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City of San Diego v. Board of Trustees of California State University

Supreme Court of California - August 3, 2015 - P.3d - 2015 WL 4605356

City, local association of governments, and metropolitan transit system (MTS) filed petitions for writ of mandate challenging state university system's certification of final environmental impact report (EIR) and approval of campus expansion project. The Superior Court denied the petitions. City, association, and MTS appealed. The Court of Appeal affirmed in part, reversed in part, and remanded with directions. The Supreme Court granted review, superseding the opinion of the Court of Appeal.

The Supreme Court of California concluded that the Board of Trustees was not justified in assuming that a state agency may contribute funds for off-site environmental mitigation only through earmarked appropriations, to the exclusion of other available sources of funding. That erroneous assumption invalidated both the Board's finding that mitigation was infeasible and its statement of overriding considerations. Accordingly, the Supreme Court affirmed the Court of Appeal's decision directing the Board to vacate its certification of the EIR.

Supreme Court, after determining that state university board of trustees improperly assumed that feasibility of mitigating campus expansion project's off-site environmental effects depended on a legislative appropriation for that specific purpose, would decline to consider whether particular sources of funding could legally be used for off-site mitigation, as question was not properly before the Court on appeal. In environmental impact report (EIR) issued pursuant to the California Environmental Quality Act (CEQA), board went no further in considering the feasibility of fair-share mitigation payments than to assume incorrectly that such payments would require a legislative appropriation for that specific purpose.