



CITY OF CARSON

Legislation Text

File #: 2018-097, Version: 1

Report to Mayor and City Council

Tuesday, February 20, 2018

Discussion

SUBJECT:

SECOND STATUS REPORT ON CITY'S PARTICIPATION IN THE ENVIRONMENTAL REVIEW OF THE OF THE CALIFORNIA STATE UNIVERSITY, DOMINGUEZ HILLS, 2018 MASTER PLAN UP-DATE (CITY COUNCIL)

I. SUMMARY

We write to up-date the City Council on a pending dispute between the City of Carson and the "Governor's Office of Planning and Research" (known as "OPR") over which public agency should act as the "lead agency" for conducting the required environmental review of the proposal, by California State University, Dominguez Hills ("University"), to amend its Master Plan to add 1,969 market-rate residential units, 94,300 square feet of retail uses, 721,188 square feet of industrial/business park uses, and 3,000 additional seats to the sports venue currently branded the "StubHub Center" within the community of Carson. This report up-dates our August, 2017, report to the City Council.

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

Second Status Report

As the City Council, and the community are already aware, the University, without consulting with the City, unilaterally determined to act as the "lead agency" in preparing the required "Environmental Impact Report" ("EIR") for what is denominated as the "University Village" up-date to the campus-wide master plan. The City of Carson, through the Office of

Mayor, on no fewer than three occasions, and the City Attorney's office on two more occasions, requested that the University meet and confer on which public agency should act as lead agency for purposes of this environmental review.

For its part the University simply ignored the City's requests or, in the case of the letters from the Office of the City Attorney, summarily rejected the same. As required by law, and at the direction of the City Council, the City Attorney's Office filed a request with the "Governor's Office of Planning and Research" ("OPR") to resolve who should act as the lead agency. Initially, OPR concluded that the University should act as the lead agency. When the City sued OPR over this determination, OPR acknowledged the error of its initial determination, rescinded the same, and agreed to reconsider the issue of which public agency should act as the "lead agency."

On January 26, 2018, OPR issued its new determination again concluding the University should act as lead agency for review of the master plan up-date EIR. Because this second determination suffers from the same legal errors as OPR's initial determination, the City has filed suit again asking the Superior Court to order OPR to again rescind its determination and to order OPR to designate the City of Carson to act as the lead agency. A copy of this second lawsuit is attached to this report (without the extensive exhibits) for the Council's and community's information.

In essence the City is making three (3) simple and strait forward arguments to the Superior Court:

First, the University has a hopeless conflict of interest in acting as the lead agency to review its own master plan up-date. How can the University, the author of the master plan up-date, conduct a fair and independent environmental review of its own plan (especially when the law requires that, in any such review, there must be consideration of a "no project" alternative). What is the likelihood the University will be able to, at the same time, approve the master plan up-date and then independently determine its environmental impacts on the broader community of Carson. The lawsuit argues that the University cannot appropriately do so.

Second, much of the master plan up-date proposes a new "University Village;" a private development having nothing to do with the educational purposes of the University. Under such circumstances, the University will be acting like any other private developer in the City of Carson. The City will have plenary land use and permitting authority over all aspects of this "University Village." As a consequence, the City should conduct the independent environmental review of this private development, just like it would for any other developer who proposes to engage in revenue producing activities in this community.

Finally, the law suit argues that, under the California Code of regulations, OPR was required to designate the public agency with "general land use" authority over the master plan up-date - the City of Carson. The City has, at a minimum, an equal stake with the University in any proposed "University Village;" in fact the City has a greater stake. Entitlement or permitting of any element of this new "village" will have impacts on traffic, utilities, community aesthetics, create potential for visual blight, community congestion, inappropriate site massing, site density, building articulation, and impacts on the overall

character of the City and the City's General Plan (with which the master plan must be consistent).

The proposed "University Village" will be located in the very "heart" of the City of Carson. This proposed development will 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. The City is in the best position to conduct an honest, impartial, and independent environmental review of the impacts of the master plan on the community of Carson (not the University).

The Superior Court has set this case for a trial setting conference on May 4, 2018, and we anticipate a trial on the merits within two (2) months of that conference.

V. FISCAL IMPACT

VI. EXHIBITS

1. CSUDH First Amended Petition for Writ of Mandate (pp. 4-20).

Prepared by: City Attorney