

## **RESOLUTION NO. 2020-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR AMENDMENT NO. 2 TO THE HARVESTON SPECIFIC PLAN (SP 13) (PA18-0660)**

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine and declare that:

A. On May 7, 2018, Harveston-SAB LLC, a California Limited Liability Company, filed Planning Application Nos. PA18-0659, for a General Plan Amendment, and PA18-0660, for a Specific Plan Amendment. These applications (collectively, “Project”) were filed in a manner in accord with the City of Temecula General Plan and Development Code.

B. The Project was processed, including but not limited to all public notices, in the time and manner prescribed by State and local law, including the California Environmental Quality Act (CEQA) (Public Resources Code § 21000, et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.).

C. Pursuant to CEQA, the City is the lead agency for the Project because it is the public agency with the authority and principal responsibility for reviewing, considering, and potentially approving the Project.

D. The Project was processed, including but not limited to all public notices, in the time and manner prescribed by State and local law, including CEQA.

E. The Harveston Specific Plan (Specific Plan No. 13) was approved by the City Council on August 14, 2001 by the adoption of Resolution No. 01-72. Amendment No. 1 to the Harveston Specific Plan (SP 13) was approved by the City Council on August 26, 2003, by the adoption of Resolution No. 03-110. On August 14, 2001, the City Council certified the Program Environmental Impact Report for the Harveston Specific Plan (SCH #99041033).

F. CEQA encourages “tiering” EIRs for a sequence of actions so that later EIRs build on information in previous EIRs (Public Resources Code sections 21068.5 and 21093; CEQA Guidelines section 15152(d)). The Project is located within the Harveston Specific Plan area and, therefore, tiers off of the Program EIR for the Harveston Specific Plan.

G. Pursuant to CEQA, City staff determined that the Project could have a significant effect on the environment and therefore a Subsequent Environmental Impact Report (SEIR) should be prepared for the Project.

H. On July 24, 2019, in accordance with CEQA Guidelines section 15082, the City published and distributed a Notice of Preparation (NOP) to all agencies and persons that might be affected by the Project. The NOP was also distributed through the State Office of Planning and Research, State Clearinghouse (SCH #2019070974). The NOP was circulated from July 24, 2019 through August 22, 2019 to receive comments and input from interested public agencies and private parties on issue to be addressed in the SEIR.

I. On August 8, 2019, in accordance with CEQA Guidelines section 15082(c)(1), the City held a public scoping meeting to obtain comments from interested parties on the scope of the Draft SEIR.

J. In response to the NOP, four (4) written comments were received from various individuals and organizations. These comment letters assisted the City in formulating the analysis in the Draft SEIR.

K. Thereafter, the City contracted for the independent preparation of a Draft SEIR for the Project, including all necessary technical studies and reports in support of the Draft SEIR. In accordance with CEQA and the CEQA Guidelines, the City analyzed the Project's potential impacts on the environment, potential mitigation, and potential alternatives to the Project.

L. Upon completion of the Draft SEIR in January 2020, the City initiated a public comment period by filing a Notice of Completion with the State Office of Planning and Research on January 31, 2020. The City also published a Notice of Availability for the Draft SEIR in San Diego Union Tribune, a newspaper of general circulation within the City. A Notice of Availability was also posted on the project site.

M. The Draft SEIR was circulated for public review from January 31, 2020 through March 16, 2020. Copies of the Draft SEIR were sent to various public agencies, as well as to organizations and individuals requesting copies. In addition, copies of the documents have been available for public review and inspection at the offices of the Community Development Department, located at City Hall, 41000 Main Street, Temecula, California 92590; the Ronald H. Roberts Temecula Public Library located at 30600 Pauba Road; Temecula Grace Mellman Community Library located at 41000 County Center Drive; the Temecula Chamber of Commerce located at 26790 Ynez Court, Suite A; and the City of Temecula website, where the documents have been available 24 hours per day, 7 days per week.

N. In response to the Draft SEIR, the City received seven (7) written comments from various agencies, individuals, and organizations. In compliance with CEQA Guidelines section 15088, the City prepared written responses to all comments. None of the comments presented any new significant environmental impacts or otherwise constituted significant new information requiring recirculation of the Draft SEIR pursuant to CEQA Guidelines section 15088.5. Those comments and the Response to Comments, together with the Draft SEIR, the Corrections and

Additions to the Draft SEIR, and the Mitigation Monitoring and Reporting Program, constitute the Final Subsequent Environmental Impact Report (Final SEIR).

O. Pursuant to Public Resources Code section 21092.5, at least 10 days prior to certification, the City provided the Final SEIR, including responses to comments, to the public and all commenting public agencies.

P. On November 9, 2020, the Planning Commission held a duly noticed public hearing to consider the Final SEIR and the Project, at which time heard and considered information presented by City staff on the Project and its environmental review. In addition, interested persons had an opportunity to and did testify regarding this matter..

Q. Following consideration of the entire record of information received at the public hearing and due consideration of the Project, the Planning Commission adopted Resolution No. 2020-36 recommending that the City Council certify the Final SEIR prepared for Amendment No. 2 to the Harveston Specific Plan, adopt Findings pursuant to CEQA, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program for the Project. The Planning Commission also adopted Resolution No. 2020-37 and Resolution No. 2020-38, thereby recommending that the City Council take various actions, including adoption of a Specific Plan Amendment and General Plan Amendment related to the approval of the Project.

R. Section 15091 of the State CEQA Guidelines requires that the City, before approving a project for which an EIR is required, make one or more of the following written finding(s) for each significant effect identified in the Final SEIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR; or,
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

S. These required written findings are set forth in **Exhibit A**, attached hereto and incorporated herein by reference as if set forth in full.

1. Environmental impacts, or certain aspects of impacts, identified in the Final SEIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Exhibit A, Section IV.

2. The one environmental impact identified in the Final SEIR as significant and unavoidable despite the imposition of all feasible mitigation measures is described in Exhibit A, Section V.
3. Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VI of Exhibit A.

T. CEQA section 21081.6 requires the City to prepare and adopt a Mitigation Monitoring and Reporting Program for any project for which mitigation measures have been imposed to ensure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program is attached to this Resolution as **Exhibit B**, and is herein incorporated by reference as if set forth in full.

U. CEQA Guidelines section 15093 requires that if a project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts. The Statement of Overriding Considerations is part of the findings, and is attached hereto as **Exhibit A**, and is incorporated herein by reference as if set forth in full.

V. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered the information and data in the administrative record, including the Final SEIR, the written and oral comments on the Draft SEIR and Final SEIR, responses to comments, staff reports and presentations, technical studies, appendices, and all oral and written testimony presented prior to and during the public hearings on the Project.

W. Custodian of Records. The City Clerk of the City of Temecula is the custodian of records, and the documents and other materials that constitute the record of proceedings upon which this decision is based are located at the Office of the City Clerk, City of Temecula, 41000 Main Street, Temecula, California 92590.

Section 2. Substantive Findings. The City Council of the City of Temecula, California does hereby:

A. Declare that the above Procedural Findings are true and correct, and hereby incorporates them herein by this reference as though set forth in full.

B. Find that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Final SEIR and on the Project.

C. Find and declare that the City Council has independently considered the administrative record before it, which is hereby incorporated by reference and which includes the Final SEIR, the written and oral comments on the Draft SEIR, responses to comments

incorporated into the Final SEIR, staff reports and presentations, and all testimony related to environmental issues regarding the Project.

D. Find and determine that the Final SEIR fully analyzes and discloses the potential impacts of the Project, and that those impacts have been mitigated or avoided to the extent feasible for the reasons set forth in the Findings attached as Exhibit A and incorporated herein by reference, with the exception of those impacts found to be significant and unmitigable as discussed therein.

E. Find and declare that the Final SEIR reflects the independent judgment of the City Council. The City Council further finds that the additional information provided in the staff reports, in comments on the Draft SEIR, the responses to comments on the Draft SEIR, and the evidence presented in written and oral testimony, does not constitute new information requiring recirculation of the SEIR under CEQA. None of the information presented has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

F. Certify the Final SEIR as being in compliance with CEQA. The City Council further adopts the Findings pursuant to CEQA as set forth in Exhibit A; adopts the Mitigation Monitoring and Reporting Program attached as Exhibit B; and adopts the Statement of Overriding Considerations as set forth in Exhibit A. The City Council further determines that all of the findings made in this Resolution (including Exhibit A) are based upon the information and evidence set forth in the Final SEIR and upon other substantial evidence that has been presented at the hearings before the Planning Commission and the City Council, and in the record of the proceedings. The City Council further finds that each of the overriding benefits stated in Exhibit A, by itself, would individually justify proceeding with the Project despite any significant unavoidable impacts identified in the Final SEIR or alleged in the record of proceedings.

G. The City Council hereby imposes as a condition on the Amendment No. 2 to the Harveston Specific Plan each mitigation measure specified in Exhibit B, and directs City staff to implement and to monitor the mitigation measures as described in Exhibit B.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Temecula  
this 1<sup>st</sup> day of December, 2020.

---

Maryann Edwards, Mayor Pro Tem

ATTEST:

---

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss  
CITY OF TEMECULA         )

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2020-         was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 1<sup>st</sup> day of December, 2020 by the following vote:

AYES:                   COUNCIL MEMBERS:

NOES:                   COUNCIL MEMBERS:

ABSTAIN:               COUNCIL MEMBERS:

ABSENT:                COUNCIL MEMBERS:

---

Randi Johl, City Clerk