

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
ADOPTING CEQA FINDINGS OF FACT; ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING PLAN;
AND CERTIFYING THE FINAL PROGRAM-LEVEL ENVIRONMENTAL IMPACT
REPORT FOR THE COVELL VILLAGE PROJECT**

WHEREAS, the subject project is known as the "Covell Village Project" and is located on 422.3 acres identified as APN 035-970-033 (382.76 acres) in the City of Davis and 39.0 acres of APN 042-110-011 in the County of Yolo. The project site is generally located north of Covell Boulevard, between Pole Line Road and F Street;

WHEREAS, the project is a variation of the proposed project and the High Density alternative called the "1,864 Alternative" consisting of the development and operation of 1,864 dwelling units, 199,727 square feet of non-residential land uses in a 16.7-acre "village center", a 3.0-acre fire station site, a 9.8-acre elementary school site, a 4.8-acre hospice site, a 5.2-acre senior care facility (130 beds), and 83.75 acres of park and open space uses;

WHEREAS, the Final Environmental Impact Report (SCH #2004062089) consisting of the Draft EIR (two volumes) and response to comments (two volumes) has been prepared pursuant to the California Environmental Quality Act (CEQA; PRC Section 21000 et seq.) to analyze the environmental effects of the project;

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and comment period commencing June 17, 2004 and concluding July 16, 2004;

WHEREAS, a public scoping meeting was held June 30, 2004 to receive comments on the appropriate scope of the EIR;

WHEREAS, the Draft EIR was circulated for a 50-day public review and comment period commencing December 10, 2004 and concluding January 28, 2005;

WHEREAS, the Final EIR (Response to Comments) documents were released May 20, 2005 including hand delivery of responses to all public agencies that commented on the Draft EIR in satisfaction of CEQA Guidelines Section 15088(b);

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR;

WHEREAS, on July 24, 2003 the Planning Commission held a public hearing to receive comments regarding the adequacy of the Draft EIR;

WHEREAS, between the public scoping meeting and date of final action 33 official noticed public meetings and hearings of various City commissions and the City Council were held to deliberate the merits of the proposed project and make recommendations regarding components of or a final action on the project;

WHEREAS, on May 25, 2005 the Planning Commission voted 3:3 and therefore did not take any action on whether to recommend that the City Council approve the project with conditions;

WHEREAS, the City Council has reviewed the Final EIR prepared for the project, the staff reports pertaining to the Final EIR, the Planning Commission hearing minutes and reports, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution;

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project;

WHEREAS, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons;

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that can not be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justify the occurrence of those impacts;

WHEREAS, the City Council is required pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (Guidelines Section 15093).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davis as follows:

1. Exhibit A (Findings of Fact) and Exhibit C (Mitigation Monitoring Plan) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The City Council hereby adopts these various findings of fact attached hereto as Exhibits A and C.

2. Exhibit B of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable". The City Council hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit B (Statement of Overriding Considerations).

3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the project will result in significant effects on the environment, however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.

4. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that a variation of the proposed project and High Density Alternative known as the "1,864 Alternative" is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby rejects all other alternatives, and combinations and variations, thereof.

5. These findings made by the City Council are supported by substantial evidence in the record, which is summarized herein.

6. The Mitigation Monitoring Plan attached hereto as Exhibit C (Mitigation Monitoring Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

7. The City Council finds that the project is consistent with the General Plan (including all elements), and that approval of the project is in the public interest and is necessary for the public health, safety, and welfare.

8. The City Council hereby certifies the FEIR.
9. A Notice of Determination shall be filed immediately after final approval of the project.
10. Pursuant to CEQA Guidelines Section 15095, staff is directed as follows:
 - a) A copy of the FEIR (4 volumes) and CEQA Findings of Fact shall be provided to the County Planning Department;
 - b) A copy of the FEIR (4 volumes) and CEQA Findings of Fact shall be retained in the project files;
 - c) A copy of the FEIR (4 volumes) and CEQA Findings of Fact shall be provided to the project applicant who is responsible for providing a copy of same to all CEQA "responsible" agencies.

PASSED AND ADOPTED by the City Council of the City of Davis this _____ day of June 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ruth Uy Asmundson, Mayor

Bette Racki, City Clerk

Exhibits Attached:

- A. CEQA Findings of Fact
- B. Statement of Overriding Considerations
- C. Final Mitigation Monitoring Plan

