

Exhibit E

STATEMENT OF OVERRIDING CONSIDERATIONS

1919 Williams Street Warehouse Project PLN20-0044

A Draft Focused Environmental Impact Report (Draft EIR) was prepared for the 1919 Williams Street Warehouse Project (project), was made available for a 30-day public review period on March 1, 2022, and was distributed to local and State agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups, and public agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and a paper copy was available for public review at the City of San Leandro Community Development Department. The Notice of Availability of the Draft EIR was also posted at the office of the Alameda County Clerk on March 1, 2022.

After close of the Draft EIR public review and comment period, a Final EIR consisting of responses to comments was completed, which was released to the public on May 26, 2022. The Board of Zoning Adjustments (BZA) held a public hearing on June 2, 2022 and determined to certify the Final EIR and to approve the project.

The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the project that are described and analyzed within the Final EIR, reflecting the Council's determinations about feasible mitigation measures, the adequacy of the Final EIR, and about the project. These Findings have been made pursuant to CEQA (California Public Resources Code Section 21000 et seq.), specifically Public Resources code Section 21081 and 21081.6, as well as the CEQA Guidelines (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the City of San Leandro (City) as the Lead Agency for this project, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under CEQA Guidelines Section 15091(a) are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Further, in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the City as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable,” in which case the Lead Agency must adopt a formal SOC.

The Final EIR identified potentially significant environmental effects associated with cultural resources that could not be mitigated to a less than significant level (unmitigable) and remained significant and unavoidable, and thus a SOC is required.

Project Description

The project site is located at the southwestern corner of Merced Street and Williams Street in the City of San Leandro in Alameda County. The proposed project would involve demolition of the existing one-story office and warehouse mixed-use building and associated surface parking. After demolition, the project would involve the construction of a two-story 221,495 square-foot industrial warehouse and associated site improvements and landscaping. The proposed warehouse structure would have a height of 47.5 feet and include 4,200 square feet of ground floor office space and 3,400 square feet of office space on the second floor along with 213,895 square feet of warehouse space.

The project site would be accessible via three driveways, one on Williams Street, and two on Merced Street. The project would include the construction of 30 dock high loading doors¹ on the western portion of the proposed project and surface parking would be located along the western, southern, and eastern perimeter. Surface parking for the proposed project would include 74 standard parking stalls, 59 compact parking stalls, four accessible standard stalls, two accessible van stalls, one accessible standard electric vehicle (EV) stall, one accessible van EV stall, 16 EV charging stations, and 14 clean air/vanpool stalls. The proposed structure would maintain approximately the same height on all sides of the building. Its exterior would be characterized by exposed brick, galvanized steel metal-plate-siding, grey paint, and blue glazed windows.

At the time of publishing, a tenant has not been identified for the building. Operational hours and activities would be typical of a warehouse land use. The building would only

be used for nonrefrigerated warehouse use as no refrigeration component has been proposed for the project.

Project Objectives

CEQA Guidelines Section 15124(b) requires an EIR to include a statement of objectives sought by the project. The objectives assist the City, as lead agency, in developing a reasonable range of alternatives to be evaluated in the EIR. The project objectives also aid decision-makers in preparing findings or, if necessary, a statement of overriding considerations. The statement of objectives also includes the underlying purpose of the Project and the Project benefits.

The underlying purpose of the proposed project is to provide a modern industrial warehouse development project of superior quality and design using sustainable and environmentally superior practices within the existing industrialized portion of the City. In addition, the proposed project would accommodate the need for additional large warehouse uses in the City and in the County of Alameda while supporting and promoting the economic vitality of the City.

The applicant has the following objectives for the project:

- Achieve increased economic benefit from the site.
- Create a modern warehouse that contributes to the aesthetics of the project site.
- Facilitate the evolution of a transforming industrial workplace.
- Create a new efficient and updated warehouse which implements green building design and construction practices capable of achieving Leadership in Energy and Environmental Design (LEED™) certification for the building within the project.
- Encourage productive use of the City's industrial land which is currently underutilized.
- Maintain and protect the City's inventory of larger-scale industrial sites with easy access to freeways, rails, airports, and seaports.
- Support and retain existing industrial uses and employment in the City of San Leandro's industrial sector.

These objectives have been considered in preparing the findings and statement of overriding considerations contained herein.

Statement of Overriding Considerations

Where there are significant and unavoidable impacts from a project, pursuant to CEQA Guidelines Section 15093, the City of San Leandro must “balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks, when determining whether to approve the project.” The record of those considerations shall include a written statement of overriding considerations that is supported by substantial evidence within the administrative record. A finding consistent with CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other consideration, make infeasible any other mitigation measures or project alternatives that would avoid or lessen this impact to below a level of significance.

The City finds and determines that, as proposed, most of the project’s significant impacts would be reduced to acceptable levels by implementation of mitigation measures recommended in these findings. However, the City further finds that an impact to cultural resources from the project is significant and unavoidable even with the implementation of mitigation measures identified in the Draft EIR (Section 4.1, *Cultural Resources and Tribal Cultural Resources*). Collectively, reasonably foreseeable future development and growth in the City would contribute to cumulative impacts on historical resources, if the project and other projects in the city were to adversely impact the same resources or cause impacts on other historical resources in the project vicinity. The proposed project, in conjunction with other nearby planned, pending, and potential future projects in the City would result in a significant impact to a cultural resource. However, development projects in the City are regulated by Federal, State, and local regulations, including CEQA, which require cultural investigations, including records searches and physical surveys, as well as tribal consultation. These requirements are routinely conducted as part of the planning and environmental review process to determine the extent of cultural resources that would be affected by a project and to identify mitigation measures to reduce impacts to a less than significant level. With implementation of the mitigation measures, such impacts to cultural resources would be significant and unavoidable at the project level; however, these impacts are site-specific and would not be cumulative in nature. As such, the proposed project would not contribute to cumulative impacts on cultural resources outside the project site. In the event that future cumulative projects would result in impacts to known or unknown cultural resources, impacts to such resources would be addressed on a case-by-case basis. The City further finds that there are no other feasible mitigation

measures or feasible project alternatives that would further mitigate, avoid, or reduce to a less-than-significant level these environmental effects.

After due consideration, extensive review of the entire administrative record, including the Draft and Final EIR, the staff reports, and the oral and written testimony, and the evidence provided, and in light of the environmental, social, economic, and other considerations identified in the Findings, the Board of Zoning Adjustments adopts and makes this statement of overriding considerations concerning the Project's significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City chooses to approve the project because, in its independent judgement, the benefits to the project as outlined below substantially outweigh the project's significant and unavoidable adverse environmental impacts.

Benefits of the Project: The below stated reasons summarize the benefits, goals, and objectives of the proposed Project and provide the rationale for the benefits of the proposed Project. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact. The City finds that the project, as approved, would have the following economic, social, technological, and environmental benefits:

- The project would achieve increased economic benefit from the site. The proposed project would accommodate the need for additional large warehouse uses in the City and in the County of Alameda while supporting and promoting the economic vitality of the City.
- The project would revitalize the project site with a modern warehouse that is aesthetically-pleasing. The Project would provide a modern industrial warehouse development project of superior quality and design using sustainable and environmentally superior practices within the existing industrialized portion of the City.
- The project would implement green building design and construction practices capable of achieving Leadership in Energy and Environmental Design (LEED™) certification. The Project will further the sustainability goals of the City, including those in the Climate Action Plan, by including energy efficiency, green building and greenhouse gas reduction features, and meeting LEED requirements, some of which exceed City requirements.

- The project would encourage the productive use of underutilized industrial land. The Project will transform and activate a large industrial site which has underutilized for many years.
- The project would provide high quality warehouse services to the City community while sustaining the City's long term fiscal health. The proposed project would accommodate the need for additional large warehouse uses in the City and in the County of Alameda while supporting and promoting the economic vitality of the City.
- The project would protect the City's existing industrial sites with access to freeways, rails, airports, and seaports. The proposed project would accommodate the need for additional large warehouse uses in the City and in the County of Alameda while supporting and promoting the economic vitality of the City.
- The project would support the City's industrial sector by providing employment opportunities. The Project would provide job – both construction and operations – providing additional employment opportunities.

To achieve these objectives, the proposed project would provide a modern industrial warehouse development project of superior quality and design using sustainable and environmentally superior practices within the existing industrialized portion of the city. In addition, the proposed project would accommodate the need for additional large warehouse uses in the city and in the County of Alameda while supporting and promoting the economic vitality of the City.

For each and all of these reasons, the City of San Leandro finds that the benefits of approving the project outweigh and override the significant and unavoidable adverse environmental effect related to cultural resources. Therefore, the Project's adverse significant and unavoidable effect is considered to be acceptable by the City of San Leandro Board of Zoning Adjustments, which is the decision-making body for the project, given the importance of this project to the City of San Leandro.

Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e) requires that the City of San Leandro, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which the decision has been based. The following location is where review of the record may be performed:

City of San Leandro Community Development Department
835 East 14th Street
San Leandro, California 94577

The City of San Leandro has relied on all of the documents contained within the record of proceedings in reaching its decision on the project.