



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: January 9, 2018

FROM: CITY ATTORNEY WARD: 3

SUBJECT: RETURN TO PEREMPTORY WRIT OF MANDATE IN NEIGHBORS
OPPOSED TO A POLLUTED ENVIRONMENT V. CITY OF RIVERSIDE (CASE
NO. RIC1606861); OAKMONT SENIOR LIVING FACILITY

ISSUE:

Setting aside the City's approval of the Oakmont Senior Living Facility project located at 5695 Glenhaven Avenue, in compliance with the Riverside Superior Court's order granting a petition for a writ of mandate.

RECOMMENDATIONS:

That the City Council, in compliance with the Riverside Superior Court order, set aside and vacate its May 3, 2016 approvals of Planning Cases P15-0610 (a conditional use permit) and P15-0611 (design review) for the Oakmont Senior Living Facility at 5695 Glenhaven Avenue, Riverside, CA.

BACKGROUND:

On May 3, 2016, the City Council approved a Conditional Use Permit and Design Review application for an 85-unit assisted living facility (Oakmont Senior Living) at 5695 Glenhaven Avenue, at the site of the former Riverside Tennis Club. Subsequently, a legal challenge entitled Neighbors Opposed to a Polluted Environment v. City of Riverside (Case No. Ric1606861), was filed by adjacent neighbors.

Following a hearing on the matter, the Court, on April 14, 2017, entered a judgment in favor of the Petitioners. On September 29, 2017, the Court issued a Peremptory Writ of Mandate directing the City of Riverside to vacate its actions regarding Planning Cases P15-0610 and -0611, including the adoption of the Mitigated Negative Declaration. The City is also required to file a Return to the Peremptory Writ, stating that the City has complied with the Court's order to vacate its approvals. These actions will comply with the Court's Order.

FISCAL IMPACT:

There is no fiscal impact in complying with the Court's order.

Prepared by: Gary G. Geuss, City Attorney