



The California State University
OFFICE OF THE CHANCELLOR

April 12, 2011

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BAKERSFIELD

CHANNEL ISLANDS

CHICO

DOMINGUEZ HILLS

EAST BAY

FRESNO

FULLERTON

HUMBOLDT

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

Honorable Mark Leno, Chair
Joint Legislative Budget Committee
State Capitol, Room 5100
Sacramento, CA 95814

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Secretary of the Senate
State Capitol, Room 400
Sacramento, CA 95814

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, CA 95814

**RE: Report on Proposed Campus Physical Master Plan Revisions and
Mitigation Agreements for Off-Campus Impacts**

Education Code 67504 (c) (2) requires the California State University (CSU) to provide information on draft physical master plans and the draft Environmental Impact Report (EIR) for capital projects that involve campus growth and development. This report contains a summary of the draft physical master plan for the proposed San Diego State University Master Plan Revision.

Education Code 67504 (d) (2) requires the CSU to provide information on the mitigation of significant off-campus impacts for university master plan. The only physical master plan revision approved by the Board of Trustees at their May 2010 meeting was for CSU Dominguez Hills campus (as noted in our March 2010 report).

CEQA challenges were filed as a result of the Board of Trustees approval of the master plans at CSU East Bay, CSU Fresno and San Diego State and are currently in litigation. We have added to the annual report a summary status of environmental litigation as reported to the Board of Trustees at their March 2011 meeting.



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and Mitigation Agreements for Off-Campus Impacts**

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If there are any questions or concerns regarding accompanying information on campus development and off-campus mitigation measures for current projects, please call Ms. Elvyra F. San Juan, Assistant Vice Chancellor for Capital Planning, Design and Construction at (562) 951-4090.

Sincerely,

Benjamin F. Quillian
Executive Vice Chancellor and
Chief Financial Officer

Enclosure

BFQ:ESJ:jdes

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Mark Whitaker, Fiscal and Policy Analyst, Legislative Analyst's Office
Theresa Gunn, Principal Program Budget Manager, Department of Finance
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Larry Piper, Chief of Facilities Planning, Capital Planning, Design and Construction

CALIFORNIA STATE UNIVERSITY

REPORT TO THE STATE LEGISLATURE
PROPOSED CAMPUS PHYSICAL MASTER PLAN REVISIONS AND
MITIGATION AGREEMENTS FOR OFF-CAMPUS IMPACTS – CURRENT PROJECTS

MARCH 2011

I. Proposed Master Plan Revisions

Education Code 67504 (c) (2) requires the California State University (CSU) to provide information on draft physical master plans and the draft Environmental Impact Report (EIR) for capital projects that involve campus growth and development.

This report contains a summary of the draft physical master plan for the proposed San Diego State University Master Plan Revision.

SAN DIEGO:

- The campus has completed the public review period for a Draft EIR for the Plaza Linda Verde project, a mixed-use development combining student housing integrated with ground floor retail serving the college community. This project would serve existing student housing requirements and would not affect campus FTE levels. Plaza Linda Verde will provide 600 to 700 units of housing for upper division students and 45,000 square feet of retail space with parking. The development is slated to replace a blighted residential area at the southern end of campus on land owned by the university and includes pedestrian mall. A later phase would add another 600 units of housing and up to 45,000 square feet of additional retail space, pending purchase of adjoining property from willing sellers.
- The Draft EIR and Final EIR, with Findings of Fact and Statement of Overriding Considerations, and the Environmental Mitigation Monitoring and Reporting Program are available for review at www.sdsu.edu/plazalindaverde/eir. The Final EIR is anticipated to be proposed to the Board of Trustees for approval at their May 2011 meeting.
- The Final EIR determined that the project would result in significant and unavoidable impacts to transportation/circulation (traffic). All other impacts can be mitigated to a less than significant level with the adoption and the implementation of the mitigation measures identified in the FEIR.
- The university's estimated fair share of off-site mitigation costs based on calculations from the FEIR and recent negotiations with local public agencies is over \$124,000 in state funding to support the student housing component and roughly \$557,000 in non-state funding to support the commercial/retail component. Consistent with the *City of Marina* decision, campus staff has participated in negotiations with local public agencies to determine the university's fair share cost of mitigation measures for off-campus impacts. In addition, the university proposes to work with Caltrans, another state agency, to seek funding from the legislature for the estimated \$4,560 attributable to the student housing component for mitigation to its facilities.
- Agreement on the fair share amounts have not been reached with local agencies.

II. Mitigation Commitments in Approved Final EIR

Education Code 67504 (d) (2) requires the CSU to provide information on the mitigation of significant off-campus impacts for university master plan.

This report contains the significant off-campus impacts and mitigations that the university is proposing to implement for master plan revisions approved by the Board of Trustees for 2010 calendar year. A brief summary of the mitigation commitments for the CSU Dominguez Hills campus master plan is provided.

DOMINGUEZ HILLS:

- A physical master plan revision was approved by the Board of Trustees at their May 2010 meeting; the existing campus master plan enrollment ceiling did not change.
- The Final EIR was certified for a master plan revision that maintained the campus's approved enrollment ceiling of 20,000 FTE. The Final EIR with Findings of Fact and Statement of Overriding Considerations, and the Environmental Mitigation Measures are available for review at: http://www.csudh.edu/admfin/facilities_planning_master_plan.shtml. The revised master plan provides for new construction of facilities to replace functionally obsolete buildings, thus providing an enhanced academic infrastructure. The plan also provides additional housing and parking facilities that support the academic mission, as well as traffic and pedestrian safety improvements to local intersections that benefit both the city and the university community. The CSU's fair share cost of proposed off-site mitigation is \$180,000. The City of Carson has not challenged the FEIR, and their statutory time in which to do so has lapsed.

III. On-going Litigation

The following is provided for information and is excerpted from the Report to the Board of Trustees at their March 2011 meeting.

City of San Diego v. Trustees, et al.

SDMTS v. CSU, et al.

SANDAG v. CSU, et al.

San Diego County Superior Court

The EIR for the 2005 San Diego State University (SDSU) Master Plan was challenged in three lawsuits filed by the City of San Diego, Alvarado Hospital and Del Cerro Neighborhood Association, each alleging the EIR did not adequately address necessary mitigation measures. The Alvarado lawsuit was dismissed.

After the Supreme Court's City of Marina decision, SDSU prepared a revised 2007 Master Plan EIR that was challenged again by the City of San Diego, the San Diego Metropolitan Transit System and the San Diego Association of Governments. Each alleged that the EIR did not adequately address necessary mitigation measures and that the CSU must fund all mitigation cost, irrespective of Legislative funding. The Del Cerro lawsuit and these three lawsuits have been consolidated.

In February 2010, the court denied the challenges to SDSU's 2007 Master Plan EIR, finding that CSU met all of the requirements of the City of Marina decision and CEQA by requesting Legislative funding to cover the cost of local infrastructure improvements. CSU is not required to fund those projects on its own, or to consider other sources of funding for them. The decision also held that the EIR properly considered potential impacts, was supported by substantial evidence, that CSU properly consulted with SANDAG, and that petitioners were barred from proceeding on the issue of other sources of funding because it was not raised by them in the underlying administrative proceedings. The City of San Diego, SANDAG and MTS have appealed. Del Cerro agreed to dismiss its lawsuit in exchange for CSU's waiver of its costs.

Briefing is underway on the appeal.

LandValue 77, et al. v. CSU, et al.

Fresno County Superior Court

LandValue 77, a private business entity in Fresno, filed a CEQA challenge to the Campus Pointe project, together with a claim of conflict of interest. In July 2009, the court determined

that the Environmental Impact Report for Campus Pointe is in full compliance with CEQA, except for additional analysis required on overflow parking and traffic, and certain water and air quality issues. LandValue appealed the trial court's ruling.

On February 23, 2011, the appellate court ruled that voiding the Esparza theater sublease was a sufficient remedy to address the conflict of interest issue. The court formally set aside the EIR, but did not expand the scope of the required environmental review. The University will have an opportunity to fix the original three deficiencies identified by the trial court and reissue the EIR. The request for an injunction against construction while those corrections are being made was denied.

City of Hayward v. CSU

Alameda County Superior Court

The City of Hayward filed a CEQA challenge to the 2009 CSUEB Master Plan Environmental Impact Report, claiming, among other things, that the University failed to adequately analyze impacts on public services, including police, fire, and emergency services. The City specifically demands that the University provide funding for additional fire facilities.

The Hayward Area Planning Association and Old Highlands Homeowners Association, two local residential homeowners' associations, filed a second CEQA challenge to the 2009 CSUEB Master Plan EIR, alleging shortcomings in nearly every aspect of the environmental findings, with a particular emphasis on the University's alleged failure to consider bus and other improvements to public transit access to the campus.

On September 9, 2010, the court ruled in favor of the petitioners on nearly every issue and enjoined the University from proceeding with construction. The University has filed an appeal.