

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SYCAMORE HILLS DISTRIBUTION CENTER; MAKING CERTAIN FINDINGS OF FACT RELATED THERETO, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ALL PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, an application submitted by Darrell Butler and Khosro Khaloghli for the following entitlements for two warehouse buildings totaling 603,100 square feet on 48.64 acres: a Parcel Map, Minor Conditional Use Permit, Design Review, Variances, Grading Exceptions, and a Zoning Code Amendment (collectively the “Project”), was presented for consideration; and

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

WHEREAS, in accordance with the requirements of Section 15082(a) of the State CEQA Guidelines, on July 28, 2020, the City prepared and distributed a Notice of Preparation (“NOP”) to all appropriate responsible and trustee agencies and to all organizations and individuals requesting notice, stating that an EIR would be prepared for the Project, beginning a 30-day scoping period; and

WHEREAS, on July 28, 2020, the NOP was sent to the State Clearinghouse (SCH No. 2021040089); and

WHEREAS, on August 12, 2020, a public scoping meeting was virtually held in order to assist with the initial 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

WHEREAS, the Draft EIR was completed and a Notice of Completion (“NOC”) and the Draft EIR was filed with the State Clearinghouse on June 8, 2021, in accordance with the provisions of section 15085 of the State CEQA Guidelines; and

1 WHEREAS, copies of the Draft EIR were also sent to a variety of government agencies,
2 organizations and interested parties, including: local jurisdictions, tribal governments, state and
3 federal agencies, resource agencies, water districts and boards, transportation agencies, community
4 groups and organizations, business organizations, chambers of commerce, universities and school
5 districts, senior/aging organizations, interested parties and members of the public; a Notice of
6 Availability (“NOA”) of the Draft EIR was published in the Riverside Press Enterprise, a
7 newspaper of general circulation, mailed to a list of interested parties, and posted with the
8 Riverside County Clerk’s Office; and

9 WHEREAS, The DEIR was also posted on the City’s website and made available for
10 review at City Hall at 3900 Main Street, Riverside, CA 92522, and at the Riverside Public Library,
11 Orange Terrace Branch at 20010-B Orange Terrace Parkway, Riverside, CA 92508; and

12 WHEREAS, the NOC and the NOA provided a 45-day public review period commencing
13 on June 8, 2021, and ending on July 22, 2021; and

14 WHEREAS, the City received written and oral comments from the public and responsible
15 agencies on the Draft EIR during and after the 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 August 19, 2021, and made certain recommendations to the City Council; and

22 WHEREAS, the Final Environmental Impact Report (“FEIR”), dated November 2021, for
23 the Project consists of a Draft EIR dated June 2021, comments and recommendations received on
24 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 December 14,
14 2021, 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 December 14, 2021; 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

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

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

Section 6: The FEIR dated November, 2021, for the Project reflects the independent judgment of the City based upon the findings and conclusions stated in the FEIR, staff reports, and in consideration of testimony and information received, and scientific and factual data presented in evidence during the review process.

Section 7: The City Council Finds that the FEIR dated November, 2021, has fully examined the environmental impacts of the Project and, based on the information in the administrative record, including the analysis in the FEIR, has determined that the impacts to aesthetics; agriculture & forest resources; air quality; biological resources; cultural resources; energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation (except VMT); tribal cultural resources; utilities and service systems; and wildfire either have no impact, are less than significant, or are potentially significant but that with mitigation the impacts are reduced to less than significant based on the Findings/SOC set forth in Exhibit “A” attached hereto and incorporated herein by reference, as well as the findings and analysis contained in the FEIR (collectively “Findings”). The Findings are supported by substantial evidence contained therein as well as in the record, and as such, said Findings are hereby adopted by the City Council.

Section 8: The City Council finds that the FEIR dated September, 2021, has fully examined the environmental concerns associated with the Project and, based on the information in the administrative record, including the analysis in the FEIR, has determined that the following significant impact, identified in the FEIR, cannot be mitigated to a level of insignificant: transportation (VMT). As explained in the Findings/SOC attached hereto as Exhibit “A,” the City

1 Council finds pursuant to Public Resources Code section 21081(a)(3) that specific economic, legal,
2 social, technological or other considerations make infeasible additional mitigation measures or
3 alternatives that would substantially lessen such impacts. The City Council further finds, pursuant
4 to Public Resources Code section 21081(a)(1) and as explained in the Findings/SOC (Exhibit “A”)
5 that changes or alterations have been incorporated into the Project which mitigate or avoid those
6 significant impacts identified in the FEIR to the fullest extent feasible.

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

18 Section 10: The City Council finds that three (3) alternatives were considered and rejected
19 from further consideration as set forth in attached Exhibit “A” Findings/SOC. The City Council
20 further finds that three (3) other alternatives were identified and analyzed in the FEIR and all were
21 rejected as failing to meet most of the Project objectives and/or as infeasible, due to specific
22 economic, legal, social technological and other considerations. These grounds are contained in
23 the administrative record, including the FEIR, the Findings/SOC set forth in Exhibit “A” and the
24 written and verbal testimony. Specifically:

25 (a) Alternative 1 – No Project/No Development. This Alternative was rejected because
26 even though it could avoid the Project’s significant and unavoidable impacts, it fails to meet any
27 of the Project objectives.
28

1 (b) Alternative 2 – Other Permitted Use/Manufacturing. This Alternative was rejected
2 and determined not to be feasible because would only meet some of the Project’s objectives, it
3 does not meet all of the objectives, and a number of this alternative’s environmental impacts have
4 the potential to be greater in comparison to those of the Project.

5 (c) Alternative 3 – Reduced Development. This Alternative was rejected and
6 determined not to be feasible because although this Alternative would have reduced some impacts,
7 it does not meet all of the Project Objectives.

8 Section 11: The FEIR dated November, 2021, for the Project has been completed and
9 processed in compliance with the requirements of the CEQA Regulations (both state and local),
10 and based on the entirety of the administrative record is hereby certified.

11 Section 12: The City Council has balanced the benefits of the adoption of the Project
12 against its unavoidable environmental impacts and has determined that for the reasons set forth
13 below, the economic, legal, social, technological and other benefits of the Project outweigh the
14 unavoidable adverse environmental effects which have been identified in the Findings/SOC
15 attached as Exhibit “A” and the adverse environmental effects are therefore considered acceptable.
16 In making its determination, the City Council has indicated its intention to approve the Project and
17 hereby adopts the Statement of Overriding Considerations contained in Exhibit “A” which sets
18 forth the considerations made by the City Council. The benefits of implementing and approving
19 the Project are summarized as follows:

20 (a) The Project would develop underutilized land that has been planned for industrial
21 uses since 1984, that maximizes the use of the site, and that responds to market demand within the
22 Sycamore Business Park Specific Plan area for warehouse buildings.

23 (b) The Project would develop a vacant lot with a well-planned infill development in a
24 location that is strategic for development, pursuant to General Plan Policy LU-8.1, and in a location
25 that is currently landlocked by an existing Restrictive Covenant while expanding the size of the
26 Restrictive Covenant and recording a Conservation Easement to preserve existing sensitive
27 biological resources onsite in perpetuity.

1 (c) The Project will provide a development that is allowable and compatible with
2 intensity (maximum occupancy) requirements of the Zone C1 Primary Approach/Departure Zone
3 of the March Air Reserve Base Land Use Compatibility Plan.

4 (d) The Project will implement the Sycamore Canyon Business Park Specific Plan
5 through a development allowed by the industrial land use designation and consistent with the
6 development standards and criteria relevant to the site and proposed use.

7 (e) Although not required, the Project will provide a 1.18-acre trailhead parking lot, as
8 an amenity to the Sycamore Canyon Wilderness Park in Parcel C that will be dedicated to the City
9 and operated and managed by the City's Parks, Recreation & Community Services Department.
10 The trailhead parking lot improvements include decomposed granite parking lot, landscaping,
11 shade structure with benches, bike rack, drinking fountain (including for pets), and ADA
12 (Americans with Disabilities Act) compliant parking spaces and sidewalk, trail fencing, gates and
13 signage. The trailhead parking lot is not required but is being provided as an amenity for the public
14 adjacent to the park and an important entrance to the park at Barton Street.

15 (f) The Project would positively contribute to the economy of the City through new
16 capital investment, creation of new employment opportunities, including opportunities for highly
17 trained workers and expand the tax base.

18 Section 13: The City Council finds that all significant environmental impacts from
19 implementation of the Project have been identified in the FEIR and, with the implementation of
20 the mitigation measures set forth in the Mitigation Monitoring and Reporting Program contained
21 in Exhibit "B" attached hereto and incorporated herein by reference, will be mitigated to a less-
22 than-significant level, with the exception of the impacts identified in Section 8 above. The City
23 Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project to
24 implement the policies, goals and implementation measures identified in the FEIR as necessary to
25 preclude the need for further mitigation measures. Said Mitigation Monitoring and Reporting
26 Program, contained in the FEIR and attached hereto as Exhibit "B", is hereby incorporated as part
27 of the approval of the City Council for the adoption of the Project.

1 Section 14: Specific environmental, economic, social, legal, technical and other
2 considerations and benefits derived from the development of the Project override and make
3 infeasible any alternative to the Project or further mitigation measures beyond those incorporated
4 into this Project.

5 Section 15: The City Council hereby finds that the locations of documents and other
6 materials which constitute the record of proceedings upon which its decision is based are the
7 Community & Economic Development Department, Planning Division and the City Clerk's Office
8 located at 3900 Main Street, Riverside, California 92522, and the custodian of such records shall
9 be the Community & Economic Development Director and the City Clerk, respectively.

10 ADOPTED by the City Council this _____ day of _____, 2021.

11
12
13
14 _____
DONESIA GAUSE
City Clerk of the City of Riverside

15
16
17 _____
PATRICIA LOCK DAWSON
Mayor of the City of Riverside

18 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
19 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City
Council on the ____ day of _____, 2021, by the following vote, to wit:

20 Ayes:

21 Noes:

22 Abstain:

23 Absent:

24 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
25 the City of Riverside, California, this ____ day of _____, 2021.

26
27 _____
DONESIA GAUSE
28 City Clerk of the City of Riverside