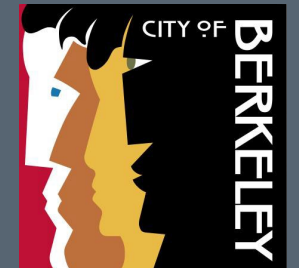


Keep Innovation in Berkeley

ZONING ORDINANCE AMENDMENTS

PLANNING COMMISSION PUBLIC HEARING
July 17, 2024



Background

City Council Referral

- Keep Innovation in Berkeley (2022)

Planning Commission

- May 1, 2024 Discussion

Actions Requested Tonight

1. Hold a public hearing

2. Make a recommendation to City Council on the proposed Ordinance amendments

KEEP INNOVATION IN BERKELEY

1. **Revise permit requirements for R&D**
2. **Add R&D to district purpose statements**
3. **Remove the regulation of BSL Class organisms**
4. **Revise parking requirements for R&D uses**
5. **Revise the definition of Laboratory**

1. Revise Permit Requirements for R&D (C-W, C-T, C-C, C-DMU, C-U and C-NS zoning districts)



	Current	Proposed
R&D Under 20,000 sq. ft.	AUP with findings	ZC
R&D 20,000 sq. ft. or over		AUP

2. Add R&D to District Purpose Statements

23.206.070(A) – Mixed Manufacturing (MM) District Purpose

3. Encourage development of a manufacturing district targeted to manufacturing and industrial uses including research and development, so that manufacturers and industrial businesses will not be interfered with by incompatible uses;

5. Provide an appropriate location for the development of compatible industries which can provide high quality employment for people at all educational levels, and add significantly to the tax base, such as the biotechnology industry and other research and development uses;

23.206.080(A) – Mixed Use-Light Industrial (MU-LI) District Purpose

7. Provide the opportunity for laboratory development and research and development facilities in appropriate locations;

3. Remove Regulation of BSL Class Organisms

23.206.080 – Mixed Use Light Industrial (MU-LI) District

5. Commercial Physical or Biological Laboratories. Commercial physical or biological laboratories using Class 3 organisms are not permitted the MU-LI district. Use of Class 2 organisms are permitted only in locations at least 500 feet from a Residential District or a MU-R district.

Name	Reference	Threshold-Applicability	Regulatory Agency
Air			
Organic Compounds-solvent cleaning operations	Regulation 8, rule 16	More than 20 gallons per year. for the purposes of this rule, a solvent cleaning operation	BAAQMD
Organic Compounds-Coating, Ink and Adhesive manufacturing	Regulation 8, rule 35	use of solvents and surface coatings. Needs to be less than 5tons of VOC from any so	BAAQMD
Carbon monoxide emissions	Reg 2, Rule 1-103	greater than 10lbs per day per source	BAAQMD
BAAQMD Annual Report/Data update	BAAQMD	Major facilities as defined (see description herein)	BAAQMD
Air Toxic Risk Screening Analyses	BAAQMD – Permit to operate	Permit to operate	BAAQMD
Asbestos - Asbestos Demolition, Renovation And Manufactu	BAAQMD Regulation 11 Hazardous Pollutant	demolition, renovation, milling and manufacturing of asbestos	BAAQMD
Greenhouse Gas (GHG) reporting program for semiconduct	17 CCR, §95324(a) Semiconductors - Emissi	owner and operators of semi-conductor plants	CARB
Mandatory Greenhouse Gas Reporting – Electronics Manufa	40 CFR, §98.90-109	The electronics manufacturing source category consists of any of the production proces	EPA
High Global Warming Refrigerant: Refrigerant Management I	Regulation for the Management of High Glob	more than 50lbs of high global warming potential refrigerants in stationary systems (not	CARB
Emergency back up generators	Regulation 9, rule 8: Inorganic Gaseous Pollu	more than 50 brake horsepower	BAAQMD , CUPA
New Source Review of Toxic Air Contaminants	Regulation 2, rule 5	new or modified source of toxic air contaminants as listed on the rule and above the trig	BAAQMD
Water			
Industrial Wastewater Discharge	Industrial Waste Discharge Permit Application	If any industrial waste is being discharged to the sanitary sewer (does not include non-in	City of Berkeley, EBMUD
Stormwater Pollution Prevention Plans (SWPPP)	NPDES General Permit No. CAS000001 issu	Industries in specified SIC codes (see reference link)	SWRCB
Spill Prevention, Control, and Countermeasure (SPCC)	40 CFR, Part 112	Required if a facility has an aggregate aboveground oil storage capacity greater than 13	EPA
Stormwater Control Best Practices	See reference link	All businesses are required to comply with best management practices to prevent the c	CUPA, City of Berkeley
Stormwater Permit			
Waste			
Hazardous Waste Generator	Title 22, Division 4.5, Chapter 11	facilities that generate hazardous waste as defined	EPA, CUPA, DTSC
Toxic Substances Control Act (TSCA)	15 U.S.C. §2601 et seq.	Facilities that intend to manufacture, import or export a listed chemical	EPA
Solid waste management plans (e.g., recycling program poli	Best Management Practices	any facility that generates municipal solid waste	-
Universal Waste Generator	22 CCR, Division 4.5, Chapter 23, §66273.3	facilities that generate universal waste as defined	CUPA, DTSC
Phase I/Phase II Environmental assessment			
Hazardous Waste Operations & Emergency Response	8CCR§ 5192	1) Scope: This section covers the following operations, unless the employer can demon	CUPA, CA DIR
Hazardous Materials			
Hazardous materials labeling	2019 CFC 5003.2 22 CCR §66262.31-.34 2	all hazardous materials per Fire code; Hazard Communication standard; Hazardous Mat	CUPA, City of Berkeley, Fire Dep
Flammable liquids and flammable gases	2019 CFC 5703.1.1 Classified Locations for	Flammable Liquids NFPA 55 NFPA 70, and NFPA 497	Fire Department
Hazardous Materials Storage Permits		for hazardous materials use and storage generally above 10 gallons (may vary based o	BTMD, CUPA
Hazardous Material Business Plan (HMBP): Hazardous Mate	HSC §25504(b) 22 CCR §66262.34(a)	hazardous materials storage (for greater than 30 days) of 55 gallons liquid or 500 pound	CUPA
Maximum allowable quantity per control area	Table 5003.1.1(1)	depends on chemicals and quantities	Fire Department
SARA Title III Toxic Chemical Release Inventory (TRI)	EPCRA, Section 313 Toxics Release Inventory (TRI) Program		EPA
Occupational Lead Poisoning Prevention Fee	Occupational Lead Poisoning Prevention Fee	employers with certain industries, had lead or lead containing materials present during ti	CDPH, BOE
Environmental Fee return	Environmental Fee Publication		CDTFA
Generator and Handling Fee	Environmental Fee Publication		CDTFA

3. Remove Regulation of BSL Class Organisms

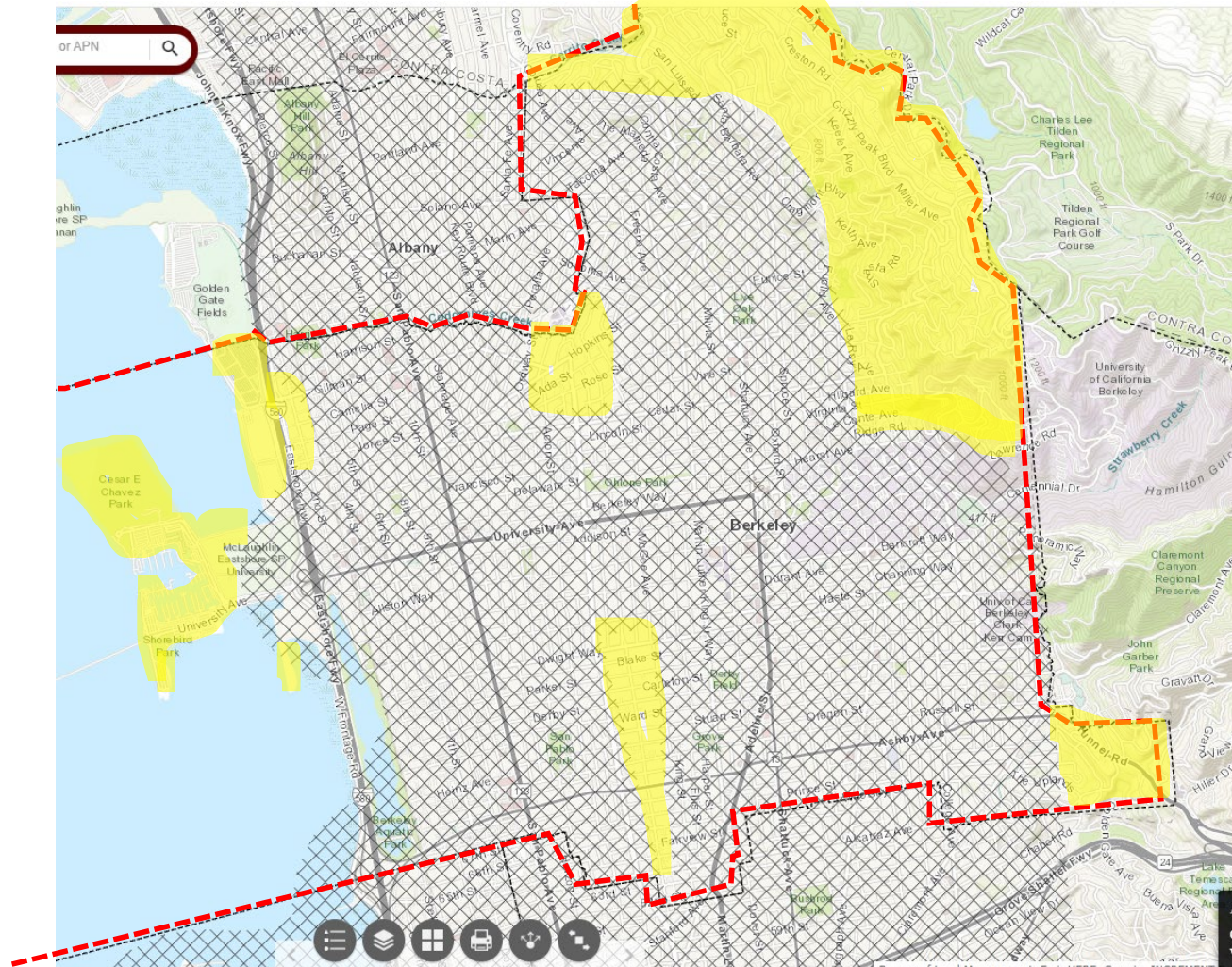
23.206.080 – Mixed Use Light Industrial (MU-LI) District

~~5. Commercial Physical or Biological Laboratories. Commercial physical or biological laboratories using Class 3 organisms are not permitted the MU-LI district. Use of Class 2 organisms are permitted only in locations at least 500 feet from a Residential District or a MU-R district.~~

4. Revise Parking Requirements for R&D Uses

	Current	Proposed
R&D Commercial District Requirements	2 spaces/1,000 sq. ft.	1 space/1,000 sq. ft.
R&D Manufacturing District Requirements	2 spaces/1,000 sq. ft.	1 space/1,000 sq. ft.

Note: No minimum parking requirements for most commercial uses located within 1/2 mile of public transit.



5. Revise Definition of Laboratory

(a) Commercial Physical or Biological Testing. A facility that provides controlled conditions in which scientific or technological testing research, experiments, and measurements may be performed.

Revised recommendation: Include direction to staff to resolve the definition issue for existing permitted businesses before forwarding this recommended revised definition to City Council.

Next Steps

1. Hold a public hearing

2. Make a recommendation to City Council on the proposed Ordinance amendments

C-W Designated Nodes 1-4



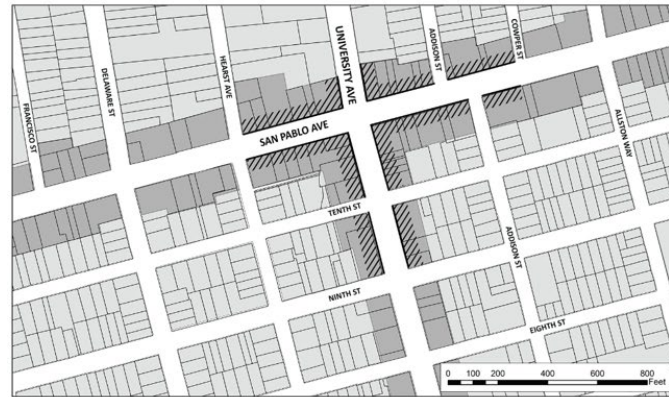
← N West Berkeley Commercial (C-W) Node 1: Gillman and San Pablo

Parcel boundaries as of December 1, 2021



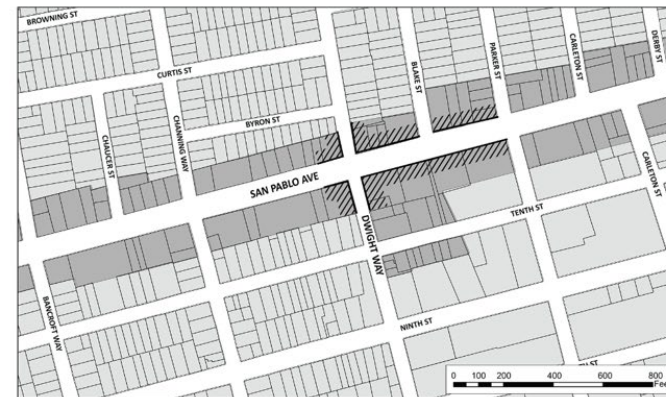
← N West Berkeley Commercial (C-W) Node 2: Cedar and San Pablo

Parcel boundaries as of December 1, 2021



← N West Berkeley Commercial (C-W) Node 3: University and San Pablo

Parcel boundaries as of December 1, 2021



← N West Berkeley Commercial (C-W) Node 4: Dwight and San Pablo

Parcel boundaries as of December 1, 2021

C-W Designated Nodes 5-6



← N
West Berkeley Commercial (C-W)
Node 5: Ashby and San Pablo
Parcel boundaries as of December 1, 2021



← N
West Berkeley Commercial (C-W)
Node 6: 4th Street and University
Parcel boundaries as of December 1, 2021