and irrigation waters. This task also complies with Sustainable Sites Credit 7.1 and Credit 7.2 for LEED certification – 1 point.

- Minimum Energy Performance – The Project establishes the minimum level of energy efficiency for the buildings and systems, in that the Project is required to comply with the Title 24 of the California Building Code, which is more stringent than the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/Illuminating Engineering Society of North America (IESNA) standard 90.1-2004. This task also complies with Title 24 of the California Building Code and may also comply with Energy and Atmosphere Prerequisite 2 for LEED certification.

(f) The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of light industrial development proposed with Development Plan Review 06-0432; and

(g) Development Plan Review 06-0432 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; and

(h) The architecture of Development Plan Review 06-0432 is compatible with community standards and protects the character of other City industrial developments; and

(i) The landscaping plan of Development Plan Review ensures visual relief and provides an attractive environment for the public's enjoyment; and

(j) The safeguards necessary to protect the public health, safety and general welfare have been required for Development Plan Review 06-0432.

Section 7. The City Council hereby approves Tentative Parcel Map 35268 (TPM 06-0498), Street Vacation 07-12-0013, and Development 06-0432 subject to the following amendments to the Planning and Engineering Conditions of Approval as noted in Bold below:

Planning Conditions of Approval

Page 1 of Condition 2 shall be amended as follows:

Approved Plans. Development of the premises, building elevations, colors and materials shall conform substantially to the approved set of plans prepared by HPA, Inc. dated January 28, 2009, or as amended by these conditions, which includes true windows at the raised roofline area along both the southerly and northerly elevations to be consistent with the alternating window treatment at the raised roofline area, **and the use of “Festival Color” in lieu of “La Manca Color” at the cornice treatment.** Any deviation shall require the appropriate Planning Division review and approval.

Page 3 of Condition 14 shall include shall include new sub Condition 14.f. as follows:

- f. Amendment to Landscaping Plan. The applicant shall work with the Community Development Director to provide a replacement tree for the Eucalyptus Trees proposed along both the northerly and southerly property lines to screen the truck door area.**

Page 4 of Condition 15 shall be amended as follows:

Walls and Fences. A wall and fencing plan shall be submitted for review and approval to the Planning Division. The plan shall include a site plan, elevations, and construction details for all proposed fencing and walls. The wall and fencing plan shall be included with the landscape plan check application submittal. A minimum 10-foot high decorative block wall shall be provided along the southerly boundary and a minimum 8-foot high decorative block wall along the northerly boundary with pilaster columns spaced every 150-feet. The interior screening wall fronting Johnson Avenue and Redlands Avenue shall be decorative block consistent with the theme of the building. The sliding gate fence to screen the truck loading area shall have metal mesh to screen the truck operation during times when the building is not in operation. **The applicant shall also work with the Community Development Director to provide a minimum of two gates to provide access to the MWD trail north of the project site.**

Page 6 of Condition 26 shall be amended as follows:

Employee Amenity Area. The applicant shall pay the cost of the MWD improvement along their northerly frontage in lieu of providing the outdoor recreation improvements on site. In addition, the building shall ~~be~~ **have a** set-aside area for recreation purposes, subject to the review of the Community Development Director.

Engineering Conditions of Approval

Page 1 of Condition 2 shall be amended as follows:

The project's grading shall be in a manner to perpetuate existing drainage patterns, any deviation from this concentration or increase in runoff must have approval of adjacent property owners. Drainage easements shall be obtained from effected property owners or if within this site, shall be shown on the final map. The applicant shall accept the offsite runoff and convey to acceptable outlet. **The majority of this site is within 100-year flood plain. Accordingly to a study performed by Webb & Associates dated February 28, 2009 the proposed improvements will not negatively impact the existing flood plain limits. This project shall be required to submit detailed hydrology/hydraulic studies to demonstrate no impact prior to issuance of any permit. The study shall determine the exact limits of flood plain both downstream and downstream of Rider Street crossing.**

Page 4 Condition 22 shall be amended as follows:

Right-of-way acquisition. All right-of-way property area necessary for construction of the street and traffic improvements including any utility and construction easements, not under Applicant's ownership shall be acquired by the Applicant, at Applicant's sole cost. ~~If Applicant is unsuccessful in negotiating any right-of-way acquisition with third party owners after a 30-day period, then City shall conduct the necessary analysis to determine in its sole discretion whether to attempt to acquire the right of way by exercise of its power of eminent domain; provided, however, that nothing herein shall be deemed a prejudgment or commitment with respect to condemnation.~~

Page 5 Condition 26 shall be amended as follows:

Rider Street from Redlands Avenue to ~~easterly~~ **westerly** property line along north side shall be

Page 5 Condition 29 shall be amended as follows:

New street (**Johnston**) from Rider Street north to Sinclair Street along both sides shall

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 31st day of March 2009.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

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

I, **Judy L. Haughney**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4203 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 31st day of March 2009, by the following vote:

AYES:	COUNCILMEMBERS:	Landers, Evans, Rogers, Yarbrough, Busch
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Judy L. Haughney, City Clerk