

FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

ENVISION CHINO – GENERAL PLAN 2025
ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2008091064

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I. INTRODUCTION

A. State Law

The California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., state that if a project would result in significant environmental impacts it may be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact or if there are specific economic, social, or other considerations which make it infeasible to substantially lessen or avoid the impacts.

Therefore, when an environmental impact report (“EIR”) has been completed which identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

- 1) Changes or alternatives which avoid or substantially lessen the significant environmental effects as identified in the Final EIR (“FEIR”) have been required or incorporated into the Project; or
- 2) Such changes or alternatives 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, social or other considerations make infeasible the mitigation measures or Project alternatives identified in the FEIR. (Pub. Resources Code, § 21081).

B. The Project

These findings relate to the overall project, Envision Chino - General Plan 2025 (the “General Plan”). The General Plan provides the fundamental basis for the City’s land use and development policy, and represents the basic community values, ideals, and aspirations to govern a shared environment through 2025. The General Plan addresses all aspects of development including public health, land use, community character, transportation, economics, housing, air quality, and other topics. The General Plan’s policies are implemented by the City’s staff through its municipal codes, including the Zoning Code.

In addition to analyzing land within the incorporated city limits, the State of California encourages cities to look beyond their current borders when undertaking the comprehensive planning required of a General Plan. For this reason, Chino’s General Plan addresses two additional areas that are larger than the city limits that are part of the Sphere of Influence (SOI). The SOI is considered to be the ultimate service area of the

City and the area that the City anticipates it will annex at some point in the future. Together, the city limits and SOI constitute the Planning Area for the General Plan.

California Government Code Section 65300 requires the General Plan to be comprehensive and internally consistent, and to provide long-term guidance for the community. Although the General Plan is required to address the issues specified by State law, it may be organized in a way that best suits the City of Chino.

The overall role of the General Plan is to:

- 1) Define a realistic vision of what the City desires to be in 20 years.
- 2) Express Chino's policy direction in regard to the physical, social, economic, cultural, and environmental character of the City.
- 3) Serve as a comprehensive guide for making decisions about land use, community character, transportation, public health, economics, open space, the environment, and public health and safety.
- 4) Serve as the City's "constitution" for land use and community development. That is, to provide the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions and projects, all of which must be consistent with the General Plan.
- 5) Be in a clear and easy to understand form that encourages public debate and understanding.

C. Purpose of the EIR

Pursuant to the California Environmental Quality Act, Public Resources Code sections 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq., (collectively, "CEQA"), an EIR was prepared for the General Plan to analyze the environmental effects of the General Plan. The Draft Environmental Impact Report ("DEIR") was circulated from January 25, 2010 to March 10, 2010 for public review and comment in accordance with CEQA. Responses to comments, together with other information, were prepared and are contained in the FEIR. The City of Chino is the CEQA Lead Agency for the General Plan. The EIR was prepared by Design, Community & Environment (DC&E) for the City of Chino.

D. Procedural Background

The following is an overview of the environmental review process for the General Plan that has led to the preparation of the FEIR.

- 1) In accordance with section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation ("NOP") of an EIR and filed it with the Office of Planning and Research ("OPR") on September 5, 2008. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments

on the proposed Project. Environmental issues and alternatives raised by comments received on the NOP during the subsequent 30-day public review period were considered for inclusion in the EIR. Public and agency comments received on the NOP were reviewed, and incorporated into the DEIR.

- 2) Upon completion of the DEIR, the City filed a Notice of Completion (“NOC”) with the State Office of Planning and Research to begin the public review period. (Pub. Resources Code, § 21161.) Copies of the DEIR were available and circulated for public review.
- 3) The comment period for the DEIR was from January 25, 2010 to March 10, 2010. During that time, 11 letters were received.
- 4) In response to the comments received concerning the DEIR, the FEIR was issued on April 19, 2010. The FEIR contains copies of all comments received on the DEIR and responses to those comments. The FEIR also contains revisions to the DEIR and supplemental information deemed necessary in response to comments in the DEIR.
- 5) Copies of the FEIR were sent to responsible agencies that commented on the EIR and notice was sent to interested parties, including any person who commented on the DEIR.
- 6) Pursuant to Public Resources Code section 21092.5, the lead agency provided a written response in the form of the FEIR to all public agencies commenting on the DEIR, 10 days prior to certifying the FEIR.

E. The Use of a Program EIR

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines section 15168 to accommodate a complete analysis of all of the components of the General Plan.

A Program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related in one of the following ways:

- a) Geographically;
- b) As logical parts in the chain of contemplated actions;
- c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or

- d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in a similar way.

A Program EIR enables the lead agency to consider broad environmental implications of development at an early stage in the process, sometimes when the project is still at a conceptual level, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early on, Program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts.

The Program EIR identifies and mitigates the effects of the overall program of development to the extent that they are known at this time. The lead agency incorporates feasible mitigation measures developed in the Program EIR into subsequent actions to implement the program. Requests for approval of subsequent entitlements in the program must be examined in light of the Program EIR to determine whether additional environmental review must be conducted. If the agency finds that pursuant to CEQA Guidelines section 15162, no new effects could occur and no new mitigation is required, the agency can approve the activity as being within the scope of the Program EIR. However, if a later activity would have effects that were not examined in the Program EIR, additional environmental review would need to be conducted and additional opportunities for public review provided as appropriate under CEQA. Additional environmental review is required for subsequent discretionary approvals requested of the lead agency to implement the program, if, pursuant to section 15162 of the CEQA Guidelines, the following circumstances occur:

- a) Substantial changes are proposed to the project description;
- b) Substantial changes occur with respect to the circumstances under which the project is undertaken (such as new regulatory requirements are adopted relevant to the project); or
- c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, identifies new or more severe impacts from those identified in the program EIR or if new mitigation measures can be identified to offset impacts of the project.

F. Description of the Record

For purposes of CEQA and these findings, the record before the City includes, without limitation, the following:

- 1) The NOP;

- 2) The DEIR and all appendices to the DEIR;
- 3) The FEIR and all appendices to the FEIR;
- 4) All notices required by CEQA, staff reports and presentation materials related to the General Plan;
- 5) All studies conducted for the General Plan and contained in, or referenced by, staff reports, the DEIR, or the FEIR;
- 6) All public reports and documents related to the General Plan prepared for the City and other agencies;
- 7) All documentary and oral evidence received and reviewed at public hearings and workshops and all transcripts and minutes of those hearings related to the General Plan, the DEIR and the FEIR;
- 8) For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area; and
- 9) Any additional items not included above if they are required by law.

G. Discretionary Actions

The discretionary action for the proposed Project involves the following approval by the City Council:

- 1) Adoption of the General Plan

These findings are made by the City pursuant to section 15091 of the CEQA Guidelines. The City is also adopting this “Statement of Overriding Considerations” pursuant to section 15093 of the CEQA Guidelines.

II. GENERAL FINDINGS

A. Terminology of Findings

Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that “[c]hanges or alterations have been required in, or incorporated into, the project which

avoid or substantially lessen the significant environmental effect as identified in the FEIR.” The second potential finding is that “[s]uch 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.” The third permissible conclusion is that “[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.”

For purposes of these findings, the term “mitigation measures” shall constitute the “changes or alterations” discussed above. The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level. Although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the EIR for the proposed Project. When an impact remains significant or potentially significant with mitigation, the findings will generally find that the impact is still “significant.”

In the process of adopting mitigation, the City will also be making decisions on whether each mitigation measure proposed in the DEIR is feasible or infeasible. Pursuant to the CEQA Guidelines, “feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” (CEQA Guidelines, § 15364.) When the City finds a measure is not feasible, evidence for its decision will be provided.

B. Certification of FEIR

In adopting these findings in accordance with CEQA, the City has considered the environmental effects as shown in the FEIR prior to approving the General Plan. These findings represent the independent judgment and analysis of the City.

C. Changes to the DEIR

In the course of responding to comments received during the public review and comment period on the DEIR, certain portions of the DEIR have been modified and some new information has been added. The changes made to the DEIR do not result in the existence of:

- 1) A significant new environmental impact that would result from the General Plan or an adopted mitigation measure;
- 2) A substantial increase in the severity of an environmental impact that is not reduced to a level of less than significant by adopted mitigation measures;

- 3) A feasible Project alternative or mitigation measure not adopted that is considerably different from others analyzed in the DEIR that would clearly lessen the significant environmental impacts of the General Plan; or
- 4) Information that indicates that the public was deprived of a meaningful opportunity to review and comment on the DEIR.

The City finds that the amplifications and clarifications made to the DEIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

D. Evidentiary Basis for Findings

These findings are based upon substantial evidence in the entire record before the City as described in Section IV.

The references to the DEIR and to the FEIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

E. Location and Custodian of Records

Pursuant to Public Resources Code section 21081.6 and California Code of Regulations, title 14, section 15091, the City of Chino is the custodian of the documents and other material that constitute the record of proceedings upon which the City's decision is based, and such documents and other material are located at: Community Development Department, City of Chino, 13220 Central Avenue, Chino, CA 91710.

F. Findings Regarding Monitoring of Mitigation Measures

All identified significant impacts in the General Plan EIR are found to be significant and unavoidable. Therefore, no additional mitigation is given, and no Mitigation Monitoring and Reporting Plan has been prepared for the General Plan.

III. GROWTH INDUCING IMPACTS

Section 6.A of the DEIR presents the growth-inducing impacts that can be anticipated from adoption and implementation of the General Plan. Section 15126(d) of the CEQA Guidelines requires that an EIR address the growth-inducing impacts of the proposed action. Not all growth inducement is necessarily negative. Negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

According to the CEQA Guidelines, the EIR should discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment, including projects which would remove obstacles to population growth. Direct growth-inducing impacts are generally associated with providing urban services to an undeveloped area. Providing urban services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts consist of growth induced in the region by additional demands for housing, goods and services associated with the population increase caused by, or attracted to, a new project.

A. Direct Impacts

The Proposed General Plan and Focused Growth Plan would directly induce population, employment, and economic growth by allowing for intensified development within some areas of the City. The Proposed General Plan and Focused Growth Plan would result in the following growth patterns based on the expected growth assumptions for the City limit and Sphere of Influence (SOI):

- 1) Under buildout conditions in 2025, the General Plan would add approximately 56,103 new residents to the 2007 population within the City limit and SOI. This would result in a population of 141,067 in 2025, which would be approximately 40,925 more people than projected for 2025 by SCAG for the City alone.
- 2) Under buildout conditions in 2025, the General Plan would result in the addition of approximately 15,802 residential units to the 23,012 residential units estimated to exist in 2007.
- 3) Under buildout conditions in 2025, the General Plan would add approximately 33,068 new jobs to the 50,187 jobs estimated to exist in 2007.
- 4) Under buildout conditions in 2025, the Focused Growth Plan, as included in the General Plan, would add approximately 58,592 new residents to the 2007 population within the City limit and SOI. This would result in a population of 143,556 in 2025, which would be approximately 43,414 more people than projected for 2025 by SCAG for the City alone.
- 5) Under buildout conditions in 2025, the Focused Growth Plan, as included in the General Plan, would result in the addition of approximately 31,446 residential units to the 23,012 residential units estimated to exist in 2007.
- 6) Under buildout conditions in 2025, the Focused Growth Plan, as included in the General Plan, would add approximately 31,466 new jobs to the 50,187 jobs estimated to exist in 2007.

State law requires the City to promote the production of housing to meet its fair share of the regional housing needs distribution made by SCAG. The housing and employment

growth in Chino would generally have beneficial effects by allowing the City to address its regional fair-share housing obligations.

In addition, the type of growth envisioned by the General Plan would be in urbanized areas of Chino, as well as in the College Park and The Preserve Specific Plan areas. In all of these places, infrastructure either exists already or is planned to accommodate the development envisioned by the proposed projects.

For these reasons, the growth-inducing effects of implementation of the Proposed General Plan and Focused Growth Plan would be beneficial to the City and surrounding areas.

B. Indirect Impacts

The General Plan encourages new growth in urbanized areas of Chino, as well as in the College Park and The Preserve Specific Plan areas. The growth within the two Specific Plan areas would be balanced to include both housing and job opportunities, and is part of a larger growth area associated with the New Model Colony in Ontario. Together these plan areas would help balance regional growth with respect to housing and employment. Other growth is largely in infill areas and would serve a local market. Therefore, the growth envisioned by the General Plan would not result in a significant environmental impacts associated with secondary, growth-inducing impacts.

IV. FINDINGS REGARDING LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS

The EIR identifies the thresholds of significance utilized to determine the impacts in the various resource categories discussed below. The EIR finds that there are only less-than-significant environmental impacts in the following subject areas:

- 1) Aesthetics
- 2) Biological Resources
- 3) Cultural and Paleontological Resources
- 4) Geology, Soils and Seismicity
- 5) Hazards and Hazardous Materials
- 6) Hydrology and Water Quality
- 7) Land Use
- 8) Noise
- 9) Population, Employment and Housing
- 10) Public Services
- 11) Traffic and Circulation
- 12) Utilities and Infrastructure

The City is not required to adopt mitigation measures or adopt policies as part of the General Plan for impacts that are less than significant.

V. FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS

The EIR sets forth environmental effects of the General Plan that would be significant and unavoidable. These impacts cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the EIR. In adopting these findings, the City also adopts a Statement of Overriding Considerations, in Section VII of this document, setting forth the economic, social, and other benefits of the proposed Project that will render these significant effects acceptable.

A. Agricultural Resources

Impact AG-1: The proposed General Plan would result in the conversion of two parcels that are currently in an active Williamson Act contract, and which are not found within The Preserve Specific Plan Area. Although the City's Right-to-Farm ordinance would remain in effect, this impact cannot be mitigated and would be *significant and unavoidable*.

Mitigation Adopted by the City: The General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

Facts in Support of Findings. Implementation of Policy P.1 under OSC Objective 2.2 requires the City to continue to work with landowners to maintain existing Williamson Act contracts. While this policy will continue the City's support of the Williamson Act, and implementation of the Right-to-Farm ordinance, this measure is not sufficient to mitigate this impact.

In addition, none of the project alternatives, including the No Project Alternative, would avoid impacts to Williamson Act contracts within the city. This is because the two subject parcels are currently designated for urban uses in the existing General Plan described in the No Project Alternative. This is true of the other alternatives, so no alternative exists that would eliminate the conversion of these two parcels.

B. Air Quality

Impact AQ-1: Because the land uses proposed in the proposed General Plan are inconsistent with the existing General Plan upon which the SCAQMP was based, the proposed General Plan would not conform to the planning assumptions included in the 2007 SCAQMP. The proposed General Plan would increase the region's VMT and air emissions beyond what was assumed in the 2007 SCAQMP. Consequently, the proposed General Plan would conflict with the adopted air plan, and would result in cumulative air quality impacts in the SCAB.

Mitigation Adopted by the City: The General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

Facts in Support of Findings. Implementation of Objectives AQ-1.1 and -1.2 would require the City to continue to work toward improved air quality through land use and transportation decisions, as well as through participation in local and regional air quality improvement efforts. However, these efforts cannot eliminate the conflict between the Proposed General Plan and the adopted 2007 SCAQMP.

In addition, none of the project alternatives, including the No Project Alternative, would avoid impacts associated with the conflict with the 2007 SCAQMP. This is because since the time the SCAQMP was released, Chino's existing General Plan has been amended to include the Edgewater Communities Plan, the amendment to The Preserve Specific Plan, and the SRG Chino South Industrial Park. Together, these represent a significant change from the land uses assumed in the 2007 SCAQMP that is included in the existing General Plan described in the No Project Alternative. This is true of the other alternatives, so no alternative exists that would eliminate the conflict between the Proposed General Plan and the adopted air plan.

Impact AQ-2: While the Proposed General Plan contains objectives, policies, and actions that would reduce emissions, implementation would result in emissions that are greater than 85 percent of existing greenhouse gas (GHG) emissions. Impacts would be *significant and unavoidable*.

Mitigation Adopted by the City: Mitigation Measure AQ-2. Objective OSC-5.1 Action A1 would be included in the Open Space and Conservation Element as follows: Adopt a Climate Action Plan within 18 months of adoption of this General Plan that demonstrates how the City will achieve the needed reductions of GHG emissions. The Climate Action Plan shall be developed in coordination with SANBAG and SCAQMD.

Facts in Support of Findings. Implementation of numerous goals, objectives, policies, and actions in the Proposed General Plan would require the City to undertake efforts to reduce GHG emissions. These Goals, Objectives, Policies, and Actions are described in full in the DEIR. In addition, the DEIR describes State and federal actions intended to reduce GHGs at those geographic scales. However, none of these measures would reduce GHG emissions below the level of significance. The primary reason for this is that in the Proposed General Plan the majority of the development proposed in both the Proposed General Plan and the Focused Growth Plan has already been approved by the City of Chino as part of the College Park and The Preserve Specific Plans, including a recent amendment to The Preserve adding the Edgewater Communities project. The City of Chino has existing development agreements with the master developers of College Park and The Preserve, obligating the City to continue to approve

development at specific densities and intensities within these areas, as shown in the Proposed General Plan and Focused Growth Plan. This precludes the City from modifying land use and development patterns as a means to further mitigate greenhouse gas emissions within the two Specific Plan areas.

In addition, none of the alternatives, including the No Project Alternative, would avoid impacts associated with GHG emissions. This is because the No Project Alternative and other alternatives include the same approved development described above.

VI. FINDINGS REGARDING ALTERNATIVES

CEQA Guidelines section 15126.6 requires a discussion of a reasonable range of alternatives to the project or to the location of the project. However, an EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. Thus, the range of alternatives evaluated in the DEIR was dictated by the range of significant impacts identified in the DEIR and evaluated alternatives were limited to those that would reduce or eliminated identified environmental impacts.

As discussed in the DEIR, all impacts would be less than significant, except for impacts to agricultural resources and air quality, which would remain significant and unavoidable. Accordingly, two alternatives, in addition to the required No Project Alternative, were considered and evaluated in the DEIR in Chapter 5 and a summary of their potential advantages and disadvantages is provided in DEIR Table 5-2 and 5-3.

The DEIR discussed the following alternatives in detail:

- A. Alternative 1: No Project Alternative;
- B. Alternative 2: Mixed-Use Corridors Alternative; and
- C. Alternative 3: Neighborhood Centers Alternative.

Each of these alternatives was evaluated under the same environmental categories as presented for the proposed Project and as identified in Chapter 5 of the DEIR.

Based on the comparison of the relative merits of each alternative compared to the proposed General Plan, each of the alternatives was found to be deficient in meeting the City's goals and objectives.

The objectives of the General Plan are to:

- 1) Define a realistic vision of what the City desires to be in 20 years.
- 2) Express Chino's policy direction in regard to the physical, social, economic, cultural, and environmental character of the City.
- 3) Serve as a comprehensive guide for making decisions about land use, community character, transportation, public health, economics, open space, the environment, and public health and safety.
- 4) Serve as the City's "constitution" for land use and community development. That is, to provide the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions and projects, all of which must be consistent with the General Plan.
- 5) Be in a clear and easy to understand form that encourages public discussion and understanding.

Based on the comparative evaluation contained in Chapter 5 of the DEIR, the proposed General Plan would be the environmentally superior alternative.

A. Alternative 1: No Project Alternative

This alternative would assume that growth would occur as envisioned in the current General Plan, adopted in 1981, as shown in Figure 5-1 of the DEIR. The amendments and projects that have been approved since then would also be included in this alternative, including the Edgewater Communities Plan, The Preserve Specific Plan Amendment, College Park, and the SRG Chino South Industrial Park.

Section 5.A of the DEIR contains detailed information comparing the potential impacts of the General Plan to the No Project Alternative. Since the No Project Alternative lacks the policy statements that would be included in the proposed General Plan that would reduce the impacts associated with air quality, greenhouse gases and traffic, the No Project Alternative would represent an insubstantial deterioration in comparison to the General Plan.

Consequently, the City rejects Alternative 1 and finds that the reasons described above are sufficient to find Alternative 1 to be infeasible.

B. Alternative 2: Mixed-Use Corridors Alternative

This alternative would allow additional mixed-use development along the major corridors of Riverside Drive and Central Avenue, as shown in Figure 5-2 of the DEIR. This scenario would allow the construction of additional multiple-family housing and office space, which would lead to a greater increase in the population and number of jobs in the City than the proposed General Plan. The goals, objectives, policies, and actions in the Mixed- Use Corridors Alternative would be the same as the proposed General Plan.

Section 5.B of the DEIR contains detailed information comparing the potential impacts of the General Plan to the Mixed-Use Corridors Alternative. Because the Mixed-Use Corridors Alternative would result in additional housing units beyond those envisioned in the General Plan, it would result in an insubstantial deterioration as compared to the proposed General Plan in terms of air quality, hazards and hazardous materials, land use, noise, population, employment and housing, public facilities, traffic and utilities and infrastructure.

Consequently, the City rejects Alternative 2 and finds that the reasons described above are sufficient to find Alternative 2 to be infeasible.

C. Alternative 3: Neighborhood Centers Alternative

This alternative would allow additional mixed-use development focused in and around distinct neighborhood centers, as shown in Figure 5-3 of the DEIR. This scenario would allow the construction of additional multiple-family housing, which would lead to a greater increase in the population in the City than the proposed General Plan. The increase in the number of jobs in the City would be similar to the increase in the proposed General Plan. The goals, objectives, policies, and actions in the Neighborhood Centers Alternative would be the same as the proposed General Plan.

Section 5.C of the DEIR contains detailed information comparing the potential impacts of the General Plan to the Neighborhood Centers Alternative. Because the Neighborhood Centers Alternative would result in additional housing units beyond those envisioned in the General Plan, it would result in an insubstantial deterioration as compared to the proposed General Plan in terms of air quality, hazards and hazardous materials, land use, noise, population, employment and housing, public facilities, traffic and utilities and infrastructure.

Consequently, the City rejects Alternative 3 and finds that the reasons described above are sufficient to find Alternative 3 to be infeasible.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Introduction

In determining whether to adopt the General Plan, CEQA requires a public agency to balance the benefits of a project against its unavoidable environmental risks. (CEQA Guidelines, §15093). In accordance with Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City Council has, in determining whether or not to adopt the General Plan, balanced the economic, social, technological, academic, and other benefits of the Plan against its unavoidable environmental effects, and has found that the benefits of the Plan outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. This

statement of overriding considerations is based on the City Council's review of the DEIR and FEIR and other information in the administrative record. The City Council finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the General Plan notwithstanding the Plan's significant unavoidable impacts.

The General Plan is largely self-mitigating, and therefore all but three project specific significant impacts would be less than significant without mitigation. The Project's three project specific significant and unavoidable impacts are Impacts AG-1, AQ-1 and AQ-2.

The City recognizes that the General Plan will cause the three significant and unavoidable impacts as listed above. The City has carefully balanced the benefits of the proposed General Plan against the unavoidable adverse impacts identified in the DEIR, FEIR and the City's Findings of Fact, which are contained in this document. Notwithstanding the disclosure of impacts identified as significant and which have not been eliminated to a level of insignificance, the City, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the General Plan outweigh the significant unmitigated adverse impacts.

B. Specific Findings

Project Benefits Outweigh Unavoidable Impacts

The remaining significant and unavoidable impacts of the General Plan are acceptable in light of the economic, fiscal, social, planning, land use and other considerations set forth herein because the benefits of the proposed General Plan outweigh the significant and unavoidable adverse environmental impacts of the proposed Project.

Balance of Competing Goals

The City finds it imperative to balance competing goals in adopting the General Plan and the environmental documentation for the General Plan. Not every policy or environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. Accordingly, in some instances the City has chosen to accept certain environmental impacts because eliminating them would unduly compromise important economic, social or other goals. The City finds and determines that the text of the General Plan and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, social, planning, land use and other benefits to be obtained by the General Plan outweigh the environmental and related potential impacts of the General Plan.

C. Overriding Considerations

Substantial evidence is included in the record of these proceedings and in documents relating to the General Plan demonstrating the benefits which the City would derive from

the implementation of the Plan. The City has balanced the economic considerations of the General Plan against the unavoidable environmental impacts identified in the DEIR and FEIR and concludes that the economic benefits that will be derived from the implementation of the General Plan outweigh those environmental impacts. These are addressed in City's Findings of Fact. In particular, the City considered whether there would be any impacts related to: aesthetics; agricultural resources; air quality and greenhouse gases; biological resources; cultural and paleontological resources; geology, soils and seismicity; hazards and hazardous materials; hydrology and water quality; land use; noise; population, employment and housing; public services; traffic and circulation; and utilities and infrastructure. Upon balancing the environmental risks and countervailing benefits, the City concludes that the benefits which the City will derive from the implementation of the General Plan outweigh those environmental risks, due to the following overriding considerations:

- 1) The adoption of the General Plan would provide the City with a "constitution" for land use and community development that would guide the city's growth over the next 20 years in a manner that aligns with the goals of the City of Chino and its residents.
- 2) The General Plan represents the current community's desired means to regulate the City's land use and development policy, and the basic community values, ideals and aspirations that would govern development and conservation through 2025.
- 3) The General Plan addresses all aspects of development including land use, community character, transportation, housing, public facilities, infrastructure, and open space, among other topics.
- 4) The General Plan will provide for the orderly build-out of new development; residential units of varying densities; mixed-use development; retail, office and industrial uses; public lands; and parks, open space and recreational facilities.
- 5) The City finds that this level of comprehensive planning is desirable and that it provides a more environmentally sustainable vision and development plan for the City than the previously adopted General Plan.
- 6) The General Plan contains policies and actions to reduce greenhouse gases within the city and the region.
- 7) The General Plan contains policies and actions to protect existing farmland and Williamson Act contracts to the extent feasible.
- 8) The General Plan focuses on providing opportunities for healthy, active lifestyles for Chino's residents. As obesity rates grow, public health professionals are becoming increasingly aware of the relationship of land use and transportation planning to public health. The General Plan focuses on planning for neighborhoods and circulation patterns that allow residents to walk, bike and take public transportation to meet their daily needs, and to access parks and healthy food choices.

- 9) The General Plan ensures that future development will allow Chino to grow while maintaining its small town feel.
- 10) The General Plan is consistent with the economic conditions in the region and appropriate in the context of the anticipated growth patterns of the surrounding communities of Ontario, Chino Hills, and Pomona.
- 11) The General Plan incorporates or is consistent with all current planning documents, including the City's specific plans, and all development that is currently proposed within the city.
- 12) The General Plan allows well planned development that will generate revenue for the City.
- 13) The General Plan encourages the development of a variety of housing types that are needed to meet the needs of all of Chino's residents, to meet its fair share housing allocation without dividing established communities, and to be consistent with the 2008-2014 Housing Element.
- 14) The Focused Growth Plan, which is the future land use plan for the city contained in the General Plan but cannot be implemented without a city-wide vote, will guide development along major corridors in Chino in order to increase walkability, support the use of public transportation, increase opportunities for economic revitalization, and provide neighborhood centers with local services and housing.

The City finds that the above described benefits which will be derived from adopting the General Plan, when weighed against the absence of General Plan, override the significant and unavoidable environmental impacts of the Plan.

VIII. INCORPORATION BY REFERENCE

The EIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant unavoidable adverse impacts.

IX. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein. The record of proceedings is located at Community Development Department, City of Chino, 13220 Central Avenue, Chino, CA 91710. The custodian for the record of proceedings is the City of Chino. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guidelines, § 15091(e).

X. SUMMARY

Based on the foregoing findings and the information contained in the Record, the City Council has made one or more of the following findings with respect to each of the significant environmental effects of the General Plan:

- 1) Changes or alterations have been required in, or incorporated into, the General Plan which mitigate or avoid the significant effects on the environment.
- 2) Those changes or alterations that are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Based on the foregoing findings and the information contained in the record, it is determined that:

- 1) All significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible.
- 2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations, above, and the City finds that the proposed General Plan should be approved.