



ZONING ADJUSTMENTS BOARD

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

600 Addison Street

Project Preview and Notice of Intent to Adopt a Mitigated Negative Declaration for Use Permit #ZP2019-0215 to demolish buildings and structures on an industrial site of approximately 8.4 acres, and to construct a research and development (R&D) campus containing two buildings totaling 461,822 square feet of gross floor area and 924 parking spaces.

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 **February 25, 2021, conducted via Zoom, see the Agenda for details at:**

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2021-02-25_Draft_ZAB_Agenda.pdf. The meeting starts at 7:00 p.m. The purpose of this meeting is to solicit ZAB and community input on the project and Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND), and the ZAB will not take any formal action on the project at this time.

PUBLIC ADVISORY: This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

A. Land Use Designations:

- General Plan: Manufacturing
- West Berkeley Plan: Mixed Use-Light Industrial (MULI)
- Zoning: Mixed Use-Light Industrial (MULI)

B. Zoning Permits Required:

- Use Permit, under BMC Section 23C.08.050, to allow demolition of non-residential buildings
- Use Permit, under BMC Section 23E.80.050.C, to allow construction of 20,000 or more gross square feet of new floor area

- Use Permit, under BMC Section 23E.80.030, to establish more than 30,000 square feet of Office use
- Use Permit, under BMC Section 23E.80.045.B, to change more than 25 percent of the space used for manufacturing to another protected use
- Administrative Use Permit, under BMC Section 23E.80.045.A.2, to change up to 20,000 square feet of Warehouse to R&D use
- Administrative Use Permit, under BMC Section 23E.80.030, to establish more than 30,000 square feet of R&D use
- Administrative Use Permit, per BMC Section 23E.04.020, to allow rooftop projections to exceed the height limit up to 15 percent of the building footprint

C. CEQA Determination: 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 could occur, a Draft Mitigated Negative Declaration was prepared. The project site is not on a list of sites as described by Government Code 65962.5 (Cleanup Program Site, State Water Resources Control Board). The Initial Study and Draft Mitigated Negative Declaration are available for public review at https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/600_Addison_-_ZP2019-0215.aspx. The City will receive comments on the Draft IS/MND from **Wednesday, February 10, 2021 through Thursday, March 11, 2021**.

D. Parties Involved:

- Applicant: Scott Smithers, Managing Principal, Berkeley Commons, LLC, 644 Menlo Avenue, Menlo Park, CA 94025
- Property Owner: Jason Jones Managing Member, Aquatic Park Science Center II, LLC, P.O. Box 183, Corte Madera, CA 94976

Further Information:

All application materials are available online at: <https://www.cityofberkeley.info/zoningapplications/>. The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://www.cityofberkeley.info/zoningadjustmentsboard/>.

Questions about the project should be directed to the project planner, Leslie Mendez, at (510) 981-7246 or LMendez@cityofberkeley.info.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

Communication Disclaimer:

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.

Communications and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via email to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentsboard/>.

Communications and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.

It will not be possible to submit written comments at the meeting.



Accessibility Information / ADA Disclaimer

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.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

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.