



Legislation Details (With Text)

File #: 2017-674 **Version:** 1 **Name:**
Type: Discussion **Status:** Agenda Ready
File created: 8/14/2017 **In control:** City Council
On agenda: 9/5/2017 **Final action:**
Title: RECEIVE AND FILE STATUS REPORT ON CITY'S PARTICIPATION IN THE ENVIRONMENTAL REVIEW OF THE OF THE CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS 2018 MASTER PLAN REVISION (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1.CSUDH Village Concept Plan.pdf, 2. Exhibit 2.August 10 Letter from Mayor.pdf, 3. Exhibit 3.August 21 Second Letter from Mayor.pdf, 4. Exhibit 4.August 21 and 22 Letters from CSUDH.pdf, 5. Exhibit 5.August 25 Letter from City Attorney.pdf, 6. Exhibit 6.August 28 Letter from City Attorney to OPR.PDF

Date	Ver.	Action By	Action	Result
9/5/2017	1	City Council		

Report to Mayor and City Council

Tuesday, September 05, 2017

Discussion

SUBJECT:

RECEIVE AND FILE STATUS REPORT ON CITY'S PARTICIPATION IN THE ENVIRONMENTAL REVIEW OF THE OF THE CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS 2018 MASTER PLAN REVISION (CITY COUNCIL)

I. SUMMARY

The California State University, Dominguez Hills is proposing amending their Master Plan to add 1,969 residential units, 94,300 square feet of commercial uses, 721,188 square feet of industrial, 6,103 parking stalls to the east side of the campus property. The University has, without consulting with the City, unilaterally determined to act as the "lead agency" in preparing the required "Environmental Impact Report" (EIR) for what they are calling the "University Village" project. The City of Carson, through the Office of Mayor, twice requested that the University acknowledge and agree that the City is the appropriate lead agency in the preparation of the EIR for the Master Plan Amendment.

The University has denied this request. At the direction of the City Council, the City Attorney's Office has filed a request with the "Governor's Office of Planning and Research" (known as OPR) to declare the City as the "lead agency" for all purposes. OPR

has 21 days from receipt of this request to consider the positions of the City and the University and determine who should act as lead agency for purposes of CEQA review of the amended master plan.

II. RECOMMENDATION

RECEIVE and file this STATUS REPORT & provide such further DIRECTION as the City Council deems appropriate consistent with the requirements of law.

III. ALTERNATIVES

TAKE no action on this report.

IV. BACKGROUND

The California State University, Dominguez Hills, is moving forward to process and approve an amendment to its master plan and to prepare an environmental impact report on their proposed campus development for what is termed the “University Village” development. The majority of the University Village entails private, non-educational development on approximately 69 acres of the east side of the campus. If approved, the University Village would include 1,969 residential units, of which 186 of these units would be devoted to faculty/staff apartments. Approximately 33 acres of the campus would be devoted to private business park uses on Central Avenue, with 721,188 square feet of industrial uses. The plan also envisions 93,400 square feet of retail ground floor development along a portion of the central corridor of the Village. Student residence halls and apartments will be integrated into the project. The Master Plan Amendment is available for viewing at <http://www4.csudh.edu/fpcm/campus-master-plan-update/index>

The University recently provided a Notice of the Preparation (NOP) of an Environmental Impact Report. The University notified the City that they had completed an Initial Study for the Master Plan Amendment which indicates that the project may potentially have significant environmental impacts which will be addressed in the EIR. The University proposes a 30-day public review period for the NOP which began on August 17, 2017 and ends on September 15, 2017. The University has scheduled a public meeting on September 6, 2017 at 5 pm at the Loker Study Union, Ballroom C, located on the 3rd Floor. The University’s NOP indicates that the written public comment period ends on September 15, 2017 at 5:00 p.m. Written comments can be sent to:

Roshni Thomas, Director

Planning, Design and Construction

Roshthomas@csudh.edu <<mailto:Roshthomas@csudh.edu>>

Staff from the University met with City staff on August 9, 2017 indicating that they would be issuing a Notice of Preparation for their proposed Master Plan Amendment. The City Council met on August 10, 2017 and directed the Mayor to contact the University informing them of the City’s request to serve as the lead agency for the preparation of the environmental impact report.

Mayor’s Letters - August 10 & 21, 2017

The letter stated that cities statewide serve as the lead environmental agency on major development projects in their communities. The developer is required to fund the preparation of the environmental impact report. Developers are routinely required to fund all City staff and City Attorney expenses in processing the environmental document.

The letter stated that the campus is central to and in the “heart” of Carson. The University Village plan will make dramatic changes to the campus which will significantly impact the surrounding residential neighborhoods and the City should take the lead in preparing the environmental report. (See the Mayor’s letter of August 10, 2017).

In addition, the letter requested that the University meet and confer with the City, in good faith, to resolve the question of which public agency should act as “lead agency” for the purposed of CEQA review of the amendments to the Master Plan. The Mayor also made clear that time was of the essence.

When it became apparent that the August 10, 2017 letter was being ignored, and when the City learned the University had unilaterally issued its “Initial Statement” and “Notice of Preparation” (two documents which start the CEQA review process and which are to be prepared by the “lead agency”), the Mayor sent a second letter on August 21, 2017 reiterating the City’s claim to lead agency status, advising the City would promptly seek a determination of the same from OPR, and directed the University to take no further action on its Notice of Intent until OPR had resolve the question of lead agency status.

University’s Response (August 21 and August 22, 2017) Received on August 23, 2017

Legal counsel for the University finally responded to the Mayor’s letter in two letters received simultaneously on August 23, 2017. In those letters, University counsel flatly rejected the City’s request to be the lead agency, arguing that “[a]ll aspects of development contemplated within the CSUDH-MP are on state land, over which the City of Carson has no jurisdiction,” and “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 CSU.” University counsel took an even more bold position, arguing that the City had no land use authority or permitting approval over anything done on state land.

City Attorney’s Letter - August 25, 2017

The City Attorney’s Office prepared a detail legal response to the University’s letters where they maintain as a State Agency on State lands, they are exempt from local regulations. The letter made clear that when the University is engaged in revenue-producing activities unrelated to the educational functions of the University, the doctrine exempting state entities from local regulation is inapplicable. The City Attorney further argued that 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.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1) University Village Concept Plan (pp 4-6)
- 2) August 10, 2017 Letter from the Mayor (pp 7-8)
- 3) August 21, 2017 Second Letter from the Mayor (pp 9-11)
- 4) August 21 and 22, 2017 letters from the CSUDH (pp 12-16)
- 5) August 25, 2017 Letter from the City Attorney (pp 17-19)
- 6) August 28, 2017 Request from the City Attorney to OPR (pp 20-24)

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