

City of Redlands, et al. v. County of San Bernardino, Feb. 22, 2002, 96 Cal.App.4th 398
Redlands and other cities in the County sued the County over a general plan amendment (GPA) that modified existing County general plan provisions relating to development within City spheres of influence. Where previous County policy had been to defer to City development standards within the spheres (including more restrictive regulations and growth control measures), the GPA would have provided the County more leeway to approve projects that did not conform to City standards. The County adopted a negative declaration for the GPA.

The court found that the County “does not provide evidence to show how such a shift in policy would have little or no effect on the environment.” The initial study provided only pro forma responses rather than examining the reasonably foreseeable effects under each environmental topic and did not cite any evidence to support findings of no impact or less than significant impact. The court noted that “CEQA reaches beyond mere changes in the language in the agency’s policy to the ultimate consequences of such changes to the physical environment.” Although the CEQA analysis is not required to be as detailed as a project-specific analysis, it must analyze the expected secondary effects of the GPA.

The cities presented substantial evidence, in the form of specific examples of city standards that were more restrictive than County standards (and that would no longer be required within unincorporated spheres if the GPA were approved), that the GPA may have a significant effect.

The court affirmed the trial court’s decision to set aside the negative declaration and order the County to prepare an EIR for the GPA.