

RESOLUTION NO.

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
2 CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
3 REPORT FOR SYCAMORE CANYON BUSINESS PARK BUILDINGS 1 AND
4 2 PROJECT, MAKING CERTAIN FINDINGS OF FACT RELATED THERETO,
5 ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND
6 ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM,
7 ALL PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY
8 ACT.

9 WHEREAS, an application submitted by Hillwood Enterprises, LP and The Magnon
10 Companies for the construction and operation of two industrial warehouse and distribution
11 buildings totaling approximately 1,375,169 square feet, a General Plan Amendment and Specific
12 Plan Amendment to remove planned but not constructed streets, tentative parcel map to
13 consolidate 17 lots into 2 lots, a minor conditional use permit for industrial buildings greater than
14 400,000 square feet, design review, a grading exception and a variance, (“Project”) was presented
15 for consideration; and

16 WHEREAS, in accordance with the requirements of the California Environmental Quality
17 Act (“CEQA”) (Public Resources Code Section 21000 et seq.), the State of California CEQA
18 Guidelines (“State CEQA Guidelines”) (California Code of Regulations Title 14, Chapter 3,
19 Sections 15000 et seq.) and the City of Riverside (“City”) CEQA Guidelines (collectively “CEQA
20 Regulations”) an Environmental Impact Report (“EIR”) was prepared for the Project; and

21 WHEREAS, in accordance with the requirements of Section 15082(a) of the State CEQA
22 Guidelines, on August 18, 2015, the City prepared and distributed a Notice of Preparation (“NOP”)
23 to all appropriate responsible and trustee agencies and to all organizations and individuals
24 requesting notice, stating that an EIR would be prepared for the Project; and

25 WHEREAS, on August 18, 2015, the NOP was sent to the State Clearinghouse (SCH No.
26 2015081042); and

27 WHEREAS, on August 26, 2015, a public scoping meeting was held in order to assist with
28 the initial the preparation of the EIR; and

WHEREAS, all responses to the NOP were considered in the preparation of the Draft EIR
and interested agencies and individuals were contacted to secure their input; and

1 WHEREAS, the Draft EIR was completed and a Notice of Completion (“NOC”) and the
2 Draft EIR was filed with the State Clearinghouse on or about August 10, 2016, in accordance with
3 the provisions of section 15085 of the State CEQA Guidelines; and

4 WHEREAS, copies of the Draft EIR were also sent to various public agencies,
5 organizations and individuals, made available at the City’s Planning Division, the Riverside Main
6 Library, Orange Terrace Library, and on the City’s website, and a Notice of Availability (“NOA”)
7 of the Draft EIR was published in the Riverside Press Enterprise, a newspaper of general
8 circulation, mailed to a list of interested parties, and posted with the Riverside County Clerk’s
9 Office; and

10 WHEREAS, the NOC and the NOA provided a 45 day public review period commencing
11 on August 10, 2016, and ending on September 23, 2016; and

12 WHEREAS, the public review period was extended to October 7, 2016, for a total review
13 period of 59 days; and

14 WHEREAS, the City received written and oral comments from the public and responsible
15 agencies on the Draft EIR during this public comment period; and

16 WHEREAS, all comments on the Draft EIR concerning environmental issues that were
17 received during the public review period, as well as those received after the public review period,
18 were evaluated by the City as the Lead Agency in accordance with Section 15088 of the State
19 CEQA Guidelines; and

20 WHEREAS, the City Planning Commission held a duly noticed hearing on the Draft EIR
21 on December 15, 2016, and made certain recommendations to the City Council; and

22 WHEREAS, the Final Environmental Impact Report (“FEIR”) dated February 2017, for
23 the Project consists of a Draft EIR dated August 2016, comments and recommendations received
24 on the Draft EIR, responses to comments on the Draft EIR, and list of persons, organizations and
25 public agencies commenting on the Draft EIR; and

26 WHEREAS, the FEIR contains the elements required by the CEQA Regulations, including,
27 but not limited to: (a) identification, description and discussion of all potentially significant
28 environmental effects of the proposed Project; (b) a description of mitigation measures proposed

1 to minimize potential significant environmental effects on the project identified in the FEIR; (c) a
2 description of those potential environmental effects which cannot be avoided or can be mitigated
3 but not to a level of insignificance; (d) a description of a range of reasonable alternatives to the
4 proposed Project and evaluation of the comparative merits and potential significant environmental
5 effects of the alternatives; (e) a discussion of cumulative impacts in accordance with the
6 requirements of section 15130 of the State CEQA Guidelines; (f) a discussion of growth inducing
7 impacts; (g) a discussion of significant irreversible environmental changes; (h) a discussion of
8 energy conservation; and (i) a list of all federal, state and local agencies, other organizations and
9 private individuals consulted in preparing the FEIR and the firm preparing the FEIR; and

10 WHEREAS, the FEIR includes comments received on the Draft EIR and written responses
11 to those comments, the focus of which is on the disposition of significant environmental issues
12 raised in the comments, as specified by CEQA Guidelines section 15088(b); and

13 WHEREAS, the City Council held a duly noticed hearing on the FEIR on February 14,
14 2017, at which time additional written and oral testimony was received; and

15 WHEREAS, the City Council has been presented with and is familiar with the information
16 in the administrative record, including the Staff Reports and the written and verbal testimony
17 submitted thereon, and has reviewed and considered the information in the FEIR for completeness
18 and compliance with the CEQA Regulations, has independently reviewed and analyzed the FEIR
19 and has duly heard and considered the Staff Reports and all written and oral arguments presented
20 at its meeting of February 14, 2017; and

21 WHEREAS, the City has made the written findings set forth in Findings of Fact and
22 Statement of Overriding Considerations (“Findings/SOC”) attached hereto as Exhibit “A” and
23 incorporated herein by reference, for each potentially significant environmental impact identified
24 in the FEIR pursuant to State CEQA Guidelines Section 15091 based upon all of the evidence in
25 the administrative record, including, but not limited to the FEIR, written and oral testimony given
26 at meetings and hearings, and submission of testimony from the public, organizations and
27 regulatory agencies, and has determined that the Findings contain a complete and accurate
28 reporting of the environmental impacts and mitigation measures associated with the Project, as

1 well as complete and accurate reporting of the unavoidable impacts and benefits of the Project;
2 and

3 WHEREAS, approval of the Project will result in significant effects which are identified
4 in the FEIR that cannot be avoided or substantially lessened; and

5 WHEREAS, the City has stated in writing the specific reasons to support its action to
6 approve the Project, despite its significant environmental impacts, based on the FEIR and other
7 information in the record, including in the Findings/SOC set forth in Exhibit "A" attached hereto;
8 and

9 WHEREAS, the City Council certifies that (1) the FEIR for the Project has been completed
10 in compliance with CEQA; (2) that the FEIR was presented to the City Council, and that the City
11 Council reviewed and considered the information contained in the FEIR prior to making a decision
12 on the Project; and (3) the FEIR reflects the City's independent judgment and analysis, and has
13 reviewed and considered all comments received during the public review process and at the public
14 hearings; and

15 WHEREAS, the City Council found that the Project identified in the FEIR incorporated
16 alterations or mitigation measures that avoid or substantially lessen potentially significant
17 environmental effects associated with the Project to the fullest extent feasible; and

18 WHEREAS, in accordance with the requirements of the CEQA Regulations, a Mitigation
19 Monitoring and Reporting Program was prepared that identified (i) all feasible measures required
20 to mitigate potentially significant impacts, and (ii) standards and requirements contained in
21 Ordinances and State Laws with which the Project will be required to comply, which Mitigation
22 Monitoring and Reporting Program is attached hereto as Exhibit "B" and incorporated herein by
23 reference; and

24 WHEREAS, the City has not received any comments or additional information that
25 constitutes substantial new information requiring recirculation under Public Resources Code
26 section 21092.1 and State CEQA Guidelines section 15088.5; and

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1 WHEREAS, all requirements of the CEQA Regulations have been satisfied by the City in
2 the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects
3 of the Project have been adequately evaluated.

4 NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Riverside,
5 California, and making the following findings, as follows:

6 Section 1: The above recitals are hereby found and determined to be true and correct and
7 are hereby incorporated herein as if stated in full.

8 Section 2: The City Council hereby makes the following findings and conclusions:

9 (a) The FEIR for the Project has been completed and processed in compliance with the
10 requirements of CEQA;

11 (b) The FEIR was presented to the City Council, and the City Council, as the decision
12 making body for the City, reviewed and considered the information contained in
13 the FEIR and the administrative record as a whole, which includes, but is not
14 limited to, staff reports, testimony and information received, and scientific and
15 factual data presented in evidence during the review process, prior to approving the
16 Project; and

17 (c) The FEIR reflects the City’s independent judgment and analysis.

18 Section 3: The City Council hereby finds that any changes to the FEIR in response to
19 comments received on the Draft EIR merely clarify, amplify or make insignificant modifications
20 to an already adequate EIR pursuant to CEQA Guidelines Section 15088.5(b) and that no
21 significant new information has been received that would require recirculation.

22 Section 4: The City Council finds that the Findings/SOC set forth in Exhibit “A,” attached
23 hereto and incorporated by reference herein as if stated in full, are supported by substantial
24 evidence in the administrative record and are hereby adopted by the City Council.

25 Section 5: Potential environmental effects have been studied and, except as stated in
26 Section 8 below, there is no substantial evidence in the record, as a whole, that supports any
27 argument that the Project, as designed and mitigated, may cause a significant effect on the
28 environment. No facts, reasonable assumptions predicated on facts, testimony supported by

1 adequate factual foundation, or expert opinion supported by facts has been submitted that refute
2 the conclusions reached by the FEIR, studies, data and reports. Nor does anything in the record
3 alter the environmental determination, as presented, based upon investigation and independent
4 assessment of those studies, data and reports. No new significant impacts have been raised by any
5 commenting individual or entity, nor has any significant new information been added to the FEIR
6 that would require recirculation under State CEQA Guidelines section 15088.5.

7 Section 6: The FEIR dated February 2017, for the Project reflects the independent
8 judgment of the City based upon the findings and conclusions stated in the FEIR, staff reports, and
9 in consideration of testimony and information received, and scientific and factual data presented
10 in evidence during the review process.

11 Section 7: The City Council Finds that the FEIR dated February 2017, has fully examined
12 the environmental impacts of the Project and, based on the information in the administrative
13 record, including the analysis in the FEIR, has determined that the impacts on aesthetics,
14 agricultural and forestry resources, air quality (except for operational NOx), biological resources,
15 cultural/paleontological resources, energy use/conservation, geology and soils, greenhouse gas
16 emissions, hazards and hazardous materials, hydrology and water quality, land use and planning,
17 mineral resources, noise (except for exceedance of standards for construction and operational),
18 population and housing, public services, recreation, transportation/traffic (except it would conflict
19 with applicable plans, policies or ordinances regarding freeway segments), and utilities and service
20 systems either have no impact, are less than significant or are potentially significant but that with
21 mitigation the impacts are reduced to less than significant based on the Findings/SOC set forth in
22 Exhibit “A” attached hereto and incorporated herein by reference, as well as the findings and
23 analysis contained in the FEIR (collectively “Findings”). The Findings are supported by
24 substantial evidence contained therein as well as in the record, and as such, said Findings are
25 hereby adopted by the City Council.

26 Section 8: The City Council finds that the FEIR dated February 2017, has fully examined
27 the environmental concerns associated with the Project and, based on the information in the
28 administrative record, including the analysis in the FEIR, has determined that the following

1 significant impacts, identified in the FEIR, cannot be mitigated to a level of insignificant: air
2 quality (NOx emissions during Project operations), noise (construction and operational noise will
3 exceed exterior standards), and transportation/traffic (conflict with an applicable plan, ordinance
4 or policy establishing measures of effectiveness for freeway segments). As explained in the
5 Findings/SOC attached hereto as Exhibit “A” and incorporated herein by reference, the City
6 Council finds pursuant to Public Resources Code section 21081(a)(3) that specific economic, legal,
7 social, technological or other considerations make infeasible additional mitigation measures or
8 alternatives that would substantially lessen such impacts. The City Council further finds, pursuant
9 to Public Resources Code section 21081(a)(1) and as explained in the Findings/SOC (Exhibit “A”)
10 that changes or alterations have been incorporated into the Project which mitigate or avoid those
11 significant impacts identified in the FEIR to the fullest extent feasible.

12 Section 9: With the exception of the impacts identified in Section 8 above, the City Council
13 finds that, the Project, including all mitigation measures, conditions, permits and approvals will
14 not have any other significant adverse unmitigated impacts on the environment. Potential
15 environmental effects have been studied and there is no substantial evidence in the record, as a
16 whole, that supports any argument that the Project, as designed and mitigated, would cause a
17 significant effect on the environment, except as to the impacts identified in Section 8. No facts,
18 reasonable assumptions predicated on facts, testimony supported by adequate factual foundation,
19 or expert opinion supported by facts has been submitted that refute the conclusions reached by the
20 FEIR, studies, data and reports. Nor does anything in the record alter the environmental
21 determination, as presented, based upon investigation and independent assessment of those studies,
22 data and reports

23 Section 10: The City Council finds that two (2) alternatives were considered and rejected
24 from further consideration as set forth in attached Exhibit “A” Findings/SOC. The City Council
25 further finds that three (3) alternatives were identified and analyzed in the FEIR and all were
26 rejected as failing to meet most of the Project objectives, as introducing new/worse significant
27 environmental impacts as compared to the Project, and/or as infeasible, due to specific economic,
28 legal, social technological and other considerations. These grounds are contained in the

1 administrative record, including the FEIR, the Findings/SOC set forth in Exhibit “A” attached
2 hereto and incorporated herein by reference, and the written and verbal testimony. Specifically:

3 (a) Alternative 1 – No Project, No Build. This Alternative was rejected because it fails
4 to implement any of the 11 Project objectives; because development of the Project
5 site is likely; and it is not economically viable. Specifically, the Project site would
6 be greatly underutilized, would only meet, to some degree, one of the Project
7 objectives, and the likelihood of a perpetual undeveloped site is not feasible nor
8 realistic.

9 (b) Alternative 2 – No Project/Specific Plan Build. This Alternative was rejected and
10 determined not to be feasible because it would not meet most of the Project
11 objectives and it would result in greater environmental impacts to air quality and
12 traffic/transportation than the Project. It would also not reduce significant and
13 unavoidable environmental impacts on air quality, noise and traffic/transportation.
14 Further, and specifically, this Alternative does not meet the Project objective
15 associated with development and operation of a logistics center.

16 (c) Alternative 3 – Reduced Density. This Alternative was rejected and determined
17 not to be feasible because although Alternative 3 would have reduced impacts to
18 air quality, greenhouse gas emissions, noise, and transportation/traffic, Alternative
19 3 would not meaningfully reduce the significant and unavoidable impacts of the
20 Project; although Alternative 3 implements nine (9) of the eleven (11) Project
21 objectives, six (6) of the objectives are not implement to the same degree as the
22 Project; Alternative 3’s largest building would be approximately 709,096 square
23 feet, which would not satisfy the market demand for buildings over one million
24 square feet, thus development is infeasible.

25 Section 11: The FEIR dated February 2017, for the Project has been completed and
26 processed in compliance with the requirements of the CEQA Regulations (both state and local),
27 and based on the entirety of the administrative record is hereby certified.

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1 Section 12: The City Council has balanced the benefits of the adoption of the Project
2 against its unavoidable environmental impacts and has determined that for the reasons set forth
3 below, the economic, legal, social, technological and other benefits of the Project outweigh the
4 unavoidable adverse environmental effects which have been identified in the Findings/SOC
5 discussed in Section 8 of this Resolution and in Exhibit “A” attached hereto and the adverse
6 environmental effects are therefore considered acceptable. In making its determination, the City
7 Council has indicated its intention to approve the Project and hereby adopts the Statement of
8 Overriding Considerations contained in Exhibit “A” attached hereto and incorporated herein by
9 reference, which sets forth the considerations made by the City Council. The benefits of
10 implementing and approving the Project are summarized as follows

11 (a) Takes advantage of existing City infrastructure; is adjacent to similar industrial
12 logistics and distribution center uses; is in close proximity to March Inland Port, Interstate
13 215/State Route 60 and Interstate 10; and, limits traffic truck within residential areas in the City
14 and neighboring jurisdictions.

15 (b) Creates both temporary and permanent on-site jobs and will indirectly support local
16 and regional jobs. Additionally, construction spending will create a one-time stimulus to the local
17 and regional economies. Once the proposed Project is completed, the facility will ultimately spur
18 the creation of both local and regional jobs, and there would be additional output and earnings to
19 the local and regional economies.

20 (c) Contributes towards maximizing employment opportunities in the City.

21 (d) Provides jobs for residents at a variety of income levels.

22 (e) Provides new development that will assist the City in obtaining fiscal balance in
23 the years and decades ahead. Once construction is completed, the facility will annually generate
24 additional City revenue. This increased revenue from the development will be driven by indirect
25 sales tax, property tax, and business license fees.

26 (f) Provides additional property tax revenue to the City, which would contribute to the
27 provision of public services.

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1 (g) Responds to the market demand within the Sycamore Canyon Business Park
2 Specific Plan for a logistics center over one million square feet in size by maximizing the use of
3 one of the few remaining large industrial building sites in the City that is in proximity to the Ports
4 of Los Angeles and Long Beach. By realizing the substantial unmet demand in the City and the
5 region for buildings over one million square feet in size, the City will be able to compete on a
6 domestic and international scale through the efficient and cost-effective movement of goods.

7 (h) Includes sustainable design project features. Facilitates development of
8 underutilized lands and maximizes the development potential by creating a plan for a unified,
9 cohesive development of multiple parcels rather than a piecemeal, incremental approach to
10 development.

11 (i) Provides safe and controlled access to the Sycamore Canyon Wilderness Park for
12 use by fire and park maintenance vehicles, pedestrians, and bicyclists.

13 These findings are supported by substantial evidence and the data to support these
14 overriding considerations are found throughout the FEIR, the supporting comments and responses
15 section of the FEIR, and by information throughout the administrative record.

16 Section 13: The City Council further finds that the Project will provide numerous benefits
17 to the City, as stated in Section 12 above, which outweigh its unavoidable environmental impacts
18 and therefore adopts the Statement of Overriding Considerations set forth more fully Exhibit "A"
19 attached hereto and incorporated herein by reference.

20 Section 14: The City Council finds that all significant environmental impacts from
21 implementation of the Project have been identified in the FEIR and, with the implementation of
22 the mitigation measures set forth in the Mitigation Monitoring and Reporting Program contained
23 in Exhibit "B" attached hereto and incorporated herein by reference, will be mitigated to a less-
24 than-significant level, with the exception of the impacts identified in Section 8 above. The City
25 Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project to
26 implement the policies, goals and implementation measures identified in the FEIR as necessary to
27 preclude the need for further mitigation measures. Said Mitigation Monitoring and Reporting
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Program, contained in the FEIR and attached hereto as Exhibit “B”, is hereby incorporated as part of the approval of the City Council for the adoption of the Project.

Section 15: Specific environmental, economic, social, legal, technical and other considerations and benefits derived from the development of the Project override and make infeasible any alternative to the Project or further mitigation measures beyond those incorporated into this Project.

Section 16: The City Council hereby finds that the locations of documents and other materials which constitute the record of proceedings upon which its decision is based are the Community & Economic Development Department, Planning Division and the City Clerk’s Office located at 3900 Main Street, Riverside, California 92522, and the custodian of such records shall be the Community & Economic Development Director and the City Clerk, respectively.

ADOPTED by the City Council this _____ day of _____, 2017.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

COLLEEN J. NICOL
City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced at a meeting of the City Council on the ___ day of _____, 2017, by the following vote, to wit:

- Ayes:
- Noes:
- Abstain:
- Absent:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this ___ day of _____, 2017.

COLLEEN J. NICOL
City Clerk of the City of Riverside

CA 17-0086
01/30/17