

Planning and Development Department
Land Use Planning Division

NOTICE OF PREPARATION (NOP) OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND SCOPING MEETINGS FOR THE PROPOSED BAYER HEALTHCARE LLC DEVELOPMENT AGREEMENT AMENDMENT

The City of Berkeley is preparing a Subsequent Environmental Impact Report (SEIR) for proposed amendment to Bayer HealthCare LLC's Development Agreement ("proposed project"), as identified below, and is requesting comments on the scope and content of the SEIR, possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the proposed project. The SEIR and associated Initial Study will address the potential physical and environmental effects of the proposed project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA), as set forth in Section 15162 of the CEQA Guidelines.

The City of Berkeley is the Lead Agency for the proposed project. This notice is being sent to the California State Clearinghouse, Alameda County Clerk, potential responsible agencies, and other interested parties. Responsible agencies are those public agencies, besides the City of Berkeley, that also have a role in approving or carrying out the project. When the SEIR is published, a Notice of Availability of a SEIR will be sent to Responsible Agencies, other public agencies, and interested parties and individuals who have indicated that they would like to review the SEIR.

Responses to this NOP and any questions or comments should be directed in writing to: *Leslie Mendez, Senior Planner, Planning and Development Department, 1947 Center Street, 2nd Floor, Berkeley, CA 94704; or LMendez@cityofberkeley.info*. Comments on the NOP must be received **by December 3, 2020** (postmarked on or before December 3rd if sent via U.S. Postal Service, time stamped on or before December 3rd if sent electronically).

EIR PUBLIC SCOPING MEETINGS: The City will hold two scoping meetings.

The City of Berkeley **Zoning Adjustments Board (ZAB)** will take comments on the scope of the SEIR at a public hearing on **November 12, 2020**. The ZAB meeting will be virtual and begins at **7:00 PM**. Interested parties should visit the ZAB Meeting Agenda, linked on the ZAB webpage to confirm the meeting, time, date, and instructions to join the meeting: <https://www.cityofberkeley.info/zoningadjustmentsboard/>.

The City of Berkeley **Planning Commission (PC)** will take comments on the scope of the SEIR at a public hearing on **November 18, 2020**. The PC meeting will be virtual and begins at **7:00 PM**. Interested parties should visit the PC Meeting Agenda, linked on the PC webpage to confirm the meeting time, date, and instructions to join the meeting:

<https://www.cityofberkeley.info/PC/>.

PROJECT TITLE: Bayer HealthCare LLC Development Agreement Amendment Project

PROJECT LOCATION: The project location is the Bayer campus in West Berkeley, which has a primary street address of 800 Dwight Way and includes approximately 46 acres generally bounded by the Union Pacific Railroad to the west, Dwight Way to the north, Seventh Street to the east, and Grayson Street to the south. In addition, the project location includes a surface parking lot between Dwight Way, Seventh Street, Parker Street, and Eighth Street. The site is divided into the North Properties (31.9 acres north of Carleton Street) and the South Properties (14.4 acres south of Carleton Street). Three contiguous parcels near the corner of Carleton Street and Seventh Street are not owned by Bayer and are outside of the project location. Figure 1 shows the project location.

PROJECT SPONSOR: Bayer HealthCare LLC

EXISTING CONDITIONS: The Bayer campus currently develops and produces commercial biopharmaceuticals that are distributed globally. The campus has approximately 30 buildings, ranging in height from approximately 14 feet to the 100-foot former Colgate-Palmolive tower. The buildings total approximately 1,087,000 square feet of floor area, including 567,000 square feet on the North Properties and 520,000 square feet on the South Properties. The Bayer campus also has eight surface parking lots with a total of 1,100 parking spaces. The buildings provide space for the following permitted uses:

- 1) Production: pilot plants, processing areas, and fill and finishing areas
- 2) Laboratories: research into production and manufacturing technologies, quality assurance examination and testing of therapeutic pharmaceuticals
- 3) Warehouse: holding space for distribution of products
- 4) Administration: offices, conference rooms, computer rooms, fitness/health facilities, security, training rooms, library, and cafeteria
- 5) Utilities: equipment for water distillation, refrigeration, electrical operations, and steam generation
- 6) Maintenance: workshops and maintenance bays for repair, replacement, and preventative activities

Four former facilities located on the project site are included on the Cortese List under Government Code section 65962.5 due to their inclusion on the State Water Resources Control Board's list of Leaking Underground Storage Tank Sites on the Board's Geo Tracker database. These facilities are located at 800 Dwight Way, 801 Grayson Street, 2560 Seventh Street, and 2700 Seventh Street. All tanks have been removed and have merited closure status by regulatory agencies except for one; a closure report has been submitted to the San Francisco Regional Water Quality Control Board for the remaining tank, and review is pending.

PROJECT DESCRIPTION and BACKGROUND: Bayer's existing 30-year Development Agreement (DA) with the City of Berkeley, covering the North Properties, was approved in 1992 and is set to expire in 2022. An EIR analyzed the potential impacts of the development proposed as part of the original DA; the EIR was certified in 1991. The

current DA covers only the North Properties. Because Bayer acquired the South Properties after the 1999 major amendment to the 1992 DA, the South Properties are not included in the original DA’s project area. The City approved a Use Permit (UP#00-1000008) for the South Properties and adopted a Mitigated Negative Declaration on July 21, 2000.

The proposed project would amend the existing DA to cover both the North and South Properties, while extending its duration an additional 30 years until February 2052. Overall, as illustrated in the table below, the project proposes to reduce the maximum allowable square footage entitled under the current DA and South Properties Use Permit by 148,000 square feet. Within the 30-year time frame, Bayer envisions retaining approximately 820,000 square feet of existing square footage, demolishing nine buildings totaling approximately 267,000 square feet, and constructing approximately 918,000 square feet of new facilities. Conceptual 30-year buildout is illustrated in Figure 2.

Existing Built Sq. Ft.	Existing Maximum Permitted Sq. Ft.	Proposed Maximum Permitted Sq. Ft.	Existing Sq. Ft. to be Retained	Proposed Sq. Ft. to be Demolished	Proposed Sq. Ft. to be Constructed	Proposed Change from (E) Permissible Sq. Ft.
1,087,000	1,886,000	1,738,000	820,000	-276,000	918,000	-148,000

The project, which consists of a conceptual development plan, proposes to rearrange the campus layout through proposed phased demolition of nine existing buildings; construction of approximately twelve new buildings for production, laboratory, and administrative uses; and replacement of surface parking with two new parking structures and new underground parking facilities. Several other buildings providing space for manufacturing, warehouses, and maintenance would be renovated and/or expanded. Maximum permitted building heights would range from 25 feet to 80 feet depending on the use and location of buildings. Building heights would be redistributed over current conditions, however, the project does not propose heights taller than currently permissible, and also includes 15-foot “step backs” buffers, and setbacks from streets, the proposed project is intended to preserve existing view corridors on Dwight Way, Parker Street, and Carleton Street.

The proposed project would continue to authorize the biotech development, quality assurance, and production of pharmaceutical therapies, which includes the use of risk group 1 and 2 biological agents, as defined by the National Institutes of Health (NIH). Group 1 agents are bacterial, fungal, viral, rickettsia, and chlamydial agents that are found in the environment and do not cause disease in healthy humans. Group 2 includes moderate-risk agents that occur in the community and are associated with human disease of varying severity. In addition, the proposed project would allow the use of non-mammalian cells. Bayer would adhere to biosafety measures according to guidelines adopted by the NIH and the Centers for Disease Control and Prevention (CDC). While the existing DA does not assume the use of gamma irradiation devices, the proposed project envisions the installation of up to two fully-protected gamma irradiation devices

that comply with all applicable safety regulations.

To provide adequate water service to new development on the Bayer campus, the proposed project may require an enlargement of underground pipes that carry water supplied by the East Bay Municipal Utilities District (EBMUD). The proposed DA also anticipates that Bayer would install two new emergency generators along Grayson Street and a new boiler in the North Properties, though with the retirement of other equipment, the total number of generators and boilers is not expected to exceed the equipment inventory that currently exists on the site.

In summary, the proposed project would:

1. Extend the terms of the DA for another 30 years from its February 2022 expiration date to 2052;
2. Extend the boundaries of the DA to include the South Properties; and
3. Modify various development standards, operational restrictions, and campus layout.

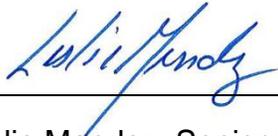
For more information about the project, please visit the City's website: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx

ENVIRONMENTAL ISSUES ADDRESSED IN THE SEIR: The SEIR will evaluate whether the proposed Project would result in one or more significant environmental effects. Based on the initial analysis and past CEQA analysis conducted for Bayer Campus, the following issues will be analyzed in depth in the SEIR:

- Air Quality;
- Cultural Resources;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Noise;
- Transportation; and
- Utilities and Service Systems.

All other CEQA environmental topics are anticipated to have less than significant impacts and will be analyzed in an Initial Study which will be an appendix to the SEIR. Consistent with the requirements of CEQA Guidelines Section 15162, the Subsequent EIR will analyze the environmental impacts of (1) substantial changes in the proposed project, (2) substantial changes that have occurred with respect to the circumstances under which the project will be undertaken, and (3) new information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified.

The SEIR will also examine the range of alternatives to the project to determine whether alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, or whether alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment. The SEIR will also analyze the cumulative impacts that could result from changes to the DA.



Leslie Mendez, Senior Planner

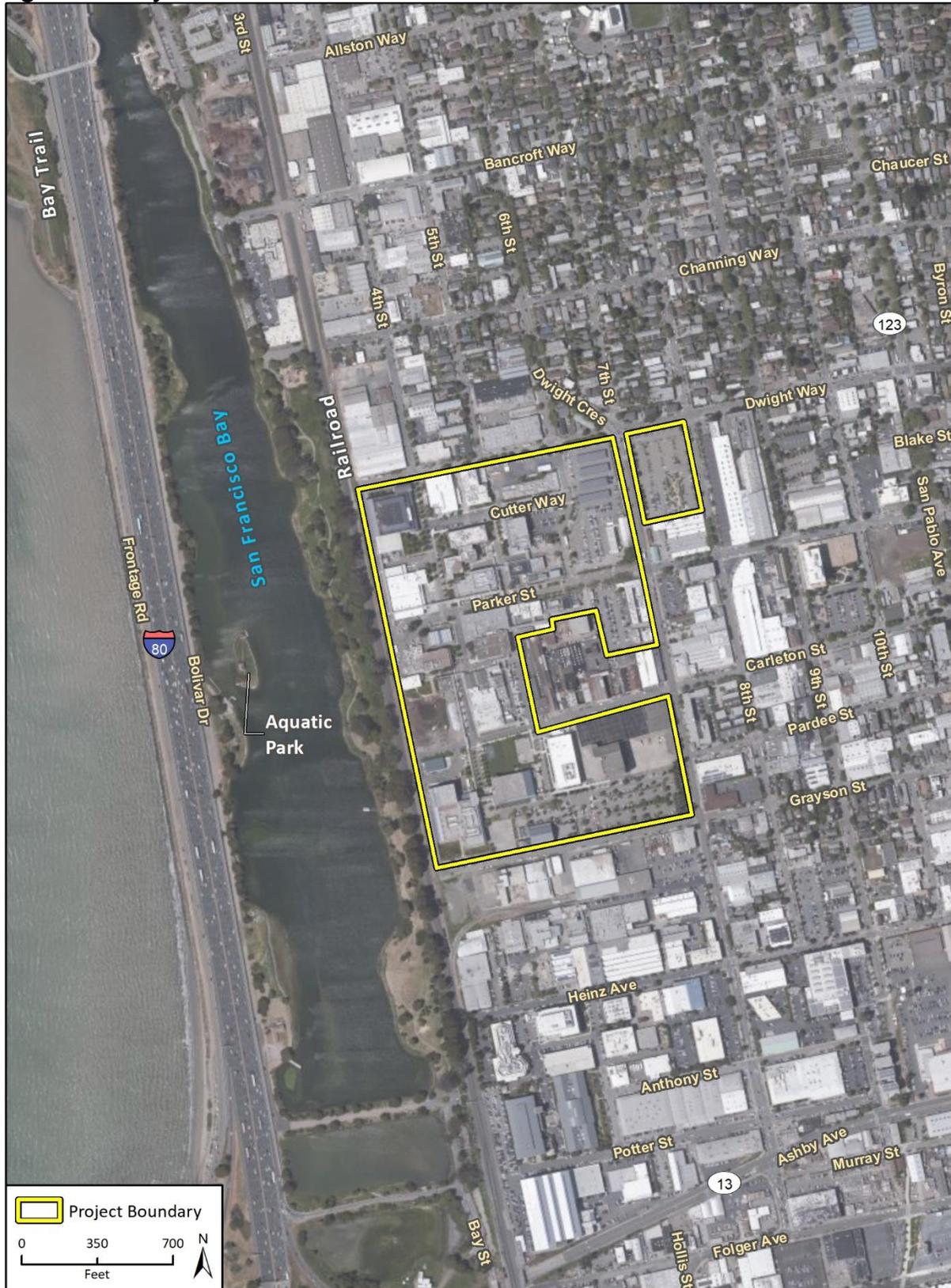
Date of Distribution: October 29, 2020

Attachment:

Figure 1: Location

Figure 2: Conceptual Development Plan Building Uses at Year-30

Figure 1: Project Location



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Fig 2.2 Project Site Location

Figure 2: Conceptual Development Plan Build Out by Use at Year-30 (2052)

