Notice of Public Hearing
and Intent to Adopt a Mitigated Negative Declaration

801 Grayson Street/800 Dwight Way

Use Permit 2014-0033 to expand existing pharmaceutical operations uses at 801 Grayson Street by constructing an 80,000-square foot product testing facility, and demolish 3 buildings at 800 Dwight Way with a total of 65,000 square feet of product testing space.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on Thursday, September 11, 2014, at the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way, second floor Council chambers (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DATA:
- 15,000 (net) square feet of non-residential floor area
- 3 stories and an average height of 45 feet, plus rooftop mechanical equipment
- 43,500 square feet of lot area on the new building site
- Parking accommodated through existing private parking lots

PERMITS REQUIRED:
- Use Permit to construct manufacturing uses over 40,000 square feet
- Use Permit to demolish three non-residential buildings
- Administrative Use Permit to allow rooftop mechanical equipment to project above the main building height
APPLICANT:
Victor Warren, Architect
Site Architect
Bayer HealthCare LLC
800 Dwight Way
Berkeley, CA 94701-1986

ZONING DISTRICT: MM Mixed Manufacturing

ENVIRONMENTAL REVIEW STATUS: Because an initial study identified potentially significant effects on the environment, but project revisions agreed to by the applicant would avoid or mitigate these effects to a point where clearly no significant effects would occur, a mitigated negative declaration has been prepared for adoption by the Zoning Adjustments Board at the hearing listed above. The initial study and proposed mitigated negative declaration are available for public review at the Permit Service Center, 2120 Milvia Street, and the Central Library, 2090 Kittredge Street. The City will receive comments on the negative declaration from Friday, August 8, 2014 through Friday, August 29, 2014.

ATTACHMENTS: Proposed (Mitigated) Negative Declaration (includes vicinity map and site plan only; complete project plans are available for public review; see “Further Information” below).

Correspondence and Notice of Decision Requests
- Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.
- To distribute correspondence to Board members prior to the meeting date -- submit comments by 12:00 noon, seven (7) days before the meeting. Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format.
- Correspondence received by 5:00 p.m. on the Tuesday before the meeting will be posted on the ZAB web site for review by the Board and public prior to the meeting. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- Any correspondence received after this deadline will be given to Board members on the meeting date just prior to the meeting.
- Staff will not deliver to Board members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.
• Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk just before or at the beginning of the meeting.

• Written comments, or a request for a Notice of Decision should be directed to the ZAB Secretary at: Land Use Planning Division (Attn: ZAB Secretary), 2120 Milvia Street, Berkeley, CA 94704 OR at zab@ci.berkeley.ca.us.

Accessibility Information / ADA Disclaimer
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 2120 Milvia Street, Berkeley, during regular business hours.

Notice Concerning Your Legal Rights
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.

2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.

3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.

4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.

5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
A. That this belief is a basis of your appeal.

B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Further Information
Questions about the project should be directed to the project planner, Aaron Sage, at (510) 981-7410 or ASage@ci.berkeley.ca.us. All project application materials, including plans and other documents referenced in the mitigated negative declaration and initial study, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, during normal office hours.

cc: Alameda County Clerk's Office
    Alameda County Congestion Management Agency
    Alameda-Contra Costa Transit District
    Berkeley Central Library
    Communities for a Better Environment
    Environmental Review Staff, c/o City Administrator, Albany
    Environmental Review Staff, c/o City Manager, Emeryville
    Environmental Review Staff, c/o City Manager, Oakland
    Environmental Review Staff, c/o County Administrator, Alameda
    Environmental Review Staff, c/o Contra Costa County, Comm Dev. Dept.