Introduction

Supplementary Report Budget Language associated with the 2007 Budget Act requires the California State University to provide current information on the mitigation of significant off-campus impacts for university master plan and capital projects that involve campus growth and development.

Supplementary Budget Language Item 6610-001-0001 (2007):

• "Mitigation of Off-Campus Impacts-Current Projects." When a campus's enrollment and facilities expand, it can sometimes negatively affect the surrounding environment. In view of the recent decision in City of Marina v. CSU Board of Trustees, it is the intent of the Legislature that CSU take steps to reach agreements with local public agencies regarding the mitigation of off-campus impacts related to campus growth and development. By March 1 of each year from 2008 through 2012 (emphasis added), the university shall report (by campus) on the status of any negotiations with local agencies for mitigation measures for significant off-campus impacts identified consistent with the requirements of CEQA (including implementation dates where applicable). For each impact, this report shall identify whether an agreement has been reached with local agencies. The report should also list any monetary and non-monetary in-kind payments made by the campus for the mitigation of off-campus impacts identified as unavoidable in the certified EIRs. For those impacts for which there is no agreement, CSU should explain what steps were taken and if any additional steps will be taken to reach an agreement.

This report specifies the significant off-campus impacts and mitigations that the University has committed to implement, for projects approved by the CSU board of trustees for the period January 2008 through January 2009, and any presently anticipated projects through the remainder of the calendar year 2009.

Implementation actions, including payments to local jurisdictions and utility providers, are triggered as the enrollment grows or new facilities that add student capacity to the university are built, which in turn trigger impacts. As a result, mitigation and related funding commitments for off-campus impacts may occur over several years.

A brief summary of the status of current mitigation commitments to local agencies for each campus where such commitments are in place is provided, as well as a statement of the status of ongoing negotiations and discussions in the case where a master plan revision is scheduled to go before the trustees in the near future.

CSU has engaged in negotiations at six (6) specific campuses with local agencies regarding mitigation measures for potential significant off-campus impacts. These potential impacts have been identified in the analyses of proposed CSU campus master plan implementation programs, consistent with the requirements of CEQA. For each of the campus master plan EIR proposals identified below, information is provided as to specific mitigation agreements that have been reached, the monetary value of such agreements, and where agreement was not reached or is not anticipated to be reached, what steps were taken to reach agreement. Where additional negotiations to reach agreement are pending, this status is identified.

Summary of Mitigation Commitments for Current Projects by Campus

1. SAN FRANCISCO:
   • An increase in the campus Master Plan enrollment ceiling, from 20,000 FTES to 25,000 FTES, was approved by CSU trustees on November 14, 2007.
• Negotiations were completed between the campus and the City and County of San Francisco, resulting in execution of an agreement that provides for off-site mitigation measures to be implemented with a fair-share contribution by CSU.

• Short-Term Off-Campus Mitigation Measures:
  • Two intersection improvements, adjacent to the campus ($175,000), will be implemented when the public agency has plans and specifications in place for construction.

• Long-Term Mitigation Measure:
  • Improvement to the adjacent transit line has been agreed to ($1,825,000). This will be dependent on additional jointly funded traffic and ridership studies at scheduled intervals. The specified thresholds are not anticipated to be reached for a number of years. University payments will be subject to City providing documentation that design is in place and that required city funding and the necessary construction contract is in place.

2. SAN DIEGO:
• An increase in the campus Master Plan enrollment ceiling, from 25,000 FTES to 35,000 FTES, was approved by CSU trustees on November 14, 2007.
• The Final Program and Project level FEIR was also certified at the same meeting, as required, with appropriate public review and comment.
• The negotiations for mitigation measures and fair share contribution from the university have not been successful to date, as reported in the March 2007 “Mitigation for Current Projects” report. The basis for the litigation is detailed in that prior report. The litigation was filed in 2008 by the respective local agencies, including the city, the Regional Transportation Agency, and the Redevelopment Agency of San Diego; the first Superior Court hearing to hear the complaint is scheduled in September 2009. The University has calculated a total sum fair share mitigation responsibility to local and regional agencies of $6,434,860 and Cal Trans is seeking additional mitigation funding of $10,140,000.

3. LONG BEACH:
• An increase in the campus Master Plan enrollment ceiling, from 25,000 FTES to 31,000 FTES, was approved by the trustees on May 14, 2008.
• Negotiations were completed between the university and the City of Long Beach, resulting in execution of an agreement that provides for off-site mitigation measures to be implemented with a fair-share contribution by CSU, specifically including traffic ($320,000) and other scheduled public utility infrastructure, as well as cooperative measures to address student parking in neighborhoods around the campus. The implementation of the specified traffic improvement measures is tied to university completion of a third parking structure, at which time the university will provide the agreed upon fair share mitigation contribution and the city will construct the required improvements.

4. MONTEREY BAY:
• Master plan revision with enrollment ceiling decrease from 25,000 FTES to 8,500 FTES, is scheduled for CSU trustees' consideration at their regular meeting on May 12-13, 2009. This item was previously scheduled in 2008.
• A summary of the Master Plan proposal and the Draft EIR has been previously submitted to the Legislature, DOF, and LAO by separate cover dated February 27, 2008. This master plan proposal is a response to the State Supreme Court decision of 2006 that resulted in the Marina v. Trustees decision, requiring CSU to mitigate off-campus impacts in surrounding communities, and to negotiate fair share payments towards those mitigations. The university has negotiated with the Fort Ord Reuse Agency (FORA), and other local jurisdictions that submitted comment letters on the Draft EIR. These discussions have been going on for a number of months, through 2008 and early 2009. Further
refinements to the EIR data and analyses have been incorporated in a recirculated Draft EIR, based on continuing discussions with FORA and other local jurisdictions. It is anticipated that prior to trustees consideration of this master plan approval action, agreements can be reached with FORA and other local jurisdictions that will set forth impact determinations, appropriate off-site mitigation, and the agreed upon proportionate fair share contributions by CSU. At present, CSU has agreed to $2.4 million as fair share mitigation for off-site impacts related to growth and development from 1998 through 2007 (“Deficit Period”), as required in the Marina court decision. CSU has tentatively determined that future mitigation for off-site impacts from build out of the reduced campus enrollment Master plan could amount to $10,320,600. In addition, Cal Trans has requested separate payment for fair share impacts to state highways of $8.4 million over the 15-20 year build out of the campus. The total off-site fair share responsibility is estimated to be approximately $20.9 million over 20-25 years.

5. STANISLAUS:
- A physical Master Plan revision is scheduled to be presented to the CSU board of trustees for action on March 24-25, 2009. This proposal does NOT change the existing campus master plan enrollment ceiling.
- A draft EIR was published for review and comment on October 15, 2008, and comments were received from several state and local agencies, as well as local citizens. The draft EIR did assess off-site impacts from future university growth, and did determine a fair share responsibility based on the proportionate impacts identified in the EIR analysis ($650,000).
- The university has held numerous and extensive meetings with the local municipal jurisdiction, the City of Turlock, and no agreement has been reached regarding a mutually acceptable fair share mitigation responsibility. The city has demanded that the university pay additional city-wide impact fees, primarily to pay for traffic improvements in areas of the city that the EIR determined were not impacted by the university’s future growth and development. The university has agreed to pay the fair share contribution identified in the EIR analysis; however the city has not agreed that that amount would be adequate to meet the city’s perceived requirements.

6. EAST BAY (Hayward Campus):
- A physical Master Plan revision is scheduled to be presented to the CSU board of trustees on May 12-13, 2009. This proposal does NOT change the existing campus master plan enrollment ceiling.
- A draft EIR was published for review and comment on November 10, 2008, and comments were received from several state and local agencies. The draft EIR did assess off-site impacts from future university growth, and subsequent analysis did determine a fair share responsibility based on the impacts identified in the EIR.
- The university has held numerous and extensive meetings with the local municipal jurisdiction, the City of Hayward, and final agreement has not yet been reached regarding a mutually acceptable fair share mitigation responsibility. The city and the university recognize that some aspects of future mitigation for city jurisdiction streets and intersections are not feasible because of physical conditions and currently planned and funded improvements that will not result in complete mitigation for local traffic conditions. The university has continued meeting with the city to negotiate a proportionate fair share contribution based on the EIR analysis and existing conditions on the city roads.

Future Master Plan projects scheduled for Board of Trustees consideration 2009 (and status of negotiations with local agencies)

Additional campus master plan proposals are tentatively scheduled for consideration by the CSU trustees in the latter part of 2009 for Fresno and Dominguez Hills campuses. Specific discussions and negotiations
with local agencies regarding fair share mitigation of off-campus impacts have been initiated through the CEQA EIR process, and are ongoing. The Dominguez Hills campus proposal does not include an increase in the existing enrollment ceiling; the Fresno campus proposal will include an increase in enrollment, however, the planning process is ongoing for both proposals and an exact enrollment target for Fresno has not been determined at this time, and the Dominguez Hills campus proposal has not been finalized as to the planned physical improvements for future development of the campus.