



August 28, 2017

**SENT VIA E-MAIL [Ken.Alex@gov.ca.gov](mailto:Ken.Alex@gov.ca.gov) & FIRST CLASS MAIL**

Mr. Ken Alex,  
Director  
State of California,  
Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Subject: Request for Designation of Lead Agency Status for the CEQA  
Environmental Review of the California State University at Dominguez  
Hills Master Plan ("CSUDH-MP"); 14 Cal. Code Regs. § 16014

Mr. Alex:

We are the City Attorney for the City of Carson ("City"). We have been authorized by the City Council, within the meaning of 14 Cal. Code Regs. § 16014, to submit this request for designation of the City of Carson as the "lead agency" for purposes of conducting the required review, under the California Environmental Quality Act ("CEQA"), of the draft California State University, Dominguez Hills 2018 *Master Plan Revision*.

**A. JURISDICTION OF THE GOVERNOR'S OFFICE OF PLANNING AND  
RESEARCH TO RESOLVE THE "LEAD AGENCY" DISPUTE &  
REQUESTED RELIEF BEING SOUGHT BY THE CITY.**

Pursuant to Pub. Res. Code § 21165 and 14 Cal Code Regs. § 15053 the City hereby requests that your office make a determination that the City is the proper "lead agency" for purposes of this CEQA review. Our client further requests that you order the Initial Statement ("IS") along with the Notice of Preparation ("NOP") prepared by and recently issued by the University be stricken and direct the City of Carson to proceed all aspects of the CEQA review of the CSUDH-MP.

The attached correspondence (Exhibits "A," Mayor's August 10, 2017 letter, "B," Mayor's August 21, 2017 second letter, "C," CSUDH's letters of August 21 & 22, 2017, and "D" City Attorney's August 25, 2017 letter) between the City and CSUDH demonstrates that there is a "contested, actual difference of opinion" between the City of Carson and CSUDH over the question of who should act as the lead agency within the meaning of Pub. Res. Code § 21165(b) and 14 Cal. Code Regs. § 16012.

As you will discover from a review of the correspondence, when the Mayor of Carson requested consultation with CSUDH over the question of lead agency status, that request was ignored, at first, and then met with a flat-out rejection. We are of the considered opinion that the City has attempted to meet and confer with CSUDH as required by 14 Cal. Code Regs. § 16013 such that this dispute is now ripe for resolution by your office.

**B. STATEMENT OF CITY'S CONTENTIONS; 14 Cal. Code Regs. §§ 16014(d) & 16015(b).**

(1) A description of the project.

The CSUDH-MP and its iteration of the IS (which we reiterate was issued without consultation with the City) are linked, because of the length of these documents, at the following address: <http://www4.csudh.edu/fpcm/campus-master-plan-update/index>.

(2) A description of the agency's responsibility for constructing, approving, supervising, and financing the project as a whole.

The City, as a general law city, *alone* should oversee the proposed revenue-generating and on-campus housing offered to the general public, the planned retail uses, market-rate housing, and business park contemplated by the CSUDH-MP (identified as the so-called "University Village"). These uses are not "solely" for the educational purposes of the University and, as such, will be subject to the City's land use and permitting processes. (*Regents of University of California v. City of Santa Monica* (1978) 77 Cal.App.3d 130, 136 [a university is exempt from local land use and permitting authority "in construction of improvements *solely for educational purposes*"].)

There can be no doubt that, for implementation of the "University Village," 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 undoubtedly is the City of Carson who will have responsibility 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). We reiterate, when CSUDH is engaged in revenue producing activities not "*solely for educational purposes*," the exemption of state entities from local regulation no longer applies. (*Id.*, *Board of Trustees, supra*, 49 Cal.App.3d at 50.)

“Even less defensible is the university’s attempt here to extend its immunity to *private entrepreneurs who are involved in the local commercial market* where their competitors are subject to local regulation.” (*Ibid.*; emphasis added.) As a result, development of a “University Village,” as contemplated within the CSUDH-MP, even if on state land, falls squarely and solely within Carson’s land use and permitting authority.

(3) Citation of the agency's general governmental powers relating to the project.

The City’s land use authority rests in its exercise of police powers under Cal. Const. art. XI, § 7. As a “general law city,” the exercise of these police powers over land use and permitting issues assures that the City “may exercise the maximum degree of control over local zoning matters.” (Govt. Code § 65800; *DeVita v County of Napa* (1995) 9 Cal.4th 763, 782.)

(4) Data outlining all aspects of the agency’s relationship to the project.

The City has, at a minimum, an equal stake with CSUDH in every aspect of CSUDH’s *Master Plan Revision*. In addition to the CSUDH-MP’s certain impacts on traffic, utilities, community aesthetics, potential for visual blight, community congestion, site massing and density, building articulation, and the assessing the impacts of the CSUDH-MP on the overall character of the City, changes to CSUDH’s campus fall under and are specifically addressed in the City’s General Plan (with which the CSUDH-MP must be consistent).

CSUDH is located in the very “heart” of Carson. The CSUDH *Master Plan Revision* will make dramatic changes to the University campus which will equally significantly impact the surrounding residential communities that are entirely within the City of Carson; but the impacts will extend far beyond the immediate neighborhoods around the campus for that matter and effect the entire City. Given the location of CSUDH, it is most appropriate and only fair that the host City, *i.e.*, Carson, for the University act as the “lead agency” for purposes of CEQA review of the CSUDH-MP (and not the University which has a much more narrow and obvious self-interested perspective on its own master plan).

(5) The date the agency first undertook formal action, if any, on the project and a chronology of actions taken and to be taken concerning the project.

On or about August 8, 2017, CSUDH first posted its iteration of an IS on its web page. The iteration of the NOP issued by the University was issued on or about August 8, 2017, but the same was not posted on the web site but served on the City by mail arriving on the desk of the Community Development Director last week.

August 28, 2017

Page 4

The City formally asserted its rightful status as lead agency on August 10, 2018, without knowing that CSUDH had posted the IS or issued its NOP prior to that date, again on August 17, 2017, and again in response to the rejection from CSUDH on August 25, 2017.

- (6) A list of all interested persons who might comment on the project.

California State University, Dominguez Hills.

**C. NOTICE TO CSUDH OF REQUEST TO DETERMINE LEAD AGENCY STATUS; 14 Cal. Code Regs. § 16014(e).**

Please take notice that the City of Carson has submitted the foregoing dispute to OPR for resolution. You are required to prepare and send a statement of contentions to OPR within 10 days after receipt this letter and notice.

Very truly yours,



William W. Wynder  
of ALESHIRE & WYNDER, LLP

Copies: Framroze Virjee, Esq.,  
CSU Executive Vice Chancellor & General Counsel (via e-mail & first class mail)  
(via e-mail only)  
Honorable Mayor & 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  
Dr. Willie J. Hagan,  
President, CSUDH  
Ms. Naomi Goodwin,  
Interim Vice President, Administration & Finance, CSUDH

August 28, 2017  
Page 5

Mr. David Gamboa,  
Assistant Vice President, Government Relations, CSUDH  
Mr. Jay W. Bond, AIA,  
CSUDH University Planning Consultant