Recommendation

Planning Staff recommends that the Commission take the following action(s):
A. Definition(s) of Research and Development (R&D):
   Direct staff to draft zoning code language for the proposed definitions and
   changes to corresponding use tables (Attachment 1)
B. Protected Manufacturing, Warehouse, Wholesale Trade, and Material Recovery
   Enterprise Space (M/W/W/MRE):
   Direct staff to draft zoning code language based on materials and definitions
   discussed at the 5/19/10 Commission meeting.

Introduction

This meeting will be divided into two parts: A) Definitions of Research and
Development; and B) Protected M/W/W/MRE space. The R&D discussion and resulting
direction from the Planning Commission will provide framework for the subsequent
Protected M/W/W/MRE space discussion.

No modifications of any kind are proposed in the Mixed Use Residential (MUR), so
there are no references to MUR included Attachment 1.

Discussion

There are three items that will be addressed as we discuss R&D:

- The definition of the use
- The districts in which the uses are allowed
- The levels of discretion under which the uses are evaluated (Zoning Certificate,
  (ZC); Administrative Use Permit (AUP); Use Permit (UP)
Definitions
Attachment 1 provides two definitions -- “R&D” and “R&D, Office.” These definitions reflect staff’s best understanding of the Commission direction. They are based on the City of San Jose definition, with slight modifications to address Berkeley needs. The definitions are drafted with input from the Office of Economic Development (OED).

Explanatory Notes: Staff has provided a definition for “R&D, Office” for two reasons:
- To address the stated concerns that the regulation of primary office uses not get confused with the regulation of R&D. The goal is to avoid having “office only” uses moving further (both figuratively and literally) into the “M” districts.
- To address the stated interest in promoting R&D offices over other office uses, where office uses are allowed in the “M” districts. Changes to promote R&D office are addressed in the levels of discretion for MULI only, but could be considered where office uses are allowed in the MM.

Uses placement, Size and Levels of Discretion
Attachment 1 shows both current and proposed use tables for the Manufacturing (M), Mixed Manufacturing (MM), and Mixed Use Light Industrial (MULI) zoning districts under consideration. The proposed tables assume that definitions of both R&D and R&D, Office will be adopted and thus, are reflected in the tables.

Explanatory Notes:
- The proposed modifications to levels of discretion for R&D, shown in the proposed tables, are guided by general agreement of the Stakeholders during initial discussions of R&D and Product Development. All groups agreed that the city should promote smaller businesses: the discretionary levels reflect this desire.
- The proposed modifications to the levels of discretion for laboratory and the addition of laboratory to the M District are proposed by staff.

Laboratories
Laboratories are allowed in West Berkeley with the restrictions shown in the current use tables (Attachment 1). Staff recommends that laboratories, as currently identified and restricted, be considered a component of R&D. Additional clarifying notes related to laboratories are included in Attachment 1.

Conclusion
Staff recommends that the Commission consider the two following steps for the 5/19 meeting:
- Consider the two part agenda item in order and provide direction for each portion.
- Split both the public comment and the Commission discussion to focus on the two parts of this item, so that the conversation and eventual direction is clear to all.

Attachments
1. Research and Development Definitions and Use Tables
**Proposed R & D Definitions**

**Zoning District Use Tables**

**Item 9—Attachment 1**

Planning Commission
Special Meeting: 5/19/10

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**Definition(s) (proposed):**

**Research and Development:** “Research and Development” is an establishment or facility engaged in one or more of the following: industrial or scientific research; product design; development and testing; and limited manufacturing necessary for the production of prototypes. (M, MM, MULI)

**Research and Development, Office:** “Research and Development, Office” is an establishment engaged in industrial or scientific research and product design that primarily involves the use of computers and other related office equipment in an office setting. The facility may also include administrative services related to product design or sales. (Allowed in MULI and MM; not allowed in M)

**Laboratory Notes:**

- Several laboratory use types are listed in the zoning district use tables. Staff suggests that laboratories be incorporated into R&D as defined above.
- Staff suggests retaining the existing levels of discretion and restrictions for laboratories in the MM and MULI districts.
- Staff suggests allowing R&D and laboratories to be allowed in the M District with the discretionary levels noted.

**Zoning District Tables:**

The following tables list the proposed levels of discretion and size standards (by District) for R&D Uses. Underline and shading indicates proposed language; strike-through indicates a proposed omission.

**M District**

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**CURRENT Use Table**

<table>
<thead>
<tr>
<th>Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)</th>
<th>Under 20,000</th>
<th>20,000-30,000</th>
<th>More than 30,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laboratories, Testing and Commercial Biological Research</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PROPOSED Use Table**

<table>
<thead>
<tr>
<th>Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)</th>
<th>Under 20,000</th>
<th>10,000-20,000 sq. ft.</th>
<th>More than 20,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laboratories, Testing and Commercial Biological Research</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>ZC</td>
<td>AUP</td>
<td>UPPH</td>
</tr>
<tr>
<td>Containing Labs, Testing and Commercial Biological Research</td>
<td>Less than 20,000 sq. ft.</td>
<td>Greater than 20,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Research and Development, Office</td>
<td>AUP</td>
<td>UPPH</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>
## MM District

### CURRENT Use Table

<table>
<thead>
<tr>
<th>Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)</th>
<th>Under 20,000</th>
<th>20,000-30,000</th>
<th>More than 30,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Containing Labs, Testing and Commercial Biological Research</td>
<td>Less than 20,000 sq. ft.</td>
<td>AUP</td>
<td>Greater than 20,000 sq. ft.</td>
</tr>
</tbody>
</table>

### PROPOSED Use Table

<table>
<thead>
<tr>
<th>Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)</th>
<th>&lt; 10,000 sq. ft.</th>
<th>10,000-20,000 sq. ft.</th>
<th>&gt; 20,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and Development</td>
<td>ZC</td>
<td>AUP</td>
<td>UP</td>
</tr>
<tr>
<td>Containing Labs, Testing and Commercial Biological Research</td>
<td>Less than 20,000 sq. ft.</td>
<td>AUP</td>
<td>Greater than 20,000 sq. ft.</td>
</tr>
</tbody>
</table>

**Research and Development, Office**

- **Staff suggests utilizing the existing office discretionary levels for R&D (Currently Office is allowed above the first floor)**

## MULI District

### CURRENT Use Table

<table>
<thead>
<tr>
<th>Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)</th>
<th>Under 20,000</th>
<th>20,000-30,000</th>
<th>More than 30,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laboratories, Commercial Physical or Biological using:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class 1 Organisms only</td>
<td></td>
<td></td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Class 2 Organisms</td>
<td></td>
<td></td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Class 3 Organisms</td>
<td></td>
<td></td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

### PROPOSED Use Table

<table>
<thead>
<tr>
<th>Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)</th>
<th>&lt; 10,000 sq. ft.</th>
<th>10,000-20,000 sq. ft.</th>
<th>&gt; 20,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and Development</td>
<td>ZC</td>
<td>AUP</td>
<td>UP</td>
</tr>
<tr>
<td><strong>Containing Laboratories</strong>, Commercial Physical or Biological (Class 1 or Class 2 Organisms)</td>
<td></td>
<td></td>
<td>UPPH</td>
</tr>
<tr>
<td><strong>Containing Laboratories</strong>, Commercial Physical or Biological (Class 3 Organisms)</td>
<td></td>
<td></td>
<td>Prohibited</td>
</tr>
</tbody>
</table>

**Research and Development, Office**

- ZC | AUP | UP