



Office of the City Manager

## **REVISED AGENDA MATERIAL for Supplemental Packet 3**

**Meeting Date:** June 2, 2022

**Item Number:** 1

**Item Description:** Ashby & North Berkeley BART Station Areas

**Submitted by:** Jordan Klein, Director, Planning & Development

The resolution referenced in the first bullet of the recommendation in the original report has been separated into two distinct resolutions:

1. A resolution (a) certifying the Final Environmental Impact Report (EIR), adopting the California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations, adopting mitigation measures, and adopting a Mitigation Monitoring and Reporting Program (MMRP) for the proposed zoning and General Plan, Municipal Code, and Map amendments; and (b) amending the General Plan to include the Ashby and North Berkeley BART Mixed Use Transit Oriented Development General Plan Land Use Classification text and map amendments; and
2. A resolution adopting the City and BART Joint Vision and Priorities (JVP) for Transit Oriented Development at the Ashby and North Berkeley BART Stations.

This will allow City Council to take separate actions on these issues.

Staff is not introducing changes to the exhibits to the resolutions that were originally included in the meeting packet, so they are not reprinted here.

RESOLUTION NO. ##,###-N.S

A RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE ASHBY AND NORTH BERKELEY BART STATIONS TRANSIT-ORIENTED DEVELOPMENT ZONING PROJECT (SCH# 2020110320) (“EIR”), ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM; (B) ADOPTING GENERAL PLAN AMENDMENTS FOR THE ASHBY AND NORTH BERKELEY BART STATION AREAS.

WHEREAS, the City of Berkeley and the San Francisco Bay Area Rapid Transit District (“BART”) executed a Memorandum of Understanding (“MOU”) to cooperatively pursue Transit Oriented Development (“TOD”) at the Ashby and North Berkeley BART station areas in March 2020; and

WHEREAS, City staff and a consultant team have been working with a Council-appointed Community Advisory Group (CAG) and BART staff since June 2020 to develop zoning and associated General Plan amendments that are consistent with Assembly Bill 2923 and a City-BART Joint Vision and Priorities (“JVP”) document for the Ashby and North Berkeley BART station areas; and

WHEREAS, the City Council of the City of Berkeley has the authority to approve land use amendments to the General Plan (“the amendments”) in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the City Council of the City of Berkeley desires to adopt the City-BART JVP for the Ashby and North Berkeley BART station areas to implement the amendments; and

WHEREAS, the amendments serve the public interest by encouraging transit-oriented development, sustainable development, and the development of affordable housing; and

WHEREAS, the amendments were prepared to provide high-quality transit-oriented development, affordable housing, civic and public space, multi-modal transportation and site access, high-quality building and site design and architecture, and a mix of land uses that contribute positively to the community; and

WHEREAS, the proposed amendments are consistent and compatible with the General Plan by promoting high-quality, well-designed transit-oriented development and facilitating the development of affordable housing; and

WHEREAS, the amendments would not be detrimental to the public health, safety and welfare of the City because they would not directly result in changes to the physical characteristics of any property or existing structure, but, as described above, could facilitate development that would be completed in compliance with current codes and regulations. New development also would be reviewed for compliance with BMC and

CEQA and would be constructed in compliance with California Building and Safety Code as adopted by the City of Berkeley; and

WHEREAS the amendments do not change the designation to reduce the intensity of use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1); and

WHEREAS pursuant to the provisions and requirements of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) (“CEQA”) and the State CEQA Guidelines (Title 14, Sections 15000 *et seq.* of the California Code of Regulations (“CEQA Guidelines”), the City of Berkeley, as lead agency, prepared an Environmental Impact Report for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project (SCH No. 2020110320) (“EIR” or “Final EIR”); and

WHEREAS the project consists of certifying the Environmental Impact Report for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project, adopting CEQA findings and a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; (b) adopting General Plan amendments for the Ashby and North Berkeley BART station areas; (c) adopting the City and BART Joint Vision and Priorities document for Transit Oriented Development (“Project”); and

WHEREAS on November 20, 2020 the City issued a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) to analyze the environmental effects of the General Plan amendment; and

WHEREAS a duly noticed Draft EIR scoping hearing was held by the Planning Commission on December 2, 2020 to receive comments on the scope and content of the Draft EIR; and

WHEREAS a Notice of Availability/Release of a Draft EIR was issued October 15, 2021, along with the publication of the Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, November 3, 2021, the Planning Commission held a duly noticed public hearing and took public testimony, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and

WHEREAS a Notice of Availability/Release of a Final EIR was issued, and a Final EIR was published on March 30, 2022; and

WHEREAS the Final EIR consists of the October 2021 Draft EIR and the March 2022 Final EIR; and

WHEREAS, on June 2, 2022, the City Council held a duly noticed public hearing and took public testimony, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and

WHEREAS, 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.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley, as the final decision-making body for the lead agency, hereby certifies that the Final EIR for the Project has been completed in compliance with CEQA and reflects the independent judgment and analysis of the City;

BE IT FURTHER RESOLVED that no recirculation of the EIR is required; 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 the CEQA Findings and Statement of Overriding Considerations (Exhibit D) with regard to the significant environmental effects of the Project; and

BE IT FURTHER RESOLVED that the City Council adopts and incorporates into the Project all of the mitigation measures that are within the responsibility and jurisdiction of the City that are identified in the CEQA Findings; and

BE IT FURTHER RESOLVED that the City Council adopts and incorporates by reference into this Resolution the Mitigation Monitoring and Reporting Program (Exhibit E); and

BE IT FURTHER RESOLVED by the City Council that the General Plan and the General Plan Land Use Diagram is hereby amended, as shown in Exhibits A and B.

Exhibits:

- A. General Plan Text Amendment
- B. General Plan Land Use Diagram Amendment
- C. General Plan and Zoning Amendments – Required Findings for Approval
- D. CEQA Findings Statement of Overriding Considerations
- E. Mitigation Monitoring and Reporting Program

**[For Exhibits A through E, please reference the original materials in the agenda packet.]**

RESOLUTION NO. ##,###-N.S

ADOPTING THE CITY AND BART JOINT VISION AND PRIORITIES DOCUMENT FOR TRANSIT ORIENTED DEVELOPMENT (“TOD”) AND THE IMPLEMENTATION OF ASSEMBLY BILL 2923 (“AB 2923”) AT THE ASHBY AND NORTH BERKELEY BART STATION AREAS.

WHEREAS, the City of Berkeley and the San Francisco Bay Area Rapid Transit District (“BART”) executed a Memorandum of Understanding (“MOU”) to cooperatively pursue Transit Oriented Development (“TOD”) at the Ashby and North Berkeley BART station areas in March 2020; and

WHEREAS, City staff and a consultant team have been working with a Council-appointed Community Advisory Group (CAG) and BART staff since June 2020 to develop zoning and associated General Plan amendments that are consistent with Assembly Bill 2923 and a City-BART Joint Vision and Priorities (“JVP”) document for the Ashby and North Berkeley BART station areas; and

WHEREAS, the City Council of the City of Berkeley has the authority to approve land use amendments to the General Plan (“the amendments”) in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the City Council of the City of Berkeley desires to adopt the City-BART JVP for the Ashby and North Berkeley BART station areas to advance equitable transit-oriented development to address the climate and affordable housing crises; and

WHEREAS, the JVP serves the public interest by encouraging transit-oriented development, sustainable development, and the development of affordable housing; and

WHEREAS, the JVP was prepared to provide high-quality transit-oriented development, affordable housing, civic and public space, multi-modal transportation and site access, high-quality building and site design and architecture, and a mix of land uses that contribute positively to the community; and

WHEREAS, the JVP is consistent and compatible with the General Plan by promoting high-quality, well-designed transit-oriented development and facilitating the development of affordable housing; and

WHEREAS, the JVP would not be detrimental to the public health, safety and welfare of the City because they would not directly result in changes to the physical characteristics of any property or existing structure, but, as described above, could

facilitate development that would be completed in compliance with current codes and regulations. New development also would be reviewed for compliance with BMC and CEQA and would be constructed in compliance with California Building and Safety Code as adopted by the City of Berkeley; and

WHEREAS pursuant to the provisions and requirements of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) (“CEQA”) and the State CEQA Guidelines (Title 14, Sections 15000 *et seq.* of the California Code of Regulations (“CEQA Guidelines”), the City of Berkeley, as lead agency, prepared an Environmental Impact Report for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project (SCH No. 2020110320) (“EIR” or “Final EIR”); and

WHEREAS the project consists of certifying the Environmental Impact Report for the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project, adopting CEQA findings and a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; (b) adopting General Plan amendments for the Ashby and North Berkeley BART station areas; (c) adopting the City and BART Joint Vision and Priorities document for Transit Oriented Development (“Project”); and

WHEREAS on November 20, 2020 the City issued a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) to analyze the environmental effects of the General Plan amendment; and

WHEREAS a duly noticed Draft EIR scoping hearing was held by the Planning Commission on December 2, 2020 to receive comments on the scope and content of the Draft EIR; and

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WHEREAS, November 3, 2021, the Planning Commission held a duly noticed public hearing and took public testimony, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and

WHEREAS a Notice of Availability/Release of a Final EIR was issued, and a Final EIR was published on March 30, 2022; and

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WHEREAS, on June 2, 2022, the City Council held a duly noticed public hearing and took public testimony, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and

WHEREAS, 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.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council adopts the City and BART Joint Vision and Priorities document (Exhibit A).

Exhibit:

- A. City and BART Joint Vision and Priorities for Transit Oriented Development for the Ashby and North Berkeley BART Stations

**[For Exhibit A, please reference the Joint Vision and Priorities document in the original agenda packet.]**