

RESOLUTION NO. 2013-32-CC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL CERTIFYING THE BELL BUSINESS CENTER PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2013041025) AND ADOPTING THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE BELL BUSINESS CENTER PROJECT ENVIRONMENTAL IMPACT REPORT (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)

WHEREAS, the City of Bell is considering a project which consists of Bell Public Financing Authority ("Authority") and the City of Bell ("City") selling and development of approximately 40.2 acres, comprising four, non-contiguous building sites located west of Eastern Avenue on Rickenbacker Road, City of Bell, CA 90201 (the "Properties") to and by PI Bell LLC ("Developer"), pursuant to the terms of a Stipulation for Settlement, entered into on June 10, 2013 (the "Stipulation") by and among the City, Authority, and Dexia Credit Local ("Dexia"); and

WHEREAS, the sale of the Properties pursuant to the Stipulation will fully satisfy obligations existing to Dexia under the Authority's \$35 million Taxable Lease Revenue Bonds, which were secured by certain portions of the Properties and for which the Authority was sued by Dexia on October 14, 2011, for default; and

WHEREAS, an application for Development Agreement DA 2013-01 between the City, the Authority, and PI Bell LLC ("Developer"), for development of the Bell Business Center Project, an 840,390 -square foot warehouse/distribution/logistics/light industrial development on 40.2 acres of real property located within the City, west of Eastern Avenue on Rickenbacker Road, has been filed; and,

WHEREAS, the proposed Bell Business Center Project is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. ("CEQA"), and the City of Bell is considered the Lead Agency; and,

WHEREAS, the Community Development Director determined that there was substantial evidence that the proposed project may have one or more significant effects on the environment and that preparation of an Environmental Impact Report ("EIR") was therefore warranted under Public Resources Code § 21080(d) and § 21082.2(d); and,

WHEREAS, the City circulated a Notice of Preparation from April 8, 2013 through May 8, 2013; and,

WHEREAS, the City conducted a public scoping meeting concerning the proposed project on April 25, 2013; and,

WHEREAS, on April 18, 2013 the Community Development Director and City Engineer met with representatives from the East Yard Communities for Environmental Justice and Warehouse Workers United to discuss potential impacts that should be addressed in the environmental impact report; and,

WHEREAS, upon completion of the Draft EIR, the City provided notice of completion to the State Office of Planning and Research on May 21, 2013, as required under CEQA Guidelines § 15085 and provided notice of availability of the Draft EIR, as required under CEQA Guidelines § 15087; and,

WHEREAS, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing on May 21, 2013 and closing on July 5, 2013 in accordance with CEQA Guidelines § 15105(a); and,

WHEREAS, before the close of the public comment period the City received eight comments on the Draft EIR, and received a ninth letter on August 5, 2013 ; and,

WHEREAS, in an effort to better understand the comments of various organizations, staff contacted representatives from same and offered to meet with them; and,

WHEREAS, staff met on several occasions with various organizations who submitted comment letters. In particular, staff and the applicant have met with representatives from East Yard Communities for Environmental Justice on several occasions including April 18, 2013, July 22, 2013, July 24, 2013 and August 5, 2013. Where possible, suggestions discussed at the meetings were incorporated into the Final EIR; and,

WHEREAS, the representative from CARD refused to meet with City staff unless staff would agree to specific conditions. Because staff did not have the authority to adopt the specific conditions proposed by the CARD representative, no meeting took place; however, they submitted comments in writing which staff and City studied and responded to in the Final EIR; and,

WHEREAS, recognizing that potential traffic impacts could affect City of Commerce, Bell City staff tried to arrange a meeting prior to circulation of the EIR. Commerce staff was present at the EIR scoping meeting on April 25, 2013, and a meeting was held with Bell and Commerce City staff on May 30, 2013 and on August 1, 2013. In addition, various staff members conversed via email and telephone on numerous occasions; and,

WHEREAS, the EIR consists of the following documents included as Exhibits to this Resolution, the terms of which are fully incorporated as if set forth herein: Exhibit A: Bell Business Center Project Draft Environmental Impact Report, State Clearinghouse Number 2013041025, May 2013; and, Exhibit B: Bell Business Center Project Final Environmental Impact Report, August, 2013; and, Exhibit C: Bell Business Center Project Environmental Impact Report Findings of Fact; and, Exhibit D: Bell Business Center Project Mitigation Monitoring Program; and,

WHEREAS, this EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Bell General Plan, Zoning Ordinance, the environmental analysis prepared for the General Plan; and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 7, 2013, at which the Planning Commission received public testimony concerning the proposed project and considered the Draft EIR, and approved the certification of said Draft EIR and adoption of all environmental documents related to same; and

WHEREAS, the City Council of the City of Bell conducted a duly noticed public hearing on August 7, 2013, at which they received public testimony concerning the proposed project and considered the Draft EIR.

NOW THEREFORE, the City Council of the City of Bell, does hereby resolve, determine and order as follows:

SECTION 1. FINDINGS.

The City Council, in light of the whole record before it, including but not limited to, the EIR, all documents incorporated by reference therein, any comments received and responses provided, the Mitigation Monitoring Program provided as Exhibit D to this Resolution, the Statement of Facts and Findings, provided as Exhibit C to this Resolution, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines that:

Finding No. 1: Preparation of EIR: An Environmental Impact Report was prepared for the Bell Business Center Project and processed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.), and the local CEQA Guidelines.

Finding of Fact: The EIR complied with the CEQA Guidelines during the preparation of the Draft EIR for the proposed project. It follows the general process described in CEQA Guidelines § 15080 through 15097. 2 The Draft EIR, dated May 2013, was prepared following input from the public, responsible agencies, and affected agencies through the Draft EIR scoping process. The "scoping" of the EIR was conducted using several of the tools available under CEQA. In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse, responsible agencies, affected agencies, and other interested parties on April 8, 2013. The NOP was posted in the Los Angeles County Clerk's office for 30 days. Information requested and input provided during the 30-day NOP comment period regarding the scope of the environmental document are included in the EIR. The public review period for the NOP was from April 8, 2013, to May 8, 2013, and the public review period for the Notice of Availability/Draft EIR was from May 21, 2013, to July 5, 2013.

Finding No. 2: Notice: The City has complied with CEQA Guidelines § 15085 and §15087 by providing a Notice of Completion of the Draft EIR to OPR and a Notice of Availability to responsible and trustee agencies and other persons and agencies as required.

Finding of Fact: The Notice of Completion was sent to OPR on May 21, 2013. The Notice of Availability/Draft EIR was circulated to responsible and trustee agencies and other persons and agencies as required on May 21, 2013,

Finding No. 3: Review Period: The City has complied with CEQA Guidelines §§ 15087 and 15105 by making the Draft EIR available to the public for review for the required period of time.

Finding of Fact: The Draft EIR was available to the public for 45 day as required by Public Resources Code § 21091(a) and CEQA Guidelines §§ 15087 and 15105 from May 21, 2013, to July 5, 2013.

Finding No. 4: Response to Comments: The City has responded to all written comments received during the public review period and included both comments and responses as part of the Final EIR included as Exhibit B to this resolution. In response to these comments, the City has made minor revisions to the EIR. These revisions are identified in the Final EIR and do not constitute significant additional information and do not require recirculation of the EIR.

Finding of Fact: Before the close of the public comment period the City received seven comments on the Draft EIR. The South Coast Air Quality Management District requested additional time to review the Draft EIR and submitted their comments on July 11, 2013. Eight comment letters were received on the Draft EIR. The City met with representatives from many of the parties that commented, including the East Yard Communities for Environmental Justice and Citizens Advocating Rational Development. The city responded to all agencies listed above on July 26, 2013, pursuant to Public Resources Code Section 21092.5(a).

A ninth letter was received from Southern California on August 5, 2013, It was read into the record at the Joint Public Hearing of the Planning Commission, City Council and Bell Public Finance Authority on August 7, 2013.

Finding No. 5: Avoidance / Reduction Significant Effects: The EIR identifies potentially significant effects on the environment that could result if the project were adopted without changes or alterations in the project and imposition of mitigation measures. Based thereon, the City Council further finds that:

- a) Changes, alterations, and mitigation measures have been incorporated into, or imposed as conditions of approval on, the project.
- b) These changes, alterations, and mitigation measures will avoid the significant environment effects identified in the EIR or lessen their impact below the threshold of significance.
- c) These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the project as proposed or they have been imposed as conditions of approval on the project.
- d) The City has prepared a Mitigation Monitoring Program included as Exhibit D to this resolution to track compliance with these changes, alterations, and mitigation measures identified in the Bell business Center Project Environmental Impact Report.

Finding Of Fact: Pursuant to the Conditions of Approval, which are attached and incorporated into Development Agreement 2013-01 for the Bell Business Center Project,

development of the project will include sustainable design for commercial and industrial uses and green building standards for residential construction. The project shall maintain highest standards of development as demonstrated by LEED (Leaders in Energy and Environmental Design) Gold Certification or design equivalent, strict adherence to building codes, best practices for environmental protection, energy efficiency, water conservation, and reduced greenhouse gas emissions. The developer will be responsible for complying with LEED Gold Certification Standards.

Additionally, pursuant to the Conditions of Approval referenced above, the project will be developed in compliance with certain provisions relating to the management of green-house gases and air quality management set forth by the South Coast Air Quality Management District.

To the extent significant environmental impacts exist, many more measures are being implemented to reduce such impacts, which are more fully set forth and described in Exhibit C hereto, the terms of which are fully incorporated as if set forth herein.

Finding No. 6: Environmental Findings and Statement of Overriding Considerations: Approval of the project will result in significant effects on the environment that cannot be mitigated through changes, alterations and mitigation measures to a less than significant level. Findings have been made for all environmental impacts associated with the proposed project and included as Exhibit C to this Resolution.

Finding of Fact: The EIR includes thresholds of significance that are used to establish normally acceptable standards for project impacts in the City of Bell. In many instances, the project meets the standards without the need for modification. In some cases, mitigation measures have been required that modify the project to reduce impacts to below the normally accepted thresholds. In six instances, impacts cannot be reduced to a level below the normally accepted thresholds. While there are many reasons why it might not be possible to reduce an impact to less than the threshold, the reasons are usually in two categories: the issue is much larger than the City's jurisdiction or capability to resolve; or there are no feasible mitigation measures or the measures that are identified cannot be guaranteed to reduce the impact to less than significant. When an impact is above the normally accepted threshold and cannot be mitigated, the impact is identified as significant and unavoidable in the EIR. The CEQA Guidelines allow the City to approve a project with significant and unavoidable impacts provided specific findings are made.

As such, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the City of Bell has balanced the benefits of the proposed project against the following unavoidable adverse impacts relating to air quality, climate change and greenhouse gases, and transportation and circulation associated with the proposed project, despite the adoption of all feasible mitigation measures. The City has also examined alternatives to the proposed project, none of which meets both the project objectives and is preferable to the proposed project.

Finding No. 7: Independent Judgment: The EIR reflects the independent judgment and analysis of the City.

Finding of Fact: Prior to taking action on the Project, the City was presented with, heard, reviewed and considered all of the information and data in the administrative record including, but not limited to, the Final EIR, and all oral and written testimony presented to it during meetings and hearings. The City also contracted with Candida Neal, AICP, a Land Use and Environmental Planning Consulting Firm, with respect to matters relating to the EIR. The Final EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project and its related actions.

In making the findings in this Resolution, the City Council recognizes that the environmental analysis of the project raises several controversial environmental issues, and that a range of technical and personal opinion exists with respect to those issues and that there are differing and conflicting opinions regarding the project, its impacts, and the feasibility of reducing or avoiding those impacts. These differences of opinion relate to the methodologies the EIR employed, the historical significance of resources on the project site, the feasibility of mitigating impacts to traffic, air quality and views, among other issues. The City Council has, by its review of the evidence and analysis presented in the EIR, and other evidence in the record, acquired an understanding of the breadth of this technical opinion and of the scope of the environmental issues presented by the Project. In turn, this understanding has enabled the City to make informed, carefully considered decisions after taking account of the various viewpoints on these important issues. The findings herein are based on full consideration of all viewpoints expressed in the EIR and in the record as well as other relevant evidence in the record of proceedings for the project.

SECTION 2. CITY COUNCIL ACTION.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the City Council hereby takes the following actions:

1. Certify EIR: Pursuant to CEQA Guidelines Section 15090(a), the certification of the Final Environmental Impact Report No. 2013041025 for the Bell Business Center Project; and,
2. Approve and Adopt the Mitigation Monitoring and Reporting Program: Approval and adoption of the Mitigation Monitoring and Reporting Program for the Bell Business Center Project EIR; and,
3. Adopt Findings of Fact and Statement of Overriding Considerations: Adoption of a Findings of Fact and a Statement of Overriding Considerations; and,

4. Prepare Notice of Determination: In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, the City Council direct the Planning Director to prepare a Notice of Determination concerning certification of the Bell Business Center Project EIR, and within five (5) days of project approval, file the Notice with the Los Angeles County Clerk for posting.

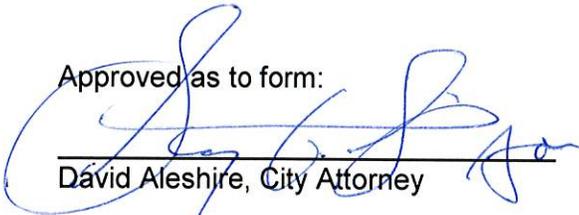
5. Location: The Bell Business Center Project Final Environmental Impact Report No. 2013041025 and all documents incorporated therein and forming the record of decision therefore, be filed with the City of Bell Planning Department at the Bell City Hall, 6330 Park Street, Bell, CA 90201, and be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 7th day of August, 2013.



Violeta Alvarez, Mayor

Approved as to form:



David Afeshire, City Attorney

(Attestation by City Clerk on Separate Page)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Janet Martinez, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original Resolution No. 2013-32-CC adopted by the Bell City Planning Commission at its regular meeting held on the 7th day of August, 2013, by the following vote:

AYES: Councilmembers Romero, Saleh, Valencia, Mayor Pro Tem Quintana and Mayor Alvarez

NOES: None

ABSENT: None

ABSTAIN: None


Janet Martinez, Interim City Clerk

LIST OF EXHIBITS: All Exhibits are included under separate cover

- Exhibit A: Business Center Project Draft Environmental Impact Report, State Clearinghouse Number 2013041025, May 2013
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- Exhibit C: Bell Business Center Project Environmental Impact Report Findings of Fact
- Exhibit D: Bell Business Center Project Mitigation Monitoring Program