

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 2016091024) FOR DEVELOPMENT AGREEMENT NO. 18-032 AND DEVELOPMENT AGREEMENT NO. 18-033 FOR THE EXPANSION OF THE CITADEL SHOPPING OUTLETS, APPROVING A MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, applications for Development Agreement No. 18-032 and Development Agreement No. 18-033 have been received and accepted. The applications would enable the development of up to 1,007,202 square feet of new development and establish new regulations for future development within the project area. The project area is comprised of the property located along the north side of Telegraph Road between Hoefner Avenue (on the West) and continuing east to Washington Boulevard, not including the existing Commerce Casino and Hotel and the industrial properties located to the west of Tubeway Avenue (the "Project Site"); and

WHEREAS, the Zone Change within Development Agreement No. 18-032 would change a portion of Area 1 from the M-2 Zone to the C-2 Zone; and

WHEREAS, the Zone Change within Development Agreement No. 18-033 would change a portion of Area 3 from the C-2 Zone to the C-2 Zone, PF Zone and M-2 Zone; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Commerce is the lead agency for the proposed Project; and

WHEREAS, in accordance with State CEQA Guidelines section 15063, the City prepared an Initial Study to determine whether an environmental impact report ("EIR") was required for the proposed Project; and

WHEREAS, based on the Initial Study, the City determined that an ~~EIR~~ should be prepared because the Project may have a significant effect on the environment; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, on October 19, 2018, the City sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an Environmental Impact Report (State Clearinghouse Number 2016091024) ("EIR") would be prepared; and

WHEREAS, the City received several comment letters in response to the

NOP; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meetings on November 26, 2018 to solicit comments on the scope of the environmental review of the proposed Project and several oral and written comments were received; and

WHEREAS, a Draft Environmental Impact Report ("DEIR") was prepared, incorporating comments received in response to the NOP; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on March 27, 2019; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), on March 26, 2019, the City provided Notice of Availability of the DEIR, which was available in excess of 45 days for public review; and

WHEREAS, on March 27, 2019, the City recirculated the DEIR which extended the public review period for the DEIR for an additional 45 days thereby making the final day of the public review period May 10, 2019; and

WHEREAS, during the public comment period, copies of the DEIR and technical appendices were available for review and inspection at City Hall, on the City's website, and at local libraries; and

WHEREAS, during the public comment period on the DEIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, the City received numerous written comment letters on the DEIR; and

WHEREAS, pursuant to State CEQA Guidelines section 15088.5, the City has prepared written responses to all comments submitted on the DEIR; and

WHEREAS, the City has prepared a Final Environmental Impact Report ("Final EIR"), which consists of the DEIR and its associated technical appendices, comments on the DEIR, written responses to comments on the DEIR, and errata to the DEIR; and

WHEREAS, on June 3, 2019, the Planning Commission conducted a duly noticed public hearing to consider the DEIR and the proposed Project, and to solicit comments on the documents from staff, the public, the applicant and the City's consultant team; and

WHEREAS, on June 3, 2019, after closing the public hearing and deliberating on the proposed Project, the Planning Commission, by a vote of 3-1, adopted a resolution

recommending that the City Council adopt environmental findings pursuant to CEQA, certify the Final EIR, approve a mitigation monitoring and reporting program, approve Development Agreement No. 18-032 and Development Agreement No. 18-033, and find the proposed Development Agreements consistent with the City's General Plan; and

WHEREAS, in accordance with Public Resources Code section 21092.5, on June 21, 2019, the City provided copies of its responses to commenting public agencies at least ten (10) days prior to the City Council's consideration of the Final EIR; and

WHEREAS, on July 2, 2019, the City Council conducted a duly noticed public hearing to consider the Final EIR and the proposed project, and to solicit comments on the documents from staff, the public, the applicant and the City's consultant team; and

WHEREAS, after receiving all public testimony on the proposed Final EIR and the proposed project, and after affording the applicant reasonable time to rebut and respond to information presented during the public hearing, the City Council closed the public hearing; and

WHEREAS, all potentially significant adverse environmental impacts were sufficiently analyzed in the Final EIR; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all of the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the City in connection with the preparation of the Final EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the Final EIR sufficiently analyzes the Project's potentially significant environmental impacts and a reasonable range of feasible alternatives capable of reducing these effects to less than significant levels to the extent feasible; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record of the Project, which are incorporated herein by this reference, and not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the Final EIR that the City Council finds are less than significant and do not require mitigation are described in Section 3 of Exhibit "A" attached hereto; and

WHEREAS, environmental impacts identified in the Final EIR that the City Council finds are potentially significant but can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the Final EIR, are described in Section 3 of Exhibit "A" attached hereto; and

WHEREAS, environmental impacts identified in the Final EIR that the City Council finds are potentially significant and cannot be mitigated to a level of less than significant are described in Section 3 and 5 of Exhibit "A" attached hereto; and

WHEREAS, the cumulative environmental impacts of the Project identified in the Final EIR are described in Section 3 of Exhibit "A" attached hereto; and

WHEREAS, growth inducing impacts identified in the Final EIR are described in Section 3 of Exhibit "A" attached hereto; and

WHEREAS, irreversible environmental changes identified in the Final EIR are described in Section 3 of Exhibit "A" attached hereto; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section 4 of Exhibit "A" attached hereto; and

WHEREAS, the Mitigation Monitoring and Reporting Program, which sets forth the binding mitigation measures for the Project, is attached hereto as Exhibit "B"; and

WHEREAS, a Statement of Overriding Considerations is attached hereto as Section 5 of Exhibit "A"; and

WHEREAS, the Final EIR reflects the independent judgment of the City and is fully adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made or information presented during or after the public review of the Final EIR has produced any significant new information requiring recirculation of the DEIR or additional environmental review of the Project under Public Resources Code section 21092.1 or State CEQA Guidelines section 15088.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Commerce hereby resolves, determines and orders as follows:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. The City Council certifies, based on the whole record before it, that (1) the Final EIR has been prepared in accordance with the requirements of CEQA (Pub. Res. Code § 21000 et seq.) and the State CEQA Guidelines (14 C.C.R. § 15000 et seq.), (2) the Final EIR was presented to the City and the City has reviewed and considered the information contained in the Final EIR prior to considering adoption of the Project, and (3) the Final EIR reflects the independent judgment and analysis of the City. The City provided a public review period exceeding 45 days for the DEIR as required under State CEQA Guidelines sections 15087 and 15105.

SECTION 3. The City Council adopts the CEQA Findings and Statement of Overriding Considerations attached hereto as Exhibits "A," and incorporated herein by this reference as if fully set forth herein.

SECTION 4. Pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15097, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B" and incorporated herein by this reference. The City Council finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation of the Project, changes to the Project and/or mitigation measures have been incorporated into the Project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

SECTION 5. The documents and materials that constitute the record of proceedings on which the CEQA Findings and Statement of Overriding Considerations in Exhibit A of this Resolution have been based are located at Commerce City Hall, 2535 Commerce Way, Commerce, CA 90040 and on the City's website. The custodian for these records is the Director of Planning and Community Development. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. The City Council hereby directs staff to file a Notice of Determination with Los Angeles County Clerk within five (5) working days of the adoption of this Resolution.

SECTION 7. The City Clerk shall certify the adoption of this Resolution and it shall go into effect upon its adoption.

PASSED, APPROVED and ADOPTED this 16th day of July 2019.

John Soria
Mayor

ATTEST:

Lena Shumway
City Clerk