

RESOLUTION NUMBER 3944

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT; APPROVING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING PROGRAM; AND APPROVING GENERAL PLAN AMENDMENT 05-0190 AND DEVELOPMENT PLAN REVIEW 05-0192 TO CONSTRUCT A 697,578-SQUARE-FOOT INDUSTRIAL BUILDING AT THE NORTHWEST CORNER OF PERRIS BOULEVARD AND PERRY STREET; AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, the applicant has filed General Plan Amendment 05-0190, Zone Change 05-0191, and Development Plan Review 05-0192 to change the land use and zoning designations of the project site from Community Commercial (CC) to Light Industrial (LI) and construct a 697,578-square-foot industrial building on a 36.72-acre vacant lot located on the northwest corner of Perris Boulevard and Perry Street; and

WHEREAS, an Initial Study and Notice of Preparation was prepared for the project and circulated to responsible agencies, interested groups and individuals for a 30-day review period ending June 2, 2006; and

WHEREAS, a public scoping meeting was held on June 7, 2006, at the City of Perris Council Chambers; and

WHEREAS, a Draft Environmental Impact Report (“Draft EIR”) for the Project was prepared and circulated on January 12, 2007, for a 45-day public review period that ended on February 25, 2007, pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000, and State and Agency Guidelines adopted pursuant thereto; and

WHEREAS, the Draft EIR concluded Air Quality as the only potentially significant and unavoidable impact of the project, and a Statement of Overriding Considerations was prepared in accordance with Section 21081 of the State CEQA Guidelines; and

WHEREAS, a Final Environmental Impact Report (“FEIR”) for the Project (State Clearinghouse #2006041060) has been prepared pursuant to CEQA and the State CEQA Guidelines, and incorporates the Draft EIR with changes and revisions thereto, written Responses to Comments made during the CEQA review period, and the Mitigation and Monitoring Program; and

WHEREAS, the City Council of the City of Perris adopted a General Plan to guide development throughout the City and a Zoning Ordinance to implement the vision set forth in the General Plan; and

WHEREAS, California State law limits amendments to any of the mandated General Plan Elements to four times a year; howsoever, a number of changes may be made at one time; and

WHEREAS, this amendment, coupled with other proposals considered on this date, constitutes the second time in 2007 that the City of Perris has amended the Land Use Element of the General Plan; and

WHEREAS, on March 20, 2007, the Planning Commission conducted a duly noticed public hearing on the proposed project, considered testimony and materials in the staff report and accompanying documents, and recommended approval of General Plan Amendment 05-0190, Zone Change 05-0191, and Development Plan Review 05-0192, subject to the following amendments:

Planning Conditions of Approval

1. Amend COA No. 9.c. by adding "...and this condition can be deleted if the northern alignment is not included in the MCP EIS/EIR prior to the issuance of building permit."
2. Delete COA No. 19.d. regarding landscaping and hydroseed.
3. Amend COA No. 21.b. replacing entire condition with "eight-foot wall shall be installed along the interior (western) property line from the side property lines extending to the end of the rear future office areas and continuing with 8-foot wrought iron fencing.
4. Delete COA No. 21.c. regarding walls and fencing.

Engineer Conditions of Approval

1. Amend COA No. 10 by adding traffic signal at Perris Boulevard and Perry Street intersection.
2. Amend COA No. 18 by deleting "...Also refer to condition 1.e."

WHEREAS, on March 27, 2007, the City Council conducted a duly noticed public hearing on General Plan Amendment 05-0190, Zone Change 05-0191, and Development Plan Review 05-0192, considered testimony and materials in the staff report and accompanying documents, and certification of the Final Environmental Impact Report (State Clearinghouse #2006041060); approval of Findings, Statement of Overriding Considerations and Mitigation Monitoring Program; and approval of General Plan Amendment 05-0190, Zone Change 05-0191, and Development Plan Review 05-0192; and

WHEREAS, the City Council considered and certified the Final Environmental Impact Report (State Clearinghouse #2006041060) and approved the Findings, Statement of Overriding Considerations and Mitigation Monitoring Program found within the attached document entitled “Certification of the Final Environmental Impact Report, Findings, and Approvals for the Oakmont Industrial Building Project,” and finding that these documents adequately addressed the impacts of the proposed project, were prepared in accordance with the California Environmental Quality Act, and reflected the independent judgment of the City; and

WHEREAS, all legal prerequisites for the adoption of this Resolution have occurred;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, California, as follows:

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

Section 2. The Final EIR for the Project is hereby certified and the “Certification of the Final Environmental Impact Report, Findings, and Approvals for the Oakmont Industrial Building Project”, which includes the Statement of Overriding Considerations and Mitigation and Monitoring Program for the project, is hereby incorporated in this Resolution by reference and adopted, based on the following:

- A. The Final EIR for the Project has been completed in compliance with CEQA and the State CEQA Guidelines;
- B. The information contained in the Final EIR for the Project provides an adequate assessment of the potentially significant impacts allowed by the Project;
- C. The Findings, Overriding Considerations, and Mitigation Monitoring Program contained in the document entitled “Certification of the Final Environmental Impact Report, Findings, and Approvals for the Oakmont Industrial Building Project” are supported by substantial evidence, in compliance with CEQA;
- D. The Findings required by CEQA Guidelines Section 15091 are made in that document entitled “Certification of the Final Environmental Impact Report, Findings, and Approvals for the Oakmont Industrial Building Project,” and the rationale and substantial evidence supporting the Findings are contained in the Final EIR, Administrative Record, and Statement of Overriding Considerations, each of which is incorporated into the entitled document; and

- E. The Mitigation Monitoring Program will result in the elimination of significant environmental impacts to the extent feasible, and the project requirements and Mitigation Measures contained therein are adopted and incorporated as Conditions of Approval.

Section 3. Based on the information contained within the Project Report and the accompanying attachments and exhibits, the City Council hereby finds that:

General Plan Amendment

- A. The proposed project will not result in a significant adverse effect on the environment and will not affect health, safety, and welfare.
- B. The proposed project is consistent with the goals and policies of the General Plan.
- C. The proposed project is consistent with the existing dominant land uses in the project area.
- D. The proposed project is compatible with the surrounding General Plan designations in the area and is a logical extension of the existing General Plan land use pattern.

Development Plan Review

- A. The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the Zone in which the site is located, and the development policies and standards of the City.
- B. 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 development proposed.
- C. The proposed development 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.
- D. The architecture proposed is compatible with community standards and protects the character of adjacent development.
- E. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.

- F. The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

Section 4. The City Council hereby certifies the Final Environmental Impact Report (State Clearinghouse #2006041060) and approves the Findings, Statement of Overriding Considerations and Mitigation Monitoring Program found within the attached document entitled "Certification of the Final Environmental Impact Report, Findings, and Approvals for the Oakmont Industrial Building Project."

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 passage and adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 27th day of March, 2007.

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 3944 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27th day of March, 2007, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Yarbrough, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Judy L. Haughney