

## EXHIBIT E

### STATEMENT OF OVERRIDING CONSIDERATIONS

**General.** The City is considering approval of the San Leandro General Plan 2035 project, which includes an updated General Plan and related zoning amendments (“project”). Pursuant to CEQA Guidelines section 15093, the City Council must adopt a Statement of Overriding Considerations for the significant and unavoidable impacts of the project in connection with approval of the project. The City Council believes that many of the unavoidable environmental effects identified in the EIR will be substantially lessened by mitigation measures adopted with the EIR and implemented with future development under the project. Even with mitigation, the City Council recognizes that the implementation of the project carries with it significant and unavoidable environmental effects, as identified in the EIR.

The following significant unavoidable environmental impacts were identified in the EIR.

- 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.

### **Overriding Considerations**

The City Council has carefully considered each significant unavoidable project impact in reaching its decision to approve the project. Even with mitigation, the City Council recognizes that implementation of the project carries with it unavoidable adverse environmental effects, as identified in the EIR. The City Council specifically finds that, to the extent that the identified significant adverse impacts for the Project have not been reduced to acceptable levels through feasible mitigation or alternatives, there are specific economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits that outweigh the project's significant unavoidable impacts and support approval of the project. Any one of these benefits as set forth below is sufficient to justify approval of the project. The substantial evidence supporting the various benefits is in the record as a whole.

The project updates the existing General Plan to address new concerns about climate change, greenhouse gas emissions (GHG), public health, and the 21<sup>st</sup> Century workplace, among other things, since the current Plan was adopted in 2002. The updated Plan provides a realistic snapshot of existing land use, development and growth conditions and challenges. With the benefit of extensive public and decision maker review and input through numerous community meetings and study sessions, the updated Plan also provides a realistic path for addressing those challenges during the life of the proposed Plan, based on community expectations.

The proposed General Plan updates policies for residential neighborhoods to address the current reality of multi-generational households, telecommuting potential, and other residential trends. The updated policies also recognize and protect the City's well-established neighborhoods, and increase opportunities for connectivity within and through neighborhoods through alternatives to car travel, especially bicycle and pedestrian facilities. Accordingly, the General Plan policies have been amended to address second units, live-work development, multiple homes on single family lots, the needs of multi-generational households, the concept of "complete neighborhoods," and new modes of communication such as social media. These amended policies and programs provide the City with valuable tools to navigate the changing residential landscape now and into the future.

Land use designations in the Land Use Element have been coordinated with the previously adopted Housing Element to ensure that there will be sufficient opportunities to meet the City's RHNA obligation. The land use designations also ensure that future development will provide a diversity of types of units to meet different types of housing needs.

Employment trends have also changed significantly since the current General Plan was adopted in 2002. Strict demarcations between work, living and recreation spaces have evaporated in favor of more flexible use areas outside of established residential neighborhoods. Accordingly, the updated General Plan focuses on mixed use districts and eliminates offices as a separate category. Mixed use areas with commercial, office and residential uses are increasingly seen as ways to ensure more sustainable development over time. Fewer trips may be needed during the course of a normal day, and with a mix of uses available, the trips may be shorter. The Plan's policies encouraging alternate modes of transportation will help to ensure that increasingly, these trips may not require a car at all, thereby reducing GHG in the City and the region, and reducing traffic congestion and noise. On a larger scale, the updated General Plan takes advantage of the City's proximity to two BART stations, one of which is near the Downtown, and the other of which is near the Bayfair Center. The updated Plan proposes increased mixed use and increased residential densities in the City's transit-rich areas, especially the Downtown near BART and along East 14<sup>th</sup> Street. Mixed uses are also provided in smaller more targeted areas, such as the mix of residential, commercial and recreational land use designations existing in the shoreline areas.

The updated General Plan recognizes changing industrial trends in the City, and introduces the concept of Innovation Districts. A new Industrial Transition land use designation and companion zoning district will ensure that the City's existing industrial base is protected, but also provides flexibility to redevelop and evolve as the technology sector continues to expand in the region. With the City being nearly built-out, these new policies and designations will put the City in the best position to participate in the technology evolution even though it does not have large vacant campus-type sites. These new land use designations and policies also recognize the City's excellent transportation accessibility, via nearby major freeways, the Oakland airport, BART, and location near San Francisco, Oakland, and Silicon Valley.

On a more general level, the updated General Plan provides new land use implementation tools, which are especially important in light of the elimination of redevelopment agencies in 2012. A new goal on Growth Management has been added, with accompanying new policies. The concept of "Priority Development Areas" is introduced to reflect State and regional planning priorities. The project also includes conforming zoning amendments that have been prepared for conformance with and to implement the updated General Plan. Adopting these tools ensures that the City is able to begin implementing the Plan without waiting several more years to put a process and framework in place for future development.

Overall, the project provides a comprehensive set of policies, programs, and aspirations to achieve the Vision articulated at the beginning of General Plan 2035, as well as the objectives identified in the project EIR.

For all of the above reasons, the benefits of the project outweigh its significant unavoidable environmental impacts as to air quality, greenhouse gas emissions, noise and transportation.