

COMMITTEE ON GROUND AND BUILDINGS

January 19, 2012

TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

1. **AMENDMENT OF THE BUDGET, APPROVAL OF AN INCREASE OF EXTERNAL FINANCING, COMPUTATIONAL RESEARCH AND THEORY FACILITY PROJECT, BERKELEY CAMPUS AND LAWRENCE BERKELEY NATIONAL LABORATORY**

A. The Committee recommends that:

- (1) The 2011-12 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: Lawrence Berkeley National Laboratory and Berkeley Campus: Computational Research and Theory Facility – preliminary plans, working drawings, and construction – \$112,944,000 to be funded from external financing (\$107,500,000), gifts (\$5,000,000) and LBNL operating funds (\$444,000).

To: Lawrence Berkeley National Laboratory and Berkeley Campus: Computational Research and Theory Facility – preliminary plans, working drawings, and construction – \$124,944,000 to be funded from external financing supported by LBNL funds (\$119,944,000), and external financing to be supported by Berkeley campus funds (\$5,000,000).

Deletions shown by ~~strikeout~~; additions by underscore

B. The President be authorized to obtain external financing not to exceed ~~\$112,944,000~~ \$119,944,000 to finance the Computational Research and Theory Facility project, subject to the following conditions:

- (1) Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
- (2) As long as the debt is outstanding, the debt service and related requirements of the authorized financing shall be sought first from available Lawrence Berkeley National Laboratory (LBNL) funds.

(3) The President shall create a contingency funding strategy to pay the debt service for the external financing in the event LBNL funds are not available or insufficient to pay the debt service.

(4) The general credit of the Regents shall not be pledged.

~~C. The President be authorized to obtain interim financing not to exceed \$5,000,000 prior to awarding a construction contract for gift funds not received by that time and subject to the following conditions:~~

~~(1) Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.~~

~~(2) Repayment of any financing shall be from gift funds. If gift funds are insufficient and some or all of the debt is outstanding, then the Berkeley campus' share of the Opportunity Fund shall be maintained in amounts sufficient to pay the debt service and to meet the related requirements of the authorized financing.~~

~~(3) The general credit of the Regents shall not be pledged.~~

C. The President be authorized to obtain external financing in an amount not to exceed \$5,000,000 to finance the Computational Research and Theory Facility project, subject to the following conditions:

(1) Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.

(2) As long as the debt is outstanding, the general revenues of the Berkeley campus shall be maintained in amounts sufficient to pay the debt service and to meet the related requirements of the authorized financing.

(3) The general credit of the Regents shall not be pledged.

D. All other terms and conditions of the project remain the same.

E. ~~The Officers of the Regents be authorized~~The President be authorized to execute all documents necessary in connection with the above.

2. AMENDMENT OF THE BUDGET, APPROVAL OF AN INCREASE OF EXTERNAL FINANCING, AND APPROVAL OF DESIGN FOLLOWING ACTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, TERCERO STUDENT HOUSING PHASE 3, DAVIS CAMPUS

A. The Committee recommends that:

(1) The 2011-12 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: Davis: Tercero Student Housing Phase 3 – preliminary plans, working drawings, and construction – \$80,243,000, to be funded from external financing (\$60,182,000) and the Davis Housing System Reserves (\$20,061,000).

To: Davis: Tercero Student Housing Phase 3 – preliminary plans, working drawings, and construction – \$88,441,000 to be funded from external financing (\$68,380,000) and the Davis Housing System Reserves (\$20,061,000).

- (2) The scope of the Tercero Student Housing Phase 3 project shall include approximately 216,108 assignable square feet which is anticipated to accommodate 1,200 beds.

Deletions shown by ~~strikeout~~; additions by underscore

- (3) The President be authorized to obtain external financing not to exceed ~~\$60,182,000~~ \$68,380,000 to finance the Tercero Student Housing Phase 3 project. The Davis campus shall satisfy the following requirements:
 - (a) Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
 - (b) As long as the debt is outstanding, general revenues of the Davis Campus shall be maintained in amounts sufficient to pay the debt service and to meet the related requirements of the authorized financing.
 - (c) The general credit of the Regents shall not be pledged.
- (4) The President be authorized to execute all documents necessary in connection with the above.

B. Upon review and consideration of the environmental consequences of the proposed Tercero Student Housing Phase 3 project, the Committee reports its:

- (1) Adoption of the Initial Study/Mitigated Negative Declaration for the Tercero Phase 3 Expansion, which is tiered from the 2003 LRDP EIR.
- (2) Approval and incorporation into the Project of all project elements, Project-Specific Mitigation Measures GHG-1, NOI-1, and TRA-1, the Mitigation Monitoring Program for the Tercero Phase 3 Expansion Project, and relevant 2003 LRDP EIR mitigation measures identified in the Findings and as more specifically described in the Tercero Phase 3 Expansion Project Initial Study/Mitigated Negative Declaration.

- (3) Adoption of the CEQA Findings for the Tercero Phase 3 Expansion.
- (4) Approval of the design for the Tercero Phase 3 Expansion.

3. **AMENDMENT OF THE LONG RANGE DEVELOPMENT PLAN AND APPROVAL OF DESIGN FOLLOWING ACTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CLINICAL AND TRANSLATIONAL RESEARCH INSTITUTE BUILDING, SAN DIEGO CAMPUS**

Upon review and consideration of the environmental consequences of the proposed project, the Committee reports its:

- A. Certification of the Environmental Impact Report, as augmented and modified by the January 18, 2012 Supplemental Information Memorandum responding to the January 17, 2012 letter from the California Department of Fish and Game.
- B. Adoption of the Mitigation Monitoring Report and Findings for the project.
- C. Amendment of the 2004 Long Range Development Plan to reclassify 14.3 acres within UCSD *Park* from *Restoration Land* to *Ecological Reserve*.
- D. Approval of the design of the Clinical and Translational Research Institute, San Diego campus.

4. **APPROVAL OF THE BUDGET AND APPROVAL OF DESIGN FOLLOWING ACTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PHASE 2 OF THE UNIVERSITY HOUSE REHABILITATION, SAN DIEGO CAMPUS**

A. The Committee recommends that:

- (1) The 2011-12 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: San Diego: Phase 1 of the University House Rehabilitation – preliminary plans, working drawings, and construction – \$2,897,000 to be funded from gift funds earmarked for the University House Rehabilitation project.

To: San Diego: Phases 1 and 2 of the University House Rehabilitation – preliminary plans, working drawings, and construction – \$10,504,000 to be funded from gift funds earmarked for the University House Rehabilitation project (\$9,054,000) and Searles Funds (\$1,450,000).

- (2) A project scope for Phases 1 and 2 be approved that includes rehabilitation of the existing University House to provide seismic and structural upgrades, utility and site improvements, and improvements to the public and private spaces to address life safety and code compliance issues, while protecting tribal cultural, archaeological, and historical resources.
 - B. Based on review and consideration of the previously certified University House Rehabilitation Project Environmental Impact Report (July 2011), the Committee reports its:
 - (1) Adoption of the Findings for Phase 2 of the project, including the Statement of Overriding Considerations.
 - (2) Approval of the design for Phase 2 of the project.
5. **APPROVAL OF BUDGET, EXTERNAL FINANCING AND APPROVAL OF DESIGN FOLLOWING ACTION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT, BERKELEY ART MUSEUM AND PACIFIC FILM ARCHIVE: UC PRINTING PLANT ADAPTIVE RENOVATION, BERKELEY CAMPUS**
 - A. The Committee recommends that:
 - (1) The 2011-12 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: Berkeley: Berkeley Art Museum and Pacific Film Archive Seismic Replacement: UC Printing Plant Adaptive Reuse and Expansion – preliminary plans – \$5,600,000 to be funded from gifts.

To: Berkeley: Berkeley Art Museum and Pacific Film Archive: UC Printing Plant Adaptive Renovation – preliminary plans, working drawings, construction and equipment – \$95,000,000 to be funded from gifts (\$75,000,000) and external financing (\$20,000,000).
 - (2) The scope of the Berkeley Art Museum and Pacific Film Archive: UC Printing Plant Adaptive Renovation shall provide approximately 45,950 assignable square feet which is planned to include: museum galleries, PFA film theatre and viewing rooms, seminar room, participatory arts lab, library and film study center, works on paper study center, café and store, administrative offices, and back-of-house operations, in support of the university mission in academic programs and public service.
 - (3) The President be authorized to obtain external financing in an amount not to exceed \$20,000,000 to finance the project, subject to the following conditions:

- a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
 - b. As long as the debt is outstanding, the general revenues of the Berkeley campus shall be maintained in amounts sufficient to pay the debt service and to meet the related requirements of the authorized financing.
 - c. The general credit of the Regents shall not be pledged.
- (4) The President be authorized to obtain standby financing not to exceed \$27,136,000 for the project, subject to the following conditions:
- a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
 - b. As long as the debt is outstanding, the general revenues of the Berkeley campus shall be maintained in amounts sufficient to pay the debt service and to meet the related requirements of the authorized financing.
 - c. The general credit of the Regents shall not be pledged.
- (5) The President be authorized to obtain interim financing not to exceed \$21,974,000 for the project, to be repaid with gifts, and subject to the following conditions:
- a. Interest only, based on the amount drawn down, shall be paid on the outstanding balance during the construction period.
 - b. To the extent additional gifts are received as cash, the amount of interim financing will be reduced. To the extent additional gifts are received as documented pledges, the interim financing will be converted to standby financing.
 - c. The project will proceed to bid when the President verifies that all required gift funds for the project are in place, as cash or documented pledges and all necessary permits and/or easements required from the City of Berkeley are secured.
 - d. As long as the debt is outstanding, the general revenues of the Berkeley campus shall be maintained in amounts sufficient to pay the debt service and to meet the related requirements of the authorized financing.
 - e. The general credit of the Regents shall not be pledged.

- (6) The President be authorized to execute all documents necessary in connection with the above.
- B. Upon review and consideration of the environmental consequences of the proposed project, the Committee reports its:
 - (1) Adoption of the Mitigation Monitoring Report and Findings based on Addendum #9 to the UC Berkeley 2020 Long Range Development Plan Environmental Impact Report.
 - (2) Approval of the project design.

6. **APPROVAL OF PRELIMINARY PLANS FUNDING, BLOCK 25A ACADEMIC BUILDING (FACULTY OFFICE BUILDING), SAN FRANCISCO CAMPUS**

The Committee recommends that the 2011-2012 Budget for Capital Improvements be amended to include the following project:

San Francisco: Block 25A Academic Building (Faculty Office Building) - Preliminary Plans - \$3,000,000 to be funded from Campus Funds.

7. **APPROVAL OF INTERIM FINANCING, SOLAR ENERGY RESEARCH CENTER, BERKELEY CAMPUS AND LAWRENCE BERKELEY NATIONAL LABORATORY**

The Committee recommends that the President be authorized to obtain interim financing not to exceed \$30,000,000 plus related interest expense and financing costs for the Solar Energy Research Center project in advance of expected state Lease Revenue Bond funds and subject to the following conditions:

- A. The primary source of repayment of requested interim financing that includes the \$30 million plus related interest expense and financing costs shall be from state Lease Revenue Bond proceeds and the alternate source of repayment shall be from available Lawrence Berkeley National Laboratory funds that will support either the interim financing or external finance issued by the Regents.
- B. Should the related trailer bill for interest expense and financing costs reimbursement not be passed by the state legislature, Lawrence Berkeley National Laboratory will consult with the Office of the President to begin immediate repayment of current interest expense and financing costs based on the construction amount drawn and interest expense and financing costs already capitalized.
- C. The interim financing is only authorized for a maximum period of up to 18 months after beneficial occupancy after which no further interest expense or financing costs shall be capitalized.

- D. The general credit of the Regents shall not be pledged.
- E. The President be authorized to execute all documents necessary in connection with the above.

8. **AMENDMENT OF COASTAL LONG RANGE DEVELOPMENT PLAN AND APPROVAL OF DESIGN FOLLOWING ACTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MARINE SCIENCE CAMPUS PROJECTS, SANTA CRUZ MARINE SCIENCE CAMPUS**

Upon review and consideration of the environmental consequences of the proposed Marine Sciences Campus (MSC) Projects and Amendment #1 to the 2004 Coastal Long Range Development Plan (CLRDP), the Committee reports its:

- A. Certification of the MSC Projects Environmental Impact Report (EIR).
- B. Adoption of the Mitigation Monitoring and Reporting Program.
- C. Adoption of the CEQA Findings.
- D. Amendment of the 2004 CLRDP (“CLRDP Amendment #1”) to incorporate eleven minor amendments.
- E. Modification of CLRDP EIR General Mitigation Measure 4.3-1 to increase the effectiveness of fugitive dust control.
- F. Approval of the design of the MSC Projects, which include:
 - (1) Coastal Biology Building Project (CBB)
 - (2) Marine Science Campus Environmental Health and Safety (EH&S) Facility Project
 - (3) Marine Science Campus (MSC) Parking Phase 1 Project
 - (4) Nature Education Facilities Project (NEF)
 - (5) Specific Resource Plan Phase 1B Project (SRP)
- G. Authorization of the President to modify, accept and approve revisions to the CLRDP Amendment #1, or design of one or more of the MSC Projects, to ensure consistency with the California Coastal Act, provided that any substantial changes in principles or policies of the CLRDP or design be brought to the Regents for approval.