

**RESOLUTION NUMBER 4237**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2006011102), ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS OF ENVIRONMENTAL IMPACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR: (1) TENTATIVE MAP AND STREET VACATION 05-0112 (COUNTY MAP NO. 33587) TO SUBDIVIDE 90.0 ACRES INTO FIVE PARCELS AT THE NORTHWEST CORNER OF PERRIS BOULEVARD AND MARKHAM STREET; AND (2) DEVELOPMENT PLAN REVIEW 05-0113 FOR THE PLOTTING AND BUILDING ARCHITECTURE OF SAID LIGHT INDUSTRIAL DEVELOPMENT.**

**WHEREAS**, on March 23, 2005, the applicant, Industrial Development International, Inc., filed a formal planning application for: (1) Environmental Impact Report (State Clearinghouse #200611102) to assess the potential environmental impacts of the proposed project; (2) Tentative Map and Street Vacation 05-0112 (33587) to subdivide the 90.0 gross acre project site into five parcels and to vacate Nance Street between Perris Boulevard and Indian Avenue; and (3) Development Plan Review 05-0113 for the plotting and building architecture of said industrial development; and

**WHEREAS**, on February 1, 2006, the Planning Commission held a scoping meeting and workshop for the Environmental Impact Report (EIR) to discuss and hear from the public on the potential environmental impacts and plotting and building architecture of said industrial development; and

**WHEREAS**, from October 29, 2008, through December 15, 2008, the Draft Environmental Impact Report (Draft EIR) was available for public inspection and comment during the state-mandated 45-day public review period; and

**WHEREAS**, on May 11, 2009, the Final Environmental Impact Report (Final EIR) was distributed to the City of Perris City Council and Planning Commission, and to those agencies and persons that commented in writing on the Draft EIR; and

**WHEREAS**, the EIR was prepared for the project in accordance with Sections 21000 through 21177 of the California Public Resources Code (California Environmental Quality Act, CEQA) and Sections 15000 through 15387 of the California Code of Regulations (CEQA Guidelines); and

**WHEREAS**, the EIR identified several air quality impacts (project specific and cumulative) that would result in environmental impacts for which mitigation measures are not available to reduce the impacts to below levels of significance and a Statement of Overriding Consideration of Environmental Impact will need to 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**, on May 20, 2009, the Planning Commission conducted a duly noticed public hearing, considered public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact and the Final EIR (which includes the Draft EIR) and adopted Resolution No. 09-16 recommending that the City Council certify the EIR and adopt a Statement of Overriding Environmental Considerations; and

**WHEREAS**, on June 30, 2009, the City Council conducted a duly noticed public hearing, considered public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact and the Final EIR (which includes the Draft EIR).

**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 determinations reflect the independent judgment of the City.

**Section 3.** The City Council hereby certifies the EIR (State Clearinghouse #2006011102) finding that:

(a) The City has complied with 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 a level of less than significant, thereby requiring adoption of a Statement of Overriding Considerations as set forth in section 4 below:

(i) Air Quality short-term construction. Project specific and cumulative emissions for nitrogen oxide (NO<sub>x</sub>) and volatile organic compounds (VOC) that are regionally significant.

(ii) Air Quality long-term operational. Project specific and cumulative emissions for diesel particulate matter (DPM), nitrogen oxide (NO<sub>x</sub>) and volatile organic compounds (VOC) in both the summer and winter that are regionally significant.

(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 a level of less than significant (except for unavoidable significant impacts as discussed in section 3(c), 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.

**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) The EIR includes feasible mitigation measures that reduce or avoid significant impacts. The implementation of these measures is described in the Mitigation Monitoring and Reporting Program (MMRP) for the project as required by CEQA. The EIR also considered additional mitigation measures which were deemed infeasible, as discussed below; and

(d) The following mitigation measures have been suggested by the South Coast Air Quality Management District (SCAQMD) to reduce air quality impacts from project operation:

(i) Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the warehouse/distribution center and sensitive receptors. The neighborhood (sensitive receptors) south of Markham Street and east of Webster Avenue is located approximately 466 meters from the project boundary thereby surpassing the 300 meter buffer requirement. The nearest sensitive receptor is located approximately 127 meters (416 feet) east of the project site across Perris Boulevard which is a designated truck route. However, this residence location is an existing non-

conforming use according to the City's General Plan land use designation and zoning map, which designate the site as Business Park. This means that this location will not experience residential growth or modification in the future. In addition, it appears as though this location also borders an area used for truck-trailer parking. This mitigation measure will not be necessary to incorporate.

(ii) Design the warehouse/distribution center such that any check-in point for trucks is well inside the facility property to ensure that there are no trucks queuing outside the facility. The project has been designed to ensure that trucks do not queue outside the facility boundary. The gates on Markham Street are at least 50 feet inside the facility boundary from the road right-of-way while the gates along Indian Avenue and Perris Boulevard are at least 75 feet from the road right-of-way as shown on the site plan. The Traffic Study shows that 62 trucks enter and exit the site during the peak hour. The site plan shows truck bays and trailer parking spaces plus loading parking spaces. Therefore, it is appropriate to conclude that the project has been adequately designed to ensure that no trucks queue outside the facility. Incorporation of this mitigation measure is not necessary.

(iii) Design the warehouse/distribution center to ensure that truck traffic within the facility is located away from the property line(s) closest to its sensitive receptor neighbors. There are not any sensitive receptors located immediately adjacent to the project site. The orientation of the proposed buildings do not include any loading docks facing east which will direct truck traffic away from the eastern property line, nearest to the closest sensitive receptor. Therefore, this measure is not applicable to the project and was not included in the mitigation measures.

(iv) Restrict overnight parking in residential areas. The project site is located within the proposed North Perris Industrial Specific Plan. The proposed North Perris Industrial Specific Plan provides the City of Perris, along with developers, community groups, and community service districts, with a comprehensive set of plans, regulations, conditions, and programs for guiding the systematic development within the area, and implements each applicable element of the City of Perris General Plan. The proposed North Perris Industrial Specific Plan includes the land use plan, designation of planning areas and development standards including restrictions of truck parking within non-industrial areas. Sign placement within residential areas will be funded and implemented by the City.

(v) Establish overnight parking within the facility where trucks can rest overnight. There are 339 trailer parking spaces provided on the site plan. According to the Traffic Study, 940 trucks will serve the site daily. The Federal Highway Administration estimates that only 10 percent of truck drivers' sleep at a facility's loading dock while 62 percent sleep at truck stops or public rest areas (FHA 2002). The project site provides parking for approximately 37 percent of daily trucks. Therefore, the project supplies adequate overnight truck parking. Additionally, the nearest truck stop is located approximately 5 miles south of the proposed project off of Perris Boulevard providing more parking for the projects trucks. Therefore, this mitigation is not necessary.

(vi) Establish areas within the facility for repair needs. The project area is not in a remote location. Drivers will have reasonable access to repair stations for their trucks. The facility is located in an industrial area with easy freeway access. Therefore, trucks should not be traversing through neighborhoods looking for repair stations, and incorporation of this mitigation measure is not warranted.

(vii) Develop, adopt and enforce truck routes both in and out of the City, and in and out of the facilities; and have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential neighborhoods. The City of Perris General Plan designates Perris Boulevard, Indian Avenue, Webster Avenue, Harley Knox Boulevard (formerly Oleander Avenue), and Ramona Expressway as future truck routes. The City will sign routes as appropriate. The existing residential areas and adjacent roadways are not setup in such a way that would lead truckers into the residential neighborhood streets. In addition, Mitigation Measure MM Air 7 is meant to redirect the trucks in and out of the facility thereby reducing the amount of truck traffic that might otherwise traverse neighborhoods.

(viii) Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park and Ride. The nearest Park and Ride location is approximately six miles north of the project site in Moreno Valley at State Route 60 and Pigeon Pass Road. Therefore, as the City would be responsible for this, incorporation as a mitigation measure for this project is not warranted.

(ix) Provide food options, fueling, truck repair and or convenience store on site to minimize the need for trucks to traverse through residential neighborhoods. The surrounding area is industrial with easy access to the freeway. Therefore, this measure is not an issue.

(x) Use street sweepers that comply with SCAQMD Rules 1186 and 1186.1. The City of Perris currently contracts CR&R Inc. for street sweeping services and as such are required to comply with SCAQMD Rules 1186 and 1186.1. Therefore, this measure is not necessary as mitigation for this project.

(xi) Conduct air quality monitoring at sensitive receptors. This measure is not appropriate at the project level, but better handled at the regional level by an appropriate air quality regulating entity and was therefore, not considered as a feasible mitigation measure for this particular project. Monitoring is already conducted nearby in the City of Perris by the SCAQMD. Air quality monitoring at receptor sites would be done after the project is operational when there would be no potential benefit to receptors and certainly wouldn't be able to substantially lessen impacts. Monitoring at sensitive receptor locations will not differentiate this project's emissions compared to the other local and regional sources in the area that contribute to pollutant concentrations in the ambient air. In addition, the HRA for this project used conservative assumptions and did not result in significant health risk impacts. Therefore, because additional monitoring should be the responsibility of the SCAQMD in cooperation with the City of Perris, it is not feasible to include this as a mitigation measure for this project.

(e) Except for the Project, all other alternatives set forth in the EIR are rejected and found infeasible because:

(i) Alternative sites were rejected because the project area does not offer project sites which would significantly change the environmental impacts addressed in the DEIR. (from bottom of page V-1 of DEIR). It is required under CEQA that alternative site(s) be evaluated, if any feasible sites exist, where significant impacts can be lessened. Since one of the project objectives is to implement the City of Perris's General Plan land use designations and policies, industrially designated land in Perris within the approximately 2,500-acre area designated as industrial near the I-215 was evaluated for alternative sites. The project area is similar to that of the project site (mostly vacant) with some residential pockets. The environmental impacts of any other vacant site within a one mile vicinity of the project site are expected to have similar impacts as the project. Namely, any other vacant physical site location would still result in air quality, noise, traffic impacts. Some sites would be closer to the freeway, making the noise and freeway access issues less than the project, however, other sites would be closer to March Air Reserve Base and could offer more impact than the project. Additionally, other sites, depending on their biological or cultural resources may have similar or worse impacts than the project as well. Therefore, because the project area does not offer project sites which would significantly change the environmental impacts addressed in this DEIR, a more meaningful discussion of alternative sites is deemed unnecessary and will not be discussed further in this Section.

(ii) Alternative 1, the No Project Alternative, was rejected because project objectives and City General Plan objectives are not realized. Of all the alternatives evaluated, the No Project alternative is recognized as the environmentally superior alternative with respect to minimal impacts compared to the proposed project. However, the No Project alternative does not meet the project objectives. The State CEQA Guidelines also require the identification of another environmentally superior alternative if the No Project alternative is the environmentally superior alternative.

(iii) Alternative 2, the Reduced Density Alternative, was rejected because there was no change in significant impacts. Since the No Project alternative cannot be the "environmentally superior alternative." Alternative 2 becomes the environmentally superior alternative over the proposed project. This alternative would reduce the square footage of proposed distribution buildings uses by 20 percent. Although the overall square footage of the project could be reduced, not all aspects of development would be reduced equally as a result. Implementation of this alternative would result in a volume reduction to project-generated traffic. The reduced traffic would result in slightly lesser noise impacts, by reducing the amount of vehicle traffic noise, and the air quality impacts would improve although neither would improve sufficiently to eliminate significant impact findings. Impacts related to biological, cultural, hazards, hydrology, and utilities would essentially stay the same as the proposed project. Regarding the ability of the Alternatives discussed above to meet project objectives, Alternative 2 will not be as economically competitive and more likely not as economically viable for the applicant to propose. Alternative 2 will result in less revenue and thus less tax revenue and fewer jobs to the City. Thus, while the larger project may result in some incrementally more concentrated impacts at and around this project site, overall it would result in fewer cumulative

impacts. Alternative 2's reduction in the number of vehicles makes it environmentally superior over the proposed project.

(iv) Alternative 3, the Business Park Alternative, was rejected because it increased traffic and air quality impacts. Another use of the project site, which would be allowed under the current General Plan designation, would be a business park, also referred to as an industrial condo project. This alternative to the project would entail several small buildings with no more than one roll-up door for truck deliveries. This alternative is envisioned to be less truck-intensive as the proposed project, as it would not be a distribution facility, but rather a place of businesses. Under this alternative, the site would have 32% building coverage and approximately 17% landscaping coverage. To determine the total trips for this "business park," the *Trip Generation Manual, 7th Edition* by the Institute of Transportation Engineers (ITE) was utilized, with a trip generation rate of 11.24 daily trips per 1,000 square feet of Land Use Type 770, Business Park. This alternative would create more daily trips compared to the project, which translates to more traffic impacts to local roadways. This alternative creates more daily trips which increase air pollution in general and GHG emissions, but significantly reduces the amount of truck traffic compared to the project. The reduction in trucks corresponds to better impacts than the project related to cumulative health risks.

(v) The alternatives 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.

(f) 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 light 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 Perris Boulevard, Markham Street, and Indian Avenue, and the vacation of Nance Street, which will provide a benefit to the local transportation system.

(iv) The Project provides backbone public infrastructure (i.e., roads and utilities) to service the site that 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 a 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 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 6.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**Section 7.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**Section 8.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED, SIGNED and APPROVED** this 30<sup>th</sup> day of June 2009.

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Mayor, Daryl R. Busch

ATTEST:

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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, do hereby certify that the foregoing Resolution Number 4237 was duly and regularly adopted by the City Council of the City of Perris, at a regular meeting held the 30th day of June, 2009, by the following vote:

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

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City Clerk, Judy L. Haughney