



Planning and Development
Land Use Planning Division

July 1, 2021

Matthew Jefferies
Skidmore, Owings, & Merrill
300 Clay Street
San Francisco, CA 94111

Sent via email to:
matthew.jefferies@som.com

Re: Application for Use Permit #ZP2021-0096 for 747 Bancroft Way.

Mr. Jefferies -

The Land Use Division has reviewed the above referenced application, submitted on June 3, 2021 to demolish five existing buildings, relocate and alter the sixth existing building, and construct one new 162,375 square-foot, three-story building containing 133,028 square feet of research and development space and 29,347 square feet of light manufacturing space.

Application – The application includes the following approval requests:

1. Variance pursuant to BMC Section 23B.44.010 to allow replacement of protected floor area to be made available after the demolition or change of use of the space.
2. Use Permit pursuant to BMC Section 23C.08.050.A to demolish main buildings used for non-residential purposes.
3. Use Permit pursuant to BMC Section 23E.80.045.B, to change more than 25 percent of manufacturing and warehouse uses to research and development uses.
4. Use Permit pursuant to BMC Section 23E.80.050.C to construct between 20,000 and 30,000 square feet of new floor area as Manufacturing and Wholesale Trade.
5. Administrative Use Permit pursuant to BMC Section 23E.80.030 to establish more than 30,000 square feet of research and development use.
6. Administrative Use Permit pursuant to BMC Section 23E.04.020.C to allow architectural elements to exceed the height limit in a non-residential district.

Staff has determined that the application is incomplete. Please review the comments below, as well as the list of items required to complete the application. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

Items Required for Submittal or Correction- The following required items were missing from the application submittal, and must be submitted for application completeness, per the Zoning Project Submittal Requirements:

1. Applicant Statement.

- a. As shown in Table 1 below, a total of 58,681 square feet of protected floor area would be demolished as part of Phase III, and 29,347 square feet would be replaced on-site. Please indicate which buildings would be the ‘receiving’ buildings for replacement off-site. Assuming that the remaining 29,334 square feet requiring replacement in Phase III would be provided through construction of newly protected floor area in Phase I, please note that a condition of approval would be that prior to demolition of any existing building containing protected floor area in Phase III, a Notice of Limitation is filed restricting the use of the Phase I buildings identified in the applicant statement to light manufacturing, warehousing, wholesale trade or material recovery enterprise.

Assuming that the remaining 3,060 square feet requiring replacement in Phase II would be provided through construction of newly protected floor area at 716 Allston Way, please note that a condition of approval would be that prior to demolition of 2221 Fourth Street, replacement protected floor area would be available at 716 Allston.

Alternatively, it is possible to amend this application to include the renovation and construction of 4,000 square feet of new, protected floor area at 716 Allston as part of the subject project, thereby proposing replacement of the 3,060 square feet proposed for demolition in Phase II on-site as part of the Variance request.

Table 1: Replacement Protected Floor Area (square feet)			
	Phase I	Phase II	Phase III
Demo	n/a	3,060	58,681
Net New	29,334	n/a	n/a
Replace On-site	n/a	n/a	29,347
Replace Off-site	n/a	3,060	29,334

- 2. Survey. Please provide a survey of the property, which must be wet stamped, signed and dated by California licensed surveyor or appropriately licensed civil engineer.
- 3. Plans.
 - a. Project Information and Sheet Index (Sheet G0.01.00) –
 - i. Per BMC Sections 23F.04.010, 23E.28.050.G, 23E.32.010, and 23E.28.070, FAR as well as the number of required automobile, loading and bicycle parking spaces are based on gross floor area. It appears that the area summary table and parking and loading summary tables are based on leasable floor area; please confirm and revise if needed. The definitions of gross and leasable floor area are in BMC Section 23F.04.010:
 Floor Area, Gross: The total gross horizontal areas of all floors of a building or enclosed structure, including, but not limited to, usable basements and cellars, below the roof and within the outer surface of the main walls of principal or

accessory buildings (or the centerlines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two (2) feet within the roof line of any building or portion thereof without walls, except that in the case of a multi-story building which has covered or enclosed stairways, stairwells and elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent. Areas that shall be excluded from gross floor area shall include covered or uncovered areas used for off-street parking spaces or loading spaces and driveways, ramps between floors of a multi-level parking garage and maneuvering aisles relating thereto; mechanical, electrical and telephone equipment rooms below Finish Grade; and areas which qualify as usable open space. For non-residential uses, Gross Floor Area includes pedestrian access interior walkways or corridors, or interior courtyards, walkways, paseos or corridors covered by a roof or skylight; but excludes arcades, porticoes and similar open areas which are located at or near street level, which are accessible to the general public and which are not designed or used as sales, display, storage, service or production areas.

Floor Area, Leasable: The total interior floor area of a commercial lease space available for use by a single business including all sales, customer, display, shelving, assembly, seating, counter, kitchen, storage and office areas but not including stairs, restrooms and unenclosed walkways and those areas serving more than one lease space, including, but not limited to, common hallways, corridors, lobbies, maintenance areas, vestibules and other common areas.

- b. 703 Bancroft Way Proposed Modifications (Sheet G0.02.02) – Per BMC Section 23F.04.010, demolition means when 50% or more of the enclosing exterior walls and 50% or more of the roof area removed. To confirm whether the proposed alterations to 703 Bancroft would be considered a technical demolition, please provide a table on this sheet indicating the percent of the exterior walls and the percent of the roof proposed to be removed or replaced.
- c. LAB Masterplan (Sheet A1.01.00) – Label the addresses of 724-6 Allston Way, 2201-2209 Fourth (APN 56-1958-1); add the address 2200 Fourth to 716 Allston Way, label the addresses of 678-700 Allston Way (APN 56-1957-1-2).
- d. Overall Site Plan (Sheet C5.00) - Show the existing conditions in the public right-of-way per the site survey. For example, existing trees, including diameter and drip line, utility poles.
- e. Overall Site Plan (Sheet A1.01.01 or Sheet A2.01.00)–
 - i. Some of the zoning project submittal requirements for a site plan are provided on Sheet A1.010.01 and some are provided on Sheet A2.01.00. For clarity, ease of review and presentation, consider re-organizing the information on these sheets. For example, the site plan information on Sheet A2.01.00 could be moved to Sheet A1.01.01. Sheet A2.01.00 could include only the information required for floor plans, laid over the base map in Sheet A1.01.01.
 - ii. Label and dimension the property lines and lot dimensions

- iii. Label and dimension the required, existing and proposed setbacks and projections such as eaves, balconies and bays.
 - iv. Show and label any portions of neighboring buildings within 20 feet of property lines, including the building-to-building separation.
 - v. Driveways, loading and parking spaces must be dimensioned.
 - vi. Label the number of parking spaces (label each with a number, and indicate whether standard, compact, EV, ADA), and any short-term bicycle racks.
 - vii. Dimension loading spaces and confirm compliance with standards in BMC Section 23E.32.010.A.1-4.
 - viii. New surface parking areas are subject to our City-wide design guideline for tree-canopy coverage. The guideline target is 50% tree canopy coverage of the vehicular pavement areas – this analysis should be done at the projected tree maturity.
- f. Floor Plans (Sheets A2.01.00 – A2.03.00) –
- i. Confirm that the calculations for the number of bicycle parking spaces proposed is based on gross floor area (see comment 3.a.i. above).
 - ii. Provide a cut sheet or other specification indicating that the short and long-term bicycle parking spaces proposed are in accordance with the Bicycle Plan Design Guidelines, Appendix F (pages 117-123): [https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3 - Transportation/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox(1).pdf)
 - iii. Confirm that the calculations on Sheets A2.04.00 and A2.05.00 are based on gross floor area per BMC Section 23F.04.010 (see comment 3.a.i. above).

Design Review Comments

Will be provided under separate letter.

Advisory Comments

1. Planning Division Comments.

- a. The application materials indicate that the project may not be Categorically Exempt from CEQA for the following reasons:
 - The Hazardous Waste and Substances Statement indicates that 2220 Fourth is on the Cortese List. Pursuant to Section 15300.2(e) of the CEQA Guidelines, this project may not be categorically exempt from the provisions of CEQA.
 - The Historic Resource Evaluation for 703 Bancroft indicate that the building is eligible for designation as a City of Berkeley Landmark or Structure or Merit. Pursuant to Section 15300.2(f), this project may not be categorically exempt from the provisions of CEQA.

Therefore, an Initial Study (Section 15063 of the CEQA Guidelines) will be required to determine whether the project would have a significant effect on the environment. Pursuant to Section 15378 of the CEQA Guidelines, the proposed project must include the whole or an action which has a potential for resulting in

either a direct or reasonably foreseeable indirect physical change in the environment. This Use Permit application is part of a phased development which includes a Use Permit request at 2213 Fourth (ZP2021-0043) for demolition of existing buildings and construction of a parking garage to serve uses in the overall project area of the phased development, one Initial Study covering the whole of the phased development will be conducted by the City. The Initial Study will assist the preparation of an EIR, if one is required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant. An RFP has been issued to the on-call consultant list, and the Cost Proposal (not-to-exceed time and materials contract) will be sent to you for review and acceptance. Full payment must be received prior to execution of the contract.

- b. The project involves demolition of five non-residential buildings at 747 Bancroft Way, 2220 Fourth Street, and 701, 705 and 705A Bancroft, which are all over 40 years in age. Pursuant to BMC Section 23C.08.050.C, the proposed demolitions will be referred to the LPC for review prior to the consideration of the Use Permit by the ZAB. The Historic Preservation staff will provide comments on the HRE's submitted with this application and next steps for review by the LPC.
 - c. The Preliminary Transportation Assessment dated June 1, 2021 and submitted on June 3, 2021 was reviewed by Transportation Department staff who accepted the methodology and results of the memorandum and authorized the consultant to proceed with the next steps outlined in the memorandum on June 22, 2021.
 - d. The Geotechnical Report dated April 13, 2021 and submitted on June 3, 2021 was reviewed by the City's consultant who determined that the potential for seismic hazards has satisfactorily fulfilled State investigation requirements in the mapped potential liquefaction hazard zone. The following conditions of approval will be included with this project:
 - i. Geotechnical Plan Review - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading including, site surface and subsurface drainage improvements, and design parameters for foundations and associated improvements) to ensure that their recommendations have been properly incorporated. The results of the plan review should be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.
 - ii. Geotechnical Construction Inspections - The geotechnical consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and slabs-on-grade prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.
2. Department Comments. This application may be routed to other city departments for comments. These comments will be forwarded to you when they are received. Please

respond to all department comments, and include revisions and response with your next submittal to Planning. Further revisions to the application may be required based upon your response to these items.

Revised submittal items should be submitted in electronic form (uploaded to the project folder on Box.com). Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley James", with a horizontal line extending to the right.

Ashley James
Associate Planner
(510) 981-7458
ajames@cityofberkeley.info