



August 21, 2017

SENT VIA E-MAIL & FIRST CLASS MAIL

Ms. Rebecca Eisen, Chair
Members of the Board of Trustees
California State University
401 Golden Shore
Long Beach, CA 90802
trusteesecretariat@calstate.edu

Subject: Determination of CEQA Lead Agency for the Environmental Review of the California State University at Dominguez Hills - Master Plan ("CSUDH-MP")

Honorable Chair Eisen & Members of the Board of Trustees:

This letter follows up on my letter to you dated August 10, 2017. Given that the City of Carson has heard nothing from (i) you and/or Trustees, (ii) the CSUDH President, or anyone's counsel, *and* given further that CSUDH, on August 8, 2017 (one day *before* a meeting with City staff), issued its Initial Study ("IS") which designated CSUDH as the "lead agency," *and* given further that City staff just received your Notice of Preparation ("NOP"), it is incumbent on me as the Mayor of Carson to write again and vehemently object to your self-selection as the "lead agency" for CEQA review of the CSUDH-MP.

It is astonishing, indeed, that no one would even bother to consult with the City of Carson about who should act as "lead agency" for purposes of the CSUDH-MP review or as a courtesy so advise. I am informed by legal counsel for the City that, in your IS, the CSUDH acknowledges that substantial portions of the MP and its implementation will be undertaken by private developers and/or for private development. (See, IS, pp. 4, 7 & 8 [for a discussion of "University Village"].)

The law is very clear in this area, when more than one public agency is involved in a project, "the public agency that shoulders primary responsibility for implementing a project is the lead agency, [i.e., the City of Carson,] even though other public agencies have a role in approving or realizing it[i.e.,

CSUDH].” *Planning & Conserv. League v Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 239. See *Habitat & Watershed Caretakers v City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1298.

There can be no doubt that, for implementation of the “University Village,” including the (i) retail uses, (ii) market-rate housing, and (iii) business park (which will be undertaken by private developers), the lead agency is the public agency that has the greatest responsibility for approving the project as a whole. 14 Cal Code Regs §15051(b); *Eller Media Co. v Community Redev. Agency* (2003) 108 Cal.App.4th 25, 38. This will undoubtedly is the City of Carson as we will need to issue the discretionary approvals and necessary permits for such development(s). The CEQA Guidelines specify that a city or county *will normally serve as lead agency*, rather than the University. 14 Cal Code Regs §15051(b).

Moreover, when two or more public agencies have a “substantial claim” to serve as lead agency for a project, the agencies should consult with one another and jointly designate one agency as “lead agency” by agreement. 14 Cal Code Regs §15051(d). This agreement should provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar means. 14 Cal Code Regs §15051(d). It is an affront to the City of Carson that CSUDH would not have the professional courtesy to view Carson as having a “substantial claim” to serve as the “lead agency,” and to reach out to the us to amicably resolve this issue before issuing the IS.. To add “insult to injury,” you have elected to simply ignore my letter to you requesting a meeting to resolve this issue, thus further insulting the City and showing just plain “bad manners.”

Accordingly, be advised that the City of Carson will, on an expedited basis, submit to the State Office of Planning and Research (“OPR”) our “lead agency” dispute for resolution. Pub Res Code §21165; 14 Cal Code Regs §15053. OPR is afforded 21 days after receiving a completed request to resolve the dispute and designate the lead agency. Pub Res C §21165(a); 14 Cal Code Regs §15053(c). As a further courtesy, please be advised that we anticipate the City’s request will be submitted to OPA early this week.

We shall expect that you, CSUDH or anyone else will *not take any further steps* to undertake the preparation of an Environmental Impact Report (“EIR”) for the CSUDH-MP until *after* the City has time to submit its request to resolve the dispute over which entity should act as the “lead agency” for CEQA review of the CSUDH-MP, and OPA has reached a determination of this dispute. As the Bible teaches whoa unto those where the “words of his mouth *are* iniquity and deceit: he hath left off to be wise, *and* to do good.” (KJV Psalms 36:3.) The University’s current treatment of the City ceases “to be wise, and to do good” on the issue of whether CSUDH should serve as the “lead agency” for purposes of CEQA.

Sincerely,



Albert Robles
Mayor

cc: Honorable Members of the Carson City Council
Mr. Kenneth C. Farfsing, City Manager
Sunny Soltani, Esq., City Attorney
Mr. John R. Raymond, Director of Community Development

Dr. Maria Slaughter, Director of Public Works
Mr. Timothy P. White, CSU Chancellor, twhite@calstate.edu
Dr. Willie J. Hagan, President, CSUDH, whagan@csudh.edu
Andrea G. Eaton, Esq., CSUDH Counsel, aeaton@calstate.edu
Ms. Naomi Goodwin, Interim Vice President, Administration & Finance, CSUDH,
ngoodwin@csudh.edu
Mr. David Gamboa, Assistant Vice President, Government Relations, CSUDH,
dgamboa@csudh.edu
Mr. Jay W. Bond, AIA, CSUDH University Planning Consultant, jbond@csudh.edu