

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



ITEM
3.57
(ID # 10431)

MEETING DATE:

Tuesday, July 23, 2019

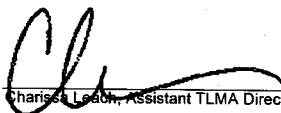
FROM: TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Set aside certification of portions of two sections of Environmental Impact Report No. 534 associated with the approvals of General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plan No. 25337, and Parcel Map No. 36564 for the project commonly referred to as San Gorgonio Crossings. District 5. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Set aside and vacate the certification of the following portions of two sections of Environmental Impact Report No. 534: (1) the portion responding to the comment of Southern California Air Quality Management District's recommendation to maximize the use of solar panels and (2) the portion analyzing the Project's projected transportation energy use requirements in FEIR Section 5.5 – Energy Conservation and Appendix F Considerations: Energy Use from Vehicles, with all other associated project approvals and the certification of the remainder of Environmental Impact Report No. 534 remaining in effect;
- 2) Set aside and vacate only that portion of Resolution No. 2017-223 certifying the above-listed two portions of Environmental Impact Report No. 534; and
- 3) Direct County Counsel's office to file a return on the writ with the Court, describing the actions taken under the above motions, prior to August 25, 2019.

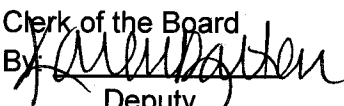
ACTION:Policy


Charissa Lebow, Assistant TLMA Director 7/15/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: July 23, 2019
xc: Planning

Kecia R. Harper
Clerk of the Board
By 
Deputy

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| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|---|-----------------------------|--------------------------|------------------------------|---------------------|
| COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A |
| NET COUNTY COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A |
| SOURCE OF FUNDS: Applicant Fees 100% | | | Budget Adjustment: No | |
| | | | For Fiscal Year: N/A | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On October 3, 2017, the Board of Supervisors (“Board”) tentatively approved General Plan Amendment (“GPA”) No. 1079 and Change of Zone (“CZ”) No. 7799, and approved Plot Plan No. 25337, Parcel Map No. 25337, and Parcel Map No. 36564 subject to final approvals of General Plan Amendment No. 1079 and Change of Zone No. 7799 (together, “the Project”). On October 24, 2017, the Board took multiple actions, including certifying EIR No. 2017-223 and issuing final approvals of GPA No. 1079 and CZ No. 7799.

On November 21, 2017, two petitions for writ of mandate were filed against the Project, *Sierra Club v. County of Riverside*, Case No. RIC 1722026, and *Cherry Valley Pass Acres and Neighbors et al. v. County of Riverside*, Case No. RIC 1722063, which were subsequently consolidated. After preparation of the administrative record and briefing, the matter was heard on February 7, 2019. At the hearing, the Court expressed an intention to partially grant and partially deny the writ of mandate. The Judgment granting the writ of mandate was signed on February 26, 2019, and filed with the Court on March 6, 2019. Notice of entry of this judgment was filed and served on April 1, 2019. A writ of mandate was also signed by the court on February 26, 2019.

In its final judgment, the judgment ordered a peremptory writ of mandate directing the County to do the following:

- a. Address, in its Final Environmental Impact Report (“FEIR”), Southern California Air Quality Management District’s recommendation to maximize the use of solar panels and provide an explanation as to why the mitigation measure was not adopted [in FEIR responses to comments]; and
- b. Include, in its FEIR, a further analysis of the Project’s projected transportation energy use requirements and, in particular, its overall use of efficient transportation alternatives [in FEIR Section 5.5—Energy Conservation and Appendix F Considerations: Energy Use from Vehicles].

A peremptory writ of mandate was signed by the judge that directed the County to decertify only the portions of the FEIR relating to a. and b., above, and to prepare a revised environmental

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analysis addressing those two issues. Other than the two issues in a. and b., the Court found that the Project, Project approvals, and the FEIR were in compliance with CEQA. Accordingly, the signed judgment stated that "the Project approvals shall remain in place; however, no Project activity (including construction) shall commence unless and until Respondent [County] completes corrective action to address the two deficiencies in the FEIR and Respondent has complied with the California Environmental Quality Act ('CEQA')" and the Court's writ. The County has 180 days from issuance of the return on the writ to file a return to the writ describing the action it has taken to comply with the writ. The writ was signed by the Court on February 26, 2019. The County is now required to take the two above-described actions and file a return on the writ with the Court describing the Board's action. Staff recommends that the Board approve this item and direct County Counsel's office to file a return on the writ with the Court within ten days of said approval.

Applicant and Real Party in Interest TSG Cherry Valley, L.P., a California limited partnership ("Applicant") and the County's consultants and staff have begun preparation of revised environmental review for the two above-described sections and anticipate its circulation soon. Once it has been prepared and circulated in compliance with CEQA, the two sections will be brought back to the Board for consideration and potential certification, which would at that time allow the County to return to the court to demonstrate compliance with the writ of mandate and allow the Applicant to proceed with the Project.

Impact on Residents and Businesses


Except for the two sections discussed above, the Project's impacts were fully analyzed in EIR No. 534. As to those two sections, they will be fully analyzed in a Supplemental EIR, and any impacts on residents and businesses as to those two issues fully disclosed and addressed prior to any future action by the Board on the environmental review for the Project.

Additional Fiscal Information

There is no fiscal impact to the County because the cost for processing the Project's environmental review, litigation, and other actions related to the Project has been borne by the applicant.

ATTACHMENTS:

- A. Judgment of Court, signed 2/26/19
- B. Writ of Mandate, signed 2/26/19
- C. Resolution No. 2017-223


Jason Farin, Senior Management Analyst 7/16/2019