

Office of the President

TO MEMBERS OF THE FINANCE AND CAPITAL STRATEGIES COMMITTEE:

**ACTION ITEM**

*For Meeting of September 16, 2026*

**BERKELEY AIR & SPACE CENTER, BERKELEY CAMPUS: CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZATION FOR SUBMITTAL OF THE PROJECT TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**EXECUTIVE SUMMARY**

The Regents of the University of California, on behalf of the Berkeley campus, and SKS Partners NRP, LLC (SKSP) are members of the Joint Venture known as Moffett Partners, LLC. The Joint Venture proposes to develop Berkeley Air & Space Center (BA&SC)<sup>1</sup> on approximately 39 acres at the National Aeronautics and Space Administration (NASA) Ames Research Center (NASA ARC) in unincorporated Santa Clara County. In partnership with NASA, BA&SC will create a collaborative environment uniting academia, private industry, and government to advance the University's mission of education, research, and public service, positioning UC Berkeley at the forefront of driving space and aeronautical innovation.

The Joint Venture proposes the construction of approximately 2.3 million square feet of facilities (the "Proposed Project") to support this initiative, including offices, laboratories, and research and development (R&D) spaces; a conference center and maker spaces; ground floor retail and food and beverage services; student/faculty housing and short-term lodging; and transportation networks, landscaped open spaces, and other complementary accessory uses. This state-of-the-art hub is designed to support those shaping the future of technology in space-related fields.

The environmental effects of the Proposed Project have been reviewed in a Joint Environmental Impact Report/Environmental Impact Statement (Joint EIR/EIS) prepared by NASA and UC Berkeley in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Because BA&SC is located primarily on federal land, it requires compliance with the NEPA and land use approval from NASA. Following the certification of the Joint EIR/EIS pursuant to CEQA, the Regents—acting as both Joint Venture

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<sup>1</sup> Since 2024, the Joint Venture has modified the name of the initiative from "Berkeley Space Center" to "Berkeley Air & Space Center" to be more reflective of the anticipated programming on the site. The environmental documents continue to refer to this project as Berkeley Space Center.

member and public lead agency—will authorize the Joint Venture’s Executive Committee to submit the Proposed Project to NASA for final approval.

The Regents are being asked to: (1) certify the Joint EIR/EIS; and (2) authorize UC’s representatives on the Joint Venture Executive Committee to consent to the Joint Venture submitting the Proposed Project and accompanying compliance documents to NASA for approval, including but not limited to the Joint EIR/EIS.

### **RECOMMENDATION**

The President of the University recommends that, following review and consideration of the environmental consequences of Berkeley Air & Space Center, pursuant to the California Environmental Quality Act (CEQA), including any written information addressing this item received by the Office of the Secretary and Chief of Staff to the Regents no less than 48 hours in advance of the beginning of the Regents meeting, testimony or written materials presented to the Regents during the scheduled public comment period, and the item presentation, the Regents:

- A. Certify the Joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for Berkeley Air & Space Center.
- B. Adopt the Mitigation Monitoring and Reporting Program for Berkeley Air & Space Center.
- C. Adopt the CEQA Findings and Statement of Overriding Considerations for Berkeley Air & Space Center.
- D. Authorize the University’s Executive Committee members of the Moffett Partners, LLC Joint Venture, acting in accordance with the Joint Venture Agreement, to consent to submitting Berkeley Air & Space Center and all accompanying approval documents prepared in compliance with CEQA, including but not limited to the Joint EIR/EIS, to the National Aeronautics and Space Administration for approval.

### **BACKGROUND**

Berkeley Air & Space Center (BA&SC) establishes a long-term collaborative research environment between the University of California (UC) and the National Aeronautics and Space Administration (NASA) at the Ames Research Center (NASA ARC) in Silicon Valley. By integrating academia, private industry, and government, BA&SC creates a purpose-built ecosystem to foster technological innovation and entrepreneurship in space and aeronautical research, aligning UC’s educational and public service missions with NASA’s public research goals.

BA&SC will translate academic research into public benefit while generating a revenue source, through the University's participation in the Joint Venture, which supports BA&SC. The initiative will provide critical internships and employment opportunities for students, faculty, and researchers, expanding the University's reach and training capacity for Californians in emerging technologies in space and aeronautics. The proposed project would provide the essential infrastructure and amenities necessary to attract the academic, private industry, and government talent needed to advance these objectives.

In November 2019, the Regents authorized the President of the University to enter into a ground lease (Ground Lease) of up to 99 years with NASA at the NASA ARC for the potential development of a mixed-use site of office, research and development, medical and clinical, and educational improvements that advance the University's educational purposes, and certain ancillary uses, including housing, conference, retail, and recreational uses. The Regents also approved the selection of the master developer partner to investigate the potential development of the site. The University entered the Ground Lease with NASA in October 2020.

In May 2021, the Regents: 1) authorized the University to enter into a Joint Venture agreement between the Regents of the University of California (on behalf of the UC Berkeley campus) and private developer SKS Partners NRP, LLC (SKSP); 2) approved the business terms of the University's financial participation in the development concept based on an entitlement of 1.4 million square feet of development; 3) approved the selection of SKS Partners NRP, LLC (SKSP) as developer partner; and 4) authorized assignment of the Ground Lease to the Joint Venture.

### ***Current Status***

Following the assignment of the Ground Lease, the Joint Venture has been in the predevelopment term of the lease, which allows it to conduct due diligence, feasibility studies, master planning, and the required environmental reviews with the right to terminate. Once conditions precedent have been met, including identification of a preferred development project and the completion of environmental reviews pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) as well as other conditions precedent, and provided the termination right is not exercised, the Development Phase of the lease automatically commences and requires payment of a minimum base rent and commencement of construction on all development parcels by 2045.

The Joint Venture is governed by an Executive Committee (consisting of two voting members from the University of California and two voting members from SKSP) and a framework outlining operations and decision-making. While the Executive Committee proposes the BA&SC project on behalf of the Regents, the Regents retain their authority under CEQA as the co-lead agency. Once the Regents certify the Joint EIR/EIS and authorize the University's Executive Committee members to consent to the Joint Venture submitting the proposed project and related documents to NASA, the Joint Venture may proceed with development upon NASA's approval. As the operating member of the Joint Venture, SKSP is responsible for funding and implementing all future development activities.

## **UPDATE ON PREDEVELOPMENT ACTIVITIES**

### ***Revised Development Program***

During the predevelopment phase, the Joint Venture conducted due diligence to assess the financial feasibility of various development scenarios for BA&SC, ensuring alignment with the missions of the University and NASA and the terms of the Ground Lease. These assessments focused on University needs, infrastructure capacity, market conditions for future partnerships, and long-term operational flexibility.

The Joint Venture has determined that increasing development density would better support BA&SC's program and improve financial feasibility. Consequently, the Joint Venture proposed increasing the total potential development envelope from the 1.4 million square feet initially approved in 2019 to 2.3 million square feet.

In coordination with key stakeholders, the Berkeley campus has aligned BA&SC's development concept with the University's academic, research, and public service missions. The proposed 2.3 million square feet will comprise a state-of-the-art research and education hub featuring:

- Offices, laboratories, and R&D facilities;
- A conference center and maker spaces;
- Ground-floor retail and food and beverage services;
- Up to 300 units of student/faculty housing and short-term lodging; and
- Transportation networks and landscaped open spaces.

The University will retain control over academic programming, with activities that advance the UC Regents' educational and scientific research mission, pursuant to the purposes under Section 501(c)(3) of the Internal Revenue Code. The Ground Lease requires that future tenants further the University's mission and that, by October 2045, at least 50 percent of the project be utilized by the University and its affiliates. Additionally, the Berkeley campus intends to implement revenue-generating initiatives, such as executive education and public programs, and other efforts to foster deeper connections with third-party tenants.

This increase in square footage does not alter development risks or require additional financial contributions from the University.

Strategically, BA&SC will strengthen ties with NASA's \$1 billion annual research budget, 2,300 personnel, and world-class infrastructure—including an airfield, supercomputers, and one of the world's largest wind tunnels. UC's presence at this site further aligns the University with private-sector innovators currently located at NASA ARC, including Planetary Ventures (an Alphabet company) located in Hangar One.

Attachment 1 includes the project location and proposed development plan.

***Financial Feasibility***

The proposed project will be delivered as a Joint Venture, previously approved by the UC Regents. This delivery method requires no use of the Berkeley campus's balance sheet for physical construction. The approach requires minimal use of internal resources to manage the investment and gives the Berkeley campus priority, but no contractual requirement, to lease space. The Berkeley campus would also benefit through a stake in proceeds from future rents paid by third-party tenants who benefit from being located together with University and NASA programs on the site.

Per the terms of the Joint Venture agreement, SKSP and outside investors remain responsible for funding 100 percent of budgeted cash required to be contributed to the Joint Venture to fund, in combination with debt financing, the development and operation of the proposed project, subject to the Regents' options to contribute cash or additional in-kind contributions (e.g., additional development services) or assets to one or more of the Joint Venture entities.

More information about the financial terms of the Joint Venture are described in the May 2021 Closed Session Regents item.

***Environmental Contamination Settlement Agreement and Covenant Not to Sue***

NASA ARC is situated on the former site of Naval Air Station Moffett Field, which was decommissioned in 1991. Due to its history, the soil and groundwater have been affected by contamination associated with the Middlefield-Ellis-Whisman (MEW) and the former Naval Air Station Moffett Field Superfund sites. During the predevelopment period, the Joint Venture analyzed existing site conditions, evaluated remediation efforts, and developed a project-specific Environmental Issues Management Plan.

A Settlement Agreement and Covenant Not to Sue is being established between the Lessee (Moffett Properties, LLC) and the U.S. Department of Justice and the U.S. Environmental Protection Agency (EPA) Region 9. The Covenant Not to Sue provides the Lessee with certain relief from liability for existing contamination at the project site in consideration of a monetary payment of \$225,000, performance of a phytoremediation project, and, if required by EPA, implementation of response actions to address elevated contaminant levels in soil gas and/or shallow groundwater.

Furthermore, this agreement protects the Lessee from third-party lawsuits seeking contribution for contamination matters addressed in the settlement, pursuant to Superfund laws. A third-party beneficiaries' clause extends the protections and benefits of the covenant and contribution relief to both the Regents and SKSP NRP, LLC.

## **ENVIRONMENTAL REVIEW**

The Berkeley campus and NASA have undertaken environmental review as the lead State and federal agencies, respectively, for the proposed project pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and have prepared a Joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (Attachment 2). A summary of the CEQA process and the environmental impacts of the proposed project are provided in Attachment 3.

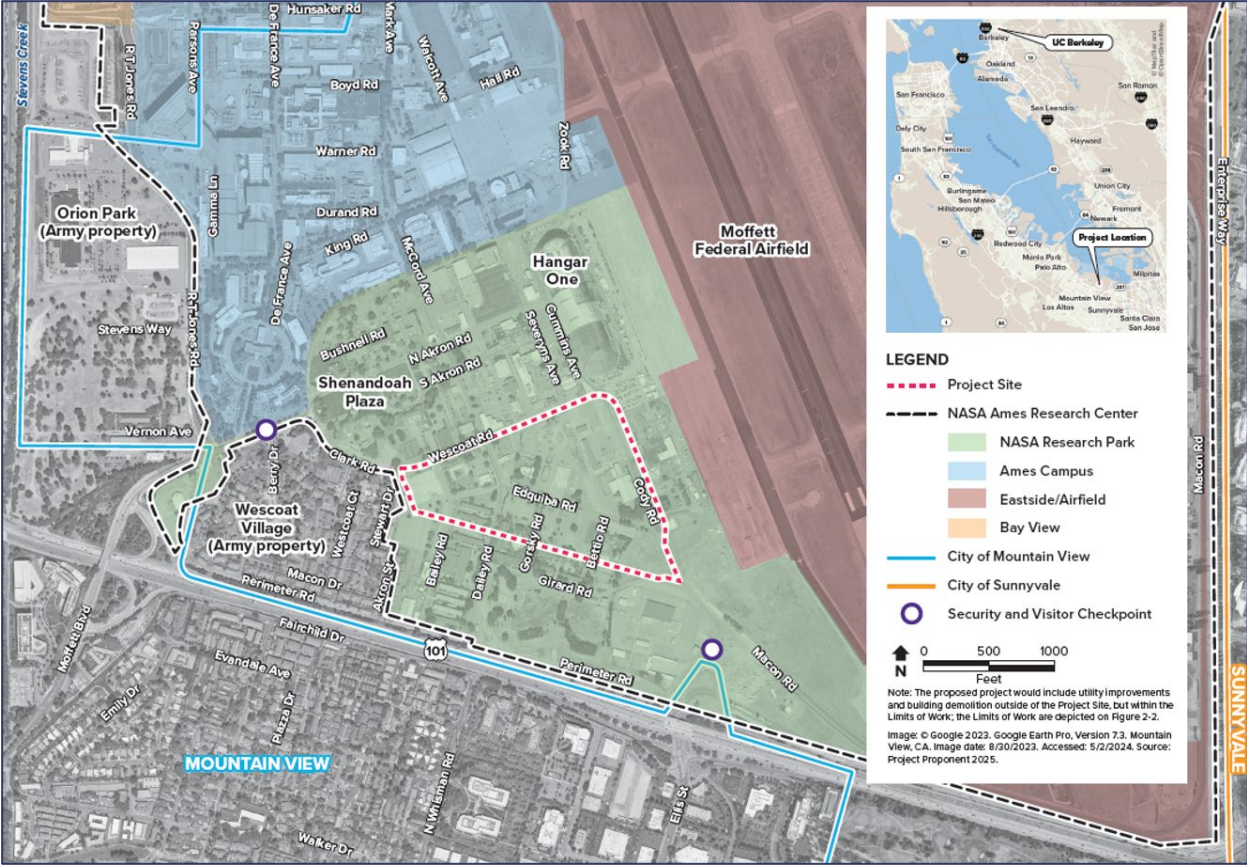
The Joint EIR/EIS supports the Joint Venture Executive Committee's decision to submit BA&SC to NASA for approval. Once the Joint Venture obtains all regulatory approvals and permits, it will be able to proceed with construction, including compliance with any conditions and/or environmental mitigation measures required by NASA in connection with its approval.

The Mitigation Measures and Reporting Program is provided in Attachment 4. Findings and Statement of Overriding Considerations have been prepared to support the University's determination regarding project impacts, mitigation measures, and CEQA alternatives (Attachment 5).

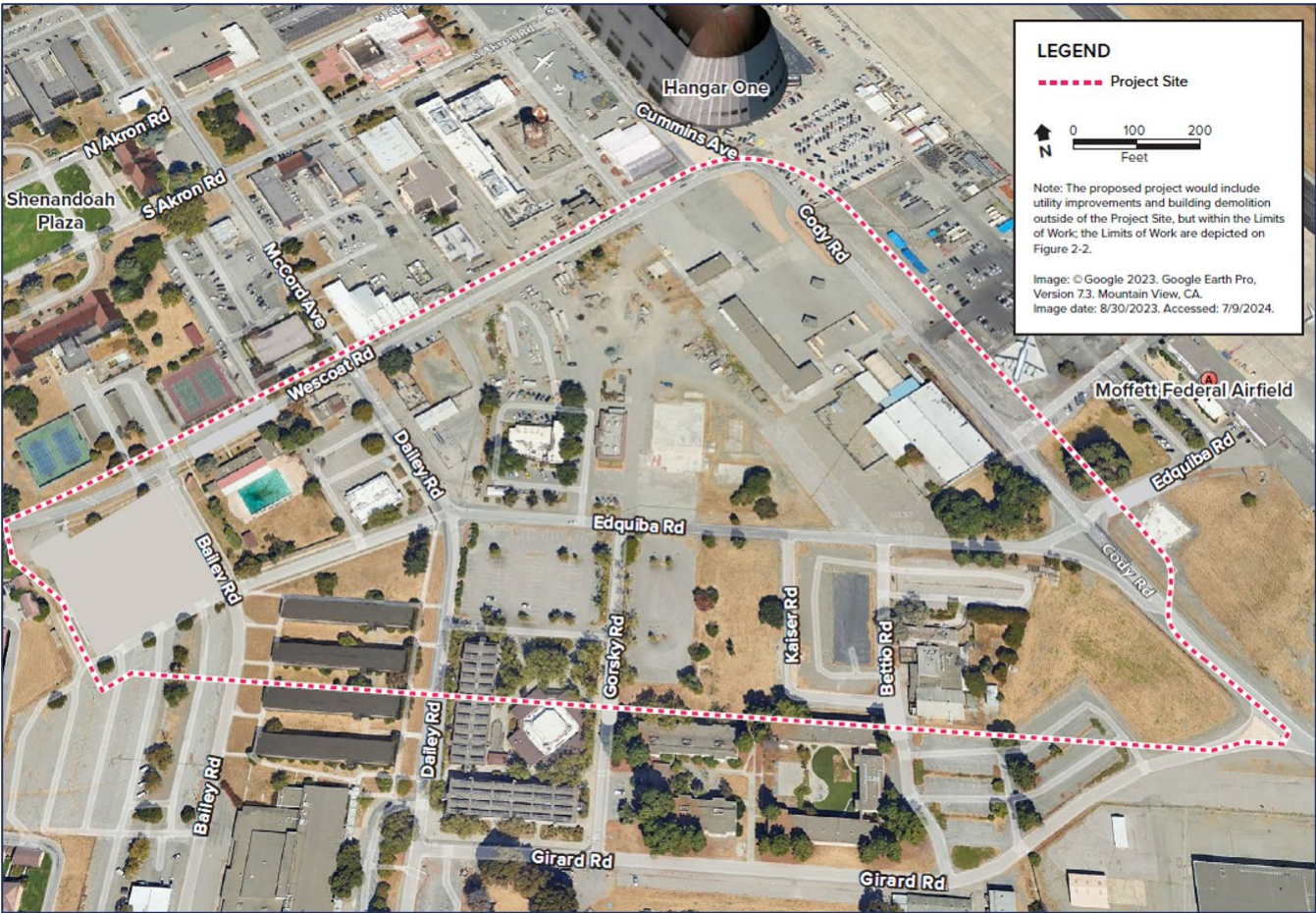
## **ATTACHMENTS**

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| Attachment 1: | Project Graphics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Attachment 2: | Final Environmental Impact Report (Joint EIR/EIS):<br><a href="https://files.ceqanet.lci.ca.gov/301962-3/attachment/G8IBj9b0lBmvQh-xXCyk4pcR5Hn_mO0vFf_sOPeu9ZbeCazkkuX05R3YqciuaYyve1CJqk7kr4LU0nnW0">https://files.ceqanet.lci.ca.gov/301962-3/attachment/G8IBj9b0lBmvQh-xXCyk4pcR5Hn_mO0vFf_sOPeu9ZbeCazkkuX05R3YqciuaYyve1CJqk7kr4LU0nnW0</a><br>Final Joint EIR/EIS Appendices:<br><a href="https://berkeley.app.box.com/s/i04u50hzwwd8jbbewrsecsz327ul6sft">https://berkeley.app.box.com/s/i04u50hzwwd8jbbewrsecsz327ul6sft</a> |
| Attachment 3: | Environmental Impact Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Attachment 4: | Mitigation Monitoring and Reporting Program:<br><a href="https://drive.google.com/file/d/1XzsHrmC_1-BNWhf1NY4rvfx7G1cfBTP6/view">https://drive.google.com/file/d/1XzsHrmC_1-BNWhf1NY4rvfx7G1cfBTP6/view</a>                                                                                                                                                                                                                                                                                                                           |
| Attachment 5: | CEQA Findings and Statement of Overriding Consideration:<br><a href="https://drive.google.com/file/d/1vtqdNuXglLfVeot1-ZS0piaMmmQ4R1ZY/view">https://drive.google.com/file/d/1vtqdNuXglLfVeot1-ZS0piaMmmQ4R1ZY/view</a>                                                                                                                                                                                                                                                                                                               |

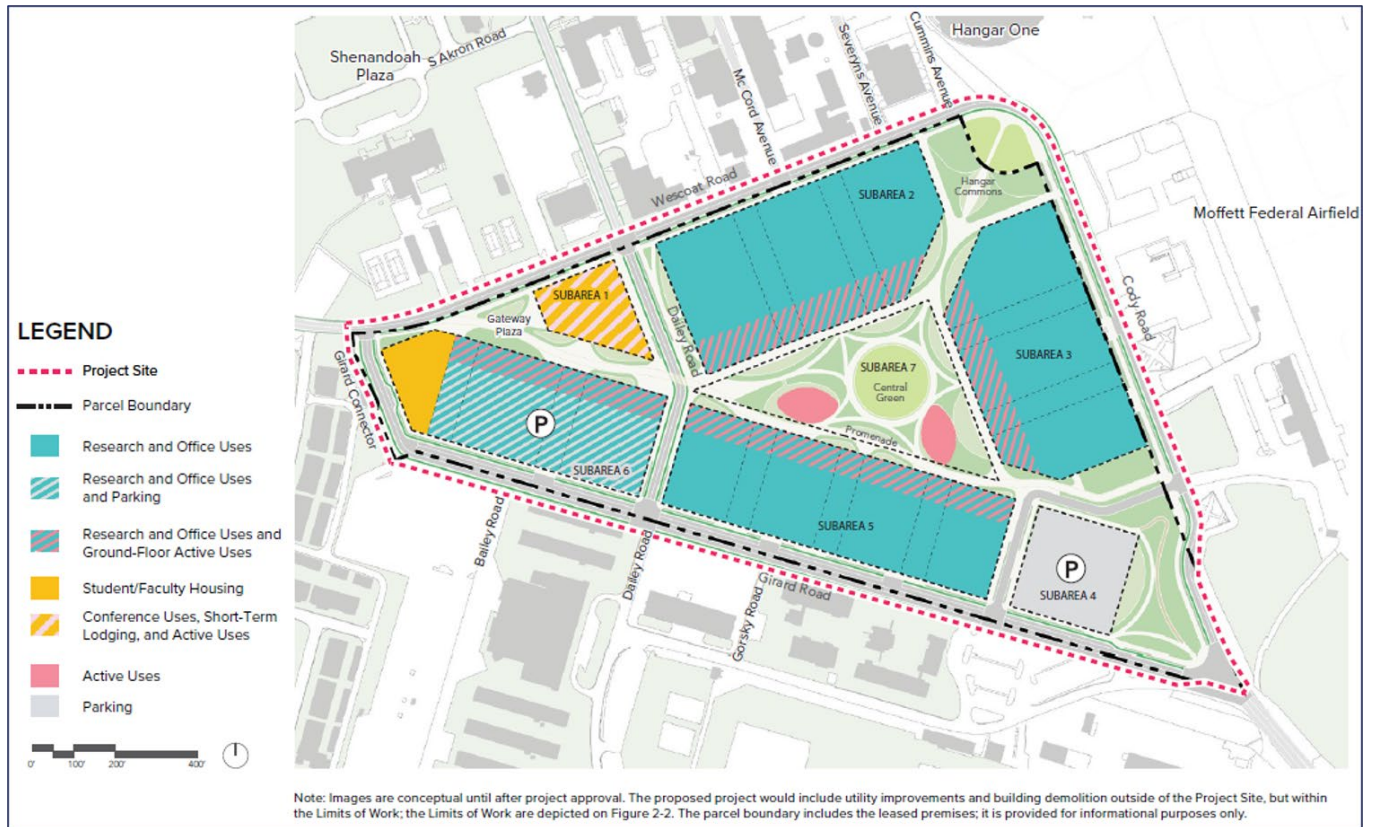
PROJECT GRAPHICS - PROJECT LOCATION



PROJECT GRAPHICS - EXISTING SITE CONDITIONS



## PROJECT GRAPHICS - PROPOSED DEVELOPMENT PLAN



## PROJECT GRAPHICS - ILLUSTRATIVE RENDERINGS



Illustrative rendering of the Central Green overlooking the Hangar.



Illustrative rendering of the proposed project along Wescoat Road on the left, including the proposed Plaza.

## ENVIRONMENTAL IMPACT SUMMARY

### *Environmental Review Process*

The Berkeley campus and NASA have undertaken environmental review as the lead State and federal agencies, respectively, for the Berkeley Air & Space Center (BA&SC) pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and have prepared a Joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (Attachment 3, SCH #2024060942). The Draft Joint EIR/EIS was circulated to the Governor's Office of Climate and Land Use Innovation, the State Clearinghouse, NASA, and various interested agencies, organizations, and individuals for a 45-day public review period beginning April 27, 2026 and ending June 10, 2026. The Berkeley campus has conducted formal consultation with Native American representatives pursuant to California Assembly Bill 52 (AB 52). The Draft Joint EIR/EIS was made available at the Mountain View Public Library at 585 Franklin Street, Mountain View, California 94041; the Sunnyvale Public Library at 665 West Olive Avenue, Sunnyvale, California 94086, and online on the UC Berkeley's Capital Strategies website: <https://capitalstrategies.berkeley.edu/environmental-review>; NASA ARC's website: <https://environment.arc.nasa.gov/NEPA.html> <https://environment.arc.nasa.gov/NEPA.htm>; and the State Clearinghouse website: <https://ceqanet.lci.ca.gov/2024060942/2>. A copy of all comments received and the University's responses are included in the Final Joint EIR/EIS, and further discussed in the Public Comments section below.

### *Environmental Impacts*

The Joint EIR/EIS found that BA&SC would have no impact on the environment in regard to Aesthetics, Agriculture and Forestry Resources, Mineral Resources, and Wildfire; less than significant impact on the environment in regard to Air Quality (Odors), Energy, Land Use and Planning, Population and Housing, Public Services, Recreation, Transportation (Conflicts with Plans, Design Hazard, Emergency Access), and Utilities and Service Systems (Stormwater, Solid Waste, Electricity and Natural Gas); a less than significant impact on the environment with project-level mitigation incorporated in regard to Biological Resources; Geology, Soils, and Paleontology; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise (Operation; Transportation; and Utilities and Service Systems (Wastewater); and significant and unavoidable impacts related to Air Quality (Project: Construction and Operation), Air Quality (Cumulative: Operation), Cultural Resources, Noise and Vibration (Construction and Cumulative), Tribal Cultural Resources (Project and Cumulative), and Utilities and Service Systems (Water Supply: Project and Cumulative).

Incorporation of project revisions and mitigation measures will avoid or reduce potentially significant impacts to less-than-significant levels to the extent feasible. The Final Joint EIR/EIS is accompanied by a Mitigation Monitoring and Reporting Program to assure that all mitigation measures are implemented in accordance with CEQA (Attachment 4). Impacts that remain significant and unavoidable have been fully analyzed and there are no feasible mitigation measures to reduce the impacts to less than significant (see Findings section below).

## ***Public Comments***

During the comment period, 11 comment letters were received, including nine from State agencies, and one from an organization and one from an individual. Two comments were received within 24 hours after the close of the public comment period. UC Berkeley and NASA have exercised their discretion to respond to the two late comments in the Joint Final EIR/EIS. In addition, a public hearing on the Draft Joint EIR/EIS was held on May 13, 2026 and no members of the public provided comments at the hearing. Several comments pertained to the project's merits, the jobs/housing balance, transportation impacts, and the applicability of local regulations. The comment letters did not raise any new issues that were not adequately analyzed in the Joint EIR/EIS pursuant to CEQA. The comment letters and responses are included in Chapter 10 in the Final Joint EIR/EIS. Therefore, no changes or amendments to the Joint EIR/EIS were warranted based on public comments and recirculation of the document was not required. The project Final Joint EIR/EIS contains all of the comments received during the public comment period, together with written responses to those comments which were prepared in accordance with CEQA and the CEQA Guidelines.

In addition, on June 30, 2026, the Tamien Nation submitted their official comments on the Joint Draft EIR/EIS. On August 13, 2026, UC Berkeley sent an email to the Tamien Nation providing written responses to the Tamien Nation's official comments on the Joint Draft EIR/EIS. On August 21, 2026, UC Berkeley met with the Tamien Nation and reached consensus with agreement to conclude formal AB 52 consultation requirements on major topics.

## ***Findings***

CEQA Findings for the BA&SC are provided in Attachment 5. Based on the analysis in the Joint EIR/EIS, it has been determined that significant and unavoidable impacts would result from the project, even with the incorporation of project-specific mitigation measures; therefore, the University acting as Lead Agency must prepare and adopt a "Statement of Overriding Considerations" before it can approve the project. The Statement of Overriding Considerations (SOC) states that the decision-making body has balanced the benefits of the proposed project against its unavoidable significant environmental effects and determined that the benefits of the project outweigh the adverse effects and, therefore, the adverse effects are considered acceptable. The SOC is included in the CEQA Findings (Attachment 5).