



Planning and Development Department  
Land Use Planning Division

## **NOTICE OF AVAILABILITY (NOA) OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARING**

### **Bayer Healthcare LLC Development Agreement Amendment**

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Notice is hereby given that the City of Berkeley has prepared a Draft Subsequent Environmental Impact Report (Draft SEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed amendment to Bayer HealthCare LLC's Development Agreement ("proposed project").

**PUBLIC REVIEW TIMELINE:** The public review and comment period for the Draft SEIR begins Friday, May 21, 2021 and ends Tuesday, July 6, 2021. The City must receive all written comments regarding the adequacy of the Draft SEIR within this time period (postmarked on or before July 6 if sent via U.S. Postal Service, time stamped on or before July 6 if sent electronically).

Written comments may be submitted in person, by mail or by e-mail to:

Leslie Mendez, Senior Planner  
City of Berkeley Planning and Development Department  
Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Comments may also be submitted by e-mail address to [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info)

**DOCUMENT AVAILABILITY:** The Draft SEIR is available for review at the following webpage:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx).

**DRAFT SEIR HEARING:** The City of Berkeley **Planning Commission (PC)** will take comments on the SEIR at a public hearing on **Wednesday, June 2, 2021**. 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 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.

**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 APPLICANT:** Bayer HealthCare LLC

**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:

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. 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.

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](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx)

**ENVIRONMENTAL EFFECTS:** An Initial Study was prepared for the proposed project; it is included as Appendix A of the Draft SEIR. As discussed in the Initial Study, there is no substantial evidence that significant impacts would occur to the following issue areas: Agriculture and Forestry Resources, Energy, Land Use and Planning, Mineral Resources, Noise, Population/Housing, and Wildfire. Impacts related to those issue areas would be less than significant without mitigation. As indicated in the Initial Study, impacts related to Aesthetics, Biological Resources, Geology and Soils, Hydrology and Water Quality, Public Services, and Recreation would be less than significant with mitigation incorporated but further analysis was not required in the SEIR.

The Draft SEIR evaluates the following environmental issues in detail:

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

Impacts related to utilities and service systems would be less than significant without mitigation. Impacts related to air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, transportation, and tribal cultural resources would be less than significant with mitigation incorporated.

**ALTERNATIVES:** The CEQA Guidelines require analysis of a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid, or substantially lessen, any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Because the project's environmental document is an Infill EIR, the CEQA Guidelines do not require analysis of alternate locations, densities, or building intensities. The Draft EIR analyzes the following two alternatives; 1) No Project/No New Construction Alternative, 2) No Project/Zoning Conformance Alternative, and 3) Reduced Parking Alternative. The Reduced Parking Alternative is identified as the environmentally superior alternative.

**QUESTIONS:** If you have any questions about this project, please contact Leslie Mendez at (510) 981-7426 or [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info)



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Leslie Mendez, Senior Planner  
Date of Distribution: May 21, 2021

Attachment:

Figure 1: Location

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

Figure 1: Project Location

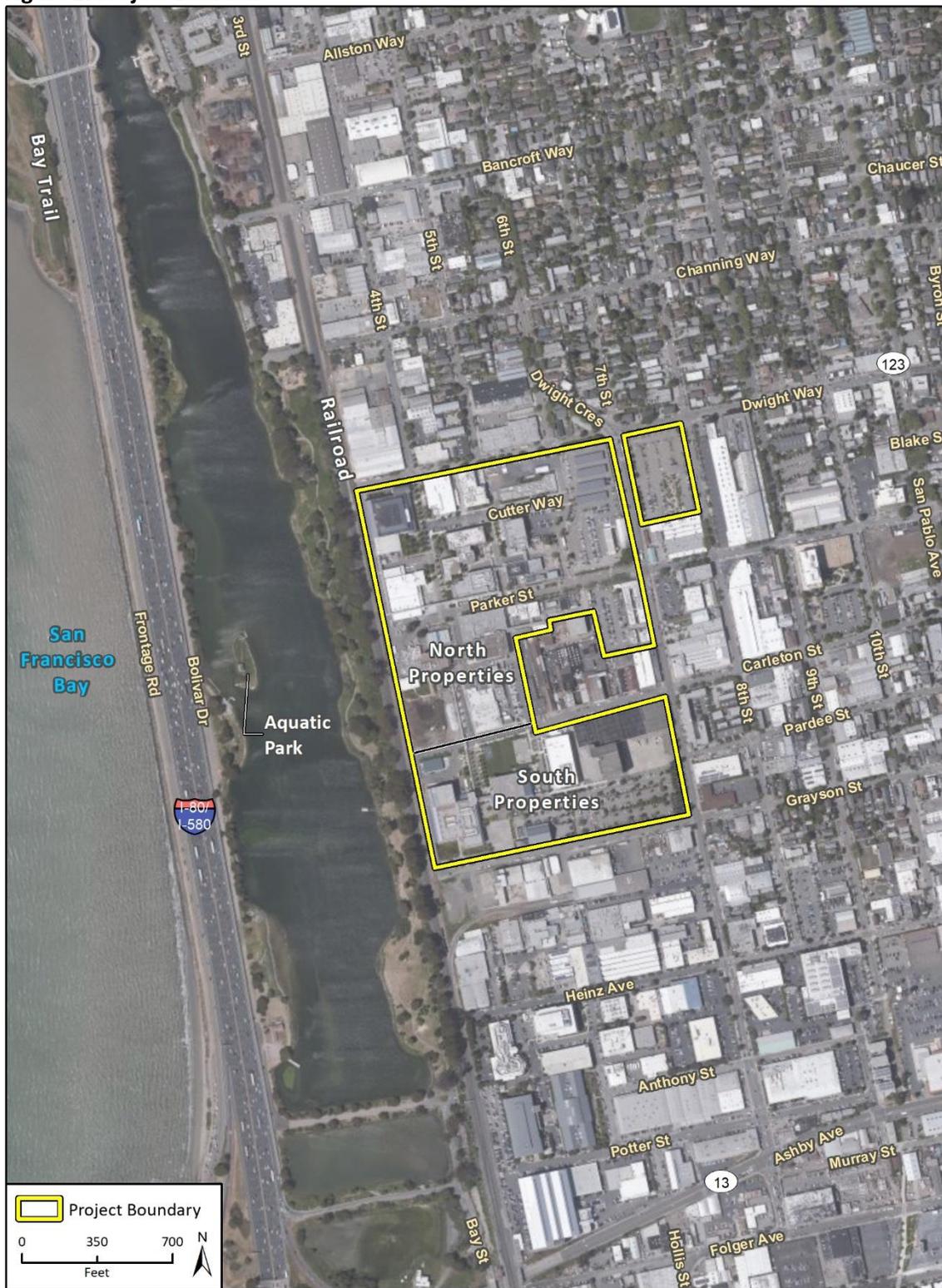


Figure 2: Conceptual Development Plan Build Out by Use at Year-30 (2052)

