

# ATTACHMENT 1

## RESOLUTION TO CERTIFY THE EIR

JANUARY 25, 2018

### **Certification of the Environmental Impact Report 2190 Shattuck Avenue - Use Permit #ZP2016-0117**

WHEREAS, on June 13, 2016, Mill Creek Residential, LLC, filed an application for an 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space on the project site; and

WHEREAS, on January 5, 2017, the City of Berkeley ("City") released a Notice of Preparation (NOP), and solicited public comment for 30-days; and

WHEREAS, on January 26, 2017, the City held a scoping meeting to elicit public comment on the CEQA-required study areas identified by the NOP; and

WHEREAS, on August 10, 2017, the City released for public review and comment, a Draft Environmental Impact Report ("EIR") with an Infill Environmental Checklist, commencing a 45-day review period to end on September 25, 2017; and

WHEREAS, on September 7, 2017, the Landmark Preservation Commission held a hearing, and comments on the Draft EIR were received from interested individuals, organizations and the Commission; and

WHEREAS, on September 14, 2017, the Zoning Adjustments Board held a hearing, and comments on the Draft EIR were received from interested individuals, organizations and the Board; and

WHEREAS, on January 4, 2018, 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 January 10, 2018, the notice of Public Hearing for the Zoning Adjustments Board was released to adjoining property owners and occupants, and to interested neighborhood organizations; and

WHEREAS, on January 11, 2018, the City provided a written response to the comments received from the East Bay Municipal Utility District and Alameda County Transportation Commission, as required by the California Environmental Quality Act (CEQA); and

WHEREAS, on January 25, 2018, 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 per CEQA Guidelines Section 15090, find 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 building with 274 residential units above approximately 10,000 square feet of ground floor retail space at 2190 Shattuck Avenue.

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 1947 Center Street, Second Floor, Berkeley, California.