

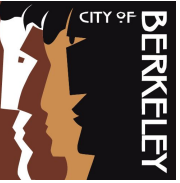


PUBLIC HEARING

Business Support Zoning Amendment Referrals:
**Research and Development (R&D)
Definition**

*Planning Commission Meeting
October 6, 2021*

Presentation Overview



- Background
 - Referral
 - Previous Meetings Recap
 - June 2 Definition
- Proposed Definition
- Next Steps

Background

Background March 2020 Referral – Amend R&D Definition

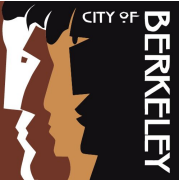
Existing Definition

A Research and Development facility is 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.

Referral Requests:

- Remove prohibition on office space
- Allow for technological research

Background R&D Referral Timeline



June 2 Proposed R&D Definition

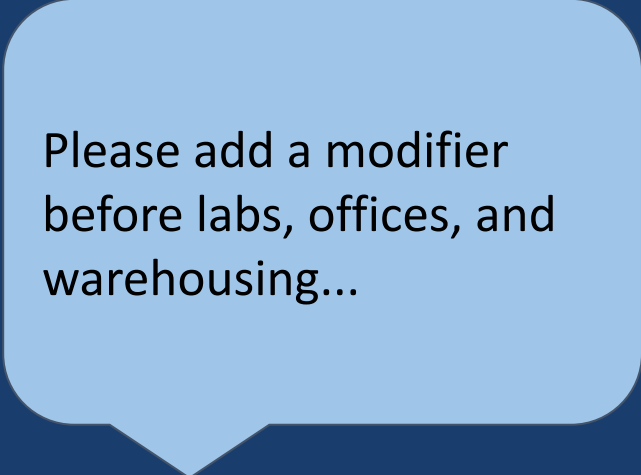
An establishment engaged in the following activities:

- *Industrial, biological or scientific research; and*
- *product or process design, development, prototyping and testing.*

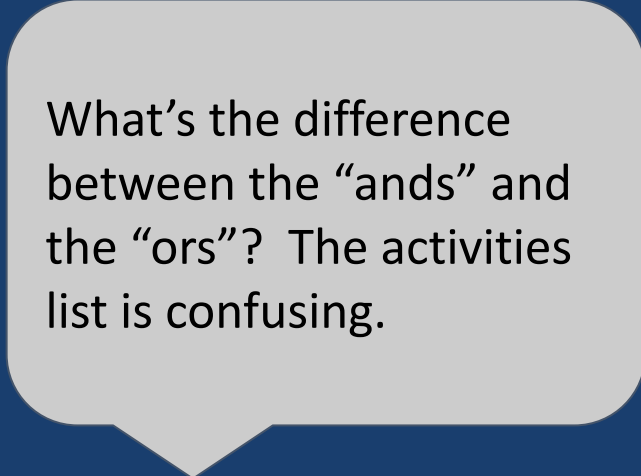
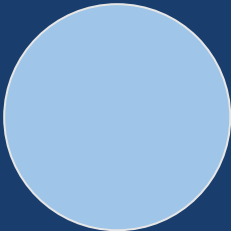
This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

- Defined activities required for R&D
- Removed prohibition on office
- Addressed concerns about software firms
- Maintained protected space provisions in the West Berkeley Plan

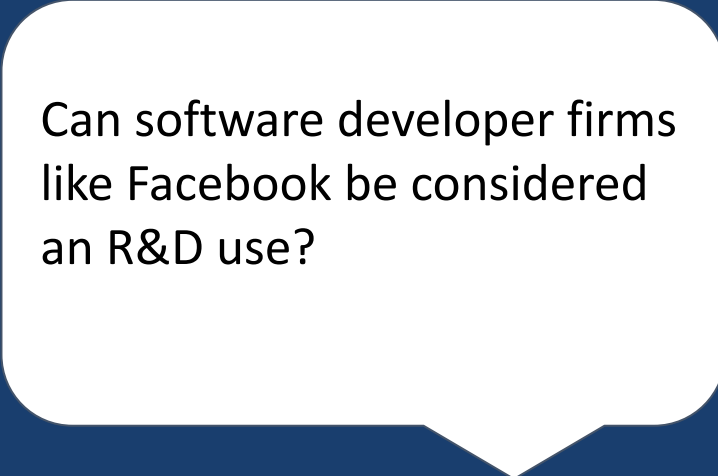
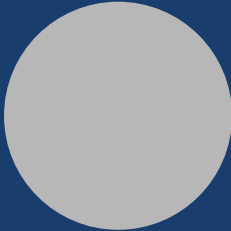
Planning Commission Comments




Please add a modifier before labs, offices, and warehousing...



What's the difference between the "ands" and the "ors"? The activities list is confusing.



Can software developer firms like Facebook be considered an R&D use?



Proposed Definition

Proposed R&D Definition

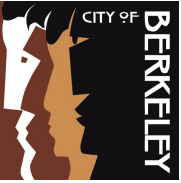
An establishment engaged in the following activities:

- *Industrial, biological, or scientific research*
- *Product or process*
 - *Design*
 - *Development*
 - *Prototyping and*
 - *Testing*

This may include ancillary uses, such as labs, offices, warehousing, and light manufacturing functions as part of the Research and Development use.

This classification does not include computer software development firms.

Proposed Definition Defines Activities Required for R&D



Existing

is engaged in one or more of the following activities



**R&D = research; or
product design; or
development and testing; or
limited manufacturing**

Proposed

is engaged in the following activities



**R&D = - research and
- design and
- development and
- prototyping and
- testing**

Proposed Definition: Allows Office as Ancillary Use



Existing Definition

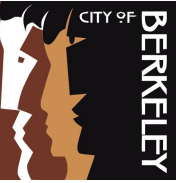
- Requires a laboratory
- Prohibits office space

Proposed Definition

- Allows for office space
- Names ancillary uses (i.e. offices, labs, warehousing, etc.)

Ancillary: 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.
(BMC23F.04.010)

Proposed Definition Addresses Concerns About Software Firms



Existing Definition

- Does not include “technological research” as an activity

Referral Request

- Lists “technological research” as an activity

Proposed Definition

- Does not include “technological research” as an activity
- Prohibits software development firms from being included in the land use classification

Proposed Definition Maintains Protected Space Regulations

The proposed definition does not change the following -

- **Where R&D can locate (MM and MULI)**
- **Types of Protected Space that can be converted to R&D (Warehousing, Wholesale Trade)**
- **Conversion Permit Thresholds**

Proposed R&D Definition Alternatives

Proposed Definition (staff report)	Alternative Definition
<p data-bbox="308 301 1059 391"><i>An establishment engaged in the following activities:</i></p> <ul data-bbox="430 465 1077 829" style="list-style-type: none"><li data-bbox="430 465 1077 555">● <i>Industrial, biological, or scientific research</i><li data-bbox="430 572 1077 829">● <i>Product or process</i><ul data-bbox="621 629 975 829" style="list-style-type: none"><li data-bbox="621 629 817 668">○ <i>Design</i><li data-bbox="621 682 932 721">○ <i>Development</i><li data-bbox="621 735 975 773">○ <i>Prototyping and</i><li data-bbox="621 788 817 826">○ <i>Testing</i> <p data-bbox="308 903 1116 1103"><i>This may include ancillary uses, such as labs, offices, warehousing, and light manufacturing functions as part of the Research and Development use.</i></p> <p data-bbox="308 1178 1105 1268"><i>This classification does not include computer software development firms.</i></p>	<p data-bbox="1383 301 2135 391"><i>An establishment engaged in the following activities:</i></p> <ul data-bbox="1505 465 2153 829" style="list-style-type: none"><li data-bbox="1505 465 2153 555">● <i>Industrial, biological, or scientific research; and</i><li data-bbox="1505 572 2153 829">● <i>Product or process</i><ul data-bbox="1696 629 2051 829" style="list-style-type: none"><li data-bbox="1696 629 1893 668">○ <i>Design;</i><li data-bbox="1696 682 2007 721">○ <i>Development;</i><li data-bbox="1696 735 2051 773">○ <i>Prototyping;and</i><li data-bbox="1696 788 1893 826">○ <i>Testing</i> <p data-bbox="1383 903 2191 1103"><i>This may include ancillary uses, such as labs, offices, warehousing, and light manufacturing functions as part of the Research and Development use.</i></p> <p data-bbox="1383 1178 2181 1268"><i>This classification does not include computer software development firms.</i></p>

- **Staff recommends that the Planning Commission**
 - Hold a public hearing
 - Take public testimony
 - Make a recommendation to City Council