

STATEMENT OF OVERRIDING CONSIDERATIONS

Based on the data and conclusions of the DEIR, the Project will result in the following significant project-level and cumulative impacts that cannot be fully mitigated:

- Agricultural Resources - Loss of Important Farmlands (project level and cumulative)
- Air Quality – Impacts to air quality (project level and cumulative)

CEQA requires that a lead agency neither approve nor carry out a project unless significant environmental effects have been reduced to an acceptable level, if possible. If environmental impacts are identified as significant and unavoidable, the City may still approve the project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. The City Council would then be required to adopt a statement of overriding considerations pursuant to Sections 15093 and 15126 (b) of the CEQA Guidelines.

Agricultural Land

Approval of the project would substantially modify the current use of the land from agriculture to urban use and would result in the conversion of prime agricultural land. With development of according to the San Joaquin General Plan, this land will be lost to conversion. As development encroaches into farmland, agricultural conflicts would increase in the urban area including noise, dust, and chemical sprays. In addition, such land surrounded by urbanization may not provide an economically viable unit for agricultural production in the long-term.

Findings - Evidence and Explanation in Support of Findings

In order to maintain a healthy agricultural economy, the City and County should maintain the most productive and desirable farmland in production. Remaining agricultural land within the proposed Sphere of Influence has been planned for urban growth at various levels of intensification. Development of the City in accordance with the San Joaquin General Plan will help guide future growth away from productive agricultural lands in the southwest portion of Fresno County. As productive prime lands will be lost with urbanization, however, the potential impacts remain significant and unavoidable.

Conclusions: Loss of Agricultural Land

Adverse impacts to agricultural land, including the conversion of agricultural land to urban uses associated with continued growth in San Joaquin can be expected to be significant and unavoidable, and cannot be completely mitigated by measures within the control of the City. The mitigation measures offered by this project will aid in allowing agriculture to continue on adjacent lands for the longest extent possible. However, there are no reasonably feasible mitigation measures available to the proposed development alone, which would assure the reduction of area-wide impacts to farmland to a less-than-significant level.

Air Quality

Growth and development in San Joaquin would result in the generation of air pollution emissions from area and operational sources. It is also expected to contribute to the long-term cumulative generation of emissions, which constitute a portion of local and regional air pollution levels. Due to current air

quality conditions in the San Joaquin Valley, any projected generation of substantial quantities of emissions which contribute to air pollution may be considered to have a significant cumulative impact upon air quality. The following are the facts, findings statement and analysis associated with expected unmitigable impacts of the degradation of air quality:

Findings - Evidence and Explanation in Support of Findings

- a. Significant and unavoidable air quality impacts are largely attributable to existing conditions within the San Joaquin Valley Air Basin. While some progress has been made in reducing air pollution levels over the last 30 years, ozone levels are still not at attainable levels.
- b. The General Plan update calls for an increase in densities, mixed land uses and a focus on existing neighborhoods that will work to reduce the dependence on the private automobile. Although these measures will result in positive air quality effects, they will not offset effects caused by increased population.
- c. Compliance with the San Joaquin Valley Air Pollution Control District's rules and mitigation measures, as identified in the DEIR, will render impacts associated with construction related emissions to a level less than significant.
- d. The proposed project will provide a variety of transportation improvements such as pedestrian, bicycle and transit enhancing infrastructure that will aid in reducing the number and length of automobile vehicle trips and corresponding air emissions. These project features will provide efficiencies that benefit air quality.

Conclusions: Degradation of Air Quality

The adverse air quality impacts associated with implementation of the San Joaquin General Plan can be expected to be significant and unavoidable, and cannot be completely mitigated by measures within the control of the City. Policies of the General Plan and mitigation measures in the DEIR will aid in air quality improvement and are expected to help reduce project related emissions. However, there are no reasonable feasible mitigation measures available to the proposed development alone, which would assure the reduction of area-wide air quality impacts to a less-than-significant level.

General Overriding Considerations

The Council finds the following reasons support the determination that the Project as modified by the EIR generates benefits that outweigh and offset the Project's unavoidable environmental effects.

- 1. *Policies of the General Plan update are necessary implementation tools and are critical to economic development and the revitalization of the existing City.*

The City of San Joaquin has identified in its General Plan that economic and employment development are key considerations in improving the quality of life of its residents and revitalizing older portions of the City. This is further evidenced by the General Plan's Policies that call for the support and strengthening of private economic and development activities by facilitating the expansion of businesses and the elimination of high unemployment rates. Implementation of the proposed General Plan will substantially promote or achieve these goals. In addition, expansion of the City to accommodate

regional population growth is a key element of the plan update. It has been determined that the City will benefit from well-planned, efficient growth which will provide a wider range of housing opportunities and contribute to an overall jobs/housing balance.

2. *The Project would continue and reinforce the revitalization of downtown San Joaquin.*

The City considers the downtown an important element and focal point for San Joaquin . As the level of activity and supportive services surrounding the downtown increases, particularly in residential neighborhoods on both sides of Colorado Avenue, additional persons will live or have business in the downtown. This would further reinforce the downtown as the cultural center of the community.

3. *Development of the proposed Project furthers the creation of employment opportunities and increases City revenues.*

By facilitating economic development, businesses would be encouraged to locate in the City. This would allow for the retention of existing jobs and the creation of new employment opportunities. Improvements in the business climate would lead to increases in sales tax revenues and improved property values.

4. *Mitigation measures have been added to limit the project's effects related to agricultural land resources and air quality impacts.*

The DEIR identifies that although an effect may be environmentally significant, certain mitigation measures will lessen the effect. These mitigation measures are included in the Mitigation Monitoring Program.

Each of the above stated findings are based on the substantial evidence presented in the Draft and Final Program Environmental Impact Report on the San Joaquin General Plan Update and SOI Expansion; the accompanying staff report to the Council; and from written and oral evidence and testimony offered at the public hearings before the Planning Commission and City Council of the City of San Joaquin.