

September 14, 2021

Revised Applicant Statement for theLAB Parking Garage Administrative Use Permit Application #ZP2021-0043.

I. Project Overview for theLAB (old Peerless site)

The applicant’s goal is to develop the west and east blocks in three phases beginning with Phase I building and site renovation as well as interior spec tenant improvement buildout. The Phase II project includes the demolition of four structures on the East Block and the development of a 4.5 level above-ground parking structure with 415 stalls to add to the current surface parking and fulfill the total parking demand of the R&D and light manufacturing uses of the full phased two-block project. Phase III of the project will include the development of a new three-story R&D facility on the west block that conforms to current zoning height and setbacks. A separate Administrative Use Permit will be submitted for the renovation of an existing building (716 Allston). The goal for all phases is the renovation and expansion of existing light manufacturing and R&D at the project. The uses for all the phases are consistent with current zoning and as proposed, exceed City parking requirements. Detailed parking calculation tables are attached to this statement.

II. Purpose of the Parking Garage Use Permit Application

The purpose of this Use Permit (“UP”) Application is to address Phase II of the Project to construct a multi-level, concrete frame, 415 stall parking structure. Phase II will require the approval to demolish the east block buildings 2213 & 2221 4th Street and 2212 & 2216 5th Street.

III. Approval Process

The Phase II Parking Garage will require a Use Permit and Building Permit because it involves the creation of more than 10,000 square feet of gross floor area in the MU-R District (BMC Section 23E.84.050B), and because it involves the creation of more than 20,000 square feet of gross floor area in the MU-LI District (BMC Section 23E.80.050.C).

IV. Project Findings to Satisfy the Zoning Ordinances

Non-Detriment and Demolition Findings

Pursuant to Berkeley Municipal Code Section 23B.32.040, the construction of a new parking garage 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, for the following reasons:

A. In its current location and state, the single-family dwelling at 2212 Fifth Street is currently hazardous and unusable (as referenced in the Historical Evaluations, prepared by Mark Hulbert, dated 11.23.20) and invites vandalism, and the buildings located at 2216 Fifth Street and 2221 Fourth Street are vacant, underutilized and outdated. Therefore, the demolition of the structures and establishment of a parking garage to support the expanded light industrial and R&D project is an appropriate re-use of the lot as discussed further in the finding responses below.

B. The proposed improvements will remove neglected and underutilized structures and establish parking which will benefit the surrounding light industrial uses; and

C. The demolition of the existing structures and the establishment of the parking garage use will allow additional parking for the expanded light industrial and R&D project which will be beneficial to the surrounding community and the City at large.

Per BMC Section 23C.08.050.1, the proposed demolition of 2216 Fifth Street, and 2221 Fourth Street is necessary to provide for a new parking garage that will serve the buildings located at 2222 Fifth Street, 2246 Fifth street, 2229 Fourth Street, and 2233 Fourth Street. The aforementioned buildings will be renovated and new floor area will be added in the form of mezzanine space. The renovated and improved spaces will be used for Research and Development and Light Manufacturing, preserving the protected use in the MU-LI and MUR zoning districts. In addition, the new parking garage will also serve tenants on the West Block of the proposed project which will include tenants of 716 Allston Way/2200 Fourth Street, and the new research and development building which has the proposed address of 787 Bancroft Way (current addresses are 747, 701, 703, 705, and 705A Bancroft Way, and 2220 Fourth). The proposed building at 787 Bancroft Way will be a Class A Research and Development building, and having a secure, covered parking garage to serve this building is necessary to attract tenants that will expect this amenity. The proposed parking garage may also have a certain number of spaces designated for public use, subject to availability. The Traffic Analysis performed by Fehr and Peers, dated September 14, 2021 (included in the Applicant Response to Comments submittal) supports the number of proposed parking spaces based on anticipated demand for the class of tenants that will occupy the buildings.

Pursuant to Berkeley Municipal Code Sections 23E.80.090 and 23E.84.090, the construction of the new parking garage is consistent with the purposes of both the MU-R District and MU-LI District because the parking garage will provide the parking required to support the expansion of floor area dedicated to light manufacturing uses, thereby encouraging development of an area where light manufacturers can operate free from the constraints caused by incompatible uses, and encouraging the availability of manufacturing and industrial buildings for manufacturing uses. The project also meets the MU-R District purpose of protecting residents from unreasonably detrimental effects of nonresidential uses by providing off-street parking for users of the project and creating a barrier between residential uses and the more intensive light industrial uses on the east side of the project. The subject portion of the project is already used largely as a parking lot, so adjacent properties are accustomed to this use. Furthermore, the property adjacent to 2212 Fifth Street is currently are used for parking, so construction of a parking garage in this location is consistent with the normal use and operation of surrounding uses and buildings. Also, because the parking garage is being constructed to support the expansion of space used for light industrial purposes, it is not likely under reasonably foreseeable circumstances to either induce or contribute to a cumulative change of use in buildings away from industrial or manufacturing uses. It will also be designed in such a manner to be supportive of the light industrial character of the MU-LI and MU-R Districts, and will be consistent with any applicable performance standards applicable in the MU-LI and MU-R Districts.

Demolition of a Dwelling Unit Findings

Pursuant to BMC Section 23C.08.010 the Board may approve a Use Permit for the elimination or demolition of the duplex at 2212 Fifth Street only if it finds that the elimination of the two dwelling units

would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.

Constructed in 1898, the duplex has not been inhabited in many years and has come to the end of its useful life. Pursuant to BMC Section 23C.08.020, the project sponsor is committed to advertising the availability of the 2212 Fifth Street structure for purchase, at a cost of \$1, if the purchaser agrees to relocate the structure to an off-site location within Berkeley. Relocation would result in no net loss of dwelling units. Additionally, based on the construction valuation of the garage, the proposed project would generate approximately \$250,000 in mitigation fees toward the City's Affordable Housing Trust Fund. The City has been successful in leveraging these funds toward the construction of affordable housing in recent years.

The dwelling units were never removed from the rental market under the Ellis Act. There have been no verified cases of harassment, nor threatened or actual illegal eviction. There are currently no tenants in the duplex. Therefore, the findings related to relocation and return benefits, and tenant notification, are not applicable.

Protected Use Requirements

Pursuant to BMC Section 23E.80 includes existing uses devoted to warehouse and light manufacturing, which are required to be replaced. The loss of protected floor area that will result from the demolition of the building located at 2221 Fourth Street will be replaced in the new mezzanine floor area in the buildings located at 2222 Fifth Street, 2229 Fourth Street or 2246 Fifth Street. Replaced protected floor area in the amount of 3,060 sf will be provided, as noted on the existing and proposed square footage matrix, also attached. A Notice of Limitation will be filed to protect the replacement protected floor area.

V. Project Consistent with Goals and Policies of the West Berkeley Plan. The West Berkeley Area Plan, adopted in 1993, also contains several goals and policies applicable to the project, including the following:

1. *Land Use Goal 2, Policy C* – This project 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.
2. *Economic Development Goal 4* – The project fosters the growth of advanced technology manufacturing and advanced technology services (such as research laboratories) by providing space for such enterprises.
3. *Physical Form Goal 2, Policies 2.3 and 2.5* – The project provides parking both to support the expansion of floor are dedicated to light industrial uses, and creates a consolidated parking lot that would allow different uses to share parking in a consolidated location, while integrating the structure and lot with the surrounding areas.
4. *Transportation Goal 4* – The project, and specifically the development of the lots that are the subject of Phase III, creates and maintains adequate parking to support West Berkeley land use without creating increased incentives for single occupant automobile use. The project also proposes a Transportation Demand Management (TDM) program to encourage alternative modes of transportation, included in the Response to Comments submittal and City Box Folder.

Attachments:

1. Detailed Parking Calculations
2. Protected Use Matrix

the LAB Project Parking Table (Railroad Right of Way to Fifth Street, between Allston Way and Bancroft Way)

Site Information				Existing Conditions					Proposed Conditions (Includes 787 Bancroft Way Use Permit Request)							COMMENTS		
APN	Lot Area	ADDRESS (Building Number)	Zoning	Existing Sq.Ft.	Current Use	Existing vehicle parking req'd	Existing vehicle parking provided	Existing vehicle parking location (Lot ID)	Proposed Use	Proposed sq.ft.	Vehicle parking req'd per zoning ordinance	Proposed bicycle parking req'd	Actual vehicle parking demand (per Market)	POST PHASE I INTERIM Proposed vehicle parking location Min Required (Lot ID)	PERMANENT Proposed vehicle parking provided and location (Lot ID)		Proposed bicycle parking provided	
056-1958-006-03	73,180	2246 Fifth Street - Tenant B (fronts Fifth Street)	MU-R	12,500	Office in support of Light Manufacturing (Legal NC) (vacant)	13	31	Lot B	Light Manufacturing	12,500	13	0	17	Lot B (13)	Lot B (13) & Parking Garage (4)	0	Post phase I interim parking requirement/location will be at the SW corner of Bancroft (per Deed Restriction Recorded 8/31/2021, #2021295337) and is not a requirement under the 787 Bancroft or Parking Structure Use Permit Applications.	
		2246 Fifth Street - Tenant A (fronts Fourth Street) Includes 2231 Fourth, part of 2246 Fifth structurally	MU-LI	17,215	R&D and office in support of Light Manufacturing (See Approved Permit #14-01731, dated 6/27/14)	11			R&D and office in support of Light Manufacturing	17,436	12	0	42	Lot A (12)		0		Post phase I interim parking requirement/location will be at the SW corner of Bancroft (per Deed Restriction Recorded 8/31/2021, #2021295337) and is not a requirement under the 787 Bancroft or Parking Structure Use Permit Applications.
		2229 Fourth Street	MU-LI	14,240	Light Manufacturing	9			Light Manufacturing	19,895	13	3	42	Required off-street parking to be provided at an alternate site subject to BMC 23E.28.060.A.1-3 and 23E.28.030.B (13)		3		Post phase I interim parking requirement/location will be at the SW corner of Bancroft (per Deed Restriction Recorded 8/31/2021, #2021295337) and is not a requirement under the 787 Bancroft or Parking Structure Use Permit Applications.
		2222 Fifth Street A & B	MU-R	11,677	Light Manufacturing (Lawful NC)	12			Light Manufacturing (Lawful NC)	17,919	18	3	31	Required off-street parking to be provided at an alternate site subject to BMC 23E.28.060.A.1-3 and 23E.28.030.B (18)		3		Post phase I interim parking requirement/location will be at the SW corner of Bancroft (per Deed Restriction Recorded 8/31/2021, #2021295337) and is not a requirement under the 787 Bancroft or Parking Structure Use Permit Applications.
056-1958-012-00	6,996	2233 Fourth Street	MU-LI	7,062	Warehouse (vacant)	7	12	Lot A	R&D, office and warehouse in support of Light Manufacturing	7,062	7	0	15	Required off-street parking to be provided at an alternate site subject to BMC 23E.28.060.A.1-3 and 23E.28.030.B (7)	0	Post phase I interim parking requirement/location will be at the SW corner of Bancroft (per Deed Restriction Recorded 8/31/2021, #2021295337) and is not a requirement under the 787 Bancroft or Parking Structure Use Permit Applications.		
056-1958-006-04	8,040	2221 Fourth Street	MU-LI	4,080	Manufacturing (vacant)	4			Parking Garage	0	0	0	0	0	0	0	Assumes 0 proposed parking required as bldg will be demolished	
		2216 Fifth Street	MU-R	4,000	Manufacturing (vacant)	4			Parking Garage	0	0	0	0	0	0	0	Assumes 0 proposed parking required as bldg will be demolished	
056-1958-014-01	10,150	2213 Fourth Street	MU-LI	650	Parking lot and storage building	1		Parking Garage	0	0	0	0	0	Garage (130)	0	Assumes 0 proposed parking required as bldg will be demolished		

Site Information				Existing Conditions					Proposed Conditions (Includes 787 Bancroft Way Use Permit Request)							COMMENTS	
APN	Lot Area	ADDRESS (Building Number)	Zoning	Existing Sq.Ft.	Current Use	Existing vehicle parking req'd	Existing vehicle parking provided	Existing vehicle parking location (Lot ID)	Proposed Use	Proposed sq.ft.	Vehicle parking req'd per zoning ordinance	Proposed bicycle parking req'd	Actual vehicle parking demand (per Market)	POST PHASE I INTERIM Proposed vehicle parking location Min Required (Lot ID)	PERMANENT Proposed vehicle parking provided and location (Lot ID)		Proposed bicycle parking provided
056-1958-004-00	6,250	2212 Fifth Street	MU-R	2 units	Residential (vacant)	0	0	N/A	Parking Garage	0	0	0	0	0		0	
056-1957-007-01	23,148	701 Bancroft Way	MU-LI	2,438	Light Manufacturing (vacant)	2	12	Lot C	Parking Lot	0	0	0	0	0		0	Assumes 0 proposed parking required as bldg will be demolished
		705 Bancroft Way		4,103	Warehouse	4			Parking Lot	0	0	0	0	0	0	Assumes 0 proposed parking required as bldg will be demolished Revised Existing SF to be consistent with City provided spreadsheet, dated 9-25-20.	
		703 Bancroft Way		13,320	Warehouse and Light Manufacturing	9			Parking	0	0	0	0	0	0		
		705A Bancroft Way		1,524	Warehouse (vacant)	2			Parking Lot	0	0	0	0	0	0	0	
056-1957-003-01	43,173	747 Bancroft Way	MU-LI	43,713	Warehouse-Based Non-Store Retail	29	26	Lot A	R&D	0	0	0	0		0	0	Revised Existing SF to be consistent with City provided spreadsheet, dated 9-25-20. Assumes 0 proposed parking required as bldg will be demolished
056-1957-002-04	15,150	2220 Fourth		15,136	Warehouse-Based Non-Store Retail	10			R&D	0	0	0	0	0	0	0	Revised Existing SF to be consistent with City provided spreadsheet, dated 9-25-20. Assumes 0 proposed parking required as bldg will be demolished
Merge Lots 056-1957-007-01, 056-1957-003-01 & 0561957-002-04	96,966	787 Bancroft		0	Light Manufacturing	0			R&D	159,143	274	80	316		Surface Lot (97) & Parking Garage (219)	80	787 Use Permit Application has been submitted. Surface Lot will include the reuse of 703 Bancroft Way. Revision from last 6/1/21 submittal: slight decrease SF (previous 162,375 SF) & parking requirement (previous 325). Slight increase in bicycle parking provided (previous 80).
056-1957-002-03	26,322	716 Allston/2200 Fou		26,352	Warehouse-Based Non-Store Retail	18			Light Manufacturing/R&D	31,424	31	3	62		Parking Garage (62)	3	Existing SF consistent with City Land Use Determination, dated 8-25-21. Also reflects less than 25% R&D (7,855 SF)
TOTALS	309,375			178,010		135	81			265,379	368	88	525		525	88	

			Phase I	2222/2229, 2233, 2246 (74,812 SF)
			Phase II	Parking Structure & 2212, 2213, 2221 & 2216
R&D SF	133,651		Phase III	787 Development (703, 747 Bancroft & 2220 4th)
light mnfg	131,728		Separate AUP	716 Allston Renovation
				368 proposed parking required
				525 proposed parking vehicle for renovation and proposed new development (per market demand)
				525 proposed parking provided

ADDRESS (Building Number)	Zoning	Current Use	Proposed Use	Land Use Planning	Design Review	Project Description	Protected Use?+A:Y:N	Existing Protected Use	Proposed Protected Use	Net Change (Required Demo Replacement Square Footage @ 75%)	Comments
PHASE I- Site Renovation Zoning Certificates (East Block)											
2246 Fifth Street - Tenant B (fronts Fifth Street) 1st floor only.	MU-R	Office in support of Light Manufacturing (Legal NC) (vacant)	Light Manufacturing	The existing non-conforming Light Manufacturing use may include ancillary office, R&D, and Lab uses in support of light manufacturing, or be converted to a conforming use (any use listed in BMC Section 23E.84.030). Zoning Certificate under 20,000 s.f. per 23E.80.030	Staff level	Permit and buildout 12,500 SF of ground floor for light manufacturing	N	0	12,500	12,500	Timothy Burroughs 7/25/19 approved ancillary office use in support of light manufacturing.
2246 Fifth Street - Tenant A (fronts Fourth Street) 1st and 2nd floors.	MU-LI	R&D and office in support of Light Manufacturing (See Approved Permit #14-01731, dated 6/27/14)	R&D and office in support of Light Manufacturing	Zoning Certificate under 20,000 s.f. per 23E.80.030	Staff level	Permit and buildout 12,500 SF of ground floor light manufacturing for offices R&D and lab. Add 6,738 SF of second floor R&D, office and lab space in support of light manufacturing below.	Y	12,500	19,238	6,738	Additional 2nd floor space for offices and R&D in support of light manufacturing.
2231 Fourth Street ground floor only.	MU-LI	R&D and office in support of Light Manufacturing (See Approved Permit #14-01731, dated 6/27/14)	R&D and office in support of Light Manufacturing	Zoning Certificate under 20,000 s.f. per 23E.80.030	N/A	Partial Demolition of 1,507 SF warehouse: Remaining space of 3,208 SF to be used as partially enclosed structure on a reduced footprint for R&D. The west and east building sides of the building are open during the day and are secured at night.	Y	4,715	2,313	(1,802)	75% of 1,507. Although R&D is an unprotected use the underlying use is protected warehouse.
2229 Fourth Street 1st and 2nd floors.	MU-LI	Light Manufacturing	Light Manufacturing	Light Manufacturing use may include ancillary office, R&D, and Lab uses. Zoning Certificate to build additional 5,655 sq. ft. of Light Manufacturing second floor space.	Staff level	Permit and buildout 14,240 SF of ground floor light manufacturing and add 5,655 SF (excludes mechanical platform) of second floor R&D and office space in support of light manufacturing.	Y	14,240	19,895	5,655	Building 2229 & 2222 - Existing Ground Floor 28,480 SF plus 1,940 SF shed per As Built plans, dated 7.15.20
2222 Fifth Street A 1st and 2nd floors.	MU-R	Light Manufacturing (Lawful NC)	Light Manufacturing (Lawful NC)	Lawful Non-Conforming Light Manufacturing use will continue on the ground floor. In addition, 6,242 SF of light manufacturing use will be added on second floor. Light Manufacturing use may include ancillary office, R&D, and Lab uses. Zoning Certificate under 20,000 s.f. per 23E.80.030 to build additional 6,242 SF of Light Manufacturing second floor space.	Staff level	Permit and buildout 11,677 SF of ground floor space with lawful Non-Conforming Light Manufacturing use continuing on the ground floor and an additional 6,242 SF (excludes mechanical platform) of second floor as light manufacturing.	Y	11,677	17,919	6,242	Adding lab to MUR part of building ancillary to legal non-conforming light manufacturing use
2222 Fifth Street B 1st floor only.	MU-R	Light Manufacturing (Lawful NC)	Light Manufacturing (Lawful NC)	Lawful Non-Conforming Light Manufacturing use will continue on the ground floor, with 4,503 SF built out for a fitness facility and product presentation center, which use is incidental to the continued light manufacturing use. Zoning Certificate under 20,000 s.f. per 23E.80.030	Staff level	Permit and build interior improvements for 4,503 SF Fitness Facility and Product Presentation Center and Fitness Facility use is incidental to light manufacturing. The ground floor includes a product presentation room that is ancillary to the light manufacturing. For the purposes of s.f. calculations for the building the ground floor will remain a protected light manufacturing use with the exception of the small fitness center that is incidental to the use. The fitness center is not intended for public use.	N	0	0	0	Private fitness (center 2,998 sf) and Product Presentation Center are incidental to non-conforming light manufacturing.
2233 Fourth Street ground floor only.	MU-LI	Warehouse (vacant)	R&D, office and warehouse in support of Light Manufacturing	Zoning Certificate under 20,000 s.f. per 23E.80.030	Staff level	Permit and buildout 7,062 SF of R&D, office, lab and warehouse space in support of light manufacturing.	Y	7,062	7,062	0	
Phase I Totals								50,194	78,927	29,334	surplus post Phase I
PHASE II (East Block) - Parking Structure and Associated Demolition											
2221 Fourth Street	MU-LI	Manufacturing (vacant)	N/A	UP(PH) per BMC Section 23E.80.045.B, subject to finding under Section 23E.80.090.D, and UP(PH) demo w/LPC review per BMC Section 23C.08.050.	N/A	Demo 4,080sf	Y	4,080	-	(3,060)	75% of 4,080
2216 Fifth Street	MU-R	Office (Construction office)	N/A	UP(PH) per BMC Section 23C.08.050, demo w/LPC review.	N/A	Demo 4,000 SF	N	-	-	-	
2213 Fourth Street	MU-LI and MU-R	Parking lot	Parking Garage	UP(PH) per 23E.80.050.C: Construct over 20,000sf of new floor area in the MU-LI. UP(PH) per 23E.84.050.B: Construct over 10,000sf of new floor area in the MU-R. UP(PH) parking lot uses not exclusively located in the District.	Staff level	Demo garage, re-stripe parking, build new structure.	N	-	-	-	
2212 Fifth Street	MU-R	Residential (vacant)	N/A	UP(PH) demo per BMC Section 23C.08.020.A.	N/A	Demo, use as temp parking lot, then parking structure. Potentially significant impact under CEQA to demo this State-designated historic resource, eligible for national register.	N	-	-	-	
Phase II Total								4,080		(3,060)	

PHASE III (West Block) - 787 Development and Associated Demolition

2220 Fourth Street	MU-LI	Warehouse-Based Non-Store Retail (Wine.com)	N/A	UP(PH) per BMC Section 23E.80.045.B, subject to finding under Section 23E.80.090.D, and UP(PH) per BMC Section 23C.08.050, demo w/LPC review. Built 1988/89.	N/A	Demo 15,136 SF. Surface Parking	Y	15,136		(11,352)	
703 Bancroft Way	MU-LI	Warehouse and Manufacturing (vacant)	Parking	UP(PH) per BMC Section 23E.80.045.B, subject to finding under Section 23E.80.090.D, and UP(PH) per BMC Section 23C.08.050, demo w/LPC review.	N/A	Renovate, relocate and reuse	Y	13,320	-	(9,990)	75% of 13,320
747 Bancroft Way	MU-LI	Warehouse-Based Non-Store Retail (Wine.com)	N/A	UP(PH) per 23E.80.050.C: Construct over 20,000sf of new floor area in the MU-LI. UP(PH) per 23E.84.050.B: Construct over 10,000sf of new floor area in the MU-R. UP(PH) parking lot uses not exclusively located in the District.	Staff level	Demo 43,713 SF. Convert to R&D (see 787 Bancroft Way)	Y	43,713		(32,785)	
701 Bancroft Way	MU-LI	Light Manufacturing (vacant)	N/A	UP(PH) per BMC Section 23E.80.045.B, subject to finding under Section 23E.80.090.D, and UP(PH) per BMC Section 23C.08.050, demo w/LPC review.	N/A	Demo 2,438 SF. According to City records, 1,698sf warehouse and 740sf shed. Shed is not protected.	Y	1,698	-	(1,274)	75% of 1,698
705 Bancroft Way	MU-LI	Warehouse	N/A	UP(PH) per BMC Section 23E.80.045.B, subject to finding under Section 23E.80.090.D, and UP(PH) per BMC Section 23C.08.050, demo w/LPC review.	N/A	Demo 4,103 SF	Y	4,103	-	(3,077)	75% of 4,103
705A Bancroft Way	MU-LI	Warehouse (vacant)	N/A	UP(PH) per BMC Section 23E.80.045.B, subject to finding under Section 23E.80.090.D, and UP(PH) per BMC Section 23C.08.050, demo w/LPC review.	N/A	Demo 1,524 SF	Y	1,524	-	(1,143)	75% of 1,524
										(59,621)	
										26,274	surplus post Phase I/II
										(33,347)	deficit prior to buildout of 787 Bancroft
787 Bancroft Way	MU-LI	N/A	R&D	Use Permit under 23E.80.050.C to construct 20K or more sq. ft. of gross floor area.	Staff level	R&D	Y	-	33,347	33,347	

Phase III Total

79,494

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