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August 21, 2017

Honorable Albert T. Robles
Mayor of the City of Carson
City Hall
701 E. Carson Street
Carson, CA 90749

Re: Response to August 10, 2017 Letter

Dear Mayor Robles:

We are in receipt of your letter dated August 10, 2017, addressed to Board of Trustees of the California State University, and in which you assert the City of Carson's position that the City should act as "Lead Agency" for the purposes of the CEQA review of the California State University, Dominguez Hills' planned Master Plan Revision. Your letter has been referred to me for response on behalf of the California State University (CSU). Your understanding of the applicable regulations and law as set forth in your letter is incorrect.

The CSUDH Master Plan Revision and related environmental compliance actions are being undertaken by CSUDH through authority delegated by the Board of Trustees of the California State University, which is the State of California acting in its higher education capacity. All aspects of development contemplated within the CSUDH Master Plan Revision are on state land, over which the City of Carson has no jurisdiction. Further, the CSU Board of Trustees is the Lead Agency for all CEQA approval actions involving projects sited on state property under the control and jurisdiction of the CSU. This conclusion is directly supported by California Education Code § 66606, which states in relevant part:

"... Trustees of the California State University shall have full power and responsibility in the construction and development of any state university campus, and any buildings, facilities or improvements connected with the California State University."

CSU CAMPUSES

Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

Letter to Robles re Lead Agency Status

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In your letter, you rely on Section 15051(b) of the CEQA Guidelines and related case law to support your position that the City, rather than the CSU, is the proper party for lead agency status. Your reliance on Section 15051(b) is misplaced. That subsection refers to actions being “carried out by a nongovernmental person or entity” Unfortunately, your letter omits reference to this critical language. Given that the CSU is the State of California, Section 15051(b) simply does not apply. Instead, Section 15051(a) is the controlling provision here:

“If the project will be carried out **by a public agency**, that agency shall be the Lead Agency **even if the project would be located within the jurisdiction of another public agency.**”

See 14 Cal. Code Regs. § 15051(a) (emphasis added). Here, the CSU is unquestionably a public agency and the “project” will be wholly within its jurisdiction.

Moreover, none of the cases cited in your letter truly support your position. Those cases - *Eller Media Co. v. Comm. Redevelop. Agency* (2003) 108 Cal.App.4th 25¹; *Planning & Conserv. League v. Dep’t of Water Resources* (2000) 83 Cal.App.4th 892²; and *Friends of Cuyamaca Valley v. Lake Cuyamaca Recreation & Park Dist.* (1994) 28 Cal.App.4th 419³ – all stand for the proposition that the lead agency is the public agency with the principal responsibility for carrying out or approving a project. Much like the Redevelopment Agency in *Eller Media Co.*, which was geographically contained within a city, the CSU is the public agency with sole responsibility for carrying out the CSUDH Master Plan Revision and related CEQA compliance and, as such, is the proper lead agency.

In sum, the CSU will not cede its lead agency status. It may be helpful to point out, however, that CEQA requires the CSU to mitigate its fair-share of off-site impacts (if any) to local jurisdictions, and we commit to negotiate with the City in good faith regarding any such mitigation obligation. See *City of Marina v. CSU* (2006) 39 Cal.4th 341. This process should fully address the concerns you express in your letter regarding the potential impacts of our

¹ *Eller Media Co.*, 108 Cal.App.4th 25 at 45-46 (rejecting plaintiff’s argument that the City of Los Angeles should be Lead Agency, rather than a Redevelopment Agency encompassed entirely within the physical boundaries of the City of Los Angeles).

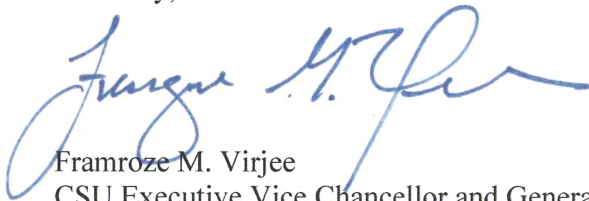
² *Planning & Conserv. League v. Dep’t of Water Resources*, 83 Cal.App.4th 892 at 903-04 (directing parties to re-issue an EIR utilizing a more proper “lead agency,” and noting that a proper lead agency is “the public agency *which has the principal responsibility for carrying out or approving a project*” (emphasis in original) (quoting Cal. Pub. Res. Code § 21067)).

³ *Friends of Cuyamaca Valley*, 28 Cal.App.4th 419 at 427-28 (deciding which is the more appropriate lead agency as between two agencies with overlapping jurisdictions, and relying on the language from Section 21067 of the Public Resource Code’s definition, that a “lead agency” is the public agency “which has the principal responsibility for carrying out or approving a project”).

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CSUDH Master Plan Revision on the surrounding residential communities and the City as a whole.

Sincerely,



Framroze M. Virjee
CSU Executive Vice Chancellor and General Counsel
Secretary to the Board of Trustees

cc: CSU Board of Trustees
Timothy P. White, CSU Chancellor
Steve Relyea, CSU Executive Vice Chancellor and Chief Financial Officer
Dr. William J. Hagan, President, CSUDH
Lula Davis-Holmes, Mayor Pro Tempore, City of Carson
Elita Santarina, Council Member, City of Carson
Jawane Hilton, Council Member, City of Carson
Cedric Hicks, Council Member, City of Carson
Naomi Goodwin, Interim Vice President, Administration and Finance, CSUDH
David Gamboa, Assistant Vice President, Government Relations, CSUDH
Andrea Gunn Eaton, University Counsel, CSUDH

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August 22, 2017

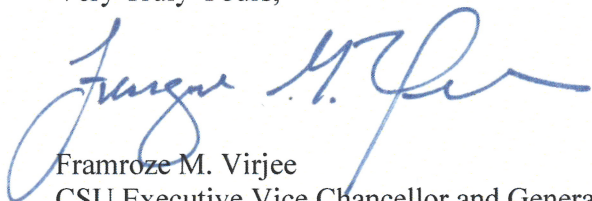
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Re: Response to August 21, 2017 Letter

Dear Mayor Robles:

I write to acknowledge receipt of your letter dated August 21, 2017, to Chair Eisen and the other Trustees of the California State University. I refer you to my letter to you of the same date since it appears that our letters crossed in transmission. While my letter was intended to address the issues you raised in yours of August 10, I believe it also covers the issues raised in your August 21 communications. That said, if you have any additional questions or thoughts, please direct them to me.

Very Truly Yours,



Framroze M. Virjee
CSU Executive Vice Chancellor and General Counsel
Secretary to the Board of Trustees

CSU CAMPUSES
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

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August 22, 2017

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