

Business Support Zoning Amendment Referrals

# Research & Development Definition

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**Background**

# NAICS Code R&D Definitions



Biotechnology



Physical  
Engineering  
Life Sciences



Nanotechnology

--> **process/  
prototype**

## R&D Definition Existing Definition

*An establishment comprised of laboratory or other non-office space, which is engaged in one or more of the following activities: industrial, biological or scientific research; product design; development and testing; and limited manufacturing necessary for the production of prototypes.*

## R&D Definition Referral Definition

*An establishment comprised of laboratory ~~or~~ and other associated and ancillary space ~~non-office space, which is~~, engaged in one or more of the following activities: industrial, technological, biological or scientific research; product design; development and testing; and limited fabrication and/or manufacturing necessary for the production and assemblage of ~~prototypes~~ prototypical products.*

# Other Cities

## R&D Definitions

# Emeryville & Oakland R&D Definitions

City	R&D Definition
<b>Emeryville</b>	<p>Research of an industrial or scientific nature, including <a href="#"><u>associated office space</u></a>. Typical uses include indoor laboratories and testing facilities. This use type may include fabrication and small scale-up facilities as part of the research function, but excludes Manufacturing use types.</p>
<b>Oakland</b>	<p>Include scientific research for the design, development, engineering, and testing of <a href="#"><u>high technology electronic</u></a>, industrial, or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain <a href="#"><u>activities accessory</u></a> to the above <a href="#"><u>office</u></a>...This classification includes, but is not limited to, biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.</p>



# R&D Definitions Comparison

City	Office Space	High Technology
Berkeley	✗	✗
Emeryville	✓	✗
Oakland	✓	✓
Richmond	✓	✓
San Leandro	✓	✓

# Recommendations

R&D Definition(s) +

# 1. Proposed R&D Definition

Sentence 1

An establishment ~~comprised of laboratory or other non-office space,~~  
~~which is~~ engaged in one or more of the following activities: ~~industrial,~~  
~~biological or~~ scientific research ~~for , product design, ,~~ development,  
engineering, and testing; and limited manufacturing ~~leading to the~~  
~~development of a necessary for the production of prototypes or~~  
process for the primary purpose of research, development or  
evaluation rather than sale. This classification includes, but is not  
limited to, biotechnology, renewable energy, environmental,  
physical, life sciences, engineering, pharmaceutical, and high  
technology electronics. This classification also includes ancillary  
activities and spaces for office and storage.

Sentence 2

# 1. Proposed R&D Definition - Sentence 1

## Sentence 1

An establishment ~~comprised of laboratory or other non-office space, which is~~ engaged in one or more of the following activities: ~~industrial, biological or~~ scientific research ~~for product design,~~ development, engineering, and testing; and limited manufacturing ~~leading to the development of a necessary for the production of prototypes~~ or process for the primary purpose of research, development or evaluation rather than sale.

- Removal of limitation on non-office space
- Emphasis on primary purpose/ goals of R&D

# 1. Proposed R&D Definition - Sentence 2

## Sentence 2

*This classification includes, but is not limited to, biotechnology, renewable energy, environmental, physical, life sciences, engineering, pharmaceutical, and high technology electronics. This classification also includes ancillary activities and spaces for office and storage.*

- High technology electronics
- Ancillary activities
- Focus on process, activities, and goals of R&D
- Addition of pharmaceutical

## 2. Define **Laboratory**

*An establishment primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing, calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing*

### 3. Re-Classify **Pharmaceuticals**

#### Existing

- Undefined
- Standalone land use classification

#### Proposed

##### Pharmaceuticals Activities

Pharmaceutical  
Research

Pharmaceutical  
Production



R & D



Light  
Manufacturing

# Accompanying Recommendations

*\*Refer to Council*



# Review Permit Thresholds

Zoning District	R&D	Light Manufacturing
M	Prohibited	<20K - ZC
MM	< 20K - ZC 20K - 40K - AUP > 40K - AUP 	< 20K - ZC 20K - 40K - ZC > 40K - UP(PH) 
MU-LI	< 20K - ZC 20K - 40K - AUP > 40K - AUP	< 20K - ZC 20K - 30K - AUP > 30K - UP(PH)
MU-R	Prohibited	AUP if 5,000 or less; UP(PH) if more than 5,000

# Review **Protected Use** Regulations

*Macaulay Foundry (PC: Berkeleyside 2015)*



*Pacific Steel Casting (PC: Eastbay Express 2017)*



**Protected Uses:**  
-Manufacturing  
-Wholesale Trade

# Recommendations Summary

1. Modify the **R&D Definition**
2. Define **Laboratory**
3. Re-Classify **Pharmaceuticals**

## Other Considerations

1. Permit Thresholds
2. Protected Space Regulations

**Thanks!**

**Ancillary Use:** A use that is both dependent on and commonly associated with the principal permitted use of a lot and/or building and that does not result in different or greater impacts than the principal use.



# Defining R&D - other cities

City	R&D Definition
Richmond	<p>Refers to establishments primarily engaged in the research, development, and controlled production of <u>high-technology electronic</u>, industrial or scientific products or commodities for sale, but excludes uses which, in the opinion of the planning commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses which in the opinion of the commission threaten public safety. Typical uses include biotechnology firms. <u>[Ancillary office space is permitted.]</u></p>
San Leandro	<p>Establishments primarily engaged in the research, development, and controlled production of <u>high-technology electronic</u>, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Enforcement Official, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers. <u>[Accessory office space is permitted.]</u></p>

# Define Laboratory

Existing	Proposed
<b>No Definition</b>	<i>An establishment primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing, calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing.</i>