

## **EXHIBIT D**

### **STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, the Board of Trustees hereby makes these findings with respect to the potential for significant environmental impacts from implementation of the New Elementary School in Foster City (APN 049-473-030) ("Project") and the means for mitigating those impacts. For the purpose of these findings, the term "EIR" means the Draft and Final EIR documents collectively, unless otherwise specified.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the District, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the District ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

#### **Unavoidable Significant Adverse Impacts from the Project EIR**

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

**NOISE-1** Typical daytime student activities at the proposed school would create noise levels that exceed Foster City  $L_{max}$  and  $L_5$  thresholds at two sensitive receptors immediately adjacent to the Project site.

**NOISE-2** Equipment used during Project construction would generate excessive groundborne vibration with severe, albeit temporary, effects on a group of residential properties as close as 40 feet from the site of construction.

#### **Overriding Consideration**

Pursuant to CEQA Guidelines Section 15093, the Board has carefully balanced the economic, social and other benefits of the Project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. The Board of Trustees recognizes that implementation of the Project carries with it unavoidable adverse environmental effects, as identified in the EIR. The Board of Trustees 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, social, land use, and other considerations that support approval of the Project as set forth below. Any one of these benefits is sufficient to justify approval of the Project. The substantial evidence supporting the various benefits can be found in the record as a whole.

The Board of Trustees finds that both significant and unavoidable impacts identified in the EIR are limited in either time or geographical scope. The proposed site is located among a group of residential neighborhoods, one of which is immediately adjacent to the site. Both unavoidable impacts would be

limited to this adjacent residential and sensitive land use. One of those impacts, NOISE-2, would be temporary. The other, NOISE-1, would result from ongoing school operation, yet would be mitigated to highest extent possible through construction of a gap-free barrier of simple wood construction. The District would continue to coordinate with impacted residences to further mitigate noise impacts as feasible. Neither of these significant and unavoidable impacts would negatively affect the Foster City community as a whole. The District would continue to coordinate with impacted residences to further mitigate noise impacts as feasible. Neither of these significant and unavoidable impacts would negatively affect the Foster City community as a whole.

Moreover, the Board of Trustees finds that the Project would fulfill all of the Objectives identified in the EIR, as follows:

1. The proposed Project would address the 24 percent increase in elementary school enrollments in Foster City during the last decade by providing a fourth elementary school with an enrollment of 430 to 600 students. This enrollment capacity represents a maximum 27 percent increase over existing Foster City elementary school enrollment and would provide capacity for future growth.
2. The proposed Project would address the over-capacity challenges at the three existing elementary schools in Foster City by providing a fourth elementary school and reassigning students from the current schools who live in the neighborhoods near the new school. A projected redistribution of 430 students from current schools to the proposed school would result in all four school schools operating well within their established total capacities.
3. The proposed Project would create the capacity to enroll all elementary students living in Foster City who choose to attend a public elementary school in Foster City. The proposed school would bring the total capacity of public elementary schools in Foster City to 2,894, each operating at enrollment levels that afford growth.
4. The proposed Project would reduce and distribute traffic caused by students having to be assigned to schools away from their neighborhoods by decreasing cross-city traffic caused by taking students to and from school and decreasing the numbers of existing student pick-up/drop-offs at current Foster City elementary schools.
5. The proposed Project would fulfill the commitment to voters, who passed Measure X, to build a fourth elementary school in Foster City pending land acquisition.
6. The proposed Project would provide a fourth school in Foster City with the same high standards, instructional staff and parent involvement that make the current three elementary schools outstanding academically. The school would be operated by the San Mateo-Foster City School District, and would therefore adhere to the same Vision, Mission, and standards that have been successful foundations for the existing elementary schools in Foster City. In addition, the transfer of teachers and staff from existing SMFCSD schools would ensure similar levels of professionalism and experience at the proposed school.
7. The proposed Project would commit to being a good neighbor to adjacent neighborhoods by locating the buildings closest to the streets and minimizing neighborhood traffic impacts by providing onsite parking for staff, parents and visitors, and on-site queuing passing lanes for student drop off and pick up, and more than one entrance and exit. Although both significant and unavoidable impacts would affect nearby neighbors, the conceptual site plan analyzed in the EIR illustrates a proposed school designed for integration with existing neighborhoods, with outdoor areas separating the classroom buildings from adjacent residents, a reduced natural turf area designed for open play rather than louder league soccer, and a circulation plan with on-site queuing, drop off and pick up lanes, and passing lanes. Also noted, the District would continue to work with surrounding neighborhoods to integrate the operation of the school into the surrounding community.

The Project will facilitate the development of a new elementary school in Foster City, a facility deemed necessary by San Mateo-Foster City voters. For this and all of the above reasons, the benefits of the Project outweigh its significant and unavoidable environmental impacts.