

**1050 Parker Street – Applicant  
Statement  
Revised December 12, 2016**

The subject 68,000 square foot site is located at the intersections of San Pablo Avenue, Parker Street and Tenth Street in West Berkeley. The site is currently a vacant open lot with no structures. Previously, it had been leased to the Urban Adamah project for use as an urban farm; Urban Adamah purchased its own site in North Berkeley in 2015 and left the subject site at the end of November 2016.

The project is to construct a new commercial building of approximately 61,000 square foot and required surface parking on the site.

The site currently comprises three parcels, two of which are zoned Mixed Use Light Industrial (MU-LI) with the third being Commercial West Berkeley (C-W). The new structure will straddle the zoning boundary with approximately 20,000 square feet of usable space located in the C-W-zoned portion of the site and approximately 41,000 square feet of usable space located in the MU-LI portion.

The structure will be split leveled with a combination of two and three story sections. Parking will be located under the building and on on-site surface parking lots. The main building entry will be located on the ground level of the building on Tenth Street.

Project Community Benefits

The building will bring a number of benefits to the West Berkeley neighborhood and Berkeley as a whole:

- The new building will add much needed commercial space to Berkeley. All other major planned and proposed construction projects in the City of Berkeley (“City”) are residential, retail or related to the University of California. There is no modern commercial space of meaningful size available in the City to meet the needs of quality companies wishing to locate to Berkeley or to meet the growth needs of existing Berkeley companies or companies that grow out of UC Berkeley or Lawrence Berkeley National Laboratory.
- The addition of new medical office space in the City, and West Berkeley in particular, will be a positive impact on the health of residents and local workers by providing a location for medical providers conveniently close to their homes and/or places of work.
- The project will activate a vacant site on San Pablo Avenue, the major thoroughfare connecting the cities of Oakland, Emeryville, Berkeley, El Cerrito and Richmond. The associated development fees due to the City of Berkeley, ongoing property

taxes and license fees from tenants in the buildings will benefit the City and its citizens.

- Pocket parks, with extensive landscaping and seating areas, will be included on San Pablo Avenue and on the corner of Tenth and Parker Streets.
- The quick service restaurant, located off the sidewalk of San Pablo Avenue, will serve local residents and businesses.
- The new building will bring workers and visitors to the site which will benefit to the many vendors located at the Dwight Avenue/San Pablo Avenue retail node.
- The location of the site, close to San Pablo Avenue, one of the main transportation arteries serving the City, will mean that a significant number of occupants and visitors to the building will be able to take advantage of public transportation. The site is already served by the West Berkeley Shuttle which links to the BART system as Ashby station. This will provide a further incentive for employees and visitors not to use automobiles.
- The site will be self-parked and vehicle flow into and out of the site will meet the requirements of the City Traffic Department and the City of Berkeley Fire Department.
- The new building will have to meet all City of Berkeley requirements for a new commercial building and meet the latest seismic and energy efficiency standards and therefore will not constitute a safety risk.
- We are working with the City of Berkeley Public Works Department to investigate the feasibility of installing a public storm water surge system on or close to the site in order to provide much needed storm water protection which will benefit several city blocks north of the site. Please reference the enclosed plan provided by City staff showing the areas that will benefit from the cistern installation (III.F.12).

### Design/Project Revisions

We have updated the plan, submitted as part of the 9/16/2016 Zoning Project Application, with several design changes and project revisions to address questions and concerns raised by the City of Berkeley Planning Department and its third party review consultant, Rincon Consultants, Inc., in their 10/21/2016 Determination of Incomplete Application and the 11/3/2016 meeting held with those two parties:

- Building height has been adjusted to be within the height limit in both the C-W and MU-LI zones. See discussion below.
- Design development of retail /quick service restaurant on the San Pablo Avenue portion of the building and the addition of an art fence on San Pablo Ave. See discussion below.
- Reduced fence height from 8 feet to 7 feet 7 inches. See discussion below.

- Added an internal physical separation between the C-W and MU-LI zones on the floorplates.
- One of elevators has been modified to go up to roof level to allow servicing of mechanical equipment.

### Required Permits

The following permits will be required for the project:

- Administrative Use Permit to allow R & D use in excess of 30,000 square feet in a MU-LI district (23E.80.030).
- Use Permit to allow medical office or office uses in excess of 5,000 square feet in the C-W district (23E.64.030).
- Use Permit to build more than 5,000 square feet in the C-W district (23E.64.050.B.1).
- Administrative Use Permit for a fence greater than 6 feet in height (23E.04.040.A).
- Administrative Use Permit to allow for the substitution of bicycle or motorcycle parking spaces in place of up to 10% of the required parking spaces (23E.64.080.J).
- Zoning Certificate for retail under 3,000 square feet or quick service restaurant under 1,500 square feet in C-W district (23E.64.030).
- Administrative Use Permit for two mechanical penthouses and one elevator penthouse exceeding the district height limits (23E.040.020.C). The mechanical penthouse (14ft 0ins above roof level) contains the main air handling units (which are 12ft 0 ins tall) and associated equipment that provide air to the building while the elevator penthouse (16ft 0 ins above roof level) contains the overhead hoisting equipment for the elevators. One elevator will have a stop on the rooftop to allow hoisting of equipment and parts for maintenance.
- The total area of the mechanical and elevator penthouses is 3,870 SF which is below the allowed maximum of 3,874 SF calculated as 15% of the average floor area (15% times [28,180 SF + 23,470 SF]/2=3,874SF). Please refer to Roof Plan A2.3 and Exterior Elevations A3.0 for details.

### Administrative Use Permit Requirement - Fence

The exterior fence of the property is 7 feet 7 inches high, consistent with is 2600 Tenth Street, which is under common ownership. The design of the new building's entry on Tenth Street

incorporates elements to link these two buildings together as part of a larger campus (see Metal Fence Sample, III.F.8).

Administrative Use Permit Requirement - Substitution of bicycle or motorcycle parking spaces in place of up to 10% of the required parking spaces

Please see the Section 7.2 (City Code Automobile Parking Requirements) of the attached Traffic Impact Analysis (III.C.4) prepared by Fehr & Peers which states that “it is reasonable to assume that ten percent of the code required automobile parking for the project can be substituted by bicycle/motorcycle parking.”

Parcel Merger

As discussed above, the site currently comprises three parcels, two of which are zoned MU-LI with the third being C-W. It is the owner’s intent to merge all three parcels into one split-zoned parcel to ensure that the project is in compliance with BMC Section 23A.12.040, which stipulates that no building may cross property lines.

Building Height Design Change

In response to comments to the 9/16/16 Zoning Project Application regarding the building height variance required based on that submission, we have modified the design of the building to ensure that the building is compliant in terms of building height in both the MU-LI and C-W zones. No variance will be required for building height. Our revised design has a maximum height in the MU-LI portion of the site of 44 feet and a maximum height in the C-W portion of 40 feet.

On the C-W side of the site, the height is 40 feet from the grade on east side of the building to the top of the parapet. The floor heights are as follows:

- Level 1: +0 feet 0 inches
- Level 2: +12 feet 4 inches
- Level 3: +25 feet 8 inches
- Roof: +39 feet 0 inches
- Top of Parapet: +40 feet 0 inches

On the MU-LI side of the building, the maximum height is 44 feet from grade at the west side of the building to the top of the parapet since grade on west side is 4ft 0” below the grade on the east side.

The three floor heights in the MU-LI portion, measured relative to Level 1 of the CW Portion, are as follows:

- Level 1: -1 feet 0 inches (relative to Level 1 of the C-W portion)
- Level 2: +12 feet 4 inches (relative to Level 1 of the C-W portion)
- Level 3: +25 feet 8 inches (relative to Level 1 of the C-W portion)
- Roof: +39 feet 0 inches (relative to Level 1 of the C-W portion)
- Top of Parapet: +40 feet 0 inches (relative to Level 1 of the C-W portion)

Please see the enclosed Exterior Elevations A3.0 (II.A-D) and Building Sections (III.A.5) for further detail.

### San Pablo Avenue Activation

The revised design of the San Pablo Avenue side of the building addresses concerns raised in both the 10/21/16 Determination of Incomplete Application and the 11/3/16 meeting, as well as the 7/28/16 Roundtable meeting held with several City of Berkeley departments:

- The revised design has an active pedestrian street presence along the San Pablo Avenue frontage, consistent with the City's desire to continue to promote the development of an active commercial district and a walkable neighborhood.
- As discussed in detail elsewhere in this document, the project complies with the purposes of the West Berkeley Commercial District and the West Berkeley Plan.
- The revised design provides greater transparency to San Pablo Avenue.

Specifically, the new design provides (listed south to north):

- Pocket Park: a public patio/seating area is located at the southern portion of the building's San Pablo Avenue frontage, to provide a public benefit to pedestrians to sit and experience a pleasant landscaped area and artwork (see San Pablo Frontage Renderings, III.F.10).
- Public Art Fence: Responding to the City's desire to promote public safety while providing art which can enhance the pedestrian experience on San Pablo Avenue, we have incorporated art fencing on this side of the project, continuing the length of the project's San Pablo Avenue frontage (see San Pablo Frontage Renderings, III.F.10).
- Pedestrian Access: While the building will have a Tenth Street street address and building entry will be located on Tenth Street, we responded to requests from the City to ensure that there is pedestrian access to the building from San Pablo Avenue, along the AC Transit route and main pedestrian corridor (see San Pablo Frontage Renderings, III.F.10 and revised Ground Floor Plan, II.A-D).

- Retail: The project has street front retail in the form of a single story quick service restaurant (746 square feet) which has a distinctive 25ft 8ins high frontage design (which is consistent with neighboring building heights). This design provides greater transparency of the space to San Pablo Avenue by directly abutting the sidewalk and having a significant amount of window line. The retail space is designed to have its entrance on San Pablo Avenue, distinctly highlighted with an awning and signage. This retail would provide a public amenity in terms of additional food service and would further activate the street. Please note that the parking for this retail is incorporated into the parking plan. The retail also has an outdoor seating area just to the south, providing an additional public amenity. The space will be physically connected to the main buildings; however it will have a separate entry and not be directly accessible from the main structure (see San Pablo Frontage Renderings, III.F.10 and revised Ground Floor Plan, II.A-D).
  
- Emergency Fire Access: The project incorporates Emergency Fire Access on San Pablo Avenue as requested by the City of Berkeley Fire Marshall (see San Pablo Frontage Renderings, III.F.10 and revised Ground Floor Plan, II.A-D). Additionally, this allows the Fire Department to fight any potential fires at the south side of the Missouri Lounge. It is therefore not possible for the site to have a “continuous” frontage on San Pablo Avenue.

#### Project Consistency with City of Berkeley General Plan

The project is consistent with the City of Berkeley General Plan in each of the following categories:

##### **a) Avenue Commercial Land Uses**

General Plan Policy LU-27 notes that developments on Avenue Commercial areas such as San Pablo Avenue should be pedestrian friendly, visually attractive at pedestrian scale and serve neighborhood needs as well as a broad spectrum of needs.

The revised design of the quick service restaurant on San Pablo brings this element of the façade to the same scale as the surrounding buildings on San Pablo Avenue. This is further accentuated by the fact that the upper floor level is significantly stepped back from the street. An outdoor seating area for the quick service restaurant and pocket park adjacent to the San Pablo Avenue sidewalk will have seating areas and benches. One of the three pedestrian entries to the building will be through an attractive entry gate incorporated into the art fence adjacent to the park. These park and seating areas will be open to the public and will include a significant portion of the public art requirement of the building. This entry allows pedestrians using the multiple AC Transit bus services that run down San Pablo Avenue to walk straight to the lobby without having to walk to Tenth Street.

The specific compliance with the seven development “Actions” called out under Policy LU-27 are described below:

- A. The ground floor commercial space is oriented to San Pablo Avenue. The seating areas, pocket park and public art will create an appealing pedestrian experience.
- B. The sidewalk width is not reduced by the project, in fact it is extended by the addition of the pocket park and seating areas. There are existing pedestrian crossings across San Pablo Avenue to the north and south of the site.
- C. Certain existing trees on San Pablo Avenue will be retained and others added. The pocket park and quick service restaurant seating areas will provide benches for pedestrians. There is already a bus shelter for the West Berkeley BART shuttle located on Tenth Street, immediately opposite the building.
- D. Secured, under-cover bicycle parking is provided close to the building lobby.
- E. Medical Office uses which are permitted in the C-W portion of the building, would provide an important community service, especially with the likely closure of the Alta Bates medical facilities in the coming years. The quick service restaurant will serve the local neighborhood as well as employees and visitors of the building and surrounding businesses.
- F. The site is currently vacant, the former occupant (Urban Adamah) having recently moved to their newly acquired site in Berkeley in November 2016. The development has been scaled to be sensitive on its east façade to the existing development patterns on San Pablo Avenue through the dimensions of the quick service restaurant frontage and the stepping back of the upper floor on the east side.
- G. There are no adjacent residential areas however, as noted above, the design of the eastern frontage of the building has been modified to be sensitive to the scale of the adjacent properties.

#### **b) Manufacturing Land Uses**

The uses on the MU-LI portion of the building will be compliant with the approved zoning for this district. These uses will create opportunities for job growth in light industrial / research and development organizations. These types of organizations create a meaningful number of entry level positions such as laboratory technicians and have been recognized in both the General Plan and the West Berkeley Plan as being important generators of growth. The building intensity on the site is within the FAR and height limits set for each of the zoned areas.

#### **c) The West Berkeley Plan**

The project meets numerous goals of the West Berkeley Plan in multiple categories:

Land Use

Goal 1 – the project continues the desired economic and land use mix and brings light industrial, retail and office/laboratory uses and jobs. In addition to the jobs created, West Berkeley residents would benefit from medical services provided by Medical Office tenants in the C-W portion of the building. The City government will benefit from plan check and fees, mitigations, significantly increased Property Taxes plus taxes and business license fees from the building tenants.

Goal 2 – The new building will channel new businesses into the appropriate zoning districts.

Goal 3 – Residential neighborhoods will be protected from traffic and noise by providing on-site parking. The site location, immediately adjacent to San Pablo Avenue (a main North/South traffic artery), will avoid traffic encroachment onto residential streets. The location close to the San Pablo Avenue bus routes, the West Berkeley Shuttle service stop on Tenth Street and the Ninth Street bicycle boulevard, will assist significantly in reducing the number of single occupant vehicles.

Goal 4 – The redesigned building is of a scale and design appropriate to its surroundings and complies with the height and FAR limits in the underlying zoning districts. The San Pablo frontage is in scale with the adjacent buildings and the Tenth Street façade is in scale with 2600 Tenth Street, the 90 foot high building immediately to the west across Tenth Street.

Economic Development

The key thrust of the Economic Development goals in the West Berkeley Plan is Business Retention and Growth. This new building will provide much needed expansion space for existing Berkeley companies and for new companies to enter the area. There is a critical shortage of research and development laboratory space in the City, particularly for growing companies coming out UC Berkeley, Lawrence Berkeley National Laboratories and the two QB3 Innovation Centers located in the City.

Goal 1 - As previously noted, the tenants in the building, particularly in the MU-LI sector, will create well-paying entry level positions that often do not require college degrees. Medical Office tenants would create administrative and technician positions.

Goal 3 – The quick service restaurant will provide a neighborhood service since it is accessed directly from San Pablo Avenue.

Goal 4 – The research and development tenants in the MU-LI portion of the building will provide the desired growth in advanced technology and services.

Goal 5 – Research & Development companies will create multiple well-paying job opportunities for Berkeley residents. As noted above, many of the entry-level positions in these companies do not need a college degree.

Goal 8 – A facility such as this will be ideally suited to providing linkages to public institutions such as UC Berkeley, UC San Francisco and Lawrence Berkeley Laboratories. The QB3 East Bay Innovation Center, located less than one mile to the south is a collaboration with UC Berkeley, UC San Francisco and UC Santa Cruz. Berkeley SkyDeck, located two miles to the east, is a tech incubator operating by UC Berkeley. Both these institutions have already produced significant companies who have chosen to make West Berkeley their headquarters.

### Physical Form

Goal 1 – The building will enhance San Pablo Avenue as a commercial corridor.

Goal 2 – The building will improve accessibility between homes, jobs and commercial uses. The site is on major bus, shuttle and bicycle routes and the building including ample under-cover bicycle parking. The site is located within walking distance of a major residential area on the east side of San Pablo Avenue.

Goal 3 – The building will significantly improve San Pablo Avenue. The site is currently vacant and the new striking design will add to the street scape. The quick service restaurant at street level strengthens the street walk and the building, as desired in the Plan, extends to the property line. The parking lot, as recommended in the Plan, is screened (the screen will be in the form of an art fence) and extensive streetside landscaping is provided that will be accessible to pedestrians using the pocket park and seating area.

Goals 4 and 5 – The development is indeed sensitive to the adjacent uses. The largest massing to the west is appropriate given the size of 2600 Tenth Street, immediately across Tenth Street. On the San Pablo Avenue frontage, the design reinforces and improves upon the existing street building pattern.

### Transportation

Goal 1 – The fact that the project provides easy access to reliable and frequent public transportation, main bicycle routes and the West Berkeley BART shuttle should be a major factor in reducing the number of single occupant vehicle journeys, thereby improving traffic flow and air quality.

Goal 4 – The site will be self-parked to the levels required by the City of Berkeley Municipal Code. As noted above, there will be significant opportunities for employees and visitors to make use of alternatives to single occupant motor vehicles. As recommended in the West Berkeley Plan, there will be a charge for tenant use of parking spaces in order to further discourage single occupant vehicle usage.

Goal 5 – The site's location close to the main north –south thoroughfare of San Pablo Avenue and the major east-west thoroughfare of Dwight Avenue, plus multiple opportunities for alternative modes of transportation, should eliminate any concerns about increased traffic on residential streets.

Goal 6 – The site, as described above, has excellent pedestrian and bicycle access. San Pablo is a major bus route. The building's re-designed San Pablo Avenue frontage has a major pedestrian entry and pedestrian friendly amenities immediately off the side walk including a quick service restaurant, pocket park, public art and outdoor seating areas. A second public pocket park is located on the corner of Tenth and Parker Streets (see III.F.11). There are three separate pedestrian entrances to the building on San Pablo Avenue, Parker Street and Tenth Street. Additionally, the building has under-cover bicycle parking and is located one block to the east of the Ninth Street bicycle boulevard.

### Housing and Social Services

Although this section of the West Berkeley Plan is focused primarily on housing policy, it is important to note that Goal 2 specifically calls for the City to maintain a maximum level of social services provision in West Berkeley, including healthcare.

Medical Office, as an approved use within the C-W portion of the building, would be an important addition to the district's healthcare and, as such, is entirely consistent with this Goal 2. The likely closure of the Alta Bates medical facility in downtown Berkeley will further compound the need for medical providers in West Berkeley.

### Project Meets Findings of the BMC

#### **a) BMC Sections 23E.64.090 Findings (C-W)**

The project's medical office and quick service restaurant uses on the C-W portion of the project meet the findings of BMC Sections 23E.64.090 (C-W), specifically:

- A. The establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City (as required by Section 23B.32.040).

**As discussed above, the medical office use would have a positive impact on the health of residents and local workers by providing a location for medical providers conveniently close to their homes and/or places of work. Additionally, the quick service restaurant will provide an additional amenity to the neighborhood, further augmenting the neighborhood's welfare. All uses will be per the relevant underlying zoning and therefore will not be detrimental to residents or nearby workers.**

B. The proposed structure will:

1. Be consistent with the purposes of the Commercial District (23E.64.020) and will, as described in detail above:

A. Implement the West Berkeley Plan's designation of a Commercial District:

The Plan seeks to foster concentrated, walkable commercial areas, and to prevent commercial sprawl which will both interfere with industry and attenuate commercial areas.

**The project's C-W portion adds to the concentrated, walkable commercial experience on San Pablo Avenue by providing a street frontage quick service restaurant and a significant pedestrian entry to the building off San Pablo Avenue; further, the pedestrian experience is enhanced with a pocket park, art fence, and outdoor seating on the San Pablo Avenue frontage. The commercial uses will be separated from the MU-LI uses within the building.**

B. Provide locations for commercial services which primarily serve area residents and/or businesses.

**This is accomplished through the proposed use of medical office and quick service restaurant.**

C. Support the retention and attraction of a balance of both smaller and larger stores and restaurants.

**This is accomplished through the proposed quick service restaurant, which is 746 square feet.**

D. Provide appropriate locations, consistent with West Berkeley Plan policies, for commercial services which serve a citywide or broader clientele.

**This is accomplished by locating the quick service restaurant storefront and entry on San Pablo Avenue. Medical offices, as an approved use in the C-W zoning district, would provide much needed (and easily accessible) services to serve a broader clientele.**

E. Provide a relatively compact, clearly bounded set of commercial areas in West Berkeley, so as to both improve the quality of West Berkeley shopping environments and to prevent commercial overspill into industrial areas.

**This is accomplished through the quick service restaurant being located on San Pablo Avenue and the internal separation of uses inside the building. Commercial and industrial uses in the building will be clearly separated.**

F. Encourage the intensification of commercial activity at designated nodes to help develop more pedestrian-oriented environments at those locations.

**N/A – the project is not located in a designated node.**

G. Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts.

**This project does not increase the development of housing in commercial areas; however, the project is likely to support local residential development by increasing medical office availability. As noted elsewhere in this document, the project has multiple pedestrian focused benefits.**

H. Encourage appropriately intense development in underutilized portions of commercial streets.

**This is accomplished by developing a vacant parcel.**

I. Promote development compatible with adjacent commercial, residential and industrial areas.

**The development is deliberately designed to be compatible with the adjoining areas. The principal neighboring property (2600 Tenth Street to the west) is a large MU-LI zoned parcel under common ownership. The design of the building on San Pablo Avenue is appropriately scaled for the adjoining structures. Please refer to the Existing Conditions Plan (III.F.5) which shows neighboring uses.**

J. Provide a location for cultural and performing arts activities.

**This is accomplished by including an art fence, and additional art work along the San Pablo Avenue frontage and at the corner of Tenth Street and Parker Street.**

K. Promote environmental protection for the residents and workers both within and adjacent to the District from such detriments as noise, fumes, and other detrimental environmental effects. (Ord. 6478-NS § 4 (part), 1999).

**The building will take advantage of alternative transportation opportunities, including proximity to a major bus route, cycle-friendly bicycle parking, and access to the West Berkeley Shuttle. The site is self-parked.**

2. Be compatible with the surrounding uses and buildings.

**See discussion above regarding dimensions of the structure on San Pablo Avenue and use compatibility with surrounding uses.**

3. Be consistent with the adopted West Berkeley Plan.

**See discussion above regarding consistency with the West Berkeley Plan.**

4. Be supportive of an increase in the continuity of retail and service facilities at the ground level to the degree feasible and does not substantially degrade the existing urban fabric of the street and area.

**Project has ground level retail / quick service restaurant on San Pablo Avenue.**

5. Be, for projects which include construction of new floor area, providing an intensity of development which does not underutilize the property.

**This project is new construction and will provide an intensity of development which does not underutilize the property by maximizing the possible floor area ratio while meeting City of Berkeley parking requirements.**

6. Be capable of meeting any applicable performance standards for off-site impacts.

**This will be met through a sufficiently-capitalized ownership.**

7. Not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply.

**This will be met by meeting City of Berkeley parking requirements for the underlying zoning. The project can be served by available traffic capacity, as mitigated per the recommendations in the Traffic Impact Analysis (III.C.4).**

- C. In order to approve a Use Permit for a use and/or structure within a node designated in Section 23E64.040.C, the Zoning Officer or Board must make certain findings.

**N/A - The project is not in a node designated in Section 23E64.040C**

- D. In order to approve a Use Permit for reduction of the otherwise applicable parking requirement on a mixed use property containing residential uses, the Board or the Zoning Officer must find that the reduction in the parking requirement is not expected to cause a serious shortage of parking in the area.

**N/A - The project does not contain residential uses.**

- E. In order to approve a Use Permit to establish parking between the front property line and a main structure in the C-W district, the Zoning Officer or Board must find that one or more of certain circumstances exist.

**N/A – The front of the property line is in the MU-LI district, not the C-W district.**

- F. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking under Section 23E.64.080.J, the Zoning Officer or Board must find that the substitution will not lead to an undue shortage of automobile parking spaces and that it can be reasonably expected that there will be demand for the bicycle and/or motorcycle parking spaces.

**Please refer to the attached Traffic Impact Analysis by Fehr & Peers (III.C.4).**

- G. To deny a Use Permit for a major residential addition, the Zoning Officer or Board must find that although the proposed major residential addition satisfies all other standards of this Ordinance, the addition would unreasonably obstruct sunlight, air or views.

**N/A – the project is not residential.**

- H. Before approving a Use Permit for a Carry Out Food Store or Quick Service Restaurant on a lot with frontage on San Pablo Avenue, the Zoning Adjustments Board shall make the findings contained in Section 23B.32.040 as well as the findings that:

1. The project does not conflict with the goals and policies of the C-W District.

**Please see discussion above (23E.64.090.B.1) regarding the compliance of the project with the goals and policies of the C-W District.**

2. The location, size, appearance and signage of the proposed use will not adversely affect the San Pablo Avenue Corridor.

**Please see discussion above.**

3. The project supports pedestrian-oriented development.

**Please see discussion above.**

4. The project is designed to protect the residential character of surrounding neighborhoods from the adverse impacts of fast food development, including, but not limited to: increased traffic, litter, and noise.

**The target tenant for the retail space would be a quick service restaurant or similar use, which would be oriented to pedestrian patrons, and not a traditional fast food tenant.**

5. For projects which include construction of new buildings, the board shall also make the findings that the project design

a. Provides intensity of development which does not underutilize the property; especially at or near intersections of major streets.

**See San Pablo Avenue Activation discussion above.**

b. Provides pedestrian scale and siting.

**See San Pablo Avenue Activation discussion above.**

c. Incorporates continuity in street facades. (Ord. 6675-NS § 3, 2002; Ord. 6478-NS § 4 (part), 1999).

**See San Pablo Avenue Activation discussion above.**

**b) BMC Sections 23E.80.090 (MU-LI)**

The project's R&D use on the MU-LI zoned portion of the parcel meets the findings of BMC Sections 23E.80.090:

A. The establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City (as required by Section 23B.32.040).

**Addressed in 23E.64.090.A above.**

B. The structure will:

1. Be consistent with the purposes of the District (23E.64.020) and will, as described in detail above:

A. Implement the West Berkeley Plan's designation of a Light Manufacturing District: Permitted uses in the district are broadly light industrial in character, with various types of light manufacturing being allowed but not "heavy" manufacturing.

**The project's R&D use in the MU-LI portion of the building is in conformance with this designation.**

- B. Encourage development of a mixed use-light industrial area for a range of compatible uses.

**The MU-LI portion of the building will provide appropriate space for compatible uses in the district.**

- C. Encourage development of an area where light manufacturers can operate free from the economic, physical and social constraints caused by incompatible uses.

**The MU-LI portion of the structure is located on the west side of the building, adjacent to other MU-LI uses. There will be internal separation between the C-W and MU-LI portions of the building.**

- D. Encourage the creation and continuation of well paid jobs which do not require advanced degrees.

**The R&D uses in the MU-LI portion of the building will include employment which does not require advanced degrees (such as research assistants and administrative employees).**

- E. Provide for the continued availability of manufacturing and industrial buildings for manufacturing uses, especially of larger spaces needed by medium sized and larger light manufacturers.

**This project is creating 41,000 square feet of new space in the MU-LI district.**

- F. Provide opportunities for office development when it will not unduly interfere with light manufacturing uses and/or the light manufacturing building stock.

**Any office space within the MU-LI portion of the building will be in conformance with the district zoning regulations.**

- G. Provide the opportunity for laboratory development in appropriate locations.

**This site will be a prime location for R&D laboratory development given the close location to the Aquatic Park Campus, home to numerous companies in this category. The structure has been designed to accommodate laboratory uses.**

- H. Support the development of businesses which contribute to the maintenance and improvement of the environment.

**This site's proposed use is for R&D, which will likely include green tech- related R&D, depending on market conditions.**

- I. Allow on site ancillary retail as a tool to maintain and enhance the economic viability of manufacturers in the district.

**While the MU-LI portion of the site does not include retail space, the C-W portion of the site does, and would provide a quick service restaurant provider would enhance retail amenities available to neighborhood employees.**

- J. Maintain and improve the quality of the West Berkeley environment, while allowing the lawful and reasonable operation of light industrial uses. (Ord. 6478- NS § 4 (part), 1999).

**The proposed R&D use on the MU-LI portion will maintain the quality of the West Berkeley environment and not interfere with light industrial uses.**

2. Be compatible with the surrounding uses and buildings.

**The MU-LI portion of the project is immediately surrounded by other MU-LI uses (see Existing Conditions Plan, III.F.5).**

3. Be consistent with the adopted West Berkeley Plan.

**See above discussion on the West Berkeley Plan.**

4. Be unlikely, under reasonably foreseeable circumstances, to either induce a substantial change of use in buildings in the District from manufacturing, wholesale trade or warehousing uses.

**The proposed R&D use on the MU-LI portion of the building is not reasonably anticipated to impact neighboring light industrial buildings.**

5. Be designed in such a manner to be supportive of the light industrial character of the district. If the building and/or site is split between the MU-LI District and the West Berkeley Commercial District that there are clear and appropriate distinctions in all design aspects between the portions of the building and site within the MU-LI District and the portions within the West Berkeley Commercial District.

**The MU-LI portion of the project abuts MU-LI zoned parcels and is designed to be consistent with these mixed-use projects. The new building will form part of a campus with 2600 Tenth Street, which is under the same ownership (see Existing Conditions Plan, III.F.5) and is also zoned MU-LI.**

**We received guidance at our 11/3/2016 meeting with the City of Berkeley Planning Department and Rincon Consultants, Inc., that exterior design aspect distinctions between the underlying districts are not required. There are clear design distinctions for the San Pablo Avenue street level retail façade, along with the set**

back of the upper level of the building, and a distinct art fence along the San Pablo Avenue portion of the project. There will be internal separations between the C-W and MU-LI uses.

6. Be able to meet any applicable performance standards as described in Section 23E.80.070.D;
  - a. Except as permitted in Chapter 23B.36, the Floor Area Ratio (FAR) shall not exceed two.

**The MU-LI Floor Area Ratio (FAR) is 0.91, below the maximum requirement of 2.00.**

- b. The height of a main building shall not exceed 45 feet.

**The height of the main building is 44 feet, below the maximum height of 45 feet.**

- c. No yards for main buildings, accessory buildings, or accessory structures shall be required, except that: When a lot is adjacent to an abutting or confronting lot in a residential zone, the requirements of Section 23E.04.050 and 23E.04.060 shall apply to require additional yard and building feature standards, provided that a front or side yard confronting an R zone may be reduced to not less than the smaller of the abutting front yards, subject to an Administrative Use Permit, unless a Use Permit is required to approve the use or structure, in which case a Use Permit shall be required.

**The lot does not abut or confront a residential zone.**

- d. Subject to review and consultation with the Commission and the Board, the City Manager may promulgate and revise performance standards concerning dust, glare, noise, odor, vibration, hazardous materials, or any other potential off-site environmental impacts. All uses shall be subject to these standards.

**Owner will comply with any applicable standards.**

- e. Projects that may create environmental impacts as described in the West Berkeley Project Final EIR shall be subject to the adopted Mitigation Monitoring Program. (Ord. 7167-NS §§ 17 – 19, 2011; Ord. 6478-NS § 4 (part), 1999).

**Noted. Measures will be implemented on site to comply with any adopted Mitigation Monitoring Programs.**

- C. In order to approve a Use Permit under Section 23E.80.040, the Zoning Officer or Board must find that the space formerly occupied by the protected use has been replaced with a comparable space in the West Berkeley Plan area, which is reserved for use by any protected use in the same category.

**N/A – The site is unimproved.**

- D. Except as permitted under 23E.80.045, subdivisions A.1 or A.2, in order to approve a Use Permit under Section 23E.80.045 to change the use of or remove more than 25% of the floor area of a building currently or most recently used for manufacturing, wholesale trade or warehousing, the Zoning Officer or Board must find.

**N/A – The site does not currently have any improvements to change or remove.**

- E. In order to approve a Use Permit for division of space under Section 23E.80.050.D, the Zoning Officer or Board must find that the conversion would not create or contribute to a shortage of industrial spaces in West Berkeley for spaces of the size being converted and either.

**N/A – The site does not currently have any improvements to divide or convert.**

- F. In order to approve a Permit to establish or expand a Food Service Establishment, the Zoning Officer or Board must find that the establishment of the food service use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area. In order to approve an Administrative Use Permit for a Food Service Establishment less than 5,000 square feet under Section 23E.80.030, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.

**N/A – There is no Food Service Establishment proposed on the MU-LI portion of the building.**

- G. In order to approve a Use Permit to establish or modify a Live/Work Unit, the Zoning Officer or Board must make the findings required in Chapter 23E.20, as well as the following.

**N/A - Live/Work Unit not being established or modified as part of the project.**

- H. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking under Section 23E.80.080.E, the Zoning Officer or Board must find that the substitution will not lead to an undue shortage of automobile parking spaces and that it can be reasonably expected that there will be demand for the bicycle and/or motorcycle parking spaces.

**Please refer to the attached Traffic Impact Analysis by Fehr & Peers (III.C.4).**

- I. In order to approve a Permit for the establishment or expansion of a child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings.

**N/A – No child care center, recreational, or educational facility to be used by children is being established or expanded as part of the project.**

#### Demolition of Previously Existing Dwelling Units Located at 2621 and 2627 Tenth Street

The previous property owner had allowed the two former wooden dwelling units located on the MU-LI portion of the site to decay to such an extent that they were dangerous, unfit for habitation and no longer viable. The roofs, windows and walls leaked badly resulting in mold and rot throughout the structure. Multiple key wooden structural elements were rotted through or had been removed for use as firewood. The electrical and plumbing systems in both units were examined and found to be completely unsafe. The buildings had been broken into multiple times and had been heavily vandalized. The Berkeley Police Department reported numerous incidents at the buildings in prior years. The units were offered to the City at a nominal sum for possible use elsewhere in Berkeley. This offer was declined by City staff due to their extremely poor condition and therefore the structures were dismantled and removed from site as a safety measure.

#### Traffic Impact Analysis

The Traffic Impact Analysis prepared by Fehr & Peers (III.C.4) presents the results based on a conservative use of the project, as 100% medical office of approximately 61,000 square feet, which would generate the highest automobile trip generation as a potential use under consideration.

The report also analyzes traffic impacts based on the proposed project at approximately 20,000 square feet of medical office and 41,000 square feet of R&D.