

## EXHIBIT D

### FINDINGS CONCERNING INFEASIBILITY OF ALTERNATIVES

CEQA provides that decision-makers should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant impacts of the project. (CEQA Section 21002). The EIR identified feasible mitigation measures that would reduce several of the potentially significant impacts to less than significant, as further set forth in the Exhibit C findings above. However, the following impacts in the EIR remain significant after mitigation (i.e., significant and unavoidable) and no feasible mitigation (as discussed in Exhibit C) or project alternative is identified to reduce the impacts to less than significant:

- 1) Impact AQ-2A: Despite implementation of the policies in the proposed Plan, criteria air pollutant emissions associated with the proposed project would cause a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds.
- 2) Impact AQ-2B: Despite implementation of the proposed project policies, criteria air pollutant emissions associated with the proposed project construction activities would generate a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds.
- 3) Impact AQ-5: Despite implementation of the proposed Plan policies, criteria air pollutant emissions associated with the proposed project would generate a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds.
- 4) Impact GHG-2: While the proposed Plan supports progress toward the long term-goals identified in Executive Order B-30-15 and Executive Order S-03-05, it cannot yet be demonstrated that San Leandro will achieve GHG emissions reductions that are consistent with an 80 percent reduction below 1990 levels by the year 2050 based on existing technologies and currently adopted policies and programs.
- 5) Impact NOI-3: The proposed project would cause a substantial permanent increase in ambient transportation-related noise levels in the project vicinity.
- 6) Impact NOI-7: The proposed project would result in significant and unavoidable cumulatively excessive noise levels within the city.
- 7) TRAF-1: Implementation of the Proposed Plan, in combination with regional growth outside of San Leandro, would result in increased vehicle traffic, which would affect the operations of local intersections and freeway segments.
  - As shown in Table 4.13-11, the addition of proposed Plan traffic would result in significant impacts to twelve intersections during at least one of the peak hours; nine of the intersections would remain significant and unavoidable after mitigation.
  - As shown in Table 4.13-12 and Table 4.13-13, the addition of proposed Plan traffic would result in significant impacts to seven freeway segments during at least one of the peak hours.
- 8) Impact TRAF-2A: The Proposed Plan would cause the volume-to-capacity (v/c) ratio on the northbound segment of Doolittle Drive, which would operate at Level of Service (LOS) F, to increase by 0.04 under Year 2040 conditions in the AM peak hour.
- 9) Impact TRAF-2B: The effect of an increase of Proposed Plan vehicle traffic would cause mixed flow transit operations to be significantly impacted. Since impacts identified under

TRAF-1 and their recommended mitigations are uncertain, this could impact mixed flow transit operations in San Leandro.

In compliance with CEQA, the following findings address whether there are any feasible alternatives available that would avoid or substantially lessen the above significant and unavoidable impacts.

## **FINDINGS CONCERNING ALTERNATIVES**

CEQA requires that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project ..." (CEQA Guidelines Section 15126.6(a)). If a project alternative will avoid or substantially lessen the significant environmental effects of a proposed project, the decision-maker should not approve the proposed project unless it determines that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the project alternative infeasible. (CEQA Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3).) The City Council hereby makes these findings with respect to alternatives.

The project objectives are set forth in Chapter 3 of the Draft EIR. Alternatives are identified and analyzed in Chapter 6 of the Draft EIR and include the required No Project Alternative and a Reduced Industrial Development Alternative. Each of the alternatives was assessed for each resource topic and compared to potential project impacts. As further set forth below, the City Council has considered the alternatives identified and analyzed in Chapter 6 of the Draft EIR and finds them to be infeasible for specific economic, social, or other considerations pursuant to CEQA Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3). For CEQA purposes, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (CEQA Section 21061.1, CEQA Guidelines Section 15364.)

### **Alternative #1: No Project Alternative**

CEQA Guidelines Section 15126.6(e) requires that a "No Project" alternative be evaluated as part of an EIR. Under the No Project Alternative, the proposed project would not be adopted, and future development in the city would continue to be subject to existing policies, regulations, development standards, and land use designations of the existing 2002 San Leandro General Plan and Zoning Code. Total acreages of various land use designations would be similar between the proposed project and the No Project Alternative. However, the No Project Alternative would not include the new higher density residential land use or transit-oriented development designations of the proposed project, nor would it include the increases in allowable residential densities associated with proposed Zoning Code amendments. In addition to less residential growth, this Alternative would result in less job growth, because it would not include the proposed Industrial Transition designation or the proposed Economic Development Element, with its job-generating focus on innovation, and

local manufacturing and technology sector growth. Instead, this Alternative relies on warehousing and traditional manufacturing, typically employing fewer employees per square foot, and thus, fewer jobs.

The No Project Alternative would result in fewer projected residents and jobs than the proposed project, but its significant and unavoidable impacts would be greater than or the same as the project. Future project-specific measures to reduce criteria air pollutants during development construction and operation are unknown for the project as well as the No Project Alternative; therefore, this alternative would have the same significant and unavoidable impacts under AQ-2A, AQ-2B, and AQ-5 as the project. The No Project Alternative would result in greater GHG impacts than the project because the existing General Plan was adopted before enactment of AB 32, Plan Bay Area or the City's Climate Action Plan, and their related imperatives to reduce GHG emissions. Similarly, the existing General Plan does not include the proposed project's transit-oriented and high density land uses and development policies that are intended to locate development close to transit opportunities, such as BART. The existing General Plan also does not address Complete Streets and other proposed policies to encourage bicycle and pedestrian transportation, and other options to automobile use that would also reduce future GHG emissions. Without the proposed land use and alternative transportation policies, the existing General Plan would have more difficulty reducing future GHG emissions and would exacerbate rather than avoid the project's significant and unavoidable impact under GHG-2. The No Project Alternative would have the same significant and unavoidable impacts under NOI-3 and NOI-7 as the project because new development under the existing General Plan would still increase roadway noise. The Alternative's impact could even be greater than the project because the existing General Plan does not include the project's proposed policies to reduce vehicle noise at the source and otherwise shield sensitive uses from excessive noise. Potential groundborne vibration under this Alternative would also be greater than for the project because proposed policies and actions that mitigate this impact are not in the current General Plan. The No Project Alternative would have lower trip generation than the project, but not enough to avoid the project's significant and unavoidable impacts under TRAF-1, TRAF-2A or TRAF-2B. Although not unavoidable for the project, the No Project Alternative could result in worse impacts for cultural resources because the existing General Plan does not contain the project's proposed policies to protect tribal or paleontological resources.

In addition, this Alternative would be inconsistent with several of the project's objectives. Although the No Project Alternative would meet many of the proposed project objectives, it would not include key changes to the City's land use map that facilitate strategic, high-density, mixed-use, transit-oriented development, and other "smart city" principles. In accord with these objectives, the proposed General Plan includes land uses and policies to increase density around the City's key transportation and transit facilities, such as BART and along E. 14<sup>th</sup> Street. The No Project Alternative would not include these increased densities, focused uses and other alternative transportation policies and programs that would move the City forward in meeting the objectives of growing in a manner that reduces non-renewable resource consumption and GHG emissions, reduces VMT, directs future growth to appropriate locations, implements transit-oriented development plans, and adapts to the impacts of climate change. Without these changes proposed by the project, the No Project

Alternative would not fully achieve the City's sustainability-related objectives and policies. With its maintenance of warehousing and traditional industrial land uses, the No Project Alternative would also not be consistent with key objectives to create a positive environment for local business, respond to current demographic and economic changes and foster fiscal health, especially through the new Industrial Transition land use and zoning designations and new Economic Development Element. These new designations build on the success of development like Northgate to encourage innovation districts reflective of the City's location convenient to the Silicon Valley technological hubs. This Alternative does not include such innovation initiatives, relying instead on low-job producing warehouse and traditional industrial land uses. The proposed General Plan provides a comprehensive, updated and coordinated set of land uses, policies and programs to realize the City's General Plan Vision of keeping pace with technology, recognizing the needs and benefits of a diverse population, and all the while, maintaining the City's sense of community. The current General Plan dates back to 2002 and simply does not contain the project's tools for achieving current City growth and development policy goals.

**Finding:** The City Council considered the No Project Alternative and declines to adopt it because it does not avoid or substantially lessen all of the project's significant and unavoidable impacts and is infeasible for the specific economic, social, or other considerations described above, as supported by the administrative record for the project.

#### **Alternative #2: Reduced Industrial Development Alternative**

Under the Reduced Industrial Development Alternative, portions of the General Industrial land use designation of the proposed project would be converted to residential uses, and residential density would be reduced by an equal amount in other areas. All other elements of this Alternative would remain identical to the proposed project. This Alternative would result in the same number of housing units as the project, but at slightly reduced densities as the units are spread over a greater area of the City. While this Alternative would generally allow the same potential for future residential development, it would reduce the potential for new industry and thus would reduce potential job growth by about one-third compared to the project. The proposed Zoning Amendments, in particular the proposed zoning map amendments, would be similarly adjusted for the Reduced Industrial Development Alternative.

Although the Reduced Industrial Development Alternative would involve less growth than the proposed project, its significant and unavoidable impacts would be the same or greater than the project. This Alternative would reduce criteria pollutant emissions under impacts AQ-2, AQ-3, and AQ-5 as compared to the project, but the impacts would still be significant and unavoidable. Like the project, this Alternative would not meet long-term emissions reduction targets under Impact GHG-2. Like the project, this Alternative would create transportation-related roadway noise under Impacts NOI-3 and NOI-7. Like the project, this Alternative would not avoid Impacts TRAF-1, TRAF-2A or TRAF-2B. Although this Alternative would result in about the same number of residential units as the project, its reduced densities would create a potential inconsistency with SB 375, Plan Bay Area and other initiatives for regional development to achieve sustainability goals. Furthermore, the

industrial areas to be converted to residential uses would be located west of I-880 and further from BART and other transit facilities, and lower densities are associated with lower transit use. In these respects, this Alternative would have greater land use and transportation impacts than the project.

This Alternative recognizes that industrial job growth proposed by the project results in increased environmental impacts, such as GHGs and toxic air contaminants. As noted above, however, this Alternative does not avoid any of the project's significant unavoidable impacts. In addition, the loss of industrial land under this Alternative does not meet a key project objective of job generation and industry retention in San Leandro. The project reflects a City policy of ambitious future job growth, but, within a comprehensive and interrelated context of transit-oriented land uses to help manage that growth. For example, the project focuses on encouraging alternative modes of transportation that can help take cars off the road, create local street-level interest and activity through bike and pedestrian facilities, and foster neighborhood connectivity, while taking advantage of the transit opportunities afforded by BART and E. 14<sup>th</sup> Street. This Alternative would also provide for transit-oriented and alternative transportation policies, but, forgoes increased job potential and the City's economic development Vision and goals at virtually no environmental benefit, according to the EIR.

**Finding:** The City Council considered the Reduced Industrial Development Alternative and declines to adopt it because it does not avoid or substantially lessen all of the project's significant and unavoidable impacts and is infeasible for the specific economic, social, or other considerations described above, as supported by the administrative record for the project.

2702851.1