

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE RIO RANCHO III RESIDENTIAL PROJECT, PREPARED FOR THE GENERAL PLAN AMENDMENT, ZONING CODE AMENDMENT, CHANGE OF ZONE, CONDITIONAL USE PERMIT, AND TENTATIVE TRACT MAP, AND INCLUDING ADOPTION OF ENVIRONMENTAL FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING PLAN PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, FOR THE PROPERTIES AT 1901 S. WHITE AVENUE

WHEREAS, the applicant, LVD Rio Rancho III, LLC, (hereafter “applicant”) has submitted applications for a General Plan Amendment (GPA 8024-2017) to change the General Plan land use designation from Transit Oriented Neighborhood: District to Residential Neighborhood; a Zoning Code Amendment (CODE 8025-2017) to add the Small Lot Residential Zone to the zoning ordinance; Change of Zone (ZONE 7828-2017) to rezone the property from C-4 (Highway Commercial) to Small Lot Residential; Conditional Use Permit (CUP 8026-2017) to build 10 or more units on the property; Tentative Tract Map (TRACTMAP 8027-2017, No. 74606) for a 110-unit residential subdivision, (hereafter “project”) for the 11.90 acre site at 1901 S. White Avenue (hereafter “subject property”);

WHEREAS, the subject properties are vacant, undeveloped land;

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Res. Code, § 21000 et seq.), the State CEQA Guidelines (14 CCR §15000 et seq.) and the City of Pomona’s Local CEQA Guidelines, the City of Pomona (the “City”) is the lead agency for the Project, as the public agency with general governmental powers;

WHEREAS, the City, as lead agency, determined that an Environmental Impact Report (“EIR”) should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Project;

WHEREAS, the purpose of a Draft Environmental Impact Report (“DEIR”) is to identify the significant effects on the environment of the Project, to identify alternatives to the Project, and to indicate the manner in which those significant effects can be mitigated or avoided;

WHEREAS, pursuant to Pomona’s Local CEQA Guidelines, the City Council shall consider certification of the Final EIR and the Planning Commission shall make a recommendation to the City Council as an advisory board;

WHEREAS, pursuant to State CEQA Guidelines section 15082, the City solicited comments from potential responsible agencies, including details about the scope and content of the environmental information related to the responsible agency’s area of statutory responsibility,

as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the DEIR;

WHEREAS, a Notice of Preparation (NOP) public comment period was provided from December 8, 2016 to January 9, 2017. Written statements received by the City in response to the NOP assisted the City in defining the environmental issues to be evaluated and alternatives for analysis in the DEIR;

WHEREAS, pursuant to Section 15085 of the California Public Resources Code, the City filed a Notice of Completion with the State Office of Planning and Research on November 14, 2017, stating that the preparation of the DEIR was completed;

WHEREAS, pursuant to Section 21092 of the California Public Resources Code, the City provided the required public notification that the DEIR was available during the required forty-five (45) day review period which began on Monday, November 20, 2017 and concluded on Thursday, January 4, 2018. This period was extended by the City to Thursday, January 18, 2018. The comment periods were advertised by publishing public notices in a newspaper of general circulation in the area affected by the Project, and by sending a public notice to all organizations and individuals who had previously requested such notice. In addition, the City placed copies of the DEIR at the City of Pomona Planning Division counter, at the public library, and posted a copy online on the City of Pomona Planning Division web page;

WHEREAS, during the review period, 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;

WHEREAS, the City received comments on the DEIR from three (3) agencies and prepared responses to these comments, pursuant to Section 21092.5 of the California Public Resources Code for review by the Planning Commission and will deliver them to the commenting agencies at least ten (10) days prior to the certification of the Final EIR by the City Council;

WHEREAS, the Planning Commission of the City of Pomona, at its regularly scheduled public meeting of March 14, 2018, reviewed the Draft and Final EIR, Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Program (MMP) for the Project;

WHEREAS, the Planning Commission of the City of Pomona, at its regularly scheduled public hearing on March 14, 2018, reviewed and recommended approval of the General Plan Amendment (GPA 8024-2017), Zoning Code Amendment (CODE 8025-2017, Change of Zone (ZONE 7828-2017), Conditional Use Permit (CUP 8026-2017), and Tentative Tract Map (TRACTMAP 8027-2017, No. 74606) for the project;

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed

so that all of the potentially significant environmental effects of the Project have been adequately evaluated;

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines;

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 not based solely on the information provided in this Resolution;

WHEREAS, environmental impacts identified in the EIR which the City finds are less than significant and do not require mitigation are described in **Section 2** hereof;

WHEREAS, environmental impacts identified in the EIR as potentially significant but which the City finds can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the EIR and set forth herein, are described in **Section 3** hereof;

WHEREAS, environmental impacts identified in the EIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the EIR and set forth herein, are described in **Section 4** hereof;

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in **Section 8** hereof;

WHEREAS, prior to taking action the City Council has heard, been presented with, reviewed and considered all of the information in the administrative record, including the DEIR, FEIR including the Responses to Comments, and all oral and written evidence presented to it during all meetings and hearings;

WHEREAS, the DEIR and FEIR including the Responses to Comments reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Pomona, California, as follows:

SECTION 1: CEQA FINDINGS. The City Council of the City of Pomona at a public hearing held on April 23, 2018, determined that, based on all the evidence presented, including but not limited to the FEIR, the public hearing report, written and oral testimony given at the meetings and hearings, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; or (2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation measures and/or implementation of an environmentally superior alternative to the proposed Project; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

SECTION 2: ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION. The City Council hereby finds that the following potential environmental impacts of the Project are less than significant, and therefore, do not require the imposition of mitigation measures:

A. Aesthetics – The Project does not propose elements that would affect scenic vistas or scenic resources within a designated scenic highway. No historic buildings currently exist on or adjacent to the Project site; and development of the Project would not otherwise affect historic resources.

The Project residential uses and development intensities would conform to the uses envisioned for the Residential Neighborhood Place Type and Transect Zone T3 Development Types and Density/Intensity guidelines as articulated in the City of Pomona General Plan. The Project would further comply with any enhanced design and architectural solutions that may be specified by City staff and incorporated as Project Conditions of Approval (COA) attached to the Conditional Use Permit and/or Tentative Tract Map discretionary actions.

The Project would establish new sources of lighting, which may include new building-mounted, wall-mounted, pole-mounted and surface fixtures. Properties adjacent to the Project site are developed with urban residential and commercial/retail uses evidencing urban light sources. Additionally, adjacent streets and properties are illuminated with streetlights and carry nighttime traffic. It is not anticipated that residential lighting proposed by the Project would substantively alter these area ambient lighting conditions. Pursuant to City of Pomona Municipal Code Section 503, Property Development Standards et al., new sources of light proposed by the Project would be shielded and directed away from off-site land uses thereby avoiding or minimizing potential light overspill. Final design, configuration, and orientation of Project lighting features and fixtures would be subject to City review and approval, acting to ensure that Project lighting would be compatible with, and would complement, Project architectural and site designs; and further that Project lighting would be compatible with and would not adversely affect off-site land uses.

Based on the preceding discussion, potential impacts to aesthetics from this project would be less than significant.

B. Agricultural and Forest Resources – There are no agricultural resources in the urbanized area involving the Project site location; therefore, this Project would not result in any impacts on such resources.

C. Air Quality-Odors –The Project does not propose facilities or on-going operations that would create objectionable odors affecting a substantial number of people; therefore, this Project would not result in new objectionable odors. Other potential impacts to Air Quality are discussed in Section 4.3 of the EIR, including mitigation measures, and are listed in **Section 3**.

D. Biological Resources – There are no important or protected biological resources known to exist in the urbanized project location. Potential impacts to nesting birds and burrowing owls were identified in the Initial Study and mitigation measures are proposed to address these potential impacts; these are listed in **Section 3**. The Project would have no other potential impacts to biological resources.

E. Cultural Resources – There are no known cultural resources known to exist in the urbanized project location. Potential impacts to cultural resources were identified in the Initial Study. Mitigation measures are proposed to address potential impacts if resources are discovered during grading and construction activities; these are listed in **Section 3**. The Project would have no other potential impacts to cultural resources.

F. Geology and Soils – Compliance with the City’s routine grading and building permit procedures will ensure that future development and infrastructure improvements incorporate sufficient design and construction control measures to reduce geologic, seismic and soils constraints to below a level of significance without further mitigation.

G. Global Climate Change & Greenhouse Gas Emissions – As discussed in Section 4.4 of the EIR, the regulatory scheme to respond to climate change and greenhouse gas emissions (GHG) is complex, with a number of State regulations, Codes and Executive Orders; the Southern California Association of Governments (SCAG) 2016 – 2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS); the City of Pomona Green Plan; CEQA Guidelines; the California Air Resources Board (CARB) Scoping Plan; and court decisions.

Computer modeling was performed to evaluate potential impacts to global climate change and GHG emissions. As documented in the EIR, Project GHG emissions levels are consistent with, and would not obstruct attainment of GHG emissions reductions targets established by the City of Pomona Green Plan. On this basis, Project GHG emissions would be less than significant.

As documented in the EIR, the Potential for the Project to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, including the Pomona Green Plan and the CARB Scoping Plan, is less-than-significant.

Based on the preceding discussion, potential impacts to global climate change and GHG emissions from this project would be less than significant.

H. Hazards and Hazardous Materials – The Project would not result in or cause exposure(s) to hazards or potentially hazardous conditions. The Project Phase I Environmental Assessment (Phase I ESA) concludes that “the subject site exhibits no evidence of recognized environmental conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the site that would prohibit its intended use as a residential development, and no further tests or investigations are recommended” (Phase I ESA, p. 23). The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5. The Project does not propose or require actions or activities that would exacerbate any pre-existing recognized environmental conditions.

The Project does not propose activities or uses that would otherwise affect airports or airport operations. The Project does not propose or require designs or activities that would interfere with an identified emergency response or emergency evacuation plan.

The Project site and vicinity have been largely urbanized and are not subject to wildland fires. Moreover, the Project site and surrounding areas are currently provided fire protection and emergency response services by the Los Angeles County Fire Department. Development impact fees and taxes paid by the Project would act to offset its incremental demands for fire protection services.

Based on the preceding discussion, this project would not have or create new hazards or generate new hazardous materials.

I. Hydrology and Water Quality – The City has an existing master plan for storm drainage system and implementation of storm drainage design standards within individual development sites. Compliance with established City of Pomona Stormwater Pollution Prevention Program (SWPPP) requirements; National Pollution Discharge Elimination System (NPDES) permitting requirements; and mandated Standard Urban Stormwater Management System (SUSMP) requirements would minimize the potential for the Project to contribute additional polluted runoff during Project construction, or over the operational life of the Project. The Project SWPPP; design, construction, and operation of the Project stormwater management system; and development and implementation of the Project SUSMP would be realized consistent with applicable City and LARWQCB requirements. The Project would implement Low Impact Development (LID) stormwater management practices, features, and programs acting to reduce the stormwater runoff volumes and velocities. In this regard, final Project designs would incorporate permeable materials to the extent feasible. Use of permeable materials acts to reduce total runoff from the site and facilitates runoff percolation to groundwater.

These combined plans, inclusive of the City’s master plan for storm drainage system and the Project’s on-site detention basin and related facilities is believed to be sufficient to handle stormwater runoff resulting from the Project, while preventing flooding conditions or impacts to surrounding properties. Continued compliance with existing and any subsequent revisions to the City’s NPDES MS-4 Permit, and Project-level compliance with other State and Regional standards, will avoid significant water quality impacts.

Under the current site development concept, post-development stormwater discharges would be controlled through collection and capture of stormwater runoff within LID treatment areas located throughout the Project site. In this manner, the Project stormwater management systems would avoid potential adverse effects of increased urban runoff.

As required by the City, detailed soils, hydrology reports, and final stormwater management plans would be submitted to the City as part of the development permit process. All plans would be subject to review and approval by the City prior to the issuance of grading permits.

The Project does not propose elements or aspects that would substantively interfere with, or detract from, known or anticipated groundwater recharge plans or policies. In this regard, per the Pomona General Plan, the Project site is designated as “Transit-Oriented Development” and is not assigned for use as, or anticipated to be developed as, a groundwater recharge facility. Moreover, Project site development and proposed stormwater management systems would conform to the County’s MS4 permit and would employ and reflect appropriate structural and operational Best Management Practices (BMPs) providing for treatment of storm water discharges.

The Project site does not lie within a designated 100-year flood hazard zone. The Project does not otherwise propose or require placement of structures in a 100-year flood hazard zone.

Based on the preceding discussion, the Project would have a less-than-significant impact or no impact on hydrology or water quality.

J. Land Use and Planning – As discussed in Section 4.1 of the EIR, no “established community” exists within the Project site. The Project does not propose or require elements or aspects that would physically divide communities existing outside of the Project site. The Project site, specifically, and the City of Pomona, generally, are located within an urbanized setting. There are no existing or proposed conservation plans in place for the Project area; nor would the Project affect any identified conservation plans. Please refer also to the previous discussion under Biological Resources.

The Project is subject to the review and issuance of a General Plan Amendment; a Zoning Code Amendment to adopt the new Residential Small Lot zoning; a Change of Zone to adopt the new Residential Small Lot zoning for the site; a Conditional Use Permit, in compliance with the requirements of Section .580 of the City Zoning Ordinance; and a Tentative Tract Map for a 110-unit residential subdivision in order to implement the Project. The purpose of these required reviews is to determine whether or not the characteristics of any such use are compatible with the types of uses generally permitted in the surrounding area, and further, to stipulate such reasonable conditions as may be deemed necessary to assure that the basic purposes of sound land use planning principles are being served and are consistent with applicable land use policies of the City of Pomona General Plan. With the approval of these discretionary actions, the Project would be deemed consistent with the City’s General Plan.

The Project proposes residential land uses and development intensities that are consistent with the site's proposed General Plan Place Type designation (Residential Neighborhood). The Project land uses and development types are consistent with those allowed under the site's proposed Small Lot Residential Zone District designation. Prior to issuance of building permits, the City would review the final Project site plan and facilities designs to ensure consistency with applicable guidelines and requirements established under the Small Lot Residential Zone District.

Development of the Project site under the Small Lot Residential Zone District would support, and would not conflict with, implementation of the site's proposed General Plan Residential Neighborhood Place Type. The Project would advance the City's current overall process of updating Zoning and Subdivision Ordinances to be consistent with underlying General Plan Place Type designations. The Project is consistent with and supports Goals of the 2016 – 2040 SCAG Regional Transportation Plan and Sustainable Communities Strategy.

As supported by the preceding discussions, the potential for the Project to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect is considered less-than-significant.

K. Mineral Resources – There are no important mineral resource deposits or active or potential mining operations within the Project site; therefore, this project will have no effect upon mineral resources.

L. Noise – As discussed in Section 4.5 of the EIR, short-term noise and groundborne vibration impacts could result from construction activities but will be limited through continued compliance with the City's construction controls restricting working times to days and hours that will create the least amount of disturbance to neighboring land uses and the implementation of a mitigation measure which is listed in **Section 3**.

As discussed in the EIR, project traffic would not cause or result in increased noise levels that would exceed the 65 dBA CNEL threshold condition for residential land uses. Nor would Project traffic cause or result in increased noise levels of greater than 1.5 dBA CNEL when the without-Project condition already exceeds 65 dBA CNEL. As such, Project vehicular-source noise impacts at off-site land uses are considered less-than-significant.

As discussed in the EIR, noise levels attributable to ongoing Project activities and operations would not exceed City standards, nor would the Project substantially affect ambient noise levels at nearby land uses.

As documented in the Initial Study, the Project is not within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. Nor is the Project located near a private airstrip. Therefore, the Project would not expose people to excessive noise from such facilities.

Based on the preceding, the Project would result in a less-than-significant impact for Noise.

M. Population and Housing – As discussed in Section 4.6 of the EIR, the Project site is vacant. As such, neither existing housing nor people will be displaced by development of the site.

When comparing the number of City households in 2016 (39,354 households, Table 4.6-2 in the EIR), to the SCAG year 2040 households projections for the City (51,100 households, Table 4.6-1), there is a demand to accommodate an additional approximately 11,746 households within the City over the next +/- 25 years. Assuming maintenance of the City's current vacancy rate of 3.9 % (Table 4.6-3) this would translate to a demand for an estimated 12,205 new housing units over the 2016 – 2025 timeframe. Additional housing provided by the Project would satisfy a portion of this demand. In this regard, the Project is not considered growth-inducing, but rather would respond to demands for housing within the City.

Further, the Project Site Plan Concept (EIR Section 3.0, Project Description, Figure 3.4-1) indicates the Project would be developed at a residential density of approximately 9.25 du/ac. This is less than the maximum 80 du/ac allowed under the site's current General Plan Transit Oriented District Neighborhood Place Type designation; and is also less than the maximum 20 du/ac allowed under the site's proposed General Plan Residential Neighborhood Place Type designation.

Development of the Project site would generate temporary construction jobs. However, the Project does not propose business or commercial uses that would result in substantive permanent new employment opportunities or substantive population growth related to the creation of new jobs.

The Project would yield development intensities allowed and anticipated under the General Plan. Accordingly, infrastructure and public services improvements/enhancements necessary to serve the Project would not induce or support growth beyond that assumed for the subject site under the General Plan.

Based on the preceding, the Project would result in a less-than-significant impact for Population and Housing.

N. Public Services – As discussed in Section 4.7 of the EIR, potential impacts to Public Services fall under 5 topical areas: Fire Protection, Police Protection, Schools, Parks, and Other Public Facilities.

Fire and Police Protection Services, School Services and Parks – Development of the Project would result in incremental demands for fire protection services, police protection services, school services and parks. Incremental impacts of the Project are offset through payment of development impact fees, services fees and taxes directed toward the provision,

expansion, and enhancement of fire protection services, police protection services, school services and parks. Further, the Project would incorporate certain onsite recreational facilities to serve future residents. The City of Pomona, in coordination and consultation with LACoFD, the City of Pomona Police Department, the City of Pomona Community Services/Parks Department, and the Pomona Unified School District would ultimately determine the most effective use of and allocation of Project revenues to be employed for the provision and enhancement of services.

Other Public Facilities – As documented in the EIR, Project demands for water supply, water service, water treatment, and wastewater treatment are adequately provided for through existing facilities and jurisdictional management plans and programs. The Project also incorporates all necessary drainage and stormwater management systems. Based on the preceding, the potential for the Project to: require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; is less-than-significant.

As documented in the EIR, Project-generated solid waste can be accommodated at either of the two likely receiving landfills, and there is available throughput capacity to serve the Project and other customers. Solid waste diversion achieved pursuant to the City's Source Reduction and Recycling Element (SRRE) would further reduce potential Project impacts affecting area landfills. The Project would implement a Construction and Demolition (C&D) program further reducing potential Project solid waste management impacts. On this basis, the potential for Project solid waste to exceed the permitted capacity of receiving landfills is less-than significant.

Residential uses proposed by the Project, and solid waste generated by those uses, would not otherwise conflict with federal, state, and local statutes and regulations related to solid waste.

Based on the preceding, the Project would result in a less-than-significant impact for Public Services.

O. Recreation – As described regarding Parks in topic N – Public Services above, the project will be required to pay all applicable park development impact fees required of new development for the provision of Citywide parkland and park development. Further, the Project will incorporate onsite recreational facilities. The Project's potential to result in increased demands on neighborhood or regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated is considered less-than-significant.

The private recreational/open space amenities are typical of urban residential developments and would not result in environmental effects beyond those accruing to the Project in total. The Project does not otherwise propose or require construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. On this basis, the potential for the Project to include recreational facilities or require the construction or

expansion of recreational facilities, which might have an adverse physical effect on the environment, is considered less-than-significant.

P. Transportation/Traffic: Air Traffic – The Project does not propose elements or aspects that would affect air traffic patterns. The airport located nearest the Project site is Brackett Field, approximately four miles to the northwest. No other public or private airstrips exist near the Project.

Alternative Transportation Policies – The Project does not propose elements or aspects that would conflict with adopted alternative transportation policies. On a long-term basis, the Project may result in increased demands for public transportation. Existing transit services are available to the Project area. Affected transit agencies routinely review and adjust their ridership schedules to accommodate public demand. As part of the City's standard development review process, the need for and efficacy of transit services and facilities, including but not limited to bus routing/scheduling, bus shelters, and bicycle parking, would be coordinated between the City and the Project Applicant, with input from affected transit providers.

Based on the preceding, the Project would have a less-than-significant impact on air traffic patterns or adopted alternative transportation policies.

Other Transportation/Traffic impacts will be discussed in Section 4 below.

Q. Tribal Cultural Resources – As described in the Initial Study, there are no known Tribal Cultural Resources within the Project site. It is not anticipated that the Project would adversely affect off-site Tribal Cultural Resources. Additionally, Tribal Resources consultation with requesting Tribes was accomplished as provided for under AB 52. With the completion of any requested Tribal Consultation(s), the potential for the Project to cause a substantial adverse change in the significance of a tribal cultural resource as defined at Public Resources Code 21074 is considered less-than significant.

R. Utilities and Service Systems – Section 4.7 of the EIR, and topic N – Public Services above, addresses issues related to utilities and service systems. As previously noted, the Project would result in a less-than-significant impact for utilities and service systems.

SECTION 3: ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT. The City Council hereby finds that mitigation measures have been identified in the EIR which will avoid or substantially lessen the following potentially significant environmental impacts to a less-than- significant level. The potentially significant impacts and the mitigation measures, which will reduce them to a less than significant level, are as follows:

A. Air Quality

1. Potential Significant Impacts: The EIR identifies potentially significant, Project localized construction-source emissions that would exceed the Southern California

Air Quality Management District (SCAQMD) Localized Significance Thresholds (LSTs) for fine particulates (PM10 and PM2.5). These impacts, if left unmitigated, could result in adverse impacts.

2. Finding: Compliance with mitigation measures 4.3.1 through 4.3.4 specified in the Mitigation Monitoring & Reporting Plan (attached hereto) will avoid potentially significant air quality impacts.

B. Biological Resources

1. Potential Significant Impacts: The Initial Study determined that there was a potential for the Project site to serve as a nesting site for resident, seasonal, and migratory birds (Project Biological Resources Evaluation, p. 4). Project construction could adversely affect nesting species. This is a potentially significant impact.

Further, although no burrowing owls or owl sign were observed during Project site reconnaissance activities, there is a potential for the owl to locate within the site prior to the commencement of Project construction activities. Project construction could adversely affect owls that may newly locate or relocate within the Project site. This is a potentially significant impact.

2. Finding: Compliance with mitigation measures BIO-1 and BIO-2, specified in the Mitigation Monitoring & Reporting Plan, will avoid potentially significant impacts to nesting birds and burrowing owls.

C. Cultural Resources

1. Potential Significant Impacts: Unanticipated cultural resources may be found during grading and construction, which could result in potential impacts to such resources.
2. Finding: Compliance with mitigation measures CR-1 and CR-2, specified in the Mitigation Monitoring & Reporting Plan, will avoid potentially significant impacts to cultural resources discovered during grading and construction.

D. Noise

1. Potential Significant Impacts: Project construction-source noise would result in exposure of persons to, or generation of, noise levels in excess of City standards. This is a potentially significant impact.
2. Finding: Compliance with mitigation measure 4.5.1, specified in the Mitigation Monitoring & Reporting Plan, will avoid potentially significant impacts to cultural resources discovered during grading and construction.

SECTION 4: ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT. The City Council hereby finds that, despite the incorporation of mitigation measures outlined in the EIR the following impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is, therefore, included herein (Section 9):

A. Transportation/Traffic

1. Potential Significant Impacts: Section 4.2 of the Draft EIR identified and evaluated potential impacts resulting from the proposed project plus that might affect levels of service, intersection capacity, and roadway segments; and cumulative impacts associated with other known and planned projects in compliance with CEQA Guidelines requirements. Because the potential for project-related impacts was identified, additional traffic analysis was included as a part of the Draft EIR (see Appendix B).

2. Finding: The mitigation measures, 4.2.1-4.2.6 listed in Table 1.10-1 on pages 1-39 and 1-40 of the DEIR, will not sufficiently reduce potential impacts in the following conditions:

Intersection/Roadway Segment/Turn Lane Impacts

Under one or more of the Project Traffic Impact Analysis (TIA) scenarios, (Existing Conditions, Opening Year Conditions, or Horizon Year Conditions), Project contributions to traffic impacts at the following TIA Study Area (Study Area) facilities/locations would be cumulatively considerable, and impacts would be cumulatively significant and unavoidable:

- SR-71 Northbound (NB) Ramps / Rio Rancho Road Intersection (Study Area Intersection No. 3);
- Rancho Valley Drive/Auto Center Drive/Rio Rancho Road Intersection (Study Area Intersection No. 7);
- Roadway Segment of Rio Rancho Road from Rancho Valley Drive to SR-71 NB (Study Area Roadway Segment No. 4); and
- Westbound (WB) Left Turn Lanes at SR-71 SB Ramps at Rio Rancho Road (WB Turn Lanes at Study Area Intersection No. 2).

Congestion Management Plan (CMP) Facilities Impacts

The SR-71 NB Ramps / Rio Rancho Road intersection and the WB left turn lanes at SR-71 Southbound (SB) Ramps at Rio Rancho Road are Congestion Management Program (CMP) facilities. Impacts to these CMP facilities are coincident with impacts to other Study Area facilities. Consistent with other analyses presented herein, Project contributions to traffic impacts at the affected CMP facilities would be cumulatively considerable, and traffic impacts would be cumulatively significant and unavoidable.

3. Supporting Explanation: The intersection at Rancho Valley Dr. / Auto Center Dr. / Rio Rancho Road, currently operates at unacceptable Level of Service (LOS) E. The City

requires that intersections operate at LOS D or better. Addition of Project traffic would further degrade deficient conditions.

The intersection at the NB SR-71 ramps at Rio Rancho Road would operate at unacceptable LOS in 2018 even without the addition of Project traffic. The addition of Project traffic would further degrade deficient conditions at the intersection.

Under Opening Year Conditions, the WB dual left turn lane queues at the SR-71 SB ramps at Rio Rancho Road would exceed available turn lane capacities during the PM peak hour. Associated queuing deficiencies would affect overall operations of the intersection and the adjacent roadway system. Project traffic would contribute to these queuing deficiencies. Mitigation of Opening Year turn lane queuing impacts at this location would require further easterly extension of the existing turn lanes. While this may solve an interim condition, reapportioning of the turn lanes in this manner would adversely affect anticipated future queuing demands. Further, queues are also affected by the traffic signal timing splits, and reconfiguration of turn lanes would not definitively assure adequate queuing conditions. Reconfiguration of the eastbound (EB) and WB turn lanes on the Rio Rancho Road Bridge crossing of SR-71 is therefore not recommended.

Notwithstanding the preceding, adopted traffic engineering best management practices would provide for overall optimization of the signals at the intersection. This would minimize Opening Year PM peak hour turn lane queuing impacts to the extent practical, but would not fully mitigate the identified queuing deficiency. On this basis, the City Council hereby finds that Project traffic contributions to Opening Year turn queuing impacts at the WB left turn lanes at the SR-71 SB ramps at Rio Rancho Road are considered cumulatively considerable, and queuing impacts are considered cumulatively significant.

Implementation of mitigation measures 4.2.4-4.2.6 requires the Project Applicant to pay requisite fees toward the construction of required improvements at the SR-71 NB ramps at Rio Rancho Road, thereby fulfilling the Applicant's mitigation responsibilities. However, payment of fees does not guarantee timely completion of the required improvements. Therefore, the City Council hereby finds that impacts to transportation/traffic impacts are unavoidable and would remain significant.

Implementation of mitigation measures 4.2.1, 4.2.2, 4.2.4, 4.2.5 and 4.2.6 requires coordination with Caltrans. Since that agency is not under the control of the City of Pomona, timely implementation of the mitigation measures cannot be guaranteed; therefore, impacts cannot be guaranteed to be reduced to a less-than-significant level. There are no feasible mitigations for impacts to the WB left turn lane queues at the SB ramps to SR-71 at Rio Rancho Road. The City Council hereby finds that impacts to transportation/traffic are unavoidable and would remain significant.

The roadway segment of Rio Rancho Road from Rancho Valley Drive to SR-71 NB would operate at an acceptable LOS if the controlling intersections were improved. However, because implementation of mitigation at the intersection cannot be timely assured, it is concluded

that, pending completion of required improvements at those locations, the affected connecting roadway segment would operate at unacceptable LOS under future (2040) conditions. The City Council hereby finds that this is a cumulatively significant and unavoidable impact.

Impacts to Congestion Management Plan (CMP) facilities are coincident with impacts to other Study Area facilities. As substantiated in detail in the Project TIA, under Horizon Year Conditions, Project traffic contributions to impacts at the SR-71 NB Ramps / Rio Rancho Rd. intersection would be cumulatively considerable, and LOS impacts at the intersection would be cumulatively significant and unavoidable. Additionally, Opening Year Conditions, Project traffic contributions to WB left turn lane queuing at the SR-71 SB Ramps/ Rio Rancho Road SB Ramps would be cumulatively considerable. As described above, implementation of mitigation measures 4.2.4-4.2.6 cannot be guaranteed. The City Council hereby finds, therefore, that impacts are cumulatively significant and unavoidable.

SECTION 5: CUMULATIVE IMPACTS. Cumulative impacts refer to two (2) or more individual effects which, when considered together, compound or increase the environmental impact of a proposed Project. The State CEQA Guidelines require a discussion for the cumulative impacts of a Project “when the Project’s incremental effect is cumulatively considerable,” e.g., when “the incremental effects of an individual Project are considerable when viewed in connection with the effects of past Projects the effects of other current Projects and the effects of probably future Projects.” The Draft EIR assessed the cumulative effects for the following environmental topics:

- Land Use and Planning;
- Transportation/Traffic;
- Air Quality;
- Greenhouse Gases/Global Climate Change;
- Noise;
- Population and Housing; and
- Public Services and Utilities.

For other environmental topics, the City Council hereby finds that Project impacts have been previously determined to be less-than-significant.

Land Use and Planning. The project has applied for a variety of discretionary approvals: a General Plan Amendment from Transit Oriented District: Neighborhood to Residential Neighborhood; a Zoning Code Amendment to adopt the Small Lot Residential zone; a Zone Change from C-4 to Small Lot Residential; a Conditional Use Permit; and a Tentative Tract Map. The consistency of the project with the new General Plan and Zoning designations is described in Section 4.1 of the EIR. The proposed Zone Change would affect only the instant Project site. Future development proposals that may request a Zone Change to Small Lot Residential Zone District would be subject to City review including evaluation of any potential cumulative land use effects of those projects. The City comprehensively updates and amends General Plan and Zoning documents to reflect cumulative land use changes within the impact area. Regional agencies employ development-specific information and General Plan/Zoning

information provided by the City in developing regional plans and growth projections. In combination, these actions ensure that potential cumulative effects of evolving land use plans are appropriately addressed at local and regional levels. Based on the preceding discussions, the City Council hereby finds that the Project's contributions to potential cumulative land use and planning impacts are not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

Transportation/Traffic. The cumulative impact area for transportation/traffic impacts is defined by the Traffic Impact Study Area (Study Area), as described within the Project Traffic Impact Analysis (EIR Appendix B). The Study Area encompasses potentially affected roadways and intersections within the City of Pomona and includes potentially affected Caltrans and Congestion Management Program facilities. The Project Traffic Impact Analysis (TIA) comprehensively addresses potential cumulative traffic impacts resulting from, or affecting the Project. In this regard, for Existing (2017), Opening Year (2018), and Horizon Year (2040) Conditions, the TIA considers traffic generated by the Project within the context of existing traffic and cumulative traffic that would be generated by other known or probable related developments (please refer to TIA Table 4-2, Cumulative Development Land Use Summary).

The Project Applicant would implement mitigation acting to reduce Project contributions to Study Area cumulative transportation/traffic impacts to the extent feasible. Notwithstanding, even with application of mitigation, the City Council hereby finds that Project contributions to traffic impacts would be cumulatively considerable and impacts would be cumulatively significant at the following Study Area facilities/locations:

- SR-71 Northbound (NB) Ramps / Rio Rancho Road Intersection (Study Area Intersection No. 3);
- Rancho Valley Drive/Auto Center Drive/Rio Rancho Road Intersection (Study Area Intersection No. 7);
- Roadway Segment of Rio Rancho Road from Rancho Valley Drive to SR-71 NB (Study Area Roadway Segment No. 4); and
- Westbound (WB) Left Turn Lanes at SR-71 SB Ramps at Rio Rancho Road (WB Turn Lanes at Study Area Intersection No. 2).

The City Council hereby finds that all other cumulative transportation/traffic impacts affecting Study Area facilities would be less-than-significant, or would be reduced to levels that are less-than-significant with application of proposed mitigation.

Due to the cumulatively significant and unavoidable impacts to transportation/traffic, the City Council hereby finds that a Statement of Overriding Considerations must be adopted as listed in Section 9 herein as a part of EIR certification.

Air Quality. As summarized in EIR Section 4.3, Air Quality, with application of mitigation, Project construction-source air pollutant emissions would not exceed applicable SCAQMD regional thresholds. Mitigated Project-level construction-source regional air quality

impacts would therefore be less-than-significant. Per SCAQMD criteria, the City Council hereby finds that project-level emissions that are less-than-significant are not cumulatively considerable.

As substantiated in EIR Section 4.3, Air Quality, Project operational-source air pollutant emissions would not exceed applicable SCAQMD thresholds. Per SCAQMD's "Cumulative Impact Analysis Requirements Pursuant to CEQA Guidelines," the City Council hereby finds that cumulative impacts in these regards would similarly be less-than-significant.

The Project area is designated as an extreme non-attainment area for ozone, a serious nonattainment area for PM10, and a non-attainment area for PM2.5. Germane to these regional non-attainment conditions, as substantiated in EIR Section 4.3, Air Quality, the Project's construction-source and operational-source emissions would not exceed applicable SCAQMD regional significance thresholds, and would be less-than-significant, or less-than significant as mitigated. These same significance thresholds are applied by SCAQMD in determining whether a given project's incremental contribution to criteria pollutant loads in the Basin is cumulatively considerable. The City Council hereby finds that Project air pollutant emissions would therefore not result in a cumulatively considerable impact.

As substantiated in EIR Section 4.3, Air Quality, the Project's construction- and operational, source emissions would not exceed applicable SCAQMD localized significance thresholds (LSTs). These same significance thresholds are applied by SCAQMD in determining whether a given project's incremental contribution to LST impacts is cumulatively considerable. The City Council hereby finds that Project would therefore not result in a cumulatively considerable net increase in LST impacts.

The Project would generate additional vehicular traffic, and therefore could generate mobile-source emissions that may cause or contribute to adverse CO concentrations (CO "hotspots"). As substantiated in EIR Section 4.3, Air Quality potential CO hotspot impacts were determined to be less-than-significant. The City Council hereby finds that Less-than-significant CO hotspot impacts at the Project level are not cumulatively considerable.

Based on the preceding, the City Council hereby finds that the Project's potential to contribute considerably to cumulative air quality impacts is considered less-than-significant.

Greenhouse Gases/Global Climate Change. As demonstrated in the Project Greenhouse Gas Analysis (Project GHG Analysis) and the information presented in EIR Section 4.4, Global Climate Change and Greenhouse Gas Emissions, the Project would not cause or result in a substantial increase in Greenhouse Gas (GHG) emissions when compared to the Business As Usual (BAU) scenario. Further, Project GHG emissions would not exceed a threshold of significance that the lead agency determines applicable to the Project. The Project GHG analysis also demonstrates that the Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. The Project also supports and is consistent with state long-range 2035 and 2050 GHG emissions reductions targets.

As substantiated the Project GHG Analysis and summarized in EIR Section 4.4, the Project GHG emissions in 2020 would be reduced by approximately 15.98% when compared to 2007 baseline conditions as defined in the Green Plan. This reduction is consistent with the Green Plan 15% GHG emission reduction target in baseline (2007) GHG emissions by the year 2020. The City Council hereby finds that the Project would therefore conform to and support GHG emissions reduction targets established under the City Green Plan, and in so doing would support and conform to GHG emissions reduction targets established under AB 32.

Further, irrespective of the use of the BAU threshold, substantial evidence exists supporting the conclusion that the Project's GHG emissions impacts are less-than significant. To this end, the City Council hereby finds that the analysis at EIR Section 4.4 substantiates that the Project GHG emission would be less-than-significant when considered independently within the context of applicable SCAQMD significance thresholds and CEQA Guidelines GHG Emissions Significance Factors.

In this latter regard, the California Supreme Court in the *Newhall Ranch* decision establishes that “[t]o the extent a project’s design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Board or other state agencies, a lead agency could appropriately rely on their use as showing compliance with ‘performance based standards’ adopted to fulfill ‘a statewide...plan for the reduction or mitigation of greenhouse gas emissions.’ (CEQA Guidelines § 15064.4(a)(2), (b)(3); see also id., § 15064(h)(3) [determination that impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, including ‘plans or regulations for the reduction of greenhouse gas emissions’].)”

The EIR discussion in Section 4.4, Global Climate Change and Greenhouse Gas Emissions, substantiates that Project GHG emissions would not violate applicable Air Board (SCAQMD) thresholds; and further that the Project complies with or exceeds the regulations outlined in the Scoping Plan. Within the context of the *Newhall Ranch* decision, the City Council hereby finds that Project GHG emissions impacts are therefore substantiated to be less-than-significant and not cumulatively considerable.

Based on the preceding, the City Council hereby finds that the potential for the Project to contribute considerably to greenhouse gas/global climate change impacts is considered less-than-significant.

Noise. As discussed within Section 4.5 of the EIR, with application of mitigation, the City Council hereby finds that the Project’s construction-source and stationary/area-source noise levels would not result in a substantial temporary periodic or permanent increase in ambient noise conditions compared to conditions without the Project. Additionally, Project construction-source noise and stationary/area-source in combination with ambient noise levels would not cause an exceedance of applicable noise thresholds.

Cumulative vehicular-source noise impacts affecting City roadway corridors under General Plan Buildout conditions are comprehensively addressed in the City of Pomona General

Plan Update EIR (July 2013), and are determined to be less-than-significant. The Project land uses and development intensities are reduced when compared to development intensities anticipated under General Plan Update Buildout conditions. As a corollary, traffic and vehicular-source noise generated by the Project would be reduced when compared to the traffic and noise modeling prepared as part of the General Plan Update EIR. The City Council hereby finds that the Project's contribution to less-than-significant cumulative impacts identified in the General Plan EIR would be indiscernible and not cumulatively considerable.

Based on the preceding, the City Council hereby finds that the Project's potential contributions to cumulative construction source and operational-source noise impacts is not considerable, and the cumulative effects of the Project would be less-than-significant.

Population and Housing. As discussed in EIR Section 4.6, Population and Housing, the City Council hereby finds that the Project would not result in potentially significant population and housing impacts. The Project would result in population growth and housing demands no greater than would result from land uses and development envisioned under the City General Plan. The Project conforms to adopted projections for cumulative population, housing, and employment growth as well as the anticipated balance of these demographic elements within the City and the SCAG Region. On this basis, the City Council hereby finds that the Project's potential contribution to cumulative impacts affecting population and housing is not considerable, and the cumulative effects of the Project are less-than-significant.

Public Services and Utilities. As discussed in EIR Section 4.7, the City Council hereby finds that the Project would result in incrementally nominal demands on fire protection, law enforcement, and emergency medical response services. The Project Applicant would remit requisite fees providing funding available to expand or enhance current fire protection and police protection services available to the Project and vicinity. Project payment of fees acts to offset its incremental and cumulative impacts to police and fire protection services. The City, in consultation with affected agencies would ultimately determine the most effective use of fees and other revenues generated by the Project, and how fees would be employed for the provision and enhancement of fire and police protection services. Based on the preceding, the City Council hereby finds that the Project's potential contribution to cumulative impacts affecting police and fire protection services is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

Cumulative impacts to District school facilities are addressed through payment of school impact fees. The Project would pay requisite school impact mitigation fees pursuant to District requirements and the Project Conditions of Approval, offsetting incremental and cumulative impacts to school facilities. Based on the preceding, the City Council hereby finds that the Project's potential contribution to cumulative impacts affecting school services is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

The Draft City of Pomona 2015 Urban Water Management Plan (2015 Draft UWMP) demonstrates that sufficient water supplies would be available to meet cumulative demands of the City, including water demands of the Project. Water supply/demand planning reflected in the

2015 Draft UWMP anticipates development of the City of Pomona pursuant to the City General Plan. In this regard, the Project proposes less intense development than is currently anticipated under the General Plan. Based on the preceding, the City Council hereby finds that the Project would not cause or result in cumulatively significant water treatment demands. Further, water would be available to meet Project and other Service Area customer demands. The the City Council hereby finds that the Project's potential cumulative impacts affecting water treatment and water supply considerations are less-than-significant and not cumulatively considerable.

As discussed in Section 4.7 of the EIR, the City Council hereby finds that the Project does not propose elements or aspects that would substantively interfere with, or detract from known or anticipated groundwater recharge plans or policies. The site is not assigned for use, or anticipated to be developed, as a groundwater recharge facility. Moreover, the Project site development concepts and proposed stormwater management systems would conform to the County's MS4 permit, and would employ and reflect appropriate structural and operational best management practices (BMPs) providing for treatment of stormwater discharges; and would incorporate permeable materials to the extent feasible. On this basis, the City Council hereby finds that the Project's potential cumulative impacts to groundwater resources are less-than-significant and not cumulatively considerable.

The Project would connect to the existing sanitary sewer line located in Lexington Avenue northerly adjacent to the Project site. Extensions of and connections to the City sanitary sewer system would comply with City requirements. The Project does not propose or require construction or alteration of sewer service systems that would affect other facilities in the Service Area or the Service Area in total. Wastewater generated by the Project would be typical of residential generators, and would not require treatment beyond that provided by existing LACSD facilities. Moreover, the Project will be developed and operated in compliance with the regulations of the City and the standards of the Los Angeles Regional Water Quality Control Board (LARWQCB). Based on the preceding, the City Council hereby finds that there is available capacity at the Pomona Water Reclamation Plant (PWRP) to serve the Project in the near-term, with substantial residual capacity at the PWRP available to meet future Service Area wastewater treatment demands. On this basis, the City Council hereby finds that the cumulative effects of the Project are determined to be less-than-significant.

The Project incorporates all necessary stormwater management systems and facilities. No substantive off-site stormwater management system improvements or modifications are proposed or required. The Project would comply with established stormwater management and stormwater treatment policies and regulations. With implementation of Project-specific stormwater management components, the City Council hereby finds that the Project's potential contribution to cumulative impacts affecting hydrology/water quality is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

Project-generated solid waste can be accommodated at either of the two likely receiving landfills, and there is available throughput capacity to serve the Project and other customers. Solid waste diversion achieved pursuant to the City Model Source Reduction and Recycling Element would further reduce potential Project impacts affecting area landfills. The Project

would implement a Construction and Demolition (C&D) program further reducing potential Project solid waste management impacts. On this basis, the City Council hereby finds that the Project's potential contribution to cumulative solid waste management impacts is not considerable, and the cumulative effects of the Project are determined to be less-than-significant.

SECTION 6: SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES.

Since a General Plan Amendment and Zone Change are required to implement the Project, Section 5.6 of the Draft EIR evaluated the potential significant irreversible environmental changes. Various natural resources, in the form of construction materials and energy resources would be consumed in the construction of the Project. Because of the limited scope of the Project, and the availability and of materials and energy employed in Project construction, the City Council hereby finds that their use would not result in shortfalls in the availability of these resources.

Development of the site with the Project residential uses would commit the property to such uses for the foreseeable future, and thereby limit the site's prospective alternative uses. Notwithstanding, given the current and proposed land use designations of the site which anticipate urban development as well as urbanization of surrounding properties, commitment of the site to development proposed by the Project is considered appropriate. The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, the Project incorporates all feasible mitigation, acting to reduce its potential environmental effects.

As documented in Section 5.7 of the EIR, the City Council hereby finds that Project construction and operations would not result in the inefficient, wasteful or unnecessary consumption of energy, and potential Project impacts in these regards are less-than-significant. Further, energy demands of the Project can be accommodated within the context of available resources and energy delivery systems. The City Council hereby finds that the Project would therefore not cause or result in the need for additional energy producing or energy transmission facilities and would not create or result in a potentially significant impact affecting energy resources or energy delivery systems.

SECTION 7: GROWTH-INDUCING IMPACTS. As documented in Section 5.4 of the EIR, the City Council hereby finds that the Project would not directly result in unanticipated significant population growth or other direct growth-inducing effects. Additional housing and employment opportunities created by the Project would not result in unanticipated growth within the City. However, the Project, in combination with other planned or anticipated projects in the area, would contribute to employment and population growth of the region. Development of the Project as envisioned would entail upgrades and improvements to proximate utilities and roadway systems. Improvements necessitated by the implementation of the Project could serve to facilitate and encourage development of nearby properties. However, certain of the properties adjacent to the Project site are already developed. Further, the characteristics and intensities of development that could occur on properties near the Project site are governed by the City General Plan. The City Council hereby finds that development of these properties within the

context of the approved General Plan should not result in unforeseen growth or unanticipated impacts.

SECTION 8: ALTERNATIVES. Alternatives to the Project were evaluated in Section 5.3 of the EIR. Pursuant to CEQA Guidelines §15126.6, an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. An EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the CEQA Guidelines indicate that the range of alternatives selected for examination in an EIR should be governed by “rule of reason,” and requires the EIR to set forth only those alternatives necessary to permit an informed decision. The ultimate rationale underlying the development and selection of alternatives to the Project is the reduction or avoidance of otherwise resulting significant environmental impacts, while allowing for attainment of the basic Project Objectives. The CEQA Guidelines require that the environmentally superior alternative (other than the No Project Alternative) be identified among the Project and other EIR Alternatives.

Alternatives considered within this analysis include:

- CEQA-mandated “No Project” Alternative;
- Reduced Intensity Alternative-Rio Rancho III Residential Project Land Use Plan;
- Alternative Sites; and
- No Threshold Exceedance” Alternative for Significant Transportation/Traffic Impacts.

The primary goal of the Project is the development of the subject site with a productive mix of single-family residential uses. Complementary objectives of the Project include the following:

- Maximize development potential of the currently vacant and underutilized site by implementing a complementary mix of single-family residential products and supporting amenities;
- Take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and to maximize access opportunities for the convenience of residents and visitors;
- Provide a small lot residential development that expands and diversifies the locally available housing stock; and that responds to the current and projected demand for single-family residential products within the City.

No Project Alternative. Under the No Project Alternative, the General Plan Land Use amendment and Zone Change requested for the Project would not occur. Development of the subject site under the No Project Alternative would implement land uses allowed under the sites current General Plan Place Type – “Transit Oriented District Neighborhood,” (Transect Zone T5), and current Zoning – “C-4” (Highway Commercial).

The City Council hereby finds that the No Project Alternative would have reduced environmental impacts but would achieve none of the Project objectives.

Reduced Intensity Alternative. Under the Reduced Intensity, the site would be developed with the types and configurations of land uses currently proposed by the Project, but at an aggregate intensity that would provide a demonstrable reduction in impacts otherwise resulting from the Project. For illustrative purposes, the Reduced Intensity Alternative evaluated assumes a 50 percent reduction in residential intensity otherwise resulting from the Project; yielding development of the subject site with 55 single-family dwelling units. The Reduced Intensity Alternative would diminish, but would not eliminate significant and unavoidable cumulative transportation/traffic impacts that would otherwise result from the Project. The City Council hereby finds that the Reduced Intensity Alternative would, to a limited degree, realize attainment of the basic Project objectives.

Alternative Sites Considered and Rejected. The Project is not subject to relocation to an alternative site. Notably, the City Council hereby finds that relocation of the Project would not substantively or materially reduce the Project's significant environmental impacts, the basis for the consideration of Alternative sites under CEQA. In this regard, relocation to an Alternative Site is not likely to achieve any measurable reduction in the Project's traffic impacts. Specifically, implementation of traffic improvements, including intersection signalization and roadway segment widening as envisioned under the City General Plan Circulation Element, are on-going processes undertaken in conjunction with the development of vacant or underutilized properties throughout the City. As such, it is unlikely that a suitable Alternative Site could be identified that would distribute Project trips only to roadways that have already been improved to their ultimate General Plan configurations, thus completely avoiding the Project's cumulatively significant impacts at transportation facilities. Further, the City Council hereby finds that there are no feasible alternative sites under control of, or likely control of, the Applicant that would allow for relocation of the Project and associated reassignment of traffic.

Based on the preceding considerations, the City Council hereby finds that analysis of an Alternative Site was not further considered.

"No Threshold Exceedance" Alternative for Significant Traffic Impacts Considered and Rejected. The City Council hereby finds that specific improvements identified in the Project TIA (EIR Appendix B) and summarized at Draft EIR Section 4.2 would, to the extent feasible, provide a physical solution to identified potentially significant cumulative traffic impacts. Notwithstanding, timely implementation of improvements required as mitigation for potentially significant cumulative traffic impacts cannot be assured, and impacts are therefore considered cumulatively significant and unavoidable pending completion of the required improvements. Any measurable additional traffic contributed to the facilities noted previously in this Section would result in cumulatively significant traffic transportation/impacts similar to those occurring under the Project, requiring some manner of currently infeasible mitigation. Any viable development of the subject site would generate trips likely affecting some or all of the facilities that would be affected by Project traffic. Accordingly, the City Council hereby finds that an

alternative to the Project developed specifically to alleviate cumulatively significant traffic impacts within the Study Area was not further evaluated.

Comparative impacts of the evaluated Alternatives are summarized at Table 5.3-8 of the EIR.

1. Finding. The City Council hereby finds that the Reduced Intensity Alternative is environmentally superior to the proposed project, and that CEQA permits the consideration of other alternatives that achieve the stated project goals and objectives.

2. Supporting Explanation. The City Council hereby finds that the Reduced Intensity Alternative would result in the greatest aggregate reduction in environmental effects when compared to the Project. The Reduced Intensity Alternative would, to a limited degree, realize attainment of the basic Project Objectives. On this basis, and for the purposes of CEQA and the EIR Alternative Analysis, the Reduced Intensity Alternative is identified as the environmentally superior alternative.

While CEQA indicates that socioeconomic effects are not appropriate as a lone determinant in selection of an alternative, they are important considerations for decision-makers. With respect to socioeconomic, the Project and the Reduced Intensity Alternative would each have beneficial effects for the area. Development under the Project, or the Reduced Intensity Alternative would contribute to available housing, area employment and the City's overall tax base. However, as noted previously, because the scope of residential products would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would be substantively diminished.

SECTION 9: STATEMENT OF OVERRIDING CONSIDERATIONS. The Pomona City Council hereby adopts the Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically: Transportation/Traffic – SR-71 Northbound (NB) Ramps / Rio Rancho Road Intersection; Rancho Valley Drive/Auto Center Drive/Rio Rancho Road Intersection; Roadway Segment of Rio Rancho Road from Rancho Valley Drive to SR-71 NB; and Westbound (WB) Left Turn Lanes at SR-71 SB Ramps at Rio Rancho Road.

The City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the benefits of the proposed Project balance against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impact discussed in Section 4 of this Resolution.

The City Council hereby declares that a reasonable and good faith effort has been made to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that the Council finds outweigh the unmitigated impacts.

The City Council hereby further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit or not fully realize the Project objectives and/or specific economic, social or other benefits that the Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the Council determines that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will maximize development potential of the currently vacant and underutilized site by implementing a complementary mix of single-family residential products and supporting amenities;
- The Project will take advantage of available infrastructure; enhance and improve local infrastructure systems to the benefit of the Project and surrounding areas; and maximize access opportunities for the convenience of residents and visitors;
- The Project will provide a planned residential development that expands and diversifies the locally available housing stock; and that responds to the current and projected demand for residential products within the City.

As the CEQA Lead Agency for the proposed action, the City has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, the City Council hereby finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. The City Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section 8 above, and find that approval of the Project is appropriate.

The City Council hereby identifies economic and social benefits and important policy objectives above, which result from implementing the Project. The City Council hereby finds that it has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that

will accrue from the Project, City Council hereby finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, CEQA Guidelines section 15093 (a) states: “If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council hereby finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

SECTION 10: CERTIFICATION OF THE EIR. The City Council hereby finds and determines that the EIR has been reviewed and considered in evaluating the proposed Project, that the EIR is an accurate and objective statement that fully complies with CEQA, the State CEQA Guidelines and the City’s Local CEQA Guidelines and that the Final EIR reflects the independent judgment of the City Council.

The City Council hereby declares that no new significant information as defined by State CEQA Guidelines section 15088.5 have been received by the City after circulation of the Draft EIR, which would require re-circulation.

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. Findings

1. CEQA Compliance

As the decision-making body for the Project, the Pomona City Council has reviewed and considered the information contained in the Findings and supporting documentation. The Council hereby determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The Council hereby finds that the EIR was prepared in compliance with CEQA and that the Council complied with CEQA’s procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the Council. The following significant environmental impact has been identified in the EIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(B) of these Findings: Transportation/Traffic – SR-71 Northbound (NB) Ramps / Rio Rancho Road Intersection; Rancho Valley Drive/Auto Center Drive/Rio Rancho Road Intersection; Roadway Segment of Rio Rancho Road from Rancho Valley Drive to SR-71 NB; and Westbound (WB) Left Turn Lanes at SR-71 SB Ramps at Rio Rancho Road. The Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the Council hereby determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

- a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMP, will be mitigated to a less-than-significant level, except for the impacts identified in Section 4 above.
- b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.
- c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

SECTION 11: ADOPTION OF THE MITIGATION MONITORING PLAN.

Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the Mitigation Monitoring Program (MMP) set forth in Section V of the Final EIR. In the event of any inconsistencies between the mitigation measures set forth herein and the MMP, the language of the MMP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMP, in which case such mitigation measures shall be deemed as if it were included in the MMP.

The Mitigation Monitoring Program (MMP – pages 4-1 through 4-11 of the FEIR) lists all mitigation measures. With adoption of these mitigation measures, potential environmental impacts will be reduced to less than significant levels for all issues other than Transportation/Traffic.

SECTION 12: CUSTODIAN OF RECORD. The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the City of Pomona, 505 S. Garey Avenue, Pomona, California. The custodian for these records is the Community Development Department. This information is provided in compliance with Section 21081.6 of the California Public Resources Code.

SECTION 13: RESOLUTION REGARDING STAFF DIRECTION. Staff is hereby directed to file a Notice of Determination with the County of Los Angeles within five (5) working days after City Council certification of the Final Environmental Impact Report for the Project.

SECTION 14: The City Clerk shall attest and certify to the passage and adoption of this Resolution, and shall cause the same to be posted as required by law, and this Resolution shall take effect thirty (30) days after its final adoption.

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 23rd day of April, 2018 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk

“Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P.”