

**Supplemental
Communications**
(Received before
12pm July 15)



Commissioners,

I am writing on behalf of Biocom California, the state's oldest and largest association for the life sciences, advocating on behalf of 1,700 members.

Biocom has been working closely with Berkeley's Office of Economic Development to ensure that our members can both sustain and grow their companies in Berkeley. Easing procedural and zoning barriers is a high priority for our members as it would help provide the transparency and consistency our members need when deciding where to establish their business. Many of our companies are working on life saving treatment and improving quality of life and Keep Innovation in Berkeley will help them continue that work while helping to fill vacancies which will directly benefit the local economy.

We appreciate your time and welcome the opportunity to meet with you if you would like additional information.

Christy Shirilla

Policy Manager, Bay Area

Biocom California

1 Tower Place, Suite 150

South San Francisco, CA 94080

415.943.9375 | BayArea@biocom.org | biocom.org

Supplemental Communication

From: Chris Barlow <CBarlow@warehamdevelopment.com>
Sent: Monday, July 15, 2024 11:59 AM
To: Planning Commission
Subject: Communication for Planning Commission Meeting - July 17

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please convey the following to the Planning Commissioners as part of their consideration of the Zoning Amendments to Keep Innovation in Berkeley.

On Page 6 of the Staff Report for this item, staff suggest that that the current definition of **Commercial Physical or Biological Laboratories** in BMC Sect 23.502.020 be revised to remove references to the performance of scientific or technological research and experimentation.

Instead, it is proposed that this definition be modified such that it would only apply to commercial or biological testing, such as the testing of blood.

There is one very significant (and presumably unintended) negative consequence of this proposed change:

BMC Section 23.206.020 contains the table of Allowed Land Uses in the Manufacturing Districts. Commercial Physical or Biological Laboratories is an approved Use in the Mixed Manufacturing (MM) and Mixed Use-Light Industrial (MU-LI) zoning districts. This Use was, prior to the addition of Research and Development, the only Use in those districts that would permit buildings to be leased out to life science, biotechnology and other research organizations that needed laboratory environments.

Wareham Development has been developing top-quality research and laboratory facilities in the MU-LI district of West Berkeley since the 1980's. Our Aquatic Park Campus comprises 20 such buildings, totaling close to 800,000 square feet. Our tenants include organizations that have grown out of the University of California such as Caribou Biosciences and Pivot Bio, through important public agencies such as the State of California Department of Toxic Substances Control to major internationally known companies such as Siemens Healthcare, Perfect Day and Upside Foods. These companies are major employers and contributors to the Berkeley tax base.

Many of these buildings were developed and constructed prior to the availability of Research and Development as a Use and it is our understanding that the City records reflect their use as Commercial Physical or Biological Laboratory.

The removal of “scientific and technological research and experimentation” as legal Uses in those buildings would constitute a major down-zoning and diminution of their value.

Even if the City were to adopt the suggested definition change and offer to issue a “Legal Non-Conforming Use” determination for the building in questions, this would add multiple levels of difficulty for property owners. Commercial lenders require a Zoning Conformance letter from the City each time a mortgage is renewed. Lenders to life science facilities are particularly sensitive that the title and zoning of the properties are clean and precise – phrases like “Non-Conforming” can be major red flags.

Similarly, public entities such as the State, venture capital funded growing companies and major public companies have a heightened sensitivity to full legal compliance of their facilities.

We respectfully request that the Planning Commission does not adopt the changes to the definition proposed by staff. If the Commission does decide to alter this definition, it should only be with a commensurate protection for the Owners of such buildings that there will be no reduction in the current uses which might be achieved by a "By-Right" change of Use to Research and Development.

Respectfully submitted,

Chris Barlow
Wareham Development