

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

CHAWANAKEE UNIFIED SCHOOL
DISTRICT,

Plaintiff and Appellant,

v.

COUNTY OF MADERA et al.,

Defendants and Respondents;

RIO MESA HOLDINGS, LLC et al.,

Real Parties in Interest and Respondents.

F059382

(Super. Ct. No. MCV045383)

**ORDER MODIFYING OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on June 21, 2011, and reported in the Official Reports (196 Cal.App.4th 1016) be modified in the following particulars:

1. In the unpublished portion of the opinion, part V.D., the second paragraph, after the sentence ending “additional facilities at off-site schools” add as footnote 8 the following footnote, which will require renumbering of all subsequent footnotes:

⁸These omissions from the EIR, like its failure to address interim traffic impacts, cause the EIR to fail as an informational document and thus constitute prejudicial error. (See *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1109 [prejudice occurs when a failure to include relevant information in an EIR precludes informed decisionmaking and informed public participation].)

2. The first paragraph of the DISPOSITION is deleted and the following paragraph is inserted in its place:

The judgment is reversed. The matter is remanded to the superior court with directions to vacate its order denying the petition for writ of mandate and to enter a new order that grants the petition for writ of mandate and compels County to (1) set aside the certification of the final EIR, (2) set aside the approvals of the project, and (3) take the action necessary to bring the EIR into compliance with CEQA regarding its analysis of (a) traffic from private and school bus trips to existing schools outside the project area pending the construction of schools within the project area and (b) the potential environmental effects from any construction of additions, either temporary or permanent, to existing schools prior to the construction of schools in the project area.

There is no change in the judgment. Respondents' petition for rehearing is denied.

DAWSON, Acting P.J.

I CONCUR:

KANE, J.