

RESOLUTION NO. 69,642 N.S.

A RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS; AND (B) ADOPTING THE ADELINE CORRIDOR SPECIFIC PLAN AND RELATED GENERAL PLAN AMENDMENTS

WHEREAS, in 2014, the City applied for and was awarded a \$750,000 Priority Development Area planning grant to prepare a long-range plan and environmental review documents for the Council-designed South Shattuck and Adeline Priority Development Areas (PDAs) by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG); and

WHEREAS, the City began a community planning process for the South Shattuck and Adeline PDAs ("the Adeline Corridor") in 2015 that included numerous community meetings, workshops, open houses, surveys and stakeholder meetings; and

WHEREAS, the Adeline Corridor Specific Plan (ACSP) includes a community vision, goals, policies and implementation actions; and

WHEREAS, the ACSP includes concepts that were developed into amendments to the General Plan to create the new Adeline Corridor Mixed Use land use classification; and

WHEREAS, a new C-AC District zone is proposed to replace the existing zoning in the area to implement the ACSP, as well as to make changes associated to the new C-AC zone throughout the Berkeley Municipal Code; and

WHEREAS, on July 6, 2018, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the ACSP was published; and

WHEREAS, a duly noticed Draft EIR scoping hearing was held by the Planning Commission on July 18, 2018 to receive comments on the scope and content of the Draft EIR for the ACSP; and

WHEREAS, a Notice of Availability/Release of a Draft EIR and Specific Plan was issued on May 17, 2019, along with publication of the Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, a duly noticed public hearing on the Draft EIR was held by the Planning Commission on June 5, 2019; and

WHEREAS, a Notice of Availability/Release of a Final EIR was issued, and a Final EIR was published on December 12, 2019, which was made available for public review and comment; and

WHEREAS, a duly-noticed public hearing was held by the Planning Commission to consider the Final Draft ACSP, related General Plan and zoning amendments and CEQA documents; and

WHEREAS, the Planning Commission, after conducting and closing the public hearing, recommended that the City Council (1) Adopt a Resolution, as recommended by the Planning Commission to (a) Certify the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings; and (b) Adopt the Adeline Corridor Specific Plan and related General Plan text and map amendments; and (2) Adopt an Ordinance, as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial - Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; and (3) Authorize the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only; and (4) Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms; and

WHEREAS, the ACSP, related General Plan and zoning amendments and EIR were considered at a regular, duly-noticed public hearing of the City Council on December 8, 2020.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the ACSP EIR and the CEQA findings (Exhibit C); and

BE IT FURTHER RESOLVED that the City Council as the final decision-making body for the lead agency, hereby adopts and incorporates by reference into this Resolution, all the CEQA findings (Exhibit C) prior to taking action in approving the ACSP; and.

BE IT FURTHER RESOLVED that the City Council incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval for the ACSP, the MMRP contained in the November 2020 Revised Final Environmental Impact Report (Appendix B); and

BE IT FURTHER RESOLVED that the City Council adopts the ACSP, based in part on the rationale for recommendation contained in the related December 8, 2020 City Council report (incorporated by reference into this Resolution as if fully set forth herein); and

further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by adoption of the ACSP; and

BE IT FURTHER RESOLVED that the City Council that the General Plan is hereby amended as shown in Exhibits A and B; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to (1) make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only; and (2) create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms;

BE IT FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create and requirement, power, or duty in conflict with any federal or State law; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that in a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution that can be given effect without the invalid provision or application and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution; and

BE IT FURTHER RESOLVED, that the Environmental Review Officer, or designee, is directed to file a Notice of Determination with appropriate agencies; and

BE IT FURTHER RESOLVED, that all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and


NOW THEREFORE, BE IT RESOLVED that all the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

The foregoing Resolution was adopted by the Berkeley City Council on December 8, 2020 by the following vote:

Ayes: Bartlett, Droste, Hahn, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: Harrison.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk