

RESOLUTION NO. 18-191, SERIES 2018

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
APPROVING AND ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE CANNERY PROJECT**

WHEREAS, the project known as the Cannery Project, consisting of a mix of land uses including low, medium, and high density residential uses; a mixed-use business park component; drainage detention areas; open spaces including greenbelts, agricultural buffers, and an urban farm; parks; and a neighborhood center, is located on approximately 100.1 acres of land located at 1111 East Covell Boulevard, within the incorporated boundary of the City of Davis. The project site is generally located north of Covell Boulevard, east of F Street; and

WHEREAS, the Cannery Project included preparation of a Final Environmental Impact Report (SCH #2012032022), consisting of the Draft EIR and Responses to Comments, which analyzed the environmental effects associated with the development up to a maximum of 610 residential dwelling units and up to 236,000 square feet of mixed-use commercial, office and high density residential uses and was prepared and processed pursuant to the California Environmental Quality Act (CEQA; PRC Section 21000 et seq.) (the "Final EIR"); and

WHEREAS, the land use entitlements for the Cannery Project by the City of Davis City Council allowed 547 residential units (which was subsequently amended to 585 residential units) and up to approximately 171,270 square feet of mixed-use development; and

WHEREAS, amendments to the entitlements for the Cannery Project related to development of the Mixed-Use Commercial District are proposed which would add an additional 48 residential units and allow up to 182,350 square feet of mixed-use development, which would include a total of 84 residential units (the "Revised Project"); and

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the project relative to air quality, fire services, transportation, and cumulative air quality impacts, and all other impacts were determined to be less than significant or less than significant with mitigation, and on November 19, 2013, the City Council adopted CEQA Findings of Fact, a Statement of Overriding Considerations, a Mitigation Monitoring Plan, and certified the Final EIR (Resolution No. 13-159); and

WHEREAS, pursuant to CEQA (Guidelines Section 15021) the City Council adopted all feasible mitigation measures or feasible project alternatives that were able to substantially lessen or avoid any significant environmental effects, as provided in the Mitigation Monitoring Plan and the CEQA Findings adopted as part of Cannery Project approval, keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, an Addendum to the previously certified EIR for the Cannery Project has been prepared for the Revised Project pursuant to CEQA Guidelines Section 15164 (the "Addendum"), and demonstrates that the circumstances, impacts, and mitigation requirements

identified in the Final EIR remain substantively applicable to the Revised Project, and supports the finding that the Revised Project does not raise any new issues or exceed the level of impacts identified in the Final EIR or significantly alter its analysis and that none of the conditions described in Section 15162 requiring preparation of a subsequent EIR apply, and thus an Addendum is appropriate; and

WHEREAS, on January 24, 2018 the Planning Commission held a public hearing to review the Addendum and the merits of the project and voted 5-2 to recommend adoption of the Addendum; and

WHEREAS, on November 13, 2018 the City Council held a public hearing to review the Addendum.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby resolve as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with the California Environmental Quality Act. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered both the Final EIR and the Addendum, and finds that together they contain a complete and accurate reporting of the environmental impacts associated with the Revised Project.

SECTION 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report. Based on the Final EIR, the Addendum, and all related information presented to the City Council, the City Council finds that the preparation of a subsequent or supplemental EIR is not required because the modifications contemplated by the Revised Project: (1) do not constitute a substantial change to the Project that will require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) do not constitute a substantial change with respect to the circumstances under which the Project is undertaken that will require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and (3) do not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, that shows any of the following: (a) the Revised Project will have one or more significant effects not discussed in the Final EIR; (b) significant effects previously examined will be substantially more severe than shown in the Final EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Revised Project, but the City declined to adopt such measures; or (d) mitigation measures or alternatives considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 4. Findings on Environmental Impacts. Based on the Addendum, the record before the City Council, and having considered the Final EIR and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the Revised Project have been addressed within the certified Final EIR and the associated MMRP, as revised by the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is substantial evidence supporting the conclusion that the Revised Project would not result in any significant environmental impacts beyond those analyzed in the certified Final EIR. The City Council further finds that none of the comments received on the Addendum have demonstrated substantial evidence that the proposed project would require subsequent environmental review under State CEQA Guidelines section 15162. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Revised Project and reflects the independent judgment and analysis of the City Council.

SECTION 5. Adoption of the Addendum to the Certified Final Environmental Impact Report. The City Council hereby approves and adopts the Addendum to the Final EIR for the Revised Project.

PASSED AND ADOPTED by the City Council of the City of Davis on this 13th day of November, 2018, by the following vote:


AYES: Arnold, Carson, Frerichs, Partida, Lee

NOES: None



Brett Lee
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk