

ATTACHMENT 'A'

STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City's approval of the Pepper Avenue Specific Plan Project will result in environmental impacts that cannot be substantially lessened or avoided. The following adverse impact of the proposed Project is considered significant and unavoidable based on the Final EIR, and conclusions and findings of the City Council. While mitigation measures would reduce these impacts, impacts would remain significant and unavoidable.

Significant and Unavoidable Impacts

Operational Cumulative Traffic Noise Impacts

Cumulative noise impacts due to roadway traffic were assessed according to the difference between noise generated by existing traffic volumes and traffic volumes projected at the Long Range year (2035). As indicated in Table 4.G-13 of the Draft EIR, the following eight roadway segments would have a cumulative noise increase ranging from 3.1 to 26.0 dBA CNEL, which would exceed the Project's significance threshold increase of 5 dBA, CNEL or more, and the resulting noise falls on a noise-sensitive land use within an area categorized as either "clearly compatible" or "normally compatible" (see Table 4.G-5 in the Draft EIR for description of these categories); or 3 dBA, CNEL or more, and the resulting noise falls on a noise-sensitive land use within an area categorized as either "normally incompatible" or "clearly incompatible."

- *Pepper Avenue – between Foothill Avenue and Etiwanda Avenue (residential)*
- *Pepper Avenue – between Etiwanda Avenue and Baseline Road (residential)*
- *Pepper Avenue – between Baseline Road and Mariposa Drive (residential)*
- *Pepper Avenue – between Mariposa Drive and Winchester Drive (residential)*
- *Pepper Avenue – between Winchester Drive and Highland Avenue (residential)*
- *State Street - North of Highland Avenue (commercial/residential)*
- *State Street - South of SR-210 EB Ramps (residential)*
- *Baseline Road – between Pepper Avenue and Meridian Avenue (residential)*

As shown in Table 4.G-13, there are threshold exceedances of the Project segments of Highland Avenue, however, there are no existing noise sensitive uses along these roadway segments.

Mitigation measures, such as installation of a combination of sound barrier walls and earthen berms along the roadways, as discussed in the EIR, would not be feasible along these roadway segments. Therefore, cumulative off-site traffic-related noise impacts would be significant and unavoidable for these roadway segments.

CONCLUSION

Section 15093 of the CEQA Guidelines requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a project against its unavoidable impacts. When the lead agency approves a project that will result in significant effects identified in the EIR that are not avoided or substantially lessened, the agency must state in writing the reasons in support of its action based on the

EIR and the information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. Accordingly, the following Statement of Overriding Considerations with respect to the Project's significant unavoidable impact is hereby adopted.

The City Council has balanced the benefits of the Pepper Avenue Specific Plan against its unavoidable environmental risks in determining whether to approve the Project, and has determined that the benefits of the Project outweigh the unavoidable adverse environmental effects, for the following reasons:

The City Council finds that the economic, social and other benefits that would result from development of the Project, outweigh the unavoidable traffic noise impact. In making this finding, the City Council has balanced the benefits of the Project against its unavoidable environmental impact and has indicated its willingness to accept this risk.

The City of Rialto has made a reasonable and good faith effort to eliminate or substantially mitigate impacts resulting from the Project, as described in. All Mitigation Measures recommended in the EIR have been incorporated into the Project and will be implemented through the Mitigation Monitoring and Reporting Program.

The Project's significant and unavoidable cumulative noise impact has been identified and evaluated in the EIR and, even though this adverse impact would not be reduced to a level considered less than significant, the City finds, after balancing this impact with the benefits of the Project, that the benefits of the Project outweigh the risk of the impact.

The City also has examined alternatives to the Project. Alternatives to the Project set forth in the EIR are prohibit the realization of project objectives and do not reduce the Project's significant and unavoidable cumulative noise impact to a less than significant level.

After extensive review of the entire administrative record, the City concludes that the potential environmental impacts of the Project have been avoided or substantially lessened to the extent feasible and the remaining unavoidable impacts are acceptable in light of the benefits of the Project based upon the following findings:

- The Project would implement several vision statement principles of the General Plan, including attracting high-quality new development, improving the physical environment, and maintaining Rialto's healthy and diverse economic environment.
- The Project would generate benefits to the City by providing an eastern gateway to the City of Rialto that offers new and exciting retail opportunities and promotes the identity of the North End (Pepper Avenue) neighborhood.
- The Project would provide freeway-oriented commercial opportunities to serve regional needs and stimulate job and revenue growth in the City.
- The Project would incorporate "Green" and sustainable practices, as practicable, in developing buildings and infrastructure. Under the Specific Plan, development would be undertaken in a manner that is economically feasible and balanced to address both the property owners' and the City's economic concerns.

- The Project would revitalize the underutilized Project Site through the implementation of a predominantly retail development that will service the surrounding existing residential communities. The proximity of the retail center to the existing residential neighborhoods would encourage pedestrian and bicycle connectivity. In addition, if the residential option is implemented, the Project would help to address the City of Rialto's current and projected housing needs by allowing a portion of the Project to be developed with multi-family residences.
- Because high quality retail development and a healthy and diverse economic environment is encouraged as a primary vision component of the General Plan, the Specific Plan provides a means to ensure quality development consistent with the goals and policies of the General Plan and comprehensive planning that provided for the orderly development of the site in relation to its surroundings.
- The Specific Plan is intended to ensure appropriate phasing and financing for community facilities, including circulation and streetscape improvements, domestic water, urban runoff and flood control facilities, sewage disposal facilities, educational facilities, and parks.
- The Project would establish development regulations that permit a variety of non-residential uses, protect natural habitat, provide a potential connection to Frisbie Park, create gateway elements, and allow the flexibility for multi-family residential to be developed.
- The Specific Plan also represents a plan that is economically feasible and that can be implemented based on existing and anticipated future economic conditions and it is expected that the Plan would provide for the creation of an exciting, energetic, cohesive development that establishes a strong "sense of place."

The Council hereby finds that each of the reasons stated above constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each can independently support the Statement of Overriding Considerations and override the proposed Project's unavoidable environmental effects. In addition, each reason is independently supported by substantial evidence contained in the administrative record.

All proposed Project impacts, including the effects of previously identified direct and cumulative impacts, are covered by this Statement of Overriding Considerations.