The Regents of the University of California

COMMITTEE ON GROUNDS AND BUILDINGS
May 27, 2008

A Special Meeting of the Committee on Grounds and Buildings met by teleconference on the above date at the following locations: 1000 Broadway, Suite 109, Oakland; UCSF–Mission Bay Community Center, 1675 Owens Street, Room 220, San Francisco campus; 5123 Cheadle Hall, Santa Barbara campus; 1130 K Street, Suite 340, Sacramento; 1875 Century Park East, Suite 1025, Los Angeles; 501 South Alta Avenue, Dinuba; 2220 Lodgepole Circle, Modesto.

Members present: Regents Bugay, Dynes, Johnson, Kozberg, Ruiz, and Schilling; Advisory member Shewmake

In attendance: Secretary and Chief of Staff Griffiths, Associate Secretary Shaw, University Counsel Gunther, and Recording Secretary Smith

The meeting convened at 2:30 p.m. with Committee Chair Kozberg presiding.

1. **READING OF NOTICE OF MEETING**

For the record, it was confirmed that notice had been given in compliance with the Bylaws and Standing Orders for a Special Meeting of the Committee on Grounds and Buildings, for this date and time, for the purpose of acting on the recommended certification of the Environmental Impact Reports and approval of design for the Helios Energy Research Facility and the Computational Research and Theory Facility.

2. **PUBLIC COMMENT**

A. Ms. Shirley Dean, former Berkeley Mayor and member of Save Strawberry Canyon, stated that she does not oppose the University's pursuit of research, but that she does oppose its land use decisions. She stated that the proposed Helios Energy Research Facility and Computational Research and Theory Facility will encroach on a once protected study area, and asked that the Environmental Impact Reports (EIR) be recirculated and off-site alternatives considered.

B. Ms. Betty Olds, District Six representative on the Berkeley City Council, stated that the City Council approved her motion to recirculate the EIRs. She pointed out that the City of Berkeley has sent the Regents two letters regarding the projects which stress that, because an alternative was chosen, the EIRs must be recirculated.

C. Ms. Sylvia McLaughlin, member of Save Strawberry Canyon, stated that Strawberry Canyon provides a unique natural background to the Berkeley

campus, one that would be damaged by the two projects. She asked the Regents not to certify the EIRs and to find an alternative site.

D. Mr. Christopher Adams, retired UC employee, recalled that the San Francisco campus faced a similar situation years ago when, due to public outcry, it decided to develop the Mission Bay campus as an alternative to building on denser parts of the campus. He urged that now is the time to move a critical mass of the Lawrence Berkeley National Laboratory (LBNL) to a new location.

E. Mr. John Shively, UC Berkeley College of Engineering Professor Emeritus, stated that major problems are already present at LBNL, including heavy traffic, lack of an emergency access, fire danger, seismic instability, and environmental damage, and that these problems will be exacerbated by the proposed projects. He presented a letter from Professor Emeritus Garniss Curtis that advised against building in Strawberry Canyon.

F. Ms. Leslie Emmington, member of Save Strawberry Canyon, stated that it is irresponsible to develop further in Strawberry Canyon, and urged the campus to consider the other development opportunities in the East Bay for an alternative site.

G. Ms. Beverly Doane, member of Save Strawberry Canyon and the Claremont-Elmwood Neighborhood Association, stressed that while it is important to be a leader in research, it is equally important to preserve green space for future generations.

H. Mr. Joe Eaton, member of Save Strawberry Canyon, stated that there were deficiencies in the draft and final EIRs for the proposed projects, including the lack of protection for several plant and animal species. He noted that the only floristic survey of the Helios site was done in mid-June, and that the surveyor failed to use a special database of rare plants.

I. Ms. Phila Rodgers, member of Save Strawberry Canyon and retiree of LBNL, stated that 300 acres of Strawberry Canyon were designated ecological study areas in 1969, but that this area has since suffered neglect due to UC Berkeley's leasing the land to LBNL.

3. **CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF DESIGN, HELIOS ENERGY RESEARCH FACILITY, BERKELEY CAMPUS**

The President recommended that, upon review and consideration of the environmental consequences of the proposed project as described in the Environmental Impact Report, the Regents:

A. Certify the Environmental Impact Report (EIR).

B. Adopt the Mitigation Monitoring Program, Findings, and Statement of Overriding Considerations.

C. Approve the design of the Helios Energy Research Facility, Berkeley campus, revised to be consistent with the EIR Alternative 5 "Proposed Project with Alternate Access Road Alignment."

[Background material was mailed to the Committee in advance of the meeting, and copies are on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Kozberg pointed out that Committee members had received all documents regarding the proposed Helios Energy Research Facility project, including the item, the environmental documents, and all public comment letters, to which responses had been prepared. She asked if the other members of the Committee that were present for the teleconference meeting had reviewed all the documents, and the Regents responded in the affirmative.

UC Berkeley Vice Chancellor Denton presented the project, describing how the Helios Energy Research Facility will link the UC Berkeley campus to LBNL through shared research and proximity. He emphasized that the selected site minimizes duplication of research capabilities by being located adjacent to unique scientific facilities such as the Advanced Light Source, the Molecular Foundry, and the National Center for Electron Microscopy located at the Lawrence Berkeley National Laboratory (LBNL). Mr. Denton stated that the ultimate goal of the project is to develop the science and technology necessary to use sunlight to create energy sources, including research into biofuels for transportation, photovoltaics, the storage of electrical energy, and artificial photosynthesis.

Mr. Denton pointed out that two issues were raised at the May 13 meeting of the Committee on Grounds and Buildings regarding the project: the distance from the Alquist-Priolo seismic zone, and whether the campus was adequately responding to the concerns noted during the public comment period. Mr. Denton stated that the proposed Helios building is approximately 2,000 feet from the seismic zone as defined by Alquist-Priolo zone maps, which is similar to the distance of other buildings located at the center of the Berkeley campus. Mr. Denton called on LBNL Environmental Planner Phillliber and LBNL Environmental Counsel Ware to address the environmental concerns.

Mr. Phillliber described the outreach efforts undertaken for the benefit of the City of Berkeley and the public for the Helios project. He recalled that Regents certified the 2006 Long Range Development Plan in 2007. At this time, LBNL Director Chu advocated for more outreach to the City of Berkeley and hosted numerous events including a community breakfast, project workshops, architectural review meetings, and California Environmental Quality Act (CEQA)

hearings to engage the City and the public in dialogue and to hear their concerns. LBNL appeared multiple times before the City Planning Commission and the City Council, at the City's request.

In terms of the circulation of the Draft EIR for the project, Mr. Philliber explained that it was circulated for public review initially for 53 days and extended in response to City and public requests to 74 days; 45 days is the minimum comment period required by CEQA. Most importantly, LBNL made changes to both the Helios Energy Research Facility and the Computational Research and Theory Facility projects due to public input. For Helios, rather than proceeding with the original access road, which would have removed mature redwood trees, Alternative 5 in the Draft EIR was selected as the new access road for the project in the Final EIR. The Final EIR also contained further refinement and discussion stemming from the collaboration with the City and the public.

Committee Chair Kozberg asked for further elaboration on the synergy of the program with other programs on the campus and at LBNL. Mr. Philliber noted that proximity to the campus and the laboratory was crucial to the Helios project. Researchers working in the adjacent Molecular Foundry as well as at the Advanced Light Source and the Center for Electron Microscopy would be able to collaborate with those working in the Helios building. Mr. Philliber emphasized the importance for the Helios building to serve the populations of researchers at both the campus and laboratory, which is the reason the building is situated at the perimeter of the LBNL site, allowing campus populations to enter the building without having to go through the laboratory's main gate. Mr. Philliber observed that it would be impractical to ask students or faculty to travel to an off-site location.

Regent Johnson recognized that the most important factor for the project was its proximity to other facilities. She stated that she had read every public comment letter.

In response to President Dynes' question regarding access to the building, Mr. Denton explained that there will be an access road from Centennial Drive to the building, and that the chosen site for the access road will minimize the cutting of trees. The building can be accessed on-foot from the campus, and parking will be available in front of the building.

Regent Ruiz asked how long it would take to establish another LBNL site at an alternative location. Mr. Denton responded that the design of the building would have to be modified dramatically if it were to be located at another site, pointing out that any delay in the project now would mean at minimum a year-long delay due to the loss of the summer construction window. Such a delay could cost an additional 8 percent to 12 percent in escalation costs, which for the project would translate to an additional $12 million to $18 million.

Regent Bugay inquired about the request from the City of Berkeley that more time be granted to review the project. Mr. Denton replied that the campus and LBNL have addressed the comments regarding alternative sites, and reiterated that if the public comment period were extended the project likely would be delayed for one year.

Upon motion duly made and seconded, the Committee approved the President's recommendation.

4. **CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF DESIGN, COMPUTATIONAL RESEARCH AND THEORY FACILITY, LAWRENCE BERKELEY NATIONAL LABORATORY AND BERKELEY CAMPUS**

The President recommended that, upon review and consideration of the environmental consequences of the proposed Computational Research and Theory Facility project as indicated in the Environmental Impact Report, the Regents:

A. Certify the Environmental Impact Report.

B. Adopt the Mitigation Monitoring Program, Findings, and Statement of Overriding Considerations.

C. Approve the design of the Computational Research and Theory Facility, Lawrence Berkeley National Laboratory and Berkeley Campus.

[Background material was mailed to the Committee in advance of the meeting, and copies are on file in the Office of the Secretary and Chief of Staff.]

Laboratory Director of Capital Projects O'Hearn presented the project, explaining that the Computational Research and Theory Facility is a 126,000 gross square foot facility strategically located at the main entrance of Lawrence Berkeley National Laboratory (LBNL) and a 10 to 15 minute walk to the UC Berkeley College of Engineering. The project includes 32,000 gross square feet of high performance computing space for the National Energy Research Scientific Computing (NERSC), currently located in Oakland. There is also office space for 300 scientists, researchers, and staff for NERSC as well as the Computational Research Division and a new joint program with the UC Berkeley Computational Science and Engineering Center.

Mr. O'Hearn emphasized that the project is important to LBNL, the University, and most importantly the world's environment. The Computational Research Division in collaboration with NERSC is helping to solve global climate change problems, and NERSC is also modeling biological and nano systems, performing astrophysics simulations, and developing models of more efficient combustion processes. NERSC has over 2,500 users overseeing more than 250 projects.

Mr. O'Hearn reiterated that NERSC is an existing program at the leased Oakland Scientific Facility and is outgrowing its space and power capacity.

In terms of the environmental review process, Mr. O'Hearn explained that the project is within the scope of LBNL's 2006 Long Range Development Plan. A stand-alone Environmental Impact Report (EIR) was prepared, and LBNL completed 56 days of public review; 45 days are required by CEQA. Local newspapers were noticed along with direct mailings to 485 agencies, organizations, and the public at large. LBNL presented the project to the City of Berkeley Planning Commission, discussed the project with the City Council twice, and conducted over six workshops and meetings with City planning department staff. Concerns over the project aesthetic were addressed by lowering the building's highest point by 34 feet and reducing overall height by 70 feet. Mr. O'Hearn noted also that the current design is less visible from the north and south view corridors. The laboratory has received and responded to 18 comment letters during public review, and no further potential significant impacts were identified; the responses to those comments were included in the Final EIR.

Upon motion duly made and seconded, the Committee approved the President's recommendation.

Committee Chair Kozberg concluded the meeting by thanking the members of the audience who spoke during the public comment period.

The meeting adjourned at 3:10 p.m.

Attest:

Secretary and Chief of Staff