

Land Use Planning
Received
July 7, 2017

**Aquatic Park Master Use Permit
600 Addison
Revised Applicant Statement
Date: 06.19.2017**

Joe DeCredico Studio (JDeS), on behalf of the Jones Family Trust, is pleased to present this proposal for a Master Use Permit to develop up to 475,000 square feet of office and laboratory space, creating a premier life sciences research and development campus on this important West Berkeley site.



The West Berkeley site that is the subject of this Master Use Permit submittal is situated between Bancroft Way and Addison Street, and is contiguous to Aquatic Park and Bolivar Drive, and the Union Pacific Rail Line. The concept of entitling the 8.67-acre property as an innovation campus adjacent to Aquatic Park is the vision of the Jones family, who have owned and provided stewardship of the property since 1979. The project proposed in this submittal offers the opportunity to create a campus that addresses a variety of local needs including:

- Generating a wide range of local jobs for existing Berkeley residents and in close proximity to the evolving and expanding West Berkeley residential community.
- The ability to create clean and sustainable large and small scale flexible space for innovation companies that require the ability to move quickly between office, R&D and manufacturing.
- Opportunities to generate infrastructure improvements, environmental improvements, public access improvements, and pedestrian and bicycle safety improvements at Aquatic Park.
- The ability to respond to the goals and policies of the West Berkeley Plan with an appropriate



development project on one of the largest underutilized sites in West Berkeley.

The Master Use Permit Plans shown throughout this proposal will lay out the design intent for this important property and its diverse surrounding characteristics. Understanding the form and qualities of the urban edge of Addison and its importance as a primary bicycle and pedestrian corridor, as well as its terminus at Aquatic Park and Touchdown Plaza is a key consideration of the Master Plan. With its primary frontage along Bolivar Drive, and the adjacency of the Aquatic Park recreational programs and lagoon the site is dynamically engaged with this active and vibrant Berkeley Park. Because of its prominent topographic context, primarily at the southern edge along Bancroft Way, the project presents a unique opportunity to provide a high quality development that is very visible from Interstate 80. The hard edge that is the railroad right of way to the east presents a challenge to the project, but also an opportunity to utilize less visually desirable features such as the parking garage to screen the campus and Aquatic Park from the 90 plus trains a day that pass through this corridor.

In addition, the Property combines great physical attributes and unparalleled urban amenities necessary to build a truly outstanding urban campus. These attributes include:

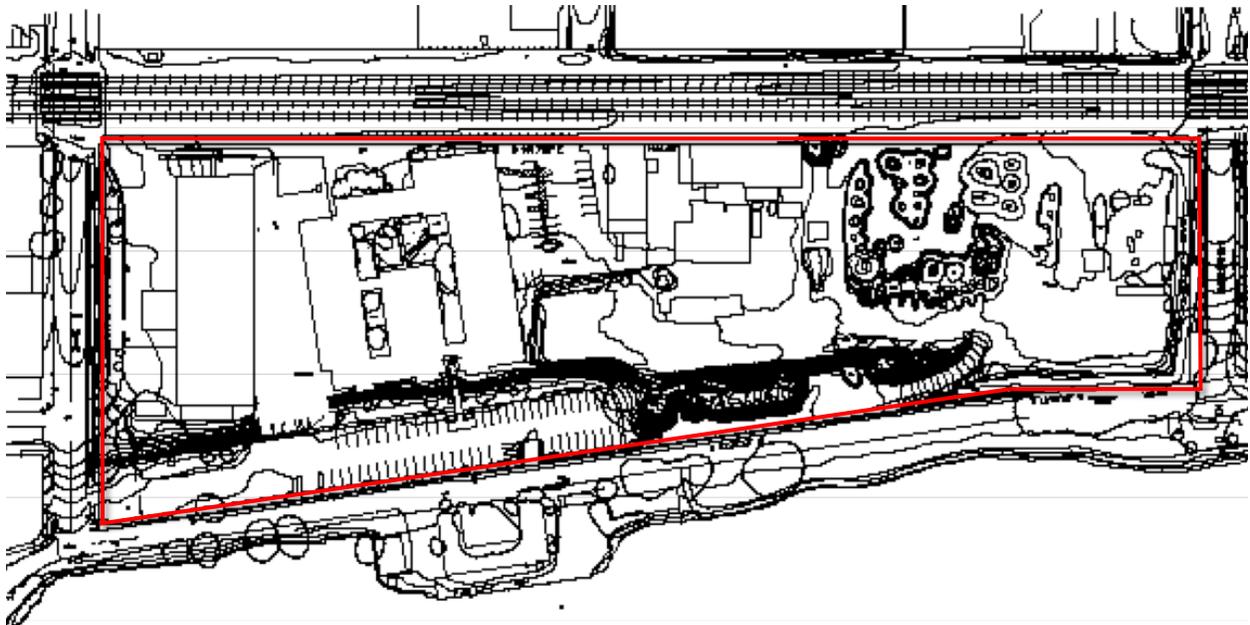
- Direct, easy access to Downtown Berkeley, the UC and LBNL Campuses and the entire regional area through its proximity to transit ranging from local shuttles to the Capital Corridor rail line, an extensive bicycle boulevard infrastructure, and AC Transit.
- The branding and recruiting advantages of a premier “Berkeley address” in a location that will be extremely attractive for a work force.
- The opportunity to build a state of the art jobs center in a waterfront, park-like setting, with tremendous views of San Francisco and San Francisco Bay.
- Close, walk-able proximity to the many restaurants, shops and other amenities of Berkeley’s famous “Fourth Street” retail corridor.
- The opportunity to co-locate and collaborate in one of the Bay Area’s premier emerging life science clusters. Bayer Pharmaceuticals, XOMA, Dyanavex and a number of innovative start-ups like Polyplus, Acuity, and SEEO, are already in West Berkeley.
- And most importantly, the ability to create this dynamic work center all within the existing development standards of the Mixed Use Light Industrial (MUL) District.

The West Berkeley Aquatic Park site has evolved over the years as this area was part of the original community of Ocean View, however, its role in providing a vital employment and economic activity center for Berkeley has been continuous. Initially home to the Standard Soap Company the site was 3 separate blocks fronting the bay. During those early years it was at the nexus of the industrial waterfront punctuated by the wharf at the base of University Avenue. Following the 1906 earthquake, the entire West Berkeley waterfront was built out as an industrial community with increased expansion pressure.

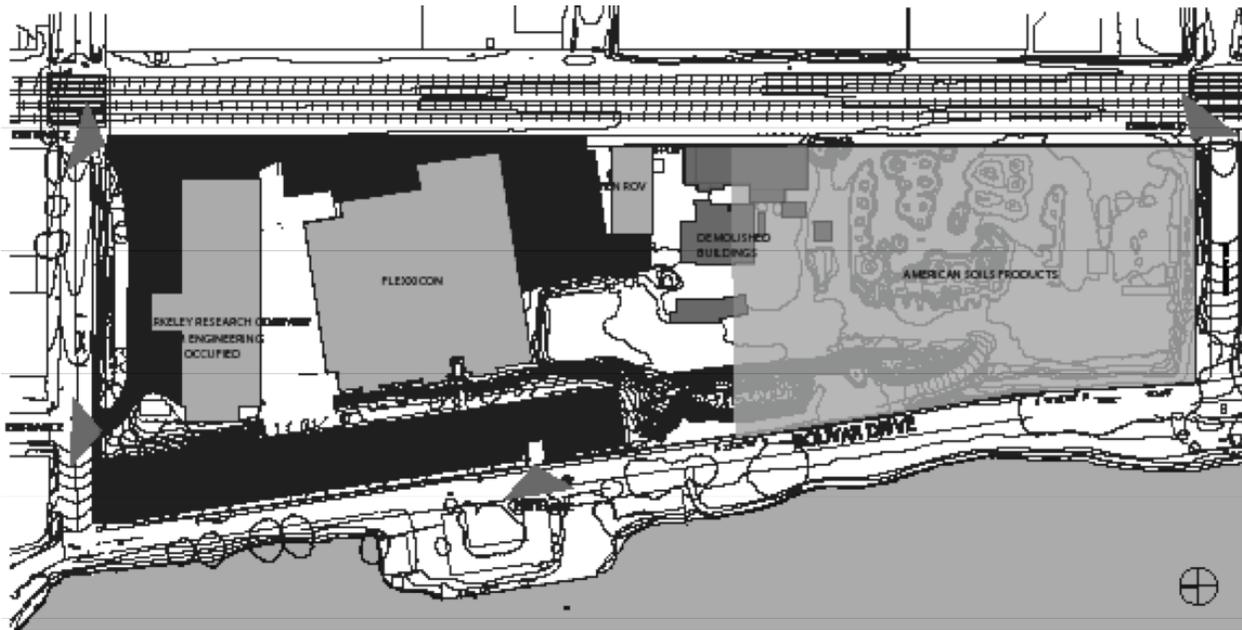
The 1930s saw an established industrial manufacturing community of more than 170 national and local companies struggle for survival as the Great Depression swept across America. Aquatic Park and the Bay shore freeway remain lasting results of the WPA and served to define both West Berkeley’s physical boundary and link it to the port cities of Oakland and Richmond. The building of these two projects effectively moved the shoreline to the bayside of the freeway and redefined the waterfront edge of the Aquatic Park site. The built form of the property has changed continually over the decades, while its role in the community has remained as a consistent economic driver.

As it continued to grow over the decades, West Berkeley has remained a vital community of industry, homes, and amenities, evolving in response to industrial innovation, modernization, and its proximity to UC Berkeley and LBNL. Along with it, the Aquatic Park site has also continued to evolve both in terms of its uses, and its ownership.

The Jones family purchased the property in 1979 from Dymo Corporation. Charles Jones leased out the main lab building at 91 Bolivar Dr. to LBNL in 1980. They were tenants of that building until 1999. During that time, the original building, which had been built in 1969, was expanded, with wings and additions added to it in 1979, and 1987. After LBNL vacated the building in 1999, it was leased for two years to a company named Consilient. They vacated in 2001, and Plexxikon Inc. has rented the lab building from 2001 to today. Plexxikon is a successful drug discovery company. Elsewhere on the site, a 20,000 square foot warehouse was constructed at 600 Addison in 1981, and occupied by Audubon Cellars Winery until 2005. In 2006, Berkeley Research Company leased half of the warehouse, and are still there. In 2007, Takara Sake leased the other half of the building, until they moved out in 2011. After that, Fathom Engineering took over approximately 7,000 sq. ft. of space, and the remaining 3,000 sq. ft. has been retained by the Jones family for their own use.



At 2222 3rd St., in the middle of the property, adjacent to the railroad tracks, Triangle Paints occupied a collection of structures until 1979. After they vacated, there were a number of small commercial tenants in the buildings, until they were torn down to conduct environmental soil remediation in 2012. There is one structure left at that location, a 3,000 square foot warehouse that has been rented by a company called OpenROV since 2014. Lastly, the southern end of the site has no structures on it. It has been leased by American Soils since the early 1990s.



This property is very important to the Jones Family. They have owned it for almost 40 years, and have always managed the property, the buildings, and their leases themselves. They have excellent relationships with their tenants, which is evidenced by the long terms that their tenants have occupied spaces on the site, almost always under short leases that reverted to month-to-month. The Jones family has always treated the site with respect. They took it upon themselves to immediately undergo an environmental soil remediation after a site assessment in 2007 brought to light a petroleum hydrocarbon contamination on the site. They managed the entire process themselves, from the original site assessment, through the clean-up to site closure. It was an 8-year process, and they are proud to have successfully produced a clean property. They now realize that the site is much underutilized, and that now is the time to change that. They want to create a project that is healthy and respectful to the site, as well as to the surrounding community, and the City of Berkeley at large, by creating a development that will provide employment to Berkeley residents, economic activity to the region, and improvements along the adjacent streets and Aquatic Park.

PROPOSED PROJECT OVERVIEW

The proposed project site is entirely within the MULI District and is subject to the development constraints outlined in the Municipal Code and the West Berkeley Plan. Under the West Berkeley Plan, the MULI district is the largest one (outside of the purely residential areas), covering roughly 300 acres. According to the plan, "This district in many ways represents the linchpin of the West Berkeley Plan. It contains the most employment of any district; 4,552 jobs or 44% of the total reported jobs (on Business Licenses) for the Plan area. The area's broad importance is indicated by the fact that it is home to 51% of the manufacturing and wholesaling employment, and 57% of office-based services. Manufacturing and wholesaling make up over half--54%--of the jobs in the district (2,437 jobs). There are 77 manufacturers in the district, virtually as many as in the Manufacturing, Mixed Manufacturing, and Mixed Use/Residential districts combined, which have a total of 79 manufacturers. 6 of the 10 largest manufacturers in West Berkeley are located in this district." Although the district has seen numerous development and redevelopment projects since the 1990 adoption of the Plan, the Aquatic Park Site remains one of the significant underutilized opportunity sites in West Berkeley.



Although the district has seen numerous development and redevelopment projects since the 1990 adoption of the West Berkeley Plan, the Aquatic Park Site remains one of the significant underutilized opportunity sites in West Berkeley.

The key purpose of this project is to support the fundamental underlying goals of the West Berkeley Plan by creating a jobs center in close proximity to the expanding University Avenue and San Pablo Avenue residential corridors and thus maintaining that "mix of uses that distinguishes West Berkeley from other areas of Berkeley and the Region."

The proposed project will build up to 475,000 Square Feet of new commercial and research and development space (R&D), and the conversion of about 8,000 Square Feet of protected warehouse space that was removed as part of the environmental clean up action under Berkeley Municipal Code Section 23E.80.045 Special Provisions: Changes of Use/Removal of Floor Area Used for Material Recovery Enterprise, Manufacturing, Wholesale Trade or Warehousing. The blend of commercial office type uses and lab space specifically tailored to R&D type uses is understandably dynamic within emerging and evolving life science companies. The Master Use Permit provided for some needed flexibility within the proposed land uses and as such, this proposal is for 50% commercial space and 50% R&D space.

The Master Use Permit will incorporate a project of several individual buildings in a campus format. All of the buildings will meet the existing MULI development standards with regard to their height and floor area ratio (FAR). In fact, the 475,000 square feet of developed space is significantly lower than the allowed FAR. The allowable FAR is 2 in the MULI and the project is proposing a 1.27 FAR. Design Guidelines and Development Standards will accompany the Master Use Permit to guide development of the buildings and landscape.

The project encourages two approaches to it's edge at Bolivar Drive. One approach is to create a permeable edge in which the buildings address Bolivar Drive as a series of fingers with open spaces between. A second approach is to put on-site circulation adjacent to Bolivar Drive and develop a landscape buffer between the campus and Aquatic Park. Both of these approaches are shown in the attached site design drawings. It is intended that through the Master Use Permit and the Design Guidelines and Development Standards, the actual design of the site and the buildings will employ creativity within the proposed framework.

The project is proposing two significant public amenities as part of the Master Use Permit. The first recognizes that the Aquatic Park lagoon fronting the site is a dynamic environment and is home to a café, bicycle repair business, and BOPR recreation center, as well as being an active cycling, pedestrian, and dog walking frontage. At the same time, there is an established bird population that coexists. Although there are no setbacks required within the MULI, the project proposes to establish a 100-foot average setback from the lagoon shoreline for buildings on the site.

A second proposed public amenity is the establishment of a public access plaza at the corner of Bolivar Drive and Addison Street to reinforce this important public area of West Berkeley in support of Touchdown Plaza, Addison Streets designation as a primary link to Aquatic Park and Berkeley's waterfront recreational opportunities via the bicycle and pedestrian overpass.

In addition, the proposal incorporates one or more parking structures on the site. Circulation into the site is proposed from two access points. The first will be off Addison Street and align directly with Second Street. The second will access off of Bancroft Way near the existing gate entry. As part of the project, both Bolivar Drive and Bancroft Way will be improved to incorporate sidewalks.



This project is proposed completely within the land use and development standards of the MULI zoning and no concessions or variances are requested.

PURPOSE OF THE MASTER USE PERMIT

Under Berkeley Municipal Code Section 23B.36.020 Purposes of Master Use Permits

The purposes of this Chapter are to:

- A. Facilitate the implementation of area plans, such as the West Berkeley Plan.
- B. Facilitate the speedy reuse of large and multi-user sites which might otherwise prove difficult to reuse.
- C. Facilitate the development and reuse of large, multi-user sites as integrated units, designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood, and the city as a whole.
- D. Allow the review and analysis of impacts of multi-tenant projects in a coordinated, consolidated manner.
- E. Improve Berkeley's competitiveness in attracting and retaining businesses by allowing businesses to move onto a site quickly once overall development requirements have been established. (Ord. 6478-NS § 4 (part), 1999)

As stated earlier, this Master Use Permit is not intended to propose a specific project, layout, or building and landscape design. This Master Use Permit is intended to develop an entitled capacity for the site and to propose development standards and guidelines that will provide a clear path and direction for future development on the site in support of the purposes described above.

AUTHORIZATIONS UNDER THE MASTER USE PERMIT

23B.36.030 Authorizations under the Master Use Permit Process

- A. A Master Use Permit may authorize the establishment or expansion of more than one (1) individual business and/or use on a site as of right, provided that all other applicable requirements of the Zoning Ordinance are met.
- B. The Master Use Permit shall state the number of square feet of buildings and land to be used for Industrial (Manufacturing, Wholesaling and warehousing), Office (exclusive of offices ancillary to other uses), Commercial (Retail and Personal service), Live/Work Units and Residential Uses.
- C. The number of square feet actually built in each use may vary from that set forth on the Master Use Permit by up to ten percent (10%). Variations of more than ten percent (10%) but less than twenty-five percent (25%) from the stated number of square feet for any use may be authorized by an Administrative Use Permit; variations of more than twenty-five percent (25%) may be authorized by a Use Permit modification.
- D. So long as the allocation of floor area for various uses as specified in Paragraph B above remains within the limits set forth in Paragraphs B and C, lease spaces may be divided or aggregated in any manner as of right. (Ord. 6478-NS § 4 (part), 1999)

As described above, the Master Use Permit will limit the allowable square feet to be constructed, but will provide for some flexibility in the use as companies on the site evolve through their conception, testing, production, and commercial processes. Under the proposal, an Administrative Use Permit would allow the site to adjust to 75% commercial and 25% R&D or up to 75% R&D and 25% commercial.

The importance of obtaining a Master Use Permit for the site will be to fix the limits of development on the site in relation to traffic and other environmental impacts and mitigations, set the ratios of the various land uses and define an overall set of guidelines for development of the site, whether as a single user campus or a multi user business park. Given the changing nature of West Berkeley with regards to the significant increase in housing



units, creating a variety of jobs within close proximity to the housing, utilizing the current zoning envelop, is a valuable step in supporting a sustainable West Berkeley.

OTHER USE PERMITS REQUESTED

- A. 22.12.060 - Demolition Permit for Commercial Structures
- B. 23E.80.045 - Special Provisions: Changes of Use/Removal of Floor Area Used for Material Recovery Enterprise, Manufacturing, Wholesale Trade or Warehousing
- C. 23E.04.020 – Rooftop Equipment

CEQA DETERMINATION

This project is undergoing an initial study to determine the extent of a focused Environmental Impact Report and the project team anticipates the EIR focusing on the following topics:

- Cultural Resources – The project has already been presented before the Landmarks Preservation Commission and the commission agreed on a Take No Action finding. In addition, the project team will be meeting with representatives from the Ohlone Tribe to assess the site.
- Traffic – A traffic study has been commissioned and is underway to assess the impacts of proposed traffic and identify mitigations.
- Air Quality – Due to the project’s proximity with the Union Pacific Rail Line and Interstate 80, as well as other industrial uses in West Berkeley, it is likely that air quality impacts will be considered.
- Short –term Construction Impacts related to traffic, dust and noise.

ARCHITECTURE AND URBAN DESIGN

Because no buildings or specific site layout will be determined through the Master Use Permit, the project will utilize Design Guidelines and Development Standards to guide both the site development and the architecture. One of the guiding principles of the project will be to create a high quality campus environment that can be home to a single user, or multiple users. The urban edge of the project will be pedestrian friendly while at the same time maintaining an appropriate level of security for the campus. All architecture and landscape improvements will reflect bird safe standards as well.

POLICY ANALYSIS

Previous Policy Documents

1. WEST BERKELEY PLAN - The subject site is within The West Berkeley Plan area adopted in 1993, which aims at reinforcing the dynamic mix of industrial, office, arts and crafts, retail and institutional activities in West Berkeley. The Plan is divided into 6 Elements: Land Use, Economic Development, Environmental Quality, Transportation, Physical Form, and Housing and Social Services, and numerous goals and policies are set forth under each element.
2. WEST BERKELEY PROJECT - In 2007, the City Council requested that the Planning Commission update the zoning requirements for the West Berkeley area and as a result, the West Berkeley Project was prepared. The West Berkeley Project proposed incremental changes to the zoning ordinance; these changes are intended to encourage the development of under utilized properties in the affected zoning districts in an effort to better implement the vision of the West Berkeley Plan while also protecting the industrially-zoned neighborhoods. Changes include amending the zoning requirements in the MULI and other districts in order to remove obstacles to economically viable reuse of existing buildings consistent



with the primary goals and objectives of the West Berkeley Plan and facilitate development of large land holdings through a revised Master Plan Permit process.

3. WEST BERKELEY PROJECT ENVIRONMENTAL IMPACT REPORT - A Draft Environmental Impact Report was prepared for the West Berkeley Project, as required by the California Environmental Quality Act (CEQA), and circulated for public comment. Response to comments on the Draft EIR, as well as revisions to the Draft EIR, were then prepared and circulated in the Response to Comments Document. On March 22, 2011, the City Council certified the Final EIR (which consists of the Draft EIR and the Response to Comments Document) and adopted CEQA Findings and the Mitigation Measures Program. At this time, the City Council also adopted amendments to the West Berkeley Plan, and by reference the General Plan. In the proceeding City Council meetings, the City Council adopted additional amendments to the West Berkeley Project. Among the additional adopted amendments were amending BMC Chapters 23E.80 (Mixed Use-Light Industrial District) to allow "Arts and Crafts, Non-Store-Based Retail, Contractors, and Research and Development into 'protected spaces.'"
4. WEST BERKELEY SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - In July of 2011, the City Council asked staff to evaluate additional amendments to the Master Use Permit process, which were not evaluated in the previously certified EIR for the West Berkeley Project. Therefore, the City prepared a Draft Supplemental EIR to evaluate the potential environmental impacts of the additional Master Use Permit amendments. The Draft Supplemental EIR was circulated for public review. Response to comments on the Draft Supplemental EIR, as well as revisions to the Draft Supplemental EIR, were then prepared and circulated in the Response to Comments Document. On July 10, 2012, the City Council certified the Final Supplemental EIR. On July 10, 2012, the City of Berkeley's City Council also requested staff to develop a ballot measure to be placed on the November 2012 ballot asking the voters to approve the Master Use Permit amendments and related West Berkeley Plan and General Plan amendments. On July 17, 2012, the City Council approved the developed ballot measure language for adopting the Master Use Permit amendments and approved the ballot on the November 6, 2012 General Municipal Election. The ballot measure, "Measure T," was not adopted at the November 6, 2012 General Municipal Election. Thus, on March 19, 2013, the City Council rescinded the West Berkeley Project EIR to the extent it was certified for the purpose of approving the West Berkeley Plan amendment concerning the MUP process, and rescinded the MUP-related amendments to the West Berkeley Plan.
5. AQUATIC PARK IMPROVEMENT PLAN ENVIRONMENTAL IMPACT REPORT - In 2008, the Aquatic Park Improvement Program (APIP) was drafted, which consists of a series of capital improvements to Aquatic Park that will improve the hydrology and water quality of the lagoons, wetland and upland habitat, and user amenities, such as improved pathways, seating, overlooks, interpretive signage, etc. In November of 2012, a Draft EIR was circulated for the APIP by the City of Berkeley's Parks, Recreation, and Waterfront Department. The Aquatic Park Improvement Plan and its respective EIR have been placed on hold indefinitely until the City's Watershed Master Plan addresses most of the water quality issues that the APIP was intended to address.

General Plan Conformance

The site is designated Manufacturing in with City of Berkeley's General Plan and Mixed Use Light Industrial within the West Berkeley Plan Area. This project fulfills the following policies of the General Plan, the MULI district, and implementation of the West Berkeley Plan.

- *Policy LU-3 Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring*



land uses and architectural design and scale. (Also see Urban Design and Preservation Policies UD-16 through UD-24.)

The proposed Master Use Permit will be an infill development that provides significant job opportunities in a site that is currently underutilized at the core of West Berkeley's MULI District. Architecturally, the project will respond well to the neighboring land uses of which much has been built within the last decade. It's massing will remain within the MULI development standards and its density will be less than that allowed. In addition, the project will respond to the eclectic activities contained within Aquatic Park through strengthening the pedestrian and bicycle access along the project side of Bolivar Drive, providing a valuable public access plaza at the corner of Addison Street and Bolivar Drive, and providing a voluntary 100 foot average setback from the lagoon shoreline to the buildings. The Design Guidelines and Development Standards will promote high value architecture utilizing environmentally sensitive design practices. As a sustainably planned campus, the proposal will place jobs in close proximity to housing, amenities, and transit.

- *Policy LU-33 West Berkeley Plan - Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan:*
 1. *Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.*
 2. *Maintain the ethnic and economic diversity of West Berkeley's resident population.*
 3. *Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers. (Also see Economic Development and Employment Policy ED-2.)*

The project will provide both Office and R&D space as allowed within the MULI land use policy and will not allow prohibited uses such as retail and as such will add a significant amount of space to the relatively small but vibrant life science community in West Berkeley and strengthen the surrounding residential, retail and service uses. By providing up to 475,000 square feet of space, a wide range of jobs will support all segments of the workforce. The project will significantly upgrade the environmental quality around Aquatic Park through the removal of soils and mulch storage operation, improve the quality of urban life by creating enhanced bicycle and pedestrian edges along the project perimeter, local jobs opportunities, and increased safety with an increased population on the site. The new public access plaza will create a place for the community to gather and further emphasize Addison Street as the gateway to Aquatic Park and the western waterfront access point.

West Berkeley Plan Conformance

The General Plan also calls for the implementation of the West Berkeley Plan. Redevelopment of the site to provide a significant jobs center within the heart of West Berkeley fits within the allowable uses of the West Berkeley Plan MULI District list of Permitted Uses. This Master Use Permit will provide the land use entitlement for the site. The project will fulfill many of the Policies, Goals, and guiding principles set forth in the West Berkeley Plan, including the following:

- *Land Use Policy 1.D: Providing space for, and designating appropriate locations for, office, service, and laboratory businesses, particularly growing Berkeley based businesses which are particularly suited to West Berkeley's physical environment.*

Within the MULI Permitted Land Use discussion, item 4.1 Other Uses-Uses Permitted in Selected Location, Portions of the MULI north of Gilman St. and west of 3rd St. (Southern Pacific RR) or south of Heinz St. on parcels which are, in their entirety, at least 500 feet from a Residential or Mixed



Use/Residential district Laboratories (freestanding or not associated with manufacturing) and uses for the manufacture of pharmaceuticals are allowed. The proposed project will provide appropriate spaces for a variety of Office and R&D businesses consistent with the intent of the West Berkeley Plan.

- *Land Use Policy 2.C. Create a Light Manufacturing district which allows a wide range of light manufacturers to continue to operate and expand and limits loss of their spaces to other uses, while providing an opportunity for office development where it will not unduly interfere with light manufacturing uses, and for laboratory development in appropriate locations.*

The Master Use Permit allows for a wide range of office and R&D spaces for businesses to expand into on a site that has been designated for these uses in a opportunity that will not unduly interfere with existing light manufacturing uses or their opportunities to grow. The site is isolated between the Union Pacific rail line and Aquatic Park. No light manufacturing uses are near to or adjacent to the site.

- *Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.*

The proposed Master Use Permit entitles a project that is within both the height and density standards of the MULI. The design guidelines encourage the stepping back of buildings adjacent to Aquatic Park, and the proposed voluntary 100 foot average setback from the shoreline is deliberately intended as a bird safing measure. As this site has historically been utilized as an active light industrial property, development of a multi building campus limited to 45 feet in height is appropriate to the surrounding context.

- *Large Site Development Process - Rationale: West Berkeley has a few large sites--sites of 5 acres or more under a single ownership--which present special challenges and opportunities for planning and development in West Berkeley. These large sites--such as the Miles or (ex) Colgate property--are of a scale where they have a major impact on the area around them, and noticeable impacts on West Berkeley as a whole. They also may require modification of the uses and development standards in a district to facilitate a feasible large scale project.*

For these reasons, the West Berkeley Plan incorporates a concept of a Large Site Development Process. While the process remains to be defined, the concept is that a special approval process would be used for certain projects. Because of the importance of these projects, the Planning Commission would be involved in the process. The process would also provide a formal mechanism for early citizen input. The rezoning will propose a Zoning Ordinance amendment to provide for a Master Plan Permit. It would be a middle ground alternative between the Use Permit and the Development Agreement. While a master permit could be issued for a multi-building project, there would be a procedure for review of individual buildings at their time of construction. This alternative could incorporate many of the master planning features of a Development Agreement, but would be acted upon under the procedures of the Zoning Ordinance, rather than as a separate contract.

The proposed Master Use Permit has utilized this process as envisioned in the West Berkeley Plan and will continue being processed within the ordinance.

- *Economic Development Goal 4: Continue to support the growth of advanced technology manufacturing (such as biotechnology) and advanced technology services (such as research laboratories) in appropriate locations, under appropriate environmental safeguards.*



By adding up to 475,000 square feet of office and R&D space, the project supports the growth of the advanced technology business sector in a location that has been specifically identified as appropriate.

- *D. 1 Soil and Groundwater Contamination. Existing Conditions - Soil and groundwater contamination can occur if hazardous materials (or biohazardous materials) are not handled safely. Such contamination can be caused by incidents, such as a spill of materials. It can also result from losses of material during operation of a facility. Leaks from underground tanks have been a particularly common source of contamination. Typically, contamination is a site by site issue, but if contaminants have leaked into the groundwater there can be "plumes" of contaminants to neighboring properties. Soil and groundwater contamination is more dispersed throughout Berkeley than some other environmental problems. Of the properties in Berkeley known to have experienced underground tank leaks, less than half are in West Berkeley. These leaks occurred at a great variety of types of uses--manufacturers, gas stations, auto repair facilities, private and University-related laboratories, apartment buildings (out of heating fuel tanks), and other types of sites.*

Over the past 18 years, the Jones family has methodically removed and cleaned all toxins from the site and received a "No Further Action" letter from the Department of Toxic Substance Control (DTSC) in July of 2008. The site is now clean and ready for future development.

- *Physical Form Policy 5.1 Development on major sites should use building scale, architecture, building placement, landscaping, and other site elements to create the sense of a cohesive development which is integrated with its surroundings.*

The two conceptual site and massing plans that are being proposed are intended as two approaches to a site strategy that creates a cohesive campus with a clear organizational pattern, integrates into the park in a way that creates opportunities to blend park elements into the project. One major component of this is the public access plaza at the corner of Addison Street and Bolivar Drive.

- *Physical Form Policy 5.2 Such major projects should--to the greatest degree possible--reinforce the existing street pattern, development pattern, and overall fabric of an area, rather than being isolated from these patterns.*

In support of this policy, the proposal is for a multi building campus which reinforces the large site development patterns in West Berkeley. The street pattern is reinforced by consolidating the northern site access point at the Second Street, and removing the vehicle access point from Bolivar Drive.

- *Physical Form Policy 5.3 Major developments should--to the greatest degree possible--be compatible with existing development on the edges of their sites, particularly on those edges which are heavily used by the public.*

This particular site in West Berkeley is unique. It was the historic shoreline prior to the WPA projects that created the park and lagoon. It is a long and narrow triangular shaped site that at one end is at the level of the park, and at the other is elevated in a bluff overlooking the park. It is bounded on the east side by a rail line that sees more than 90 trains pass through daily. It's north end is framed by a series of existing multi story buildings and a new major residential project. To the south is a multi-building commercial property at park level with single story buildings. The project will be compatible with all three of the public access edges through remaining within the limits of the existing zoning envelope, providing enhanced public access along the edges, and promoting an active pedestrian plaza at the important intersection of Addison Street and Bolivar Drive.



- *Physical Form Policy 9.1 Promote extensive tree planting along major streets in West Berkeley, by individuals and organizations in West Berkeley. Focus on long-lived and drought-resistant trees.*

The project will promote street tree planting in accordance with City requirements. In addition, the Master Use Permit will encourage extensive plantings within the campus, however, bird safing procedures will also be required given the sites' proximity to the park and lagoon.

- *Physical Form Policy 9.3 Provide sidewalks for pedestrians which provide adequate, safe access to parks.*

As discussed elsewhere, improvements along all three streetfront edges of the project will improve access to and through Aquatic Park. The project proposes new sidewalks along Bancroft Way and Bolivar Drive and the project edge to enhance the overall pedestrian experience getting to and from Aquatic Park and the bicycle/pedestrian bridge across Interstate 80.

- *Physical Form Policy 9.7 Encourage early implementation of the Aquatic Park Master Plan, especially improving access to the Park for pedestrians and bicycles.*

As discussed elsewhere, improvements along all three streetfront edges of the project will improve access to and through Aquatic Park.

- *Physical For Policy 9.9 Improve physical and visual access to the Marina area, to Aquatic Park, and to shoreline parks.*

Since the early 1990s, one of the lasting images of the the visual window from Interstate 80 into Aquatic Park and West Berkeley has been the mounds of revolving earth and mulch atop the bluff overlooking the Aquatic Park lagoon, an aging wine storage building, and a single story undistinctive commercial building. This Master Use Permit proposal seeks to replace that vision and backdrop with a beautifully landscaped campus of modern industrial buildings of high quality that represent the commitment to sustaining a vibrant West Berkeley employment center. The visual access to Aquatic Park along both Bancroft Way and Addison Avenue on the project sides of the streets is one of overgrown vegetation and is not conducive to positive visual or physical access. New sidewalks, enhanced landscaping are all encouraged within the Design Guidelines and Development Standards to enhance the physical and visual assess.

- *Physical Form Policy 9.10 Improve the visual character of Berkeley as seen from the Freeway--in a manner suitable for the adjacent industrial districts and parks--with additional landscaping and controlled signage.*

See the previous response.

- *Transportation Goal 4: Create and maintain adequate parking to support West Berkeley land use without creating increased incentives for single occupant automobile use.*

The Aquatic Park Master Use Permit has allowed for 830 vehicle parking spaces and 240 bicycle spaces on site, an adequate supply to support the proposed land uses. The transportation study will also include several strategies to encourage the use of alternative transportation methods by workers and visitors to the campus. The may include AC Transit Passes for commuting workers, shower and locker room facilities to encourage bicycle commuting, and additional support for the West Berkeley Shuttle.

- *Transportation Goal 6: Improve pedestrian and bicycle access in and around West Berkeley*



The project proposes new sidewalks along Bancroft Way and Bolivar Drive and the project edge to enhance the overall pedestrian experience getting to and from Aquatic Park and the bicycle/pedestrian bridge across Interstate 80. In addition, the public access plaza will provide a safe off-street place for groups and families to organize before proceeding on bike or walking trips.

Project Setting

- This area of West Berkeley is commonly referred to as Aquatic Park and for the purposes of this Proposal it will be referred to as the Aquatic Park Campus.
- The site is comprised of one contiguous property totaling approximately 8.67 gross acres.
- Zoning: Under the current Mixed Use Light Industrial (MULI) zoning in Berkeley, the development potential of the site with a 2 FAR is approximately 755,000 square feet. There is the potential to incorporate a significant amount of the parking demand on the site, as Berkeley does not count parking against FAR. Sites within the MULI zoning districts do not have setbacks or open space requirements meaning there is no reduction of the gross acreage to the developable acreage.
- Given a maximum building height of 45' under the MULI zoning, development with 11-15 foot floor to floor heights could allow 3 and 4 story buildings on the site.
- Location and legal description: The Aquatic Park Science Campus site has property addresses of: 91 Bolivar, 2222 Third Street, and 600 Addison Street, Berkeley, CA 94710.

Site Constraints

- Soil contamination: See the environmental report in Section 7.3.
- Groundwater contamination: The proposed property is located within a portion of the City of Berkeley's Environmental Management Area (EMA). No sources of groundwater contamination are located on the property. Petroleum hydrocarbons were in groundwater at Area 3 at the 2222 Third Street location are associated with concentrations of petroleum hydrocarbons in soil (see Section 7.3 for the remediation area location).
- Special purpose land use restrictions: Public access is required along the Bolivar Drive right-of-way
- Utilities Rights-of-Ways: There are no known utility easements or utility right-of-ways on the site that would inhibit development as easements that exist are along the edges of the sites. The Bayer site to the South of the Aquatic Park sites has a power substation and there are overhead power transmission lines North/South on the Eastern edge of the sites.
- Endangered species and protected habitats: There are no protected habitats, wildlife habitats or movement corridors on the sites.
- Surface conditions: Nearly the entire City of Berkeley West of San Pablo Avenue is identified as a CGS Seismic Hazard Zone (SHZ) Liquefaction. However, geotechnical investigations of the site determined the liquefaction potential to be low.
- Historic designation: There are no historic designated structures or site features on the sites that would inhibit development. There is no view corridor restriction, nor any circulation frameworks, streetscapes or landscaping requirements. Recently, the West Berkeley Redevelopment Area funded streetscape improvements along Addison Street as part of an Aquatic Park improvement program and these improvements are now complete.
- Archeological assessment: The project team will be working with representatives of the Ohlone Indian Tribe to assess any archeological findings.
- 100-Year flood hazards: Based on the California Geological Survey Hazard Study Zone Map only the Western most few feet of the Aquatic Park site is within the 100-Year Flood Zone.
- Topographical: The Aquatic Park site ranges from approximately 5 feet to 25 feet above sea level with the with gentle slopes over most of the site and a moderate slope at the corner of Bancroft Way and Bolivar Drive. According to San Francisco Bay Conservation and Development Commission (BCDC) maps, the site is not vulnerable at either a 16 or 55 in rise in sea level.



- Areas of severe fire danger: The State of California Department of forestry and Fire Protection's Fire Resource and Protection map indicates that the site is not in an area of severe fire hazard. The prevailing winds are from the West and there is no severe fire hazard area West of the sites.
- Fault zones: There are no active landslides or active fault traces that would restrict development.
- Open space designation and land conservation: There are no open space reservations or requirements that would restrict development of the site.
- Neighborhood interface: The rail line running along the Eastern edge of the Aquatic Park site is restricted from public access. A barrier may need to be built along the corridor to prohibit access across the tracks.
- Electricity service level: There is currently transmission level service available to the proposed campus. In addition, current electrical service is available underground along Addison Street and there are three transformers on the Bancroft Way LLC site extending from lines in the Bancroft Way Right-of-Way.
- Natural gas capacity: All of the site is served by natural gas lines. According to PG&E representatives infrastructure suitable for a campus of buildings is at the adjacent Bayer site and can be brought to the site.
- Water: The site is served by multiple 2" water lines and 12" fire suppression lines.
- Telecommunications: Fiber optic lines are currently available within the railroad corridor and lines are available on the site.
- Storm and sanitary sewer: The site is served by sanitary sewer lines ranging in size from 8" to 15" and the storm sewer lines run under Bolivar Drive and empty into the Aquatic Park Lagoon.

Required Master Use Permit Finding

Findings to Authorize Approval of a Master Use Permit - 23B.36.050 Findings

In order to approve a Master Use Permit, the Board must find that approval is likely to cause more rapid occupancy and use of a site for the purposes set forth in the applicable Zoning District and Area Plan, if any, than would require individual Use Permits.

Response: The proposed project represents a cohesive and comprehensive strategic approach to developing one of the major West Berkeley underutilized sites. In the past, several proposals have been made to develop discrete portions of the site individually. In every case, these proposals failed either because of compatibility with the overall site or the fact that they could compromise future development opportunities. As a result the site has had consistent leasing activity, but at a much underutilized capacity. The proposed Master Use Permit proposal presents an approach to the site that will allow development of the site either all at once, or incrementally within a pre-approved entitlement framework. This will allow each portion of the project to move forward within the entitlement envelope and move from stall level review regarding conformance with the Master Use Permit, to Design Review, to building permitting and construction. It will provide both the City and the public a preapproved level of quality and consistency that will support the overall goals of the General Plan and the West Berkeley Plan and provide a vital jobs center on a prominent site at an important entry gateway to Berkeley.