



**PUBLIC HEARING NOTICE
AND
NOTICE OF AVAILABILITY OF A
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

Bayer Healthcare LLC Development Agreement Amendment

Notice is hereby given that the City of Berkeley has prepared a Final Subsequent Environmental Impact Report (Final SEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed amendment to Bayer HealthCare LLC's Development Agreement ("proposed project"), which will be available for public review for a period of at least 10 days prior to certification by the City Council.

This notice also contains information about a public hearing that will be conducted by the Planning Commission of the City of Berkeley for the purpose of making a recommendation to the City Council regarding the Final SEIR and the proposed project. That hearing will take place at a special meeting on **Wednesday, October 20, 2021, beginning at 7:00 PM.**

Further information will be available at the Planning Commission agenda webpage:
<https://www.cityofberkeley.info/PC/>.

(No date has yet been set for a hearing by the City Council, which is the final decision-making body for the project and the EIR. Separate notice will be provided in advance of that meeting.)

BACKGROUND: The City previously published a Draft SEIR for public review and comment in May 2021. All comments that were received have been compiled and responded to in the Response to Comment document/Final SEIR, along with changes and clarifications to the Draft SEIR. Together, the Draft and Final SEIR comprise the Final Environmental Impact Report for this project. Copies of the Final SEIR will be available at the City's website as part of the agenda packet for the Planning Commission.

PROJECT LOCATION: The project site is the Bayer HealthCare campus (generally known as the "Bayer Campus") in West Berkeley. The Bayer Campus consists of approximately 46 acres generally bounded by railroad right-of-way and tracks to the west, Dwight Way to the north, Seventh Street to the east, and Grayson Street to the south. In addition, the project site includes a surface parking lot on a property between Dwight Way, Seventh Street, Parker Street, and Eighth Street. The project site comprises two primary areas divided by Carleton Street: 1) the North Properties at 800 Dwight Way, which includes 31.9 acres north of Carleton Street; and, 2) the South Properties at 801 Grayson Street, which includes 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 APPLICANT: Bayer HealthCare LLC

PROJECT DESCRIPTION: 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#00-10000008) for the South Properties and adopted a Mitigated Negative Declaration on July 21, 2000.

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.

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. To the extent that building heights exceed the standard height limits allowed by the Zoning Ordinance, the need for these heights has been substantiated. No building shall exceed 80 feet, which is the maximum height allowed by the existing Development Agreement. The project 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.

Baseline conditions include maximum allowable development under the existing DA at the North Properties (1,346,000 square feet), in addition to existing development at the South Properties (520,000 square feet), for a total of 1,866,000 square feet. Accounting for all land uses on the project site, the projected buildout of 1,738,000 square feet would represent a net decrease of 128,000 square feet from the baseline buildout of 1,866,000 square feet. The projected buildout does not impose a limit on floor area for individual land uses but does place a limit on overall floor area.

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.

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

COMMENTS AND QUESTIONS: Written comments on the Final SEIR and on the proposed project may be submitted by mail to:

Steven Buckley, Land Use Planning Manager
City of Berkeley Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Comments may also be submitted by e-mail to StBuckley@cityofberkeley.info.

You may also contact Mr. Buckley at (510) 981-7489.

To assure distribution to Commission members prior to the meeting, **correspondence must be received by 12:00 noon, eight (8) days before the meeting date.** Fifteen (15) copies must be submitted of any correspondence that requires color printing or pages larger than 8.5x11 inches.

PUBLIC ADVISORY: This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to AB 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, this meeting is being held during a proclaimed state of emergency, and state and local officials have imposed or recommended measures to promote social distancing. In order to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available. Details of how to join the meeting will be posted to the City website as part of the Planning Commission agenda: <https://www.cityofberkeley.info/PC/>.

COMMUNICATION ACCESS: To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.ci.berkeley.ca.us.