

RESOLUTION NO. 64,580-N.S.

CERTIFY THE FINAL EIR FOR THE DOWNTOWN AREA PLAN, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Berkeley ("City") has prepared, in conformance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) for the Downtown Area Plan ("Project"); and

WHEREAS, in anticipation of the EIR process, a Notice of Preparation for the Downtown Area Plan EIR was duly delivered to the State Clearinghouse on October 9, 2008, and mailed to other interested agencies; and

WHEREAS, the Draft EIR was released on January 21, 2009, for review and public comment, and the period for public comment was adequate and closed on March 13, 2009; and

WHEREAS, the City received comments from interested individuals, organizations and agencies on the Draft EIR, both in writing and at a duly noticed Public Hearing before the Planning Commission on February 18, 2009; and

WHEREAS, responses to comments on the Draft EIR, as well as revisions to the Draft EIR were prepared and released to the public as required by law; and

WHEREAS, the Draft EIR as revised and responses to comments document together constitute the Final EIR on the Project; and

WHEREAS, appendices to the Final EIR considered the Revised Final Draft of the Downtown Area Plan for Planning Commission adoption; and

WHEREAS, on May 13, 2009, the Planning Commission found the Final EIR to be complete and adequate, and the Planning Commission recommended the Final EIR to the City Council to be certified; and

WHEREAS, the Final EIR identifies and clearly communicates various potentially significant adverse environmental impacts that would result from the Project, as well as mitigation measures and alternatives that could eliminate or substantially reduce those potential impacts; and

WHEREAS, the Final EIR considers a reasonable range of alternatives; and

WHEREAS, the City Council has carefully reviewed the Final EIR, and in its independent judgment, finds it adequate and sufficient in all respects.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that it certifies as legally adequate the Final EIR prepared on the Downtown Area Plan.

\* \* \* \* \*

The foregoing Resolution was adopted by the Berkeley City Council on July 14, 2009 by the following vote:

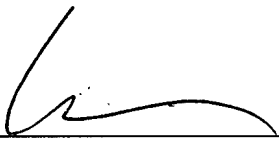
Ayes: Anderson, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

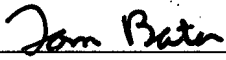
Noes: None.

Abstain: Arreguin.

Absent: None.

Attest:

  
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Deanna Despain, CMC, City Clerk

  
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Tom Bates, Mayor