

# **Bond Case Briefs**

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## **ZONING - CALIFORNIA**

### **City of Irvine v. County of Orange**

**Court of Appeal, Fourth District, Division 3, California - October 28, 2013 - Not Reported in Cal.Rptr.3d - 2013 WL 5798554**

City of Irvine sued to compel County of Orange and the County of Orange Sheriff-Coroner (collectively, County) to set aside their decision to approve and submit an application for state funding to expand one of the County's jail facilities. Irvine alleged the County's application constituted a project approval under the California Environmental Quality Act (CEQA) and therefore required the County to prepare an environmental impact report (EIR) analyzing the County's plans to expand its jail facilities before approving and submitting the application. The trial court disagreed and denied Irvine's petition for writ of mandate.

The Court of Appeal affirmed. The County's application did not constitute a project approval under CEQA because it did not commit the County to a definite course of action regarding the expansion of its jail facilities. The application was merely a preliminary step in the state process for counties to seek funding for jail expansion. Indeed, the state's process did not require the County to initiate a CEQA review of its expansion plans until after the County submitted its application and received conditional approval to fund the project.