

California Environmental Quality Act 2026 Addendum to 2021 Subsequent Environmental Impact Report for the Bayer Healthcare LLC Development Agreement Amendment ("ARDA") (SCH 2020100559), Addressing the Second Amendment to the ARDA

1. INTRODUCTION

In January 2022, Bayer HealthCare LLC ("Bayer") and the City of Berkeley entered into a 30-year Amended and Restated Development Agreement (ARDA) governing continued buildout and operation of the Bayer HealthCare campus (generally known as the "Bayer Campus") in West Berkeley (the "original project"). In relevant part, the ARDA sets forth:

- The boundaries of the Bayer Campus.
- An overall limit on new floor area, set at 918,000 square feet.
- Permitted uses and activities within the Bayer Campus (administration, laboratories, maintenance, production, utilities, warehouses, and ancillary parking for all of the above).
- General site layout, development, and massing, imposed through a "block" system in which different "blocks" of the campus correspond to different development and massing standards. Each block has a maximum floor area per block.

The environmental impacts of ARDA were studied in detail under a 2021 Subsequent Environmental Impact Report: the Bayer Healthcare LLC Development Agreement Amendment Project Subsequent Environmental Impact Report (SCH 2020100559), certified by the City of Berkeley in December 2021 (the "ARDA SEIR").

This document analyzes the impact of a modification to the boundaries of the ARDA, removing 2500 7th Street/ 2520 8th Street (APN 54-1777-1) from the boundary of the Bayer Campus, and incorporating 811 Carleton Street (APN 54-1770-4-2) and the portion of Carleton Street fronting 811 Carleton Street into the boundary of the Bayer Campus. (the "modified project"). These boundary changes effectively describe a modest land "swap" resulting in a net addition of .85 acres to the Bayer Campus. However, as described further below, no change in the type or intensity of those permitted uses studied in the ARDA SEIR and approved by the City of Berkeley would result.

Pursuant to Section 15164 of the CEQA Guidelines, codified in Sections 15000 et seq. of Title 14 of the California Code of Regulations, a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15612 calling for preparation of a subsequent EIR have occurred. Under Section 15162 (a), where an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that there are substantial changes in the project or circumstances or substantially important new information that will cause the project to have significant new impacts or substantially increase the severity of previously identified significant impacts.

Specifically, the CEQA Guidelines state:

- The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred (Section 15164(a)).
- An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration (Section 15164(c)).
- The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project (Section 15164(d)).
- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence (Section 15164(e)).

According to Section 15164 of the CEQA Guidelines, an addendum to a previously certified EIR or negative declaration is the appropriate environmental document in instances when “only minor technical changes or additions are necessary” and when the new information does not involve new significant environmental effects beyond those identified in the previous EIR.

This addendum has been prepared in accordance with relevant provisions of CEQA (California Public Resources Code Section 21000, et seq.) and the CEQA Guidelines. It describes the modified project and compares its impacts to those identified in the ARDA SEIR. The analysis demonstrates that the modified project does not require the preparation of a subsequent EIR.

Consistent with CEQA provisions governing the preparation of addenda and other subsequent environmental review documents, the appropriate environmental baseline is the buildout evaluated in the ARDA SEIR. The projected buildout under the ARDA was 1,738,000 square feet. See CEQA Guidelines § 15162(a)(2).

2. PROJECT DESCRIPTION

In January 2022, Bayer HealthCare LLC (“Bayer”) and the City of Berkeley entered into a 30-year Amended and Restated Development Agreement (ARDA) governing continued buildout and operation of the Bayer HealthCare campus (generally known as the “Bayer Campus”) in West Berkeley. In relevant part, the ARDA sets forth:

- The boundaries of the Bayer Campus.
- An overall limit on new floor area, set at 918,000 square feet.
- Permitted uses and activities within the Bayer Campus (administration, laboratories, maintenance, production, utilities, warehouses, and ancillary parking for all of the above).

- General site layout, development, and massing, imposed through a "block" system in which different "blocks" of the campus correspond to different development and massing standards. Each block has a maximum floor area per block.

The modified project involves a minor change to the boundaries of the Bayer campus, removing 2500 7th Street/ 2520 8th Street (APN 54-1777-1) from the boundary of the Bayer Campus, and incorporating 811 Carleton Street (APN 54-1770-4-2) and the portion of Carleton Street fronting 811 Carleton Street into the boundary of the Bayer Campus. The property removed consists of 2.59 acres whereas the property added consists of 3.44 acres, making for a net addition of 0.85 acres though, as explained further below, while the 46-acre campus is expanding by 1.8 percent, the proposed intensity of use on the campus will remain static, and not exceed levels evaluated under the SEIR. Essentially, parking and administrative uses programmed for a parcel located across the street from the main Bayer Campus will be relocated approximately 450 feet to a parcel that is adjacent to the main Bayer Campus.

The property at 811 Carleton Street accommodates the Macaulay Foundry, an approximately 84,000-square-foot former industrial plant that is currently abandoned. The portion of Carleton Street to be included in the Bayer campus is the 27,448-square-foot segment of the right of way that the City vacated and quitclaimed to Bayer via Ordinance 7,9812-N.S., as memorialized in the October 6, 2025 quitclaim deed recorded with the Alameda County Clerk-Recorder (Record No. 2025124729). The project is an amendment to Bayer's programmatic land use plan for its campus, and redevelopment of 811 Carleton Street with a parking structure and administrative uses is not a short-term prospect but, as contemplated in the ARDA, would occur sometime between Year 10 and Year 30 in Bayer's planning horizon. The programmatic nature of the ARDA is explained in detail in the ARDA SEIR (see p. 1-8), and the proposed project is also programmatic in nature. While demolition of the buildings on 811 Carleton Street potentially would occur under the campus land use plan, no specific actions or development are proposed at this time, and project-level review will occur when Bayer elects to redevelop 811 Carleton Street, consistent with how redevelopment will occur under the ARDA on all other portions of the campus.

Under the project, Carleton Street will remain open for vehicle travel, as a means to access the Bayer campus by employees, and would undergo modest circulation improvements, such as repaving, stormwater infrastructure, and a small security booth. No specific plans are proposed at this time.

Figure 1 depicts the boundaries of the Bayer Campus under the original project. **Figure 2** depicts the boundaries of the Bayer Campus under the modified project.

FIGURE 1

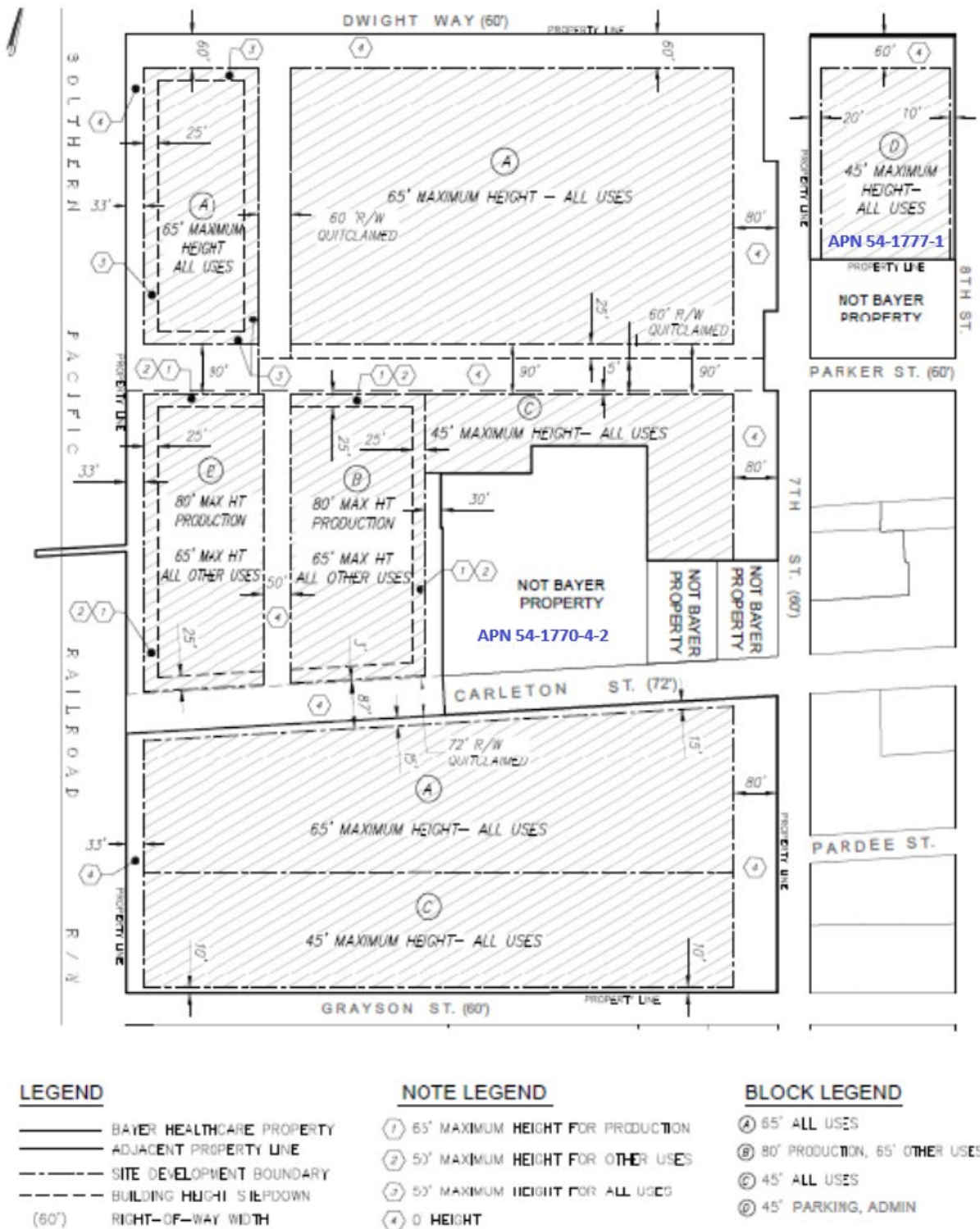
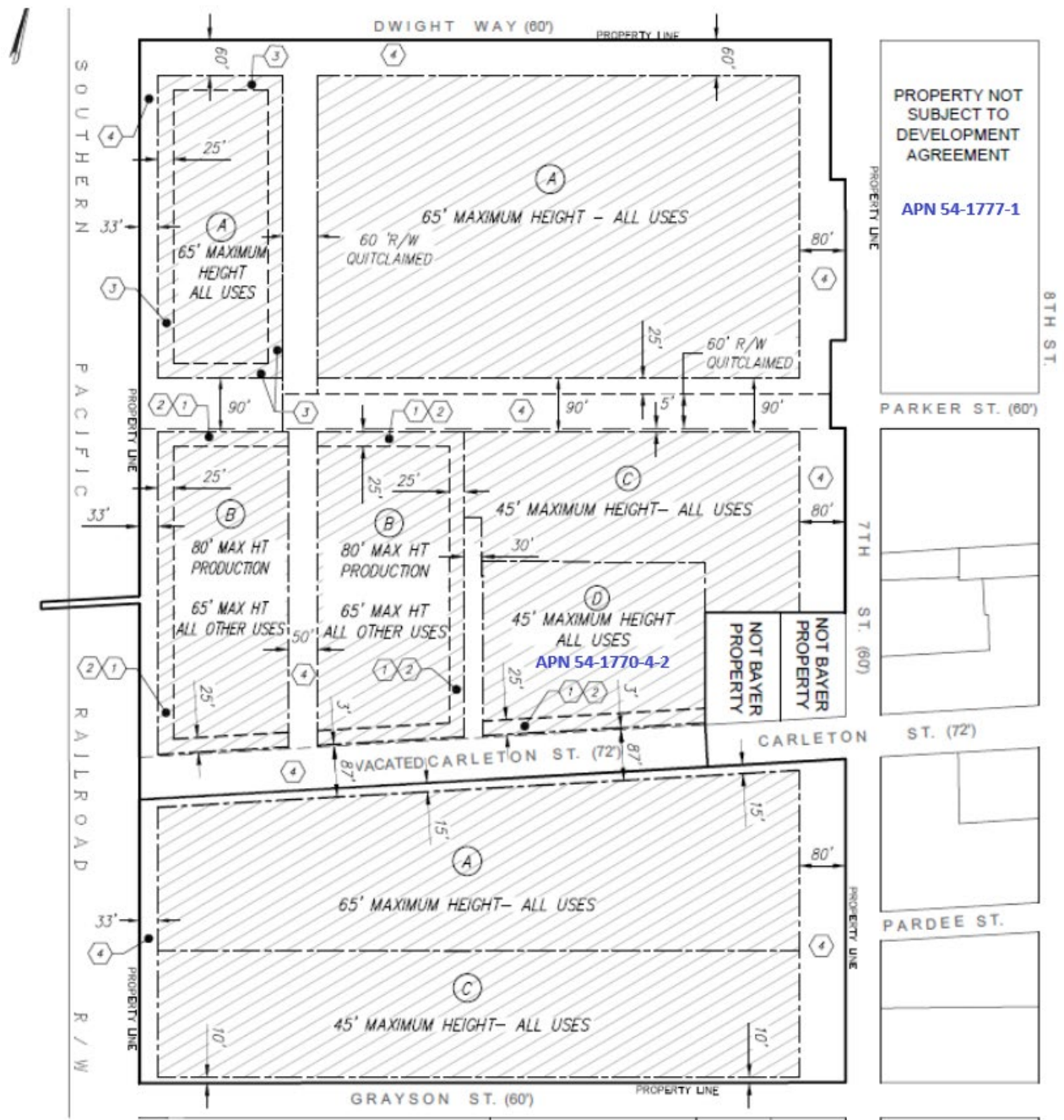


FIGURE 2



LEGEND

- BAYER HEALTHCARE PROPERTY
- ADJACENT PROPERTY LINE
- - - SITE DEVELOPMENT BOUNDARY
- - - BUILDING HEIGHT STEPDOWN
- (60') RIGHT-OF-WAY WIDTH

NOTE LEGEND

- ① 65' MAXIMUM HEIGHT FOR PRODUCTION
- ② 50' MAXIMUM HEIGHT FOR OTHER USES
- ③ 50' MAXIMUM HEIGHT FOR ALL USES
- ④ 0' HEIGHT

BLOCK LEGEND

- Ⓐ 65' ALL USES
- Ⓑ 80' PRODUCTION, 65' OTHER USES
- Ⓒ 45' ALL USES
- Ⓓ 45' ALL USES

Under the modified project, the majority of the newly incorporated APN 54-1770-4-2 is designated as Block D – the same block designation presently covering APN 54-1777-1. The newly incorporated property would therefore be subject to the same development standards, height restrictions, and permitted uses (parking and administration) as APN 54-1777-1 under the original project. Under the modified project, a small portion of the newly incorporated APN 54-1770-4-2 is designated as Block C, to match the area of the Bayer Campus directly to the north of APN 54-1770-4-2. Overall, however, there is no proposed change in the intensity of the land uses studied and approved under the original project. Block C will continue to have a maximum ceiling on development at 400,000 square feet, and Block D will have a ceiling on development at 30,000 square feet, consistent with Table 5 of Exhibit C to the ARDA. Therefore, the total maximum ceiling on development will remain unchanged.

In concert with the incorporation of APN 54-1770-4-2 and a portion of Carleton Street into the Bayer Campus, there will be a new point of permitted staff access to the Bayer Campus from Carleton Street.

Similar to the original project, the modified project is not a specific development proposal for any portion of the Bayer Campus. Instead, it changes the boundaries of the area subject to the ARDA. Specific development of any portion of the Bayer Campus, including APN 54-1770-4-2, will require a separate application and approval under the procedures set forth in the ARDA.

While the modified project does not include any specific proposal for construction or demolition on APN 54-1770-4-2, incorporation of APN 54-1770-4-2 into the Bayer Campus may result in eventual demolition of the existing structures on APN 54-1770-4-2, which are not currently in use. These structures include five buildings and two "hyphens," meaning structures connecting various buildings: the 1906 foundry building, 1906 pattern shop, ca. 1923 clay and sand storage, ca. 1923 core room and storage, and ca. 1923 pattern storage, and a ca. 1961 hyphen and ca. 1977 hyphen, as well as yard areas. To be conservative, this environmental analysis assumes that demolition of the existing structures on APN 54-1770-4-2 will occur, and construction of structures in accordance with the ARDA's development standards may occur.

The modified project will be subject to, and will comply with, all mitigation measures required under the ARDA SEIR.

With the exception of minor changes to site access to allow for a new point of Staff access along Carleton, site circulation is unchanged, and all other aspects of Bayer Campus operations and the ARDA will be unchanged. *See further discussion in Appendix C.* Construction phasing, equipment, and timelines are unchanged. The modified project does not include any new land uses, or increased scope, density, or intensity of any land uses included in the original project. Specifically, the Bayer Campus remains subject to an overall limit on new floor area, set at 918,000 square feet. The development standards and permitted uses applying to Block C and Block D are identical to the original project, as are the total floor area maximums for each block.

In summary, the only change under the modified project is that of boundaries, effectuating what is essentially a parcel swap that consolidates Bayer operations to property west of Seventh Street: APN 54-1777-1 is removed from the Bayer Campus, and APN 54-1770-4-2 and the portion of Carleton Street along this parcel's frontage is incorporated into the Bayer Campus.

With respect to future development on APN 54-1777-1, there are no reasonably foreseeable project-level buildings planned at this site. The project constitutes an amendment to a programmatic land use plan that essentially functions as zoning for the Bayer campus. The ARDA, as originally designed, contemplated that development of a parking structure and administrative uses on APN 54-1777-1. (See ARDA, Ex. C, Table 2 [APN 54-1777-1, known as "Block D," permitted only parking and administrative uses]; Table 5 [maximum floor area in Block D is 30,000 square feet]; *compare to* Figure 2 herein [showing APN 54-1770-4-2 as Block D].) These uses, which include only administrative and parking uses, would now be sited on APN 54-1770-4-2, and would occur sometime after Year 10 and before Year 30 of the ARDA planning horizon. (See ARDA, Ex. C, Figure 7 [showing development of Block D occurring between years 10 and 30].) The project does not alter this development schedule.

With its severance from the Bayer Campus, zoning on APN 54-1771-1 will revert to the Mixed Use-Light Industrial zoning designation.

3. DECISION NOT TO PREPARE A SUBSEQUENT EIR

CEQA includes a presumption against requiring further environmental review once an EIR has been prepared for a project. (See *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1073 ["the question [for further environmental review] is whether circumstances have *changed* enough to justify *repeating* a substantial portion of the process].)

As such, pursuant to Public Resources Code Section 21166, a subsequent or supplemental environmental review is required only if one of three specific conditions is met:

1. Substantial changes are proposed in the project that require major revisions to the previous Environmental Impact Report ("EIR");
2. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR; or
3. New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

Here, Conditions 2 and 3 are not applicable. There is no evidence of any substantial changes to the circumstances under which buildout and operation of the Bayer Campus pursuant to the ARDA would occur, and no new information that could not have been known at the time of the ARDA SEIR that has come to light.

Under Condition 1, a proposed change to a project is not sufficient to require preparation of a subsequent EIR. A subsequent EIR may only be required if the evidence demonstrates that the proposed changes to the original project may result in new or more severe significant environmental impacts that were not already studied in the previous environmental review of the project. (See, e.g., *Citizens Against Airport Pollution v City of San Jose* (2014) 227 CA4th 788.)

The analysis that follows in this document demonstrates that the modified project will not result in any new or more severe significant environmental impacts that were not already studied in the ARDA SEIR.

Therefore, this addendum is the appropriate level of environmental documentation to provide under CEQA. The City of Berkeley will include this addendum, along with the Final EIR for the original project, in its consideration of the modified project.

4. ENVIRONMENTAL IMPACTS OF THE PROPOSED CHANGES TO THE ORIGINAL PROJECT

This addendum evaluates the changes proposed under the modified project compared to the original project against the *CEQA Guidelines* Section 15162 criteria, to determine whether a subsequent EIR is necessary for the modified project. The existing environmental conditions on and around the project site are substantially the same under present conditions as those described in the ARDA SEIR.

Appendix G of the *CEQA Guidelines* provides a checklist of environmental issues areas suggested for assessment in a CEQA analysis. The issue areas studied included the following:

- Aesthetics
- Agricultural and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities
- Wildfire

To provide a thorough and conservative analysis of potential impacts associated with the modified project, this addendum addresses all 20 environmental issue areas included in the ARDA SEIR.

Potential environmental impacts of the modified project are analyzed to determine if they are consistent with the impact analysis provided in the ARDA SEIR.

4.1 ISSUES NOT DOCUMENTED IN DETAIL IN THIS ADDENDUM

The ARDA SEIR did not include detailed discussion of certain environmental topics that were scoped out of analysis. The Initial Study of the original project (Appendix A to the ARDA SEIR) concludes that there is no evidence that significant impacts would occur to: Agriculture and Forestry Resources, Energy, Land Use and Planning, Mineral Resources, Noise, Population/Housing, and Wildfire. Impacts of the original project related to those issue areas were found to be less than significant without mitigation. 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 an EIR.

The modified project makes minor changes to the boundaries of the Bayer Campus, removing a parcel separated from the rest of the Bayer campus by Seventh Street, and replacing it with property surrounded by and contiguous to the Bayer Campus. The scope of proposed development is unchanged, as the total square footage of the campus at buildout will remain the same. The modified project will incorporate all mitigation measures included in the Initial Study of the original project.

Each of the above topic areas is briefly discussed below, to demonstrate that no new or substantially more severe significant effects would occur to any of the topic areas discussed under the Initial Study for the original project.

4.1.1 Aesthetics

The Initial Study evaluates the aesthetic impacts of the original project based on buildout of the Bayer Campus under the development standards, including building heights, and land uses as permitted under the ARDA. The Initial Study analyzes several visual simulations of the Bayer Campus from several viewsheds within the City. In evaluating the aesthetic impacts of the original project, the Initial Study notes that the potential for a proposed parking structure to the south of Dwight Way between Seventh Street and Eighth Street could present a massive and unvaried façade to the land uses on the east side of Eighth Street, and therefore includes the below mitigation measure AES-1:

AES-1 Parking Structure Design

The proposed parking structure between Dwight Way, Seventh Street, Eighth Street, and Parker Street shall be designed to maximize visual compatibility with the low-rise, low intensity uses to the north and east, in terms of the parking structure's massing, color, and adjacent landscaping. The Eighth Street façade of the garage shall be articulated to add texture and depth to the structure. A setback as well as landscape and streetscape amenities shall be provided on the perimeter of the parking structure. Stepbacks shall also be provided along Eighth Street.

With incorporation of mitigation measure AES-1, the initial study concludes that the original project will have a less than significant impact with respect to aesthetics.

With respect to light impacts, the Initial Study found the original project would reduce maximum buildout of the Bayer Campus by a projected 128,000 square feet relative to baseline conditions (potential buildout under the original DA) and that therefore it was not expected that the project

would result in a net increase in ambient light levels. Furthermore, the Initial Study found the original project would strengthen lighting standards in the DA by setting comprehensive lighting standards applicable to the entire Bayer Campus in lieu of use-specific standards, including requirements that new exterior lighting be architecturally integrated with the character of structures, fully shielded or recessed, and completely turned off or significantly dimmed at close of business hours in most instances. The project would maintain the lighting standards set forth in the ARDA (see, e.g., ARDA, Exhibit C, pp. 26-27 [security and general lighting design guidelines, including shielding and illumination restrictions]) and extend them to APN 54-1770-4-2. Per the ARDA SEIR, project standards would require that new exterior lighting be architecturally integrated with the character of structures, energy-efficient, fully shielded or recessed, and completely turned off or significantly dimmed at close of business hours when not essential for security and safety. In addition, they would require that all outdoor lighting fixtures be designed and installed so that light rays are not emitted across property lines, to the extent feasible. (See ARDA SEIR, App. A, pp. 38-39.) The modified project would consolidate light sources away from sensitive receptors, further reducing impacts compared to the ARDA SEIR baseline.

With respect to glare, the Initial Study determined that new and renovated buildings on the project site could generate glare if they have reflective windows or exterior surfaces, especially on western façades toward the setting sun. Development along the western property line was found to have a potentially significant impact, which could be mitigated through adherence to Mitigation Measure AES-2.

The modified project does not include any alterations to the development standards, including building heights, and land uses as permitted under the ARDA. Accordingly, the analysis of visual simulations included in the Initial Analysis is consistent with the modified project. Furthermore, the modified project eliminates any potential for a parking structure to the south of Dwight Way between Seventh Street and Eighth Street by removing that parcel from the Bayer Campus entirely, which under the original project would have been constructed across the street from residents on Dwight Way and businesses on Eight Street. To the extent a parking structure is built on the APN 54-1770-4-2 under the modified project, the parking structure will be surrounded entirely by the Bayer Campus, as opposed low-rise, low intensity uses, and will have no impact on businesses on Eight Street or residents on Dwight Way.

With respect to light and glare, the project proposes the relocation of development from a peripheral portion of the project site to a location almost entirely interior to the project site. The project would not allow an intensity of development greater than studied in the ARDA SEIR, nor does the project entail any greater degree of development along the project site's western property line.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have less than significant impacts related to aesthetics. The consolidated Bayer operations under the modified project in fact confers an environmental aesthetic benefit with respect to the community.

4.1.2 Agriculture and Forestry Resources

The Initial Study of the original project notes that project site is located in an urban area in the city of Berkeley. There are no agricultural resources, Williamson Act-contracted land, or forest land located on or near the project site. The California Department of Conservation classifies the site and all surrounding properties classified as "Urban and Built-Up Land" (2016). The

project would not allow for conversion of agricultural land to non-agricultural uses or result in the loss of forest land or conversion of forest land to non-forest use. The site's urban zoning designations and land uses would not change. Therefore, the original project would have no impact related to agricultural resources.

The modified project does not shift the project site to any new or different locations with any potential for agricultural resources. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have no impact related to agricultural resources.

4.1.3 Biological Resources

The Initial Study determines that development of the original project will not impact any protected trees or conflict with any Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans. The Initial Study also determines that buildout under the original project may impact birds and bird habitat on the project site, and therefore imposes mitigation measures BIO-1 and BIO-2 which require biological surveys and bird safe glass. The Initial Study concludes that compliance with BIO-1 and BIO-2, as well as HWQ-1 through HWQ-7, will ensure that the original project has so significant impact on biological resources.

The modified project will not result in any new development impacting trees. The newly incorporated property (APN 54-1770-4-2 and a portion of Carleton Street) is fully developed and not within any Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans. There are no trees on this parcel, nor any landscaping; it is wholly occupied by an abandoned and defunct industrial plant. The modified project will continue to comply, to the extent applicable, with BIO-1, BIO-2, and HWQ-1 through HWQ-7. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have no impact related to biological resources.

4.1.4 Energy

The Initial Study analyzes the energy consumption of the proposed construction of the original project, based on projected construction equipment and hauling, and vendor trips. The Initial Study notes that project construction would be required to comply with relevant State and Federal standards governing vehicle idling, equipment efficiency, and waste management practices. The Initial Study also analyzes the energy consumption of the proposed operation of the original project, including electricity, natural gas, and transportation fuels. The Initial Study notes that project operations would be required to comply the California Building Code and several local standards governing energy efficiency. The Initial Study concludes that neither construction nor operation of the original project would result in wasteful, inefficient, or unnecessary consumption of energy resources. The Initial Study also evaluates the original project for consistency with the City's Climate Action Plan, and concludes that several key features of the original project, such as Transportation Demand Management, electric vehicle charging stations, incorporation of solar panels, and consistency with State energy and building standards will ensure consistency. Based on the foregoing, the Initial Study concludes that the original project will have a less than significant impact related to energy.

The modified project does not require any greater scope of construction, and will not require any greater use of construction equipment, hauling, or vendor trips. The modified project will not impact the energy consumption associated with project operations, as all transportation rates,

electricity consumption, and natural gas consumption will not be affected by exclusion of one parcel and inclusion of a more proximate parcel and its frontage. The modified project will also maintain all of the above described project features that maintain consistency with the City's Climate Action Plan. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to energy.

4.1.5 Geology and Soils

The Initial Study notes that the original project is not located within an Earthquake Fault Zone mapped by the California Geological Survey, no active faults occur within approximately 2.4 miles of the site, there are no known landslides near the project site, nor is the site in the path of any known or potential landslides. The Initial Study also notes that the original project will be subject to, and will comply with, the seismic safety program included in Exhibit G-8 of ARDA, which includes several measures to address the seismic and liquefaction risks of the project site, and regulations that will ensure that erosion during construction does not occur and to address any potential risks of expansive soils. The Initial Study also concludes that the project site is adequately served by the sanitary sewer system maintained by the City of Berkeley for the collection system, and by the East Bay Municipal Utility District (EBMUD) for interceptor lines, and therefore will not require any septic tank or alternative wastewater disposal system. The Initial Study determines that Mitigation Measure GEO-1, governing discovery of paleontological resources, would be sufficient to protect any fossil discoveries unearthed during ground disturbing activities.

With imposition of mitigation measure GEO-1, the Initial Study concludes that the original project will have a less than significant impact on geology and soils.

The modified project will not relocate the project to an Earthquake Fault Zone, active fault area, known landslides area, or within the path of any known or potential landslides. The modified project will continue to comply with Exhibit G-8 of ARDA and regulations that will ensure that erosion during construction does not occur, and which will address any potential risks of expansive soils. The modified project will continue to be served by the City and EBMUD, and will incorporate mitigation measure GEO-1. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to geology and soils.

4.1.6 Hydrology and Water Quality

The Initial Study notes that any development under the original project would be required to comply with a variety of state and local water quality regulations designed to control erosion and protect water quality during construction and operation, including the State Water Resources Control Board (SWRCB) Construction General Permit, which requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for projects that disturb one acre or more of land, BMC Chapters 21.40 and 17.20 which require construction BMPs, Exhibit G-8 of ARDA which establishes a Surface Water Runoff Program, preparation of a Stormwater Management Plan (SWMP) that includes the post-construction BMPs that control pollutant levels the Municipal Regional Stormwater NPDES Permit issued by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). The Initial Study also imposes mitigation measures HWQ-1, HWQ-2, HWQ-3, HWQ-4, HWQ-5, HWQ-6, and HWQ-7 to ensure that potential contamination of surface water and groundwater from the Bayer Campus would be monitored, controlled at the source, and remediated if necessary. With compliance

with all of the above and imposition of mitigation measures HWQ1-7, the Initial Study concludes that the original project would not result in any significant impacts related to violations of water quality standards, waste discharge requirements, or other degradation of surface or groundwater quality, or alter the drainage patterns of the site in any way that would cause significant impacts.

The modified project would comply with all the same state and local water quality regulations designed to control erosion and protect water quality during construction and operation, and would comply with mitigation measures HWQ1-7. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to violations of water quality standards, waste discharge requirements, or other degradation of surface or groundwater quality, or alter the drainage patterns of the site in any way that would cause significant impacts.

The ARDA SEIR further notes that EBMUD supplies water to the Bayer Campus, that the groundwater aquifer beneath Berkeley is not currently used for water storage or drinking water supply, and that the project site is almost entirely covered in impervious surface already. This means that development under the original project would not impact groundwater recharge. Furthermore, the compliance with the NPDES permit would result in the imposition of measures that promote infiltration, meaning that the original permit would not result in a net deficit in aquifer volume. Accordingly, the Initial Study concludes that the original project will not have a significant impact on groundwater supplies or groundwater recharge.

The modified project will continue to use EBMUD for water supply, and will be subject to, and will comply with, the NPDES permit. Furthermore, the vast majority of APN 54-1770-4-2 is currently covered in impervious surface, meaning that any redevelopment, including reconstruction of impervious surface, will not interfere with existing groundwater recharge in the modified project area. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to groundwater.

The Initial Study concludes that the original project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan because it will be subject to, and will comply with, State and local water quality standards. The modified project will also comply with State and local water quality standards, and will not conflict with these plans.

Lastly, the Initial Study noted that the original project is not located in a FEMA-designated flood hazard zone or tsunami hazard zone. Similarly, APN 54-1770-4-2 is not located in a FEMA-designated flood hazard zone or tsunami hazard zone, so the modified project has remains at minimal risk for inundation, and will have a less than significant impact related to release of pollutants due to inundation.

4.1.7 Land Use and Planning

The Initial Study concludes that the original project will not result in any significant land use and planning impacts because the project: (1) does not include elements that would physically divide established communities in West Berkeley and (2) incorporates a Development Agreement process and manufacturing uses that are consistent with the intent of the Berkeley Municipal code, Berkeley General Plan, and West Berkeley Plan.

The modified project also does not include any elements that physically divide the West Berkeley community. In fact, the modified project would result in a more consolidated Bayer Campus than the original project. The modified project still complies with the same development agreement process and includes the same land uses for the Bayer Campus analyzed under the Initial Study. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to land use and planning.

4.1.8 Minerals

The Initial Study notes that the project site under the original project is in a fully urbanized area that is incompatible with mineral resource extraction. The Berkeley General Plan's Environmental Management Element states that "due to its long-established urbanized character, Berkeley has no active...mineral extraction" industry. (Berkeley 2001d). Therefore, the original project would not result in the loss of availability of valuable mineral resources or mineral resource recovery sites. No impact would occur.

The modified project will not result in the addition of any land with active mineral extraction. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to minerals.

4.1.9 Population and Housing

The Initial Study analyzes the original project will result in an estimated 2,000 employees by 2052. This represents a net increase of 108 employees beyond baseline conditions, or 5.7 percent more employees on the Bayer Campus, which corresponds with an increase of 23 households in Berkeley. This population growth is in line with projected Citywide population growth. The Initial Study also notes that the original project will not result in any demolition of existing housing, and will not require the construction of replacement housing. On this basis, the Initial Study concludes that the original project will have no impact on population and housing.

The modified project will not result in an employee increase greater than the original project, as it does not expand the scope of operations on the Bayer Campus. Neither APN 54-1770-4-2 nor the portion of Carleton Street along its southerly frontage currently include any housing, so the modified project would not result in any demolition of existing housing. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to population and housing.

4.1.10 Public Services

The Initial Study concludes that the original project will not result on impacts related to the need for new fire facilities or services because of the scope of development under ARDA and the requirement that future development comply with the Berkeley Fire Code. The modified project will not alter the scope of development authorized under ARDA, and would continue to comply with local laws. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to fire services.

The initial Study imposes PS-1 on the original project, which requires imposition of measures recommended by the police department, including employing security guards, utilizing adequate

lighting in parking areas and around buildings, and utilizing other crime reduction measures. With imposition of mitigation measure PS-1, the Initial Study concludes that the original project will not result in impacts related to the need for new police facilities or services. Furthermore, upon incorporation of this parcel (APN 54-1770-4-2) into the project site, the area would be located behind secure fencing and subject to ongoing monitoring by Bayer security personnel. The modified project will be subject to, and will comply with, mitigation measure PS-1. .

Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to police services.

The Initial Study notes that the original project will result in an estimated six new children in Berkeley Schools, which would be fully mitigated by the payment of school fees by Bayer, as mandated by Senate Bill 50. The modified project is not expected to bring any greater number of households or associated children to the City than the original project, and Bayer will continue to comply with all required school fee payment under SB 50. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project, and the modified project would have a less than significant impact related to schools.

4.1.11 Recreation

The Initial Study imposes mitigation measure REC-1, which requires Bayer to contribute park maintenance fees to aquatic park. With REC-1 and the provision of on-site open space and recreational facilities, the Initial Study concludes the original project will have no impacts related to recreation, with the exception of potential impacts with respect to GHG emissions, air quality, noise, and hazards related to buildout of the proposed recreational facilities, which are described in the relevant sections of the Addendum. The modified project will be subject to, and will comply with, REC-1, and include the same open space and on-site recreational amenities as the original project. The modified project would not increase the level of intensity of site use above that studied under the SEIR and, accordingly, would not result in an increase in the number of Bayer employees above that evaluated in the previous environmental study. The ARDA SEIR's Mitigation Measure REC-1, requiring a mitigation payment for Aquatic Park Funding, was satisfied by Bayer in 2022. Therefore, there would be no additional demand for recreational services or facilities beyond that contemplated in the ARDA, and the analysis of impacts in the ARDA SEIR is consistent with the modified project. As such, the modified project would have a less than significant impact related to recreation.

4.1.12 Wildfire

The Initial Study notes that the original project in West Berkeley is not located in or near a very high fire hazard severity zone, and is outside the City's Wildland-Urban Interface Fire Area. The project modification would merely relocate parking and administrative uses from one urban infill site to another, and therefore will not result in any wildfire impacts. The modified project does not relocate any portion of the Bayer Campus to a very high fire hazard severity zone or Wildland Urban Interface Fire Area. Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and the modified project would have a less than significant impact related to wildfire.

4.2 AIR QUALITY

The ARDA SEIR contained a detailed discussion of the air quality impacts of the original project, including without limitation analyses of criteria air pollutants and toxic air contaminants, and determined the original project would not have any significant and unavoidable impacts. These analyses, and the impacts of the modified project, are addressed below.

Threshold 1: Would the project conflict with or obstruct implementation of the applicable air quality plan?

Analysis of the Original Project: Less than Significant

The ARDA SEIR concluded the buildout and operation of the Bayer Campus in accordance with ARDA would be consistent with the 2017 Bay Area Air Quality Management District (BAAQMD; now known as the Bay Area Air District) Clean Air Plan (the "2017 Plan"). The ARDA SEIR includes a robust analysis of the original project's consistency with the 2017 Plan, focusing on the consistency of several key features of the original project, including:

- The encouragement of telecommunication and alternative work schedules;
- Implementation of a Transportation Demand Management Program;
- Ridesharing and other trip reduction strategies;
- Electric vehicle charging stations;
- Bicycle parking; and
- Minimization of natural gas infrastructure.

(ARDA SEIR at Table 4.1-4).

The ARDA SEIR further determines that the original project would be required to be consistent with BAAQMD rules and regulations, including dust and DPM reduction measures. (ARDA SEIR at p. 4.1-18). The ARDA SEIR concludes that the original project would not cause a disruption, delay, or other hinderance of the implementation of a control measure of the 2017 Plan, and would not preclude planned transit or bike pathways and would not otherwise disrupt regional planning efforts to reduce VMT and meet the NAAQS and CAAQS. (ARDA SEIR at p. 4.1-18).

Accordingly, the ARDA SEIR concludes that the impacts of the original project would be less than significant.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to consistency with the 2017 Plan. The modified project merely moves proposed development from one parcel that is physically separated from the rest of the Bayer Campus to another, similar sized parcel that is contiguous with the Bayer Campus. The project constitutes a programmatic approval, allowing general levels of certain land uses on the parcel to be added to the project site that previously were programmed on the parcel to be removed (and no project-level buildings or other development is proposed at this time; such projects, as they arise, would be subject to project-level environmental review). Beyond this slight geographic difference, the modified project retains each of the above described features, and buildout of the Bayer Campus under the modified project would still be

required to be consistent with BAAQMD rules and regulations, including dust and DPM reduction measures, and the modified project would continue to support the goals of the 2017 Plan.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Threshold 2: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR discusses potential criteria air pollutant releases from emissions and dust generated from construction activities for the original project, such as demolition, grading, construction worker travel to and from the project site, delivery and hauling of construction supplies and debris to and from the project site, and fuel combustion from on-site construction equipment. (ARDA SEIR at pp. 4.1-18; 19).

The ARDA SEIR calculates construction emissions for the use of off-road equipment, on-road worker commutes, construction delivery and haul trucks, and application of architectural coatings. The analysis assumed that under the amended DA, buildout would occur in two phases: an initial 10-year phase through 2032, followed by a 20-year phase through 2052. For the purposes of the ARDA SEIR air quality analysis, construction of the “Year 10 Project” is assumed to occur between 2024 and 2029, and construction of the “Year 30 Project” (full buildout) is assumed to occur in 2034 and 2049. (*Id.*) Construction emissions modeling takes into account the use of equipment equipped with Tier 4 Final engines. (*Id.*)

The ARDA SEIR concludes that construction of the original project will have a less than significant impact with respect to criteria air pollutants with the imposition of two mitigation measures:

- *Mitigation Measure AQ-1: Construction Emissions Measures:* Demolition, grading and construction activities shall comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines or equivalent as updated by BAAQMD).
- *Mitigation Measure AQ-2: Tier 4 Construction Equipment:* Demolition, grading and construction activities shall utilize at least 90 percent Tier 4 equipment (or better) through 2032 and all Tier 4 equipment (or better) after 2032. If the use of such equipment is not commercially available, the applicant shall prepare a project-specific air quality assessment to evaluate construction-related criteria air pollutants. If the project-specific air quality assessment finds that construction emissions would exceed any of the applicable BAAQMD thresholds, the air quality assessment shall identify emission reduction measures to reduce emissions below the thresholds and the applicant shall implement the measures. Several sample measures are listed in the ARDA SEIR.

The ARDA SEIR also discusses potential criteria air pollutant releases from emissions operation of the original project. (ARDA SEIR at pp. 4.1-21; 22). Operational emissions were calculated

for a variety of operations sources, including area sources (consumer products, architectural coatings, landscaping, manufacturing laboratory material usage), building energy use (natural gas), mobile sources (vehicle trips), and stationary sources (diesel emergency generators, natural gas boilers, solvent cleanup). (ARDA SEIR at pp. 4.1-13). Emissions associated with the six emergency diesel generators were estimated based on emission factors from manufacturer specification sheets, assuming that the Year 10 Project would include replacement of two of the existing generators with two new 2,000-kilowatt diesel generators and the Year 30 Project would include replacement of the remaining four existing generators with three new 2,00-kilowatt generators. (*Id.*) Hours of operation for existing emergency generators were based on permit limits of 50 hours per generator for annual non-emergency operation. (*Id.*) Emissions from the three existing natural gas boilers were estimated based on the boiler capacity, the total annual operating hours, and natural gas consumption rates. (*Id.*) In addition, it was assumed that steam consumption for the Year 10 and Year 30 Projects would increase by approximately 17 percent as compared to existing permitted levels, and to accommodate this increase in usage, the modeling assumes the Year 10 Project would include an additional boiler (400 brake horsepower). (*Id.*) After calculating the projected emissions from each of these sources, the ARDA SEIR concludes that the operation of original project will have a less than significant impact.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to criteria air pollutant emissions.

The modified project does not involve any changes to construction schedule or methods underpinning the analysis in the ARDA SEIR. The modified project would not increase new development beyond what was proposed for the original project. The modified project would change the scope of demolition and alteration or removal of existing structures; under the modified project, 84,000 square feet of building space on APN 54-1770-4-2 would be demolished (compared to the demolition of surface parking facilities on APN 54-1777-1 in the origination project). Under both the original and modified project, there would be 918,000 square feet of new development, for a total of 1,738,000 square feet of development sitewide.

Analysis in the ARDA SEIR demonstrated that criteria air pollutant levels associated with demolition and construction were well below applicable thresholds, as shown in the table below (originally published in the ARDA SEIR):

Table 4.1-5 Average Daily Construction Emissions

Project	Average Daily Emissions (lbs/day) ¹			
	ROG	NO _x	PM ₁₀ (exhaust)	PM _{2.5} (exhaust)
Year 10				
2024	13	8	1	<1
2029	4	1	<1	<1
<i>BAAQMD Significance Threshold</i>	54	54	82	54
Exceeds Threshold?	No	No	No	No
Year 30				
2034	6	3	<1	<1
2049	18	6	<1	<1
<i>BAAQMD Significance Threshold</i>	54	54	82	54
Exceeds Threshold?	No	No	No	No

¹ Numbers may not add due to rounding

Source: Ramboll 2021, Appendix C

As demonstrated above, pollution levels associated with construction of the original project were well below applicable thresholds, often by orders of magnitude. The additional demolition of building space (amounting to approximately 84,000 square feet) constitutes an addition of approximately 7 percent of total building demolition and construction (1,185,000, inclusive of the 267,000 square feet of demolition and 918,000 square feet of new construction under the original project). This change, in light of the original project's pollutant levels compared to applicable thresholds, would not cause any exceedances of any pertinent thresholds of significance. The additional demolition activities would increase criteria air pollutants associated with construction/demolition by 0.11 to 3.4%, depending on the pollutant, and total modified project levels would continue to be well under applicable significance thresholds, as calculated in Table A an air quality analysis prepared by Ramboll Americas Engineering Solutions, Inc. dated August 12, 2026, which is attached hereto as Appendix A. Ramboll's table regarding the potential, additional demolition and its potential effects on criteria air pollutants is reproduced here:

Table A: Annual Construction Criteria Air Pollutants with Additional Demolition Activity

Pollutant	ARDA SEIR 2024 Emissions (lb/day)			Modified Project 2024 Emissions (lb/day)		Increase	Bay Area Air District Threshold (lb/day)
	Demo	Non-Demo	Total	Updated Demo	Total		
ROG	0.047	13	13	0.061	13	0.11%	54
NO_x	0.84	6.9	7.8	1.1	8.0	3.4%	54
PM₁₀	0.035	0.49	0.53	0.047	0.54	2.1%	82
PM_{2.5}	0.021	0.28	0.30	0.027	0.31	2.2%	54

Note: Values are rounded. Percentage changes were calculated using unrounded results. SEIR Emissions from Table CON-8 of SEIR Appendix C.

This quantitative analysis confirms that the additional space that potentially might be demolished would not cause any exceedances of applicable thresholds of criteria that govern criteria air pollutants.

Moreover, the modified project would continue to be subject to Mitigation Measures AQ-1 and AQ-2, requiring construction BMPs per BAAQMD guidance and use of Tier 4 construction equipment.

With respect to the portion of Carleton Street that would be included as part of the Bayer campus, no development of any significance would occur on this property; it would remain a route of vehicle access, providing employees with an ingress/egress point to parking facilities relocated from APN 54-1777-1. The modified project does not alter the construction phasing of the Bayer Campus, and would incorporate mitigation measures AQ-1 and AQ-2.

The modified project also will not result in any operational differences. There will be no changes in: the square footage of building development and associated energy use, vehicle trips, or the quantity or projected scope of use of any diesel emergency generators, natural gas boilers, or solvent cleanup. Since the relocation of development would move only about 450 feet west, resulting in a consolidation of the Bayer campus, there would be no appreciable difference in emissions associated with vehicle trips to and from the project site.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measures AQ-1 and AQ-2.

Threshold 3: Would the project expose off-site sensitive receptors to substantial pollutant concentrations?

Analysis of the Original Project: Less than Significant

The ARDA SEIR evaluates the potential for the original project to expose surrounding populations to substantial carbon monoxide (CO) concentrations and toxic air contaminants.

The ARDA SEIR analyzes the peak trips generated by the original project, and determines that vehicle traffic would be less than the 44,000 vehicles per hour threshold associated with potentially significant CO impact. (ARDA SEIR at p. 4.1-23).

The ARDA SEIR also includes a Health Risk Analysis (HRA) analyzing the toxic air contaminant emission impacts on nearby sensitive receptors, including a maximally exposed residential receptor 30 feet to the east of the project site, and a maximally exposed daycare center located 15 feet east of the project site. The HRA analyzes the impacts of a series of potential Toxic Air Contaminant sources from construction and operation at Year 10 and Year 30 of the project, including:

- Off-road construction equipment in-use during construction activities in 2024, 2029, 2034, and 2049;
- Project-related vehicular traffic;
- Emergency diesel generators, assuming maximum permitted non-emergency operations during all hours outside of 7:30 am to 3:30 p.m., which is consistent with BAAQMD permits that prevent operation of generators during school hours;

- Natural gas boilers, assuming 8,760 hours of operation per year at maximum heat input rate, with a utilization rate to reflect actual usage; and
- Isopropyl alcohol usage assuming maximum permitted emissions.

(ARDA SEIR at pp. 4.1-14; 23-26).

The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to substantial pollutant concentrations.

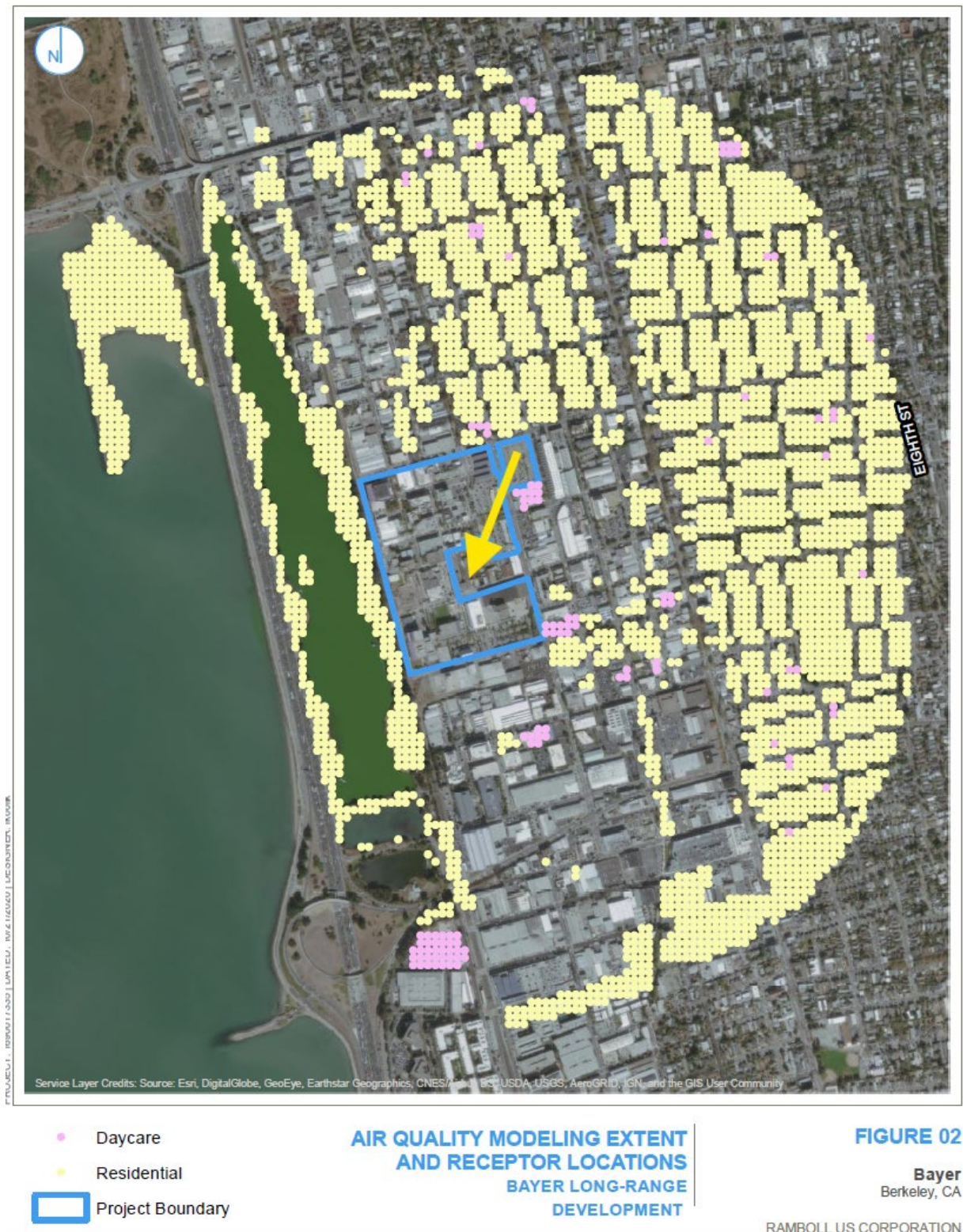
Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to pollutant concentrations.

Peak vehicle traffic will be unchanged as a result of the modified project, since no new employment generating operations are proposed, and eliminated parking uses from the satellite parcel are being shifted approximately 450 feet to a parcel adjacent to the main Bayer Campus. (Please note, as indicated above, the project entails programmatic modifications to Bayer's land use plan, and no specific, project-level development is proposed at this time.) Accordingly, the ARDA SEIR's analysis of CO hotspots is consistent with the modified project.

The modified project does not alter construction phasing, or construction equipment, and will not result in an increase in the quantity or projected scope of use of any diesel emergency generators, natural gas boilers, or isopropyl alcohol use. The modified project also will not relocate any uses or construction activities closer to sensitive receptors. In fact, under the original project, the footprint of potential construction and operation extends east of Seventh Street, in proximity to residential uses located northeast of Dwight and Seventh. The modified project removes this parcel from the project, and relocates any potential construction and operations to an internal parcel on Carleton Street, away from residential uses and to a location surrounded primarily by the existing Bayer Campus and other industrial uses. More specifically, the SEIR determined, for the original project, that the closest sensitive receptors were homes approximately 30 feet to the east of APN 54-1777-1. Other sensitive receptors included Bright Horizons Daycare (less than 15 feet from the border of the original project site), Ecole Bilingue de Berkeley (50 feet to the southeast of the project site), Aquatic Park School (700 feet to the south of the project site), and a private residence daycare (899 Dwight Crescent, 190 feet to the southeast of the project site). With the relocation of potential development from the easterly campus satellite parcel (APN 54-1777-1) to the interior of the Bayer campus on (APN 54-1770-42), all project activity would move more than 500 feet to the southwest, and away, from the maximally exposed receptors under the original project.

The following figure shows this relocation graphically vis-a-vis sensitive receptors identified in the SEIR.



Under the original project, no project activities under either the 10-year or 30-year planning horizon exceeded any applicable threshold and, in fact, all emissions levels fell well below these thresholds.

With respect to the additional 84,000 square feet of space that potentially might be demolished, the Ramboll analysis in Appendix A evaluated whether this activity would have the potential to change any conclusions in the ARDA SEIR regarding health risks. The Ramboll analysis determined the revised Year 10 Construction results indicate that the health risk outcome from construction (itself a small portion of overall risk factors) would increase emissions by a range of 0.91 percent to 4.5 percent, depending on the contaminant and maximally exposed receptor. Tables C and D from the Ramboll analysis summarize the results, and are reproduced here:

Table C: Modified Project Construction HRA Results for Residential MEI

Resident MEI	ARDA SEIR Health Risk			Modified Project Health Risk		Increase	Bay Area Air District Threshold
	Demo	Non-Demo	Total	Updated Demo	Total		
Excess Cancer Risk (in a million)	0.039	0.93	1.0	0.051	1.0	1.2%	10
Chronic Hazard Index (unitless)	4.7E-05	0.0011	0.0012	6.2E-05	0.0012	1.3%	1
PM2.5 Concentration (µg/m3)	3.8E-04	0.013	0.013	5.0E-04	0.013	0.91%	0.3

Note: Values are rounded. Percentage changes were calculated using unrounded results. ARDA SEIR Risks from Table HRA-5 of SEIR Appendix C.

Table D: Modified Project Construction HRA Results for Daycare MEI

Daycare MEI		ARDA SEIR Health Risk			Modified Project Health Risk		Increase	Bay Area Air District Threshold
		Demo	Non-Demo	Total	Updated Demo	Total		
Excess Cancer Risk (in a million)		0.44	3.3	3.7	0.58	3.9	3.7%	10
Chronic Hazard Index (unitless)		1.8E-04	0.0013	0.0015	2.4E-04	0.0015	3.8%	1
PM2.5 Concentration (µg/m3)		0.0015	0.0090	0.011	0.0020	0.011	4.5%	0.3

Note: Values are rounded. Percentage changes were calculated using unrounded results. ARDA SEIR Risks from Table HRA-5 of SEIR Appendix C.

Even considering the risk factor of construction/demolition alone, impacts were less than the applicable risk thresholds, as demonstrated in the tables above. When considering construction/demolition and operational risk factors together, aggregate risks associated with the modified project increased only by 0.32% to 1.7%, depending on contaminant and sensitive receptor. Tables E and F from Ramboll study demonstrate increases are de minimis and are substantially less than the applicable thresholds of significance. These tables are reproduced here:.

Table E: Modified Project Construction and Operations HRA Results for Residential MEI

Resident MEI	ARDA SEIR Health Risk			Modified Project Health Risk		Increase	Bay Area Air District Threshold
	Demo	Non-Demo	Total	Updated Demo	Total		
Excess Cancer Risk (in a million)	0.031	1.3	1.3	0.041	1.3	0.73%	10
Chronic Hazard Index (unitless)	2.1E-04	0.0058	0.0060	2.7E-04	0.0061	1.1%	1
PM_{2.5} Concentration (µg/m³)	0.0017	0.17	0.17	0.0022	0.17	0.32%	0.3

Note: Values are rounded. Percentage changes were calculated using unrounded results. ARDA SEIR Risks from Table HRA-9 of SEIR Appendix C.

Table F: Modified Project Construction and Operations HRA Results for Daycare MEI

Daycare MEI	SEIR Health Risk			Modified Project Health Risk		Increase	Bay Area Air District Threshold
	Demo	Non-Demo	Total	Updated Demo	Total		
Excess Cancer Risk (in a million)	0.19	3.4	3.6	0.25	3.7	1.7%	10
Chronic Hazard Index (unitless)	1.8E-4	0.0040	0.0042	2.4E-04	0.0043	1.3%	1
PM_{2.5} Concentration (µg/m³)	0.0014	0.14	0.14	0.0018	0.14	0.31%	0.3

Note: Values are rounded. Percentage changes were calculated using unrounded results. SEIR Risks from Table HRA-9 of ARDA SEIR Appendix C.

These analyses, moreover, are conservative, as they do not account for the greater spacing that would occur between modified project construction activities and sensitive receptors, when compared to the proximity of sensitive receptors to development planned under the existing project. As explained above and in the Ramboll report, sensitive receptors under the modified project, being located at greater distances (as much as 500 feet) away from relocated construction, would have health risk impacts less than under the original project.

Nearby commercial or industrial users are situated no closer to development than they were situated under the original project. Therefore, the modified project would not result in any increase in the toxic air contaminants studied under the HRA in the ARDA SEIR, and would not relocate the sources of such emissions in any way that would increase risks to surrounding sensitive receptors.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Threshold 4: Would the project create any objectionable odors affecting a substantial number of people?

Analysis of the Original Project: Less than Significant

The ARDA SEIR evaluates the potential for odors, concluding that while the original project potentially would result in temporary construction odors from equipment, vehicles, and architectural coating, such odors would be temporary and cease upon construction completion. Operation of the original project would not result in any new sources of odors that would affect people. The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to odors.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to odors. Construction equipment and duration would be unchanged, and project operations will not introduce any new sources of odor.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant

Cumulative Impacts

Cumulative impacts are the changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. This addendum analyzes whether the changes to the Bayer Campus as a result of the modified project would result in any new or substantially more severe cumulative impacts than were analyzed in the ARDA SEIR. The test for any cumulative analysis is a two-part one, and evaluates whether (1) there is a new significant cumulative impact and (2) if a significant cumulative impact does exist, whether a project makes a cumulative contribution to this impact. (See 14 Cal Code Regs §§ 15130(a)(2); 15130(a)(3); *see also League to Save Lake Tahoe Mountain etc. v. Cnty. of Placer* (2022) 75 Cal. App. 5th 63, 148). There is only a significant cumulative impact under CEQA if both tests are positive.

As the analysis for the modified project under each threshold studied in the ARDA SEIR is unchanged, and the modified project will not expand the scope of development of the original project (beyond a 7% increase in the square footage of structures slated for demolition), the modified project remains consistent with the cumulative impacts analysis in the ARDA SEIR. With respect to air quality emissions, most are already analyzed in a cumulative setting, such as with criteria air pollutants, which are evaluated against regionally derived thresholds. With respect to more localized health risks, the Ramboll report evaluated such in a cumulative context. As documented in health risk analysis in the Ramboll report (Appendix A), including the table below, cumulative health risk would increase a de minimis amount of 0.28% to 1.5% depending on contaminant, and would not exceed any of the applicable thresholds of significance.

Table G: Modified Project Cumulative HRA Results

Cumulative MEI	Receptor Type	ARDA SEIR Health Risk			Modified Project Health Risk		Increase	Bay Area Air District Threshold
		Project Impacts	Non-Project Sources	Total	Additional Demo	Total		
Excess Cancer Risk (in a million) Daycare	Daycare	6.8	31	38	0.25	38.8	1.5%	100
Chronic Hazard Index (unitless) Resident	Resident	0.015	0.0042	0.019	2.7E-04	0.020	1.4%	10
PM_{2.5} Concentration (µg/m³) Resident	Resident	0.41	0.36	0.77	0.0022	0.77	0.28%	0.8

Note: Values are rounded. Percentage changes were calculated using unrounded results. ARDA SEIR Cumulative Risks from Table C-HRA-4 of SEIR Appendix C. Risks from additional demolition from Table E and Table F.

Accordingly, the modified project's contributions would not be considerable under CEQA (or different from the 2021 development plan's contributions), Further, this analysis is conservative, and impacts would be less than reported in the table above, due to the increase in distances between project construction activity and sensitive receptors (e.g., the shifting of the parking garage and administrative uses 500 feet southwest, from APN 54-1777-1 to 54-1770-4-2, away from residential neighbors). Meanwhile, the cumulative setting in the vicinity of the project site is substantially the same. The only new project approved in the vicinity of the project site since certification of the ARDA SEIR is the 213,000-square-foot research and development project at 700-742 Grayson Street, which the City found had de minimis environmental impacts, including air quality impacts, and accordingly exempted this project from CEQA review.

The modified project does not, with respect to air quality, include any modifications that would cause new or substantially more severe cumulative impacts, or change the project's contribution to any cumulative impacts in any manner that would exceed any applicable threshold of significance.

4.3 CULTURAL RESOURCES

Threshold 1: Would the proposed cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR notes that the original project will result in the demolition or renovation of 11 buildings that were built prior to 1980. Appendix D of the ARDA SEIR includes a Cultural Resources Technical Study to determine if any of these buildings qualify as historical resources under CEQA. The ARDA SEIR's Cultural Resources Technical Study concludes that one of these 11 buildings (Building B83) was recommended eligible for listing as a City of Berkeley Structure of Merit and therefore qualifies as historical resources under the *CEQA Guidelines*.

The remaining ten evaluated buildings were found ineligible for the NRHP, CRHR, or local designation, and therefore were not treated historical resources for the purposes of evaluating the Project's impacts. While no other historic resources were slated for demolition or renovation under the original project, the ARDA SEIR notes that future project activities could involve demolition or alteration of a building which is over 40 years old at the time of the future project activity, and therefore could have the potential to significantly impact a yet-to-be identified historical resource.

The ARDA SEIR concludes that development of the original project will have a less than significant impact with respect to impacts on Building B83 and any yet-to-be identified historical resources with the imposition of two mitigation measures:

- *Mitigation Measure CR-1: Architectural History Evaluation:* Demolition or alteration of a building or structure that is at least 40 years old at the time of permit application and has not previously been evaluated for demolition or renovation within the last five years from the time demolition or alternation is proposed shall be subject to review at the request of the City by a qualified architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices recommended by the State Office of Historic Preservation to identify if the building or structure proposed for demolition or alteration qualifies as a historical resource under CEQA guidelines. Buildings and structures shall be evaluated within their historic context and documented in a technical report and on Department of Parks and Recreation Series 523 forms. The report shall be submitted to the City for review and approval prior to the issuance of a building permit. If no historic resources are identified, no further analysis is warranted. If historic resources are identified, the applicant shall be required to implement Mitigation Measure CR-2.
- *Mitigation Measure CR-2: Architectural History Mitigation:* For renovations involving Building B83 or historical resources identified through the process described in the architectural history evaluation mitigation measure (CR-1), project activities shall comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards). During the project planning phase (prior to any construction activities), input shall be sought from a qualified architectural historian or historic architect meeting the *Secretary of the Interior's Professional Qualifications Standards* to ensure project compliance with the Standards for Rehabilitation. This input will ensure the avoidance of any direct/indirect physical changes to historical resources. The findings and recommendations of the architectural historian or historic architect shall be documented in a Standards Project Review Memorandum at the schematic design phase. This memorandum shall analyze all project components for compliance with the Standards for Rehabilitation. The memorandum should recommend design modifications necessary to bring projects into compliance with the Standards for Rehabilitation, which shall be incorporated into project designs to ensure compliance with the Standards. The memorandum shall be submitted to the City for review and approval prior to the issuance of a building permit.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to the significance of any historic resource.

As previously discussed, this environmental analysis conservatively assumes that demolition of the existing structures on APN 54-1770-4-2 will occur. APN 54-1770-4-2 includes a multi-building complex, which features five buildings and two roofed interstitial “hyphens” connecting the spaces in between them: the 1906 foundry building, 1906 pattern shop, ca. 1923 clay and sand storage, ca. 1923 core room and storage, and ca. 1923 pattern storage, and a ca. 1961 hyphen and ca. 1977 hyphen, as well as open yard areas. The applicant has commissioned a Phase I Cultural Resources Technical Assessment, which includes a Historic Resources Evaluation (“HRE”) conducted by Architectural Historian Stacey De Shazo, M.A., and Nicole Wyton, M.S., of Evans & De Shazo, Inc, qualified architectural historians who both exceed the Secretary of the Interior’s Professional Qualification Standards in Architectural History and History. (Phase I Cultural Resources Technical Assessment included herein as Appendix A).

The Phase I Cultural Resources Technical Assessment and accompanying De Shazo HRE, included in Appendix B to this addendum, determined that the multi-building complex located on APN 54-1770-4-2 is ineligible for designation in the CRHR and under local listing requirements.

In accordance with the National Park Service’s National Register Bulletin 15, the De Shazo HRE evaluated the historical resources eligibility of the Macaulay Foundry property and found it possessed significant associations with the early 20th century industrial development in Berkeley. (De Shazo HRE at pp. 16-44). Following this analysis, the De Shazo HRE determined that the proper period of historical significance that could potentially be associated with the multi-building complex involve the early years of the foundry’s existence, including the Berkeley manufacturing boom from approximately 1920 to 1929. (De Shazo HRE at pp. 103-104).

Having determined a potential period of historical significance associated with the multi-building complex, the De Shazo HRE then analyzed the structure’s “integrity” related to historical themes and the period of significance identified for the structure, necessary for determining eligibility for both the CRHR and local listing. (De Shazo HRE at p. 107). The De Shazo HRE determined that the multi-building complex lacks “integrity,” as defined and addressed in various federal and state regulations and guidance documents, and therefore does not retain the ability to convey historical significance associated with the period of historical significance.¹ For a property to satisfy the integrity criterion, seven variables, or aspects, are used to judge historic integrity, including location, design, setting, materials, workmanship, feeling, and association. A resource must possess the aspects of integrity related to the historical theme(s) and period of significance identified for the built-environment resources. The De Shazo HRE’s assessment of integrity found that the 1906 Macaulay Foundry complex, while it retains its integrity of location, a moderate degree of integrity of setting, and low-level of integrity of feeling, it has lost integrity of design, materials, workmanship, and association to convey the significance associated with the manufacturing economic boom in California during the 1920s. This loss of integrity has occurred due to extensive building modifications (resulting in a “hodge podge” of construction), deterioration, and fire damage. (De Shazo HRE at pp. 107 –109). With this context, the De Shazo HRE determines that the multi-building complex located on APN 54-1770-4-2 is ineligible

¹ Federal sources include the *National Park Service, National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (Washington, D.C.: United States Department of the Interior, 1997), *National Register Criteria for Evaluation* (36 CFR Part 60.4), and the application of *NPS Standards for the Treatment of Historic Properties* (36 CFR Part 68). At the State level, the definition, application, and importance of historic integrity are detailed in California OHP Technical Assistance Series #6 California Register, as well as in 14 CCR part 4852 and 14 CCR part 15064.5.

for designation in the CRHR, as it does not satisfy three of the four identified criteria (association with a historical person, construction/architecture, and information potential), and lacks the integrity to convey any historical significance associated with the remaining criterion (association with a historical event). (De Shazo HRE at pp. 103-107). With regards to local listing criteria, the De Shazo HRE concluded that the multi-building complex did not meet the criteria for architectural merit, cultural value, educational value, historic value, or listing on the NRHP, and also failed to satisfy the integrity criterion in accordance with the above. Consequently, the De Shazo HRE concluded that no built environment resources within the project site qualify for listing on the CRHR under any criterion and none meet the criteria for local listing. The De Shazo HRE considered past reports on the multi-building complex and determined they presented no substantial evidence to the contrary. As a result, Phase I Cultural Resources Technical Assessment determined that there are no built environment resources within the modified project site that are considered historical resources under the CEQA guidelines. (Phase I Cultural Resources Technical Assessment at p. 29). This assessment is consistent with past City of Berkeley determinations that structures that lack sufficient integrity to provide architectural merit, cultural value, educational value, or historic value are ineligible for local listing.²

Even conservatively assuming that the modified project will result in demolition of the multi-building complex located on APN 54-1770-4-2, the modified project will not result in any destruction or adverse changes in a historic resource. Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Threshold 2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR notes that analysis of the original project demonstrated the presence of a prehistoric archaeological resource containing habitation debris located less than 150 feet from the original project site's northern boundary. The ARDA SEIR also noted that the Sacred Lands File search conducted by the Native American Heritage Commission was returned with positive results, and that the Amah Mutsun Tribal Band of Mission San Juan Bautista recommended cultural sensitivity training for all crews involved in ground disturbance, as well as archaeological and Native American monitoring. Although the original project site had experienced extensive urban development, the ARDA SEIR concluded that the original project area is archaeologically sensitive and that buried archaeological resources may exist on the original project site.

Given this sensitivity, the ARDA SEIR concludes that development of the original project will have a less than significant impact with respect to archaeological resources with the imposition of the following mitigation measures:

² Consistent with federal and state authorities and criteria (see footnote 1), City of Berkeley also has routinely used integrity as a criterion in adjudicating whether a resource has historical value and a project has impacts to historical resources. (See, *for instance*, the City's historical evaluations of 2035 Francisco Street project and the 2436-2442 Haste Street project.)

- *Mitigation Measure CR-3: Cultural Resources Desktop Analysis:* Prior to demolition, grading, new construction, or underground work such as utility installation, a cultural resources Desktop Analysis, consisting of a review of existing information regarding cultural resources on a given project site, shall be conducted. The Desktop Analysis shall include, but not be limited to, a review of the project description and extent of proposed ground disturbance, a review of recent cultural resources records on file at the California Historical Resources Information System, and a review of available historic maps and aerial photography. If a project would solely involve the refurbishment of an existing building and no ground disturbance would occur, this measure would not be required. If no resource impacts are identified, no further analysis is warranted. If potential impacts to resources are identified, the applicant shall be required to implement Mitigation Measure CR-4. If the desktop analysis identifies that an area has been subject to a Phase I cultural resources study in the previous five years, Measure CR-4 would not be required. If the Desktop Analysis identifies that no further analysis is warranted, the results will be documented in a memorandum for review and approval by the City prior to issuance of a building permit.
- *Mitigation Measure CR-4: Phase I Archaeological Resources Study:* If the desktop analysis described in Mitigation Measure CR-3 identifies the potential to encounter cultural resources, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualifications Standards (PQS) for archaeology (National Park Service 1983). The Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and fieldwork to determine whether archaeological resources may be present. Archival research shall include a records search of the California Historical Resources Information System and a Sacred Lands File search with the Native American Heritage Commission. The report will be submitted to the City for review and approval prior to the issuance of a building permit. Recommendations in the Phase I Report must be implemented prior to and/or during construction to avoid or reduce impacts on archaeological resources. Adherence to recommendations included in the Phase I report shall be documented as appropriate for verification by the City. If the Phase I identifies an archaeological site and/or a high likelihood of subsurface deposits, Measure CR-5 shall be implemented.
- *Mitigation Measure CR-5: Extended Phase I Testing:* For any projects proposed within 100 feet of a known archaeological site or in areas that have not been subject to previous archaeological testing, monitoring, or other subsurface investigation, as determined by the Desktop Analysis (Mitigation Measure CR-3) or Phase I Report (Mitigation Measure CR-4), the project applicant shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. If the boundaries of the archaeological site are already well understood based on previous work and are clearly interpretable as such by a qualified cultural resource professional, or if there is documentation that fill is already present to the depth of the current project, XPI testing will not be required. XPI testing shall include a series of shovel test pits and/or hand augured units and/or mechanical trenching to establish the boundaries of archaeological site(s) on the project site. All archaeological excavation shall be conducted by a qualified archaeologist(s) under the direction of a principal investigator meeting the SOI's PQS for archaeology (National Park Service

1983). The results of the XPI will be documented in a technical report and submitted to the City for review and approval prior to the issuance of a building permit. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American Tribe(s) and, if applicable, a Native American monitor shall be present in accordance with Mitigation Measure TCR-2. Recommendations in the XPI Report shall be implemented for all ground disturbance activities and documented as appropriate for verification by the City.

- *Mitigation Measure CR-6: Archaeological Site Avoidance:* Avoidance will be the preferred treatment measure for an archaeological site identified on the Bayer campus. Any identified archaeological sites will be avoided by project-related construction activities, to the maximum extent feasible to still be able to fulfill the project objectives as determined by Bayer and confirmed by the City. The determination of feasibility will include an assessment of project redesign options, including but not limited to relocation of a proposed building, realignment of utilities, redesign of building plans to build above the existing ground surface and/or to minimize the proposed depth of disturbance, or other options as appropriate for a given project. A barrier (temporary fencing) and flagging will be placed between the work location and any resources within 60 feet of a work location to minimize the potential for inadvertent impacts. The 60-foot avoidance buffer may be reduced as appropriate if recommended by the qualified archaeologist. If the feasibility of avoidance of an archaeological resource of Native American origin is not immediately apparent, Bayer and the City of Berkeley shall contact consulting Tribes to discuss appropriate treatment of the resource, including the implementation of MM CR-7 and CR-8. If, after a good faith effort at resolution, the City, Bayer, and consulting Tribe conclude that agreement is not possible, MM CR-7 shall be implemented. *Mitigation Measure CR-7: Phase II Site Evaluation:* If the results of the Phase I Report and/or XPI indicate the presence of archaeological resources that cannot be avoided by the project and that have not been adequately evaluated for CRHR listing at the project site, the project applicant shall retain a qualified archaeologist to conduct a Phase II investigation to determine if intact deposits are present and if they may be eligible for the CRHR or qualify as unique archaeological resources. A Phase II evaluation shall include necessary archival research to identify significant historical associations and mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the site, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains. If the archeologist and, if applicable, a Native American monitor or other interested tribal representative from a locally affiliated Tribe as listed by the Native American Heritage Commission determine it is appropriate, cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." The report shall be submitted to the City for review

and approval prior to the issuance of any building or engineering permits that could disturb identified resources. Recommendations in the Phase II report shall be implemented for all ground disturbance activities and documented as appropriate for verification by the City.

- *Mitigation Measure CR-8: Phase III Data Recovery:* If the Phase II site evaluation identifies resources that meet CRHR significance standards and if the resources cannot be avoided, the project applicant shall incorporate recommendations for mitigation of archaeological impacts into the final design as per CR-7 above prior to construction. If the resource is significant for its data potential and if recommended by the archaeologist and approved by consulting Tribes if appropriate, Phase III data recovery may be required, including excavation, to exhaust the data potential of significant archaeological sites, and shall be carried out by a qualified archaeologist meeting the SOI standards for archaeology according to a research design reviewed and approved by the City and prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5, Guidelines for Archaeological Research Design (1991 or the latest edition thereof). Methods of artifact disposition may include curation for historic-era archaeological resources and reburial onsite within a tribal cultural resources easement as identified in TCR-3 for tribal cultural resources. Curation is not appropriate for tribal cultural resources unless agreed to and/or requested by consulting tribes. The final Phase III Data Recovery reports shall be submitted to the City of Berkeley prior to issuance of any building permit for grading or construction. Recommendations contained therein shall be implemented throughout all ground disturbance activities.
- *Mitigation Measure CR-9: Worker's Environmental Awareness Program:* Prior to any ground disturbing activities, the project applicant shall retain an SOI qualified archaeologist to conduct a Worker's Environmental Awareness Program (WEAP) training. The WEAP training shall be focused on archaeological sensitivity and shall be provided to all construction personnel prior to the commencement of any ground-disturbing activities. The WEAP training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, the regulatory environment, and the proper protocol for treatment of the materials in the event of a find. Attendance at the WEAP training shall be documented with a sign-in sheet to be submitted to the City for verification of adherence to this measure. This WEAP training may be presented in tandem with the training required under TCR-1.
- *Mitigation Measure CR-10: Archaeological Monitoring:* If recommended by the Desktop Analysis, Phase I, XPI, Phase II, or Phase III studies, the project applicant shall retain a qualified archaeologist (Monitor) to observe project-related ground-disturbing activities. The Monitor will have the authority to halt and redirect work if any archaeological resources are identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area must halt and the find must be evaluated for listing in the CRHR. Archaeological monitoring may be reduced or halted at the discretion of the monitors, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance activity moves to a new location within the project site and when ground disturbance will extend to depths not previously reached

(unless those depths are within bedrock). Following the completion of monitoring, a report documenting the monitoring effort shall be prepared and submitted to the City of Berkeley and the Northwest Information Center.

- *Mitigation Measure CR-11: Unanticipated Discovery of Archaeological Resources:* If archaeological resources are encountered during ground-disturbing activities, whether or not an archaeological monitor is present, work within 60 feet shall be halted. The project applicant shall notify the City and retain an archaeologist meeting the SOI's Professional Qualification Standards for archaeology (National Park Service 1983) to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and impacts cannot be avoided, data recovery excavation may be required. Reports prepared to document and/or evaluate unanticipated discoveries and their treatment shall be submitted to the City of Berkeley for review and approval. Recommendations contained therein shall be implemented throughout the remainder of ground disturbance activities.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to the significance of any archaeological resource with adherence to Mitigation Measures CR-9 and CR-10, as well as the City of Berkeley's Standard Conditions of Approval for unanticipated discovery of archaeological resources.

As discussed above, the applicant commissioned a Phase I Cultural Resources Technical Assessment to study the impacts of potential redevelopment of APN 54-1770-4-2. The Phase I Cultural Resource Analysis determined that there are no resources located within the project boundaries, a conclusion supported by the findings in Report S-045791, a Historic Resources Evaluation of Buildings 28, 28A, and 50 and Archaeological Sensitivity Assessment for the Bayer Manufacturing Quality Control Testing Facility, South Properties, West Berkeley, Alameda County, CA (letter report by James M. Allan), which was conducted in 2014 and included evaluation of APN 54-1770-4-2. (Phase I Cultural Resources Technical Assessment at pp. 29; 37). A records search indicated that 21 cultural resources (one pre-contact and 20 historic) were recorded within the 0.5-mile search radius surrounding APN 54-1770-4-2. (Phase I Cultural Resources Technical Assessment at p. 23; 37). Similar to the ARDA SEIR analysis, the Sacred Lands File search conducted by the Native American Heritage Commission was returned with positive results. While a pedestrian survey of APN 54-1770-4-2 yielded no observation of historic era or pre-contact archaeological resources, the Phase I Cultural Resources Technical Assessment conducted a buried site potential analysis which determined a moderate potential for the inadvertent discovery of cultural resources during ground disturbances based on the absence of previously recorded pre-contact archaeological sites within the project boundaries, the hardscaped nature of the site, and its location more than 800 feet from the nearest known archaeological resource.

Accordingly, the Phase I Cultural Resources Technical Assessment recommends that the modified project comply with the ARDA SEIR mitigation measure CR-9, CR-10, and CR-11, as well as compliance with the City's Standard Conditions of Approval for Unanticipated Discovery of Archaeological Resources (Standard Condition of Approval V.B.6).

Meanwhile, the portion of Carleton Street along APN 54-1770-4-2's frontage is not anticipated to accommodate any significant development nor disruption of subsurface soils.

Therefore, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measures CR-9 and CR-10 and, separately and independently, adherence to the City's Standard Conditions of Approval for Unanticipated Discovery of Archaeological Resources.

Threshold 3: Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Analysis of the Original Project: Less than Significant

The ARDA SEIR concludes that compliance with The California Health and Safety Code (Section 7050.5, 7051, and 7054) and PRC §5097.98 will ensure that impacts to human remains would be less than significant.

Analysis of the Modified Project: Less than Significant

The modified project will continue to comply with the California Health and Safety Code (Section 7050.5, 7051, and 7054) and PRC §5097.98. Adherence to these regulations will ensure that the modified project's impacts to human remains would be less than significant. (Phase I Cultural Resources Technical Assessment at pp. 35-36).

Cumulative Impacts

The ARDA SEIR concludes that the original project will not result in a cumulatively considerable impact related to cultural resources, as other project will be subject to City policies and local and state regulations designed to avoid and mitigate the loss of any cultural resources. The test for any cumulative analysis is a two-part one, and evaluates whether (1) there is a new significant cumulative impact and (2) if a significant cumulative impact does exist, whether a project makes a cumulative contribution to this impact. (See 14 Cal Code Regs §§ 15130(a)(2); 15130(a)(3); see also *League to Save Lake Tahoe Mountain etc. v. Cnty. of Placer* (2022) 75 Cal. App. 5th 63, 148). There is only a significant cumulative impact under CEQA if both tests are positive.

As documented above, the modified project will not result in the loss of any cultural resources, and will comply with all relevant mitigation measures, City policies, and State regulations. Impacts of the modified project are comparable to impacts of the original project, and therefore there is no measurable increase in the contribution the modified project would make to the cumulative environment. Meanwhile, the cumulative setting in the vicinity of the project site is substantially the same. The only new project approved in the vicinity of the project site is the 213,000-square-foot research and development project at 700-742 Grayson Street, which the City found had de minimis environmental impacts, including impacts to cultural resources, and accordingly exempted this project from CEQA review. Therefore, the modified project does not include any modifications that would cause new or substantially more severe cumulative impacts, or change the project's contribution to any cumulative impacts, with respect to cultural resources.

4.4 GREENHOUSE GAS EMISSIONS

Threshold 1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR evaluates the impacts of potential GHG emissions resulting from construction and operation of the original project, including emissions from construction equipment, landscaping equipment, natural gas usage in manufacturing and laboratory operations, mobile sources (i.e. vehicle trips), solid waste disposal, water usage, and wastewater generation. (ARDA SEIR at pp. 4.3-16 – 18). With the incorporation of mitigation measure GHG-1 (included below), the ARDA SEIR concludes that greenhouse gas emissions would not exceed the applicable de minimis threshold of 10,000 MT of CO₂e per year.

- *Mitigation Measure GHG-1: Renewable Electricity Resources:* Electricity used at the site shall be sourced from 100 percent renewable energy resources by 2030. Bayer shall submit documentation showing as such to the City every five years, or at intervals required by the City, to ensure compliance.

The ARDA SEIR also separately evaluates the impacts from emissions associated with the emissions from permitted stationary emergency generators and natural gas boilers in the original project. The ARDA SEIR concludes that greenhouse gas emissions from these permitted stationary sources would not exceed the applicable de minimis threshold of 10,000 MT of CO₂e per year.

The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to greenhouse gas emissions with the imposition of Mitigation Measure GHG-1.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to greenhouse gas emissions.

As discussed in previous sections, the modified project does not involve any changes to construction equipment, scope of construction, operations in manufacturing or laboratory buildings, or increase in the quantity or projected scope of use of any diesel emergency generators or natural gas boilers. The modified project does not increase the overall scope of operations on the Bayer Campus, which includes no increase in mobile emissions, which are greatest sources of project emissions.

To the extent the modified project might possibly entail 84,000 square feet of additional demolished space, the Ramboll report, attached hereto as Appendix A, evaluated whether this increase would result in any new significant impacts compared to the ARDA SEIR's conclusions.

The ARDA SEIR, in evaluating annual greenhouse gas emissions from the project's land use development, first compared non-stationary source project emissions, which included all non-

stationary sources of operational emissions and amortized construction/demolition emissions, to the CEQA baseline. The ARDA SEIR estimated approximately 65 metric tons of carbon dioxide equivalent (MT CO₂e) from demolition in 2024 as shown in ARDA SEIR Appendix C, Table CON-8. In comparing total project emissions to the CEQA baseline, the ARDA SEIR ultimately concluded (as indicated in Appendix E to the SEIR, Table GHG-17) that the project would generate 5,573 MT CO₂e fewer emissions in Year 10 and 4,500 MT CO₂e fewer emissions in Year 30 than baseline emissions.

As noted above, the modified project potentially might involve the demolition of 84,000 more square feet than the 269,000 square feet assumed in the SEIR, representing a 31.2 percent increase in potentially demolished space. Scaling the GHG emissions from demolition by 31.2 percent results in approximately 20 additional MT CO₂e of total emissions, or an increase of approximately 2.6 percent, as shown in Table B from the Ramboll report, reproduced here:

Table B: Annual Construction Greenhouse Gas Emissions with Additional Demolition Activity

Greenhouse Gas Emissions	ARDA SEIR 2024 Emissions (lb/day)	Modified Project 2024 Emissions (lb/day)	Increase
	785	806	2.6%

Note: Values are rounded. Percentage changes were calculated using unrounded results. ARDA SEIR Emissions from Table CON-8 of SEIR Appendix C.

The data shows the modified project would be expected to generate fewer emissions than baseline conditions studied in the SEIR, though savings are slightly less. Specifically, the modified project would generate 5,572 MT CO₂e fewer emissions in Year 10 than baseline conditions (a change of 1 MT CO₂e). The Year 30 non-stationary source GHG emissions would not change since demolition activity was only accounted for in the Year 10 Project scenario.

It is anticipated that, with the applicant's commitment to use 100 percent carbon-free electricity by 2030 to comply with mitigation measure GHG-1, modified project GHG emissions associated with the Bayer Campus' land use development plan would continue to be de minimis.

The ARDA SEIR also evaluated emissions from stationary sources as well, and concluded (as indicated in ARDA SEIR Appendix E, Table GHG-17) that the Year 10 project would result in a net increase of approximately 7,586 MT of CO₂e per year as compared to baseline conditions, and the Year 30 project would result in a net increase of approximately 7,584 MT of CO₂e per year as compared to the baseline. Both were less than the applicable significance threshold of 10,000 MT of CO₂e per year. The project modification would not add any additional stationary sources, and impacts would remain unchanged

. The modified project is not expected to lead to any increases in solid waste disposal, water usage, and wastewater generation, and the modified project will incorporate mitigation measure GHG-1.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measure GHG-1.

Threshold 2: Would the project conflict with an applicable plan, policy, or regulation for adopted for the purpose of reducing the emissions of greenhouse gasses?

Analysis of the Original Project: Less than Significant

The ARDA SEIR evaluates the original project's consistency with certain key provisions of the Berkeley Climate Action Plan, Plan Bay Area 2040, Assembly Bill 32, and Executive Orders related to statewide greenhouse gas emissions. The ARDA SEIR concludes that the original project will be consistent with these plans, policies, and regulations, based on several project features, including:

- The infill nature of development, including lack of tree removal;
- Implementation of Transportation Demand Management program and Bayer's implementation of a swing/graveyard employment program;
- Compliance with relevant State laws, including the California Building Code, CALGreen standards, the California Energy Code, emissions inventory reporting to the California Air Resources Board;
- Incorporation of electric vehicle charging stations;
- The all-electric nature of administration, production, maintenance, and warehouse buildings (while laboratory and manufacturing buildings would utilize natural gas);
- Waste reduction measures such as construction and demolition recycling pursuant to local and State law; and
- Compliance with mitigation measure GHG-1.

(ARDA SEIR at pp. 4.3-18 – 21).

The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to greenhouse gas reduction plans, policies, and regulations.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to consistency with greenhouse gas reduction plans, policies, and regulations.

The modified project does not alter the infill nature of Bayer Campus development, and will not alter the Campus's Transportation Demand Management program, swing/graveyard employment program, incorporation of electric vehicle charging stations, or use of all-electric nature of administration, production, maintenance, and warehouse buildings. Under the modified project, all construction and operations will continue to comply with all applicable State and local laws. Site operations would occur at the same levels as under the original project, the minimal amount of additional demolition, when amortized over the 30-year project planning horizon, would be de minimis, such that emission levels in Tables 4.3-1 and 4.3-1 of the SEIR would essentially be the same. Meanwhile, the revised project would also commit to use 100 percent carbon-free electricity consistent with Bayer's 2030 Sustainability Initiative (as described in Section 2 of the SEIR), and the modified project will continue to comply with mitigation measure GHG-1.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

4.5 HAZARDS AND HAZARDOUS MATERIALS

Thresholds 1, 2, 4, and 3 (Construction and Demolition):

- Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- Would implementation of the project result in land uses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within on-quarter mile of an existing or proposed school?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR analyzes the potential impacts of hazards associated with ground disturbance, construction, and demolition under the original project. The ARDA SEIR notes that there are several known release cases present on the site of the original project, including an SFB RWQCB/City of Berkeley LUST Cleanup Site (Case#01-1203, closed groundwater case as of April 2003) associated with 801 Grayson Street. The ARDA SEIR also notes that there are closed release sites with residual soil and/or groundwater impacts, including City of Berkeley LUST Cleanup Site Case #01-0932, (closed soil case as of August 1994) and SFB RWQCB Cleanup Program Case #01S0066, (closed soil case as of August 1994), both associated with APN 54-1770-4-2. The ARDA SEIR notes that redevelopment of property with known releases is possible, but that regulatory agencies typically require notification prior to any redevelopment or disturbance of soil and groundwater. The ARDA SEIR also notes that any soil disturbing activities in accordance with buildout under the original project could result in the transport, storage, and use of potentially hazardous materials, including groundwater and soil impacted by hazardous materials. Such transport would be required to comply with all local, state, and federal regulations governing the handling and transport of hazardous waste. Nevertheless, the ARDA SEIR imposes the following mitigation measures on the original project:

- *HAZ-1 Property Assessment – Phase I and II Environmental Site Assessments (ESA):*
The project applicant shall prepare a site-specific Phase I ESA for each development area / Block, in accordance with standard ASTM methodologies, to assess the land use history of the project site. Phase II ESAs (i.e., soil, groundwater, soil vapor subsurface investigations) shall be completed where a building is proposed south of Carleton Street or based on the results of the Phase I ESAs. Specifically, if the Phase I ESAs identify recognized environmental conditions or potential concern areas, a Phase II ESA would be conducted to determine whether the soil, groundwater, and/or soil vapor has concentrations exceeding regulatory screening levels for commercial/industrial land uses. If the Phase II ESA concludes that the site is or may be impacted and could affect the planned development, then an assessment, remediation, or corrective action (e.g.,

removal of contaminated soil, in-situ treatment, capping, engineering controls) shall be conducted prior to or during construction under the oversight of federal, state, and/or local agencies (e.g., USEPA, DTSC, SFB RWQCB, City of Berkeley TMD, Alameda County DEH) and in full compliance with current and applicable federal and state laws and regulations. Additionally, Voluntary Cleanup Agreements may be used for parcels where remediation or long-term monitoring is necessary.

- **HAZ-2 Regulatory Agency UST Involvement – City of Berkeley TMD and SFB RWQCB:** Because the project site and immediately adjacent properties are associated with open and closed LUST and Cleanup Program cases overseen by the SFB RWQCB, the project applicant shall notify the SFB RWQCB of the following:
 - Development plans for each Block located south of Carleton Street and for Block B North east of Fourth Street
 - Completion of subsequent Phase I ESAs
 - Identification of unanticipated stained or odorous soils during demolition, grading, and/or construction activity
 - Identification of additional underground tanks and associated piping, or other underground features such as railroad spurs or ties, unknown piping, cisterns, wells, waste/burn pits, etc., if encountered

Additionally, all onsite UST removals and associated assessment work shall be completed under the direction of the City of Berkeley TMD and/or the SFB RWQCB. To the extent there are any pending LUST and Cleanup Program cases on the project site, the UST closure and agency approval documents shall be reviewed and approved by the City of Berkeley TMD and/or the SFB RWQCB prior to issuance of building permits for grading or any other ground disturbance.

- **HAZ-3 Regulatory Agency Subsurface Involvement – ACPWA, SFB RWQCB and City of Berkeley:** The City of Berkeley TMD and the SFB RWQCB shall continue to provide agency oversight of assessment and remediation of the open Cleanup Program case (case #01S0045) on the project site. Additionally, the applicant shall notify the City of Berkeley and SFB RWQCB Cleanup Program project manager of the following:
 - Development plans for Block B North east of Fourth Street and development south of Carleton Street Onsite use of 14 hydraulic elevators that may have contained oils containing PCBs (Farallon, 2020)
 - Onsite use of above-ground storage tanks used to store diesel for generators (Farallon,2020)
 - Other regulatory UST case listings (City of Berkeley and SFB RWQCB) and assessment work that will be completed under the direction of other regulatory agencies All former environmental documents completed for the site of development disturbance, including this SEIR

Upon notification of the information listed above, the City of Berkeley and the SFB RWQCB could require actions such as: preparation of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; excavation and offsite disposal of soil; completion of human health risk assessments; and/or completion of remediation reports or case closure documents.

If groundwater wells or soil vapor monitoring probes are identified within the construction area during demolition, subsurface demolition, or construction at the project site, they will be abandoned/destroyed under permit from the Alameda County Public Works Agency (ACPWA). Demolition activities will be documented in a letter report submitted to the ACPWA and SFB RWQCB within 60 days of the completion of abandonment activities. Abandonment of sub-slab vapor points will be completed with SFB RWQCB approval and demolition activities will be documented in a letter report to SFB RWQCB.

The SFB RWQCB non-objection, concurrence, no further action, closure, and/or agency approval documents shall be delivered to and reviewed by the City of Berkeley prior to issuance of any building permit authorizing grading or construction on the site. The SFB RWQCB may determine that City of Berkeley TMD or DTSC may be best suited to perform the lead agency duties for assessment and/or remediation at the project site, in which case this and other mitigation measures will still apply.

- *HAZ-4 Soil and Groundwater Management Plan:* The project applicant shall implement the recommendations of the Soil and Groundwater Management Plan (SGMP) prepared by Farallon Consulting LLC dated December 28, 2020. The SGMP shall be reviewed by the City of Berkeley Toxics Management Division prior to issuance of permits for grading or other ground disturbance and the report shall be updated if needed. The SGMP recommendations are related to:
 - Management of Unanticipated Subsurface Conditions
 - Health and Safety Requirements
 - Onsite Soil Management
 - Groundwater Management
 - Stormwater Management
 - Soil and Groundwater Management Plan Reporting Requirements

Construction workers shall be informed about environmental conditions and measures to mitigate potential risks to the environment, construction workers, and other nearby receptors from potential exposure to hazardous substances that may be associated with unknown conditions or unexpected underground structures, and known contaminated soil or groundwater encountered during construction activities.

The SGMP shall be updated and the updated recommendations shall be implemented in the following cases:

- A change in project site uses;
- Receipt of additional information pertaining to project site environmental conditions;
- Updated chemical toxicity information for contaminants detected at the project site based on revised regulatory screening levels; or,

- New legal or regulatory soil or groundwater management requirements applicable to the project site.

The ARDA SEIR also discusses the potential for demolition and associated hauling/transport of buildings on the project site built prior to the 1920, that may include asbestos or LBP. However, the ARDA SEIR notes that all development under the ARDA would be subject to the following standard condition of approval imposed by the City's Toxic Management Division:

- Building Materials Survey: Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead based paint, asbestos, PCB-containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The survey becomes a condition of any building or demolition permit for the proposed project. 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. If asbestos is identified, BAAQMD 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.

The ARDA SEIR further notes that all construction activities would be required to comply with BAAQMD Regulation 11, Rule 2, which governs the proper handling and disposal of ACM for demolition, renovation, and manufacturing activities in the Bay Area, and CalOSHA regulations regarding lead-based materials. The California Code of Regulations Section 1532.1, requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed CalOSHA standards.

The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to hazardous materials with the imposition of mitigation measures HAZ-1, HAZ-2, HAZ-3, and HAZ-4, and compliance with the Building Materials Survey Standard Condition of Approval.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to hazardous materials during project construction.

While APN 54-1770-4-2 was not included in the Bayer Campus under the original project, contamination on this site was identified and analyzed under the ARDA SEIR given the potential for migration of this site's contamination to the Bayer Campus. Meanwhile, the portion of Carleton Street along APN 54-1770-4-2's frontage is not anticipated to accommodate any significant development nor disruption of subsurface soils. Given the contamination risks associated with APN 54-1770-4-2 already have been contemplated and the nature of development of Carleton Street will be de minimis, the modified project's compliance with the mitigation measures and Standard Conditions of Approval, discussed above, are sufficient to ensure that impacts will be less than significant.

As discussed above, the ARDA SEIR identifies the existence of a closed SFB RWQCB/City of Berkeley LUST Cleanup Site within the Bayer Campus boundaries contemplated under the original project. The ARDA SEIR concludes that the imposition of mitigation measures_HAZ-1, HAZ-2, and HAZ-4 (HAZ-3 specifically only addresses *open* cases), and compliance with all relevant federal, state, and local laws is sufficient to ensure that any construction, development, or ground disturbing activities will not result in significant environmental impacts. The same is true for the modified project. As the ARDA SEIR notes, APN 54-1770-4-2 is also the site of a closed SFB RWQCB/City of Berkeley LUST Cleanup Site (City of Berkeley LUST Cleanup Site Case #01-0932, closed soil case as of August 1994 and SFB RWQCB Cleanup Program Case #01S0066, closed soil case as of August 1994). Therefore, under the ARDA SEIR's analysis, the modified project's compliance with mitigation measures_HAZ-1, HAZ-2, and HAZ-4 and compliance with all relevant federal, state, and local laws is sufficient to ensure that any construction, development, or ground disturbing activities on APN 54-1770-4-2 as a result of the modified project will not result in significant environmental impacts.

Similarly, any future demolition of the existing structure on APN 54-1770-4-2 is addressed by the analysis in the ARDA SEIR. The ARDA SEIR discusses the potential for demolition of pre-1970s buildings as part of the original project, and concludes that compliance with the City's Toxic Management Division Building Materials Survey standard condition of approval and relevant BAAQMD and CalOSHA regulations is sufficient to ensure that demolition will not result in significant impacts. Similarly, demolition of the existing structure on APN 54-1770-4-2, which will be subject to, and will comply with, the City's Toxic Management Division Building Materials Survey standard condition of approval and relevant BAAQMD and CalOSHA regulations, will not result in any new significant impacts.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measures HAZ-1, HAZ-2, HAZ-3, and HAZ-4, and compliance with the Building Materials Survey Standard Condition of Approval.

Thresholds 1, 2, and 3 (Operations):

- **Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- **Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**
- **Would implementation of the project result in land uses that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within on-quarter mile of an existing or proposed school?**

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR analyzes the potential impacts of hazards associated with operations under the original project. In particular, the ARDA SEIR identifies the potential for storage, disposal, and transportation of hazardous materials (both biological and chemical) within laboratory, production, storage, and manufacturing buildings. The ARDA SEIR notes that all operations on the Bayer Campus, including the use, storage, and transport of any biological or chemical hazards, would be required to comply with all applicable requirements, guidelines, and policies adopted by the NIH, CDC, the Food and Drug Administration, the United States Department of Agriculture, the Federal Government, the State of California, and the City of Berkeley. The ARDA SEIR also imposes the following mitigation measure on the project:

- HAZ-5 Hazardous Materials Safety Plan (Updated 1991 EIR MM): The project applicant shall prepare a Hazardous Materials Safety Plan to address potential issues that may be encountered during project operation involving the use, storage, transport, and disposal of biohazardous and chemical materials. The Hazardous Materials Safety Plan shall be updated annually and reviewed by Berkeley's Toxics Management Division. The Plan shall include, but not be limited to, the following information and measures:
 - Documentation of ongoing compliance with all applicable federal, state, and local regulations related to biohazardous safety, storage, transport, and disposal procedures, and emergency response preparedness, including biosafety guidelines published by the NIH and CDC. Documentation that current and future operations would prohibit the use of biohazardous agents within Risk Groups 3 and 4.
 - Documentation of ongoing coordination for emergency preparedness with the City of Berkeley, including preparation of an emergency response plan and an emergency disaster procedures manual for release of hazardous biological materials.
 - The disaster preparedness plan shall include annual training for and coordination with City of Berkeley emergency responders as to the nature of hazards on site, types of organisms likely to be encountered, where to take exposed persons to receive appropriate treatment, and staging semi-annual mock disaster drills.
 - Updates to and continued compliance with the site's Risk Management Prevention Plan (RMPP) for the use of ammonia. The RMPP shall be subject to review and approval by the USEPA.
 - Updates to and continued compliance with the Hazardous Materials Release Response Plan and inventory and Risk Management and Prevention program required by CalEPA

The ARDA SEIR concludes that operation of the original project will have a less than significant impact with respect to hazardous materials with the imposition of mitigation measures HAZ-5.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to hazardous materials during project operation.

The modified project does not include any changes to proposed project operations, which would still be required to comply with all portions of the ARDA studied under the ARDA SEIR, and all applicable requirements, guidelines, and policies adopted by the NIH, CDC, the Food and Drug Administration, the United States Department of Agriculture, the Federal Government, the State of California, and the City of Berkeley. The modified project would continue to comply with mitigation measure HAZ-5.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measure HAZ-5.

Threshold 5: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR analyzes the potential impacts of the original project with regards to evacuation plans, noting that the original project does not include any changes to Sixth Street or Dwight which would impact either road's use as an emergency evacuation route. The ARDA SEIR documents that buildout of the Bayer Campus under the original project would be required to comply with all building, fire, and safety codes, and that specific development plans for portions of the Bayer Campus will be reviewed by the City for compliance with these codes, and that buildout under the standards of the ARDA would not involve major changes to the existing roadway network outside the project site that would impact emergency vehicle access. The ARDA SEIR also notes that under mitigation measure HAZ-5, the project would be required to coordinate emergency planning and response with the City.

The ARDA SEIR concludes that operation of the original project will have a less than significant impact with respect to hazardous materials with the imposition of mitigation measure HAZ-5.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to emergency evacuation. The modified project: does not include any changes to Sixth Street or Dwight which would impact either road's use as an emergency evacuation route; would be required to comply with all building, fire, and safety codes; would be reviewed by the City for compliance with these codes; and would not involve major changes to the existing roadway network outside the project site that would impact emergency vehicle access. Furthermore, the modified project would continue to comply with mitigation measure HAZ-5.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measure HAZ-5.

4.6 NOISE

Threshold 1: Would the proposed project generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR identifies potential major noise-generating construction activities on the project site as demolition, site grading and excavation, building construction, and paving. (ARDA SEIR at p. 4.5-8). It further notes that construction activities result in the greatest disturbance when they occur during normal sleeping hours, in areas immediately adjacent to noise-sensitive land uses, or over extended periods of time. (*Id.*). The ARDA EIR conservatively assumes

development of the project would result in heavy construction equipment, such as scrapers, bulldozers, water trucks, haul trucks, and pickup trucks, operating over a total two-year operational time period (though not continuously). (*Id.*) The ARDA SEIR imposes mitigation measure N-1, summarized below, to ensure that construction noise complies with the City's exterior and interior noise thresholds:

- *Mitigation Measure N-1 Construction-Related Noise Reduction Measures:* The following measures shall be implemented during construction for the purpose of reducing construction-related noise impacts (summarized, for full text see ARDA SEIR at pp. 4.5-11 – 12):
 - Neighbor notification at least two weeks prior to initiating construction activities requiring the use of two or more pieces of heavy construction equipment;
 - Designation of a disturbance coordinator responsible for responding to any local complaints about construction noise;
 - A site specific noise reduction plan to ensure that construction noise complies with the City Code, including use of a temporary noise barrier, mufflers, electric power where feasible, equipment staging, reduction of equipment idling, routing of construction traffic away from sensitive receivers where feasible, worker radio noise control, and smart backup alarms;
 - More stringent noise reduction for development of the portion of the site east of Seventh Street.

The imposition of Mitigation N-1 is expected to result in minimum noise reduction of 18-21 dBA, with the potential for up to 35 dBA of noise reduction when warranted. (ARDA SEIR at pp. 4.5-12 – 13).

With regards to Project operation, the ARDA SEIR analyzes potential noise from vehicle trips associated with the original project, and operation of on site stationary sources including generators and on-site parking garages. (ARDA SEIR at pp. 4.5-13 -14)

The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to noise with the imposition of Mitigation Measure N-1.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to construction or operation noise.

The modified project will not result in any changes to the duration of construction, and would involve a negligible increase in the amount of demolition to remove the existing structures on APN 54-1770-4-2, which does not contemplate use of any construction equipment not analyzed under the ARDA SEIR. The modified project will continue to comply with mitigation measure N-1. Furthermore, the modified project does not make any changes expected to increase vehicle traffic to the Bayer Campus during operations, and does not include any additional stationary sources on the Bayer Campus.

While the modified project's inclusion of APN 54-1770-4-2 and the portion of Carleton Street along this parcel's frontage into the Bayer Campus may include site construction and demolition equipment and activities (and associated noise) on property not explicitly studied under the ARDA SEIR, the closest structures to APN 54-1770-4-2 are approximately 45 feet to the east of

the parcel, and are occupied by industrial and commercial businesses, which are not sensitive noise receptors. Regardless, the modified project proposes demolition and development no closer to these businesses than under the original project. Specifically, the original project also contemplated the demolition of existing structures and the construction of new buildings immediately adjacent, and to the north, of these industrial and commercial businesses by Year 10 of the project's planning horizon. Specifically, activity on APN 54-1770-4-2 would, vis-a-vis adjacent industrial businesses, be situated similarly to demolition and construction activity at the borders of APN 054-1770-8-1 (i.e., areas located east of APN 54-1770-4-2) and APN 054-1748-2-1 (located south and southeast of APN-54-1770-4-2). More simply, stages of construction and demolition on the added parcel would, with respect to adjacent businesses, would occur in a manner similar to other stages of construction and demolition that would occur with respect to those same businesses. As documented in the ARDA SEIR, a conservative measure of combined noise levels from equipment during periods of construction and demolition results in an hourly average of 86 dBA Leq,. The imposition of mitigation measure N-1 and the associated noise reduction of up to 35 dBA will ensure that noise at these neighboring businesses does not exceed the 85 dBA construction noise standards for commercial and industrial areas.

In fact, the modified project may reduce the noise associated with construction and operation of the Bayer Campus. The ARDA SEIR identifies the closest noise receptors as being: (1) to the north, a residential zone with the maximally exposed receptor being a duplex located at 907 Dwight Way; (2) to the east, a church located at 2525 Eight Street; (3) to the south, a building at 742 Grayson; and (4) to the west, picnic areas in Aquatic Park. It was construction east of Seventh Street that made for particular concern in the ARDA SEIR, resulting in the ARDA SEIR imposing specific mitigation measures to ensure that construction noise does not impact sensitive receptors directly to the north and east.

The modified project removes the portion of the Bayer Campus east of Seventh Street, relocating any potential construction to the west, in an area already substantially surrounded by the Bayer Campus. Similarly, the ARDA SEIR specifically identifies operational noise associated with potential operation of a parking structure east of Seventh Street. Under the modified project, no Bayer Campus parking will operate east of Seventh Street, and all such parking uses will be relocated to an area already substantially surrounded by the Bayer Campus. Impacts, then, to receptors north and east of the project site would be less than under the original project.

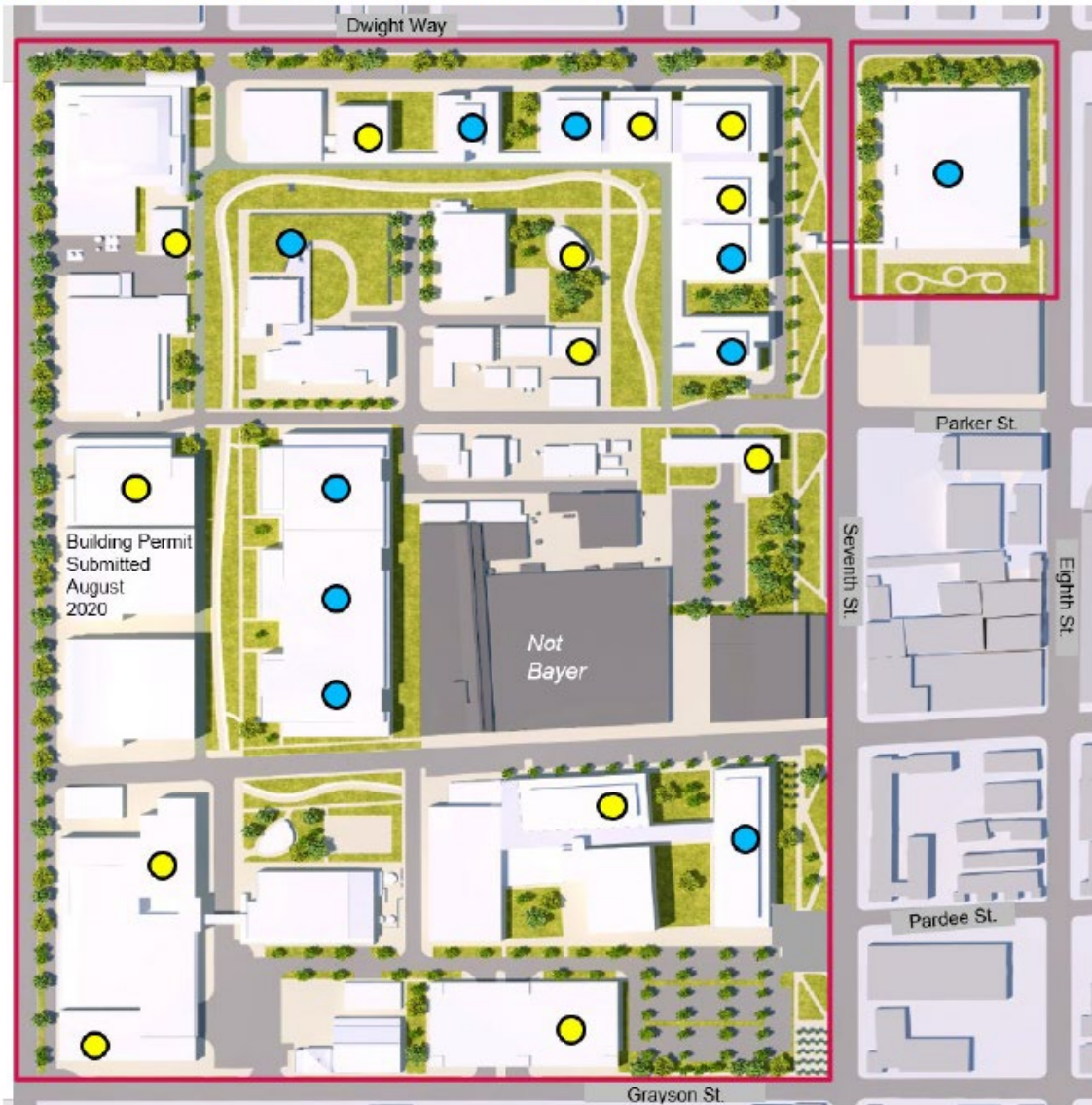
With respect to receptors located south³ and west of the project site, the location of potential demolition activity at APN 54-1770-4-2 is located as many as 700 feet away from these receptors and, importantly, there are existing buildings on the Bayer campus that would shield these receptors from noise at this parcel. Moreover, by the time that APN 54-1770-4-2 is redeveloped with parking and/or administrative uses, which would occur between Year 10 and Year 30 of the project planning horizon, the project schedule demonstrates that additional new square footage would be constructed between APN 54-1770-4-2 and any receptors to the west and south. Please see Figure 2-13 of the SEIR, as shown below. Note that the structure indicating a building permit is forthcoming has in fact been approved and constructed. The level of noise impacts, then, on these receptors would appear to be no different than under the original project.

³ Please note that the receptor to the south, as identified in the ARDA SEIR, is on property that has since been approved for redevelopment as an industrial use. This analysis is conservative in considering that the approved industrial use qualifies as a sensitive receptor.

ATTACHMENTS

Exhibit A:

Figure 2-13 Conceptual Illustration of the anticipated campus at Year-30



Existing buildings do not have circles.

● New at Year 30

● New at Year 10

Source: Bayer 2021

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measure N-1.

Threshold 2: Would the proposed project expose persons to or generate excessive groundborne vibrations?

Analysis of the Original Project: Less than Significant

The ARDA SEIR analyzes the potential impacts of vibration generated by the original project's construction and operation. The ARDA SEIR identifies potential major vibration-generating construction activities on the project site such as the use of vibratory rollers, large bulldozers, loaded trucks, and small bulldozers. (ARDA SEIR at p. 4.5-15). The ARDA SEIR notes that if pile installation is deemed necessary for any development associated with the Bayer Campus, it will be performed through the use of auger drilled piles as opposed to pile driving. All operation of vibratory equipment would comply with the City's local ordinance restricting construction hours. The SEIR notes that, of the variety of equipment used during construction, the small vibratory rollers that are anticipated to be used in the site preparation phase of some of the proposed construction would produce the greatest groundborne vibration levels. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 inch per second (in/sec) PPV at 25 feet from the operating equipment. Predicted vibration levels at the nearest off-site structure would not exceed even the conservative threshold of 0.3 inch per second PPV for buildings of engineered concrete and masonry (no plaster) construction, or 0.2 inches per second PPV for non-engineered timber and masonry buildings. (ARDA SEIR at p. 4.5-16). The ARDA SEIR concludes that vibration levels will not exceed 0.2 inches per second PPV for non-engineered timber and masonry buildings for any off-site structures, and therefore construction and operation of the original project will have a less than significant impact with respect to vibration.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to construction or operation vibration.

The modified project will not include any new operational sources of vibration.

While the modified project's inclusion of APN 54-1770-4-2 and the portion of Carleton Street along this parcel's frontage into the Bayer Campus may site construction equipment and activities (and associated vibration) on property not explicitly studied under the ARDA SEIR, the closest structures to APN 54-1770-4-2 are approximately 45 feet to the east of the parcel. The maximum vibration from construction activities on the newly included property would be the result of small vibratory rollers, which produce groundborne vibration levels ranging up to 0.101 inch per second (in/sec) PPV at 25 feet from the operating equipment. As the thresholds for vibration impacts to surrounding structures is 0.2 inches per second PPV for non-engineered timber and masonry buildings, and because the nearest buildings are more than 25 feet away from the boundary of APN 54-1770-4-2, vibration at these structures would be less than half of the applicable threshold. Please note that, on the portion of Carleton Street along this APN 54-1770-4-2's frontage, new buildings are not anticipated except for perhaps a small guard structure; as noted above, Carleton Street will continue to serve as a roadway. Further, all properties immediately adjacent to this roadway segment are owned by Bayer and constitute a portion of the original project site. Accordingly, no new vibratory impacts would result from the modified project.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Threshold 3: Would the project subject people residing or working in the project area to excessive noise levels within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport?

Analysis of the Original Project: Less than Significant

The ARDA SEIR notes that the Bayer Campus is well outside the noise contours associated with nearby airports and is not within an airport land use plan, and therefore will have a less than significant impact with respect to airport noise.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to airport noise. The Bayer Campus will remain well outside the noise contours associated with nearby airports and is not within an airport land use plan. Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Cumulative Impacts

Cumulative impacts are the changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. This addendum analyzes whether the changes to the Bayer Campus as a result of the modified project would result in any new or substantially more severe cumulative impacts than were analyzed in the ARDA SEIR.

No significant cumulative impacts would occur, as the analysis for the modified project under each threshold studied in the ARDA SEIR is unchanged, and the modified project will not situate the scope of construction, demolition, or operation of the original project closer to any sensitive receptors in any meaningful way. The project would relocate construction activities about 500 feet southwest from the very periphery of the original project site to an area in the center of the Bayer campus, substantially surrounded by project uses and wholly surrounded by commercial and industrial uses. While marginally more demolition would occur at APN 54-1770-4-2, there already is demolition planned closer to Bayer's easterly boundary, and the maximally exposed receptors to the north and east of the original project sign will experience substantially less noise than under the proposed project given construction will no longer occur adjacent or in the immediate vicinity of them. Meanwhile, receptors to the west, given intervening distances and intervening existing and planned buildings, will not experience any detectable increase in noise. Finally, to the south, the sole receptor at 742 Grayson Street is on property that recently was approved for redevelopment as an industrial use, which is not a sensitive receptor. In this vein, the cumulative setting in the vicinity of the project site is substantially the same, and is in fact less sensitive, given this site's transition from a receptor to an industrial use. To the extent 742 Grayson Street will entail additional construction that was not foreseeable at the time the SEIR was prepared, the City found all impacts, including noise impacts, had a de minimis environmental impacts and, accordingly, the City exempted this project from CEQA review (and, again, the modified project's contribution to noise west and south of the project site are not considerable, if detectable at all, due to intervening distances and buildings). Therefore, the modified project remains consistent with the cumulative impacts analysis in the ARDA SEIR.

The modified project does not include any modifications that would cause new or substantially more severe cumulative impacts with respect to Noise.

4.7 TRANSPORTATION

Threshold 1: Would the project conflict with any program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

The ARDA SEIR evaluates the original project's consistency with certain key provisions of the City's Land Use Plans as they relate to transportation, including the City's General Plan, the West Berkeley Plan, the 2017 Bicycle Plan, and the Berkeley Pedestrian Plan. The ARDA SEIR imposes mitigation T-1, which ensures that Bayer will maintain its pre-existing Transportation Demand Management Program:

- *Mitigation Measure T-1:* The project applicant shall continue to implement and update the Transportation Demand Management (TDM) Program to reduce single-occupant automobile trips generated by the project site. The TDM Program shall be reviewed and approved by the City of Berkeley prior to issuance of building permits for development allowed under the amended DA. In addition, the TDM Program shall be updated by Bayer and approved by the City every five years, or at intervals required by the City, to ensure that services are consistent with best practices to reduce the use of single-occupant automobile trips to and from the project site.

The TDM Program shall include, but not be limited to, the following information and measures:

- Continued funding and implementation of the West Berkeley Shuttle with service as needed to meet demand.
- Other TDM measures intended to reduce single-occupant automobile trips, including but not limited to on-site bicycle parking requirements, car share and bike share memberships for Bayer employees, and parking pricing. Additional measures consistent with the City's TDM policies may be required by the City.

(ARDA SEIR at pp. 4.6-19 – 20).

The ARDA SEIR concludes that the original project will be consistent with the City's Land Use Plans as they relate to transportation based on several project features, including:

- The TDM program under mitigation measure T-1;
- The Bayer Campus's proximity to numerous public transit lines and existing bicycle paths;
- On-site services and amenities contemplated under the ARDA, such as a cafeteria, fitness facilities, fields, sports courts, pedestrian and bicycle trails, outdoor eating areas, landscaping, and open space;
- The provisions of long-term and short-term bicycle parking;
- The lack of any modifications to surrounding streets that would preclude the installation of bicycle facilities or conflict with the pedestrian system around the site; and

- Compliance with City regulations requiring Department of Public Works review before any changes to the public right-of-way.

(ARDA SEIR at pp. 4.6-18 – 20).

The ARDA SEIR concludes that construction and operation of the original project will have a less than significant impact with respect to transportation plans with the imposition of Mitigation Measure T-1.

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to consistency with the above-described transportation plans. The relocation of parking and administrative uses from a parcel located across the street from the main Bayer Campus to a parcel adjacent to this campus would constitute a change in location of approximately 450 feet, and within the same Transportation Impact Zone, as defined by the Metropolitan Transportation Commission (i.e., the relocation would occur within TAZ No. 1014). The difference in traffic volumes on local streets was quantified and evaluated by traffic engineering experts Fehr & Peers in its July 10, 2025 Memorandum (see Appendix C to this addendum), which found no significant differences between the ARDA's approved circulation system and the circulation system related to the modified project that would alter the ARDA SEIR analysis in any meaningful way. In Fehr & Peers' report, it was determined that all local intersections would remain compliant with the City's level of service requirements (see Appendix B, Table 2). In an email memorandum dated August 12, 2026 and attached hereto as Appendix D, Fehr & Peers reviewed the ARDA SEIR and clarified that the modified project, when considered in context with the ARDA SEIR, would not have any new significant CEQA transportation impacts or cause any more severe transportation impacts than were already identified in the ARDA SEIR. The ARDA SEIR evaluated transportation impacts and concluded the original project's development plan would rearrange the Bayer campus layout, requiring, at most, minor modifications to the public right-of-way (e.g., the opening and closing of new driveways along the campus' perimeter), such that impacts would be less than significant. (See, e.g., ARDA SEIR p. 4.6-22.) Details would be determined in the future, when the conceptual development plan would be implemented, at which time City and applicant traffic engineers would ensure these minor changes would comply with emergency access requirements, the California Building Code, California Fire Code, and other circulation requirements. Per Fehr & Peers, the result is the same under the modified project, and only minor modifications to the public right-of-way might be necessary upon its implementation, and such minor modifications would be of a similar nature and scale as those identified in the ARDA SEIR. Fehr & Peers confirmed that impacts, including traffic safety impacts, would be less-than-significant, similar to the ARDA SEIR.

The modified project would comply with mitigation measure T-1 and maintain the Bayer Campus' TDM plan. The minor change in boundaries under the modified project will not impact the Bayer Campus' proximity to public transit lines and existing bicycle paths, and will not modify the provisions of the ARDA governing on-site amenities. Any parking uses on APN 54-1770-4-2 would be required to comply with the ARDA's bicycle parking requirements. The modified project will not prevent the instillation of bicycle facilities along any of the public streets surrounding the Bayer Campus, and while none are currently proposed, any future proposed changes to any right-of-way in connection with the modified project will require compliance with local regulations, including review from the Department of Public Works.

With respect to pedestrian traffic, movement of the parking garage to a centralized portion of the Bayer Campus would result in fewer pedestrians crossing Seventh Avenue at the start and termination of shifts, thereby improving sidewalk traffic.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measure T-1.

Threshold 2: Would the project conflict and be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Analysis of the Original Project: Less than Significant

The ARDA SEIR analyzes the original project's potential impacts on vehicle miles traveled (VMT). While the Bayer Campus is located in a Low VMT Area, the ARDA SEIR nevertheless includes a full analysis of VMT at full buildout of the campus in line with the development contemplated under the ARDA. (ARDA SEIR at p. 4.6-21). Since VMT assuming full buildout would be more than 15 percent below the regionwide average, the ARDA SEIR concludes that the project will have a less than significant impact with respect to VMT.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to VMT.

The VMT analysis in the ARDA SEIR utilizes the Alameda CTC Model, a regional travel demand model that uses socio-economic data and roadway and transit network assumptions to forecast traffic volumes, transit ridership, and VMT using a four-step modeling process that includes trip generation, trip distribution, mode split, and trip assignment. This process accounts for changes in travel patterns due to future growth and expected changes in the transportation network.

The modified project does not include any changes that would alter trip generation, trip distribution, mode split, and trip assignment – it maintains the TDM program required under mitigation measure T-1, does not alter proposed parking requirements under ARDA and, while there are minor changes to project boundaries and potential Bayer Campus parking locations, these changes are localized to two City blocks within 450 feet of one another, and located within the same Transportation Impact Zone. The difference in traffic volumes on local streets was quantified and evaluated by two traffic engineering experts, and no significant differences were identified that would alter the ARDA SEIR analysis in any meaningful way.

Accordingly, the analysis of VMT impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Threshold 3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use?

Analysis of the Original Project: Less than Significant

The ARDA SEIR analyzes the original project's potential impacts on traffic hazards during both construction and operation. With respect to construction, the ARDA SEIR notes that the project will require the use of off-road construction equipment and on-road vehicles typical of construction projects. The ARDA SEIR notes that under City law, the Public Work Department will review all potential building permits to ensure potential traffic hazards are avoided, and a Transportation Construction Plan is required if necessary. With respect to operations, the ARDA SEIR notes that buildout of the Bayer Campus will require modifications to the right-of-way, including new driveways and enhancements to pedestrian facilities. The ARDA SEIR notes that under City law, any modifications to circulation modifications both within the Bayer Campus and in surrounding rights-of-way will require review by the City including the Building and Safety Division, Public Works Department, Fire Department, and City Traffic Engineer to ensure compliance with local ordinance and State building and fire codes. The ARDA SEIR further determines that the types of vehicle, pedestrian, and bicycle trips associated with the land uses permitted under the ARDA are consistent with the existing uses at the Bayer Campus and in surrounding areas, meaning that the original project would not introduce incompatible uses to the surrounding area. Accordingly, the ARDA SEIR concludes that the project will have a less than significant impact with respect to traffic hazards.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to traffic hazards. Though no specific construction is included as part of the modified project, any future construction associated with the inclusion of APN 54-1770-4-2 and the portion of Carleton Street along this parcel's frontage in the Bayer Campus would be required to comply City laws, including Public Work Department review of all potential building permits to ensures potential traffic hazards are avoided, and a Transportation Construction Plan if necessary. Similarly, while no specific physical modifications to the right-of-way or Bayer Campus circulation are proposed as part of this modified project, future activities associated with the inclusion of APN 54-1770-4-2 and the portion of Carleton Street along this parcel's frontage in the Bayer Campus will require review by the City including the Building and Safety Division, Public Works Department, Fire Department, and City Traffic Engineer to ensure compliance with local ordinance and State building and fire codes. The modified project does not change any of the land uses permitted for the Bayer Campus under the ARDA, and therefore would not result in any types of vehicle, pedestrian, and bicycle trips not analyzed under the ARDA SEIR. Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

While not required or studied under CEQA, the applicant commissioned a Transportation Impact Analysis to study the impact that the modified project will have on local traffic operations. (Transportation Impact Analysis included herein as Appendix B). The Transportation Impact Analysis concluded that the modified project would not affect traffic operations at the intersections adjacent to the site during the weekday AM and PM peak hours, and will not warrant any improvements to surrounding intersections. The difference in traffic volumes on local streets was quantified and evaluated by two traffic engineering experts, and no significant differences were identified that would alter the ARDA SEIR analysis in any meaningful way or create any traffic hazards or conflicts.

Threshold 4: Would the project result in inadequate emergency access?

Analysis of the Original Project: Less than Significant

The ARDA SEIR notes that buildout of the Bayer Campus under the original project would be required to comply with all building, fire, and safety codes, and that specific development plans for portions of the Bayer Campus will be reviewed by the City for compliance with these codes. Furthermore, the ARDA SEIR notes Bayer Campus would continue to operate its own internal emergency vehicles and equipment to respond to on-site emergencies, and buildout under the standards of the ARDA would not involve major changes to the existing roadway network outside the project site that would impact emergency vehicle access. The difference in traffic volumes on local streets was quantified and evaluated by two traffic engineering experts, and no significant differences were identified that would alter traffic congestion or other circulation elements in any way that would interfere with emergency access.

Accordingly, the ARDA SEIR concludes that the project will have a less than significant impact with respect to emergency vehicle access.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to traffic hazards.

All specific development plans for the Bayer Campus, including those related to any development of APN 54-1770-4-2 and the portion of Carleton Street along this parcel's frontage would be subject to building, fire, and safety codes and City review. The modified project does not alter the Bayer Campus's internal emergency vehicle program, and does not include any proposed changes to the existing roadway network outside the project site that would impact emergency vehicle access.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Cumulative Impacts

Cumulative impacts are the changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. This addendum analyzes whether the changes to the Bayer Campus as a result of the modified project would result in any new or substantially more severe cumulative impacts than were analyzed in the ARDA SEIR. The test for any cumulative analysis is a two-part one, and evaluates whether (1) there is a new significant cumulative impact and (2) if a significant cumulative impact does exist, whether a project makes a cumulative contribution to this impact. There is only a significant cumulative impact under CEQA if both tests are positive. See 14 Cal Code Regs §§ 15130(a)(2); 15130(a)(3); *see also League to Save Lake Tahoe Mountain etc. v. Cnty. of Placer* (2022) 75 Cal. App. 5th 63, 148).

As noted in the ARDA SEIR, per technical guidance from the Governor's Office of Planning and Research, if a project has a less than significant impact on VMT using an efficiency-based threshold (e.g., VMT per worker), this implies that the project would not contribute to a

cumulative VMT impact. Meanwhile, the cumulative setting in the vicinity of the project site is substantially the same. The only new project approved in the vicinity of the project site is the 213,000-square-foot research and development project at 700-742 Grayson Street, which the City found had de minimis environmental impacts, including VMT impacts, and accordingly exempted this project from CEQA review. Therefore, the modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to cumulative transportation impacts.

4.8 TRIBAL CULTURAL RESOURCES

Threshold 1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Analysis of the Original Project: Less than Significant with Mitigation Incorporated

As discussed above, the ARDA SEIR notes that analysis of the original project demonstrated the presence of a prehistoric archaeological resource containing habitation debris located less than 150 feet from the original project site's northern boundary. The ARDA SEIR also noted that the Sacred Lands File search conducted by the Native American Heritage Commission was returned with positive results. The City of Berkeley also conducted an AB 52 consultation process, during which the Northern Valley Yokuts Tribe/Nototomne Tribe requested that subsurface testing and data recovery must not occur without first consulting with and receiving written consent from Northern Valley Yokuts Tribe/Nototomne Cultural Preservation representative, and that there be training of construction crews to identify cultural resources. The City also consulted with the Confederated Villages of Lisjan Nation, who requested the addition of a mitigation measures include the requirement of a Tribal Cultural Resource Open Space Easement. Although the original project site had experienced extensive urban development, the ARDA SEIR concluded that the original project area is highly sensitive for archaeological resources that may later be recommended as a tribal cultural resource by tribal organizations.

Given this sensitivity, the ARDA SEIR concludes that development of the original project will have a less than significant impact with respect to tribal cultural resources with the imposition of the following mitigation measures:

- *Mitigation Measure TCR-1: Worker's Environmental Awareness Program:* Prior to ground disturbing activities, the project applicant will retain a locally affiliated tribal member who represents a tribal organization that was contacted as part of Assembly Bill 52 outreach to conduct a Worker's Environmental Awareness Program (WEAP) training. The WEAP training shall be provided to all construction personnel (in conjunction with the cultural resources WEAP) prior to the commencement of ground-disturbing activities. The WEAP training shall include a description of the types of materials that may constitute Tribal Cultural Resources, the reasons for their traditional cultural significance and importance to tribal members, the stop work authority of the Native American monitor, and the proper protocol for the respectful treatment of the resource in the event of an unanticipated discovery. Attendance at the WEAP training shall be documented with a sign-in sheet for submittal to the City for verification of adherence to this measure. This WEAP training may be presented in tandem with the training required under CR-9.
- *Mitigation Measure TCR-2: Native American Monitoring:* If recommended by the Desktop Analysis, Phase I, Extended Phase I (XPI), Phase II, or Phase III studies required under Mitigation Measures CR-1 through CR-8, the project applicant shall retain a qualified local Native American monitor to observe all ground disturbance, including archaeological excavation, associated with development facilitated by the project. Native American monitoring shall be provided by a locally affiliated tribal member. Monitors will have the authority to halt and redirect work if tribal cultural resources are identified during monitoring. If tribal cultural resources are encountered during ground-disturbing activities, work within 60 feet must halt and the find must be evaluated. Native American monitoring may be reduced or halted at the discretion of the monitors, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Following the completion of monitoring, a report documenting the monitoring effort shall be prepared and submitted to the City of Berkeley and the Northwest Information Center.
- *Mitigation Measure TCR-3: Cultural Resources Open Space Easement:* The project applicant will set aside an area that could be used as a Tribal Cultural Resources Open Space Easement in the event that tribal cultural resources are encountered during construction activities and are unable to be avoided. The purpose of the Cultural Resources Open Space Easement will be to provide an onsite location for reinterment of sensitive Native American cultural resources and/or human remains, as well as other associated funerary objects. If said remains are encountered, a Cultural Resource Open Space Easement will be developed and granted by the project applicant in consultation with the identified Most Likely Descendant(s), and other affiliated tribes identified by the NAHC as applicable. Should an easement be necessary, the following actions would be prohibited on the land subject to said easement, except as required for the reburial of sensitive cultural resources: grading; excavation; placement of soil, sand, rock, gravel or other material; clearing of vegetation with machinery; construction; erection or placement of a building or structure; vehicular activities; trash dumping; installation of wet or dry infrastructure, such as irrigation systems; or for a purpose other than as open space for tribal use only.

Exceptions include the following:

- Placement and reburial of sensitive Native American cultural resources or human remains.
- Access shall be provided for identified Most Likely Descendant(s), and other affiliated tribes identified by the NAHC in perpetuity.
- Selective clearing of vegetation by hand if required by fire authorities for the purpose of reducing an identified fire hazard or the removal of vegetation using chemicals for vector control purposes where required by the Department of Environmental Health.
- The installation of a bench, marker, or other amenity if desired by the consulting Tribe(s).

Analysis of the Modified Project: Less than Significant with Mitigation Incorporated

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to tribal cultural resources, and would not prevent the applicant from complying with mitigation measure TCR-3.

As discussed above, the applicant commissioned a Phase I Cultural Resources Technical Assessment to study the impacts of potential redevelopment of APN 54-1770-4-2. Similar to the ARDA SEIR analysis, the Sacred Lands File search conducted by the Native American Heritage Commission was returned with positive results. While a pedestrian survey of APN 54-1770-4-2 yielded no observation of historic era or pre-contact archaeological resources, the Phase I Cultural Resources Technical Assessment conducted a buried site potential analysis which determined a moderate potential for the inadvertent discovery of cultural resources during ground disturbances based on the absence of previously recorded pre-contact archaeological sites within the project boundaries, the hardscaped nature of the site, and its location more than 100 feet from the nearest known archaeological resource. The City of Berkeley also conducted an AB 52 consultation process in connection with the ARDA SEIR, and further AB 52 consultation is not required in connection with the modified project because the City did not release a new negative declaration, mitigated negative declaration, or environmental impact report. (Public Resources Code § 21080.3.1(b)). Nevertheless, as a courtesy and to ensure that all Native American knowledge regarding potential tribal cultural resources that may be affected by the proposed project is included, a letter containing project information and requesting any additional information beyond that found in the Sacred Lands File (SLF) search and a California Historical Resource Information (CHRIS) search was sent by First Carbon Solutions to each relevant tribal representative on April 3, 2025. The letter stated the request for information pertained to the conducting of a cultural resource assessment for 811 Carleton Street, and was not a notification of a project under AB 52. One response was received on April 9, 2025, from the Confederated Villages of Lisjan Nation, who were also consulted on the original project. This response did not contain information relating to the existence of tribal cultural resources on the project site that differ in any appreciable manner from what was known during evaluation of the original project. At this time, there is no information received from third parties that there exist tribal cultural resources on the project site that differ in any appreciable manner from what was known during evaluation of the original project. Copies of the letters sent to relevant tribal representatives and the response received are included as Appendix C to the Phase I Cultural Resources Technical Assessment (included as Appendix B to this Addendum).

The Phase I Cultural Resources Technical Assessment recommends that the modified project comply with the ARDA SEIR mitigation measure TCR-1 and TCR-2, as well as compliance with the City's Standard Conditions of Approval for Unanticipated Discovery of Tribal Cultural

Resources (Standard Condition of Approval V.B.5). Therefore, based on the above, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant with incorporation of mitigation measures TCR-1 and TCR-2, and adherence the to the City's Standard Conditions of Approval for Unanticipated Discovery of Archaeological Resources.

4.9 UTILITIES AND SERVICE SYSTEMS

Thresholds 1 and 3 (Wastewater):

- **Would the project require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction of which or relocation of which could cause significant environmental effects?**
- **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Analysis of the Original Project: Less than Significant

The ARDA SEIR calculates buildout of the Bayer Campus under the original project will result in a net reduction of gallons of wastewater per day and wastewater conveyance compared to the scope of development under the original DA, allowing the original project to be adequately served by existing EBMUD facilities. Bayer currently conveys water from the Bayer Campus through private lateral sewers, which must continue to comply with the requirements of the City's Private Sewer Lateral Ordinance, requiring upgrade or verify the conditions of laterals before any building permits are issued. To the extent changes to existing wastewater infrastructure within the Bayer Campus would occur under the original project, such changes would have to comply with local law, including City review.

Accordingly, the ARDA SEIR concludes that the project will have a less than significant impact with respect to wastewater utilities and service systems.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to wastewater utilities and service systems.

The modified project does not increase the scope of development or land uses permitted under the ARDA, and therefore will result in the same volume of wastewater per day and wastewater conveyance as the original project. The modified project will also be required to comply with the requirements of the City's Private Sewer Lateral Ordinance and all other City review processes for future changes to existing wastewater infrastructure. Finally, though the City has quitclaimed to Bayer its interest in the portion of Carleton Street that is proposed for inclusion in the Bayer campus, all utility providers have retained an easement for the installation and improvement of utilities in this roadway segment.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Thresholds 1 and 2 (Water Supply):

- **Would the project require or result in the relocation or construction of new or expanded water treatment facilities, the construction of which or relocation of which could cause significant environmental effects?**
- **Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?**

Analysis of the Original Project: Less than Significant

The ARDA SEIR calculates buildout of the Bayer Campus under the original project will result, when compared to buildout under the original DA, in a net reduction of gallons of water used per day based on the mix of permitted land use and development standards under the ARDA. The ARDA SEIR concludes that existing EBMUD equipment is sufficient to service the original project. The ARDA SEIR further concludes that the Urban Water Management Plan demonstrates that there is sufficient water-supply to serve the original project, as the UWMP includes a demand management program and other conservation measures that all EBMUD customers would be subject to in the event of multi-year drought conditions. Accordingly, the ARDA SEIR concludes that the project will have a less than significant impact with respect to water utilities and service systems.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to water utilities and service systems.

The modified project does not increase the scope of development or land uses permitted under the ARDA, and therefore will result in the same use of water per day. The modified project will also be required to comply with EBMUD demand management program and other conservation measures that all EBMUD customers would be subject to in the event of multi-year drought conditions.

Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Thresholds 4 and 5 (Solid Waste):

- **Would development facilitated by the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**
- **Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Analysis of the Original Project: Less than Significant

The ARDA SEIR calculates buildout of the Bayer Campus under the original project will result in an increase in solid waste, due to the increase in employees. However, this is a small proportion of available capacity at the Altamont Landfill, and compliance with all local regulations governing

solid waste, including those governing hazardous waste, will ensure that the original project will have a less than significant impact with respect to solid waste utilities and service systems.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to solid waste utilities and service systems.

The modified project will not result in a greater number of employees than the original project, and will be subject to, and will comply with, all local regulations governing solid waste, including those governing hazardous waste. Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Threshold 1 (Electricity, Natural Gas, and Telecommunications):

- **Would the project require or result in the relocation or construction of new or expanded electricity, natural gas, or telecommunications facilities, the construction of which or relocation of which could cause significant environmental effects?**

Analysis of the Original Project: Less than Significant

The ARDA SEIR notes that the surrounding area is already built out with telecommunications services, and facility upgrades will not be necessary. The ARDA SEIR also calculates buildout of the Bayer Campus under the original project will result, when compared to the scope of development under the original DA, in a modest increase in electricity and natural gas demand, based on the development standards, energy measures, and mixes of uses outlined in the ARDA. However, this is a small proportion of countywide consumption, and the original project will have a less than significant impact with respect to electricity, natural gas, and telecommunications systems, utilities, and services.

Analysis of the Modified Project: Less than Significant

The modified project does not include any modifications that would cause new or substantially more severe significant effects with respect to electricity, natural gas, and telecommunications systems, utilities, and services.

The modified project will not alter any of the development standards, energy measures, and mixes of uses outlined in the ARDA. Accordingly, the analysis of impacts in the ARDA SEIR is consistent with the modified project and impacts of the modified project would remain less than significant.

Cumulative Impacts

Cumulative impacts are the changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. This addendum analyzes whether the changes to the Bayer Campus as a result of the modified project would result in any new or substantially more severe cumulative impacts than were analyzed in the ARDA SEIR. The test for any cumulative analysis is a two-part one, and evaluates whether (1) there is a new significant cumulative impact and (2) if a significant cumulative impact does exist, whether a project makes a cumulative contribution to this impact. There is only a significant cumulative

impact under CEQA if both tests are positive. See 14 Cal Code Regs §§ 15130(a)(2); 15130(a)(3); see also *League to Save Lake Tahoe Mountain etc. v. Cnty. of Placer* (2022) 75 Cal. App. 5th 63, 148).

As discussed above, the intensity of utility and services demand is the same under the original and modified projects. That being so, there is no measurable increase in the contribution the modified project would make to the cumulative environment. Meanwhile, the cumulative setting in the vicinity of the project site is substantially the same. The only new project approved in the vicinity of the project site is the 213,000-square-foot research and development project at 700-742 Grayson Street, which the City found had de minimis environmental impacts, including impacts to cultural resources, and accordingly exempted this project from CEQA review.

As the analysis for the modified project under each threshold studied in the ARDA SEIR is unchanged, and the modified project will not expand the scope of operation of the original project, the modified project remains consistent with the cumulative impacts analysis in the ARDA SEIR. The modified project does not include any modifications that would cause new or substantially more severe cumulative impacts with respect to Utilities and Service Systems.

5. CONCLUSION

Pursuant to CEQA Guidelines section 15164, an addendum may be prepared when none of the conditions identified in section 15162 are present, and this analysis satisfies the documentation requirements of section 15164(e).

In summary:

- Pursuant to section 15162(a)(1), there are no substantial changes proposed in the project which will require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Pursuant to section 15162(a)(2), there are no substantial changes with respect to the circumstances under which the project will be undertaken which will require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Pursuant to section 15162(a)(3), no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous SEIR was adopted, shows any of the following:
 - The project will not have one or more significant effects not discussed in the SEIR;
 - Significant effects previously examined will not be substantially more severe than shown in the SEIR;
 - There are no mitigation measures previously found not to be feasible which would in fact be feasible and would not substantially reduce one or more significant effects of the project; or
 - There are no mitigation measures which are considerably different from those analyzed in the SEIR that would substantially reduce one or more significant effects of the environment.

Accordingly, the project qualifies for utilization of a CEQA addendum to satisfy State environmental requirements.

APPENDICES

APPENDIX A: Technical Memorandum on Air Quality, Greenhouse Gas, and Health Risk Implications of Proposed Bayer LRDP Project Modifications, Ramboll Americas Engineering Solutions, Inc., August 2026.

APPENDIX B: Macaulay Foundry at 811 Carleton Street Project Phase I Cultural Resources Assessment, First Carbon Solutions, August 2026.

APPENDIX C: Bayer Berkeley Campus Development Agreement Amendment – Transportation Impact Analysis, Fehr and Peers, July 2025.

APPENDIX D: Email transmitting Fehr and Peers Bayer Berkeley Campus Development Agreement Amendment – Transportation Impact Analysis, August 12, 2025.