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Interest groups face off over Banning development

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Opponents and advocates of Black Bench, a controversial planned development in Banning, had their day in court Wednesday.

Several groups filed suit a year ago, claiming a study that looked at the project's environmental impacts was insufficient and did not adequately mitigate such impacts.

On Wednesday, Riverside County Superior Court Judge Thomas H. Cahraman heard from attorneys for both sides. Cahraman did not issue a ruling; he indicated that could come in about three weeks.

If he rules that the environmental impact report was flawed, approval of the project will be set aside and a new draft report will have to be issued, said Jan Chatten-Brown, an attorney for one of the plaintiffs, Highland Springs Conference and Training Center.

Other groups that filed suit: the Center for Biological Diversity, Cherry Valley Acres and Neighbors and the Cherry Valley Environmental Planning Group, the Banning Bench Community of Interest Association.

On the other side: the city of Banning and the project developer, SunCal Companies. Banning approved the project, which calls for 1,500 homes in the area of Banning Bench, in October 2006.

In court, the groups' attorneys claimed the environmental study did not properly address the developments' potential

impacts on water, global warming and its potential to induce more growth -- all of which SunCal and the city disputed.

Attorneys for the groups argued the report falls short of meeting requirements set by the California Environmental Quality Act.

Chatten-Brown told the judge that the report claims that the development's only significant impacts are on air quality and certain traffic intersections.

"This claim is simply not true," she said.

Ed Casey, representing SunCal, said the development is strategically located in an area that would minimize its environmental impacts, such as risks to wildfires, and sets aside permanent open space.

Geralyn Skapik, an attorney for the city of Banning, took issue with the claim that the city swept environmental problems under the rug. Pointing to stacks of banker boxes behind her, she said the city did not take a half-hearted approach to the planning process and spent 15 years on it.

Chatten-Brown criticized the city for approving Black Bench before road access was nailed down. Access should be known and analyzed before a project is approved, she said.

Robert Goodman, representing the Cherry Valley groups, said the law clearly states that decision makers must analyze how a proposed development's water demands will be met. They also have to explain the project's impacts on water and how those impacts will be mitigated, he said.



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"Here, the city failed to do any of that when they approved the project," he said.

Casey said, "We all spent a lot of time on water," and argued that the environmental report does address the issue.

Matthew Vespa, for the Center for Biological Diversity, claimed the environmental report did not adequately address the development's greenhouse gas emissions, as required by law.

Casey countered that the state's environmental quality act recognizes that every analysis has to be based on a snapshot of time. In light of that, he said the environmental report on Black Bench did not have to address greenhouse gases when it was prepared in 1996. Vespa disagreed.