

COVELL VILLAGE PROJECT

**RESOLUTION OF APPROVAL
EXHIBIT B**

CEQA STATEMENT OF OVERRIDING CONSIDERATIONS

TABLE OF CONTENTS

CEQA STATEMENT OF OVERRIDING CONSIDERATIONS for the COVELL VILLAGE PROJECT

<u>Section</u>	<u>Page</u>
SECTION A	108
General Introduction	108
Significant and Unavoidable Impacts	108
SECTION B	109
Specific Findings	109
Project Changes to Avoid or Reduce Impacts	109
Final Disposition of Mitigation Measures	110
Project Benefits Outweigh Unavoidable Impacts	115
Balance of Competing Goals	116
SECTION C	116
Overriding Considerations	116
Economic and Fiscal Considerations	116
Housing Considerations	117
Public Safety Considerations	118
Recreation Considerations	119
School Considerations	119
Growth Considerations	120
Design Considerations	120
Circulation Considerations	121
Agriculture Considerations	122
SECTION D	123
Conclusion	123

CEQA STATEMENT OF OVERRIDING CONSIDERATIONS for the COVELL VILLAGE PROJECT

SECTION A.

GENERAL INTRODUCTION

In approving the subject project as evaluated in the Final Environmental Impact Report ("Final FEIR"), the City makes the following Statement of Overriding Considerations in support of its findings of fact and in support of the project. The City Council has considered the information contained in the FEIR prepared to examine the project, and has fully reviewed and considered the public testimony and record in this proceeding.

The City Council has carefully balanced the benefits of the project against the unavoidable adverse impacts identified in the FEIR. Notwithstanding the disclosure of impacts identified in the FEIR as significant and potentially significant, and which have not been eliminated or mitigated to a less-than-significant level, the City Council, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following potentially adverse impacts cannot be mitigated to a less-than-significant level if the project is implemented with adopted mitigation measures. All other impacts are less-than-significant or fully mitigated. These impacts are listed below:

4.1-1 Impacts related to altering the existing agricultural character of the project site.

4.1-3 Long-term impacts to the visual character of the region from the proposed project in combination with existing and future developments in the Davis area.

4.2-1 Loss of prime agricultural land.

4.2-3 Long-term impacts to Prime Farmland from the proposed project in combination with existing and future developments in the Davis area.

4.4-2 Impacts to segments of Pole Line Road and Covell Boulevard under Existing Plus Project conditions.

4.4-5 Long-term cumulative impacts to roadway segments of Pole Line Road and Covell Boulevard.

4.5-1 Exhaust emissions and fugitive particulate matter emissions from project-associated construction activities.

4.5-3 New air pollutant emissions within the air basin resulting from vehicle trips to and from the project site.

4.5-4 Long-term air quality impacts from the proposed project in combination with existing and future developments in the Davis area.

Significant Irreversible Impacts

Feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the FEIR, and are summarized in the table in Exhibit A. No

additional feasible mitigation measures have been determined to be available for these significant and unavoidable impacts. The City Council finds that there are no other available feasible mitigation measures or alternatives that the Council could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the City Council finds that specific economic, legal, social, technological, and other considerations identified herein support approval of the project despite these unavoidable impacts.

SECTION B.

SPECIFIC FINDINGS

Project Changes to Avoid or Reduce Impacts

Changes or alterations have been made in the project which mitigate to the most feasible degree the significant environmental effects of the project, as identified in the Final EIR. These are as follows:

- Adoption of a variation of the proposed project and High Density Alternative called the "1,864 Alternative" which was determined by the City Council to be the preferred project that best balanced the project objectives and public benefits.
- Modification of the project description/design in response to public and agency comments:
 - The gas station proposed at the southern boundary of the site has been eliminated.
 - The fire station was moved east to project roadway frontage and the fire station site increased from 1.7 to 3.0 acres. Also funding for the construction and operation of the fire station has been added as a part of the project.
 - The ratio of multi-family and townhouse/condominium units has increased and the size of the apartment units has been decreased, to be predominantly one- and two- bedroom units.
 - The parkland and open space has been more equitably distributed throughout the site.
 - A city-owned community recreation building has been added to the Village Center, with land and construction funds provided by the developer through the Development Agreement.

- Development phasing has been refined and extended to a ten-year build-out.
- The project includes an increased commitment to environmental and energy-conserving aspects such as photovoltaics on all single-family structures.
- Implementation of all adopted mitigation measures as identified herein. These measures are adopted as conditions on the project approval and must be implemented as a part of the project.
- Implementation of all other conditions of approval adopted by Council and the components of the Development Agreement executed between the parties.

Final Disposition of Mitigation Measures

All feasible mitigation measures have been incorporated into the project by way of adoption by the Council as a part of the Mitigation Monitoring Plan (see Exhibit C). Modifications to several measures have been made by the Council. These are reflected in Section O (Findings Regarding Impacts and Mitigation Measures) of Exhibit A.

MM 4.2-1 was modified to specify performance standards for the quality and extent of required agricultural mitigation land. Also the mitigation acreage was increased. These modifications serve to increase the mitigation requirements of the project and are environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.2-3 refers to the implementation of MM 4.2-1 which is discussed above.

MM 4.3-4 was deleted and no mitigation was found to be necessary for Impact 4.3-4. This mitigation measure was deleted because a comment letter (Comment 27-128; page 2-77 of the third volume of the FEIR) pointed out that there are no applicable CIWB requirements for development on parcels that are not part of the former landfill. Therefore this mitigation was in error and has been corrected.

MM 4.3-5 was clarified to include disclosure of paintball activities that occur at the City firing range north of the project site. This mitigation was also clarified to apply only to lots and land uses that would occur north of Channel A as that is the only area of the project site that would be potentially impacted by those activities. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.4-2(a) was modified based on more detailed analysis, to specify more precisely which Pole Line Road segments require improvement. This clarifies that the impact as originally described will be somewhat less than anticipated. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.4-4(c) was modified to specify performance criteria for the timing of the improvement. The modifications serve to increase the specificity of the measure. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.4-4(d) was modified to specify performance criteria for the timing of the improvement. The modifications serve to increase the specificity of the measure. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.4-5 was modified based on more detailed analysis, to specify more precisely which Pole Line Road segments require improvement. This clarifies that the impact as originally described will be somewhat less than anticipated. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

Regarding Mitigation Measures 4.4-2, 4.4-4, and 4.4-5 discussed above, the City Council hereby finds that it is not necessary to widen and signalize the entire stretch of Pole Line Road from Covell Boulevard to the northern City limits if a combination of signals and roundabouts are used. Roundabouts in lieu of signals are appropriate for two-lane roadways, and are very compatible with Davis community values. In general they are more efficient and less expensive to install, operate, and maintain, and can be more attractive than signals. The following information is provided in support of this:

- Roundabouts provide a more continuous flow of traffic.
- Roundabouts improve flow from side streets.
- The narrower street will reduce the distance of the bicycle undercrossing of Pole Line Road.
- Roundabouts and a narrower road will reduce speed and noise on Pole Line Road.
- Roundabouts are safer, more orderly, and have greater capacity than signals. They are more attractive, easier and cheaper to operate and maintain, and don't require electricity.

- The City retains the option of widening to four lanes at a later time. The necessary right-of-way will be retained regardless.
- A narrower (two-lane) road will have greater capacity for aesthetic treatments of edges and medians within the same right-of-way.
- As a bicycle-friendly community, a four-lane road at the entrance to the City would not create the impression desired.

As such, Mitigation Measures 4.4-2, 4.4-4, and 4.4-5 shall be clarified and implemented as follows with respect to improvements along Pole Line Road, from Covell Boulevard north:

1. Sufficient right-of-way shall be reserved between Covell Boulevard and the City limits in the event future widening is desired.
2. The segment from Covell Boulevard to Picasso Avenue shall be widened and a signal shall be installed at the intersection of Pole Line Road and Picasso Avenue.
3. The segment between Picasso Avenue and Donner Avenue shall be maintained as four-lanes, and a signal shall be installed at the intersection of Pole Line Road and Donner Avenue, or the road segment shall be tapered down to two-lanes at Donner Avenue and a roundabout shall be installed.
4. The roadway shall be tapered down or continue to two-lanes to the northern City limits, and a roundabout shall be installed at the intersection of Pole Line Road and Moore Avenue.

MM 4.5-1(b) was expanded to include additional construction measures recommended by the AQMD. These measures require greater environmental mitigation of the project and are environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.5-3(a) was modified to provide a greater range of effective alternatives and to ensure that alternatives were consistent with the goal of the mitigation measure. These measures require greater environmental mitigation of the project and are environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.5-3(b) was modified to be consistent with the policies and requirements of the AQMD and to reflect increased energy-conservation requirements of the Development

Agreement. These measures require greater environmental mitigation of the project and are environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.5-4 refers to the implementation of MM 4.5-3 (a) and (b) which are discussed above.

MM 4.6-1 was modified in order to ensure that the noise barriers themselves do not cause additional noise impacts. These measures require greater environmental mitigation of the project and are environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.6-4(a) was clarified to indicate that the measure will not be required if no longer applicable. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.6-4(b) was modified to clarify implementation of the measure. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.6-5 was modified to decrease allowed construction hours. This modification further restricts the hours during which neighbors will be exposed to construction noise and is therefore environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.6-6(a) refers to the implementation of MM 4.6-1 which is discussed above.

MM 4.7-1(a) was modified to add greater accountability in providing protection for cultural resources. These measures require greater environmental mitigation of the project and are environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.7-3 refers to implementation of MM 4.7-1(a) which is discussed above.

MM 4.8-1 was corrected to include a local species inadvertently missing from the original

text. The Council has determined, based on substantial evidence in the record, that this text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.8-9(b) was included to allow for a project specific Swainson's Hawk mitigation in the form of permanently protected land rather than exclusively restricting the mitigation to the payment of fees. This is more immediate than the original measure and results in actual (rather than planned) habitat protection which is environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.8-10(c) was clarified to specify that the applicant (rather than some other party) must implement the mitigation. The Council has determined, based on substantial evidence in the record, that this text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.8-11(b) refers to implementation of MM 4.8-9 which is discussed above.

MM 4.8-12(c) was clarified to specify that the mitigation plan must be developed by a qualified biologist. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.10-1 was clarified to specify a human-health-based risk threshold for implementation of the measure. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.10-6 was clarified to specify that water quality testing of the new wells is required under any circumstance. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.12-1 was corrected to specify that the fiscal impact analysis will examine equipment needs as well as personnel. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve

to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.12-2 was corrected to specify that the fiscal impact analysis will examine equipment needs as well as personnel. This modification serves to increase the mitigation requirements of the project and is environmentally beneficial. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.12-3 was deleted because the applicant has modified the project description to include dedication of land, construction of the station, and funding for equipment and operations. This commitment has also been identified in the Development Agreement. Therefore it is not necessary to include this as a mitigation measure, and implementation is ensured. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.13-2 was deleted because it does not qualify as mitigation per the definition provided in CEQA Guidelines Section 15370. The policy will be identified for deletion as a part of the Council's final action on the project, but not as a mitigation measure. As such, the Council has determined, based on substantial evidence in the record, that these text changes serve to clarify, amplify, or make insignificant modifications to an already adequate EIR, and therefore recirculation was not triggered.

MM 4.13-4 was deleted because it referred to the implementation of MM 4.13-2 which is discussed above.

Project Benefits Outweigh Unavoidable Impacts

The remaining unavoidable and irreversible impacts of the project are acceptable in light of the economic, legal, social, technological, and other considerations set forth herein because the benefits of the project (as described in Exhibit A, Section J) outweigh any significant and unavoidable or irreversible adverse environmental impact of the project.

Balance of Competing Goals

The Council finds that it is imperative to balance competing goals in approving the project. Several significant environmental impacts have not been fully mitigated because of the need to meet competing concerns, and/or the need to recognize economic, legal, social, technological, and other issues as factors in decision-making. Accordingly, the Council has chosen to accept significant adverse environmental impacts because to eliminate them would unduly compromise important economic, legal, social, technological, and other goals. The City Council finds and determines, based on the FEIR, testimony from the hearings, and other supporting information in the record, that the project will provide for a positive balance of the competing goals and that the benefits to be obtained by the project outweigh the adverse environmental impacts of the project.

SECTION C.

OVERRIDING CONSIDERATIONS

The Council specifically finds that although the identified significant adverse impacts have not been mitigated to a less-than-significant level, the benefits identified in Section J (Project Benefits) of Exhibit A and the considerations identified above, support approval of the project.

The City Council has balanced these benefits considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the project, when combined with the other beneficial considerations discussed in this Section, outweigh those environmental risks.

Economic and Fiscal Considerations

Substantial evidence in the record demonstrates various economic and fiscal benefits which the City would derive from the implementation of the project. Included among these are (in no relevant order):

- The project will provide additional shopping opportunities for Davis residents and provide sales tax benefits to the City of Davis.
- The project provides a location for small to medium sized community retail stores.
- The project phasing plan provides greater certainty, assisting in infrastructure and budget planning.

- The development is expected to have a net positive impact on the City's operational cash flow. The project will provide a positive fiscal benefit to the City estimated at \$66,000 per year.
- The total financial benefit to the City operating budget from the Development Agreement is approximately \$14 million over the 10 years of project buildout.
- The developer will maintain all green spaces (parks, greenbelts, habitats, and greenstreets) for a total of five-and-a-half years from the final map, plus the additional time to accommodate transfer of maintenance responsibility to the City in January. This will offset over \$2.1 million in City maintenance costs through the first 11 years of the project. This represents an average annual benefit of \$198,000 per year. This benefits both the City and the future residents of the project, because otherwise green space improvement might be delayed due to City concerns about maintenance costs.
- As part of the Development Agreement, the applicant has committed to a series of contributions to assist the City's operating budgets. The prime contributions will be annual operating subsidies, beginning with \$1.8 million fifteen months after recordation of the first final subdivision map. The payments decline to \$1 million in years 8 and 9. These contributions total \$12.1 million to the City General Fund. Although the Council subcommittee's vision is that these will be used for provision of police and fire services to serve the project (and the remainder of the community) final determination will be made during the annual budget process.
- Under the terms of the Development Agreement, public art will be funded by the applicant as a percentage of public infrastructure and private non-residential construction. The public art funds will subsidize an outdoor performing space and other public art within the project site.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Housing Considerations

Substantial evidence in the record demonstrates various housing benefits which the City would derive from the implementation of the project. Included among these are (in no relevant order):

- The project will provide 388 affordable units (or equivalent) for low and moderate-income households, and 400 units for middle-income households.
- The project responds to the City's internal housing needs study, the SACOG process, and a general consideration of home price trends, all of which indicate that housing demand in the community is at a critical level.
- The project housing plan provides for a wide variety of home sizes, types, prices, and phasing consistent with the City Council's housing objectives.

- The proposed small-lot single-family units are an appropriate choice for the workforce housing that has been identified as a City Council goal.
- The project satisfies the City's standard requirements for low- and moderate-income housing, plus the newly-established middle-income goals. Under the provisions of the Development Agreement, the project housing plan includes the following components: 1) Dedication of 8.5 acres of land in two parcels, with a credit of 20 units per acre, for 170 units affordable to very-low and low-income households. 2) Equivalent of 21 permanently affordable rental units for clients of Yolo Continuing Care Coalition. 3) Equivalent of 53 permanently affordable rental units for low-income households in two mixed-income multifamily developments. 4) 144 for-sale units affordable to low and moderate-income households. 5) 400 middle-income units, for households ranging from 120 to 180 percent of median.
- The middle-income proposal exceeds the city-standard requirement of 272 households affordable to households with incomes up to 160% of median. The additional units would be for households in the 150-160% range (28 units) and households from 120-180% of median (100 units).

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Public Safety Considerations

Substantial evidence in the record demonstrates various public safety benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The Development Agreement makes provision for both construction and operating subsidies for the fire station. The site will be transferred to the City with the second final map. Construction would be complete one or two years later.
- The project will provide land (3.0 acres total of which 1.7 is a non-reimbursable dedication), capital funds (of \$4.2 million for a minimum 12,000 square foot facility), equipment funds (\$425,000) and operating funds (of \$1.2 million for ten years) for the fire station, necessary to meet General Plan goals for public safety response times in existing neighborhoods.
- The fire station site has been shifted to the southwest corner of Covell Boulevard and the main north-south street which provides better access for the station and eliminates potential conflicts from emergency vehicles attempting to turn left on Covell in order to head east.
- The size of the fire station site has been increased to three acres as requested by the Fire Chief.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those

impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Recreation Considerations

Substantial evidence in the record demonstrates various recreation benefits which the City would derive from the implementation of the project. Included among these are (in no relevant order):

- The project will provide land and \$2.75 million towards construction of a minimum 10,000 square foot community recreation building to house community recreation programs and non-profit operations. The City's Parks Master Plan identifies the need for additional community buildings but the Capital Improvements Plan does not include construction funds.
- The project exceeds the park land and greenbelt goals of the General Plan.
- Parks and greenbelts will be developed concurrently with the residential development. The draft Development Agreement makes provision for all parks and greenbelts to be improved within two years of the final map creating the adjacent residential properties. The Village Center infrastructure, Covell Boulevard improvements, and Covell undercrossing would be completed with the Phase 3 improvements. The majority of the park and Channel A improvements would be completed by Phase 5 of development.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

School Considerations

Substantial evidence in the record demonstrates various school benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The arrangement between the applicant and the school district will result in the preservation of Nugget Fields for community recreation use.
- The DJUSD has stated that the project school mitigation package provides full mitigation.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those

impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Growth Considerations

Substantial evidence in the record demonstrates various growth benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The project will provide an appropriate location for the 60 percent of the City Council's one percent growth parameter that is anticipated to be on "greenfields" sites.
- The project responds to this growth pressure in a way that embraces community values and reduce community impacts.
- The project has a conservative phasing plan that ensures growth occurs in a slow, metered fashion over a ten-year period.
- Subsequent to approval by the City Council, the project must still achieve voter support pursuant to the City's "Measure J." Measure J, Article 40.40 of the Municipal Code, requires voter approval before certain General Plan Amendments can go into effect. The Covell Village site is explicitly covered by Measure J. Once a project is approved by the voters, baseline project features may not be changed without subsequent voter approval. These baseline project features include recreation facilities, public facilities, significant project design features, and phasing.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Design Considerations

Substantial evidence in the record demonstrates various design benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The project design reflects "New Urbanist" design principles espoused by the applicant while also reflects the environmental values of Davis.
- The project maximizes opportunities presented by this type of multi-year, master plan concept to meet various city/community needs in terms of schools, fire station, greenbelt, trail connections,

parks and community facilities, drainage improvements and similar needs.

- The project promotes a master plan that equitably distributes housing of various sizes, types and prices, with project amenities reasonably allocated and accessible to all neighborhood residents.
- The project promotes a cutting edge project containing a variety of conservation and environmentally friendly elements.
- In response to public comment and staff concerns, the project has been modified to increase density, decrease future home prices, and result in more efficient use of land for homes meeting community needs.
- Under the terms of the Development Agreement, each single-family attached or detached unit will have a minimum 1 kW photovoltaic system, all residential units will exceed Title 24 standards by 10 percent, and shallow-well irrigation systems will be installed for parks and greenbelts unless precluded by law.
- Under the terms of the Development Agreement, senior homes, and a portion of the other single-family homes, will meet minimum visitability standards unless precluded by site grading. Visitability features will be an option for middle-income buyers.
- The project site is optimally located for urban development because it is surrounded on three sides by urban uses. The location is predominantly surrounded by urban development, including the former City landfill and sewer treatment plant on the north edge of the site. Covell Boulevard and Pole Line Road are major arterials. The site is well-served by transit, neighborhood services, and schools.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Circulation Considerations

Substantial evidence in the record demonstrates various circulation benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The project provides for safe and effective integration between the commercial components of the subject project and the existing Oak Tree Plaza center across Covell Boulevard.
- The project provides bicycle connections from Wildhorse to Northstar.
- Development will occur generally from east to west, so that vehicle access can be provided to Pole Line Road through the construction period.

- The EIR establishes traffic mitigation measurements which will be required with development of the site. In addition, the draft Development Agreement requires the developer to provide \$500,000 to the City of Davis for traffic calming on J Street, L Street, and Claremont Avenue. These improvements are envisioned to be similar to those in the Pole Line Corridor Plan but final project decisions will be made only after consultation with neighborhood residents and property owners.
- Under the terms of the Development Agreement, the developer and property owners will indefinitely fund a transit district to support Unitrans and offer free bus service to and from the project.
- The project will contribute to an integrated off-road network linking Sandy Motley Park and Nugget Fields to Northstar Park and points west.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

Agriculture Considerations

Substantial evidence in the record demonstrates various agriculture benefits which the City would derive from the implementation of the Project. Included among these are (in no relevant order):

- The agricultural mitigation package accompanying this project will help limit future urban sprawl and agricultural land conversion.
- The project agricultural mitigation concept will result in 776 acres of important farmland being permanently preserved off-site (including 722 acres directly north of the City limits) via conservation easement, as follows: 1) 645 acres directly adjacent to the Covell Village urbanized area, extending north to intersect with the corner of Willow Slough; 2) 77 net acres directly north of Northstar to be deeded to the City of Davis for organic farming; and 3) 54 acres to be provided through easement in one of the areas identified by the City Council as target preservation locations.

The City Council has balanced these benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by these benefits, among others. Upon balancing the environmental risk and countervailing benefits, the City Council concludes that the benefits that the City will derive from the implementation of the Project, when combined with the other beneficial considerations discussed in this section, outweigh those environmental risks.

SECTION D.**CONCLUSION**

The FEIR is a program-level document prepared pursuant to the CEQA Guidelines. The Council has independently determined that the FEIR fully and adequately addresses the impacts and mitigations of the Covell Village Project (1,864 Alternative). The number of project alternatives identified and considered in the FEIR meets the test of "reasonable" analysis and provides the Council with important information from which to make an informed decision. Public hearings were held before a variety of citizen committees, the Planning Commission, and the City Council. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits which the City would achieve from the implementation of the project. The City Council has balanced these project benefits and considerations against the unavoidable and irreversible environmental risks identified in the FEIR and has concluded that those impacts are outweighed by the project benefits. Upon balancing the environmental risk and countervailing project benefits, the City Council has concluded that the benefits that the City will derive from the implementation of the Project, as compared to the existing and planned future conditions, outweigh those environmental risks. The City Council believes that the above-described project benefits override the significant and unavoidable environmental impacts of the project.

In conclusion, the City Council hereby adopts the mitigation measures identified in Exhibit C (Mitigation Monitoring Plan), and finds that any remaining (residual) effects on the environment attributable to the project, which are identified as unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth in Sections B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations.

**COVELL VILLAGE PROJECT
RESOLUTION OF APPROVAL
EXHIBIT C**

**CEQA MITIGATION MONITORING PLAN for
the COVELL VILLAGE PROJECT**