Number	City Comment	Category	Type	Responsibility	Sheet	Responder Commentary
The following required items were missing from the application submittal, and must be submitted for application completeness, per the Zoning Project Submittal Requirements:						
1	Plans					
a	Project Information and Sheet Index (Sheet GP0.01.00) – Under the parking and loading summary, please remove notes for 716 Allston, which is not part of this application and has not yet been constructed. Also, please make sure code references are to BMC Chapter 23E.80.	Application	Incomplete Item	SOM	GP0.01.00	See update sheet GP0.01.00 for parking and loading summary and BMC code references.
b	703 Bancroft Way Proposed Modifications (Sheet GP0.02.02) – As the project is not a technical demolition but would remove between 25% and 49% of the buildings exterior wall and between 25% and 49% of the roof framing, per Submittal Requirement 3.E, please submit a report by an independent, fully credentialed structural engineer that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible.	Application	Incomplete Item	SOM / LCC	G0.02.02	Retaining a portion of 703 Bancroft Way was part of the initial design for theLab in West Berkeley. However, after receiving input from multiple city departments on the current design, making the structure comply with current safety codes has a negative impact on the structure's historic character. The following challenges have led us to come to the conclusion that the project would benefit from removing this structure. Removing the structure improves the parking tree canopy coverage, increases building safety, and benefits the views and interior environment of the new 787 Bancroft building.
c	Overall Site Plan (Sheet CP5.00) – The blue line indicating Phase III includes Tenant 4, which is not in the scope of work for this application.	Application	Incomplete Item	WM	CP5.00	See updated sheet CP5.00 for revised Phase III scope boundary.
	The landscape plans do not have a utility component. Provide an overlay of the landscape plan with the existing and proposed utilities, including an outline of any awnings proposed. It doesn't appear that trees are proposed on Bancroft Way, although in previous discussions there has been a request for Acer rubrum 'October Glory' Red Maple in 3.5x6 tree wells on Bancroft. Please follow up directly with the consulting arborist, Darya Barar at dbarar@bartlett.com to clarify any questions as you address these comments.	Application	Incomplete Item	SOM/Rhoades		If it's agreeable to the city, rather than removing the gas line, we propose 3 additional trees along Bancroft at the west end of the parcel. On the east side of the parcel, where the gas line is below the sidewalk, a planter runs along the base of the building along the sidewalk that will provide greenery along the public right of way. In the interim, due to the request by the consulting arborist, the project's utility consultant and contractor are currently working with PG&E to determine the feasibiilty and impacts of capping/relocating the gas line.
1	Traffic Demand Management Plan					
1a	As implementation of the TDM Plan will be a condition of approval, please demonstrate on the plans how the TDM plan would be implemented, including: i. Location of shuttle drop-off and pick-up zone. ii. Location of showers and personal lockers, and the number of employees that could be accommodated. iii. Location of bicycle repair station. iv. Provide a note for the TransitScreen in the lobby. v. Potential BayWheels bikeshare station. vi. Location of two car share vehicles and 10 spaces for preferential carpool parking spaces.	Application	Incomplete Item	Rhoades Planning Group / Steelwave	N/A	See updated sheet AP2.01.00 for the location of these items as well as updated TDM, dated 12/22/21. The two car share spaces have been removed.
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.						
City Comments Letter File Location						
https://drive.google.com/drive/u/0/folders/1AxDbLr_IyOUtGYIAQFZiudtMyQY0RCj4						

Number	City Comment	Category	Type	Responsibility	Sheet	Responder Commentary
1	Planning					
a	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 LPC Secretary will provide notice when the demolition referral is scheduled for review by the LPC.	Planning	Advisory	RPG	N/A	Noted. The project has been revised to remove the structure located at 703 Bancroft Way. The project will include the demolition of six non-residential buildings. Planning and EIR consultant were advised of this on 12/1/21.
b	In support of implementation of the TDM plan, consider providing additional bicycle parking spaces above the minimum required by the Zoning Ordinance.	Planning	Advisory	SOM / F&P	N/A	The revised design includes 88 total bike spaces, (20) short term and (68) long term. We have exceeded the minimum requirement by 8 total spaces. Please refer to sheet GP0.01.00 for details.
c	The shaded parking coverage plan (Sheet LP5.03.00) shows that 13 percent of the outdoor parking area would be shaded, well below the Citywide Design Guideline of 50 percent. This project requires a total of 274 off-street parking spaces and proposes to locate 97 spaces on-site in a surface parking lot and 177 spaces in the garage at 2213 Fourth Street. However, the total capacity of the parking garage at 2213 Fourth is 415 spaces. Accounting for the need to provide the required parking for buildings in Phase I, the garage could accommodate all of the required parking for this project with excess capacity. Further, implementation of the TDM plan is expected to reduce parking demand by eight to fifteen percent. Therefore, consider eliminating the surface parking lot and instead provide a green open space in support of the City of Berkeley Climate Action Plan Goal to increase urban green and open space. This green open space could be an amenity for the approximately 350 employees during work hours, and could complement the proposed outdoor events outside of work hours as part of the re-purposing of 703 Bancroft Way. City of Berkeley Climate Action Plan: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Berkeley%20Climate%20Action%20Plan.pdf	Planning	Advisory	SOM	N/A	At least 55 surface parking lot spaces behind 787 are necssary for meeting the BMC parking requirements for this building.The additional spaces are necessary to reduce VMT and reduce stress on existing parking supply for the neighborhood. Since 703 Bancroft has been removed from the project, better circulation for the fire department, as well as additional tree shading in the parking lot have been provided. The revised parking design maximizes the number of trees and increases the shading percentage to 23.5%. For more information about parking supply and analysis please refer to the TIA.
2	Department Comments					
a	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.	Other	Advisory	N/A	N/A	Noted.
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.						
City Comments Letter File Location						
https://drive.google.com/drive/u/0/folders/1B4i42Wfl6mGq5ty2cwcxH6H4qwt7CdEA						

Number	City Comment	Category	Type	Responsibility	Sheet	Responder Commentary
1	Transportation					
	Trip Generation 1. Footnote 11 states West Berkeley has a 75% auto mode share for workers but Table 3.O uses 81% mode share, this should be clarified.	Round Table	Traffic	F&P	N/A	1. Text on pg. 29 and footnote 11 has been updated to state an 81% automobile mode share for workers in West Berkeley.
	Bicycle Facilities 1. Channing Way does not have Class II facilities west of Shattuck Ave 2. Include discussion on Project's proposed bike parking (short and long term) and City's bike parking requirements	Round Table	Traffic	F&P	N/A	1. Wording on pp. 22 and 51 has been updated to clarify that Channing Way is a bicycle boulevard in the project vicinity. 2. See Section 6.7.2 of the TIA for a discussion of short and long term bicycle parking. Note that the City Code does not have separate requirements for short and long term bicycle parking. Therefore, the project is using the guidance provided in Appendix F of the Bicycle Plan
	Pedestrian Facilities 1. "The proposed Project would also include an uncontrolled midblock mark crosswalk" it is required that the Project install an RRFB at the midblock crossing location. Crossing should also be raised, and if bulbout/sidewalk extensions are proposed on either side then a discussion on eliminated street parking should be provided in addition to lane width dimensions on the plans.	Round Table	Traffic	F&P / WM / SOM	N/A	1. An RRFB was considered but is not recommended based on FHWA guidance for safety treatments at uncontrolled midblock crosswalks, which does not recommend an RRFB at this location due to the short crossing distance and relatively low traffic volumes and speeds. A discussion of RRFB has been added to the discussion of safety treatments on pg 52. Our understanding is that City of Berkeley does not use raised crosswalks. Since based on FHWA guidance, raised crosswalk is a candidate treatment, we have updated the report to state that a raised crosswalk can be provided at this location pending City approval. A discussion of lane widths and eliminated on-street parking as a result of the curb extensions has been added to pg. 52.
	VMT Screening 1. Provide discussion on Project's proposed vehicle parking and City's parking requirements 2. Addison is only a Class III bike route west of 4th St	Round Table	Traffic	F&P	N/A	1. Added a footnote on pg. 36 that the project provides more automobile parking than is required by code 2. Added text on pg. 51 specifying that Addison Street is currently a Class III west of 4th St.
2	On-site vehicle circulation					
	Proposed 787 Bancroft Way Surface Parking Lot (West Block) 1. Revise the proposed parallel truck parking spaces at the 787 surface lot, these spaces provide ingress/egress concerns with a 15' drive aisle when spaces are occupied and do not meet the City's required 24' minimum drive aisles 2. Proposed spaces are 12'x25' though it is stated an SU-30 would be used for deliveries 3. 35' distance between 787 Bancroft driveway can accommodate an SU-30 queueing to turn into the site, the Project should confirm that larger trucks WB-40 or 50 will not be travelling eastbound on Bancroft to enter the site 4. Provide truck turning maneuvers for all loading movements 5. "would narrow to 17.5 at pinch points" is not allowed. Surface lot must provide 24' minimum width aisles at all times	Round Table	Traffic	N/A	N/A	1. The loading spaces on the surface lot have been reconfigured to maintain a 24' clear dimension in the drive aisle. See AP2.01.00 for new layout. 2. Allowable truck size has been changed to a DL-23 for loading spaces on the West side of the site in the parking lot. Larger spaces that can support an SU-30 have been placed adjacent to the loading dock. 3. Trucks larger than SU-30 will not be entering the site. Trucks will enter the site via Boliver Way, which does not allow commercial vehicles 4. Figure 13 in the TIA has been updated based on the new layout. 5. Pinch points in drive aisle have been eliminated. See AP2.01.00 for new layout.
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.						
City Comments Letter File Location						
https://drive.google.com/drive/u/0/folders/1B4i42Wfl6mGq5ty2cwcxH6H4qwt7CdEA						

Number	City Comment	Category	Type	Responsibility	Sheet	Responder Commentary
	Public Works (787 Bancroft)					
1	The demolition of existing structures requires the completion of the PCBs Screening Assessment Form for each demolished building. This form and any required PCB testing are required prior to issuance of the demolition permit. This form is available via the link: https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/PCBs%20Screening%20Assessment%20Form.pdf OR on city's website at https://www.cityofberkeley.info/Online_Service_Center/Home/Forms.aspx under the heading "Stormwater Requirements".	Round Table	Pubic Works	SW/Lusardi	N/A	Noted. PCB surveys will be provided prior to building permit issuance
2	For building demolition and lateral abandonment: When a building is to be demolished and the existing lateral is not to be re-used, the lateral sewer shall be dug and exposed where it enters the main. a. If the lateral enters the main by means of a factory manufactured wye or tee branch, and if the main and wye or tee branch are all in good, undamaged condition, the lateral shall be disconnected and the branch shall be plugged with an expandable neoprene rubber plug at the main. The branch plug shall be shall be enclosed with a minimum thickness of 6 inches of 6 sack, ¾" size aggregate. Portland cement concrete. b. The wye branch with rubber plug must be inspected and approved by an Engineering Inspector prior to enclosure with concrete and backfill of the trench. c. If the lateral enters the main by any method other than by a factory wye or tee branch, or if the existing main, wye or tee branch is damaged in any way, the section of main containing the lateral entry opening shall be removed and replaced with a new section of pipe of the same diameter as the existing main. An Engineering Inspector must inspect the new main section before backfill. d. The abandoned lateral pipe shall be filled with sand and jetted to prevent the pipe from becoming a home for rodents or other disease vectors.	Round Table	Pubic Works	WM/Lusardi	N/A	Noted. Civil engineer will identify any unused sewer lateral found on the survey and show on construction ducments as was done with Phase 1. Contractor will need to perform field diagnostics/remedies specified here.
3	If the proposed structures will straddle existing parcel lines a lot line adjustment or lot merger is required. See attached submittal requirement checklist, application and tabulation form.	Round Table	Pubic Works	WM	N/A	Noted. A Lot Line Adjustment Application is in process and will be submitted accordingly.
4	Prior to Building Permit approval applicant shall provide sewer capacity analysis confirming project demand does not exceed system capacity. The analysis should include upstream flow data which the city can provide. If demand exceeds capacity of the sewer main applicant will need to upgrade the sanitary sewer main. The sewer analysis must be approved by Public Works Sewer Division prior to issuance of the building permit.	Round Table	Pubic Works	MEP/WM	N/A	Noted. Civil engineer will provide the calculations, coordinate with Public Works and prepare the analysis during the construction documents phase.
5	This project will be required to pay a sewer connection fee. The fee is based on the number of drainage fixture units (DFUs) per Table 702.1 of the California Plumbing Code. The sewer connection fee is based on the net increase in DFUs (DFUs from new building minus DFUs from demolished building) and must be paid prior to issuance of the building permit.	Round Table	Pubic Works	SW	N/A	Noted
6	Sheet AP2.01.00 shows there are doors swinging out into the public right-of-way of Bancroft Way. Doors should not open out into the public right-of-way. Please revise design.	Round Table	Pubic Works	SOM	AP2.01.00	See updated sheet AP2.01.00 for revised door swing
7	An Operation & Maintenance Agreement for the proposed stormwater treatment measures will be required prior to issuance of the building permit. This form must be finalized, signed, and recorded at the County Recorder's Office. The agreement is available via the following link: O & M Agreement for Stormwater Treatment. If you do not the templates for Exhibits B and C contact Vincent Chen for the documents.	Round Table	Pubic Works	WM	N/A	Noted. Will be provided and recorded prior to building permit issuance.
8	A 2" asphalt overlay to the centerline of the street along project frontage may be required due to street trenching and construction wear and tear	Round Table	Pubic Works	WM	N/A	Noted
9	New curb, gutter, sidewalk are required along both project frontages. Sidewalk along Bancroft Way and Fourth Street shall have a minimum path-of-travel width of 6 feet.	Round Table	Pubic Works	WM	N/A	A 6' minimum path of travel is provided on the plan.
10	Utility connections to new buildings must be undergrounded. There shall be no overhead connections to new buildings. Utility work in the public right-of-way requires a separate utility permit from Public Works Engineering Division.	Round Table	Pubic Works	Lighthouse	N/A	Noted and in compliance.
	Public Works (2213 Fourth St.)					
1	The demolition of existing structures requires the completion of the PCBs Screening Assessment Form for each demolished building. This form and any required PCB testing are required prior to issuance of the demolition permit. This form is available via the link: https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/PCBs%20Screening%20Assessment%20Form.pdf OR on city's website at https://www.cityofberkeley.info/Online_Service_Center/Home/Forms.aspx under the heading "Stormwater Requirements".	Round Table	Pubic Works	SW/Lusardi	N/A	Noted. PCB surveys will be provided prior to demolition permit issuance.
2	For building demolition and lateral abandonment: When a building is to be demolished and the existing lateral is not to be re-used, the lateral sewer shall be dug and exposed where it enters the main. a. If the lateral enters the main by means of a factory manufactured wye or tee branch, and if the main and wye or tee branch are all in good, undamaged condition, the lateral shall be disconnected and the branch shall be plugged with an expandable neoprene rubber plug at the main. The branch plug shall be shall be enclosed with a minimum thickness of 6 inches of 6 sack, ¾" size aggregate. Portland cement concrete. b. The wye branch with rubber plug must be inspected and approved by an Engineering Inspector prior to enclosure with concrete and backfill of the trench. c. If the lateral enters the main by any method other than by a factory wye or tee branch, or if the existing main, wye or tee branch is damaged in any way, the section of main containing the lateral entry opening shall be removed and replaced with a new section of pipe of the same diameter as the existing main. An Engineering Inspector must inspect the new main section before backfill. d. The abandoned lateral pipe shall be filled with sand and jetted to prevent the pipe from becoming a home for rodents or other disease vectors.	Round Table	Pubic Works	WM/Lusardi	N/A	Noted. Civil engineer will identify any unused sewer lateral found on the survey and show on construction ducments as was done with Phase 1. Contractor will need to perform field diagnostics/remedies specified here.
3	If the proposed structure will straddle existing parcel lines a lot line adjustment or lot merger is required. See attached submittal requirement checklist, application and tabulation form.	Round Table	Pubic Works	WM	N/A	A lot merger has already been prepared and submitted to the city
4	An Operation & Maintenance Agreement for the proposed stormwater treatment measures will be required prior to issuance of the building permit. This form must be finalized, signed, and recorded at the County Recorder's Office. The agreement is available via the following link: O & M Agreement for Stormwater Treatment. If you do not the templates for Exhibits B and C contact Vincent Chen for the documents.	Round Table	Pubic Works	WM	N/A	Noted. Will be provided and recorded prior to building permit issuance.
5	A 2" asphalt overlay to the centerline of the street along project frontage may be required due to street trenching and construction wear and tear.	Round Table	Pubic Works	WM	N/A	Noted
6	New curb, gutter, sidewalk are required along both project frontages. Sidewalk along both frontages shall have a minimum path-of-travel width of 6 feet.	Round Table	Pubic Works	WM	N/A	A 6' minimum path of travel is provided on the plan.
7	Utility connections to new buildings must be undergrounded. There shall be no overhead connections to new buildings. Utility work in the public right-of-way requires a separate utility permit from Public Works Engineering Division.	Round Table	Pubic Works	Lighthouse	N/A	Noted and in compliance.
	Office of Economic Development					
1	Consider including restrooms in the parking garage.	Round Table - Advisory	Office of Economic Development	SW/Rhoades	N/A	The parking garage will be a private garage primarily serving tenants of 787 Bancroft Way as well as the buildings that are part of Phase I and II of the larger development project. There will be restrooms, including showers, for tenants located in the 787 Bancroft Way building which is located adjacent to the parking garage.
2	Our office and the Special Events Coordinator has received requests to hold special events on the roof top of the Center Street Garage and based on our research, this is a growing trend. The applicants may want to consider including the necessary requirements and permits to be able to hold private or public events on the roof like the photos show below. It may require roof top sprinklers and enough exists to accommodate more than 49 people and Building and Fire can confirm. This would allow the garage to have more than a singular vehicular use as well as usage after work hours and on the weekends instead if sitting empty.	Round Table - Advisory	Office of Economic Development	SW / RPG	N/A	The parking garage will be a private garage. For many reasons, including liabilty, insurance, and financing, it is not feasible to hold public or private functions in the proposed parking garage. The top level of the parking garage will be equiped with the project's solar PV array which will preclude events from being held there, but will futher the City's Climate Action Plan goals.
	Toxics Mangement Division					
1	**Site Clearance** As a condition of approval, the applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC) or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.	Round Table	TMD	SW	N/A	Noted. Environmental Screening clearance will be provided prior to building permit issuance.

Number	City Comment	Category	Type	Responsibility	Sheet	Responder Commentary
2	**Soil and Groundwater Management Plan** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit. The SGMP shall comply with the hazardous materials and waste management standards required by Berkeley Municipal Code Section (BMC) 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following: 1. procedures for soil and groundwater management including identification of pollutants and disposal methods; 2. procedures to manage odors, dust and other potential nuisance conditions expected during development; 3. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and 4. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints. TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.	Round Table	TMD	SW	N/A	Noted. Soil and Groundwater Management Plan will be provided prior to building permit issuance.
3	**Subsurface Structures, Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts** If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Toxics Management Division (TMD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report is required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each: a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, permit for the removal, and follow-up report is required. b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required. c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.	Round Table	TMD	SW	N/A	Noted.
4	**Building Materials Survey and Hazardous Waste Management Plan** A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals. 1. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. 2. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestosrelated work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.) 3. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq. 4. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.	Round Table	TMD	SW	N/A	Noted. Building Materials Survey and Hazardous Waste Management plan will be provided 30 days prior to the completion of demolition.
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.						
City Comments Letter File Location						
https://drive.google.com/drive/u/0/folders/1B4i42Wfl6mGq5ty2cwcxH6H4qwt7CdEA						

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 787 Bancroft Way, Berkeley, CA 94710 Date: 12/22/21

Applicant's Name: Matt Jefferies / Skidmore, Owings, & Merrill LLP

Zoning District: Mixed Use-Light Industrial

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

		Existing	Proposed	Permitted/ Required[1]
Units, Parking Spaces & Bedrooms				
Number of Dwelling Units	(#)	N/A	N/A	N/A
Number of Parking Spaces	(#)	0	294 (75 - lot, 219 - garage)	274
Number of Bedrooms (R-1, R-1A, R-2, R-2A, and R-3 only)	(#)	N/A	N/A	N/A
Yards and Height				
Front Yard Setback	(Feet)	0	0	0
Side Yard Setbacks: (facing property)	Left: (Feet)	0	21'-10"	0
	Right: (Feet)	0		0
Rear Yard Setback	(Feet)	0	33'-8"	0
Building Height*	(# Stories)	1	3	3
Average*	(Feet)	32	45	45
Maximum*	(Feet)	35	45	45
Areas				
Lot Area	(Square-Feet)	43713	96966	96966
Gross Floor Area* Total Area Covered by All Floors	(Square-Feet)	43713	159143	193932
Building Footprint* Total of All Structures	(Square-Feet)	43713	56310	N/A
Lot Coverage* Residential only (Building Footprint/Lot Area)	(%)	N/A	96966	96966
Useable Open Space*	(Square-Feet)	0	6363	0
Floor Area Ratio* Non-Residential only	(Except ES-R)	0.89	1.64	2.0

*See Definitions – Zoning Ordinance Title 23F.

Revised: 11/19

[1] See development standards for your Zoning District, per the Berkeley Municipal Code, Sub-Titles 23D and 23E

theLab
Phase III: West Block
Revised Applicant Statement
December 21, 2021

OVERVIEW

This applicant statement supports redevelopment of the west block of "theLab" campus, Phase III of a three-phase redevelopment project in West Berkeley. As the largest building within theLab, 787 Bancroft will contribute to the creation of a new hub of light manufacturing and research and development (R&D) uses in the neighborhood.

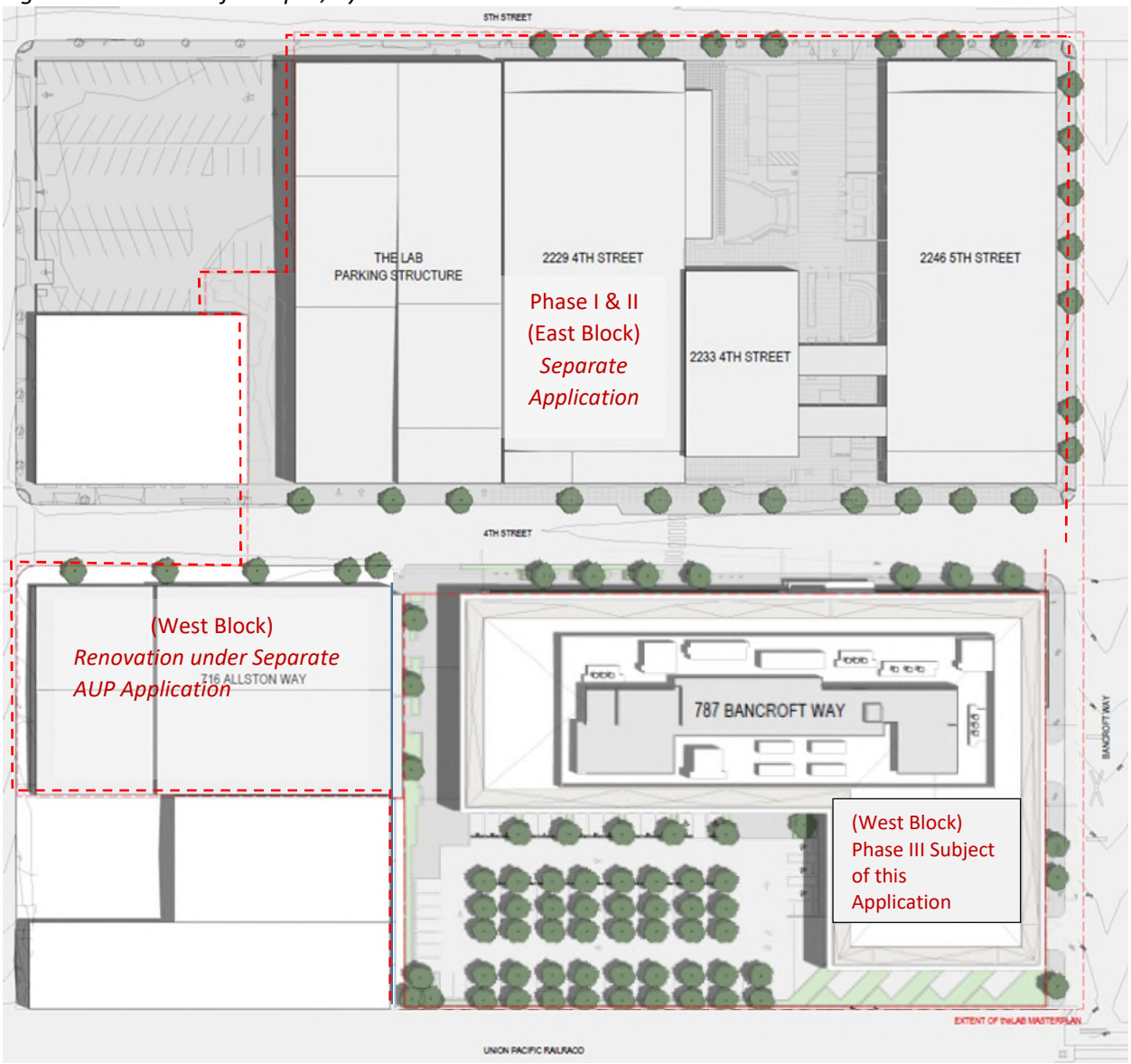
This project, and the previously-submitted Phase I and Phase II on the east block, will be tied together through landscaping, open space, and improvements to the public realm to create a new employment center in a campus-like environment along Fourth Street. A combination of increased open space, new construction, and enhancements to the public realm will improve the environment and support the development of businesses in the surrounding neighborhood.

The three-phase project will redevelop the majority of the two blocks bounded by the Union Pacific Railroad (UPRR) tracks to the west, Allston Way to the north, Fifth Street to the east, and Bancroft Way to the south. Table 1 summarizes the proposals and status of each project phase. Phase III is the subject of this application, Phases I and II are separate applications. These areas are illustrated in Figure 1.

Table 1: Proposed Phases of theLab

Phase	*Proposal*	*Status*
Phase I & II (East Block)	• Tenant improvements (no use permits required) • Demolition of 4 Structures in the East Block • Construction of 415-stall parking garage	Permit Under Review ***Not further discussed in this application***
Phase III (West Block)	• Demolition of six small buildings in the West Block • Construction of 787 Bancroft: 3-story/159,143 sq. ft. light manufacturing and R&D space	Proposed Herein ***Subject of this application***

Figure 1: Overview of Campus, by Phase



Proposed 787 Bancroft Project

787 Bancroft would consist of 159,143 sq. ft. of light manufacturing and research & development space. The 3-story building would have frontages along Fourth Street and Bancroft Way. Parking is accommodated on-site in a surface lot and off-site, across the street, in the parking garage proposed as part of Phase II.

The building's L-shaped configuration and long horizontal proportions maintain the form and character of the surrounding blocks. With two major frontages, the building retains the street

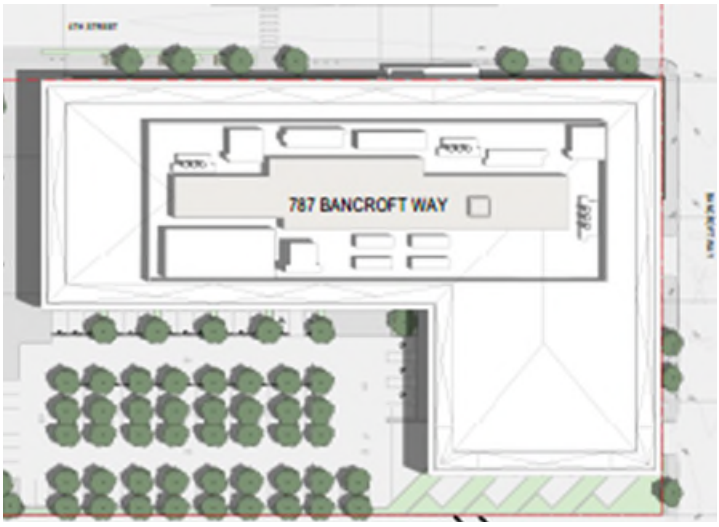
walls on both Fourth Street and Bancroft Way while allowing for a generous public open space to the north of the building and public improvements along Fourth Street.

Under existing conditions there are limited setbacks between buildings, pedestrian movement is constrained, and there is limited pervious area and planting. The form and materiality of the building recall the simplicity and honesty of the industrial buildings in the neighborhood while making the block more welcoming and the pedestrian experience more enjoyable. A combination of concrete panels, wood soffits, glass, and metal trim complement the industrial character of the district, while providing some added warmth to the evolving neighborhood and its more pedestrian and bicycle orientation.

The ground floor is slightly recessed to increase the sidewalk width for pedestrian movement and additional planting and seating. The recessed ground level gives the building the same strong horizontal proportions as the previous building, despite being one story taller. The entry and address sign are near the midpoint of the Fourth Street façade, breaking up the long mass on the ground floor. The entry is aligned with a new open space across the street that ties all of the buildings of theLab into a singular campus-like work environment.

The project is pursuing an all-electric design, consistent with the City's requirements, and per allowances in CEnC section 110.10(b)1B ("the solar zone shall be located on the roof or overhang of the building…located within 250 feet of the budling or on covered parking installed with the building project and have a total area no less that 15 percent of the total roof area of the building excluding and skylight area.") the project will meet the photovoltaic requirement by installing solar panels on the top level of the parking garage, located at 2213 Fourth Street which is within 250 feet of the 787 Bancroft Way building. . The proposed project will not include any natural gas infrastructure in compliance with BMC Chapter 12.80. The proposed project is designed to comply withthe Berkeley Energy Code (BMC Chapter 19.36) and the Berkeley Green Code (BMC Chapter 19.37), including solar PV, electric vehicle charging, and low-carbon concrete requirements.

Proposed Removal of 703 Bancroft Way



- The original proposal for the 703 Bancroft structure, as described in the previous Applicant Statement, was to attempt to maintain the structure on the site and use it as a canopy over surface parking. After extensive study and comments received from the City's Building & Safety Division as well as the Berkeley Fire Department, it is no longer feasible to keep the 703 Bancroft Structure on site. Comments received at the staff interdepartmental roundtable meeting, after the submittal of the Use Permit application, as well as at a subsequent meeting with staff from both Building and Safety and the Berkeley Fire Department, resulted in the following issues that impacted the feasibility of maintaining the building on site: Adjacency of 703 Bancroft to the internal North and West property lines would require fire rated walls at the building openings. This would negatively impact maintaining the historic character of the building by blocking views into the structure.

- The placement of the 703 Bancroft building and its proximity to the proposed 787 Bancroft building would create challenging conditions for fire truck access & would mandate fire rated walls on levels 1-3 of the West façade of the 787 Bancroft building, minimalizing glazing and the architectural character of the new building.
- The 703 Bancroft building would not be counted towards shade canopy in the surface parking lot. Removal would allow for the addition of 20+ trees to the surface parking lot, reducing the heat island effect and furthering the City's Climate Action Plan goals.

Site Access and Parking

The pedestrian entrances to the site are located off Fourth Street. Vehicular access to the site is provided on Bancroft Way. This entry location reduces the curb cuts along Fourth Street to enhance the pedestrian experience and connectivity between buildings on either side of the street. A surface parking lot, with 75 spaces, is located on the interior of the parcel with access off of Bancroft Way.

Parking spaces to meet demand from the floor area proposed under this application will be provided in two locations: the 75-space surface lot described in the preceding paragraph and in a 415-space parking garage across Fourth Street (east block, under previous Phase II application) that serves the entire development.[1] This adjacent parcel is under the same ownership as the subject parcel and within 300 feet of the project site; as such, this off-site parking is permitted by right under BMC 23E.28.030.A. The MU-LI parking requirements per BMC Section 23E.80.080 will be met for each project phase, as summarized in Table 2.

Table 2: Summary of Proposed Parking, by Phase

Phase	*Floor Area*[3]	*Parking Ratios (BMC 23E.80.080)*	*Parking, by Use*	
			Required	*Provided*
I & II (East Block)[1]	74,812	Manufacturing: 1 sp./1,000 sf (<10,000 sf); 1 space/1,500 sq. ft. (10,000+ sf) R&D: 2 sp./1,000 sf	63	147
III (West Block) [3]	159,143		274	294
Total	233,955		337	441

[1] For informational purposes; not part of this application.
[3] Includes gross floor area for R&D and Light Manufacturing uses.

Project Benefits

The project includes the following benefits to the West Berkeley community and the City of Berkeley:

- Public Improvements: A mid-block crosswalk improves walkability close to the Fourth Street retail corridor. A new public parklet and street trees provide opportunities for shade and public open space along Fourth Street. Extensive and coordinated streetscape improvements along both sides of Fourth Street, and on Bancroft Way. This will extend pedestrian improvements to the UPRR tracks which will connect with new pedestrian sidewalk access being built by the Berkeley Commons/600 Addison Street project. This will enable pedestrians to walk on the north side of Bancroft Way all the way to the Aquatic Park, which is not currently possible.

- Public Art: The project proposes to pay a fee in-lieu of $164,905 to meet the Public Art Program requirement. The project sponsor typically locates additional public art on its project sites.
- Green Building: Photovoltaic solar panels on the top level of the parking garage located at 2213 Fourth Street, meeting the Berkeley REACH Code requirement for PV on 15% of the equivalent rooftop area of the new 787 Bancroft building , secure bike parking room (and showers) located on the ground floor of 787 Bancroft, and minimum of LEED Silver or equivalent.
- Water Quality and Stormwater: Bioretention systems will slow and clean stormwater replacing the existing impervious lot which does not manage or clean stormwater before it enters the Aquatic Park lagoon and San Francisco Bay. Drought-tolerant landscape plantings reduce water use and helps to sequester carbon.
- Job Opportunities: Job opportunities at a range of qualification levels as part of the light manufacturing and research & development campus, and short-term jobs during construction.
- Affordable Housing, Childcare, and City Revenues: The project would contribute over $1.2 million to the Berkeley Unified School District and the City of Berkeley in the Affordable Housing Trust Fund and Child Care Mitigation Fees.

SITE CONTEXT AND ZONING CONFORMANCE

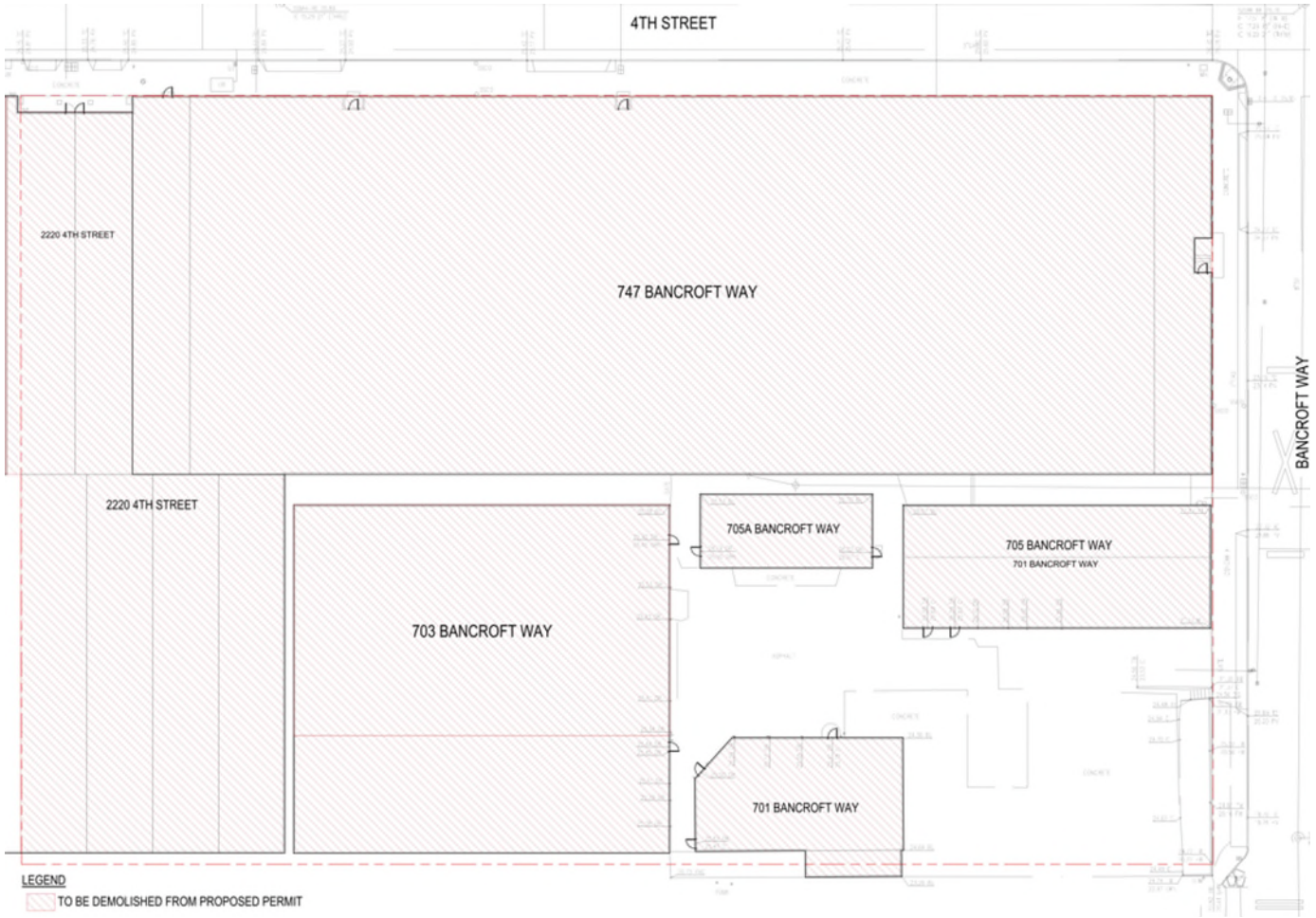
The project site is located in West Berkeley and is surrounded by the UPRR tracks to the west, Fourth Street to the east, and Bancroft Way to the south. The 96,966-sq. ft. parcel is designated as Manufacturing (M) in the General Plan and Mixed Use Light Industrial (MU-LI) in the Zoning Ordinance and the West Berkeley Area Plan. The site is surrounded by manufacturing and warehouse uses.

The project site is composed of three separate parcels which will be realigned to create two parcels through a lot line adjustment. The parcel is currently occupied by surface parking and six buildings, six of which are proposed to be demolished as part of this application, as shown in Table 3 and Figure 2.

Table 3: Proposal for Existing Buildings on Subject Property

Building Address	*Status*
747 Bancroft Way	Demolish
2220 4th Street	Demolish
701 Bancroft Way	Demolish
705 Bancroft Way	Demolish
705A Bancroft Way	Demolish
703 Bancroft Way	Demolish

Figure 2: Demolition Plan



Buildings Proposed for Demolition

The buildings proposed for demolition have come to the end of their useful life and cannot be repurposed for the type of R&D and light manufacturing expected at the project site. The demolition of buildings at 2220 4th Street, 747, 701, 703, 705 and 705 A Bancroft Way will allow for construction of the proposed new 787 Bancroft building and its related improvements and surface parking lot.

Protected Uses

Both the project site and the full extent of the three-phase project, include uses that are classified as "protected" under BMC Section 23E.80. This includes existing uses devoted to warehouse, light manufacturing, warehouse-based retail, which are required to be replaced on a 1:1 or lower basis depending on the proposed new use.

The project team has worked with City staff to determine the requirements for protected uses across the entire three-phase project. Upon completion of both phases, the project will replace all required protected uses on-site. As shown, this includes a total of 112,274. ft. of proposed protected uses across both phases. This includes protected use area proposed as part of this Phase III application: 33,347 sq. ft. devoted to light manufacturing uses in 787 Bancroft. In order to meet the letter of the City's zoning regulations, which require replacement at the time of demolition, the project is requesting a temporary variance from the protected use requirement during the course of construction to allow the new protected floor area to be built and immediately replaced upon occupancy.

The plan set includes floor plans that indicate where this light manufacturing space will be located at time of initial lease up. Our team is requesting flexibility in where in the building the protected light manufacturing space is located at the initial lease up of the new building. As tenant demands change over time, more flexibility may be needed, but the project team understands that any such changes after initial lease up and occupancy may require additional or modified discretionary application per BMC Section 23E.80.045.B and C.

Mobility and Alternative Transportation

The project site is a multimodal hub and enjoys close access to waterfront recreation at Aquatic Park and shopping and dining on Fourth Street. The Berkeley Amtrak station is located two blocks to the north. The AC Transit 51 bus line stops two blocks away, with service to Downtown Berkeley, and the 80 line and West Berkeley Shuttle stop two blocks away, with service to the Ashby and El Cerrito Plaza BART stations. Additionally, the Transbay Z line provides critical service from San Francisco to Sixth Street during morning commute hours and back to San Francisco during afternoon commute hours.

The project proposes a Transportation Demand Management (TDM) program to encourage alternative modes of transportation:

A. Provide shuttle service between the project and a BART Station during weekday peak commute periods (6:00 AM to 10:00 AM and 3:00 PM to 7:00 PM). The project would also explore the feasibility, and if feasible, will coordinate the shuttle service with existing shuttle services, and/or other employers in West Berkeley. Shuttle service would be adjusted based on ridership.

B. Provide bike lockers, showers, personal lockers, and a repair station on-site to encourage bicycling to the site.

C. Coordinate with City of Berkeley, and/or other regional agencies to facilitate the potential installation of a BayWheels bikeshare station along the project frontage.

D. Offer carpool/ride-matching services, such as ZimRide, ComoVee, or 511.org RideShare, to pair employees interested in forming commute carpools.

E. Provide at least 10 spaces of preferential carpool parking, including free parking for carpoolers if employees are charged for on-site parking. Carpool parking spaces not occupied by 10:00 AM would beavailable to other vehicles.

F. Require tenants to provide full or partial transit subsidy to project employees. Tenants mayoffer one ofthe following to employees that request it:[5]
    - A monthly commuter check (or alternatively Clipper Card, which is accepted byBART, ACTransit, and other major transit providers in the Bay Area)
    - Subsidized AC Transit bus pass
    - Subsidized Capital Corridor monthly ticket

G. Require tenants to provide pre-tax commuter benefits for project employees.

H. Regularly provide project tenants and employees information about various transportation options in the area and the TDM strategies provided by the project. The main lobby of each major project building shall also provide all the information on transportation options, such as a Transit Screen.

I. Provide information on the Bay Area Commuter Benefits Program to all building tenants. As of September 30, 2014, Bay Area employers with 50 or more full-time employees within the Bay Area Air Quality Management District (Air District) geographic boundaries are required to register and offer commuter benefits to their employees in order to comply with Air District

Regulation 14, Rule 1, also known as the Bay Area Commuter Benefits Program. Employers must select one of four Commuter Benefit options to offer their employees: a pre-tax benefit, an employer-provided subsidy, employer- provided transit, oran alternative commute benefit. (Information about Commute Benefits Program is at 511.org/employers/commuter/overview.)

Permits Requested

The application includes the following permits, including a request for approximately 133,028 sq. ft. for Research & Development use and approximately 29,347 sq. ft. sq. ft. for Light Manufacturing use:

1. **BMC 23C.08.050:** Use Permit to demolish six existing non-residential buildings (747 Bancroft Way, 2220 4th Street, 701 Bancroft Way, 703 Bancroft Way, 705 Bancroft Way, 705A Bancroft Way)
2. **BMC 23E.04.020:** Administrative Use Permit to allow rooftop equipment projections to exceed the height limit in a non-residential district;
3. **BMC 23E.80.030:** Administrative Use Permit to establish more than 30,000 SF R&D use;
4. **BMC 23E.80.045.B:** Use permit to change more than 25% of manufacturing and warehouse uses to R&D uses.
5. **BMC 23E.80.050.C: Use Permit to construct between 20,000 and 30,000 square feet of new floor area as Manufacturing and Wholesale Trade, as per BMC Table 23E.80.030;**
6. **BMC 23B.44.010:** Variance from BMC 23E.80.090.D.1., the protected use requirement, to allow replacement of protected floor area to be made available after the demolition or change of use of the space.

FINDINGS

23B.32.040 Findings for Issuance and Denial and Conditions

A. The Board may approve an application for a Use Permit, either as submitted or as modified, only upon finding that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which theapplication is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhoodor to the general welfare of the City.

B. Prior to approving any Use Permit the Board must also make any other findings required by either the general or District regulations applicable to that particular Use Permit.

C. The Board shall deny an application for a Use Permit if it determines that it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

D. The Board may attach such conditions to any Use Permit as it deems reasonable or necessary to achieve the purposes of this Ordinance, and which otherwise promote the municipal health, safety and welfare.

Response: The proposed project will neither be a detriment to the neighborhood nor to the City of Berkeley in general. The proposed project represents an improvement on an underutilized lot, which includes dated buildings and infrastructure. The project will provide top-of-the-line employment space, in a building with sustainability features that reduce greenhouse gas emissions, noise, traffic, and air quality impacts for both its neighbors and for the region. The new uses will generate job opportunities

at a range of qualification levels.

The project will also rebuild the curb, sidewalk, and gutter along Fourth Street and add bioretention systems to slow and clean stormwater, improving water quality in the Aquatic Park lagoon and San Francisco Bay, compared to existing conditions at the site. It will plant new trees and landscaping to reduce the heat island effect and create a more inviting streetscape on Fourth Street and Bancroft Way.

The project, therefore, aligns with Berkeley's General Plan, West Berkeley Plan, and Climate Action Plan goals which seek to increase employment opportunities and reduce greenhouse gas emissions.

23C.08.050 Demolitions of Buildings Used for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses

D. A Use Permit or an AUP for demolition of a non-residential building or structure may be approved only if theBoard or Zoning Officer finds that the demolition will not be materially detrimental to the commercial needsand public interest of any affected neighborhood or the City, and one of the following findings that the demolition:

1. *Is required to allow a proposed new building or other proposed new Use;*
2. *Will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses;*
3. *Will remove a structure which represents an unabatable attractive nuisance to the public; or*
4. *Is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority. In such cases, it shall be demonstrated that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects andthat adhering to such a requirement would threaten the viability of the plan or project.*

Response: In response to finding 23C.08.050.D and 23C.08.050.D.1, the proposed project will not be materially detrimental to the commercial needs and public interest of the West Berkeley neighborhood. The demolition of 747 Bancroft Way, 2220 4th Street, 701 Bancroft Way, 703 Bancroft Way, 705 Bancroft Way, and 705A Bancroft Way is required for construction of a new building and related circulation and site improvements which will revitalize the neighborhood, expand the floor area dedicated to light manufacturing uses, and facilitate the growth of floor area dedicated to R&D uses.

The demolition will not remove buildings of architectural significance. The demolition will remove six underutilized buildings that do not meet industry standards for productive research and development uses, which have evolved in recent years. Several of these buildings have been vacant for asubstantial amount of time, do not provide any substantial benefits to the neighborhood or the City thatare not outweighed by the benefits of the proposed project as a whole.

The proposed project will expand the light manufacturing floor area in the MU-LI and MU-R Districts, and the construction of 787 Bancroft Way will revitalize and rehabilitate this portion of West Berkeley. It will provide infill development in a manner that is compatible with the existing City character, nearby land uses and architectural scale and design. The removal of existing structures will facilitate the removal of any necessary contaminated soil and groundwater at the site and the ultimate reuse of the site in a manner that will allow the site to be economically productive for the City of Berkeley in the future.

23E.80.090.A&B Findings for MU-LI District (New Uses/Structures)

*A. In order to approve any Use Permit under this chapter the Zoning Officer or Board must make the finding required by Section **23B.32.040**. The Zoning Officer or Board must also make the*

findings required by thefollowing paragraphs of this section to the extent applicable:

B. A proposed use or structure must:

1. *Be consistent with the purposes of the District;*
2. *Be compatible with the surrounding uses and buildings;*
3. *Be consistent with the adopted West Berkeley Plan;*
4. *Be unlikely, under reasonably foreseeable circumstances, to either induce a substantial change of use in buildings in the District from manufacturing, wholesale trade or warehousing uses;*
5. *Be designed in such a manner to be supportive of the light industrial character of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows and signs; and all other externally visible aspects of the design of the building and site. If the building and/or site is split between the MU-LI District and the West Berkeley Commercial District that there are clear and appropriate distinctions in all design aspects between the portions of the building and site within the MU-LI District and the portions within the West Berkeley Commercial District*
6. *Be able to meet any applicable performance standards as described in Section 23E.80.070.D.*

Response: The proposed uses and buildings are compatible with the purposes of the district in that the project will: develop R&D and light manufacturing uses that meet the West Berkeley Plan's designation of a Light Manufacturing District; create compatible uses within the MU-LI district; provide a range of job opportunities, including those that do not require advanced degrees; provide large floor plates and tall ceiling heights that would allow for medium- and large-sized companies and needs; provide opportunity for R&D space in an appropriate location and structure; and maintain and improve the quality of the West Berkeley environment through improvements to the quality of building materials, bioretention systems to improve stormwater quality, new site landscaping and infrastructure, and improvements to the public realm, including new sidewalks, a mid-block crosswalk, public parklet and landscaping. The replacement of underutilized structures with a new building dedicated to R&D and light manufacturing uses serves the purpose of fostering growth of advanced technology services, while encouraging the availability of buildings for manufacturing uses and jobs.

The proposed uses are compatible with the surrounding uses, which include warehousing, manufacturing, office, R&D, and laboratories. Additionally, the combination of light manufacturing and R&D uses within the subject site are inherently consistent with the district purpose to provide opportunities for office that will not interfere with light manufacturing uses or building stock. The project would further contribute to the economic and land use diversity described in the district purposes.

The proposed use is consistent with the West Berkeley Plan because it is a development that accommodates R&D and light manufacturing uses that maintain the mix of uses and economic diversity which gives West Berkeley its unique character. The West Berkeley Plan supports the start-up of new types of economic activity which creates opportunities for land and business development. Additionally, the proposed project would increase the number of employees on-site, expanding job opportunities, in line with the plan goals. Use of glass, concrete, and metal trim express the industrial nature of the building. With the addition of wood soffits, these materials are used in a more contemporary way than surrounding industrial structures, which are generally older and lack fenestration. Still, they complement the metal, steel, and concrete found on neighboring industrial buildings.

The proposed use will not create substantial dust, glare, noise, odor, vibration, hazardous materials, or any other potential off-site environmental impacts because it will be required to comply with performance standards applicable in West Berkeley. Deep overhangs and awnings reduce the possibility for glare. During operation of the project, mechanical systems propose to reduce dust, noise, odors, and

hazardous materials compared to existing conditions.

Policy Consistency

The proposed project fulfills key land use goals and policies of the West Berkeley Plan:

- Provides for continued economic use of manufacturing and R&D uses that will benefit potential workers who reside in the City of Berkeley, existing retail and restaurant businesses in West
- Berkeley through incidental shopping, and the industrial character of the area with a new state- of-the-art building. (Goal 1, Policy D)
- Expands employment opportunities at a range of education and qualification levels. (Goal 1, Policy A)
- Develops a sustainable building, site, and landscape plan with low-impact air quality, GHG, and noise impacts that is appropriate for the interface between the MU-LI and the nearby C-W district to the north (Goal 3)
- Expands the overall amount of light manufacturing space and potential life sciences industries in the MU-LI district by redeveloping an underutilized site, increasing the amount of floor area. (Goal 2, Policy B)
- Allows a wide range of light manufacturers to continue to operate and expand and limits loss of their spaces to other uses, while providing an opportunity for office development where it will not unduly interfere with light manufacturing uses, and for laboratory development in appropriate locations. (Goal 2, Policy C)
- Allows development that is consistent with all development standards requirements and therefore of a scale that is appropriate for the MU-LI district and its surroundings, which include 1 and 2-story buildings to the north, east, and south, and a pending 3-story buildings to the west. (Goal 4)
- Fosters the growth of advanced technology manufacturing and advanced technology services (such as research laboratories) by providing space for such enterprises. (Economic Development, Goal 4)
- Provides parking both to support the expansion of floor are dedicated to light industrial uses and creates a consolidated parking lot that would allow different uses to share parking in a consolidated location, while integrating the structure and lot with the surrounding areas. (Physical Form Goal 2, Policies 2.3 and 2.5)
- Creates and maintains adequate parking to support West Berkeley land use without creating increased incentives for single occupant automobile use. (Transportation Goal 4)

The project also supports the following goals of the Berkeley General Plan:

- Policy LU-3 –Infill Development: The project is an infill development that is architecturally and environmentally sensitive and is compatible with neighboring land uses and architectural design and scale.
- Policy LU-34 –Industrial Protection–The project protects industrial uses by expanding the existing space dedicated to industrial and manufacturing uses.
- Policy T-32 –Shared Parking-The parking component of the site-wide project makes the most efficient use of existing and new parking areas and provides parking that can be shared with locations throughout the site.

23E.80.090.D Findings for MU-LI District (Protected Uses)

D. Except as permitted under 23E.80.045*, subdivisions A.1 or A.2, in order to approve a Use Permit underSection 23E.80.045 to change the use of or remove more than 25% of the floor area of a building currently or most recently used for manufacturing, wholesale trade or warehousing, the Zoning Officeror Board must find:*

1. Any necessary Use Permits that have been approved to provide comparable quality replacement manufacturing, wholesale trade and/or warehousing space in Berkeley at a comparable rent and that such replacement space will be available before the demolition or change of use of the space;or

2. As a result of lawful business and building activities, there are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the District which make it financially infeasible to reuse the building for any of the range of manufacturing, wholesale trade or warehouse uses permitted in the District. The analysis of the financial feasibility effects (which shallbe verified by the City) of these physical circumstances shall consider those costs necessary to makethe building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings; and

3. Appropriate mitigation has been made for loss of the manufacturing, warehousing or wholesaletrade space in excess of 25% of that space through providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

Request:

The project is requesting a variance from the protected use requirement per BMC Section BMC 23E.80.090.D.1 for Phase III of the project. The project sponsor is committed to providing light manufacturing space to meet the use permit requirements for protected uses on-site at full completion of the project. However, the project sponsor cannot physically replace the protected floor area such that "replacement space will be available before the demolition". This is an impossible threshold. As a result, the project sponsor is requesting a variance under subsection D.1. Subsection D.2 and D.3 are not applicable to the project since the existing warehouse and light manufacturing buildings are currently utilized. This variance is only necessary for a temporary period of approximately two years during the Phase III project's construction phase. Once Phase III is complete (i.e., at the time of certificate of occupancy), the project will include the protected floor area within the project. Notably, the program proposed under Phase I results in a surplus of protected floor area and therefore does not require a variance.

Findings for a Variance from BMC Section 23E.80.090.D.1., Protected Uses, During Construction

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District;

Response: Requiring the retention of protected uses on-site during the course of construction makes the project infeasible. There are multiple issues associated with the project site which in combination make it infeasible to phase grading and site preparation which could otherwise possibly allow for

retention of protected area during construction.

The project sponsor has designed Phase I to include change of use requests and the addition of mezzanines in buildings that increase the amount of manufacturing (i.e., protected floor area) during the first phase. However, in order to build the 787 Bancroft Way project in Phase III, the project needs to demolish the buildings within and immediately outside the new building footprint and build the parking that is required for the additional floor area. This results in the demolition of the protected floor area prior to replacement on-site which necessitate the variance request.

Large Multi-Use Site - The project site is one of the largest development sites in West Berkeley at 5.5 acres (east and west block combined). Across both phases, there are 13 existing buildings containing protected uses. Within these buildings, the City has identified a replacement requirement of 138,382 sq. ft. of protected floor area. There will be 7 structures across the two blocks at project completion. This lends a complexity to the site atypical in other West Berkeley locations. Because of the expansion of floor area (still below the City's 2.0 FAR limit) and related required parking spaces, the project needs to stagger the development of buildings and parking areas to serve those buildings.

Grading Program - Grading the entire west block at one time is the only feasible option for site preparation activities. If the site were phased for the purposes of retaining the existing buildings protected uses during construction, the project team would need to both off-haul and import dirt at different points in time. Phased grading would contribute additional unnecessary truck trips and associated air quality, noise, and traffic impacts to the neighborhood.

2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner;

Property Right Impacts due to Protected Use Requirements - The Zoning Ordinance creates an impossible threshold for replacement of protected uses by requiring replacement at time of demolition as opposed to at the time of occupancy. In order to develop this site, the entire property must be cleared at one time – temporarily eliminating the protected use floor areas. The project and associated public improvements to Fourth Street and Bancroft Way are otherwise infeasible.

The required protected use area will be replaced in the new project for the life of the project and subject to the MU-LI protected use requirements. Specifically, the project permanently retains at least 29,347 square feet of protected manufacturing use space as well as protected warehouse space (converted to Research and Development use as allowed by the Zoning Ordinance) in the new building during operation of the project.

Retention of Protected Area During Construction Not Feasible **-** One option analyzed by the project team is the retention of the protected use space during construction by phasing the project. This option would add significant project costs due to construction inefficiencies, anticipated cost escalation, and lost revenue due to timing of marketing and generating leasing revenues. Phased grading and utility connections is inefficient and infeasible. The team explored locating a temporary building on the site during construction, but this would entail hooking up utilities, working around the building for site work, at substantial cost.

The requirement to find replacement space prior to demolition of the projected use will render the project infeasible, thereby, negating the owners' preservation and enjoyment of substantial property rights.

3. The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the

municipal health, welfare and safety and benefit the City as a whole;

Achieving Intent of Protected Use Replacement - The variance request results in a temporary gap from the protected use replacement requirements. Once the building is occupied, the protected use area will be reestablished. The new space will be modern and will last long into the future. The same is not true of the existing manufacturing and warehouse space on the site. As a result, the replacement of protected space within the project in the long-term meets the intent of the West Berkeley Plan, MU-LI District purposes, and the requirements of this finding, while allowing the upgrades associated with redevelopment. The protected use space will be replaced in the new project, specifically as a condition of the new building's occupancy permit.

Neighborhood Benefit - The project would complement and be compatible with surrounding uses, which include warehousing, manufacturing, office, research and development, and laboratories. The project would further contribute to the economic and land use diversity described in the MU-LI district purposes. It would strengthen the Fourth Street retail district and provide a thriving work environment.

In these ways, the variance can help support the following purposes of the MU-LI district:

B. Encourage development of a mixed use-light industrial area for a range of compatible uses;

E. Provide for the continued availability of manufacturing and industrial buildings for manufacturing uses, especially of larger spaces needed by medium sized and larger light manufacturers;

G. Provide the opportunity for laboratory development in appropriate locations;

The project will provide a number of community benefits that contribute to the finding of non-detriment described above. Coordinated streetscape improvements along both sides of Fourth Street, and on Bancroft Way improve pedestrian connections. Pedestrian improvements extend to the UPRR tracks and will connect with new pedestrian sidewalk access being built by the Berkeley Commons/600 Addison Street project along Bolivar Drive. This will enable pedestrians to walk on the north side of Bancroft Way all the way to the Aquatic Park, which is not currently possible. Along the project frontage, a mid-block crosswalk improves walkability close to the Fourth Street retail corridor. A new public parklet and street trees provide opportunities for shade and public open space along Fourth Street. Expanded stormwater retention improves on-site management of run-off and improves water quality in the Aquatic Park lagoon and San Francisco Bay.

4. *Any other variance findings required by the Section of the Ordinance applicable to that Variance.*

No other findings are required for this request.

ENVIRONMENTAL CONDITIONS

Key environmental topics that may be considered in the CEQA analysis include:

Historical & Cultural Resources:

As part of the project's historic resource evaluation, the building located at 703 Bancroft Way was found to be potentially eligible of the California Register. The significance was structural rather than architectural and the primary character-defining feature was the interior steel framework rather than the exterior of the building. As discussed in detail above, after initially planning to relocate the building on site, it became infeasible to do so after receiving significant fire, life, safety comments from Building and Safety Division and Berkeley Fire Department staff.

No known archeological sites extend into the project site. However, known sites, such as the West Berkeley Shellmound and intact midden deposits, are located in close proximity. Therefore, there may be sensitive cultural materials subsurface within the boundaries of the project site. The southwest corner of the parcel once housed a 19th Century rail depot and there were several residential dwellings on the property during the early 20th Century, which could contain cultural deposits pertinent to the history of early Euro-American settlement. Because of this cultural sensitivity, the project team's consulting archeologists recommend preconstruction testing or monitoring during ground-disturbing construction, especially at the southwest corner of the parcel.

Hazardous Materials: Previous on-site and off-site uses have contributed to the presence of hazardous materials in the soil and/groundwater at the site. These are summarized below and documented in the Phase I report attached to this statement. The project will follow City and CEQA required mitigations to manage hazardous materials during construction and operation of the project.

There are elevated concentrations of various petroleum hydrocarbon (TPH) compounds, semi-volatile organic compounds (SVOCs), and volatile organic compounds (VOCs) and pesticides in the groundwater below the site from a previous pest control business. The project team's environmental consultants believe that that existing site and subsurface conditions (e.g., concrete floor slab and foundation system) are effectively limiting the mobility of the groundwater plume and find that the plume is stable. Therefore, in their present state, residual impacts present below the site do not appear to be posing a significant risk to human health and the environment.

The former Veriflo Facility (2246 Fifth St., off-site) is located approximately 200 feet east-southeast of the subject site and operated as a metals-finishing plant. Historical metals finishing operations at this facility resulted in the release of VOCs, primarily trichloroethene (TCE), tetrachloroethene (PCE), and vinyl chloride (VC). Investigations indicate groundwater impacts have migrated downgradient and offsite towards the northwest, which is in the direction of the subject site.

Several of the subject site's facilities currently and/or historically used chlorinated solvents, hazardous materials, and petroleum products. No spills or evidence of any releases were reported for current or historical facilities. However, the current and historical uses of these chemical products at the subject site may have contributed to impacts identified in the Phase I report.

Soils/Geotechnical Findings: The site is blanketed by medium stiff to very stiff clay fill with variable sand and gravel content. The fill is underlain by native alluvium consisting of interbedded layers of stiff to hard clay with varying sand content and medium dense to very dense clayey sand with varying gravel content. Near surface soil may be highly to very highly expansive. The project team's geotechnical analysis indicates the underlying soils below the groundwater are not susceptible to liquefaction because of their cohesion. The analysis indicates clay layers at deeper depths may experience cyclic softening during a major earthquake event but concludes the risk of lateral spreading to be nil. Following site demolition, the existing fill below the proposed building would be over-excavated and recompacted. Foundations and slabs would be designed and constructed to resist the effects of the expansive clay.

Traffic: A Traffic Impact Analysis has been completed and is part of the Use Permit application. As outlined above, the project proposes a robust TDM program and improvements that aim to further reduce vehicle trips and promote the use of alternative modes of transportation.

Stormwater Requirements Checklist

Municipal Regional Stormwater Permit (MRP 2.0)
Stormwater Controls for Development Projects

City of Berkeley
Public Works Dept.
Engineering Division

I. Applicability of C.3 and C.6 Stormwater Requirements

I.A. Enter Project Data *(For "C.3 Regulated Projects," data will be reported in the municipality's stormwater Annual Report.)*

I.A.1 Project Name: 787 Bancroft

I.A.2 Project Address (include cross street): 787 Bancroft (4th Street)

I.A.3 Project APN: 56-1957-3-1, 56-1957-7-1,58-1957-2-4 I.A.4 Project Watershed[1]: Strawberry Creek

I.A.5 Applicant Name: Steelwave I.A.6 Date Submitted:

I.A.7 Applicant Address: 101 California St. Suite 800, SF, CA 94111

I.A.8 Applicant Phone: 925.364.0898 I.A.9 Applicant Email Address: dmetz@steelwavellc.com

I.A.10 Development type: (check all that apply)

- ☐ Residential ☒ Commercial ☐ Industrial ☐ Mixed-Use ☐ Streets, Roads, etc.
- ☒ 'Redevelopment' as defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred[2]
- ☐ 'Special land use categories' as defined by MRP: (1) auto service facilities[3], (2) retail gasoline outlets, (3) restaurants[3], (4) uncovered parking area (stand-alone or part of a larger project)

I.A.11 Project Description[4]: (Also note any past or future phases of the project.) New Building and Parking Lot

I.A.12 Total Area of Site: 2.2+/- acres I.A.13 Slope on Site: 2 %

I.A.14 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area: 2.22 acres.

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b?

I.B.1. Enter the amount of impervious surface[4] created and/or replaced by the project (if the total amount is 5,000 sq.ft. or more):

Table of Impervious and Pervious Surfaces

Type of Impervious Surface	a Pre-Project Impervious Surface (sq.ft.)	b Existing Impervious Surface to be Replaced[7] (sq.ft.)	C New Impervious Surface to be Created[7] (sq.ft.)	d Post-project pervious surface (sq.ft.)
Roof area(s) – excluding any portion of the roof that is vegetated ("green roof")	80,180	59,040	0	N/A
Impervious[5] sidewalks, patios, paths, driveways				
Impervious[5] uncovered parking[6]	17,265	31,805	0	
Streets (public)				
Streets (private)				
Totals:	97,445	90,845	0	6,600
Area of Existing Impervious Surface to remain in place		N/A		
Total New Impervious Surface *(sum of totals for columns b and c):*		90,845		

[1] Watershed is defined by the maps from the Alameda County Flood Control District at http://acfloodcontrol.org/resources/explore-watersheds

[2] Roadway projects that replace existing impervious surface are subject to C.3 requirements only if one or more lanes of travel are added.

[3] Standard Industrial Classification (SIC) codes are in Section 2.3 of the C.3 Technical Guidance (download at www.cleanwaterprogram.org)

[4] Project description examples: 5-story office building, industrial warehouse, residential with five 4-story buildings for 200 condominiums, etc.

[5] Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.

[6] Uncovered parking includes top level of a parking structure.

[7] "Replace" means to install new impervious surface where existing impervious surface is removed. "Create" means to install new impervious surface where there is currently no impervious surface.

I.B. Is the project a "C.3 Regulated Project" per MRP 2.0 Provision C.3.b? (continued)

		Yes	No	NA
I.B.2	In Item I.B.1, does the Total New Impervious Surface equal 10,000 sq.ft. or more? *If YES, skip to Item I.B.5 and check "Yes." If NO, continue to Item I.B.3.*	☒	☐	☐
I.B.3	Does the Item I.B.1 Total New Impervious Surface equal 5,000 sq.ft. or more, but less than 10,000 sq.ft? *If YES, continue to Item I.B.4. If NO, skip to Item I.B.5 and check "No."*	☐	☐	☒
I.B.4	Is the project a "Special Land Use Category" per Item I.A.10? For uncovered parking, check YES only if there is 5,000 sq.ft or more uncovered parking. *If NO, go to Item I.B.5 and check "No." If YES, go to Item I.B.5 and check "Yes."*	☐	☐	☒
I.B.5	Is the project a C.3 Regulated Project? *If YES, go to Item I.B.6; if NO, continue to Item I.C.*	☒	☐	☐
I.B.6	Does the total amount of Replaced impervious surface equal 50 percent or more of the Pre-Project Impervious Surface? *If YES, stormwater treatment requirements apply to the whole site; if NO, these requirements apply only to the impervious surface created and/or replaced.*	☒	☐	☐
I.B.7	Is the project installing a total of 3,000 sq.ft. or more (excluding private-use patios in single family homes, townhomes, or condominiums) of new pervious pavement systems? (Pervious pavement systems include pervious concrete, pervious asphalt, pervious pavers and grid pavers etc. and are described in the C3 Technical Guidance at www.cleanwaterprogram.org) If YES, stormwater treatment system inspection requirements (C.3.h) apply; (Municipal staff – add this site to your list of sites needing a final inspection at the end of construction and on-going O&M inspections.) If NO, inspection requirements only apply if there are other treatment systems installed on the project.	☐	☒	☐

I.C. Projects that are NOT C.3 Regulated Projects

If you answered NO to Item I.B.5, or the project creates/replaces less than 5,000 sq. ft. of impervious surface, then the project is NOT a C.3 Regulated Project, and stormwater treatment is not required, BUT the municipality may determine that source controls and site design measures are required. Skip to Section II.

I.D. Projects that ARE C.3 Regulated Projects

If you answered YES to Item I.B.5, then the project is a C.3 Regulated Project. The project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required; refer to Section II to make this determination. If final discretionary approval was granted on or after **DECEMBER 1, 2011**, Low Impact Development (LID) requirements apply, except for "Special Projects." See Section II.

I.E. Identify C.6 Construction-Phase Stormwater Requirements

		Yes	No
I.E.1	Does the project disturb 1.0 acre (43,560 sq.ft.) or more of land? (See Item I.A.14). *If Yes, obtain coverage under the state's Construction General Permit at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp. Submit to the municipality a copy of your Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) before a grading or building permit is issued.*	☒	☐
I.E.2	Is the site a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make the final determination.) "High Priority Sites" are sites having any of the following criteria: ▪ that require a grading permit, ▪ are adjacent to a creek, ▪ or are otherwise high priority for stormwater protection during construction (see MRP 2.0 Provision C.6.e.ii.(2)(c))	☐	☒
I.E.3	Is the site a "Hillside Site" that disturbs 5,000 sq.ft. or more, but less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make the final determination.) ▪ "Hillside Sites" are located on hillsides, as indicated on a jurisdictional map of hillside development areas or as indicated by meeting jurisdictional hillside development criteria. ▪ If no map or criteria exist, then Hillside Sites are sites with a slope of 15% or more (see I.A.13 above and MRP 2.0 Provision C.6.e.ii.(2)(b)).	☐	☒

➢ NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II to identify appropriate construction BMPs.

➢ NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to I.E.1, I.E.2, OR I.E.3, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30) and other times of the year as appropriate.

II. Implementation of Stormwater Requirements

II.A. Complete the appropriate sections for the project. For non-C.3 Regulated Projects, Sections II.B, II.C, and II.D apply. For C.3 Regulated Projects, all sections of Section II apply.

II.B. Select Appropriate Site Design Measures

- *Required for C.3 Regulated Projects.*
- *Starting December 1, 2012, projects that create and/or replace 2,500 - 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, must include one of Site Design Measures a through f.*[8]
- *All other projects are encouraged to implement site design measures, which may be required at municipality discretion.*
- *Consult with municipal staff about requirements for your project.*

II.B.1 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.	
☐	☒		a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
☒	☐		b. Direct roof runoff onto vegetated areas.
☒	☐		c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
☒	☐		d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
☐	☒		e. Construct sidewalks, walkways, and/or patios with pervious surfaces. Use the specifications in the C3 Technical Guidance (Version 4.1) or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to www.cleanwaterprogram.org and click on "Resources."
☐	☒		f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious surfaces. Use the specifications in the C3 Technical Guidance (Version 4.1) or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to the program website at: www.cleanwaterprogram.org and click on "Resources."
☒	☐		g. Minimize land disturbance and impervious surface (especially parking lots).
☒	☐		h. Maximize permeability by clustering development and preserving open space.
☐	☒		i. Use micro-detention, including distributed landscape-based detention.
☒	☐		j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
☒	☐		k. Self-treating area (see Section 4.1 of the C.3 Technical Guidance)
☒	☐		l. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
☐	☒		m. Plant or preserve interceptor trees (Section 4.5, C.3 Technical Guidance)

[8] See MRP Provision C.3.a.i(6) for non-C.3 Regulated Projects, C.3.c.i(2)(a) for Regulated Projects, C.3.i for projects that create/replace 2,500 to 10,000 sq.ft. of impervious surface and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface.

II.C. Select appropriate source controls *(Applies to C.3 Regulated Projects; encouraged for other projects. Consult municipal staff.[9])*

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		
Yes	No			Yes	No	Plan Sheet No.
☒	☐	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	☐	☐	
☒	☐	Floor Drains	Plumb interior floor drains to sanitary sewer[10] [or prohibit].	☐	☐	
☒	☐	Parking garage	Plumb interior parking garage floor drains to sanitary sewer.[9]	☐	☐	
☒	☐	Landscaping	▪ Retain existing vegetation as practicable. ▪ Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. ▪ Minimize use of pesticides and quick-release fertilizers. ▪ Use efficient irrigation system; design to minimize runoff.	☐	☐	
☐	☒	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining.[9]	☐	☐	
☐	☒	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: ▪ Connected to a grease interceptor prior to sanitary sewer discharge. [9] ▪ Large enough for the largest mat or piece of equipment to be cleaned. ▪ Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area.	☐	☐	
☐	☒	Refuse Areas	▪ Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. ▪ Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.[9]	☐	☐	
☐	☒	Outdoor Process Activities [11]	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer.[9]	☐	☐	
☐	☒	Outdoor Equipment/ Materials Storage	▪ Cover the area or design to avoid pollutant contact with stormwater runoff. ▪ Locate area only on paved and contained areas. ▪ Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer[9], and contain by berms or similar.	☐	☐	
☐	☒	Vehicle/ Equipment Cleaning	▪ Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer[9], and sign as a designated wash area. ▪ Commercial car wash facilities shall discharge to the sanitary sewer.[9]	☐	☐	
☐	☒	Vehicle/ Equipment Repair and Maintenance	▪ Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. ▪ No floor drains unless pretreated prior to discharge to the sanitary sewer. [9] ▪ Connect containers or sinks used for parts cleaning to the sanitary sewer. [9]	☐	☐	
☐	☒	Fuel Dispensing Areas	▪ Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. ▪ Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.	☐	☐	
☒	☐	Loading Docks	▪ Cover and/or grade to minimize run-on to and runoff from the loading area. ▪ Position downspouts to direct stormwater away from the loading area. ▪ Drain water from loading dock areas to the sanitary sewer.[9] ▪ Install door skirts between the trailers and the building.	☐	☐	
☒	☐	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer.[9]	☐	☐	
☒	☐	Miscellaneous Drain or Wash Water	▪ Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.[9] ▪ Roof drains shall drain to unpaved area where practicable. ▪ Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer [9].	☐	☐	
☒	☐	Architectural Copper	▪ Discharge rinse water to sanitary sewer [9], or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."	☐	☐	

[9] See MRP Provision C.3.a.i(7) for non-C.3 Regulated Projects and Provision C.3.c.i(1) for C.3 Regulated Projects.
[10] Any connection to the sanitary sewer system is subject to sanitary district approval.
[11] Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

II.D. Implement Construction Best Management Practices (BMPs) *(Applies to all projects – see Provision C.6 for more details.)*

Yes	No	Best Management Practice (BMP)
☒	☐	Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
☒	☐	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
☒	☐	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
☒	☐	Provide notes, specifications, or attachments describing the following: ▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; ▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; ▪ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; ▪ Provisions for temporary and/or permanent irrigation.
☒	☐	Perform clearing and earth moving activities only during dry weather.
☒	☐	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
☒	☐	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
☒	☐	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
☒	☐	Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
☒	☐	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
☒	☐	Limit construction access routes and stabilize designated access points.
☒	☐	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
☒	☐	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
☒	☐	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
☒	☐	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

PROJECTS THAT ARE NOT C.3 REGULATED PROJECTS STOP HERE!

II.E. Biotreatment, Infiltration and Rain Water Harvesting and Use.

MRP 2.0 no longer requires that a feasibility analysis of infiltration and rainwater harvesting be conducted. However, applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow. If feasible and desired, infiltration and rainwater harvesting may be cost effective solutions depending on the project.

II.F. Stormwater Treatment Measures (Applies to C.3 Regulated Projects)

II.F.1 Check the applicable box and indicate the treatment measures to be included in the project.

Yes	No	
☐	☒	Is the project a Special Project? (See Appendix K of the C.3 Technical Guidance for criteria.) If Yes, complete the Special Projects Worksheet (go to the program website at: www.cleanwaterprogram.org and click on "Resources") and consult with municipal staff about the need to prepare a discussion of the feasibility and infeasibility of 100% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method*, and percentage of the amount of runoff specified in Provision C.3.d that is treated: Non-LID Treatment — Hydraulic sizing method* — % of C.3.d amount of runoff treated ☐ Media filter ☐ Tree well filter
☒	☐	Is the project using biotreatment to treat the C.3.d amount of runoff? For more information on infiltration and rainwater harvesting and use of stormwater, refer to the C3 Technical Guidance downloadable at the program website: www.cleanwaterprogram.org If Yes, indicate the biotreatment measures to be used, and the hydraulic sizing method: Biotreatment Measures — Hydraulic sizing method* ☒ Bioretention area — Flowplus volume ☒ Flow-through planter ☐ Other (specify):
☐	☒	Is the project using infiltration or rainwater harvesting/use? For more information on infiltration and rainwater harvesting and use of stormwater, refer to the C3 Technical Guidance downloadable at the program website: www.cleanwaterprogram.org If Yes, indicate the measures to be used, and hydraulic sizing method: LID Treatment Measure (non-biotreatment) — Hydraulic sizing method* ☐ Rainwater harvesting and use ☐ Bioinfiltration[12] ☐ Infiltration trench ☐ Other (specify):_____

***Hydraulic Sizing Method:** Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used:

1. Volume based approaches – Refer to Provision C.3.d.i.(1):
   1(a) Urban Runoff Quality Management approach, or
   1(b) 80% capture approach (recommended volume-based approach).

2. Flow-based approaches – Refer to Provision C.3.d.i.(2):
   2(a) 10% of 50-year peak flow approach,
   2(b) Percentile rainfall intensity approach, or
   2(c) 0.2-Inch-per-hour intensity approach (this is recommended flow-based approach AND the basis for the 4% rule of thumb described in Section 5.1 of the C.3 Technical Guidance).

3. Combination hydraulic sizing approach -- Refer to Provision C.3.d.i.(3):
   If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

[12] See Section 6.1 of the C.3 Technical Guidance for conditions in which bioretention areas provide bioinfiltration.

II.G. Is the project a Hydromodification Management[13] (HM) Project? (Complete this section for C.3 Regulated Projects)

II.G.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious surface? (Refer to Item I.B.1.)

- ☒ Yes. *Continue to Item II.G.2.*
- ☐ No. *The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."*

II.G.2 Is the total impervious area increased over the pre-project condition? (Refer to Item I.B.1.)

- ☐ Yes. *Continue to Item II.G.3.*
- ☒ No. *The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."*

II.G.3 Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? *(See HMP Susceptibility Map in Appendix I of the C.3 Technical Guidance.)*

- ☐ Yes. *Project is exempt from HM requirements. Attach map indicating project location. Skip to II.G.6 and check "No".*
- ☒ No. *Continue to II.G.4.*

II.G.4 Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map?

- ☐ Yes. *Project is subject to HM requirements. Attach map indicating project location. Skip to II.G.6 and check "Yes."*
- ☒ No. *Continue to II.G.5.*

II.G.5 For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?

- ☒ Yes. *Project is exempt from HM requirements. Attach signed statement by qualified professional. Go to II.G.6 and check "No."*
- ☐ No. *Project is subject to HM requirements. Attach map indicating project location. Go to Item G.6 and check "Yes."*

II.G.6 Is the project a Hydromodification Management Project?

- ☐ Yes. *The project is subject to HM requirements in Provision C.3.g of the Municipal Regional Stormwater Permit.*
- ☒ No. *The project is EXEMPT from HM requirements.*
- ☐ HM requirements are impracticable. *(Attach documentation needed to comply with the impracticability provision in MRP Attachment B.)*

➢ *If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See www.bayareahydrologymodel.org. Guidance is provided in Chapter 7 of the C.3 Technical Guidance.*

II.H Stormwater Treatment Measure and/HM Control Owner or Operator's Information:

Name: Steelwave attn: Bridget Metz

Address: 101 California, Suite 800, SF, CA 94111

Phone: 925.364.0898 Email: bmetz@steelwavellc.com

➢ *Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.*

Name of applicant completing the form: Michael G. Murphy, P.E.

Signature:  Date: 3-23-2021

[13] Hydromodification is the modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding. Hydromodification management control measures are designed to reduce these effects.

III. For Completion By Municipal Staff

III.1 Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☐ Yes ☐ No Name of Reviewer_____

III.2. Confirm Operations and Maintenance (O&M) Submittal:

The following questions apply to C.3 Regulated Projects and Hydromodification Management Projects.

		Yes	No	N/A
III.2.a	Was maintenance plan submitted?	☐	☐	☐
III.2.b	Was maintenance plan approved?	☐	☐	☐
III.2.c	Was maintenance agreement submitted? (Date executed:_____)	☐	☐	☐

- *Attach the executed maintenance agreement as an appendix to this checklist.*

III.3 Incorporate HM Controls (if required)

Are the applicable items for HM compliance included in the plan submittal?

Yes	No	NA	Documentation for HM Compliance
☐	☐	☐	Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement
☐	☐	☐	Soils report or other site-specific document showing soil types at all parts of site
☐	☐	☐	If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.
☐	☐	☐	If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.
☐	☐	☐	If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).
☐	☐	☐	If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.

- *Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.*

III.4 Annual Operations and Maintenance (O&M) Submittals:

For C.3 Regulated Projects and Hydromodification Management Projects, indicate the dates on which the Applicant submitted annual reports for project O&M: _____

III.5 Comments:

III.6 Notes:

Section I Notes:_____

Section II Notes:_____

Section III Notes:_____

III.7 Project Close-Out:

III.7.a Were final Conditions of Approval met? ☐ ☐

III.7.b	Was initial inspection of the completed treatment/HM measure(s) conducted? (Date of inspection:_____)	☐	☐	☐
III.7.c	Was maintenance plan submitted? (Date executed:_____)	☐	☐	☐
III.7.d	Was project information provided to staff responsible for O&M verification inspections? (Date provided to inspection staff:_____)	☐	☐	☐

Name of staff confirming project is closed out:_____

Signature:_____ Date:_____

Name of O&M staff receiving information:_____

Signature:_____ Date:_____

Appendices

Appendix A: O&M Agreement
Appendix B: O&M Annual Report Form