



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: P&D
Department No.: 053
For Agenda Of: 3/24/09
Placement: Administrative
Estimated Tme: 2 Hours
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department John Baker, P&D Director, 568-2085
Contact Info: Derek Johnson, Long Range Planning Director, P&D, 568-2072
SUBJECT: 2008 UCSB Long Range Development Plan

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors conduct a hearing to consider a staff briefing and receive and file a report on the revised Draft Environmental Impact Report for the proposed 2008 UCSB Long Range Development Plan ("LRDP").

Summary Text:

The LRDP is a long-range policy document that guides the physical development of the UCSB campus. The original 1990 LRDP prescribed a time horizon through the year 2006 and anticipated an enrollment of 20,000 students. UCSB is updating its 1990 LRDP to extend the planning horizon through the year 2025. As proposed, the revised LRDP would increase enrollment by 5,000 students, augment faculty and staff by 1,736 members, expand campus facilities by 2.5 million square feet, and add 7,556 units/beds to the inventory of existing on-campus housing. The resulting expansion would translate to a population increase of 11,106 persons.

The Draft LRDP and associated Environmental Impact Report (DEIR) were subsequently released for public review in March 2008. A public hearing on the plan was held on June 4, 2008, and public comment closed on June 23, 2008. During this period, staff conducted its own independent analysis and determined that the expansion envisioned under the new LRDP would have a profound environmental and fiscal impact on the County. The cost of mitigating these impacts was determined to be approximately \$137 million in capital construction (roadway, public safety and park improvements)

and \$8.3 million for re-occurring operating expenses. These issues were formally communicated to the University in its response to the Draft EIR.

Following the close of the public comment period, and with the assistance of a Board-appointed ad hoc advisory committee, staff engaged UCSB officials in a series of four meetings between June and October 2008. Regrettably, these discussions failed to produce a comprehensive ongoing agreement that would fully mitigate UCSB's impacts. In response to the County's concerns, the University proposed financial contributions in an amount that would not significantly mitigate the \$137 million in capital costs and of \$8.3 net deficit million in ongoing operating costs.

As a result of comments received on the DEIR, the University revised several chapters of the document consisting of water supply and demand, wastewater capacity, population and housing, traffic modeling, and greenhouse gas emissions. These revised sections were released on February 9, 2009, and provide for a 49-day public review period expiring on March 30, 2009. A project team composed of various County departments and led by the County Executive Office was created to review the LRDP and determine its impacts to the County. On March 24, 2009, staff will brief the Board on the content of the revised DEIR and associated issues preparatory to providing written comments to the University to consider. Following the close of the public review period, it is anticipated that the LRDP will be considered for certification by the UC Board of Regents between during summer 2009 followed by the California Coastal Commission review.

Environmental Findings:

Staff's analysis of the original DEIR is detailed in a comment letter dated June 23, 2008, and accompanies this memorandum as Attachment A. For sections addressing aesthetics, biology, cultural resources, geology, hazards, hydrology, land use, noise, public services, recreation, and utilities, the comment letter has continued relevance. For the five sections that have been re-circulated, staff findings remain essentially unchanged; the revised analysis still does not provide measurable and feasible mitigations that address the abundance of environmental impacts that have been identified in the original DEIR. Specifically, staff believes that reasonable and feasible mitigation measures are available as offered in the County's June 23, 2008 comments on the original DEIR. A few selected significant findings of the revised DEIR sections are summarized below:

Population and Housing

- The staged development of on-campus housing may not keep pace with enrollment increases during the 15-year planning horizon of the 2008 LRDP. The consequent imbalance of housing and students would have off-campus implications. Mitigation proposed in the revised DEIR is insufficient, consisting largely of monitoring, and does not provide concrete measures or assurances that impacts will be avoided (such as linking enrollment increases with housing completions). Mitigation includes the temporary placement of students in hotel rooms should campus housing production not keep pace with enrollment.
- Growth inducing impacts resulting from indirect job creation (2,200 new jobs attributable to new enrollment) and retirement of faculty and staff (estimated at 72% of existing employees) is dismissed as significant and unavoidable. In fact, mitigations are available to mitigate

these impacts. This determination does not invalidate the requirement to identify all reasonable and feasible mitigation measures, which were offered by the County. Such measures could include the construction of additional on and off-campus housing, payment of development impacts fees, etc.

Transportation and Circulation

- UCSB's analysis of vehicular trip generation and traffic distribution continues to underestimate impacts and associated trip volumes and distribution. Bicycle volumes have neither been quantified nor evaluated in regard to intersection functionality. In short, modeling methodology and baseline data utilized in the analysis understate impacts attributable to the University. The revised DEIR identifies 19 intersection and roadway segments requiring improvement as a result of the LRDP, compared to 46 separate capital projects previously identified by County staff, with costs totaling in excess of \$90 million.
- Overall mitigation of traffic impacts is left to four basic measures: (i) unspecified transportation demand management measures; (ii) intersection and roadway monitoring; (iii) interagency consultation on transportation improvements; and (iv) fair share contributions to affected agencies. The first three measures do not, in and of themselves, constitute mitigation; they do not assure implementation and potentially transfer the burden to parties other than the University. This is contrary to CEQA and will result in unmitigated impacts being unnecessarily imposed on the surrounding population.
- Fair share, as defined in the DEIR, is based on the amount of traffic contributed by the increment of growth attributable to the 2008 LRDP. UCSB's determination grossly understates the University's actual (present and future) contribution to conditions that necessitate roadway improvements. Furthermore, the DEIR proposes that fees be paid prior to commencement of University construction. As the necessary fees and transportation facilities are unspecified, the mitigations offered do not provide the required degree of certainty.
- Parking within Isla Vista has long been a challenge, with a significant percentage attributable to population associated with the University. The DEIR acknowledges that the LRDP will exacerbate conditions, but rejects direct responsibility by claiming the impact is significant and unavoidable. As mitigation, the DEIR indicates that the University will pay its fair-share towards implementation of a parking permit program in IV. This again constitutes deferral by: (i) not specifying the type, amount or timing of its contribution; and (ii) transferring implementation to parties other than the University.

Conclusions:

UCSB is a cornerstone of the community, and figures prominently in the lives of County residents. Helping the University attain its academic and enrollment goals is in the general interest of residents of the County and the State. However, unlike privately-held corporations that are roughly equivalent to the University in their economic impact, UCSB is exempt from payment of property taxes. Unfortunately, the gap between necessary costs and available revenues for services necessary to support the University has grown wider over time and will create significant environmental impacts if left unmitigated.

Proactive efforts on behalf of the County to resolve these differences have fallen short of what is necessary to mitigate impacts. Absent a comprehensive mitigation agreement, the County tax payers would shoulder/subsidize both the ongoing service and capital burden.

Mitigation of University impacts is not without precedent. It is instructive to note that the original LRDP in 1991 was challenged by the City and County of Santa Barbara along with three other non-governmental organizations. Although litigation was avoided, the threat of such action resulted in a settlement agreement that provided an additional \$3.2 million in traffic mitigation, establishment of traffic demand management, elimination of faculty housing and imposition of an enrollment cap. With this history in mind, staff remains optimistic that cooperative resolution of significant environmental impacts is possible. Consistent with direction provided by the Board, staff's approach has been to assist the University in furthering its academic goals by means of a comprehensive agreement that provides for equitable mitigation required under CEQA that is fair to both parties.

Fiscal and Facilities Impacts:

Through an independent fiscal study, the estimated cost to mitigate the impacts of the 2008 LRDP includes: (i) \$137 million for the construction of roadway improvements, public safety facilities and equipment, park amenities and miscellaneous capital outlay; and (ii) \$8.3 million net annually for on-going services including fire protection and law enforcement, emergency response, detective, investigative, and court services. These independent estimates are based on best available information and may change depending upon revisions in methodology and assumptions contained in re-circulated sections of the DEIR.

Special Instructions:

None.

Attachments:

Attachment A: DEIR Comment Letter Dated June 23, 2008

Authored by: Derek Johnson, Director, Long Range Planning (P&D)