

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - CALIFORNIA

Citizens Coalition Los Angeles v. City of Los Angeles

Court of Appeal, Second District, Division 2, California - August 23, 2018 - Cal.Rptr.3d - 2018 WL 4026019 - 18 Cal. Daily Op. Serv. 8557

Objectors filed separate petitions for writ of mandate against city and permit applicant, alleging deficiency in city's environmental impact report (EIR) for new subzone for large commercial development, prepared under California Environmental Quality Act (CEQA), and asserting that city council's grant of variances were not supported by substantial evidence and thus violated municipal code.

The Superior Court granted petition. City and permit applicant appealed.

The Court of Appeal held that:

- Prior EIR pertaining to specific development of retail store precluded supplemental or subsequent EIR for current project dealing with more generalized program of amending ordinance to create new subzone and to place store in that subzone;
- Evidence was sufficient to support city's finding that no large-scale commercial developments beyond a planned retail store were a reasonably foreseeable consequence of ordinance's creation of zoning subarea, as would support finding that there was no need for major revisions in previously-promulgated EIR following passage of ordinance; and
- Even if creation of new zoning subarea amounted to spot zoning, it was not impermissible.