

# ATTACHMENT 1

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## ZONING ADJUSTMENTS BOARD RESOLUTION #2015-01

JUNE 25, 2015

### **Certification of the Environmental Impact Report 2211 Harold Way Mixed-Use Project Alteration Permit #13-4000002 and Use Permit #13-1000010**

WHEREAS, on February 27, 2013, HSR Berkeley Investments, LLC, filed an application for a mix-use development on the project site; and

WHEREAS, on May 19, 2014, the City of Berkeley ("City") released a Notice of Preparation (NOP) and an Initial Study, and solicited public comment for 30-days; and

WHEREAS, on June 5, 2014, the Landmarks Preservation Commission held a scoping meeting to elicit public comment on the CEQA-required study areas identified by the NOP and the Initial Study; and

WHEREAS, on June 12, 2014, the Zoning Adjustments Board (ZAB) held a scoping meeting to elicit public comment on the CEQA-required study areas identified by the NOP and the Initial Study; and

WHEREAS, on October 6, 2014, the City released for public review and comment, a Draft Environmental Impact Report ("EIR"), commencing a 45-day review period to end on November 19, 2014; and

WHEREAS, on November 6, 2014, the Landmarks Preservation Commission held a hearing, and comments on the Draft EIR were received from interested individuals, organizations and Commissioners; and

WHEREAS, on November 13, 2014, the Zoning Adjustments Board held a hearing, and comments on the Draft EIR were received from interested individuals, organizations and Board Members; and

WHEREAS, the Draft EIR 45-day public comment period was extended to December 1, 2014; and

WHEREAS, the City complied all comments on the Draft EIR and prepared responses to those comments as required by law; and

WHEREAS, on March 30, 2015, the City released a Response to Comments (RTC) document to provide responses to comments on the Draft EIR and to make revisions to the Draft EIR, as necessary, in response to these comments or to amplify and clarify material in the Draft EIR. This RTC document, together with the Draft EIR, constitutes the Final EIR for the proposed project; and

WHEREAS, on April 23, 2015, the Zoning Adjustments Board held a duly noticed public hearing regarding the Final EIR and comments were received from interested individuals, organizations and Commissioners and this item was continued; and

WHEREAS, on June 15 30, 2015, the City released an Addition to the Final Environmental Impact Report and Response to Comments Document: DRC Recommended Alternative. This Addition, along with the RTC document and the Draft EIR, constitutes the Final EIR for the proposed project; and

WHEREAS, on June 25, 2015, the Zoning Adjustments Board held a duly noticed public hearing regarding the Final EIR; and

WHEREAS, the Zoning Adjustments Board considered the Final EIR and the record, and found it in compliance with CEQA and reflective of the City of Berkeley's independent judgment, and

NOW THEREFORE, BE IT RESOLVED that the Zoning Adjustments Board of the City of Berkeley hereby certifies the Final EIR for the 18-story mixed-use development at 2211 Harold Way.

NOW THEREFORE, BE IT FURTHER RESOLVED, all documents constituting the record of this proceeding shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 2120 Milvia Street, Second Floor, Berkeley, California.