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December 11, 2025

**VIA U.S. MAIL AND ELECTRONIC MAIL**

Honorable Brian Berkson  
Mayor  
City of Jurupa Valley,  
8930 Limonite Avenue,  
Jurupa Valley, CA 92509

**Re: Exclusion of the Glen Avon Project from the Supplemental Environmental  
Impact Report for the Proposed North Pyrite Master Plan**

Dear Honorable Mayor Berkson:

I represent Riverside Legacy, IV LLC (“Riverside Legacy”), owner of Riverside County Assessor Parcel Numbers 171-030-005, 171-030-013, 171-030-015, 171-030-016, and 171-180-030 (the “Property”) in the City of Jurupa Valley, CA (the “City”). At this time, the City’s North Pyrite Master Plan (“Plan”) comprises the North Pyrite area but still includes the Property, sitting just outside North Pyrite Canyon. To fully implement this Plan, the City has decided to prepare a Supplemental Environmental Impact Report (“SEIR”) to analyze the environmental impacts of the Plan’s “proposed land uses.” Despite the fact that there are no environmental hazards preventing development on the Property, the City has decided to include the Property in the SEIR, effectively placing an indefinite moratorium on any development on the Property. Riverside Legacy respectfully requests that you and the City reconsider the inclusion of the Property in the SEIR, so that development can proceed in a timely manner. There is no Stringfellow contamination affecting the Property, and only 1.35 acres of the 22.26-acre Property is included within the Stringfellow study area.

**I. Glen Avon Project Background**

The Property consists of undeveloped land located south of the Stringfellow site and immediately north of Granite Hill Drive running parallel to California State Route 60. Due to the Property's proximity to the Stringfellow site, Riverside Legacy has conducted thorough due diligence for the entire site which includes commissioning multiple environmental investigations over the past five years. Throughout this period, Riverside Legacy has coordinated with City Staff to assess the Property's conditions and explore permissible development. After an extensive site investigation, Riverside Legacy submitted applications to the City for a General Plan Amendment, Zone Change,

and proposed development of three buildings designated for light industrial and light manufacturing purposes on the Property (the “Project”).

As you know, the Stringfellow site has undergone environmental remediation in the past, and historic waste disposal has left at least some level of contamination on much of the surrounding land. As mentioned above, implementation of the Plan includes preparing a SEIR to analyze the environmental impacts of the “proposed land uses” in the context of the Stringfellow plume.<sup>1</sup> The SEIR plans include a review of the current conditions of the properties covered by the Plan and the Stringfellow waste disposal site’s impacts on the ability to develop the properties. Members of the City Council publicly stated at the September 4 and December 4, 2025 Council meetings, and via social media, that no project application in the Plan area will be processed or approved until the SEIR is complete, creating a de facto moratorium on development with no public notice, no public comment and no property-owner input.

As discussed further below, the Property is not contaminated by the Stringfellow plume, and contains no concerning environmental conditions preventing immediate development. In fact, the Property has almost the same environmental conditions as The Shops at Jurupa Valley had when the City analyzed and approved that retail project. Inclusion of the Property in the moratorium (whether formally adopted or not) or an SEIR, whose purpose is to review and disclose the impacts of site cleanup and preparation for development, would amount to an unconstitutional taking under the 5th Amendment of the Federal Constitution and Article I, Section 19 of the California Constitution. Thus, the Property must be excluded from both the moratorium and the SEIR. Further, the City is constitutionally obligated to duly process the Project application.

## **II. A Site-Specific Investigation shows no Environmental Hazards Preventing Development on the Property.**

Riverside Legacy commissioned a Phase I Environmental Site Assessment and a Soil Vapor Investigation, conducted by EnviroApplications Inc. to evaluate the current conditions of the Property. To gain a deeper understanding of the environmental conditions, Riverside Legacy also contracted Ramboll Americas Engineering Solutions, Inc. (“Ramboll”), to perform a peer review of these documents. Ramboll has extensive familiarity with the area, as it is the chosen technical advisor to the Center for Community Action and Environmental Justice, founded by Penny Newman, on issues related to the Stringfellow site. The reports are included within the package accompanying this letter, prepared by EPD Solutions, Inc.

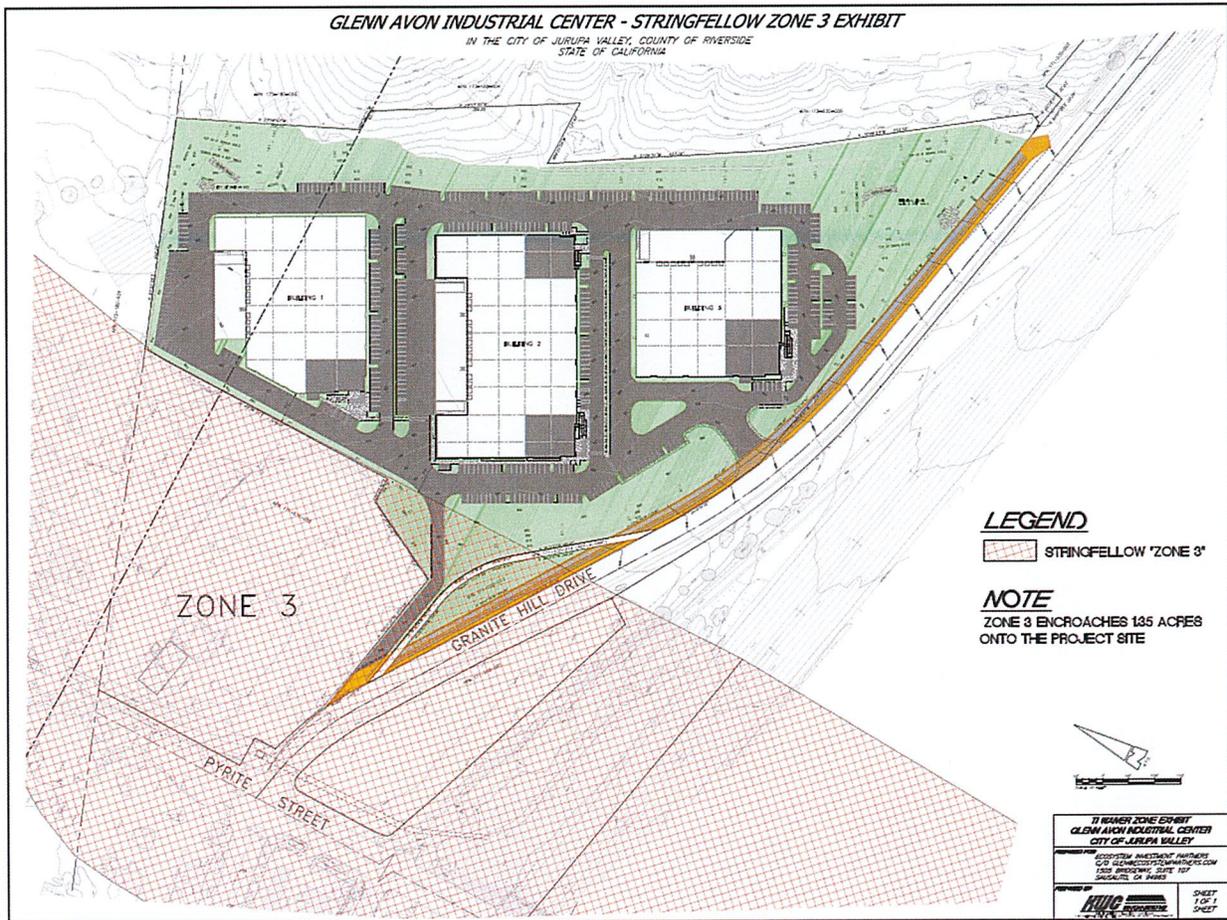
The Stringfellow study area is divided into four zones by the federal Environmental Protection Agency based on the downhill movement of water from the Stringfellow site south through Pyrite

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<sup>1</sup> See Staff Report, p. 4. (Sept. 4, 2025).

Canyon.<sup>2</sup> Zone 1 represents the original contamination source, while Zone 4 represents the least contaminated area, furthest south of the original Stringfellow site.<sup>3</sup>

To be clear, only the westernmost portion of the Property is located within the Stringfellow study area.<sup>4</sup> This area only comprises 1.35 acres of the Property, and as shown below, all buildings constructed as part of the Project will be wholly located outside this sliver of the Property incidentally lying within the Stringfellow study area.



<sup>2</sup> United States Environmental Protection Agency, "Superfund Site Profile – Cleanup Activities, Site ID No. 0902680," U.S. Environmental Protection Agency, available at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0902680#bkground> [as of Dec. 5, 2025]

<sup>3</sup> See Staff Report, p. 3. (Aug. 7, 2025).

<sup>4</sup> Ramboll, "SUMMARY OF ENVIRONMENTAL CONDITIONS APNs 171-030-005, -013, -015, -016, AND 173-180-030 JURUPA VALLEY, CALIFORNIA," p. 3 ("Ramboll Report").

The small portion of the Property included within the Stringfellow study area is located within Zone 3.<sup>5</sup> Zone 3 represents the southern Pyrite Canyon where “contamination is less concentrated,” and where the EPA does “not anticipate vapor intrusion to be a barrier to development.”<sup>6</sup> The Property is so well known and the investigation so exhaustive, that groundwater on this portion of the Property has been consistently sampled for over 15 years.<sup>7</sup> The most recent data available (from April 2024), indicates that no concentrations of chlorinated volatile organic compounds, which were monitored in connection with the Stringfellow site, exceeded reporting limits.<sup>8</sup> Similar results were noted at a nearby off-site well located immediately adjacent to the Property.<sup>9</sup>

As outlined in great detail by the Phase I, the Property contains no contamination that would pose a risk to human health or future development. Specifically: 1) the Property is not listed on any local, state, or federal hazardous waste registries;<sup>10</sup> and 2) there is no evidence of recognized or historical environmental conditions on the Property.<sup>11</sup>

The Phase II Soil Vapor Investigation was conducted out of an abundance of caution based on two recognized past uses and conditions on the Property – its former agricultural use and any potential impacts from the Stringfellow waste disposal site, to determine if any remediation was required.<sup>12</sup> The Soil Vapor Investigation analyzed a total of 24 soil vapor samples.<sup>13</sup> Precisely None of the samples exceeded the applicable screening values, including residential screening levels.<sup>14</sup> In fact, as discussed by the Soil Vapor Investigation, development-related earthwork and grading would actually “enhance natural degradation of VOCs [volatile organic compounds] in site soil.”<sup>15</sup> The investigation concluded that no “further investigation related to soil vapor appears to be warranted at this time.”<sup>16</sup> In other words, there is no site contamination and the Property can be safely developed without issue.

Ramboll independently reviewed the investigatory environmental documents prepared for the Property and concluded the Stringfellow site would not impair development due to the complete lack of chemical detections in groundwater samples.<sup>17</sup> Furthermore, Ramboll concluded that on-

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<sup>5</sup> Ramboll Report, p. 3.

<sup>6</sup> See Staff Report, p. 3. (Aug. 7, 2025).

<sup>7</sup> Ramboll Report, p. 4.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> See EnviroApplications Inc., Phase I Environmental Site Assessment, pp. 19-21.

<sup>11</sup> *Id.* at p. 32.

<sup>12</sup> *Id.* at p. 5.

<sup>13</sup> See EnviroApplications Inc., Limited Soil Vapor Investigation, p. 2.

<sup>14</sup> *Id.* at p. 3, 4.

<sup>15</sup> *Id.* at p. 4.

<sup>16</sup> *Id.* at p. 4.

<sup>17</sup> Ramboll Report, at p. 4.

site conditions did not pose any concern for redevelopment of the site for commercial or industrial land use.<sup>18</sup>

The reports included in this package also examined the properties being developed as part of The Shops at Jurupa Valley project, which is located directly south of the Property, adjoining State Route 60, and fully within Zone 4. As you may know, these reports were part of the CEQA review documents for The Shops at Jurupa Valley, which assessed the project site in question and contained the same conclusions that there were no significant impacts related to the Stringfellow site.<sup>19</sup> Additionally, despite this project being situated entirely in Zone 4, the City approved it.<sup>20</sup> The project complex features retail shopping, a grocery store, restaurants, a car wash, a gas station, a gym, and a department store, all of which invite the public on-site.<sup>21</sup> There is no evidence that The Shops at Jurupa Valley somehow exhibit different conditions than the Property and should somehow be treated differently.

Accordingly, there are no environmental conditions constraining Property development. Because there is nothing that would justify its inclusion in the SEIR and the City's treatment of projects with similar conditions (i.e. The Shops at Jurupa Valley), subjecting the Property to the moratorium would be unconstitutional and a deprivation of fundamental property rights, and forcing the Property into the SEIR would serve no practical purpose and be worthless for all parties involved, including the City.

### **III. The Property's Inclusion in the Moratorium and the SEIR would be a Waste of Resources, Unlawfully Delay Development, and is Unconstitutional.**

As an early stakeholder in the Plan area who has consistently engaged with the City since 2021, it is disappointing that the City's proposed actions would prohibit all new projects in the general vicinity until the SEIR is certified. Given the utter lack of any documented contamination, it is shocking that the City includes the Property in its de facto moratorium and is legally problematic that the City is even considering requiring *unaffected property owners outside the Stringfellow plume* to pay for it. Inclusion of the Property within the moratorium and the SEIR would work an unconstitutional taking of private property and only serve to impede economic progress and development in an otherwise fully developable area.

Including the Property in the moratorium and SEIR, despite knowing that it carries no environmental issues and is therefore unrelated to the moratorium and SEIR's purpose, is an

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<sup>18</sup> *Id.*

<sup>19</sup> City of Jurupa Valley, The Shops at Jurupa Valley Project Draft Environmental Impact Report, p. 4.6-10 (February 22, 2021.)

<sup>20</sup> City of Jurupa Valley, "The Shops at Jurupa Valley" (community development project description), online at <https://www.jurupavalley.org/484/The-Shops-at-Jurupa-Valley> (as of Dec. 9, 2025).

<sup>21</sup> *Id.*

unconstitutional exaction with no nexus to the Property and is not roughly proportional to any Project impact. To be blunt, there is no way to avoid characterizing the City's actions as anything other than illegal: the moratorium is an unconstitutional taking; refusing to process Riverside Legacy's application is a denial of due process; and forced participation in the SEIR is an unwarranted exaction. In response to Riverside Legacy's submittal of a development application, the City is demanding participation in an SEIR which has no utility or relation to the Property, and has no nexus to any impact posed by the Project. The City has now publicly stated that all development is prohibited until all property owners in the area, *including those unaffected by the Stringfellow plume*, pay for an SEIR that only benefits contaminated properties. As noted above, this was not a requirement for other projects within the Stringfellow plume, such as The Shops at Jurupa Valley, which featured exactly the same conditions as the Property.

Moratoria and property-specific exactions must have a nexus to the legitimate state interest supposedly advanced.<sup>22</sup> Meaning, the conditions or withholding of approval imposed on Riverside Legacy's Property and Project cannot be unrelated to the City's "land-use interests" vis-à-vis the Property and the Project.<sup>23</sup> Otherwise, if no nexus exists, both the moratorium and SEIR amount to "an out-and-out plan of extortion."<sup>24</sup> If a property-specific nexus can be established which, given the purpose and scope of the moratorium and the SEIR (and the complete lack of site contamination on the Property), it cannot; the City's actions must still be roughly proportional to the impacts caused by the project or activity.<sup>25</sup> **In other words, the City must make an "individualized determination" that the exaction is "related both in nature and extent to the impact."**<sup>26</sup> The City's demand to include the Property in the moratorium and SEIR does not satisfy either California or federal constitutional requirements.

#### IV. The Property Must be Excluded from the SEIR and Moratorium

There is no Stringfellow contamination affecting the Property, and only a small portion of the Property is included within the Stringfellow study area. Furthermore, the extensive site due diligence for the Property and the Project concluded that the Stringfellow site is not a restraint on the Property's future use and that there are no environmental conditions prohibiting any kind of development.

In sum, there is no need to include the Property in an overbroad moratorium nor analyze the Stringfellow impacts on the Property—because none exist. The City's forced moratorium and demand to participate in, *and fund* the SEIR coerces Riverside Legacy to help underwrite a broad, area-wide environmental analysis completely unrelated to its Property. Accordingly, the City has

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<sup>22</sup> *Dolan v. City of Tigard* (1994) 512 U.S. 374, 386.

<sup>23</sup> *Sheetz v. County of El Dorado, California* (2024) 601 U.S. 267, 275.

<sup>24</sup> See *Sheetz*, supra, 601 U.S. at 275 [internal quotations omitted.]

<sup>25</sup> See *Dolan*, supra, 512 U.S. at 391.

<sup>26</sup> *Id.*

no legitimate land-use or safety interest in the Property related to the Stringfellow contamination. Therefore, the requirement that the Property be subject to the SEIR as a precondition to moving Riverside Legacy's application forward has no essential nexus to the Project or the Property. The City cannot leverage its police power nor "its permitting monopoly" to delay development and extract funds from Riverside Legacy, which will be used for purposes unrelated to the Property or the Project.<sup>27</sup>

The Project proposes development that aligns with the City's objectives, attracting business and investment to an otherwise undeveloped and unattractive area. The City's proposed actions are facially illegal and would only serve to delay beneficial development of the Property. Riverside Legacy respectfully requests that the Property be excluded from both the moratorium and the SEIR.

Sincerely,

MITCHELL CHADWICK LLP



G. Braiden Chadwick

Cc: Chris Barajas, Mayor Pro Tern  
Armando Carmona, Council Member  
Veronica Sanchez, Council Member  
Guillermo Silva, Council Member  
Peter Thorson, City Attorney  
Marcela Marroquín, City Attorney  
Roberto Gonzalez, Principal Planner  
Joe Perez, Assistant City Manager and Director of Community Development

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<sup>27</sup> See Sheetz, *supra*, 601 U.S. at 275.