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 associated Environmental Impact Reports (EIRs) that involve campus growth and development. This report contains a summary of the San Diego State University 2011 Master Plan Revision.

Education Code 67504 (d) (2) requires the CSU to provide information on the mitigation of significant off-campus impacts associated with university master plans. This report contains a status of master plan revisions for San Diego State University, California State University East Bay, and California State University Fresno.
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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,

[Signature]

Benjamin P. Quillian
Executive Vice Chancellor and
Chief Financial Officer

Enclosure

BFQ:ESJ:pf

c: Members, Joint Legislative Budget Committee
   Steve Boillard, Director, Higher Education, Legislative Analyst’s Office
   Judy Heiman, Fiscal and Policy Analyst, Legislative Analyst’s Office
   Theresa Gunn, Principal Program Budget Manager, Department of Finance
   Charles B. Reed, Chancellor, California State University
   Ephraim Smith, Executive Vice Chancellor and Chief Academic Officer
   Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer
   Garrett Ashley, Vice Chancellor, University Relations and Advancement
   Bradley Wells, Vice President, Administration and Finance/CFO, CSU East Bay
   Cynthia Teniente-Matson, Vice President for Administration, CSU Fresno
   Sally Roush, Vice President for Business and Financial Affairs, San Diego State University
   Karen Y. Zamarripa, Assistant Vice Chancellor, Advocacy and State Relations
   Robert Turnage, Assistant Vice Chancellor for Budget
   Andrea Gunn, University Counsel
   Elvyra F. San Juan, Assistant Vice Chancellor, Capital Planning, Design and Construction
   Steven Lohr, Chief, Land Use Planning/Environmental Review, Capital Planning, Design & Construction
   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

APRIL 2012
I. Master Plan Revisions

Education Code 67504 (c) (2) requires the California State University (CSU) to provide a summary of draft physical master plans (that involve future campus development) and accompanying Environmental Impact Reports (EIRs) to the Joint Legislative Budget Committee at the time the documents are submitted for public review.

This report contains a summary of the San Diego State University 2011 Master Plan Revision EIR.

San Diego State University 2011 Master Plan Revision

A Final EIR was approved by the CSU Board of Trustees in 2011 for the San Diego State University Master Plan revision for the Plaza Linda Verde project. The Draft EIR for the Master Plan revision was released for public review in 2010 and was identified in the report to the Joint Legislative Budget Committee for calendar year 2010. Additional information on the EIR is provided in Section 2 of this report.

II. Mitigation Commitments

Education Code 67504 (d) (2) requires the CSU to provide information on the status of negotiations with local agencies for mitigation measures for significant off-campus impacts associated with physical master plans and to identify payments for such mitigation measures.

This report contains a summary of the status of negotiations with local agencies relating to master plan revisions and identifies payments for mitigation measures.

San Diego State University, 2007 Master Plan Revision

A Final Environmental Impact Report for a San Diego State University campus master plan revision was certified by the California State University Board of Trustees on November 14, 2007. This revision addresses an increase in the master plan enrollment ceiling from 25,000 FTES to 35,000 FTES. The EIR assessed off-site impacts from future growth and subsequent analysis determined a fair share responsibility based upon impacts in the EIR. Numerous meetings with local jurisdictions were held, without reaching a final agreement.

The 2007 Master Plan EIR was challenged in lawsuits filed 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.

In February 2010, the trial 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 appealed; Del Cerro agreed to dismiss its lawsuit in exchange for CSU's waiver of costs.
On December 13, 2011, the Court of Appeal reversed the trial court's decision and ordered that the Master Plan be vacated. In April 2012, the California Supreme Court granted the petition submitted by California State University to review the case.

San Diego State University, 2011 Master Plan Revision

A Final Environmental Impact Report for a San Diego State University 2011 campus master plan revision was certified by the California State University Board of Trustees on May 10, 2011. The particular focus of the master plan revision was the mixed-use Plaza Linda Verde development. The revision included an amendment to the campus boundary which encompassed the site of the Plaza Linda Verde development as well as additional adjacent properties to facilitate comprehensive long-range campus planning. The master plan revision also included analysis of near term project components for the Plaza Linda Verde development that will provide student housing units, commercial/retail space, and related support uses.

San Diego State University met with the City of San Diego in accordance with the City of Marina Supreme Court decision in an effort to reach agreement regarding off-site impacts and related mitigation associated with the master plan revision. The City took the position that San Diego State University should be responsible for 100 percent of certain roadway costs rather than a fair share percentage. Furthermore, the City indicated that San Diego State University should pay fees for potential impacts to City fire service facilities, even though the EIR did not identify significant impacts to the City’s fire services. The City did not accept the University’s best and final offer for covering the CSU’s calculation of its fair share contribution payment. Following approval and certification by the CSU Board of Trustees, the City did not challenge the EIR and its statutory time in which to do so has lapsed. Therefore, certification of the San Diego State University 2011 Master Plan Revision will stand, regardless of the status of the 2007 Master Plan Revision.

California State University, East Bay

A Final Environmental Impact Report for a California State University, East Bay campus master plan revision was certified by the California State University Board of Trustees on September 23, 2009. This revision did not change the campus master plan enrollment ceiling. The EIR assessed off-site impacts from future growth and subsequent analysis determined a fair share responsibility based upon impacts in the EIR. Numerous meetings with local jurisdictions were held, without reaching a final agreement.

The City of Hayward filed a CEQA challenge to the 2009 California State University, East Bay 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 requested 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 California State University, East Bay 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 trial court ruled in favor of the petitioners on nearly every issue and enjoined the University from proceeding with construction. The CSU has filed an appeal. The matter has been fully briefed, and has been set for oral argument on April 25, 2012.
California State University, Fresno

On May 16, 2007, the California State University Board of Trustees certified the 2007 Environmental Impact Report (EIR) for the California State University Fresno Master Plan Revision and Campus Pointe Project (“Project”) and approved the May 2007 Campus Master Plan Revision. The City of Fresno filed an action challenging the approval of the EIR. A Settlement Agreement with the City of Fresno was subsequently executed in 2007 which addressed traffic mitigation requirements.

LandValue 77, a private business entity in Fresno, also filed a CEQA challenge to the Campus Pointe project. In July 2009, the court determined that the environmental impact analysis for Campus Pointe was in full compliance with CEQA, except for additional analysis required on overflow parking and its effect upon traffic, and certain water and air quality issues. LandValue appealed the trial court's ruling.

In February 2011, the appellate court formally set aside the EIR, but did not expand the scope of the required environmental review. The University was given 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 were made was denied.

A Revised EIR addressing the court's concerns was circulated for public review and approved by the Board of Trustees on November 16, 2011. In February 2012, the trial court found CSU had addressed all CEQA issues.

California State University, Monterey Bay

A payment of $500,000 associated with addressing off-site mitigation costs was made by California State University, Monterey Bay (CSUMB) to the Fort Ord Reuse Authority (FORA) in July 2011.