

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
CITY COUNCIL CHAMBERS, 2134 MARTIN LUTHER KING JR. WAY**

Public Hearing and Determination Regarding Public Nuisance

Notice is hereby given that on **TUESDAY, November 13, 2012 at 7:00 P.M.** a public hearing will be conducted pursuant to Berkeley Municipal Code Section 23B.64.050 to consider the recommendation of the Zoning Adjustments Board, determining that **Perfect Plants Patient Group at 2840-B Sacramento Street** is in violation of: 1) Berkeley Municipal Code (BMC) Chapter 12.26 The Patients Access to Medical Cannabis Act of 2008; 2) BMC Chapter 23E.16 Medical Cannabis Uses; 3) BMC Section 23A.12.010 and 4) a Public Nuisance under BMC Section 23B.64.020 and order the use enjoined and terminated.

For further information, please contact Gregory Daniel, Code Enforcement Supervisor at (510) 981-2492.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet. Comments received no later than 5:00 P.M. Monday, October 29, 2012 will be included in Council agenda packets. Comments received after that date but prior to 5:00 P.M. on Tuesday, November 6, 2012 will be distributed to Councilmembers in a supplemental packet five days before the meeting. Communications received less than seven days before the Council meeting but prior to noon on the day of the meeting, will be distributed at the Council meeting. For further information, contact Mark Numainville, CMC, Acting City Clerk, 981-6900. FAX: (510) 981-6901. TDD: (510) 981-6903.



Mark Numainville, CMC, Acting City Clerk

Mailed 10/24/12 per BMC 23B.64.020

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above 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 City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

"Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs."