

Board of Trustees Agenda Item

Board Meeting Date: October 3, 2011

Title of Item: Public Benefit Conveyance Application

Background and Analysis:

At the August 8, 2011 meeting, the Board of Trustees announced the Onizuka Air Force Station as its preferred site as a permanent home for the Educational Center.

In order to acquire a parcel of land within the Onizuka Air Force Station, Foothill De – Anza Community College District is required to submit a public benefit conveyance application to the Department of Education within 30 days following the Local Redevelopment Authority's approval of a Redevelopment Plan that includes an Educational Center.

In anticipation of the approval by the Local Redevelopment Authority of an Educational Center at the Onizuka Air Force Station, the draft application is attached herewith for information and comment prior to submission.

Recommendation: (Information)

Submitted by:	Charles Allen, Executive Director
Additional contact names:	Kevin McElroy, Vice Chancellor
Is backup provided?	Yes

**APPLICATION FOR PUBLIC BENEFIT ALLOWANCE ACQUISITION OF SURPLUS FEDERAL REAL PROPERTY
FOR EDUCATIONAL PURPOSES**

Public Law 81-152

October 5, 2011

1) **Identification of applicant**

- A. Legal name, address, telephone and facsimile numbers, and email address of the applicant organization.**

Foothill-De Anza Community College District
12345 El Monte Road
Los Altos Hills, CA. 94022
Phone: (650) 949-6100 – Chancellor's Office
Email: thorlinda@fhda.edu (copy to executive assistant toyoharadonna@fhda.edu)

- B. Authorized representative – Name and title of the individual who has been authorized by resolution of your governing authority in the exhibit attached to this application to negotiate and accept acquisition of the requested Federal real property at public benefit allowance discount.**

Linda M. Thor, Chancellor
thorlinda@fhda.edu (copy to executive assistant toyoharadonna@fhda.edu)

- C. The applicant must be fully authorized under state statute or its operating charter to acquire and hold title to real property. Please cite and attach appropriate references confirming the specific authority of the applicant organization to acquire and hold title to real property.**

See attached Exhibit A – Authority to acquire and hold title to real property

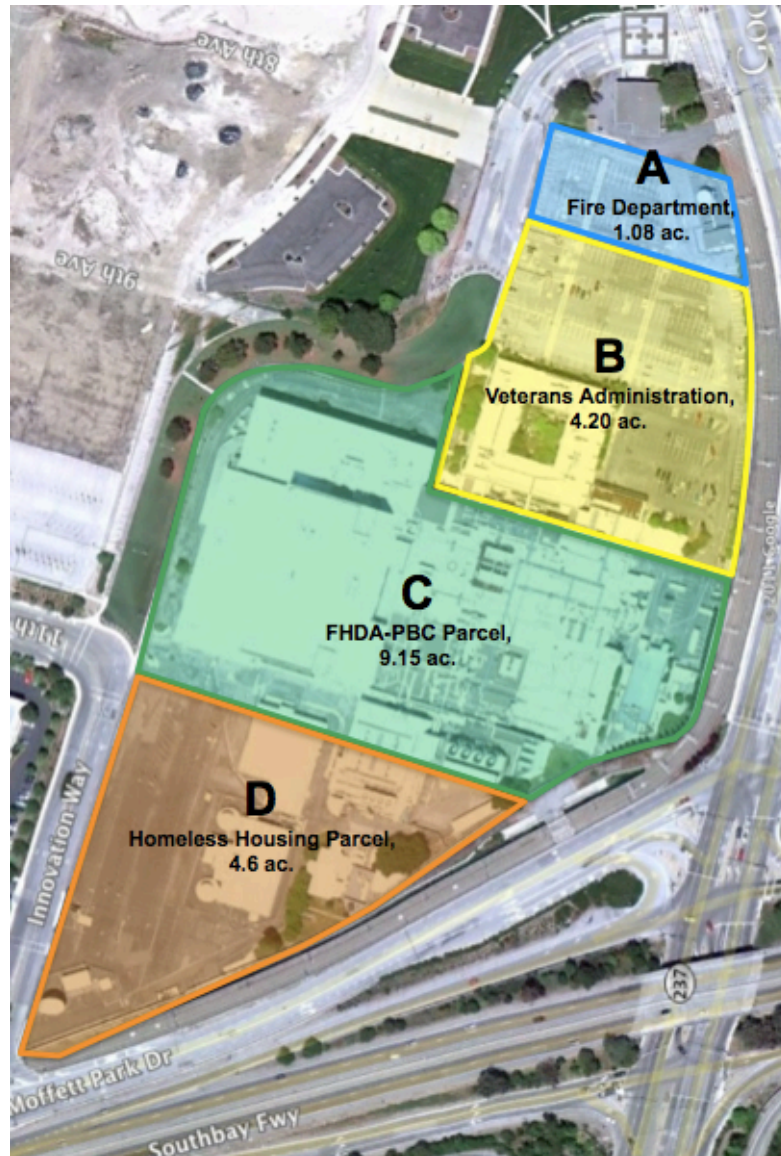
Private, non-profit organizations must additionally provide copies of the Internal Revenue Service's tax-exempt status determination letter.

- D. Provide the applicant's Dun and Bradstreet Data Universal Numbering System (DUNS) number. This information is required to be disclosed because this is a form of federal financial assistance that is subject to the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282). If the applicant does not have a DUNS number, Dun and Bradstreet maintains a Web site with information on how to obtain a number at**

Foothill – De Anza Community College District
12345 El Monte Road
Los Altos Hills, California 9402
D-U-N-S #: 07-632-2296

2) **Description of property requested:**

- A. *Describe the property that is the subject of this application including details as to the approximate acreage, identity of buildings or improvements located thereon, and any easements that may also be necessary. Specific Federal building numbers and/or names should be used when available to identify improvements. A surveyor's description of the boundaries of the requested property is NOT necessary at this time but may be required later. Plot maps may be furnished as exhibits to your application.*



Foothill-De Anza requests use of parcel C as shown above. The parcel consists of approximately 9.15 acres with approximately 550,000 square feet of obsolete improvements that have been utilized by the Air Force since the mid-1960s. It is the intention of Foothill-De Anza to demolish

the existing improvements, while preserving selected historically significant features. Foothill – De Anza Community College District plans to build two 55,000 gsf academic buildings and one four-level parking garage for approximately 728 cars. Surface parking for approximately 372 cars will be provided. This work will be completed in two phases. The first phase calls for construction of a new 55,000-square-foot, two-story, instructional facility with surface parking for approximately 500 cars.

- B. *The application must certify that the proposed program of usage will comply with all state and local planning and zoning regulations and building codes after acquisition of title since the property will pass out of Federal ownership during the acquisition process.***

The program proposed by FHDA will comply with all state and local planning and zoning regulations and building codes after acquisition of title. Foothill-De Anza will manage compliance with the California Environmental Quality Act. The Division of the State Architect (DSA) will provide design and construction oversight. The Division of the State Architect also oversees accessibility, structural safety, fire and life safety, and historical building codes and standards.

Please see attached Exhibit B (“Certification 1” – Compliance)

- C. *If related personal property is requested in conjunction with the real property, a detailed list of the requested personal property by item and number should be attached as an exhibit to your application together with a statement under this section confirming your desire to acquire the related personal property and agreement to utilize such property only upon the requested real property.***

No personal property is requested in conjunction with the real property.

3) Applicant’s current facilities

Please describe or summarize your present landholdings including the total acreage, location of different sites and number of buildings currently owned by your organization. Please identify any facilities that are leased to other organizations or not entirely used by your own organization.

For more than 50 years, Foothill-De Anza has demonstrated excellence and innovation in academic programs and student services. As one of the largest community college districts in the United States, Foothill-De Anza provides classes for about 34,000 full time equivalent students. The colleges are active members of the League for Innovation in the Community College, a national consortium of leading two-year institutions. In the past decade, the district has successfully managed numerous major capital projects that were funded with approximately \$740,000,000 in community approved general obligation bonds.

Foothill College is located at 12345 El Monte Road in Los Altos Hills, California 94022. The 122-acre campus was founded in 1957 and offered its first classes in 1958. Foothill College has an enrollment of approximately 14,000 full time equivalent students and operates out of

approximately 60 buildings located on the campus. The original campus design received the Honor Award in 1962 from the American Institute of Architects. The college is accredited by the Western Association of Schools and Colleges. Foothill is also accredited by the American Dental Association Council of Dental Education, American Medical Association Council of Medical Education and Federal Aviation Administration.

De Anza College is located at 21250 Stevens Creek Blvd., in Cupertino, California 95014. The 112-acre campus was founded in 1967 and operates out of approximately 70 buildings. The original campus design received the Honor Award in 1969 from the American Institute of Architects. De Anza College has an enrollment of approximately 20,000 full time equivalent students. De Anza College is accredited by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges.

The Middlefield Education Center was founded in 1984 and is located in the Cubberley Community Center at 4000 Middlefield Road, Palo Alto, California 94303. Foothill College operates the Middlefield Education Center, which serves a student population of 4,000. Its facilities consist of approximately 60,000 square feet of rented space in the former Cubberley High School. The city of Palo Alto leases the space to Foothill for approximately \$1 million per year. The facilities are obsolete and have significant deferred maintenance.

4) **Proposed program and plan of use**

- A. ***Describe in narrative form your proposed program and plan for utilization of the requested property after acquisition of title. Your description should contain a clear, unambiguous commitment to utilize the requested property for specific educational purposes.***

(Please note: Since the application will be referenced in your deed, your proposed program and plan will comprise a contractually-binding obligation to utilize the requested property solely and continuously for the purposes described under this section. Care should be taken to assure that all components of the proposed program and plan of use are feasible and will actually be delivered or your organization may be subject to compliance penalties later; including but not limited to reversion of title to the Federal government.)

Background

The district initiated a search beginning in February 2011 to locate a permanent site for the Foothill College/Middlefield Education Center, which currently occupies 60,000 square feet of rented facilities on approximately eight acres at the Cubberley Community Center, 4000 Middlefield Road. Palo Alto.

Vision Statement

It is the goal of the district to locate a permanent home for this education center with a state-of-the-art facility serving Silicon Valley through programs and partnerships that seamlessly

transition individuals from high school to community college to the university and the workplace as well as offering a rich array of lifelong learning opportunities.

Mission Statement

The mission of the new education center is to serve a highly diverse student population by offering support services and credit and noncredit programs in basic skills, transfer, and workforce preparation, as well as not-for-credit, fee-based community education. The target audiences are high school/regional occupational program graduates; workers who are training, retraining, or upgrading skills; and lifelong learners.

Programming for the new education center is to be year-round and will leverage partnerships with other colleges and universities, high schools, regional occupational programs, community based organizations, local government, business, and industry. Support services will include placement testing, orientation, educational planning, job placement, internships, financial aid, tutoring, student activities, and veterans' services.

The education center will specialize in "gateway" curricula that lead to family-sustaining jobs while laying the foundation for continued studies in higher-level career areas.

The education center will provide career pathways and education and employment ladders in areas of high employability. Programs will be offered in a variety of formats including traditional year-long coursework and accelerated academies of eight to 10 weeks to provide condensed certifications that provide "gateways" to higher level programs or retraining for adults.

Students may also choose to complete an associate in arts (AA) or associate in science (AS) degree at the education center and transfer into a four-year college or university to pursue a baccalaureate degree followed by graduate study.

To maximize facility usage, Foothill has invited community partners, such as Catholic Charities of Santa Clara County to have satellite offices at the education center on a space-available basis to provide services in numerous areas that would blend with the educational opportunities at the center.

Planned Programming

General Education

Courses in General Education areas, which include:

Humanities

English

Natural Science

Social and Behavioral Science

Communication and Analytical Thinking

Career Programs

Pharmacy Technology
Emergency Medical Technician
Paramedic
Child Development
Gerontology
Mobile Applications

Noncredit Programs Geriatric Home Aide

Job Readiness Certificate
Family Care Provider Certificate
English as a Second Language (transition from community based programs and Adult Education to college)
Digital Literacy

Support Programs

Contextualized English as a Second Language for Child Care Providers
Contextualized English as a Second Language for Allied Health Providers
English as a Second Language for Working Adults
Bridge to College
Map Your Future
Family Engagement Institute (parenting classes)
Middlefield Campus Career & College Connections (student support services)

Community Education

Reach Program for Stroke Survivors
Adaptive Physical Education
Lifelong Learning/Encore Careers

- B. Estimate the approximate number of staff and students who will actually participate in programs upon the requested property on a regular basis.***

Staff: 35 (Full time teaching + non-teaching staff)

Students: 1,200 full time equivalent (~4,000 individual students by headcount)

- C. Explain how frequently the property will be utilized in the proposed program and plan of use.***

The new facility will be used full time (8:00am – 10:00pm Monday through Friday and at various times between 8:00am and 10:00pm on Saturdays and Sundays) to meet the needs of students pursuing the education programs described above.

- D. Indicate the time that will be required to bring the property into full educational utilization. (Please note: Federal regulations require that the property be placed into utilization in the proposed program and plan within twelve (12) months from the date of acquisition of title unless approval has been granted in the application for major construction or renovation. If major construction or renovation has been approved, Federal regulations provide the***

applicant thirty-six (36) months in which to place the property into utilization in the proposed program and plan.)

Development Schedule:

Key Dates:

Title Transfer PBC Parcel:	June 2012
Commence Design:	January 2012
Complete Design (working documents):	September 2012
Division of Stage Architect Review Complete:	May 2013
Award Construction Contract:	June 2013
Start Demolition:	August 2013
Start New Construction:	October 2013
Occupancy:	June 2015

E. Describe any buildings proposed for demolition.

Foothill-De Anza intends to demolish all buildings on the site (approximately 550,000 square feet of obsolete buildings) and to construct a new 55,000-gross-square-foot instructional building with surface parking for 500 cars.

F. List the buildings and structures that will be required to implement your proposed program and plan and furnish the information indicated below in the manner illustrated in the following example:

<u>Bldg. #</u>	<u>Name/Description</u>	<u>Proposed Use</u>	<u>Date Use to Begin</u>	<u>Approximate Cost</u>
New	Education Center Bldg	Instruction	June 2015	\$37,000,000

None of the existing structures on the site will be used and therefore will be demolished. A new 55,000-square-foot state-of-the-art instructional facility will be constructed on the site with surface parking.

G. Fully describe the proposed utilization of all land requested. If any land will be utilized for research or experimentation purposes, your response to this section must include description of the proposed research projects, the number of staff and students who will actually visit the property in the performance of such studies, and the frequency of visitations to the site.

The land will be utilized as a California community college educational center campus for instructional purposes. The land will not be utilized for research projects.

- H. Sketches, floor plans, or plot maps may be attached as exhibits to clearly demonstrate how the requested property will be utilized or developed in your proposed program and plan.***

See Exhibit C - Phase 1 site plan (within 36 months)

See Exhibit D - Phase 2 site plan (future phase)

- I. Public benefit allowance regulations contain a formula which is utilized to rank competing applications and calculate the amount of discount to which your proposed program and plan is entitled. The following information must be provided to determine the discount applicable to your proposal:***

- (1) Is your organization accredited by any Federal, state or other oversight authority? If so, please identify the accrediting authority.***

Yes. Foothill College is accredited by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges. This accrediting organization is recognized by the Council for Higher Education Accreditation and the U.S. Department of Education.

- (2) Does your organization receive Federal financial assistance as the result of certain Federal activities upon the community (such as impact aid under Public Law 81-874)? Describe the sources of that assistance and the causes of the Federal impact.***

No

- (3) Will the property be utilized for public service training for ROTC or other personnel training contracts for Federal or state governments?***

No. There is no plan to use the property for ROTC or any other personnel training contracts for the federal or state governments.

- (4) Does the need for this property arise from a significant hardship such as fire, flood, disaster, condemnation or serious economic factors such as isolation or remote location?***

Yes. Foothill-De Anza Community College District has been seeking a permanent location for its off-campus Education Center for several years. The district has rented space at Cubberley Community Center in Palo Alto since 1984 and currently utilizes approximately 60,000 square feet at that location to serve 4,000 students each quarter. These facilities are in disrepair and are now well beyond their useful life. Continuing to attempt to conduct education

programs is no longer viable in the unsuitable facilities available at the Cubberley site.

Foothill-De Anza was in discussions to purchase eight acres at the Cubberley Community Center from the city of Palo Alto to develop a new educational center at the Cubberley site. However, in July 2011, the city of Palo Alto decided not to sell to Foothill-De Anza. The Onizuka site would provide the required acreage on which to establish a permanent home in suitable facilities for the educational center and requisite parking. The Onizuka site is excellent for this purpose because it is located in an underserved portion of the college district and benefits from excellent access and visibility.

- (5) *Will the property be utilized to introduce new instructional programs, which cannot be provided with existing facilities; such as vocational education, physical education, libraries, or other programs?*

As stated in (4) above, the existing facilities at the Cubberley site are in disrepair and are now well beyond their useful life. Continuing to attempt to conduct education programs is no longer viable in the unsuitable facilities available at the Cubberley site. The new location will allow continuation of existing programs and provide opportunities for new programs that involve regional coordination among area educational institutions.

- (6) *Will the property be utilized to improve the health and welfare of students through such programs as cafeterias, clinics, infirmaries, bus loading shelters for students, or other activities which provide for the elimination of health or safety hazards?*

Yes. Support services include placement testing, orientation, educational planning, job placement, internships, financial aid, tutoring, student activities, and veterans' services. Health and psychological services are available from the Foothill College campus. Food service is available from nearby facilities. Access to the site from public transportation services is excellent with well established and safe facilities that meet Americans with Disabilities Act standards. Bicycle and pedestrian pathways in the area provide easy and safe access for students and staff alike.

- (7) *Will the property predominantly be used for research purposes?*

No.

- (8) *Is the property primarily being requested to develop, establish or improve facilities or programs for special education purposes or for the physically or mentally handicapped?*

The property is not primarily being requested to provide programs for special education purposes or for mentally handicapped persons, but these types of programs will be available at the site.

5) **PROOF OF NEED**

- A. *Under this section, your application should fully explain why additional property is needed. Your response should address both the need for additional property as well as the need to add to your existing programs.*

This application is not for additional property. The Onizuka site will replace the existing facilities at the Cubberley site and serve as a permanent home for the educational center.

Foothill-De Anza Community College District has been seeking a permanent location for several years to replace the educational center that is currently located at Cubberley Community Center in Palo Alto. The district has rented space at Cubberley Community Center since 1984 and currently utilizes approximately 60,000 square feet on approximately eight acres at that location to serve 4,000 students each quarter.

The educational center at Cubberley currently offers several vocational and career programs (emergency medical technician, paramedic, pharmacy technology, child development), as well as all general education curriculum needed to complete an associate in arts or associate in science degree and/or transfer to a four-year college or university. We are limited by space and the poor facility condition at the existing Cubberley site.

Foothill staff, faculty and administrators provide student services, instruction and opportunities similar to those on the main Foothill College campus in Los Altos Hills. It is anticipated that these same services will continue and actually be enhanced with regional partnerships with other area education institutions.

Foothill-De Anza has researched potential permanent center sites throughout our service area for several years. The site at Onizuka meets all of the criteria used by the district in assessing potential sites:

- Location that is central to freeways and employment
- Accessibility by public transportation (bus and/or light rail)
- Parking availability
- Potential for growth (additional square footage and parking as programs or partners are added)

- **Affordability for development and usage**

Onizuka Air Force Station meets all these criteria and more. The site is ideal for access from two freeways, is on the light rail line, has plenty of parking and has a unique historical significance in the area that will be preserved and highlighted.

- B. *Describe any inadequacies in your existing facilities that may limit your ability to provide necessary services or comply with minimum standards for funding, accreditation, licensing or Federal, state and local laws.***

The Foothill-De Anza education center has been operating out of 60,000 gross square feet at the Cubberley Community Center in Palo Alto. Cubberley Community Center is a converted high school and has significant deferred maintenance. Foothill-De Anza was in talks with the city of Palo Alto to purchase eight acres within the Cubberley Community Center and to build the new education center in that location. In July 2011, the Palo Alto City Council declined Foothill-De Anza's request to purchase the land and discussions ended. Funding is in place through proceeds from Foothill-De Anza's Measure C bond issue to construct new educational center facilities. The Onizuka site satisfies the goals and vision for the new educational center based on numerous criteria discussed in this application.

- C. *Specific data should be provided to demonstrate the inadequacy of existing facilities including such information as the maximum enrollment which can be accommodated in present facilities under state standards without double or night sessions, or the number of students who cannot be accepted because of inadequate facilities. Please provide such data for the past three years.***

The current educational center operates in circa 1950s converted high school facilities in Palo Alto that have not been upgraded since their original construction. There is an extensive list of unfunded and backlogged deferred maintenance for these facilities. These facilities are completely inadequate to provide the necessary physical environment required for safe and effective learning.

Foothill-De Anza currently leases the facilities for approximately \$1 million per year from the city of Palo Alto. The city of Palo Alto has not identified the needed funding to upgrade the current facilities. Furthermore, Foothill-De Anza has the proceeds from a bond issue (Measure C) that are available to acquire and construct a replacement facility for the educational center. Efforts to reach an agreement to use the bond funds to upgrade facilities at the Cubberley site in Palo Alto were unsuccessful.

- D. *Federal regulations require that your application only request so much property as is immediately needed and can be placed into utilization within the time limits described***

under section 4.D. Full justification should be provided to demonstrate your need for all land requested.

Foothill-De Anza's Phase 1 program calls for the construction of a new 55,000-square-foot facility, a 16,000-square-foot outdoor courtyard, site utilities, circulation roads, and surface parking for 500 cars and landscaped areas. The attached site plan in Exhibit C demonstrates the need for all 9.15 acres to accommodate this program. This Phase 1 program would be achieved within three years of title transfer.

- E.** *Explain why the requested property is deemed to be particularly suitable for your proposed program and plan. Indicate whether other property is owned by your organization, which could meet the same needs described above.*

After an exhaustive search for a new educational center location within the Foothill-De Anza district boundaries, the district's Board of Trustees concluded that the Onizuka site presented the best overall opportunity for the new education center based on the following key factors:

- a. Price: The Public Benefit Conveyance offers a unique opportunity to acquire land;
- b. Enrollment: The Onizuka site is close to population growth areas and the source of much of Foothill-De Anza's current student population. The site is located in an attractive area in Moffett Business Park, a dynamic and growing part of Sunnyvale with access and proximity to key employers in the region;
- c. Access: The Onizuka site has good access to major freeways, is close to public transportation, and has excellent visibility and identity;
- d. Location: Foothill-De Anza anticipates that surrounding districts will be supportive of a Foothill-De Anza education center at Onizuka, and the location facilitates regional collaboration in education. Foothill-De Anza's other two campuses (Foothill College and De Anza College) have easy access to the Highway 280 corridor while Onizuka provides easy access to Highway 101 corridor. The site has the potential for future expansion.
- e. Environmental: No unusual environmental hazards have been identified on the site.

Based on the vision and objectives of the college, Foothill-De Anza does not currently own any property that would be suitable for the new educational center.

6. **FINANCIAL INFORMATION DEMONSTRATING THE ABILITY TO IMPLEMENT THE PROPOSED PROGRAM:**

- A. *Estimate the total cost required to initially renovate or prepare the property for your proposed program and plan and the amount required thereafter to operate and maintain the property on an annual basis.*

Development Budget – Phase 1 (new construction):

DIRECT COSTS:

Demolition/Remediation (land cost equivalent):	\$4,901,644
Site/Parking:	\$1,763,664
Utilities:	\$2,374,400
Building:	\$17,945,027
Landscaping:	\$865,946
Subtotal Direct Costs:	\$27,850,681

INDIRECT COSTS:

Architecture & Engineering:	\$2,544,234
Other Indirect:	\$2,739,354
Subtotal Indirect Costs:	\$5,283,612

FF&E:	\$1,200,000
Contingency (7%):	\$2,403,372

TOTAL DEVELOPMENT COST: \$36,737,665

Operating Budget (annual) – Phase 1:

OPERATING EXPENSES (annual):

Staffing:	\$1,700,000
Instruction:	\$1,564,640
Utilities:	\$120,000
District:	\$500,000
Supplies:	\$165,000
Maintenance & Operations:	\$275,000
Total Operating Costs:	\$4,324,640

REVENUES (annual):

State Funding:	\$1,100,000
State Apportionment:	\$3,300,000
Total Revenue:	\$4,400,00

- B. *Before applications for surplus Federal property can be approved, Federal regulations require that applicants demonstrate that they have the necessary funding to carry out their proposed program and plan or have the ability to obtain such funds. Explain where the funding will be obtained to implement your approved program and plan. Copies of your most recent balance sheets and income statements should be attached as exhibits to the application.***

An election was held in the Foothill-De Anza Community College District on June 6, 2006, for the issuance and sale of general obligation bonds for various district purposes in the maximum amount of \$490,800,000. As per the most recent bond measure report (attached as Exhibit E), \$38,000,000 was allocated for acquisition and construction of a new educational center. The total development budget is currently estimated at \$36,737,665.

Operating funding for the Educational Center will be made available from ongoing State of California instructional apportionment. Audited financial statements can be found at <http://business.fhda.edu/finance/financialreports>.

- C. *If funding is to be obtained in part through bonds or loans, a letter of commitment should be provided from the prospective financing sources confirming that they are prepared to lend the sums needed.***

(Please note: Mortgage financing or the granting of rights in the requested property to secure repayment of bonds or loans must be separately authorized after acquisition of title by special agreement.)

As described above, general obligation bonds were approved by district voters in 2006. The sale of series A and B bonds in 2006 produced, respectively, \$150,000,000 and \$100,000,000 in proceeds. Series C in May 2011 produced \$184,000,000 in proceeds, which are currently on balance with the district. Funds from this balance are available for use on this project in the budgeted amount of \$36,737,665.

See attached Exhibit E – Measure C Report

- D. *Please identify any income or revenues, which may be received or generated as a result of your proposed program and plan.***

Revenues:

State Funding:	\$1,100,000
State Apportionment:	<u>\$3,300,000</u>
Subtotal Revenues:	\$4,400,000

7) PERIOD OF USE

The applicant must certify that the requested property is needed at the time of the application for the educational purposes described in its proposed program and plan and will be utilized for such purposes for a period of thirty (30) years. (The applicant may not modify its proposed program and plan during the thirty-year period without the prior written consent of the United States Department of Education.)

Please see attached Exhibit F ("Certification 2" – Duration of Agreement with U.S. Department of Education)

8) **ASSURANCE OF COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS:**

The applicant must state and agree that it will not discriminate because of race, color, religion, sex, disability, age or national origin in the use of the property, in keeping with Section 606 of the Federal Property and Administrative Services Act of 1949, Title VI of the Civil Rights Act of 1964 (P.L. 88-352), Title IX of the Education Amendments of 1972 (P.L. 92-318), and section 844 of the Education Amendments of 1974 (P.L. 93-380) (in relation to education), and Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), Title II of the Americans with Disabilities Act of 1990, and the Department's Regulations issued pursuant to such Acts (34 CFR Parts 12, 80, 84, 86, 100, 104, and 106).

Please see attached Exhibit G ("Certification 3 – Non-discrimination")

9) **INSURANCE PROVISION:**

If there are any buildings, structures, or improvements located upon the requested property which will be utilized in the proposed program and plan, the applicant shall protect the residual financial interest of the United States of America by insurance and must state the following:

"The applicant agrees, for itself, its successors and assigns, that if any conveyed improvements are insured against loss, damage, or destruction and if such loss, damage or destruction should occur during the period the grantee holds title to the requested property while under the period of restricted usage specified in the deed of transfer, said insurance and all moneys received therefrom by the Grantee, its successors or assigns shall be held in trust by the Grantee, its successor or assigns, and shall be promptly utilized by the Grantee for the purpose of repairing such improvements and restoring the same to their former condition and use, or for the purpose of replacing said improvements with equivalent or more suitable facilities; or, if not so used, shall be paid over to the Treasurer of the United States in an amount equal to the unamortized public benefit allowance of the buildings, structures, or improvements lost, damaged or destroyed."

Not applicable; no existing structures will be utilized by the applicant.

10) **ENVIRONMENTAL ANALYSIS:**

DRAFT

DRAFT

Public benefit allowance transfers of Federal real property are subject to the requirements of the National Environmental Policy Act of 1969 (P.L. 91-190) and related environmental acts. Please analyze the environmental impact of your proposed program and plan by answering the questions in the enclosed Environmental Questionnaire. Identify the Environmental Questionnaire and your responses as an exhibit to your application and provide the exhibit number here.

Please see attached Exhibit H – Finding Of No Significant Impact. The entire contents of the Environmental Assessment can be found at:

<http://www.airforcebrac2005.org/Onizuka%20Docs2.htm>

Also at the above referenced url is a copy of the Memorandum of Agreement among the U.S. Air Force, the U.S. Dept of Veterans Affairs, and the California state historic preservation officer concerning mitigation of impacts to historic structures from closure and re-use of the Onizuka Air Force Station at Sunnyvale, California.

Additionally, in August 2011, the Air Force issued a Supplemental Environmental Condition of Property Report that can also be found at the url listed above.

11) **PROTECTION AND MAINTENANCE OF THE PROPERTY:**

The applicant must state and agree for itself, its successors and assigns, that in the event Grantor exercises its option to revert all right, title and interest in the requested property to the Grantor, or the Grantee voluntarily returns title to the requested property in lieu of reverter, then the Grantee shall provide protection to and maintenance of the requested property at all times until such as the title is actually reverted and returned to and accepted by the Grantor. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the General Services Administration in Appendix A of the "GSA Customer Guide to Real Property Disposal" as referenced at 41 CFR 102-75.965, a copy of which is summarized and attached to the application and labeled as an exhibit to said application.

I so state and agree:

By: _____
Linda M. Thor

Title: _____
Chancellor

Date: _____

12) **EXHIBITS:**

DRAFT

DRAFT

The applicant must list and identify all exhibits under this section and state that the exhibits are a part of this application. Please attach this application as one of the exhibits to your application to fully explain the questions that are being answered under each section.

Please find attached the following exhibits which are part of this application:

Exhibit A: Authority to acquire and hold title to real property
Exhibit B: Certification 1 - Compliance
Exhibit C: Phase 1 Site Plan
Exhibit D: Phase 2 Site Plan
Exhibit E: Measure C Report
Exhibit F: Certification 2 – Duration of Agreement
Exhibit G: Certification 3 – Non-Discrimination
Exhibit H: Finding Of No Significant Impact

13) CERTIFICATION OF SIGNING OFFICIAL:

The following statement should be inserted under this section and signed by the authorized representative of the applicant's organization:

"I/We certify by signature hereto, that I/we am/are duly authorized by the Governing body of this organization or institution to act on behalf of the governing body to do any and all things necessary to acquire the Federal surplus real property identified and requested herein, including the preparation of this application and payment of such sums as may be necessary toward the purchase price of the requested property, and that all information given herein, and in exhibits hereto, are true and correct to the best of my/our knowledge."

By: _____
Linda M. Thor

Title: _____
Chancellor

Date: _____



DRAFT

DRAFT

EXHIBIT A

AUTHORIZATION

A copy of the document showing statutory or legal authority under which the applicant is authorized by law to acquire and hold title to property or to lease property.

EXHIBIT B

CERTIFICATION 1 - Compliance

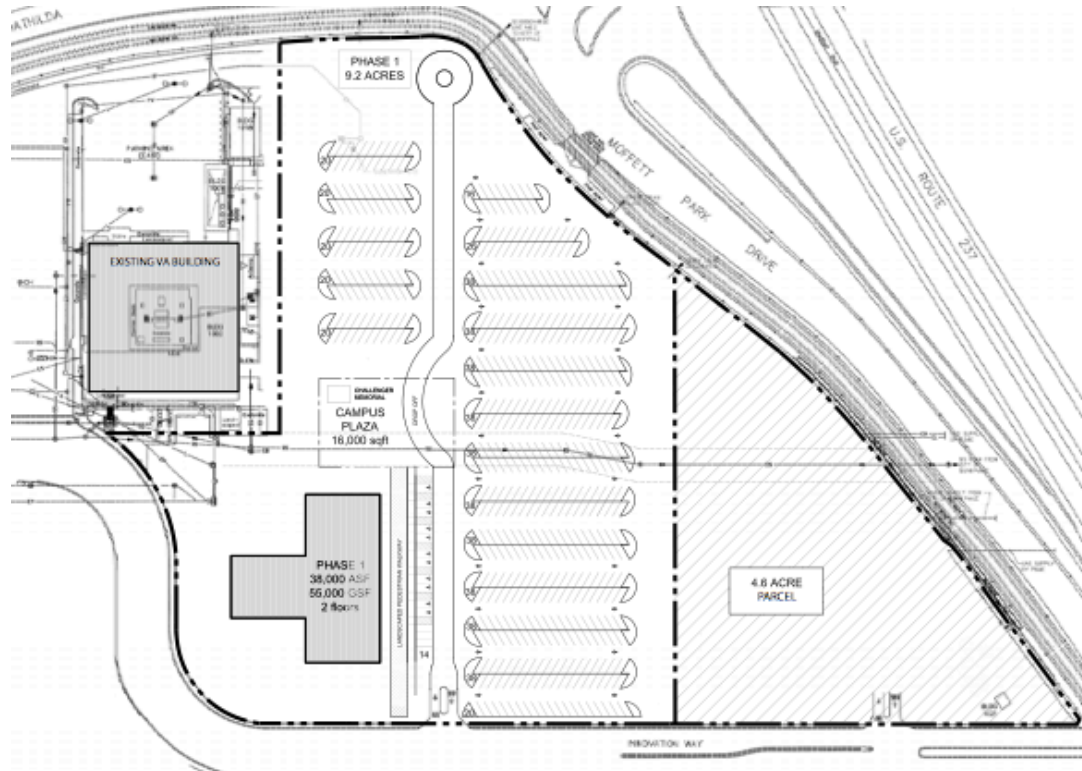
Foothill-De Anza Community College District hereby certifies that the program proposed on the Onizuka site will comply with all state and local planning and zoning regulations and building codes after acquisition of title.

By: _____
Linda M. Thor
Chancellor

Date: _____

EXHIBIT C

CONCEPTUAL SITE PLAN - PHASE 1



SCALE: 1" = 50'

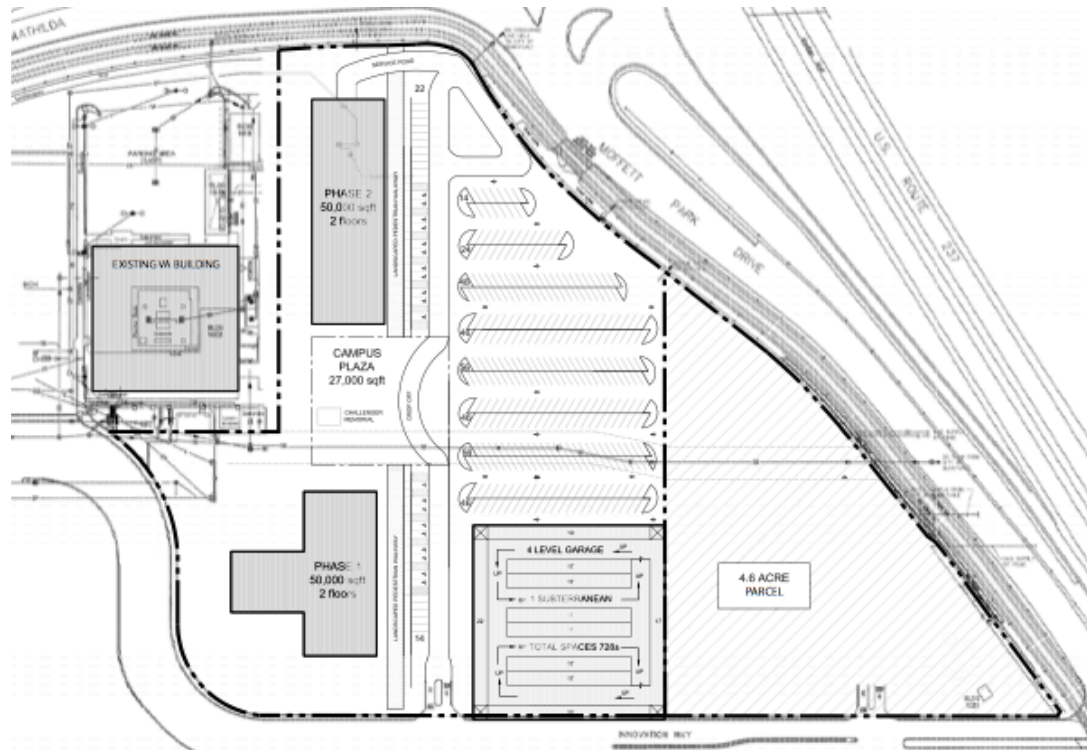
**ONIZUKA CONCEPTUAL SITE PLAN
PHASE 1**

- DEMOLISH ALL IMPROVEMENTS ON 9.15 ACRES (approx. 550,000 sf)
- PREPARE SITE FOR DEVELOPMENT
- INSTALL REQUIRED SITE UTILITIES
- INSTALL CIRCULATION ROADS
- INSTALL OFFSITE IMPROVEMENTS TO INNOVATION WAY
- CONSTRUCT 55,000 GSF (38,000 ASF) INSTRUCTIONAL BUILDING (2 STORY)
- CONSTRUCT SURFACE PARKING FOR 556 CARS (10 per 1,000 sf)
- INSTALL 16,000 SF CAMPUS COURTYARD

- INSTALL SITE LANDSCAPING

EXHIBIT D

CONCEPTUAL SITE PLAN - PHASE 2



SCALE: 1" = 50'

ONIZUKA CONCEPTUAL SITE PLAN PHASE 2

- CONSTRUCT ADDITIONAL 55,000 GSF (38,000 ASF) BUILDING (2 STORY)
- CONSTRUCT 4 LEVEL PARKING GARAGE FOR 728 CARS (1 level subterranean)
- SURFACE PARKING FOR 372 CARS
- TOTAL PARKING = 1,100 CARS (10 per 1,000 sf)

EXHIBIT F

CERTIFICATION 2 – PERIOD OF USE WITH DOE

Foothill-De Anza Community College District hereby certifies that the requested property is needed at the time of the application for the educational purposes described in its proposed program and plan and that the property will be utilized for such purposes for a period of thirty (30) years. The applicant may not modify its proposed program and plan during the thirty-year period without the prior written consent of the United States Department of Education.

By: FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

By: _____
Linda M. Thor
Chancellor

Date: _____

EXHIBIT G

CERTIFICATION 3 – NON DISCRIMINATION

Foothill-De Anza Community College District hereby agrees that it will not discriminate because of race, color, religion, sex, disability, age or national origin in the use of the property, in keeping with Section 606 of the Federal Property and Administrative Services Act of 1949, Title VI of the Civil Rights Act of 1964 (P.L. 88-352), Title IX of the Education Amendments of 1972 (P.L. 92-318), and section 844 of the Education Amendments of 1974 (P.L. 93-380) (in relation to education), and Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), Title II of the Americans with Disabilities Act of 1990, and the Department's Regulations issued pursuant to such Acts (34 CFR Parts 12, 80, 84, 86, 100, 104, and 106).

By: Foothill-De Anza Community College District

By: _____
Linda M. Thor
Chancellor

Date: _____

EXHIBIT H

Environmental Analysis

The attached environmental assessment (EA) analyzes the potential for impacts to the environment as a result of the disposal and reuse of Base Realignment and Closure (BRAC) 2005 base, Onizuka Air Force Station (AFS), California. The EA was prepared in accordance with the National Environmental Policy Act (NEPA) requirements.

The Finding of No Significant Impact (FONSI) summarizes the Proposed Action and alternatives and the results of the evaluation of the disposal and reuse of Onizuka AFS. A Finding of No Significant Impact was signed by Jeffrey P. Domm, Deputy Director, Air Force Real Property Agency on May 4, 2011.