

Exhibit L-7

Statement of Overriding Considerations
Regarding the Final Subsequent Environmental Impact Report for the
Copper River Ranch Development Project
(Public Resources Code §21081(b) & CEQA Guidelines §15093)
State Clearinghouse #2000021003

A. Background

CEQA requires decision makers to balance the benefits of the proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations." The following sections provide a description of each of the Project's significant and unavoidable impacts and the justification for adopting a statement of overriding considerations.

B. Significant and Unavoidable Adverse Impacts

According to Section 15355 of the CEQA Guidelines, the term cumulative impacts "refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable. Section 15126.2(c) of the CEQA Guidelines requires that an EIR describes any significant impacts, including those that can be mitigated but not reduced to less-than-significant levels. The following impacts of the Copper River Ranch Project are considered significant and unavoidable based on the Project's Draft SEIR and the Draft Final SEIR. The following effects of the Project have been determined to be significant and unavoidable after implementation of all feasible mitigation measures.

Summary of Significant Impacts of the Project

| Topic | Project-Level Impacts | Cumulative Impacts |
|---------------------------------------|---|--|
| <p>Aesthetics Impact 3.1-3</p> | <p>After implementation of mitigation measure AES - 1, the Project would have a <i>less than significant impact</i> at the <u>project-level</u> pertaining to substantially degrading the existing visual character or quality of public views of the site and its surroundings or conflicting with applicable zoning and regulations governing scenic quality.</p> | <p>Mitigation Measure AES - 1 is expected to reduce aesthetic impacts to a less than significant level at the <u>project-level</u>, but not to a less than significant level at the <u>cumulative-level</u>. For this reason, the proposed Project would have a significant and unavoidable cumulatively considerable contribution to degrading the existing visual character or quality of public views of the site and its surroundings or conflicting with applicable zoning and regulations governing scenic quality. When combined with other development in the area, the Project could substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). The landscape in north-central Fresno County has been changing over the years from one of predominately rural open space and agricultural grazing land to urban uses. The cities of Fresno and Clovis have been rapidly growing to the north and northwest, contributing to the landscape change. Several land development proposals envisioned by the City of Fresno, City of Clovis and Fresno County general plans and individual project proposals have received their entitlements, or are seeking them. Although the urban environment that is ultimately built could be aesthetically pleasing to many, these cumulative changes will significantly degrade the existing visual character and quality of the area. Based on the standards of significance, the proposed Project individually would have a less than significant aesthetic</p> |

| Topic | Project-Level Impacts | Cumulative Impacts |
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| | | <p>impact as concluded in Section 3.1 of the SEIR. However, ultimate impacts of the proposed Project in combination with other projects in the area are significant, and the Project's incremental contribution to this impact is itself <i>cumulatively considerable</i> and thus <i>significant</i>.</p> |
| <p>Air Quality Impact 3.3-1</p> | <p>The Project would conflict with or obstruct implementation of an applicable air quality plan. The Project's emissions are significant for ROG, NO_x, CO, and PM₁₀ and would be considered inconsistent with the applicable Air Quality Plan (AQP) for this criterion. The Project complies with applicable control measures of the AQP and would be less than significant for this criterion. The growth accommodated by Copper River Ranch is included in the City's General Plan and therefore it is consistent with the land use assumptions used to prepare the AQP. A substantial portion of the undeveloped area in Copper River Ranch is fully entitled by the City so no additional mitigation can be imposed on those individual projects. Copper River Ranch includes numerous design features to reduce motor vehicle trips and increase walking, bicycling, and transit use. In addition, all projects are required to comply with Rule 9510, which is intended to mitigate the cumulative impacts of new development in the San Joaquin Valley to the extent feasible. However, after compliance with Rule 9510, emissions will still exceed the SJVAPCD quantitative thresholds of significance.</p> | <p>Mitigation Measure AIR – 1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) is expected to reduce emissions, but not to a less than significant level. For this reason, the proposed Project would have a <i>significant and unavoidable cumulatively considerable</i> contribution to conflicting with an applicable air quality plan.</p> |

| Topic | Project-Level Impacts | Cumulative Impacts |
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| | <p>Mitigation measure AIR-1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) will reduce impacts; however, impacts are still considered <i>significant and unavoidable</i>.</p> | |
| <p>Air Quality Impact 3.3-2</p> | <p>The Project would result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard. The Project’s operational emissions exceed San Joaquin Valley Air Pollution Control District (SJVAPCD) regional criteria pollutant thresholds for ROG, NOx, CO, and PM₁₀; therefore, this is considered a significant impact. The proposed Project incorporates design features that reduce air quality impacts as required by the mitigation measures. In addition, regulations adopted by the SJVAPCD and the State of California since the 2003 FEIR was prepared, provide emission reductions that meet or exceed the requirements of the mitigation measures included in the 2003 FEIR and relevant General Plan policies. However, the Project would continue to implement the mitigation measures included in the 2003 FEIR that have not been superseded by more stringent regulations and standards. Mitigation Measure AIR-1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) will reduce impacts; however, those impacts remain <i>significant and unavoidable</i>.</p> | <p>Mitigation Measure AIR – 1 (2.3.1-a, 2.3.1-b, 2.3.2-a, and 2.3.2-b) is expected to reduce criteria pollutant emissions, but not to a less than significant level. For this reason, the proposed Project would have a <i>significant and unavoidable cumulatively considerable</i> contribution to increasing criteria pollutants for which the region is in nonattainment.</p> |
| <p>Noise Impact 3.13-1</p> | <p>The Project would result in generation of a substantial</p> | <p>Mitigation Measures 2.6.2-a, 2.6.3-a, and 2.6.4-a are expected to reduce</p> |

| Topic | Project-Level Impacts | Cumulative Impacts |
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| | <p>temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Project buildout would likely occur over several years, and as such, Project-related noise increases may not be realized for numerous years; however, Project-related traffic applied to existing traffic conditions would result in exterior noise levels at one modeled receptor location (Identified as R-6 in the Project’s Environmental Noise Assessment, which was attached as Appendix F to the SEIR) to increase by approximately 3dB, which is considered a significant impact per the City of Fresno General Plan Noise Element. While it may be possible by means of the construction of an individual sound wall at this receptor location, mitigation of traffic noise impacts is more difficult to achieve for existing noise-sensitive uses due to the many complications associated with working with individual landowners to implement noise mitigation measures such as sound wall construction and often create access issues. It therefore may not be feasible to achieve successful noise mitigation for this noise sensitive use that could be impacted by the Project. Impacts are therefore considered <i>significant and unavoidable</i>.</p> | <p>noise impacts associated with temporary construction, but not to a less than significant level for operational noise at one modeled receptor location (R-6). For this reason, the proposed Project would have a <i>significant and unavoidable cumulatively considerable</i> contribution to generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance.</p> |
| <p>Transportation Impact 3.17-1</p> | <p>After implementation of mitigation measures TRA - 1 and TRA - 2, the Project would not conflict with a</p> | <p>Mitigation Measures TRA – 1 and TRA – 2 are expected to reduce transportation impacts to a less than significant level at</p> |

| Topic | Project-Level Impacts | Cumulative Impacts |
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| | <p>program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities at the <u>project-level</u> (Existing Plus Project and Near Term Plus Project scenarios).</p> | <p>the <u>project-level</u>, but under the Year 2035 Cumulative scenario, the impact remains significant and unavoidable. As identified in the Project’s Draft and Final SEIR, some of the recommended improvements identified in TRA – 1 and TRA – 2 are infeasible due to the existing built nature. Friant Road is constrained to six lanes. Thus, improvements at the intersections of Friant Road/Audubon Drive, Fresno Street/Friant Road and SR 41/Friant Road are infeasible. After implementation of all feasible mitigation and conditions of approval, the Project would have a <i>significant and unavoidable cumulatively considerable</i> contribution by conflicting with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.</p> |
| <p>Transportation Impact 3.17-2</p> | <p>The Project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The Project would exceed the City’s Vehicle Miles Traveled (VMT) targets for residential and commercial components of the Project. Implementation of mitigation measure TRA – 3 will reduce the Project’s VMT impacts, but not to a less than significant level. Therefore, the Project’s <u>project-level</u> impacts are <i>significant and unavoidable</i>.</p> | <p>Implementation of mitigation measure TRA – 3 will reduce the Project’s VMT impacts, but not to a less than significant level. Thus, after implementation of all feasible mitigation (TRA – 3) and conditions of approval, the Project would have a <i>significant and unavoidable cumulatively considerable</i> contribution by conflicting with CEQA Guidelines section 15064.3, subdivision (b).</p> |

C. Considerations in Support of the Statement of Overriding Considerations

The City Council of the City of Fresno 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 weighted the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined 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 reflects the stated vision, goals and objectives of the City of Fresno.
- The Project will ensure orderly development patterns to accommodate projected increases in population through buildout of the General Plan by providing strategic land use designations that avoid or minimize land use conflicts.
- The Project will provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- The Project will maximize and broaden the City's sales tax base by providing local and regional tax-generating uses.
- The Project will improve and maximize economic viability of the Project site and area by providing strategic land use designations.
- The Project will provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.

The City finds that any one or more of these overriding considerations would have been sufficient to outweigh adverse impacts. As the CEQA Lead Agency for the proposed action, the City of Fresno has carefully reviewed the Project and the alternatives presented in the SEIR, and fully understands the Project and Project alternatives proposed for development. Further, this City Council 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 SEIR, the Final SEIR and public testimony.

D. Conclusions

The City finds that the Project has been carefully reviewed and that the goals, objectives, and policies included in the Project along with the mitigation measures identified in the Final SEIR

have avoided or substantially lessened several environmental impacts, to the extent feasible. Nonetheless, the Project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts which have not been mitigated to an insignificant level. The City has carefully considered the economic, legal, social, technological benefits of the Project, as well as other considerations. The lead agency has balanced the benefits of the Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects.

Based on the foregoing and pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15091(a)(3) and 15093(b), the City finds that the remaining significant unavoidable impacts of the Project are acceptable in light of its economic, fiscal, technological, and social benefits as well as other considerations, including the provision of employment opportunities for City residents. Such benefits outweigh such significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

Finally, the City finds that, to the extent that any impacts identified in the Final SEIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level. Accordingly, when deciding to approve the Project, the City is faced with presumed unmitigated impacts which are limited in nature. When considering the significant benefits outlined in this Statement of Overriding Consideration against limited impacts, the balance of weight falls in favor of the merits of the Project and its benefits.