



CEQA: A GOOD LAW IN NEED OF REFORM.

Sacramento Senior Assisted Living Project Delayed by NIMBY- Who Lives in Orange County

SUMMARY: *The development of a new senior housing community on the site of a vacant church in Sacramento was stalled by a resident of Orange County 400 miles away using CEQA, all because he didn't want the housing complex near his vacation home. The project to bring assisted living for seniors to East Sacramento was delayed for over a year while the costly lawsuit was dragged through the courts.*

An infill project to redevelop a vacant church lot in East Sacramento into a much needed 32-bed assisted living facility for seniors was yet another victim of CEQA. The dilapidated church had sat empty for over a year, and the revitalization of the unused property would bring special memory care and physical therapy for the elderly into the community.

The developers of the senior housing project went through a thorough environmental review process to ensure any impacts were mitigated. However, an Orange County resident 400 miles away from the development site, was able to have the project stalled using CEQA. Wells filed a lawsuit in an attempt to block the redevelopment project claiming that the environmental impact report failed to address the requirements of CEQA.

Yet, the lawsuit claimed that the redevelopment of the church into a senior housing project, where many of the residents wouldn't drive, would result in an influx of congestion and traffic to the area. Therefore a full Environmental Impact Report was necessary. Such a report can cost upwards of \$100,000, which would be tacked onto the developments cost – and ultimately the cost of living for the seniors.

City officials and the site developer argued that the site was an excellent location for the development - close to McKinley Park, a hospital, and mass transit. The real issue was that the site also happens to be near a multi-million dollar property owned by the plaintiffs – a property used “on occasion”, “when he is in the area” – according to the CEQA lawsuit.

The lawsuit resulted in a year-long costly delay for seniors to have access to the redevelopment. Despite the Sacramento City Council voting to approve the project in January 2014, legal battles rolled on until November when a judge turned down the legal arguments challenging the project. Yet, despite the ruling, the plaintiff vowed to “change the judges mind”, and continued the costly appeal process until the suit was finally thrown out in February 2015.

The result? Over a year of delays, costs, and litigation to block housing for seniors who need assisted living facilities.

COST OF CEQA MISUSE:

- Over a year delay for needed senior housing
- Thousands in court costs

About this series:

The California Environmental Quality Act (CEQA) is an important environmental law. However, today's CEQA is too often misused to stop or delay projects that comply with all applicable environmental laws and standards. “CEQA: A Good Law In Need of Reform” will call attention to the many examples of CEQA misuses, and the consequences on vital projects, our environment and our economy. Visit www.CEQAWorkingGroup.com for more case studies or information about efforts to modernize CEQA.



Protect the environment. Improve the economy.

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