

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL
BERKELEY UNIFIED SCHOOL DISTRICT BOARD ROOM
1231 ADDISON STREET**

PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY

DEVELOPMENT AGREEMENT AMENDMENT – BAYER HEALTHCARE LLC.

800 DWIGHT WAY, USE PERMIT #ZP2020-0008

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, NOVEMBER 30, 2021** at **6:00 P.M.** a public hearing will be conducted to consider an application to enter into a Development Agreement (DA) amendment that 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;
3. Modify various development standards, operational restrictions, and campus layout; and
4. Require a community benefits package totaling \$33.1 million

Bayer's existing 30-year 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 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.

In addition to extending the term of the DA by 30 years, the proposed amended DA would include a conceptual development plan that would allow for rearranging 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.

Overall, the project would involve a reduction of the maximum allowable square footage entitled under the current DA and South Properties Use Permit by 128,000 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.

Development parameters address:

- Administration and implementation, including various permit requirements
- Zoning and permitted uses, including definitions and locations of uses
- Development standards, including building heights, setbacks, stepbacks and projections, as well as parking and circulation, and landscaping and open space.
- Design guidelines, including signage, building design, landscaping, lighting and sustainability.

Bayer is also proposing community benefits contributions associated with the DA amendment. Bayer initially proposed community benefits contributions that included a total annual contribution of \$720,000 in the first year of the extended term, with annual increases of 2%. That proposal was reviewed in July 2021 by the Planning Commission, Zoning Adjustments Board, and City Council. In September 2021, Bayer submitted a revised proposal (Exhibit D) that includes a total annual contribution of \$800,000 in year 1, with annual increases, to support STEAM and career technical education, the West Berkeley Fund for community infrastructure and