

Supreme Court Case No. S279242

**IN THE SUPREME COURT
OF THE
STATE OF CALIFORNIA**

MAKE UC A GOOD NEIGHBORHOOD, et al.,
Petitioners and Appellants

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al.,
Respondents,

RESOURCES FOR COMMUNITY DEVELOPMENT,
Real Party in Interest.

**MOTION FOR JUDICIAL NOTICE; DECLARATION OF THOMAS N.
LIPPE; [PROPOSED] ORDER**

After a published opinion of the Court of Appeal,
First Appellate District, Division 5, Case No. A165451

Appeal from July 29, 2022, Order and August 2, 2022, Order and Judgment of
the Alameda Superior Court; Hon. Frank Roesch, Dept. 17, tel: 510-267-6933,
Case No. RG21110142 (Consolidated for Purposes of Trial Only with Case Nos.
RG21109910, RG21110157 and 21CV000995)

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Counsel for *Petitioners/Appellants*

I. INTRODUCTION

Make UC A Good Neighbor and The People’s Park Historic District Advocacy Group (“Good Neighbor”) submit this Motion for Judicial Notice pursuant to Evidence Code sections 459 and 452, and California Rules of Court, rule 8.252.

SBN requests that the Court take judicial notice of the following documents, submitted herewith as Exhibits 1 through 5, and their contents in support of Good Neighbor’s Supplemental Answer Brief.

Exhibit 1: February 16, 2023, version of AB 1307.

Exhibit 2: Request for Qualifications; Bancroft-Fulton Student Housing Project; Project Number 12847a; Structural Peer Review Services, published by the University of California on June 28, 2023.

Exhibit 3: Request for Qualifications; Channing Student Housing Project; Project Number 12883a; Structural Peer Review Services, published by the University of California on June 28, 2023.

Exhibit 4: Stipulation and Order Dismissing All Causes of Action in *Save Berkeley’s Neighborhoods v. Regents of University of California*, Alameda County Superior Court No. RG18902751.

Exhibit 5: Order Dismissing Case in *Save Berkeley’s Neighborhoods v. Regents of University of California*, Alameda County Superior Court No. RG19022887.

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II. ARGUMENT

A. The Court should take judicial notice of Exhibits 1 through 5.

Exhibit 1, as part of the legislative history of AB 1307, is subject to judicial notice pursuant to Evid. Code, §§ 452, subds. ©), (d), & (h); 459. (*Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 279, fn. 9 (*Soukup*) [court may take judicial notice of a statute’s legislative history, including “various versions of the legislation and committee reports”].)

If the Court considers the legislative history that UC cites to support its argument that AB 1307 “leaves no doubt the Legislature meant to stop CEQA from considering the noise generated by students” (OSB, 7, citing MJN 32, 42, 56), then Exhibit 1 is relevant to Good Neighbor’s opposition argument that the text that UC quotes from MJN 32 must be understood in context. Exhibit 1 hereto is the first version of this bill as proposed on February 16, 2023, which proposed an exemption limited to “residential projects.” Therefore, all comments in subsequent committee reports provide reasons to adopt this limited exemption, not a broader exemption that was not proposed. (See Good Neighbor’s Supplemental Answer Brief, 15-16.)

Exhibits 2 and 3 are subject to judicial notice because they are official acts of the executive department of the state of California as described in Evidence Code section 452, subd. ©).

Exhibits 2 and 3 are relevant because they support Good Neighbor’s argument that the Court should decide Good

Neighbor's alternative sites claim because it raises issues of broad public interest that are likely to recur, as discussed in Good Neighbor's Supplemental Answer Brief (see p. 21-26).

Exhibits 4 and 5 are subject to judicial notice because they are records of a court of this state, as described in Evidence Code section 452, subd. (d).


Exhibits 4 and 5 are relevant because they support Good Neighbor's argument that the Court should decide Good Neighbor's alternative sites claim because it raises issues of broad public interest that are likely to recur, and UC continues to evade review of its CEQA compliance for analyzing the effects of enrollment-driven population increases at UC Berkeley, as discussed in Good Neighbor's Supplemental Answer Brief (see p. 25-26).

III. CONCLUSION

For the reasons stated above, SBN respectfully requests that this Court take judicial notice of the documents described herein.

Date: October 4, 2023

LAW OFFICES OF THOMAS N. LIPPE, APC

By:  _____

Thomas N. Lippe, Attorney for Make UC A
Good Neighbor and The People's Park Historic
District Advocacy Group

DECLARATION OF THOMAS N. LIPPE IN SUPPORT OF MOTION FOR JUDICIAL NOTICE

I, Thomas N. Lippe, declare:

1. I am an attorney at law duly admitted and licensed to practice before all courts of this State. I am attorney of record for Make UC A Good Neighbor and The People's Park Historic District Advocacy Group in this case.
2. I have personal knowledge of all facts contained in this Declaration, and if called upon to do so could, would, and hereby do testify competently that those facts are true and correct.
3. The Exhibits described above and submitted herewith under separate cover are true and correct copies the documents as described in this motion.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct of my personal knowledge. Executed on October 4, 2023, in El Cerrito, California.



Thomas N. Lippe

[PROPOSED] ORDER

The Court grants the motion of Make UC A Good Neighbor and The People’s Park Historic District Advocacy Group to take judicial notice of the documents described in the motion and thereby takes judicial notice of said documents.

SO ORDERED,

Dated: _____
_____ Presiding Justice

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EXHIBIT 1

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1307

Introduced by Assembly Member Members Wicks and Luz Rivas

February 16, 2023

~~An act to amend Section 1320 of the Financial Code, relating to financial institutions.—An act to add Section 21085 to the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL’S DIGEST

AB 1307, as amended, Wicks. ~~Banks or trust companies: property interests.—California Environmental Quality Act: noise impact: residential projects.~~

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would specify that noise generated by the unamplified voices of residents is not a significant effect on the environment for residential projects for purposes of CEQA.

~~Under existing law, a bank or trust company may purchase, acquire, hold, or lease real property or an interest therein only in specified~~

circumstances, including, among others, as may be necessary or convenient for the use, operation, or housing of its head office and branch offices.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21085 is added to the Public Resources
2 Code, to read:

3 21085. For purposes of this division, noise generated by the
4 unamplified voices of residents is not a significant effect on the
5 environment for residential projects.

6 SECTION 1. Section 1320 of the Financial Code is amended
7 to read:

8 1320. A bank or trust company may purchase, acquire, hold,
9 or lease real property or an interest therein only as follows:

10 (a) ~~Such as may be necessary or convenient for the use,~~
11 ~~operation, or housing of its head office and branch offices, or for~~
12 ~~the storage of records or other personal property, or for office space~~
13 ~~for use by its officers or employees, or which may be reasonably~~
14 ~~necessary for future expansion of its business, or which is otherwise~~
15 ~~reasonably related to the conduct of its business. Real property~~
16 ~~used by a bank as its banking premises may include in addition to~~
17 ~~the space required for the transaction of its business other space~~
18 ~~which may be let as a source of income.~~

19 (b) ~~Such as may be conveyed to it in satisfaction in whole or in~~
20 ~~part of debts previously contracted in the course of its business.~~

21 (c) ~~Such as it may purchase or acquire at foreclosure sales under~~
22 ~~mortgages or deeds of trust held by it, or under judgments or~~
23 ~~decrees in its favor.~~

24 (d) ~~Such as it may purchase or otherwise acquire when necessary~~
25 ~~to minimize or prevent the loss or destruction of any lien or interest~~
26 ~~therein.~~

27 (e) ~~Such as it may purchase or otherwise acquire pursuant to~~
28 ~~Section 1322.~~

29 A bank or trust company may sell, lease, or encumber real
30 property or any interest therein owned by it, or, with the written

- 1 approval of the commissioner, exchange the same for other real
- 2 property.

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EXHIBIT 2

**REQUEST FOR QUALIFICATIONS
BANCROFT-FULTON STUDENT HOUSING PROJECT
PROJECT NUMBER 12847A
STRUCTURAL PEER REVIEW SERVICES**

Estimated Construction Cost: \$264,000,000

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Attachment A: University of California, Berkeley Summary Statement of Qualifications
Attachment B: University of California, Berkeley Consultant Experience Form

The Berkeley campus of the University of California requests that interested firms submit written statements of qualifications to provide structural peer review services for the Bancroft-Fulton Student Housing Project.

Background

UC Berkeley is proposing to redevelop 2200 Bancroft Way, located at the corner of Bancroft and Fulton Streets, as a student housing site. As proposed, the project is anticipated to include University-affiliate student housing and student-serving services, including a new dining commons. The new student housing will help alleviate UC Berkeley's severe student housing shortage.

Project Site

The project site is approximately 0.8 acres and bounded by Bancroft Way to the North, Fulton Street to the West, and Durant Avenue to the South. The site is located at the southwestern edge of the Berkeley campus and 1 block east of Downtown Berkeley's Shattuck Avenue commercial district. Adjacent to the east of the site are the University-owned Legends Aquatic Center and Tang Center (University Health services). Additionally, the site is predominately surrounded by private multifamily properties with some commercial uses as well. The site's current uses include a small one-story structure used by the Office of Public Affairs and a small underground parking garage and surface parking lot. The one-story structure, parking garage, and parking lot are all expected to be demolished as part of the project.

Qualifications of the Geotechnical Engineering Professional

The University is seeking a structural peer review consultant with the following experience and qualifications:

- A minimum of ten (10) years of experience in structural peer review services, with experience managing the timely and successful completion of structural peer review services within established urban environments.
- Familiarity and experience with
 - Projects involving new construction on Higher Education campuses

- Structural Peer reviewer services for projects of similar cost and scope
- UC Seismic Policy
- UC Berkeley's approach to use of site-specific seismic ground motion spectra and associated time histories
- UC Berkeley's Seismic Review Committee review process, and its relationship to the peer review process.
- The capability to provide the services and to respond quickly to service requests.
- Availability and proximity to the project location: Local office must be within 50 miles of the project site.
- Agreement to assign capable personnel to this project.
- Have a proven track record of successfully completing this type of work.
- Registration as a professional structural engineer by the state of California
- Experience working with multiple stakeholders in a single project.
- Experience with University of California projects is desirable.

The consultant shall propose the entire team it would use for structural peer review services. The final composition of the consultant team shall be made in consultation with the University.

Proposals for joint or associated ventures will not be considered for this project. If two firms wish to combine in a project team, firms must be proposed as a sub-consultant to the other.

Scope of Services

The University is seeking to contract with a structural peer review firm to provide structural peer review services for the proposed Bancroft-Fulton student housing project. The overall development area is depicted on the [attached site plan](#). Structural Peer Review Services may include the following representative tasks:

1. Review applicable reports and surveys for the project area and adjacent sites.
2. Review the Structural and Seismic Design Criteria
3. In accordance with the California Building Code at time of project design and UC Seismic Policy, provide peer review comments and work with the SEOR to achieve consensus on all
4. Collaborate with Structural Designer to prepare for UCB Campus SRC (Seismic Review Committee) presentations ensuring the work is ready for committee review.

Consultants

This request for qualifications concerns selection of a geotechnical engineer. Sub-consultants shall be selected in consultation between the University and the geotechnical engineer.

Submittal Content and Specific Qualifications

Submittals shall provide sufficient information to allow the University to evaluate the consultant's approach, experience, staff, and availability.

RFQ submittals are not limited to using the format of the forms provided in Attachments A and B; however, the information and signatures listed in this section shall be included in the submittal, in the order specified below, presented clearly such that the screening committee may easily discern that the submittals are complete. Submittals shall not include any appendices. Submittals that do not include all of the required information as outlined in this section or do not follow the instructions in this RFQ will be disqualified.

At a minimum, submittals shall include the following information. Submittals shall not exceed ten (10) pages, including the University’s Attachment A, Summary of Statement of Qualifications. Covers, a cover letter, separating tabs, and an hourly rate sheet do not count toward the page limit.

Document	Part of page count?	Comment
Document cover and back	No	
Cover letter	No	Inclusive of the consultant’s strategic approach to the work.
Separating Tabs	No	
Outline workplan/schedule	Yes	
University’s Attachment A, Summary of Statement of Qualifications	Yes	Include at least three (3) but no more than five (5) projects of relevance to this project. Projects must have been completed in the past 10 years.
University’s Attachment B, Consultant Experience Form	No	
Rate Sheet	No	
Acknowledgement of receipt of RFQ addenda, if any	No	Can be included in cover letter.

The University seeks firms with the following specific experience:

- Experience with urban infill multi-family and student housing projects.
- University of California experience is desirable.

Submittal Receipt and Administration

Qualification documents are available through the online bidding system, BuildingConnected. Interested respondents shall register and complete the registration form at:

<https://app.buildingconnected.com/projects/649c788a598868004115fd5c/bid-packages>

Once registered, interested respondents can log onto BuildingConnected and retrieve the Qualification Documents by the project name and number. Contact Capital Projects Contract Administration at contractadmin-cp@berkeley.edu with any questions regarding BuildingConnected access. Subject line of the email shall state “BuildingConnected Question” and include the project name and number.

Submit questions regarding this RFQ through BuildingConnected by using the “Message” Tab.

Interested respondents shall upload their submittals to BuildingConnected as a single PDF (download links will not be accepted) using the following convention: **BancroftFultonStructuralPeerReviewRFQ-FirmName.pdf**.

Submittals shall be signed by an authorized representative of the Consultant. Electronic signatures are acceptable. It is recommended that firms allow ample time to submit electronic responses in the BuildingConnected. Submittals received by other means, or after the specified time and date will not be considered.

Interested respondents are expressly prohibited from contacting any other party associated with this project, including but not limited to UC Berkeley employees, representatives, consultants, and donors, during this RFQ process, including interviews and contracting. Such contact will serve as reason for firm disqualification.

Selection Schedule and Process

Advertisement published/ Qualification documents available: 06/28/2023

Deadline for questions: no later than 4:00p.m. Pacific, 07/10/2023

Submittals due: 07/17/2023 at 1:00p.m., Pacific

A screening committee will review the proposals and identify the 3-4 most qualified to provide the services under consideration. A selection committee will conduct discussions with the most qualified firms. The discussions will be conducted as written responses to supplemental questions. Submittal screening, firm short listing, discussions, and selection of the geotechnical engineer is anticipated to be completed by **July 25th, 2023**.

The University shall negotiate with the highest ranked Consultant on the tasks, staffing, schedule, and a maximum not-to exceed fee. Negotiations may be formally terminated if they fail to result in a contract within a reasonable amount of time. Negotiations will then ensue with the second ranked Consultant, and if necessary, the third ranked Consultant

Note: The final selection and appointment is contingent upon Project approval and funding.

The successful firm will be required to sign the University's Professional Services Agreement (PSA). The PSA are posted for review at <https://capitalstrategies.berkeley.edu/contractors-consultants>.

The University is an Equal Opportunity Employer- Minorities and women are encouraged to apply. Every effort will be made to ensure that all persons, regardless of race, religion, sex, color, and national origin have equal access to contracts and other business opportunities with the University. Each candidate firm will be required to show evidence of its equal opportunity policy.

Attachment A
UNIVERSITY OF CALIFORNIA, BERKELEY
SUMMARY STATEMENT OF QUALIFICATIONS

Section 1a. Company Information

Firm Name (<i>prime consultant</i>)			
Primary (Street) Address			
Firm Established (Year)	Phone	Email	
Type of Organization:	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> General Partnership
(<i>check one</i>)	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Individual/Sole Proprietorship	
If Corporation, incorporated in the State of _____			
DIR Registration No. _____			

Principal (P) and Associates (A): Check "P" or "A" for each

Name	P	A	Degree or Certificate	Issuing Institution
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

Section 1b. Relevant Project Experience

Project #1

Summary Description:	Services Provided:
Project Size (sq ft / acres):	Budget: \$
Client/Stakeholder:	Email/Contact:
Completion Date:	

Note: Indicate your firm's role in Project #1 and what services your firm provided. Identify team members who worked on Project No. 1 that are also proposed to work on this project.

In the space below, include any exhibits and a brief summary of Project #1's relevance to this project.

Check attributes that apply for Project #1:

Was project built? Yes No

Similar project elements to proposed project? Yes No

Project #2

Summary Description:	Services Provided:
Project Size (sq ft / acres):	Budget: \$
Client/Stakeholder:	Email/Contact:
Completion Date:	

Note: Indicate your firm's role in Project #2 and what services your firm provided. Identify team members who worked on Project No. 2 that are also proposed to work on this project.

In the space below, include any exhibits and a brief summary of Project #2's relevance to this project.

Check attributes that apply for Project #2:

Was project built? Yes No

Similar project elements to proposed project? Yes No

1d. Team Matrix

List all Key Staff Members from the prime consultant, and all sub-consultant firms as listed in Section 1a of this form. Indicate their involvement on the Relevant Projects included in Section 1b of this form. Add columns as needed. Do not add additional rows.

Relevant Projects – Project Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Sub-Consultant Firm	Sub-Consultant Firm	Sub-Consultant Firm
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Completed By)

(Date)

Privacy Information

The State of California Information Practices Act of 1977 requires the University to provide the following information to individuals who are asked to supply information about themselves:

The principal purpose for requesting the information on this form is for use in the selection process for Professionals commissioned by the University. University Policy authorizes maintenance of this information.

Furnishing all information requested on this form is mandatory - failure to provide such information will delay or may even prevent completion of the action for which the forms is being filled out. Information furnished on this form will be used by the University of California Berkeley campus in the consideration of commissions to Professionals.

END OF ATTACHMENT A

Attachment B
UNIVERSITY OF CALIFORNIA, BERKELEY
CONSULTANT EXPERIENCE FORM

Specialty <i>(include information for all specialties and consultants on proposed design team)</i> Note which is Prime Consultant	Consultant/Firm Name	Active UC Projects Campus/Project <i>(list all for each firm)</i>	Claims* or Litigation? (Yes** or No)	All UC Projects within Last 5 Years Campus/Project <i>(list all for each firm)</i>	Claims* or Litigation? (Yes** or No)	All Other Projects with Any Claims* Active and Past 5 Years <i>(list all for each firm)</i>

The information provided on this experience form was prepared by the prime consultant listed above, who verifies under penalty of perjury that all information set forth on this form, to the best of my knowledge, is complete and accurate as of the date of submission of the Summary Statement of Qualifications.

(Signature)

(Name)

(Title)

(Date)

Attach additional pages if necessary for any category

*Claims shall include all claims including all pending, unresolved claims of professional negligence or breach of contract for professional services against your firm or any owner or principal of your firm.

**If yes, explain:

END OF ATTACHMENT B

EXHIBIT 3

**REQUEST FOR QUALIFICATIONS
CHANNING STUDENT HOUSING PROJECT
PROJECT NUMBER 12883A
STRUCTURAL PEER REVIEW SERVICES**

Estimated Construction Cost: \$650,000,000

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Attachment A: University of California, Berkeley Summary Statement of Qualifications
Attachment B: University of California, Berkeley Consultant Experience Form

The Berkeley campus of the University of California requests that interested firms submit written statements of qualifications to provide structural peer review services for the Bancroft-Fulton Student Housing Project.

Background

UC Berkeley is proposing to redevelop 2302 Channing Way, located at the corner of Channing and Ellsworth Streets, as a student housing site. As proposed, the project is anticipated to include University-affiliate student housing and student-serving services, including a new dining commons. The new student housing will help alleviate UC Berkeley's severe student housing shortage.

Project Site

The project site is approximately 2.1 acres and bounded by Channing Way to the North, Ellsworth Street to the West, and Haste Street to the South. The site is located two blocks south of the Berkeley campus and 1.5 blocks west of the Telegraph Avenue commercial district. Along Channing Way one block to the east are the University-run Unit 3 towers and Beverly Cleary Hall. Additionally, the site is surrounded by private multifamily properties and religious institutions. The site's current uses include the Channing Tennis Courts, Channing Parking structure, and Haste Street Child Development Center. The parking structure and tennis courts are not expected to remain on site. Programmatic evaluation during conceptual design will determine to what extent the Haste Street Child Development Center site is included in the project scope.

Qualifications of the Structural Peer Reviewer

The University is seeking a structural peer review consultant with the following experience and qualifications:

- A minimum of ten (10) years of experience in structural peer review services, with experience managing the timely and successful completion of structural peer review services within established urban environments.
- Familiarity and experience with
 - Projects involving new construction on Higher Education campuses
 - Structural Peer reviewer services for projects of similar cost and scope
 - UC Seismic Policy

- UC Berkeley's approach to use of site-specific seismic ground motion spectra and associated time histories
- UC Berkeley's Seismic Review Committee review process, and its relationship to the peer review process.
- The capability to provide the services and to respond quickly to service requests.
- Availability and proximity to the project location: Local office must be within 50 miles of the project site.
- Agreement to assign capable personnel to this project.
- Have a proven track record of successfully completing this type of work.
- Registration as a professional structural engineer by the state of California
- Experience working with multiple stakeholders in a single project.
- Experience with University of California projects is desirable.

The consultant shall propose the entire team it would use for structural peer review services. The final composition of the consultant team shall be made in consultation with the University.

Proposals for joint or associated ventures will not be considered for this project. If two firms wish to combine in a project team, firms must be proposed as a sub-consultant to the other.

Scope of Services

The University is seeking to contract with a structural peer review firm to provide structural peer review services for the proposed Channing student housing project. The overall development area is depicted in the [attached site plan](#). Structural Peer Review Services may include the following representative tasks:

1. Review applicable reports and surveys for the project area and adjacent sites.
2. Review the Structural and Seismic Design Criteria
3. In accordance with the California Building Code at time of project design and UC Seismic Policy, provide peer review comments and work with the SEOR to achieve consensus on all
4. Collaborate with Structural Designer to prepare for UCB Campus SRC (Seismic Review Committee) presentations ensuring the work is ready for committee review.

Consultants

This request for qualifications concerns selection of a structural peer reviewer. Sub-consultants shall be selected in consultation between the University and the structural peer reviewer.

Submittal Content and Specific Qualifications

Submittals shall provide sufficient information to allow the University to evaluate the consultant's approach, experience, staff, and availability.

RFQ submittals are not limited to using the format of the forms provided in Attachments A and B; however, the information and signatures listed in this section shall be included in the submittal, in the order specified below, presented clearly such that the screening committee may easily discern that the submittals are complete. Submittals shall not include any appendices. Submittals that do not include all of the required information as outlined in this section or do not follow the instructions in this RFQ will be disqualified.

At a minimum, submittals shall include the following information. Submittals shall not exceed ten (10) pages, including the University's Attachment A, Summary of Statement of Qualifications. Covers, a cover letter, separating tabs, and an hourly rate sheet do not count toward the page limit.

Document	Part of page count?	Comment
Document cover and back	No	
Cover letter	No	Inclusive of the consultant’s strategic approach to the work.
Separating Tabs	No	
Outline workplan/schedule	Yes	
University’s Attachment A, Summary of Statement of Qualifications	Yes	Include at least three (3) but no more than five (5) projects of relevance to this project. Projects must have been completed in the past 10 years.
University’s Attachment B, Consultant Experience Form	No	
Rate Sheet	No	
Acknowledgement of receipt of RFQ addenda, if any	No	Can be included in cover letter.

The University seeks firms with the following specific experience:

- Experience with urban infill multi-family and student housing projects.
- University of California experience is desirable.

Submittal Receipt and Administration

Qualification documents are available through the online bidding system, BuildingConnected. Interested respondents shall register and complete the registration form at:

<https://app.buildingconnected.com/projects/649c76723008f9003b2afd7a/bid-packages>

Once registered, interested respondents can log onto BuildingConnected and retrieve the Qualification Documents by the project name and number. Contact Capital Projects Contract Administration at contractadmin-cp@berkeley.edu with any questions regarding BuildingConnected access. Subject line of the email shall state “BuildingConnected Question” and include the project name and number.

Submit questions regarding this RFQ through BuildingConnected by using the “Message” Tab.

Interested respondents shall upload their submittals to BuildingConnected as a single PDF (download links will not be accepted) using the following convention: **ChanningStructuralPeerReviewRFQ-FirmName.pdf**.

Submittals shall be signed by an authorized representative of the Consultant. Electronic signatures are acceptable. It is recommended that firms allow ample time to submit electronic responses in the BuildingConnected. Submittals received by other means, or after the specified time and date will not be considered.

Interested respondents are expressly prohibited from contacting any other party associated with this project, including but not limited to UC Berkeley employees, representatives, consultants, and donors, during this RFQ process, including interviews and contracting. Such contact will serve as reason for firm disqualification.

Selection Schedule and Process

Advertisement published/ Qualification documents available: 06/28/2023

Deadline for questions: no later than 3:00p.m. Pacific, 07/10/2023

Submittals due: 07/17/2023 at 2:00PM, Pacific

A screening committee will review the proposals and identify the 3-4 most qualified to provide the services under consideration. A selection committee will conduct discussions with the most qualified firms. The discussions will be conducted as written responses to supplemental questions. Submittal screening, firm short listing, discussions, and selection of the structural engineer is anticipated to be completed by **July 25th, 2023**.

The University shall negotiate with the highest ranked Consultant on the tasks, staffing, schedule, and a maximum not-to exceed fee. Negotiations may be formally terminated if they fail to result in a contract within a reasonable amount of time. Negotiations will then ensue with the second ranked Consultant, and if necessary, the third ranked Consultant

Note: The final selection and appointment is contingent upon Project approval and funding.

The successful firm will be required to sign the University's Professional Services Agreement (PSA). The PSA are posted for review at <https://capitalstrategies.berkeley.edu/contractors-consultants>.

The University is an Equal Opportunity Employer- Minorities and women are encouraged to apply. Every effort will be made to ensure that all persons, regardless of race, religion, sex, color, and national origin have equal access to contracts and other business opportunities with the University. Each candidate firm will be required to show evidence of its equal opportunity policy.

Attachment A
UNIVERSITY OF CALIFORNIA, BERKELEY
SUMMARY STATEMENT OF QUALIFICATIONS

Section 1a. Company Information

Firm Name (<i>prime consultant</i>)			
Primary (Street) Address			
Firm Established (Year)	Phone	Email	
Type of Organization:	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> General Partnership
(<i>check one</i>)	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Individual/Sole Proprietorship	
If Corporation, incorporated in the State of _____			
DIR Registration No. _____			

Principal (P) and Associates (A): Check "P" or "A" for each

Name	P	A	Degree or Certificate	Issuing Institution
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

Section 1b. Relevant Project Experience

Project #1

Summary Description:	Services Provided:
Project Size (sq ft / acres):	Budget: \$
Client/Stakeholder:	Email/Contact:
Completion Date:	

Note: Indicate your firm's role in Project #1 and what services your firm provided. Identify team members who worked on Project No. 1 that are also proposed to work on this project.

In the space below, include any exhibits and a brief summary of Project #1's relevance to this project.

Check attributes that apply for Project #1:

Was project built? Yes No

Similar project elements to proposed project? Yes No

Project #2

Summary Description:	Services Provided:
Project Size (sq ft / acres):	Budget: \$
Client/Stakeholder:	Email/Contact:
Completion Date:	

Note: Indicate your firm's role in Project #2 and what services your firm provided. Identify team members who worked on Project No. 2 that are also proposed to work on this project.

In the space below, include any exhibits and a brief summary of Project #2's relevance to this project.

Check attributes that apply for Project #2:

Was project built? Yes No

Similar project elements to proposed project? Yes No

Project #3

Summary Description:	Services Provided:
Project Size (sq ft / acres):	Budget: \$
Client/Stakeholder:	Email/Contact:
Completion Date:	
Note: Indicate your firm’s role in Project #3 and what services your firm provided. Identify team members who worked on Project No. 3 that are also proposed to work on this project.	
In the space below, include any exhibits and a brief summary of Project #3’s relevance to this project.	
<p>Check attributes that apply for Project #3:</p> <p>Was project built? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Similar project elements to proposed project? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

1c. References

Include at least one reference for each Relevant Project listed in Section 1b of this form.

Name	Client (College/University)	Project & Date	Phone & Email
1.			
2.			
3.			
4.			
5.			

1d. Team Matrix

List all Key Staff Members from the prime consultant, and all sub-consultant firms as listed in Section 1a of this form. Indicate their involvement on the Relevant Projects included in Section 1b of this form. Add columns as needed. Do not add additional rows.

Relevant Projects – Project Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Team Member Name	Sub-Consultant Firm	Sub-Consultant Firm	Sub-Consultant Firm
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Completed By)

(Date)

Privacy Information

The State of California Information Practices Act of 1977 requires the University to provide the following information to individuals who are asked to supply information about themselves:

The principal purpose for requesting the information on this form is for use in the selection process for Professionals commissioned by the University. University Policy authorizes maintenance of this information.

Furnishing all information requested on this form is mandatory - failure to provide such information will delay or may even prevent completion of the action for which the forms is being filled out. Information furnished on this form will be used by the University of California Berkeley campus in the consideration of commissions to Professionals.

END OF ATTACHMENT A

Attachment B
UNIVERSITY OF CALIFORNIA, BERKELEY
CONSULTANT EXPERIENCE FORM

Specialty <i>(include information for all specialties and consultants on proposed design team)</i> Note which is Prime Consultant	Consultant/Firm Name	Active UC Projects Campus/Project <i>(list all for each firm)</i>	Claims* or Litigation? (Yes** or No)	All UC Projects within Last 5 Years Campus/Project <i>(list all for each firm)</i>	Claims* or Litigation? (Yes** or No)	All Other Projects with Any Claims* Active and Past 5 Years <i>(list all for each firm)</i>

The information provided on this experience form was prepared by the prime consultant listed above, who verifies under penalty of perjury that all information set forth on this form, to the best of my knowledge, is complete and accurate as of the date of submission of the Summary Statement of Qualifications.

(Signature)

(Name)

(Title)

(Date)

Attach additional pages if necessary for any category

*Claims shall include all claims including all pending, unresolved claims of professional negligence or breach of contract for professional services against your firm or any owner or principal of your firm.

**If yes, explain:

END OF ATTACHMENT B

EXHIBIT 4

08/17/2023

Clerk of the Court, Executive Officer / Clerk of the Court

By: T. Smith Deputy

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alison.krumbein@ucop.edu
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Office of General Counsel
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Oakland, California 94607
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EXEMPT FROM FILING FEES
GOV'T CODE § 6103

11 Attorneys for Respondents The Regents of the
12 University of California; Janet Napolitano, in her
capacity as President of the University of
13 California; Carol T. Christ, in her capacity as
Chancellor of the University of California,
14 Berkeley

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF ALAMEDA**

17 SAVE BERKELEY'S NEIGHBORHOODS, a
California nonprofit public benefit
18 corporation,

19 Petitioner and Plaintiff,

20 v.

21 THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA; JANET NAPOLITANO, in
22 her capacity as President of the University of
California; CAROL T. CHRIST, in her
23 capacity as Chancellor of the University of
California, Berkeley; and DOES 1 through 20,

24 Respondents and Defendants.

Case No. RG18902751

Related cases: Case No. RG19022887; Case
No. RG19023058

ASSIGNED FOR ALL PURPOSES TO THE
HON. BRAD SELIGMAN
DEPARTMENT 23

**STIPULATION AND ~~[PROPOSED]~~
ORDER DISMISSING ALL CAUSES OF
ACTION**

Action Filed: April 27, 2018
Trial Date: None Set

1 Petitioner Save Berkeley’s Neighborhoods (“SBN”) and Respondents The Regents of the
2 University of California, et. al. (collectively, “Respondents”) stipulate to the following Order:

3 The relief requested by SBN in this case was provided by Respondent University of
4 California in the supplemental environmental impact report for the Upper Hearst Development for
5 the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range
6 Development Plan (“SEIR”). SBN challenged the sufficiency of the analysis in the SEIR under
7 the California Environmental Quality Act in the related case of *Save Berkeley’s Neighborhoods v.*
8 *The Regents of The University of California, et al.*, Alameda Superior Court Case No.
9 RG19022887; Appellate No. A163810 (“SBN II”). This Court ruled in SBN II that the analysis
10 was included in the SEIR and subject to judicial review. In its April 27, 2023, Opinion in SBN II,
11 the Court of Appeal affirmed said ruling. The final Court of Appeal decision in SBN II ordered
12 that “the matter is remanded to the trial court to enter an order dismissing SBN’s petition.”

13 Therefore, all causes of action in SBN’s Third Amended Petition for Writ of Mandate and
14 Complaint for Declaratory Relief are dismissed as moot.

15 The parties agree that nothing in this Order shall or be construed to either (1) prevent SBN
16 from filing a motion for attorney’s fees; or (2) constitute a waiver by Respondents of any
17 arguments or defenses that Respondents have or may have relating to any SBN motion for
18 attorney’s fees.

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IT IS SO STIPULATED

DATED: August 14, 2023

MEYERS NAVE

By: 

TIMOTHY D. CREMIN
Attorneys for Respondents The Regents of the
University of California; Michael V. Drake, in her
capacity as President of the University of
California; Carol T. Christ, in her capacity as
Chancellor of the University of California,
Berkeley

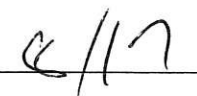
DATED: August 14, 2023


LAW OFFICES OF THOMAS LIPPE, APC

By: 

THOMAS LIPPE
Attorneys for Plaintiff and Petitioner Save
Berkeley's Neighborhoods

IT IS SO ORDERED.

DATED: , 2023



HONORABLE BRAD SELIGMAN
JUDGE OF THE SUPERIOR COURT

5433054.2

EXHIBIT 5

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Save Berkeley's Neighborhoods et al Plaintiff/Petitioner(s) VS. Save Berkeley's Neighborhoods, et al. et al Defendant/Respondent(s)	No. RG19022887 Date: 09/12/2023 Time: 10:24 AM Dept: 23 Judge: Brad Seligman ORDER Dismissing Case
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As per the Remittitur issued by the Clerk of the Court of Appeal of the State of California for the First Appellate District, filed July 24th, the case is dismissed.

The Court orders counsel to obtain a copy of this order from the eCourt portal.

Dated: 09/12/2023



Brad Seligman / Judge

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **MAKE UC A GOOD NEIGHBOR v. REGENTS OF THE UNIVERSITY OF CALIFORNIA (RESOURCES FOR COMMUNITY DEVELOPMENT)**

Case Number: **S279242**

Lower Court Case Number: **A165451**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **Lippelaw@sonic.net**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	AB310h SENT Answer Supp Brief
OPPOSITION	AB311b SENT Opp to UC MJN
REQUEST FOR JUDICIAL NOTICE	AB312a SENT Good Neighbor MJN
PROOF OF SERVICE	AB313 SENT Proof of Service

Service Recipients:

Person Served	Email Address	Type	Date / Time
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Osha Meserve 204240	osha@semlawyers.com	e-Serve	10/4/2023 2:45:56 PM
James Crowder	james@semlawyers.com	e-Serve	10/4/2023 2:45:56 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/4/2023

Date

/s/Kelly Perry

Signature

Lippe, Thomas (104640)

Last Name, First Name (PNum)

Law Offices of Thomas N. Lippe, APC

Law Firm