

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

209B




FROM: TLMA – Planning Department

SUBMITTAL DATE:
July 13, 2016

SUBJECT: APPEAL OF PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422 and CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 547 – Applicant: Tom Simmons/Blackridge – Engineer/Representative: Warren Williams/DRC Engineering – First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres – Zoning: Industrial Park (I-P) – REQUEST: To approve appellant's request to withdraw its appeal of the Planning Commission's approval of Plot Plan No. 25422, reinstating the Planning Commission's approval of the project and certification of the EIR. The Plot Plan proposes an industrial development comprised of 2 buildings totaling 814,630 square feet. (100% Deposit Based Funding)

Digital/Environmental/Community/Planning


Steve Weiss, AICP
Planning Director
SW:rb

(Continued on next page)


Juan C. Perez
TLMA Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: DBF				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY: 
Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 4-12-16; 5-17-16; 6-21-16

District: 1

Agenda Number:

16-1

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: APPEAL OF PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422 and
CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 547**

DATE: July 13, 2016

PAGE: Page 2 of 2

RECOMMENDED MOTION: That the Board of Supervisors:

APPROVE the appellant's request to withdraw its appeal, which will reinstate the Planning Commission's approval of PLOT PLAN NO. 25422 and certification of EIR No. 537.

BACKGROUND:

Summary

Plot Plan No. 25422, also known as the Alessandro Commerce Center, proposes to entitle two industrial buildings totaling 814,630 square feet. A similar project was previously approved as Plot Plan No. 22925 in 2010, but a lawsuit and settlement agreement required the approvals to be vacated and reprocessed with inclusion of a biological corridor. Consequently, Plot Plan No. 25422 includes a Stephens Kangaroo Rat (SKR) corridor habitat area, and the project revises the use as well as the layout and number of structures, with impacts generally reduced by the new design and use. A new revised focused EIR (EIR No. 537) was drafted, which built on portions of the EIR originally prepared for Plot Plan No. 22925.

The Planning Commission approved Plot Plan No. 25422 on March 16, 2016. An administrative appeal to that approval was filed on March 23, 2016 by the SoCal Environmental Justice Alliance (represented by the Law Firm Blum|Collins LLP), and the same organization filed a lawsuit in Riverside Superior Court on April 20, 2016. The filing of the administrative appeal triggered a de novo hearing before the Board of Supervisors to be scheduled within 30 days of the filing of the appeal. Such a hearing was scheduled on April 12, 2016, but, at the request of all parties, was continued to May 17, 2016. At the request of all parties, that hearing was continued again to June 21, 2016 and was continued again to July 26, 2016. The appellant and applicant have come to a resolution of the dispute, and the appellant has requested to withdraw their appeal. Staff recommends that the Board approve the request to withdraw the administrative appeal.

Impact on Citizens and Businesses

All potential impacts of this project were analyzed in Environmental Impact Report No. 537.

ATTACHMENTS:

- A. LETTER FROM APPELLANT REQUESTING WITHDRAWAL OF ITS APPEAL**

BLUM | COLLINS LLP

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213.572.0401 fax

June 20, 2016

Melissa Cushman, Esq.
Riverside County Counsel
3960 Orange Street, 5th Fl.
Riverside, CA 92501

VIA FIRST-CLASS MAIL AND EMAIL

Re: *Alessandro Commerce Centre, State Clearinghouse No. 2008061136
Board of Supervisors Appeal Hearing Date, Plot Plan No. 25422,
Environmental Impact Report No. 537 (collectively, the "Project")*

Dear County of Riverside:

On behalf of our client SoCal Environmental Justice Alliance, which filed the March 23, 2016 appeal of Plot Plan No. 25422, and EIR No. 537, from the decision of the Riverside County Planning Commission made on March 16, 2016 (Planning Commission vote) and March 18, 2016 (letter of decision), we request on behalf of the appellant that the Board of Supervisors dismiss our appeal.

We have reached a tentative settlement with the applicant that addresses our client's concerns about the planning commission approval. We have shared the terms with county counsel.

This request that our appeal be dismissed is without prejudice to, and without waiving, our right to pursue our appeal if the Board of Supervisors decides not to dismiss this appeal. In other words, while we ask that the Board of Supervisors dismiss our appeal, if the Board of Supervisors elects instead to hear the appeal then we will assert our objections to the project as stated in our March 23, 2016 Application for Appeal and accompanying exhibits.

Melissa Cushman

June 20, 2016

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This is necessary to fulfill our duty to exhaust administrative remedies in the event the matter is not resolved on the terms in our settlement agreement. We would also, in the event the Board of Supervisors elects to hear the appeal rather than dismissing it, reserve our right to pursue the action we filed in Riverside County Superior Court challenging the Project subject to the terms of our settlement agreement with the applicant.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig M. Collins". The signature is stylized with large, sweeping loops and is positioned above the typed name.

Craig M. Collins

BLUM | COLLINS LLP

Cc: Mr. Steve Weiss, AICP (via email)
Mr. Juan Perez (via email)
Mr. Russel Brady (via email)
Mr. John Condas (via email)