

Office of the President

January 6, 2003

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TO MEMBERS OF THE SPECIAL COMMITTEE ON REGENTS' PROCEDURES:

ITEM FOR ACTION

For Meeting of January 15, 2003

AMENDMENT OF POLICY ON DESIGN APPROVAL TO INCLUDE ISSUES CONCERNING LONG RANGE DEVELOPMENT PLANS AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The President recommends that the Special Committee on Regents' Procedures recommend to The Regents that the Policy on Design Approval be amended as follows:

additions shown by underscoring, deletions by strikeout

~~POLICY ON CATEGORIES OF PROJECTS RESERVED FOR REGENTS' APPROVAL OF DESIGN, LONG RANGE DEVELOPMENT PLANS, AND THE ADMINISTRATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT~~

- (1) The Regents designate the following categories of projects as requiring design approval by the Committee on Grounds and Buildings:
 - A. Building projects with a total project cost in excess of ~~\$5,000,000~~ \$10,000,000, except when such projects consist of the following:
 - (1) 1. Alterations or remodeling where the exterior of the building is not materially changed;
 - (2) 2. Buildings or facilities located on agricultural, engineering, or other field stations; or
 - (3) 3. ~~Buildings or facilities located in agricultural areas of a campus.~~ Agriculture-related buildings or facilities located in areas of a campus devoted to agricultural functions.
 - B. Capital improvement projects of any construction cost when, in the judgment of the President, a project merits review and approval by The Regents because of budget matters, fundraising activities, environmental impacts, community concerns, or other reasons.

- (2) The approval of building projects other than those subject to approval by the Committee on Grounds and Buildings as set forth above is governed by applicable Bylaws, Standing Orders, and delegations.
- (3) Consistent with applicable Bylaws and Standing Orders, the President shall determine the responsibility for unique project approvals and other actions significantly affecting land use that, given their nature, do not involve a design approval.
- (4) All building project approvals shall be generally in accordance with an applicable Long Range Development Plan. Adoption by The Regents is required for new and substantially updated LRDPs. All LRDP amendments or actions having the practical effect of an LRDP amendment shall be approved at the following level:
 - A. The Committee on Grounds and Buildings shall consider for approval all LRDP amendments except those delegated in B. below;
 - B. The President is authorized to approve minor LRDP amendments, provided that the amendment preserves the fundamental planning principles of the LRDP and is limited to:
 1. siting a building project of \$10,000,000 or less;
 2. shifting less than 30,000 gross square feet of allocated building space; and/or
 3. changing land-use boundaries and designations for 4 acres or less of land.
- (5) The President has the responsibility for the administration of the University's compliance with the California Environmental Quality Act. As provided by CEQA, the certification or adoption of environmental documents is undertaken at the level of the associated project approval. The modification of environmental documents, including mitigation measures, may occur at the same level as the original certification or adoption, provided that the President is authorized to modify an environmental document certified or adopted by The Regents so long as the modification does not result in new or increased significant impacts.

- (6) Notwithstanding the foregoing, the approval of the Committee on Grounds and Buildings, or in appropriate circumstances The Regents, may be required for any project or other action addressed by this policy when, in the judgment of the President, an action merits review and approval by The Regents because of budget matters, fundraising activities, environmental impacts, community concerns, or other reasons.

BACKGROUND

At the November 2002 meeting of the Special Committee on Regents' Procedures, Regent Davies reported that amendments of the Bylaws, Standing Orders, and Regental policies would be presented to facilitate the process of having various Committees hold their meetings prior to the normally scheduled meetings of the Board. The proposed amendment to Regental policy discussed in this item would facilitate the review and approval process for items that come before the Committee on Grounds and Buildings, consistent with its charge under Bylaw 12.4.

The proposed amendment of the Policy for Design Approval raises the dollar limit for design approval from \$5,000,000 to \$10,000,000, which is the same amount delegated to the President for the amendment of the Budget for Capital Improvements and the Capital Improvement Program. The project design approval amount has been set at \$5,000,000 since February 1984. Under the proposed change, the President would have design approval authority for projects in excess of \$5,000,000 to \$10,000,000. The existing delegation to Chancellors for design approval of projects of \$5,000,000 or less would remain in effect. It is anticipated that approximately 10% of projects that receive design review by the Committee on Grounds and Buildings would be affected by the change.

Section (2) of the policy amendment clarifies that there are Bylaws, Standing Orders, and related delegations that apply to building project approvals other than the Policy on Design Approval. Section (3) clarifies that the President will determine the decision maker responsible for project approval for those unique and rare projects or actions that are not clearly covered by existing policy when the action may significantly affect University land use. These unique actions may arise in the course of complying with environmental regulatory requirements, establishing habitat conservation areas to protect endangered species, or developing facilities other than buildings that could significantly constrain the use of University property for many years.

Section (4) of the policy amendment retains the authority by the Board to adopt new and updated Long Range Development Plans that revise existing plans for the entire campus. These plan updates occur infrequently, approximately once every ten years. The Committee on Grounds and Buildings would be delegated the authority for an LRDP amendment that applies to a specific area of the campus or a large building project. This would allow approval of an LRDP amendment and project design to occur at the same time. Minor LRDP amendments for small

capital projects or adjustment to land-use boundaries and designations for 4 acres or less of land would be delegated to the President to be consistent with the design approval for projects of \$10,000,000 or less.

In accordance with previous Regental action, the President has authority to administer the University's compliance with the California Environmental Quality Act. Occasionally there is a need to make minor modifications to environmental documents, including mitigation measures, in order to be consistent with current mitigation practices or to respond to special project circumstances that occur during the construction process that cannot wait for the convening of The Regents. Section (5) of the proposed policy amendment clarifies the President's authority to administer CEQA and to make minor modifications to environmental documents certified by The Regents that would not result in new or increased significant impacts.

Consistent with current practice, projects delegated to the President or Chancellor for approval would be brought to the Board or Committee on Grounds and Buildings when special circumstances merit their review and approval.